



Australian Government

Department of Education, Employment and Workplace Relations

PSPREG407B Produce formal record of interview

Revision Number: 1

PSPREG407B Produce formal record of interview

Modification History

Not applicable.

Unit Descriptor

Unit descriptor

This unit covers the competency to conduct and produce formal records of interview with suspects. It includes preparing for the interview, conducting the interview, and completing the record of interview.

In practice, producing formal records of interview may overlap with other generalist or specialist public sector work activities such as, exercising regulatory powers, acting ethically, complying with public sector legislation, applying government processes, gathering and analysing information, etc.

This unit replaces and is equivalent to PSPREG407A Conduct and record interviews. PSPFRAU404A Conduct formal interviews and take witness statements is also equivalent to this unit.

Application of the Unit

Not applicable.

Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Not applicable.

Employability Skills Information

Employability skills This unit contains employability skills.

Elements and Performance Criteria Pre-Content

Elements are the essential outcomes of the unit of competency. Together, performance criteria specify the requirements for competent performance. Text in *bold italics* is explained in the Range Statement following.

Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1. Prepare for interview	<p>1.1 <i>Interview plan</i> is developed in accordance with legislative, ethical and policy requirements</p> <p>1.2 Venue, <i>equipment</i> and <i>personnel</i> to be involved in/excluded from the interview are determined in accordance with legislative requirements and organisational guidelines</p> <p>1.3 <i>Exhibits</i> to be used in the interview are identified and made readily available for reference</p> <p>1.4 <i>Risks</i> associated with the interview are assessed and procedures for ensuring the safety of self and others are instigated</p>
2. Conduct and record interview	<p>2.1 <i>Interviewee</i> is provided with <i>preliminary advice</i> and questioned to ensure their understanding of the <i>interview process</i> and their <i>rights</i></p> <p>2.2 <i>Questioning techniques</i> are used to gather information, and test and confirm its relevance, reliability and sufficiency, prior to concluding the interview</p> <p>2.3 Exhibits are introduced and fully described in accordance with legislative and organisational requirements</p> <p>2.4 Interview is <i>conducted</i> and <i>recorded</i> in accordance with the rules of evidence, <i>legislative and organisational requirements</i> so that outcomes are admissible in evidence</p> <p>2.5 Interview is <i>concluded</i> in accordance with legislative requirements, organisational policy and procedures</p> <p>2.6 A true record of interview is produced and <i>post-interview procedures</i> are completed in accordance with legislative timeframes and organisational requirements</p>

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

This section describes the essential skills and knowledge and their level, required for this unit.

Skill requirements

Look for evidence that confirms skills in:

- using interviewing techniques to suit a range of situations and interviewees, and varying style and language structure to suit a range of interviewees
- using techniques to defuse potentially dangerous situations
- engaging in exchanges of sometimes complex oral information
- using a range of communication techniques/methods that includes establishing rapport, reflective listening, probing, reflecting, negotiation, conflict resolution
- engaging in questioning that meets legal requirements for admissibility
- responding to diversity, including gender and disability
- undertaking research, analysis and problem solving
- using judgment, to test the veracity of information and vary questions and interviewing techniques to suit
- preparing interview documentation requiring accuracy of expression and formality in structure and format
- operating technical and electronic equipment, where necessary
- applying public sector standards and legislation such as occupational health and safety and environment in the context of formal interviewing

Knowledge requirements

Look for evidence that confirms knowledge and understanding of:

- enabling and other relevant legislation
- organisational policies and guidelines relating to formal interviews
- interview techniques and points of proof
- rules of evidence and admissibility
- use of caution
- legal and ethical considerations for conducting interviews involving juveniles, Aboriginal and Torres Strait Islander peoples and disciplinary matters
- diversity issues in the context of interviewing suspects, witnesses and others
- procedures for using interpreters
- legal and organisational requirements for documentation
- legal requirements relating to electronic recording equipment
- public sector legislation such as occupational health and safety and environment relating to producing a formal record of interview

Evidence Guide

EVIDENCE GUIDE

The Evidence Guide specifies the evidence required to demonstrate achievement in the unit of competency as a whole. It must be read in conjunction with the Unit descriptor, Performance Criteria, the Range Statement and the Assessment Guidelines for the Public Sector Training Package.

Units to be assessed together

- *Pre-requisite* units that must be achieved prior to this unit: *Nil*
- *Co-requisite* units that must be assessed with this unit: *Nil*
- *Co-assessed units* that may be assessed with this unit to increase the efficiency and realism of the assessment process include, but are not limited to:

PSPETHC401A Uphold and support the values and principles of public service

PSPLEGN401A Encourage compliance with legislation in the public sector

PSPGOV408A Value diversity

PSPGOV422A Apply government processes

PSPREG401C Exercise regulatory powers

PSPREG412A Gather and manage evidence

Overview of evidence requirements

In addition to integrated demonstration of the elements and their related performance criteria, look for evidence that confirms:

- the knowledge requirements of this unit
- the skill requirements of this unit
- application of the Employability Skills as they relate to this unit (see Employability Summaries in Qualifications Framework)
- formal records of interview produced in a range of (3 or more) contexts (or occasions, over time)

These resources include:

Resources required to carry out assessment

- legislation, policy, procedures and protocols relating to formal records of interview
- case studies and workplace scenarios to capture the range of situations likely to be encountered when conducting formal records of interview

Where and how to assess evidence

Valid assessment of this unit requires:

- a workplace environment or one that closely resembles normal work practice and replicates the range of conditions likely to be encountered when conducting formal records of interview, including coping with difficulties, irregularities and breakdowns in routine

EVIDENCE GUIDE

- conduct of formal records of interview in a range of (3 or more) contexts (or occasions, over time)

Assessment methods should reflect workplace demands, such as literacy, and the needs of particular groups, such as:

- people with disabilities
- people from culturally and linguistically diverse backgrounds
- Aboriginal and Torres Strait Islander people
- women
- young people
- older people
- people in rural and remote locations

Assessment methods suitable for valid and reliable assessment of this competency may include, but are not limited to, a combination of 2 or more of:

- case studies
- demonstration
- observation
- questioning
- scenarios
- simulation or role plays
- authenticated evidence from the workplace and/or training courses

For consistency of assessment

Evidence must be gathered over time in a range of contexts to ensure the person can achieve the unit outcome and apply the competency in different situations or environments

Range Statement

RANGE STATEMENT

The Range Statement provides information about the context in which the unit of competency is carried out. The variables cater for differences between States and Territories and the Commonwealth, and between organisations and workplaces. They allow for different work requirements, work practices and knowledge. The Range Statement also provides a focus for assessment. It relates to the unit as a whole. Text in *italics* in the Performance Criteria is explained here.

Interview plan may include

- allegation that is clear, unambiguous and concise, covering common proofs such as:
 - time
 - date
 - place
 - jurisdiction
 - identity
 - proofs of an offence, such as:
 - evidence
 - corroboration
 - admissibility
 - elements
 - criminal intent
 - competence (eg age requirements, mental faculty etc)
 - legal presumptions
 - any anticipated or known defences
 - exculpations
 - key questions in sequential order, highlighting main points
 - interview strategies appropriate to the situation and purpose of the interview, such as:
 - direct questioning
 - empathetic questioning
 - investigative interviewing
 - no leading questions
 - no double-barrelled questions
 - no cross-examination
 - safety requirements for interviewer, interviewee and others present
 - rapport building techniques
 - strategies for working with uncooperative interviewees
 - method of recording, and recordkeeping responsibilities

Equipment may include

- recording equipment for:
- tape recording

RANGE STATEMENT

- videotaping
 - electronic equipment
 - computer equipment
 - stationery
- Personnel may include*
- second interviewer
 - legal representatives
 - consular representative
 - senior staff
 - colleagues
 - interpreter
 - Aboriginal support persons
 - independent person
 - family member
 - responsible adult in the case of juveniles
 - special requirements that may apply for:
 - minor
 - disabled
 - age
 - gender
 - ethnicity
 - those needing to be excluded to maintain the integrity of the investigation
- Exhibits may include*
- paper-based and electronic documents, including:
 - maps
 - photographs
 - videotapes
 - physical objects and materials
 - drugs
 - scientific evidence
- Risks may include*
- uncooperative or hostile interviewee
 - aggression
 - violence
 - distressed interviewee
 - diversity issues
- Interviewee may include*
- suspect (who may or may not be under arrest)
 - witness
 - informant
 - informer
 - complainant
 - victim

RANGE STATEMENT

- experts (such as persons with medical, scientific, legal or other specialist knowledge in the field)
- Preliminary advice may cover*
- interview process
 - interview time limits
 - effect of prior interview/s occurring within previous 48 hours
 - formal caution
 - allegation
 - voluntariness
 - recording requirements
 - tape protocols (for chain of evidence requirements)
 - number of interviewers
 - statutory rights
 - how the information gathered will be used
- Interview process may include*
- purpose
 - format/structure
 - identification and personal details of interviewee
 - roles of interviewers if more than one
 - formal identification of interviewers
 - full description of exhibits even if videotaped
 - recording process, including use of new tapes, to be opened in front of the interviewee
 - use of confirming questions, to obtain/record interviewee agreement regarding conduct of the interview and that the record of interview is accurate
- Rights may include*
- caution
 - legal representation
 - consular representation
 - interpreter
 - silence
 - notification of whereabouts to family/friends
 - opportunity to make a written statement
 - independent adult present (for juveniles)
 - support person present (for Indigenous peoples, intellectually disabled)
 - being treated with dignity and respect during searches and examinations
 - know the purpose and intended use of the interview
 - copy of taped record of interview within a given time
 - copy of transcript of interview within a given time, if applicable
 - sign/not sign statement
- Questioning techniques*
- summarising

RANGE STATEMENT

may include

- re-phrasing
- paraphrasing
- clarifying questions
- open and closed questions
- cognitive interviewing
- using silence
- establishing event lines or time lines
- non-leading questions

Conduct of interview includes

- no threat, promise or inducement
- no unfair representation
- no physical abuse
- no acts of misconduct
- no duress
- no coercion
- adherence to standard operating procedures
- adherence to code/s of conduct and ethical requirements

Recording may include

- audiotaping
- videotaping
- electronic data
- special arrangements, requests and activities not directly related to the interview such as:
 - persons present
 - times for breaks, such as toilet breaks
 - telephone calls
 - refreshments
 - medical attention
 - visitors
 - requests to see superiors
- meeting all legal and administrative requirements
- typewritten record of interview
- hand written record of interview

Legal and organisational requirements may include

- complying with relevant Commonwealth, State/Territory legislation, such as Part 1C of the Crimes Act 1914
- observation of statutory time limits
- special arrangements for minors
- interviewees' legal rights which must be accorded to them throughout the interview
- ensuring suspects or witnesses understand their rights
- interviewee access to legal advice
- interviewee access to consular assistance

RANGE STATEMENT

- union representation at interview
 - presence of advocates for some groups, for example the intellectually disabled
 - special arrangements for the interview of Aboriginal and Torres Strait Islander peoples
 - special arrangements for the interview of people who do not speak English
 - unwrapping new tapes in front of interviewee at commencement of interview
 - implementation of organisation agreements
 - arrangements for written statement when appropriate
 - other jurisdictional requirements
- Concluding the interview may include*
- asking for a concluding statement
 - confirming that the information given was voluntary
 - agreement on time of conclusion of interview
- Post-interview procedures may include*
- clearly labelling tapes
 - providing a copy of the audio or video tape to the interviewee at the close of the interview or within statutory time limit
 - transcribing the record of interview
 - providing a copy of the transcribed record of interview or statement to the interviewee at the close of the interview or within statutory time limit
 - securing record of interview in accordance with legislative and organisational requirements
 - security classification of information
 - sealing and securing master tape or data
 - securing recording equipment
 - acknowledging, signing and verifying record of interview by interviewee, where appropriate
 - processing/referral of alleged offender
 - completing organisational records/reports/files

Unit Sector(s)

Not applicable.

Competency field

Competency field Regulatory