

Vehicle & Operator Services Agency Operations Manual

31.01.11	Section 3 Vehicle Testing Scheme Operating Instructions 40 – Interview Procedures
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40 Interview Procedures - Overview

The need for an interview will have been triggered by the suspicion of non-compliance likely to result in formal disciplinary action. The object of the interview is to establish all the facts in the matter. It is the best possible opportunity to present, discuss and establish the best evidence that will be considered further by managers in both VOSA and the VTS. This primary evidence can just as easily trigger 'No Further Action' in the case by removing any suspicion of non-compliance as it can in considering formal disciplinary action. Whilst fact-finding and evidence gathering, there will be a presumption of innocence.

No evidence should be introduced in any contemplated disciplinary letter which was not brought to the AE or NT's attention or which they did not have the opportunity to comment on in the interview.

The AE or NT should always be given the opportunity to be interviewed and this will normally be immediately after the relevant activity. In some cases however, for example; after a Mystery Shopper check where personal safety may be put at risk or following a remote MOT55, a retrospective interview should be conducted.

Note 1. Where it is not practicable for the AE to see the evidence or to comment, it is acceptable for the NT to act on the AE's behalf. However where the NT makes allegations regarding the way he is managed, a separate attempt should be made to interview the AE or a senior manager.

Note 2: Where an AE and NT have been properly invited to an MOT19 or 19i but fail to attend, a retrospective interview need not be conducted (refer to [section 31.8 – Interviews](#)).

40.1 Preparation

Any interview should be conducted in an appropriate environment and to ensure that as many facts as possible are identified, the interviewee should be put at ease by explaining the purpose of the interview, how it will be conducted and what will happen at its conclusion. Before carrying out the interview the NT, AE or AE's representative must be advised of the following:

“Currently I feel there are shortcomings which may be serious enough to result in formal disciplinary action being taken against you (or the AE). I would like to obtain your responses whilst this situation is still fresh in our minds. You do not have to answer my questions however if you only mention something later that you could have told me today it

might not carry the same importance.”

The full P.A.C.E. caution (or an appropriate equivalent caution in Scotland) is unnecessary for non-criminal cases. If the case may lead to criminal prosecution the full P.A.C.E. caution (as above in Scotland) should be followed, **noting the advice in [VOSA Memo 57/10](#)**.

Questions and answers must be noted, in either the VE's notebook or on the [VT45 MOT Interview Record](#) in MOT Scheme Forms. They must be recorded verbatim either in writing or on a laptop when two printed copies must be produced and signed at the time, one copy being given to the interviewee.

40.2 Line of Questioning

It is important that the VE attempts to obtain the interviewee's contemporaneous responses to the non compliant aspects that the investigation has revealed.

Whilst the VE may suspect culpability it should be remembered that the interviewee has a legitimate expectation to be presumed innocent. In general open questions will be more productive in establishing the facts, although closed questions are also useful and have their place, particularly if the facts are largely indisputable, but they should be used only sparingly. Obviously leading questions should always be avoided.

40.2.1 Scope of Questioning

[Link to withheld information which is likely to prejudice the effective conduct of VOSA's regulatory function under the MOT Testing Scheme](#) (this information has been requested under Freedom of Information and has previously been withheld under section 31(1g & 2d) of the act)

40.3 Witnesses

There is no absolute right for an interviewee to be accompanied by a witness, however if one is requested it is normal to agree as long as 3 criteria are met:

- There must be no undue delay to the interview
- The witness must not be another member of staff involved or likely to be involved in the case (e.g. in an interview with a NT the AE would be an inappropriate witness)
- Any witness must not answer on behalf of the interviewee

On occasion, a witness at the interview such as the AEDM/SM or consultant may interrupt. No restriction should be placed on this if it is to clarify a question or to advise the interviewee of his right

to remain silent, however the witness should not be allowed to coach the interviewee in his answers. If this happens a note must be made on the record as to who made the original response and any warning given. If the witness attempts to question the VE this should be postponed until the interview is over. A note of any such post interview questions and answers should be made on the report but it is the witness's responsibility to formally record any such questioning.

40.4 Completion of Interview

On completion of the interview the NT and any witness should be asked to read and sign the notebook or other record as subsequent written representations may conflict with this evidence. If anyone refuses to sign the record, this refusal should be noted at the time in the VE's notebook or on the interview form.

The AEDM/SM and NT should be reminded that a report will be completed reporting all the relevant facts to the Area Office where the AM/SVE will consider what happens next. The parties concerned must be advised that they will be formally advised of the proposed action within 25 working days.

The range of potential outcomes that are available to VOSA should be explained without suggesting which is the most likely. This is important as future evidence may come to light that alters the VE's best guess at an outcome based only on the initial facts just gathered. The process should be explained with particular regard to the opportunity to reflect and consider the facts and to write to VOSA after further consideration should we contemplate formal disciplinary action.

Where the VE has concerns about an NT's testing standards he should remind the AEDM/SM of the AE's responsibility for the actions of the NT and that the AE should be satisfied that the NT meets the required standards for testing.

For the avoidance of doubt: Under no circumstances should the VE discuss the probable outcome of the case with anyone outside VOSA.

