



# INTERVIEW GUIDANCE

## Five Stage Model in Adult Support and Protection

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This document is to provide guidance to staff interviewing adults who may be at risk of harm. It is written solely to support training for Council Officers in the Forth Valley area.

Inquiry reports have shown the need to prepare carefully for interviewing adults at risk of harm and that specific skills are needed<sup>1</sup>.

Detailed guidance on interviewing adults at risk of harm is not yet available in Scotland. As an interim measure this training course uses the five stage model used for interviewing children in Scotland. This provides a safe and evidence based method of conducting interviews.

That interviewing model – described in Guidance on Interviewing Child Witnesses in Scotland (2003) - is aimed at child interviewing and also states *“It may also be useful with persons classified as vulnerable witnesses....”*. Many of the people who require to be interviewed as part of inquiries under the Adult Support and Protection (Scotland) Act 2007 might be regarded as such “vulnerable witnesses”.

This child guidance has not been formally adopted across Scotland as the method of interviewing adults. Despite this several Council’s and their partner agencies in Scotland have used this as their model for interviewing adults and this course will do so also.

The following is a summary of the key issues in the five stage interview. For greater information please refer to the full child care document. All quotes in blue shaded boxes throughout this guidance are from that national document. The first pages however provide a summary of the 2007 Act and Code of Practice as it relates to making visits and conducting interviews for adults who may be at risk of harm.

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<sup>1</sup> Investigations into Scottish Borders Council and NHS Borders Services for People with Learning Disabilities. Joint Statement for the Mental Welfare Commission and Social Work Services Inspectorate (2004).

Accessed 21 March 2011: <http://www.scotland.gov.uk/Publications/2004/05/19333/36719>

and

Justice Denied (2008). Mental Welfare Commission. Scotland.

Accessed 2 April 2001: <http://www.mwcscot.org.uk/nmsruntime/saveasdialog.asp?IID=1290&SID=732>

### ADULT SUPPORT AND PROTECTION (SCOTLAND) ACT 2007

#### Direct quotes from Act relating to visits and interviews

##### Section 4 – “Council’s duty to make inquiries

A council must make inquiries about a person’s well-being, property or financial affairs if it knows or believes

- (a) that the person is an adult at risk, and
- (b) that it might need to intervene (by performing functions under this Part or otherwise) in order to protect the person’s well-being, property or financial affairs”.

##### Section 7 – “Visits

- (1) A council officer may enter any place for the purpose of enabling or assisting a council conducting inquiries under section 4 to decide whether it needs to do anything (by performing functions under this Part or otherwise) in order to protect an adult at risk from harm.
- (2) A right to enter any place under subsection (1) includes a right to enter any adjacent place for the same purpose”.

##### Section 8 – “Interviews

- (1) A council officer, and any person accompanying the officer, may interview, in private, any adult found in a place being visited under section 7.
- (2) An adult interviewed under this section is not required to answer any question (and the adult must be informed of that fact before the interview starts).
- (3) The power given by subsection (1) applies regardless of whether the sheriff has granted an assessment order authorising the council officer to take the person to another place to allow an interview to be conducted.

##### Section 36 – “Visits: supplementary provisions

- (1) A council officer may visit a place at reasonable times only.
- (2) A council officer must, while visiting any place
  - (a) state the object of the visit, and
  - (b) produce evidence of the officer’s authorisation to visit the place
- (3) A council officer may, while visiting any place
  - (a) examine the place,
  - (b) take into the place
    - (i) any other person, and
    - (ii) any equipment,
  - as may be reasonably required in order to fulfill the object of the visit, and
  - (c) do anything else (under this Part or otherwise) which is reasonably required in order to fulfill the object of the visit.
- (4) A council officer may not use force during, or in order to facilitate, a visit (but this does not prevent the sheriff from granting a warrant for entry authorising a constable to use force.
- (5) A refusal to allow a council officer, or any person accompanying a council officer, to carry out a visit which is not authorised by a warrant for entry does not constitute an offence under section 49(1).

## 2007 ACT – CODE OF PRACTICE

### Direct Quotes from Code of Practice relating to interviews

#### What is the purpose of an Interview?

“to assist with inquiries under Part 1 of the Act, about the source, nature and level of any risk to the adult and also to establish whether action is needed to protect the adult”.

#### Where can Interviews take place?

“an interview may take place within any place being visited. This could be, for example, the adult’s home, a day centre, care home or hospital. The decision about where to conduct the interview will be taken by the council officer on the basis of information received”.

#### What are the adults rights during an interview?

“Section 8(2) provides that the adult is not required to answer any questions, and that the adult must be informed of that fact before the interview commences. The adult can choose to answer any question put to them but the purpose of this section is to ensure that they are not forced to answer any question that they choose not to answer.

and

“Seeking the consent of the adult to be interviewed is a more proactive approach than simply advising the adult that they are not obliged to answer questions. The point is to ensure that the adult is given reasonable opportunity and encouragement to answer questions whilst respecting their right not to”.

#### Must the adult be able to consent to the interview?

The code of practice states “some of the following factors may be considered where there is doubt about the adult’s mental capacity:

- Does the adult understand the nature of what is being asked and why?
- Is the adult capable of expressing his or her wishes/choices?
- Does the adult have an awareness of the risks/benefits involved?
- Can the adult be made aware of his/her right to refuse to answer questions as well as the possible consequences of doing so?

The possible scenarios will include the following:

- The adult has capacity and agrees to be interviewed
- The adult has capacity and declines to be interviewed
- The adult lacks capacity and is unable to consent to being interviewed
- The adult has capacity but is thought to have been influenced by some other person to refuse consent”

### **How can you promote the adults involvement?**

“the council has to promote the adult’s participation in the interview by taking account of the adult’s needs where these are identified, for example:

- Communication skills or attention span
- Sensory impairment
- The adult’s first language being other than English
- Any other relevant factors

This may require:

- A specialist in sign language or other form of non-verbal communication
- A language interpreter
- An independent advocate
- An appropriate adult where police are interviewing an adult with a mental disorder
- A family member or carer to help communication.

### **Can an adult be interviewed with others present?**

“Section 8 allows a council officer, and any person accompanying the officer, to interview the adult in private. Whether or not the adult should be interviewed in private will be decided on the basis of whether this would assist in achieving the objectives of the investigation”.

also

“....where practicable, it would be good practice to ask an adult whether they would wish another person to be present during the interview, for example a family member, paid carer or an independent advocate”.

## Planning the Interview

There is always a need to prepare for interviewing an adult at risk. It is the responsibility of the manager of the inquiry to ensure staff are fully aware of all the information known about the adult, the alleged incident(s) of concern and also (if known) information on the alleged perpetrator(s).

The best way to achieve this is by way of a “briefing meeting” involving the manager of the inquiry and the staff to be involved in interviews. This is to ensure the interviewers are clear about the purpose of the interview, have been advised of all available information collated so far and also to allow the manager to brief staff on the areas needing to be explored by the interview.

In the briefing meeting the manager and interviewers should discuss and agree where the interview will take place, when and also who will be present. Further, they should attempt to judge areas of potential difficulty and prepare for how they might address these should they arise.

Throughout an adult support and protection investigation the availability of the manager should always be known so the interviewers. This is to provide ongoing and immediate support should they need this. Also, prior to any interviews there should be an agreed arrangement for interviewers and manager to meet after the interviews. This is to discuss the outcome of the interview and for the manager to provide support.

While the purpose is to determine if an adult is at risk it is always important for the manager to remind interviewers to ensure they approach the interview with an **open mind**. They must not specifically seek information that an adult has been harmed. Their role is to provide an opportunity for the adult, should the adult wish this, to advise the interviewers of incidents of harm.

## Interviewer Roles & Responsibilities

The lead interviewer will be the Council Officer allocated to the inquiry. That lead interviewer will have a primary responsibility for gathering information during the interview.

The second interviewer may come from a wide range of backgrounds. They will be chosen due to their relationship with the adult to be interviewed and/or their knowledge and skills of the adults needs and/or their specialist skills/experience (such as that of Speech and Language Therapist).

The second interviewer has an active role throughout the interview. While a main responsibility is to take an accurate record of the interview their responsibilities are wider than that. They must try to record the mannerisms and demeanour of the interviewee and lead interviewer. Also any significant pauses or breaks in the interview. Further they must check there are no misinterpretations and that all essential areas to be covered in the interview are in fact covered.

The second interviewer can also, at agreed stages, ask questions. Discussion on how the second interviewer will do so must be agreed at the preparation stage so to agree a clear way this will be managed between the lead and second interviewer.

### **Written Record of Interview**

A record of the interview must be taken while it is being conducted. The only acceptable way to record such interviews (currently) is by hand written notes. No other form (i.e. electronic recording) is currently permissible.

In child interviews there is a need for interviews to be recorded verbatim (that is, every question and every response). This is not currently the necessary standard for interviews of adults in Forth Valley.

The standard of recording needed for adults is “detailed summary”. That the second interviewer will record the dialogue of the interview to include the questions asked and the responses given. However much of the record can be summarised. An example might be that the first interviewer asks “you said you really like the telly... please tell us about what you like the most”? That might be recorded as “enjoys TV, can you tell us about watching TV”? Or an interviewee might say “I was going to the centre every day but now I am at college 2 days a week and at the centre 3 days”. Might be recorded (in detailed summary style) as “now attends college 2 days and centre 3”

There is an important exception to this. Comments about harm should be recorded in the adults own words and (wherever possible) use of quotation marks should be used to convey this was the exact words of the adult.

If any important aspect of the interview is not recorded the interviewers can review the written record immediately after the interview. They can add important details missed and should initial this to show they added these elements at the conclusion of the interview. It is not acceptable to, at any later stage, amend the record

### **Joint Working and Interviewer Communication**

Interviews must be carried out by two workers. Their ability to work together as a team is important. As part of the preparation it is necessary to discuss certain issues.

Seating arrangements - important so both interviewers can see the adult and also are able to communicate with each other.

Pace of the interview - research shows interviews are best conducted at a slower pace than ordinary conversation. Such a pace allows the interviewee (and interviewers) time to reflect and consider responses and also allows the second interviewer to record the interview.

Interviewer communication – given the importance of recording it is important interviewers agree a clear way the second interviewer can ask for more time to record should they ever need this.

# Five Stage Interview: Stage 1

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The following guidance is based closely on the Guidance on Interviewing Child Witnesses in Scotland document (2003). So as not to change the meaning direct quotes from that document will refer to “child” but should be interpreted as being applicable to an adult being interviewed. All direct quotes from that document are in within blue boxes.

The phases of the interview are:

- Introductions
- Rapport Phase
- Free Narrative
- Questioning
- Closure Phase

The five stage interview is an evidence/research based method that, in keeping with the principles and law of the 2007 Act, emphasises the rights of the interviewee throughout. While there are other methods of interviewing none have been as widely endorsed as this phased interview.

It is primarily concerned with helping the person being interviewed to make informed decisions during an interview, to decide what issues they wish to discuss and to allow them to raise and describe any issues of concern/harm in their own way, at their own pace and in their own words.

This approach assists interviewers to use the skills necessary at each of the five stages.

## **STAGE 1: Introductions**

The overall purpose of this stage is to ensure the rights of the adult are explained and, if they agree to the interview, they are making an informed choice to proceed and to participate.

As stated above seating arrangements must be considered to give the best possible chance of engaging with the interviewee.

“...both interviewers should sit somewhere with an unobstructed view of the child but not in a fashion that might come across as confrontational. Since the child’s focus is likely to be directed towards the lead interviewer in the substantive phase of the interview, the second interviewer should be seated somewhere where they can show they are listening to what the child has to say”  
(page 22)

It is necessary to a) show evidence of both interviewer’s identity and that they are authorised to visit, b) to advise the adult of the reason for the interview and c) to explain their legal right not to agree to the interview in its entirety or to choose to answer some questions but not others. All three areas are legal requirements under the 2007 Act.

Further important issues are to explain the roles to be played by the interviewee’s (lead and second), explain the need to take a hand written record of the interview and to advise that the information discussed will be discussed with (at least) the person managing the inquiry. While these last three issues are not legal requirements they are good practice requirements.

It is important, while explaining the purpose of the interview, that the details of the allegation/concern(s) that have led to the interview are not raised by the interviewers. As a key purpose of the interview is to learn of the adult’s experiences of harm (if any) then it is crucial that they are assisted to raise these with a minimum of prompting. Therefore while explaining the reason for the interview it is important there is no specific reference to the concerns that have been raised.

“To avoid bias, interviewers should be careful not to suggest the allegation being investigated. Even where the initial concern originated from something the child had said, it is important for the interviewers to hear the child disclose and elaborate on this during the course of the interview with minimal prompting. The aim is to obtain the child’s memories of the event(s), in their own words.”  
(page 23)

In summary, the aim of the introductory phase is to be clear about the reason for the interview, to explain the adult’s legal rights and to only proceed when satisfied the adult agrees and understands the interview objectives.



## Five Stage Interview: Stage 2

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### STAGE 2: Rapport Stage

The rapport phase is an opportunity to encourage the interviewee to participate in the interview. Whereas the introductory stage might have largely been led by the interviewers the remainder of the interview will be to assist the adult to speak in their own way and their own words about matters important to them.

“This phase is very important and should never be omitted. How long is spent building rapport depends on the child and their particular circumstances. While some children may be very aware of why they are about to be interviewed and wish to open up straight away, most children will need time before they can talk openly with the interviewers. Thus, the rapport phase would be shorter in the former instance, and more time would be spent in the latter. Building rapport can overcome any initial hesitance, unease or mistrust”. (page 23)

It is not only the needs of the interviewee this serves. It also allows time for the interviewers to adjust their style to encourage the more active involvement of the adult being interviewed. The rapport stage can at times be called the “practice interview”. It is a time for the interviewers to begin using open questions, and to use silence and active listening skills. This has the effect of encouraging the adult to play a more active role in the interview and to emphasise their contribution is the most important. Further that the interviewers do not intend to intensively ask questions but will be trying their best to encourage the adult to talk openly, with a minimum of prompting by the interviewers.

The recognised way of achieving this in the rapport stage is to use neutral topics (not directly related to the areas of concern) to encourage the adult to talk freely. Often issues such as hobbies and interests (sports, TV, music preferences, attendance at a day centre etc) can be raised and then, with the use of open questions, the adult is given time and space to talk about these issues freely.

*Example – 1st Interviewer - “I don’t know you very well. What sort of things do you like doing”?*  
*Interviewee – “I like music”. 1st interviewer - “Tell us all about your favourite music”*

This “practice” stage also allows for more assessment of the adults communication abilities and styles and allow the interviewers to adjust their own approach to reflect the best way of helping the interviewee speak.

It is important to always ensure your language is understood. Therefore that the interviewers speak slowly and use clear, plain language. Also the pace of speaking is designed to assist the interviewee and there should be an appropriate number of pauses and time for the interviewee to consider questions and decide how they wish to respond

It is very important that the interviewers allow for time for the interviewee to consider questions and interviewers must ensure they do not interrupt. The aim is to ask open questions and then use silence and active listening skills to provide the space for the adult to decide how they wish to respond.

## Five Stage Interview: Stage 3

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### STAGE 3: Free Narrative

The aim of this section is to raise the topic of concern and to do so in a way that does not guide or lead the adult. It is to allow them the opportunity to raise issues of worry or concern to them

This might be done simply by asking again if the adult knows why you have visited today or to ask about the area of their life that the concerns have emerged from.

*For example if their concern is in relation to events at their day centre the interviewer might ask “so can you tell me what you do during the day” and then, if their day centre is mentioned, follow this up with “please tell us/me about the centre”.*

*Alternatively, if the area of concern is about their home life you might introduce this by asking “and who do you live with”. Then to follow this up with “can you tell us about your family”*

The overall aim is to use open questions and the minimum of prompting in the hope that the interviewee will choose to speak openly and will move to talking about any worries/concerns they have. There is considerable evidence that the most reliable information is gained from interviewees who are given the time and space to describe things in their own way and their own words.

The acronym **T.E.D.** can be helpful as a guide to asking open questions – can you “**T**ell us all about that”, “**D**escribe everything you can remember” or “**E**xplain what happened”?

The aim is to use as many open questions as possible – to prompt the adult to raise any issues of concern (if there are any) and to ensure the best opportunity for the interviewee to do so in their own words and in their own way.

“There are several ways of obtaining this free narrative. For example, when the child mentions the topic of concern, the interviewer can simply ask, “Tell me everything you can about that”.

Interviewers should resist “jumping in” to clarify any comments or follow up evidentially relevant statements with focused questions at this stage of the interview. Instead, interviewers should adopt the position of an active listener – that is, let the child know that the interviewer hears what the child is saying and is taking it seriously.

If the child begins to falter, the interviewer should be patient and allow for pauses” (page 29)

If an adult does not raise any areas of concern at this stage, either spontaneously or after prompting then the interviewers must make a decision whether to move to more specific questions about concerns or whether in fact to move to ending the interview (see closure phase below).

An adult may not want to or be ready to speak about areas of concern/harm or it may be there are no areas of harm in their life. In such a situation interviewers should discuss whether to proceed or move to closing the interview.

### STAGE 4: Questioning

There are four main types of questions:

- Open-ended
- Specific
- Closed
- Leading

“This can be seen as a hierarchy of interview questions, from most preferable down to least preferable, yet interviewers should always strive to return to free narrative (or open-ended questions) as much as possible throughout the interview”. (page 30)

### Open Ended Questions

“Open-ended questions are questions phrased in such a way that they invite a more detailed response and do not lead or pressurise the child into giving a particular answer”. (page 30)

An important factor in this style of questioning is that this gives the interviewee the greatest level of control over what they want to say/express. As stated there is considerable research (for adult and for child interviewee's) that open questions assist the person to give the most detailed responses. Therefore they should be used as much as possible/appropriate and be the first style of questioning used. Continued use of open questions (such as T.E.D. - “Tell”, “Explain” and “Describe”) are all effective ways of encouraging an adult to describe things in their own words

*Examples might be – “you said earlier you were scared. Can you tell me all about that”? Or “you mentioned your son drinks. Can you describe what it's like when he drinks?”*

### Specific Questions

Specific questions seek more information (or clarification) of issues. Use of “wh” questions can assist the adult to give greater detail on a topic/event.

*Example – on the timing /timescales for events - “when did that happen”? On the location – “where was that”? More information on those present – “who was there”? Or simply to ask for more details “What happened next”?*

While “wh” questions are effective in gaining more specific information the one “wh” question that is discouraged is the use of “why”.

“Care must be taken with “why” and “how” questions, however, as these can sometimes unintentionally imply blame (e.g. “Why didn’t you call out for help?” or “How come you never told anyone this before?”). “Why” questions can also pose problems because they often require a sophisticated understanding of the motivation or reasoning behind an outcome or behaviour”  
(page 31)

As already stated when using specific questions it is best to use open questions immediately after.

*Example – e.g. “when did this happen”? Response – “last week”. Next question – “can you tell us all about that time”?*

## Closed Questions

Closed questions can usually/often be replied to with “yes”, “no” or “don’t know”. They can be helpful but might contribute limited new information – they are best used to clarify something new and for an interviewer to then follow up with an open question.

Example: “Was anyone else there”? Response – Yes. Next question - “can you tell us about everyone there”

Such an example therefore clarifies that there were others there but allows for you to return to open questions - “tell”, “describe” or “explain” or a specific question such as “who was there”? Interviewers should always try not to use repeated closed questions and to follow any closed questions with the use of open questions.

## Leading Questions

A leading question is one which suggests or indicates a possible answer to the adult. It is usually based on a presumption of the interviewer and in this respect is at odds with the overall aim of the interview – to gain the adult’s own experiences.

Example: Is she trying to steal your money”? Or “I take it you are scared of him”?

“Out of the four main question types, leading questions are most likely to be challenged in court. Thus, any use of this type of question should be well thought out, planned and justified”  
(page 32)

Research also suggests the manner in which such questions are asked can strongly influence how an adult responds. Therefore leading questions, whenever possible, should be avoided.

## Five Stage Interview: Stage 5

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### STAGE 5: Closure Stage

It is always important to end an interview with a closure phase. The interview should follow a structured ending with important areas that require to be covered.

It provides an opportunity for the lead interviewer to summarise the interview, to check with the second interviewer and adult if there are other areas to be discussed and also to give clear information about what might happen following the interview

The following areas should always be covered:

- Lead interviewer summarises the important matters discussed and seeks clarification from the adult of any areas misunderstood. It is best to do this using, as far as possible, the adults own words
- Lead interviewer checking with the second interviewer if they have any final questions and/or any areas the second interviewer has not managed to record that require to be covered again.
- The adult is asked if they have any further areas they would like to raise/discuss

*Example – “is there anything you would like to add or discuss more”?*

- An explanation of the actions that are to be taken or might be taken based on the interview content. As a minimum this will be that the interviewers will discuss the issues with the manager of the inquiry. Other matters (such as a need for further interviews, involvement of any other people etc) might also be explained here.
- Contact details of the interviewers to be provided and best methods of contact explained
- Interviewers are explicit about when they will next contact adult
- Finish the interview with a rapport type ending, so as to leave the adult with the best opportunity of not being worried or distressed by the interview

“Finally, children should be given time to compose themselves. The main aim of closure is that the child leaves the interview in a positive frame of mind, not distressed. Neutral topics, such as those covered in the Rapport Phase, can be discussed in order to help achieve this state”.  
(page 35)