

CASEWORK MANAGEMENT (ENGLAND & WALES)	
1.	<p>PURPOSE</p> <p>The aim of this policy is to ensure that adequate controls are in place to maintain standards throughout investigation processes.</p>
2.	<p>LINK TO ACCOUNTABILITIES</p> <p>Security Managers</p>
3.	<p>POLICY</p> <p>3.1 REPORTING STANDARDS</p> <ul style="list-style-type: none"> • Industrial Tribunals have criticised the practice of refusing to disclose investigation reports to interviewees on the grounds of privilege. As a consequence, it is now business policy to release investigation reports to the subjects of those investigations during the disciplinary process. It is therefore essential that consistent standards are applied by all staff in the Security Community when compiling investigation reports to comply with business requirements whilst avoiding unauthorised disclosure of sensitive material. • As a consequence of this criticism there is now a necessity for Security Managers to prepare two reports, both of which are to be included within the case file. One report is to be clearly marked 'CONFIDENTIAL' : (insert name of business) and addressed to our Legal Services. The second report is to be marked 'CONFIDENTIAL' : (insert name of business) and addressed 'For the attention of the Discipline Manager'. This is known as the Conduct report. • Conduct reports should detail the facts of the case, including admissions and denials, and only contain allegations against an individual that can be supported by the evidence collected during the course of the enquiry. Care should be taken not to express unsubstantiated personal opinions, which might unfairly influence subsequent disciplinary action. • Reports addressed to Legal Services must contain the same information as the Conduct Report and also include the following: <ul style="list-style-type: none"> • Accusations, suspicions or opinions which are unsubstantiated but nevertheless need to be considered by Legal Services • Allegations or suspicions directed against individuals not yet questioned • Information or opinions concerning the reliability of witnesses • Disciplinary findings against witnesses • Personal details of informants • CRO numbers • A copy of the Conduct report and a summary or transcript of the interview will be submitted to the relevant discipline manager who will release a copy of the report to the individual concerned during the conduct procedure in accordance with the business conduct code. To preserve the integrity of the decision making process, reports will be sent directly to the decision making manager concerned. This will be done by the Prosecution Support Office. • The Prosecution Support Office will ensure that all investigation reports are vetted for content before copies are supplied for disciplinary purposes.

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- In England and Wales, Legal Services will decide what information will be disclosed to the Defence in compliance with the Criminal Procedure and Investigations Act 1996.
- If during the course of an enquiry, failures in security or operational procedures are identified which may or may not be directly connected with the offence/s under investigation, full detail must be included within the report to Legal Services. If necessary, any urgent remedial action can be notified to the appropriate operational manager verbally. If a report is either requested or deemed necessary then this must be out with the Investigation file. Legal Services must be notified of any communication between the Security Manager and the operation.
- The issue of dealing with information concerning procedural failures is a difficult one. Some major procedural weaknesses, if they become public knowledge, may have an adverse effect on **our Business**. They may assist others to commit offences against **our Business**, undermine a prosecution case, bring **our Business** into disrepute, or harm relations with major customers. Unless the offender states that he is aware that accounting weaknesses exist and that he took advantage of them, it is important not to volunteer that option to the offender during interview. The usual duties of disclosure under the Criminal Procedure and Investigations Act 1996 still apply.
- When reporting the outcome of an enquiry, sufficient details should be provided for an offender record to be made in respect of persons:-
 - who have admitted offences
 - who have been charged with an offence
 - against whom a summons or warrant for arrest has been issued
 - who resign to escape dismissal
 - who are debarred for criminal reasons

The procedure for reporting criminal offences to Police is detailed at **Appendix 15**.

- Investigation reports should be marked **'CONFIDENTIAL': (insert name of business)** in cases where the honesty of a member of staff may be in question and an appropriate privacy marking should be used in all Children and Young Persons cases.
- The standard preamble for investigation reports is set out at **APPENDIX 6**.

3.2 PROSECUTION CASEWORK

- Details of evidential requirements, casework preparation and submission timescales are set out in the **Prosecution Guidelines (under review Oct/2002)**.
- To maintain standards and ensure consistency, official forms should always be used in preference to locally produced forms and proformas.
- Casework should always be presented in standard SIS-supplied file jackets, with 'Urgent Today' label CS104 attached.
- Reports, including any preliminary incident reports, should be single sided and placed in the file in date order with each page numbered consecutively in pencil at the top right corner.
- Typed tape summaries and statements should be paged in immediately following the main investigation report in the order in which the interviews are conducted.

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- Legal Services will not recommend prosecution in respect of offenders who have not been suspended from duty or dismissed therefore a copy of the disciplinary papers should be placed in the file or forwarded separately to Legal Services immediately they are available.

- Enclosure envelopes should be used to enclose the following supporting documents:-

(a) Appendix A

- Copy Statements and, where appropriate, copies of original exhibits *

(b) Appendices B, C etc.

Personnel Printouts

Friend forms

Search records

Antecedents

NPA Forms

Disclosure forms

Interview copy tape

Copy investigation reports - (3)

Copy Tape Summaries/NOI - (1)

Committal Bundles (if for Crown Court)

Copies of summons/indictments/Counsel's advice as appropriate

- Copies of any exhibits produced during the interview should also be enclosed in the file.
- An encompassing Privacy Marking should be applied to the file cover and relevant markings to any subsequent sensitive enclosures.
- All original exhibits must be retained securely by the officer in the case and provisions must be in place to allow another officer access to those exhibits in unforeseen circumstances.

3.3 CASEWORK MANAGEMENT

- In the interests of fairness and in compliance with the Attorney General's guidelines it is essential that every case where an employee is given into custody or suspended from duty must be dealt with urgently at all stages. This enables the separate questions of prosecution and dismissal/disciplinary action to be resolved with minimal delay.
- To reduce the risk of files becoming lost/mislaid a central register of casework should be maintained which logs all movement of all papers. Each investigator should maintain an individual record of investigations for which he/she is responsible and regular supervisory checks should be made of this record to ensure accuracy.
- Prosecution cases should be regularly monitored for compliance with timescales laid down in the **Prosecution Guidelines**.
- A central record of offenders and action taken against them must be maintained by each S & I unit.
- All **of our** employees who are dismissed for criminal activity must be debarred from future employment **in any area of our Business** and a copy of the debarment notice must

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be supplied to SIS Vetting Section.

- To ensure compliance with Data Protection Legislation investigation files should not be circulated for information purposes, accounting action etc. These matters should be dealt with by separate proformas.
- Team Leaders should ensure all avenues of enquiry have been exhausted and all outstanding matters have been completed in each case before an investigation is closed and the papers filed.
- Any procedural failures in the investigation or prosecution processes should be thoroughly investigated and suitable action taken by reviewing working methods and the provision of additional training where required. Any failures considered to be due to weaknesses in existing S&I Standards should be referred to the Investigation Policy Manager at SIS Corporate Security.
- The aspects to be covered in the final report on prosecution are detailed in **Appendix 4**.
- Priority Services must be used for the transmission of all files due to the sensitive nature of information contained within. The only exception is internal mail.
- Cases and all related exhibits should be securely retained as follows:-

1. Flag or cases that attracted special interest, i.e. media/POSTCOMM	8 YEARS
2. Cases that resulted in appeals or complaints	" "
3. All offender cases	5 YEARS
4. Unresolved cases of major loss/incident	" "
Cases where a member of our staff has come under suspicion of dishonesty but guilt has not been proved	" "
5. A series of systematic offences against our Business where the offender/suspected offender is an outsider	" "
6. All other cases	3 YEARS

3.4 POLICE (PROPERTY) ACT 1897

- Many inquiries relating **to any of our property that has been stolen**, are undertaken by Police who are, of course, fully aware of the provisions of Sections 24 and 28 of the Theft Act 1968. Investigators should do what they can to ensure that the opportunity to recover official property in Police prosecution cases is not lost by default - e.g. through the absence of a Business applicant or through inadequate liaison arrangements with the Police force concerned.
- Applications for recovery of property obtained dishonestly where the property is in the hands of the Police can be made under the Police (Property) Act 1897. Legal Services must be informed if an action is contemplated. It is important to remember that time is of the essence for making such applications because there is a six month time limitation period from the time that the matter of complaint became due for commencing proceedings in the Magistrates' Court under the 1897 Act. In addition, there is a separate six month time limitation period from the date of an order under the 1897 Act for a person to commence legal proceedings against any person in possession of property delivered by virtue of an order for recovery of the property under the 1897 Act.

3.5 CRIMINAL BANKRUPTCY

In cases involving large sums of money advice concerning criminal bankruptcy should be

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	sought from Legal Services					
4.	Links to other reference material (policies, processes and procedures, etc.)					
	Title	Author	Located	Version	Type	Policy No.
4.1	Criminal Procedure & Investigations PO Code of Practice	HMSO		1996	Act	3.1/3.3
4.2	PO Prosecution				Guidelines	3.2/3
5.	Document details					
5.1	Author :					
5.2	Owner :					
5.3	Audience:					
5.4	Enquiry point :					
5.5	Effective from :					
5.6	Review date :					
5.7	Last updated :					
6.	Assurance Details					
6.1	Name:					
6.2	Business Unit:					
6.3	Assurance Date:					
7.	Final Review					
7.1	Approved by					
7.2	Documented (Hard Copy)	YES/NO	Location:			
7.3	“ (Electronic)	YES/NO	Location:			