

## *Regulatory Investigations Group*

### *FSA Interviews*

February 2010

#### **Who can be interviewed?**

The FSA does not just interview people against whom an enforcement action is being considered. In many cases it will also interview "witnesses" as part of its information gathering exercise. In some cases a person may initially be a witness and later change status and become part of the investigation. In all cases the general principles below should be borne in mind.

#### **The form of the interview – what to expect**

The interview will be in an ordinary office, usually at the FSA (unless the individual has been arrested in which case the interview will take place at a police station) with the participants sitting round a table.

FSA interviews are recorded and the interviewee will usually be provided subsequently with duplicates of the CDs or tapes and / or a transcript. Interviewees may be accompanied, for example by a lawyer.

If at the end of the interview the interviewee thinks that something should be on the record that has not been covered he should mention anything that he thinks could help clarify some of his answers while the recording is still in progress. There is no problem with giving extra information at the end of the interview to put previous answers into context, but this would need to be a judgement-call taken in the meeting.

In an interview situation it can be difficult to remember exact sequences, events and chronologies – the interviewee may benefit from writing down a chronology and/or some notes to assist him to memorise pertinent facts before the interview. It is permissible to go into the interview with documents and notes, and to refer to them during the interview. If you cannot properly recollect events that happened a considerable time previously you should say so. The temptation to try to reconstruct a recollection should be resisted. Obviously it is important that the interviewee does not create the impression that he is not being honest, and it has to be borne in mind that it may not seem credible if the interviewee fails to remember anything much about events that were not that long ago.

It is critically important that the transcript is carefully reviewed and corrected and additional information provided if it appears that any answers were wrong, incomplete or misleading. The pressure of an interview can lead to answers being expressed in terms which on review are not an accurate reflection of what the interviewee meant.

#### **Key interview tips**

- Listen carefully to the question, take time and do not feel rushed into answering. If necessary, ask for the question to be repeated or explained.
- Answer the question - and only the question - not the question you think should have been asked.
- Do not anticipate questions from a line or series of questions - take each question as it comes and answer it. It is generally not productive to try and pre-empt the questioner.
- Do not show irritation, be offensive, score points or be argumentative, but stay calm. Do not become aggressive, flustered or curt in the face of difficult or pointed questioning, even if it gets personal.
- Look the questioner in the eye and avoid appearing evasive.
- As the interview will be taped, speak clearly and slowly.
- If you feel the line of questions is giving a misleading slant then pick an appropriate moment and say so.
- Answers should be as short and simple as possible, with no waffling or rambling. If a question can be answered "yes" or "no" or "I don't know" or "I can't recall" then there is no need to say any more. Do not feel tempted to fill any silence following such an answer in which the questioner is tacitly inviting a further response.
- On the other hand, do not feel compelled to answer "yes" or "no" if in fact neither is an appropriate answer.
- Wherever possible, avoid admitting error or omission either on your own behalf or on behalf of others. However, there may be situations where the evidence on a particular issue is so overwhelming, that to deny any error or fault could undermine your credibility in relation to other aspects of your evidence.

- Tell the facts as you understand them, without ascribing blame, passing judgement or arguing a case. Facts and actions should be explained in their context and in light of the situation prevailing at the time and the information then available.
- Do not be drawn into commenting or speculating on things you do not know about, for example other people's intentions or understanding, motives or state of mind. Where you do have such knowledge, for example as a result of a conversation or document, then give that information if it is relevant (and make clear the origin of your knowledge). If you are asked to speculate make it clear that that is what you are doing.
- If an answer is not within your personal knowledge then say so. If an answer is based not on personal knowledge of the facts, but on what someone else has said then make that clear and say when and from whom you gleaned this second-hand information.
- Do not attempt to argue a case, simply answer the questions and tell the facts as you understand them.
- Avoid where possible using slang, jargon or overly technical language.
- Try not to be clever, sarcastic or amusing since this will not give the right impression to the questioner. Be serious and courteous at all times.
- If the questioner prefaces the questions with a statement which you disagree with then say so. Likewise if the question contains an implicit or explicit assumption, which you believe to be wrong, then you should say so – don't simply answer the question without pointing out that you dispute the assumption on which the question was based.
- Do not leave unchallenged an imperfect characterisation of earlier testimony.

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