

# CERTIFICATE IN REGULATORY INVESTIGATIONS, INSPECTIONS AND PROSECUTIONS

4-day course  
9.30am to 4.30pm, daily

Registration: €1,950

This course is certified by the Institute of Commercial Management (ICM) and is CPD-approved.



# ICM

The Institute of Commercial Management

Training can take place in our offices in  
25 Mountjoy Square East,  
Dublin 1

*Check our website for upcoming dates for opening training*

or as an in-house within your organisation

*This is more practical if you have a large group for training*

For more information, or to book:  
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# REGULATORY INVESTIGATIONS, INSPECTIONS AND PROSECUTIONS ICM CERTIFICATE

## About the course

Public Affairs Ireland has developed a 4 day interactive training programme on Regulatory Investigations, Inspections and Prosecutions.

This programme specifically addresses the challenges faced in the collation and presentation of witness statements and evidence. The course aims to provide each participant with an understanding of best practice procedures in taking witness statements and using evidence to prepare reports for legal proceedings. Modules will include simulations and workshops along with the presentation of theory. Our tutors will take into account that some learners may be new to this role or need an update on current legislation and procedures in the taking of witness statements etc. and as such our modules are tailored to offer a range of options and advice to suit the varying needs of each participant, depending upon their experience.

## Learning Outcomes

Lecture modules will be complemented by a simulated training workshop, where by a number of practical exercises will be run.

On completion of this course participants will:

- have a comprehensive understanding of best practice principles in the conducting interviews, documenting investigations and handling evidence.
- know how to prepare documents, evidence and reports for legal proceedings;
- understand how statements for evidential purposes should be planned, collated and prepared;
- have a clear knowledge of the rules regarding statement taking (voluntary, duress, incentives, excessive control);
- have a clear understanding of the correct styling and formatting of statements and reports for legal proceedings, and how to edit such reports;
- understand how to examine the source and the weight of evidence to be included and distinguishing between facts, inferences and opinions.
- have a greater understanding of statutory jurisdiction and fair procedures.
- understand legal obligations in relation to privacy issues, data protection, freedom of information and human rights.

## Certification

This course is accredited by the Institute of Commercial Management (ICM). Delegates will receive an ICM Continuing Professional Development (CPD) certificate on successful completion of the course including attendance and coursework assessments.

## Timetable, Day 1

Time	Topic	Presenter
9.30am-11am	<p>Whether or not to investigate – considering complaints, disclosures and tip-offs</p> <ul style="list-style-type: none"> <li>• <i>Policy context to enforcement – why has an inspection and enforcement process been established</i></li> <li>• <i>Consideration of the nature of statutory investigations</i></li> <li>• <i>Appropriate burdens and thresholds – the challenge of statutory regulation and quasi-judicial decision making</i></li> <li>• <i>Information gathering and assessment – a “pre-investigation” investigation?</i></li> <li>• <i>Operation of fair procedures in decision making</i></li> <li>• <i>Assessing a prima facie case and exercising discretion on initiating an investigation</i></li> </ul>	Sharon Dillon Lyons BL
11am-11.30am	<i>Coffee Break</i>	
11.30am-1pm	<p>Commencing an investigation – Statutory power &amp; fair dismissal</p> <ul style="list-style-type: none"> <li>• <i>Statutory functions and powers – understanding statutory jurisdiction and “vires”</i></li> <li>• <i>Procedural pitfalls</i></li> <li>• <i>Judicial Review</i></li> <li>• <i>Fair Procedures, and natural justice Civil liability – the ripple of liability in regulatory investigations</i></li> <li>• <i>Acts affecting personal rights, privacy, family, commercial rights</i></li> <li>• <i>Balancing duty of care to relevant stakeholders</i></li> </ul>	Sharon Dillon Lyons BL
1pm-2pm	<i>Lunch</i>	
2pm-4.30pm	<p>Conducting the investigation – policies, burdens and pitfalls</p> <ul style="list-style-type: none"> <li>• <i>Operational policy – implementation of best practice</i></li> <li>• <i>Guidelines for screening of complaints and scoping investigations</i></li> <li>• <i>Setting terms of reference for an investigation</i></li> <li>• <i>Addressing instances where the prima facie evidence does not support an investigation – communicating the decision</i></li> <li>• <i>Interaction with other investigative processes – Commissions of Investigation, Tribunals, etc</i></li> <li>• <i>Vicarious liability and indemnity for authorised persons</i></li> <li>• <i>Development sin case law and lessons to inform operational considerations</i></li> </ul>	Sharon Dillon Lyons BL

## Timetable, Day 2

Time	Topic	Presenter
9.30am-11am	<p>Referrals, the law of Data and Relevance to the Investigation</p> <p><i>This module seeks to establish a brief overview of the law of data where investigative officers will be obliged to deal with a volume of data and requests for access to that data including referrals, but both statutory and court ordered access.</i></p> <ul style="list-style-type: none"> <li>• <i>Collection, retention and storage of relevant records and documents</i></li> <li>• <i>Freedom of Information</i></li> <li>• <i>Data Protection and the General Data Protection Regulation</i></li> <li>• <i>Discovery</i></li> <li>• <i>Disclosure</i></li> <li>• <i>Privilege</i></li> <li>• <i>Best practice guidelines in data management</i></li> <li>• <i>Considering effect of data creation and publication – liabilities to all stakeholders</i></li> </ul>	Sharon Dillon Lyons BL
11am-11.30am	Coffee Break	
11.30am-1pm	Previous module continued	Sharon Dillon Lyons BL
1pm-2pm	Lunch	
2pm-4.30pm	<p>Gathering Information and Investigative Techniques</p> <p><i>This introduces participants to the skills involved in gathering witness statements and the investigative techniques required within the express statutory powers of and in accordance with common law decisions on the conduct of investigations</i></p> <ul style="list-style-type: none"> <li>• <i>Gathering evidence – acting on complaints, tip offs, routine inspections or directions</i></li> <li>• <i>Principles of criminal justice and individual rights</i></li> <li>• <i>Presumption of innocence</i></li> <li>• <i>Rule against self-incrimination</i></li> <li>• <i>Evidence secured under warrant or under oath</i></li> <li>• <i>Forms of oral evidence</i> <ul style="list-style-type: none"> <li>○ <i>Direct testimony</i></li> <li>○ <i>Hearsay</i></li> <li>○ <i>Information provided by Whistleblowers</i></li> </ul> </li> </ul>	Paschal Walsh

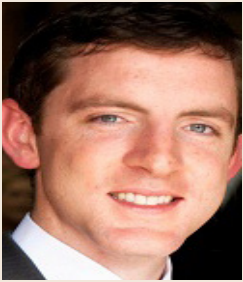
## Timetable, Day 3

Time	Topic	Presenter
9.30am-11am	<p>Gathering Information &amp; Investigative Techniques</p> <ul style="list-style-type: none"> <li>• <i>Best practice in the interviewing of witnesses and suspects</i></li> <li>• <i>Taking written statements from witnesses and suspects</i></li> <li>• <i>Rules regarding statement taking (voluntary, duress, incentives, fact/inference, excessive control).</i></li> <li>• <i>Taking witness statements – understanding best practice procedures in taking witness statements particularly in cases involving minors and vulnerable people</i></li> <li>• <i>Collection of statements for legal proceedings/ evidence</i></li> <li>• <i>Investigative approaches and powers</i></li> </ul>	Paschal Walsh
11am-11.30am	Coffee Break	
11.30am-1pm	<p>Gathering Information &amp; Investigative Techniques</p> <ul style="list-style-type: none"> <li>• <i>Putting it in practice</i></li> <li>• <i>Practical role play, scenarios, and case studies</i></li> </ul>	Paschal Walsh
1pm-2pm	Lunch	
2pm-4.30pm	<p>Writing reports or recommendations</p> <p><i>During this module, participants will learn how to:</i></p> <ul style="list-style-type: none"> <li>• <i>Understanding the type and purpose of a specific report</i></li> <li>• <i>How to prepare a report which may be used for legal purposes</i></li> <li>• <i>Learn the appropriate style, structure language and grammatical skills for a legal report</i></li> <li>• <i>Gauge how material should be presented for use in further subsequent regulatory enforcement actions, including the need to append relevant exhibits.</i></li> <li>• <i>Reaching conclusions and recommendations in Reports – how to support determinations made on issues</i></li> <li>• <i>Third party access to reports – family/next of kin, other regulatory agencies and the media.</i></li> <li>• <i>Understanding the issue of legal privilege in the preparation of reports</i></li> </ul>	Michael Connellan BL

## Timetable, Day 4

Time	Topic	Presenter
9.30am-11am	<p>Presentation of Evidence</p> <p><i>This module will examine all aspects impacting staff in relation to all steps of regulatory investigations, which result in having to give evidence in legal fora. Course methodologies will train participants in anticipating and dealing with effective cross questioning to ensure that the evidence delivered by the witness is not undermined or misinterpreted - this is a key requirement for any person delivering evidence.</i></p> <p><i>This module will examine the following areas:</i></p> <ul style="list-style-type: none"> <li>• <i>Court and Evidence familiarisation vs witness coaching – what is permitted</i></li> <li>• <i>Outline the different types of legal forums and the different rules of evidence that apply to each</i></li> <li>• <i>Details of how the adversarial system operates</i></li> <li>• <i>How to make appropriate use of supporting evidence, documents and notes for the purposes of evidential requirements and when giving evidence</i></li> <li>• <i>Preparing for giving evidence and delivering evidence with clarity</i></li> <li>• <i>Giving evidence under oath</i></li> <li>• <i>Cross examination and cross questioning – the rules and techniques that are used by lawyers</i></li> <li>• <i>The use of documents, notes and reports when giving evidence – what is permitted</i></li> <li>• <i>Appeals and statutory appeals</i></li> </ul>	Michael Connellan BL
11am-11.30am	<b>Coffee Break</b>	
11.30am-1pm	Previous module continued	Michael Connellan BL
1pm-2pm	<b>Lunch</b>	
2pm-4pm	<p>Common Pitfalls</p> <p><i>External review of regulatory functions</i></p> <ul style="list-style-type: none"> <li>• <i>Board responsibilities</i></li> <li>• <i>The Media</i></li> <li>• <i>Political and Governmental oversight</i> <ul style="list-style-type: none"> <li>○ <i>Systems of political accountability and oversight</i></li> <li>○ <i>Case studies for review</i></li> </ul> </li> </ul>	Garrett Fennell

## Speakers



Michael Connellan BL is a practicing Barrister. He works primarily in the areas of Labour & Employment Law, Tort & Personal Injury Law and Criminal Law. Michael holds a Masters Degree in Criminology and Criminal Justice from the University of Edinburgh and is also a graduate of University College Dublin and The Honorable Society of King's Inns.

Sharon Dillon Lyons BL is a practicing Barrister specialising in civil law; particularly Employment law, Probate and Chancery matters. Prior to commencing practice, Sharon worked in policy and compliance in the Charities sector. Sharon lectures in DIT and Dorset College in Employment Law, Business Law and Competition Law. Sharon is also PAI's Legal Training Consultant and delivers a number of modules on our Public Law, Freedom of Information and Employment Law programmes.

