

GUIDANCE ON KEEPING OF CONTEMPORANEOUS NOTES

1. Investigations into cases of alleged or actual abuse or neglect may in some cases lead to criminal and civil proceedings of one kind or another. For example, investigators may be called as witnesses for the police in criminal proceedings or on behalf of regulatory bodies in connection with criminal and civil proceedings against registered providers.

2. Notes taken in the course of investigations for one purpose may be important in the context of giving evidence in legal proceedings. Notes taken at the time of meetings with individuals, telephone calls, visits to premises and so on are referred to as 'contemporaneous' notes.

3. The value of contemporaneous notes is greatly enhanced evidentially if they are taken in a certain way. For them to be admissible in evidence in criminal proceedings they would have to conform to Rules of Evidence and statutory codes of practice. (See Police and Criminal Evidence Act 1984.).

4. Notebooks should be regarded as an official document. The notes recorded in them should be:-

- Factual – write nothing you would be unhappy to read out in court;
- Made in ink at the time of an event or as soon after as is reasonable and practical;
- Dated;
- Original and not copied from elsewhere.

5. As memory is fallible, such notes may be the only place from where evidence can be recalled and substantiated, so the following points should be observed:

- No erasures;
- No leaves to be torn out;
- No blank spaces to be left;
- No overwriting;
- No writing between lines;
- No separate pieces of paper;
- Amendments to be initialled;
- Notebooks to be retained.

6. This guidance does not constitute full adherence to the law and statutory codes of practice for the keeping of contemporaneous notes but will assist when key staff are called to give evidence in legal proceedings.