



Ministry
of Justice

The Witness Intermediary Scheme

**ANNUAL REPORT
2020/21**

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Ministry of Justice

Witness Intermediary Scheme: Annual Report 2020/21

(For the year ended 31 March 2021)

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Foreword from the Parliamentary Under-Secretary of State for Justice, Tom Pursglove MP



The past year has been an exceptionally difficult period for everyone. Despite the disruption caused by the Covid-19 pandemic, the Witness Intermediary Scheme (WIS) has continued to deliver for our criminal justice system and some of the most vulnerable people in society.

Much gratitude is owed to the Scheme's expert and dedicated Registered Intermediaries (RIs), who have gone above and beyond to assist the communication of vulnerable witnesses. Their work is often the difference between a witness being able to give evidence or not.

The pandemic has meant RIs have had to overcome a variety of complex and often unprecedented situations, and they have demonstrated much versatility in adapting their working practices to changing circumstances. There is no doubt that the exceptional conduct of RIs over this period has been a great credit to the WIS, the intermediary profession and the wider criminal justice system.

For a second consecutive year, the WIS fulfilled more requests for RI services than ever before, assisting in more than 7,000 cases and helping thousands of witnesses with communication difficulties to give their best evidence. The hugely positive impact of RIs continues to be recognised by crown prosecutors and police officers alike, and this is demonstrated by another year of outstanding feedback from service users. The Scheme has adapted to changing conditions, with online recruitment and training being introduced and delivered across England and Wales for the first time. Furthermore, the development of new quality assurance initiatives has kept pace, as governance evolves to accommodate the growth of the WIS and intermediary services in general. I would also like to thank all those involved in the running of the Scheme for their work over this period.

As we move forward in the wake of the pandemic, meeting rising demand for RI services and building the resilience of the Scheme through sustained recruitment will remain the core priority for the WIS. More broadly, we will also look to maximise the potential for RIs to complement and enhance the national rollout of Section 28 provisions for pre-recorded cross-examination as this special measure becomes embedded within the criminal justice system. The sum of these efforts will help ensure this unique service continues to advance access to justice for vulnerable people and help them to give their best evidence.

A handwritten signature in blue ink that reads "Tom Pursglove".

Tom Pursglove MP
Parliamentary Under-Secretary of State for Justice

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Terms and Abbreviations

ABE	Achieving Best Evidence
aRI	Accredited Registered Intermediary
CJS	Criminal Justice System
CPD	Continuing Professional Development
CPS	Crown Prosecution Service
End-User	The party that requests the services of a Registered Intermediary, usually the police or CPS
IRB	Intermediaries Registration Board
Live Link	Any secure technology with the same effect as video conferencing facilities or the internet. This is usually a closed-circuit television link.
MoJ	Ministry of Justice
NCA	National Crime Agency
NPCC	National Police Chiefs' Council
NQRI	Newly Qualified Registered Intermediary
QAB	Quality Assurance Board
RfS	Request for Service
RI	Registered Intermediary
RIRT	Registered Intermediary Reference Team
SLT	Speech and Language Therapy/Therapist
WIS	Witness Intermediary Scheme
WIT	Witness Intermediary Team
YJCEA	Youth Justice and Criminal Evidence Act 1999

Introduction: The Witness Intermediary Scheme in 2020/21

Background

The Witness Intermediary Scheme (WIS) was first piloted in England and Wales in 2004 to implement the intermediary special measure in the Youth Justice and Criminal Evidence Act 1999. The WIS was rolled out nationally in 2008, establishing a register of intermediaries recruited and trained by the Ministry of Justice (MoJ). These intermediaries became known as Registered Intermediaries (RIs).

An RI is a self-employed communication specialist who helps witnesses and complainants with communication difficulties to give evidence to the police and to the court in criminal trials. Their assistance is often the difference between a witness being able to give evidence or not.

The intermediary role was introduced by section 29 of the Youth Justice and Criminal Evidence Act 1999 (YJCEA), which provides for the examination of a witness in criminal proceedings, other than a defendant, to be conducted through an intermediary. Section 16 of the YJCEA stipulates that a witness is eligible for assistance from an intermediary if:

- they are under the age of 18 at the time of the hearing; or
- the court considers that the quality of evidence given by the witness is likely to be diminished by:
 - a mental disorder (within the meaning of the 1983 Mental Health Act¹); or
 - a significant impairment of intelligence and social functioning; or
 - a physical disability or physical disorder.

This annual report provides an overview of the governance, operation and performance of the WIS from 1 April 2020 to 31 March 2021.

Summary of 2020/21

Throughout 2020/21 the MoJ focused efforts on managing the impact of the Covid-19 pandemic on the WIS, successfully maintaining a high standard of service provision. Key developments included the introduction of remote recruitment and training programmes, new quality assurance initiatives, the national rollout of Section 28 for vulnerable victims and witnesses, further progress with the review of intermediary provision and the sustained appointment of accredited RIs.

The WIS received a total 7,312 requests for RI assistance in 2020/21; a 6% increase since 2019/20 and a new record for the highest number of requests received in a 12-month period for a second consecutive year. This figure constitutes a 518% increase in the number of requests for RIs since 2010.

¹ The 1983 Mental Health Act defines 'mental disorder' as 'any disorder or disability of the mind'.

While the onset of the pandemic disrupted the planned recruitment and training schedule for much of 2020, MoJ completed two recruitment campaigns and three training courses, adding 14 new RIs to the WIS register and shortlisting a further 13 for training. Despite a decrease in the number of RIs actively working within the WIS throughout 2020/21, the proportion of successfully matched requests remained broadly unchanged from the previous year, decreasing by 0.5% to 97.8% of all requests. Feedback from end-users (usually the police or the Crown Prosecution Service) also remained overwhelmingly positive, with 99.9% of responses recorded as either 'excellent', 'more than satisfactory' or 'satisfactory'.

Following its reorganisation in 2020, the Quality Assurance Board (QAB) introduced a Sanctions Policy and a Fitness to Practice Policy, and finalised a Mentoring Policy for publication in late 2021. In addition, QAB's annual Continuing Professional Development (CPD) log assessment results showed continued high standards of professional development within the Scheme, with 98% of logs graded as sufficient, good, or excellent.

In response to the pressures resulting from the pandemic, action was taken to ensure RIs were routinely updated on key developments and issues relating specifically to the impact of the pandemic on the range of intermediary duties within the justice system. The MoJ also hosted the third consecutive annual CPD conference, published the second WIS annual report, and delivered a further revision to the RI Procedural Guidance Manual. WIS rates of remuneration were reviewed, with RIs awarded a 1.5% increase to the core hourly rate of remuneration.

Going forward, the MoJ's priority remains ensuring that end-users have access to high-quality RI support and in addressing the cumulative effect of the pandemic on the provision of the WIS. Particular attention will also be given to developing a refreshed RI training programme, evaluating the functions of the corporate roles available to experienced RIs, and introducing quality assurance policies concerning CPD standards and returning to practice after extended periods of absence.

Interviews

The two interviews with RIs that have been included in this annual report are featured with the express permission of each interviewee.

Data Sources

All statistics in this report, unless explicitly stated otherwise, are sourced from the National Crime Agency's Witness Intermediary Team and the MoJ Intermediaries Team.

2020/21: The Year in Numbers



Part One: Overview of the Witness Intermediary Scheme

Ministry of Justice (Vulnerable Users Policy Team)

The MoJ's Vulnerable Users Policy Team has overall responsibility for the WIS. This includes strategic and policy matters, as well as funding and overseeing its administration, the latter of which is delegated to the National Crime Agency (NCA). Governance is provided via the Quality Assurance Board and Intermediaries Registration Board.

Vulnerable Users Policy sits within the Vulnerabilities Policy Unit, which is part of the MoJ's Victims and Vulnerability Policy Directorate.²

National Crime Agency (Witness Intermediary Team)

The NCA's Witness Intermediary Team (WIT) has provided the operational delivery aspects of the WIS since 2013, including the management of the RI Register and the Matching Service Database and the recruitment and registration of RIs.

The WIT is led by the National Vulnerable Witness Adviser, who regularly deploys to major crime investigations to assist in the development of interview and witness management strategies in cases that involve particularly vulnerable witnesses.

The key operational element of the WIS is the matching service. This is the mechanism by which the WIT matches RIs to the requirements of witnesses at the request of the end-user. Through the matching service, the WIT collects data pertaining to RI usage, such as the number of requests in each area and the reason(s) for the request (such as type of vulnerability and age of witness). This data is logged on the matching service database and allows for the monitoring of emerging changes and trends in demand for RIs.

The Intermediaries Registration Board (IRB)

The IRB focuses on the strategic direction, policy management and strategy of the WIS and is the governance body through which WIS policy decisions are agreed.

The Board meets quarterly and brings together key stakeholders from across the criminal justice system, including the Crown Prosecution Service (CPS) and the police as end-users of the services provided. It is chaired by the MoJ.

Members are responsible for representing their organisations on the board and representing the WIS within their organisations. For example, the police representative acts as an ambassador for the scheme within the police and takes action to raise the WIS' profile or address issues as necessary.

² The Victims and Vulnerability Policy Directorate was formed in December 2021, as a successor to the Family and Criminal Justice Policy Directorate.

IRB REPRESENTATIVES	
Member	Representing Organisation
Laura Beaumont/Abigail Plenty	Chair / Deputy-Director of Vulnerabilities Unit, Ministry of Justice
Rhiannon Evans	Citizens' Advice Witness Service
Hannah Kappler	Crown Prosecution Service
Adrienne Finney	Department of Justice, Northern Ireland
Trudy Lewis	HM Courts & Tribunals Service
Janet Arkinstall	The Law Society
Lucy Atkinson	Ministry of Justice
Frank Glen	National Crime Agency
CC Emma Barnett	National Police Chiefs' Council
T/Supt. Nicola Furlong	
Karen Bryan	Quality Assurance Board
RI Representative	WIS Regional Coordinator/RIRT

The Quality Assurance Board (QAB)



The QAB is the body responsible for the quality assurance, regulation and monitoring of the professional standards of RIs working within the WIS. It aims to ensure high-quality, professional intermediary services are available to victims and witnesses with communication needs.

The QAB meets quarterly and is comprised of individuals with extensive professional experience in regulation and quality assurance. It is accountable to the Intermediaries Registration Board (IRB). The QAB's role is to:

- Agree the standards for, and lead on, quality control of recruitment, training, accreditation and CPD of RIs
- Maintain and support the RI register and ensure it is fit for purpose
- Ensure that Registered Intermediaries act in accordance with the Code of Practice and the Code of Ethics
- Ensure that complaints against RIs are fully investigated in accordance with the IRB's complaints policy and procedure
- Monitor and support the development of all aspects of the RI professional role

The QAB has fourteen members. Seven of these are independent members who lead on specific areas of the QAB's work. An additional seven members are official representatives from the MoJ, NCA, CPS and the Royal College of Speech and Language Therapists (RCSLT).

QAB: INDEPENDENT MEMBERS

Member	Profile
 <p data-bbox="150 564 424 636">Professor Karen Bryan Chair of the QAB</p>	<p data-bbox="450 268 1407 504">Professor Karen Bryan is the Vice-Chancellor at York St John University. She was previously Deputy Vice Chancellor (Academic) at the University of Greenwich. Prior to that, she was Pro Vice-Chancellor for Regional Engagement and Dean of the Faculty of Health and Wellbeing at Sheffield Hallam University, and held academic positions at the University of Surrey and University College London. In addition, Professor Bryan held funded NHS posts until 2013.</p> <p data-bbox="450 530 1407 766">Professor Bryan qualified as a speech and language therapist from the University of Newcastle upon Tyne and also gained her PhD there. Her research interests are in communication difficulties in young offenders and in forensic populations, as well as the impact of communication difficulties on access to healthcare. Professor Bryan was previously a member of the Health Professions Council.</p> <p data-bbox="450 792 1407 947">Professor Bryan is a Visiting Professor in the Department of Neuropsychology at the University of Warsaw, and is a Fellow of the Royal College of Speech and Language Therapists. She was awarded an OBE for services to higher education in 2018.</p>
 <p data-bbox="185 1503 389 1615">Clare Hickey Recruitment and Training Lead</p>	<p data-bbox="450 1155 1321 1267">Clare Hickey is a freelance HR Consultant, advising businesses on people strategy, recruitment, training and development, and providing solution focused coaching.</p> <p data-bbox="450 1294 1414 1491">Clare has run her own consultancy business for seven years, which is focused on providing advice on culture and organisational development with ongoing projects in recruitment, training and monitoring of professional standards. She works predominately with SMEs and her client list includes companies in digital, fashion, events and manufacturing.</p> <p data-bbox="450 1518 1407 1673">Clare was previously employed as HR Director for global women’s fashion apparel brands, LK Bennett and Oasis stores. A key focus in both was improving capability through better recruitment, induction, training and the provision of ongoing support.</p> <p data-bbox="450 1700 1401 1854">Clare combines consultancy work with sitting as Magistrate in South Essex. She is also part of the ‘Magistrates in the Community’ team, visiting schools to deliver workshops on the judiciary and to raise awareness of issues concerning knife crime, cyber bullying and County Lines.</p>

Alison Peasgood
General Consultant

Alison Peasgood is a Specialist Speech and Language Therapist with substantial experience of working with deaf patients and patients with head, neck and voice disorders in hospital and health centre settings.

In 1994 Alison joined the first Adult Cochlear Implant Team at the Middlesex Hospital in London. In 1997, the Team moved to the Royal National Throat, Nose and Ear Hospital, where Alison was instrumental in setting up the Hospital's Paediatric Implant Programme.

Subsequently, Alison worked as a Specialist Clinical Advisor (on deafness) to the Royal College of Speech and Language Therapists between 2002 and 2012. Alison has also taken part in training medical students on their ENT rotations, as well as nurses and undergraduate speech and language therapists.

Alison has been involved with the Witness Intermediary Scheme since 2003, prior to the launch of the WIS pilot in 2004.



John Postlethwaite
Negative Feedback,
Complaints and
Sanctions Lead

John Postlethwaite has more than 25 years' experience of working with children, families and communities in local authority, third sector and health settings. A large proportion of this time has been at a senior leadership level.

In this capacity, John has successfully delivered change and improvement in a variety of complex health and social care settings. Most recently he developed and led a programme for the MoJ regarding adult offenders with a hidden learning disability, introducing changes adopted by prisons and community services across England and Wales.

John has a strong interest in practice and evidence-based models of personal change, successfully initiating and leading a number of regional and national research projects relating to safeguarding and supporting families.

John joined the QAB in 2017 and is responsible for managing feedback and complaints.



Benjamin Roe
CPD and RI Register
Lead

Ben Roe is the Lead Knowledge Lawyer for the global disputes and compliance group of a leading international law firm. He has responsibility for the know-how, professional development and training needs of approximately 1400 litigation, arbitration and compliance lawyers across 77 offices.

Ben is an experienced litigation solicitor, and prior to his current role worked in private practice in London. He has managed a number of high-profile cases, often involving cross-border issues. He is well-practised at preparing witnesses for trial and supporting individuals through an often unfamiliar process.

Ben holds higher rights of audience and is a CEDR-accredited mediator. He is an Officer of the International Bar Association's Academic and Professional Development Committee. Ben is also a member of the Association of Litigation Professional Support Lawyers and a former Committee Member of the London Solicitors Litigation Association.



Amanda Webster
Quality Assurance
Lead

Amanda Webster is a solicitor in commercial practice and Director of law firm Harrison-Drury, based in Lancashire and Cumbria. During her legal career, spanning some 33 years, she has developed specialisms in regulatory law and commercial litigation. She is the Training Principal for the practice, supporting the recruitment and development of the next generation of lawyers.

Amanda has combined her legal career with service in the public and charitable sectors. She is a Deputy District Judge, sitting in the Civil and Family Courts of West Yorkshire, and a Chair of the Police Appeals Tribunal, hearing appeals in police disciplinary cases.

Her role as Vice Chair of Lancashire Police Authority and later, Assistant Police and Crime Commissioner, saw her focussing on effective service design and partnership to improve criminal justice and protect vulnerable people. She has maintained a similar focus in her role as a Trustee of Red Rose Recovery, a charity providing peer led support to improve the lives of those in recovery.

QAB: OFFICIAL REPRESENTATIVES	
Member	Representing Organisation
Laura Beaumont/Abigail Plenty	Deputy-Director of Vulnerabilities Unit, Ministry of Justice
Lucy Atkinson	Ministry of Justice
Hannah Kappler	Crown Prosecution Service
David Liddle	National Crime Agency
T/Supt. Nicola Furlong	National Police Chiefs' Council
Clare Moser	Royal College of Speech and Language Therapists

Registered Intermediary Reference Team (RIRT)

The RIRT is made up of representatives appointed by each of the RI regional groups, and aims to represent the interests of RIs to the MoJ. RIRT's role is to:

- Provide a forum for the RI community to raise relevant matters regarding the Witness Intermediary Scheme to a self-selected group of its peers for subsequent discussion in a formal environment with the Ministry of Justice (MoJ).
- Achieve representation of the RI community through its membership reflecting, as far as possible, a cross-section of that community by different professions and vocations, different working patterns and backgrounds. To have all regional support group areas represented.
- Ensure that the relationship between the RI community and MoJ, End-Users and other stakeholders is being effectively represented and managed.

At present there are 12 RIRT representatives, covering 12 active regional groups. The RIRT meets quarterly with representatives from MoJ Vulnerable Users Policy.

RI Interview: Charlotte Parkhouse



PROFILE

Charlotte Parkhouse qualified as a Registered Intermediary in 2018, coming from a background in speech and language therapy.

She specialises in cases concerning children and adults with severe learning difficulties and complex autism.

How long have you been a Registered Intermediary?

Nearly 3 years: I was in the October 2018 London Training Group and qualified to practice that December.

How did you first hear about the Witness Intermediary Scheme and what attracted you to apply?

I saw the link to the MoJ advert on the RCSLT Twitter feed and as soon as I read it, I was intrigued. At that stage I had very little understanding of what the role entailed, but I had recently diversified my professional role as Special School Speech and Language Therapist by creating a Social Enterprise. The aim of this was to create opportunities to support the communication of people with Learning Disabilities in the community, therefore the role of the RI fitted with this perfectly and I just had to apply!

What is your professional background and what skills from this do you bring to your work as a Registered Intermediary?

I am a Speech and Language Therapist specialising with children and adults with Severe Learning Difficulties and severe and complex autism. I am also a Makaton Tutor. There are a multitude of professional skills that I draw on for my RI role, but the key one must be my understanding of what it's like for people to not understand what is said to them, and how a few simple changes can make a profound difference. This was demonstrated recently when I recommended that an Interviewing Officer should use a few key Makaton Signs to support his question words. After an ad hoc training session, he managed to incorporate these into the ABE thus enabling the young witness with autism to feel more confident and included.

How has the Covid-19 pandemic affected your day-to-day duties?

In some ways the effects on my working practice have been positive and changes that I made at the outset of the pandemic have endured. On a practical level, I significantly reduced the amount of assessment equipment that I used. When I first qualified, I used to take a huge backpack of resources with me including everything but the kitchen sink to make me feel prepared! Covid made me rationalise this and I started limiting myself to a small, wipeable stock in a much smaller bag. Alongside this, I made every effort to keep assessments shorter, when possible. This was followed up by tighter and greater prioritisation of planning for ABE with the officer in charge (OIC) in order to optimise face to face contact time. I now give greater emphasis to and spend more time telephoning ahead to plan rather than leaving it all until the time preceding interview.

Whilst remote assessments and meetings are inferior to face to face meetings with vulnerable witnesses, there have been some unforeseen positives to the flexibility that they offer. I was involved in a case at the beginning of 2021 in which the vulnerable witness had Severe Learning Difficulties and was undecided about whether or not she felt able to go forward to ABE interview. Due to the flexibility of using Microsoft Teams, I was able to meet with her along with the OIC for short chats on a weekly basis to enable her to decide what she wanted to do in a relaxed way. This was actually a great positive for the witness and something that I would not have suggested previously to Covid restrictions and an approach that I will consider using in the future.

Remote Court Room access has become part of many Registered Intermediaries' working lives. For me there have been pros and cons with this. When the cloud video platform (CVP) link is good, it provides an excellent way of attending a ground rules hearing (GRH), especially when I've been able to attend a hearing remotely which I would otherwise not have been able to face to face. This has meant that I've been able to be more flexible with my diary. However, when the CVP link is inadequate, it is disastrous: during one remote GRH in January 2021, my audio link did not work and I was forced to email in my responses to the judge, thus limiting my meaningful participation substantially.

What is the most challenging case that you have assisted with?

It is hard to precisely pinpoint the most challenging case as there have been challenging aspects of several cases that I can remember. I have found that the greatest obstacles come from trials in which Defence propose an excessive list of questions: in my last two trials an excess of 300 questions have been suggested for vulnerable witnesses. One witness had a severe Language Disorder, but defence counsel suggested to the judge in the GRH that I had fabricated this diagnosis and that Special Measures should not be agreed. And subsequently, during the Section 28 Cross examination, Defence interrupted the questioning in order to object to my use of agreed visual support as they felt that I was leading the witness. These experiences have taught me to be ready for anything and keep calm and carry on!

What is the most rewarding aspect of practicing as a Registered Intermediary?

Reflecting on this question has enabled me to appreciate just how many gratifying aspects of the Registered Intermediary role there are. In general, I think that the most rewarding cases are those in which the witness has extremely complex communication difficulties such as a diagnosis of Severe and Complex Autism or Cerebral Palsy and the OIC's opening conversations with me make it clear that they simply don't know how the witness will be able to proceed to participation in a meaningful video recorded interview. This was the scenario in a case that I was recently involved in which I was able to assist the OIC to ask questions in a way that enabled the witness to communicate effectively using a combination of slowed speech, 'Eyegaze' communication aid and visual support. It took several assessment sessions and two VRI sessions to get there, but the satisfaction in achieving good quality evidence was immense! It was a great bit of teamwork.

The feedback that we get can also be extremely motivating: a judge recently sent a personal message to me thanking me for my assistance during the cross-examination of a teenage witness who, he felt, would not otherwise been able to have the confidence to

give evidence regarding being the victim of knife crime. This feedback certainly gave me greater conviction and confidence in my role.

What advice would you offer to someone starting out as a Registered Intermediary?

I gave a presentation at the 2021 WIS Conference entitled 'Starting Out as a Registered Intermediary: Challenges, Experiences and Solutions' in which I outlined all the advice that I would offer from my experiences as a newly-qualified Registered Intermediary (NQRI). My main focus was on taking time to celebrate the successes in whatever form these come and make connections from an early stage so that you can share your experiences: this can be via your mentor, joining your local group, keeping connected with the group that you trained with and joining Intermediaries for Justice. Also, take advantage of training opportunities offered as part of the WIS conference and Intermediaries for Justice (IfJ). I'd also like to give a shout out for the wonderful WIT, who are on hand with an abundance of advice.

I also clearly remember in our training course how we were told to be flexible...little did I know how crucial this attribute would become in the life of an RI!

I think it's also important when establishing yourself as an RI to realise the impact and legacy that you leave behind in every case. The interventions, advice and modelling of effective communication strategies that you demonstrate won't just make a difference for one vulnerable witness, it will make a difference for all of the subsequent vulnerable witnesses that that an OIC or Counsel communicate with. You make a big difference!

What is the most useful piece of advice that you have received during your time as a Registered Intermediary?

I was particularly inspired by listening to Dr. Kev Smith at an Intermediaries for Justice course 'Law and Policing' and the WIS Conference in 2020, and, amongst other things, he used research evidence to elucidate the importance of building rapport with a vulnerable witness: 'The development of rapport may help the interviewee to feel safer and more comfortable, moving the individual into a state where it is easier to talk' (Risan, Binder and Milne 2016). This inspired me to be able to use and recommend a 'rapport building approach' with greater credence and conviction in my cases. Since taking on board this advice, the quality of evidence given by several vulnerable witnesses has, I'm convinced, been considerably enhanced.

Part Two: Performance Analysis 2020/21

Methodology

The NCA collects data pertaining to requests for RIs. This data provides a comprehensive overview of the services provided by the WIS throughout 2020/21 and is the primary data source for the performance analysis chapter.

Data includes:

- **Total number of requests for a Registered Intermediary**
- **Requests by witness vulnerability**
- **Requests by age of witness (child or adult)**
- **Requests by type of witness**
- **Requests by end-user (police or Crown Prosecution Service)**
- **End-user feedback for 2020/21**
- **Numbers of active and inactive RIs (monthly figures)**

Data is summarised from 1 April 2020 to 31 March 2021. This includes changes in the number of requests and changes relating to the distribution of requests across vulnerabilities, witness age, witness types and end-users, in addition to numbers of matched, unmatched and cancelled requests. This section also covers RI availability and end-user feedback, defined by four assessment criteria from over 2,700 cases concerning victims and prosecution witnesses where feedback was received.

To examine wider trends within the WIS and to provide comparisons to interpret the 2020/21 data, this section will reference Matching Service data from 2019/20 (1 April 2019 to 31 March 2020) and 2018/19 (1 April 2018 to 31 March 2019). Data from the same annual periods for 2011-2018 has also been used where it has been appropriate to provide long-term context. All references to increases and decreases are measured in terms of percentage change.³

Summary

Over 2020/21 the WIS received 7,312 requests for RIs, representing the highest number of requests for RIs in an annual period since the national WIS rollout in 2008, and a 6% year-on-year increase from 2019/20. This overall increase extends to all seven recorded vulnerability categories; figure 4 and table 1 (see pages 14 and 15) show increases across vulnerability categories ranging from 0.8% to 49.3%. Requests for adults with mental disorders, adults with learning disabilities, and children with mental disorders have contributed most to this increase, rising by 18% (185 requests), 10.3% (168 requests), and 49.3% (159 requests) respectively. The increase in referrals over this period forms part of

³ As opposed to a percentage point change.

a broadly consistent trend of continuous rising demand for RIs over the past ten years. This trend is understood to reflect the increasing awareness of intermediary services (and related special measures) among WIS end-users.

The rate of matched requests has seen marginal decreases across all but one recorded category (child learning disability), reflecting the pressures that the Covid-19 pandemic placed on the availability of RIs in addition to an increase in the overall number of requests. Of all requests for RIs received 97.8% were successfully matched; while this represents a 0.5% decrease since 2019/20, it also constitutes the second highest percentage of matched requests on record and a 1.6% increase from 2018/19. Overall, the WIS proved itself able to deliver in the vast majority of cases despite a significant increase in demand for RI services.

Police forces continue to make up the majority (82%) of end-user requests, as demonstrated by figure 10 (see page 23). Requests from the police have increased by 2.7% (up 156 requests from 2019/20) to a record high of 5,988 requests. Requests from the CPS have seen a significant 23.2% increase (up 249 requests from 2019/20).

End-user feedback for RIs throughout 2020/21 has remained positive, with 99.9% of all responses recorded as 'excellent', 'more than satisfactory' or 'satisfactory'.

Cancelled Requests

A request for an RI may be cancelled in circumstances such as an early guilty plea, a withdrawal of complaint from the victim, or if the witness is unable or no longer wishes to proceed for any reason (e.g. medical reasons).

Unmatched Requests

Unmatched requests refer to rare instances in which an RI could not be assigned to a case following a request for RI assistance. A request for an RI may go unmatched in circumstances where the WIT is unable to provide an RI within the timeframe specified by the end-user, if all RIs have declined to accept a case, or if there are no RIs with availability on the date(s) of a trial. In exceptionally rare circumstances the WIT may be unable to provide an RI with the necessary skills to take on a complex case.

Where it is not possible to match a request, the National Vulnerable Witness Adviser will provide specialist advice to end-users. They are often deployed to assist in person.

If the court agrees to adjourn, the request will still be recorded as unmatched and a new request (reflecting the new trial date) will be generated.

Total Requests for RIs

A total of 7,312 requests for an RI were made via the WIS in 2020/21, an average of 609 requests per month.

This amounts to a 6% increase in requests (up by 405) since 2019/20, during which 6,907 requests were made. It also represents a 518% increase (up by 6,128) since 2010/11, during which 1,184 requests were made. Figure 1 shows the change in the total number of requests over the past ten years.

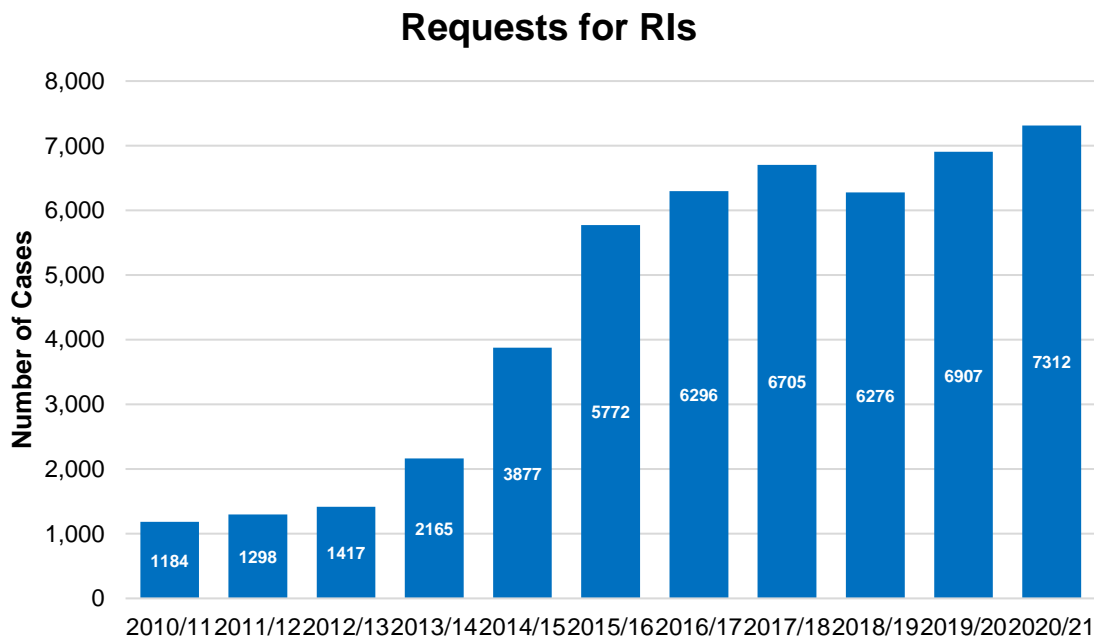


Figure 1

Overall Change: Matching Success Rates

Of all 7,312 requests in 2020/21, 97.8% (7,153) were matched, with 1% (76) unmatched and 1.1% (83) cancelled.⁴

This represents a 0.5% decrease in the percentage of matched requests from 2019/20 (98.3% requests matched) and a 1.6% increase from 2018/19 (96.2% requests matched).⁵

⁴ Figure 2. NCA Matching Service Data 2020/21

⁵ Figure 3. NCA Matching Service Data 2018 – 2021

Total Matched Requests: 2020/21

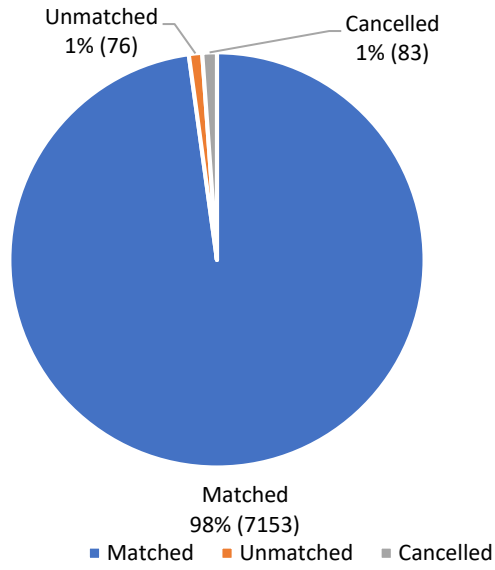


Figure 2

Total Matched Requests: Annual Comparison

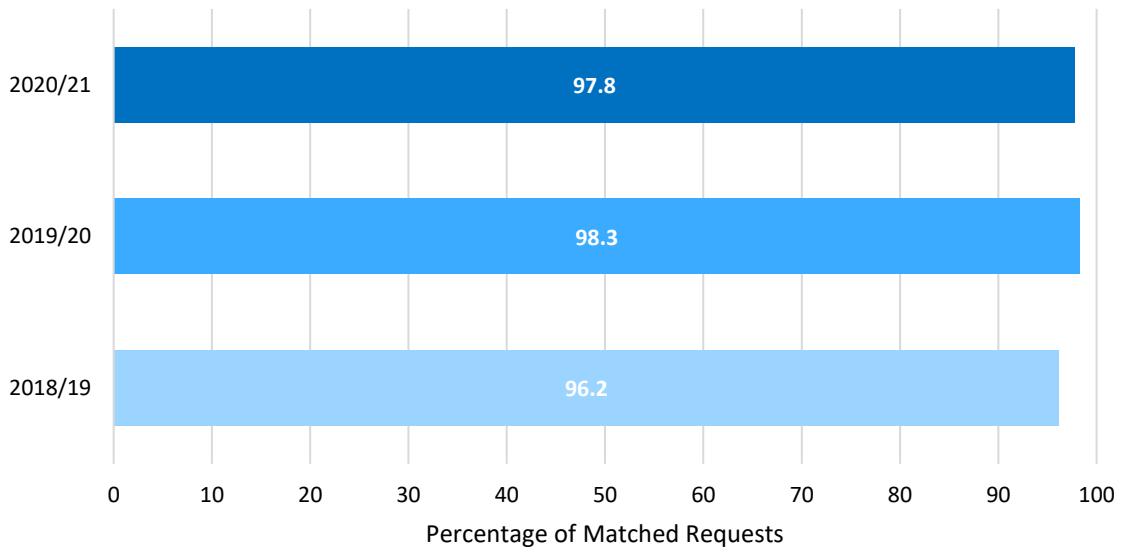


Figure 3

Requests by Witness Vulnerability

There are seven vulnerability categories which can be recorded on RI Request for Service (RfS) forms⁶ to indicate the needs of a witness:

- **Child without Concurrent Vulnerability**
- **Child with Mental Disorder**
- **Child with Learning Disability**
- **Child with Physical Disability**
- **Adult with Mental Disorder**
- **Adult with Learning Disability**
- **Adult with Physical Disability**

As a witness can have multiple vulnerabilities cited on an RfS form, the combined figures in this section exceed the figures for the total number of requests detailed above.

Definitions and Examples

The examples set out in the table below are non-exhaustive. These are just some of the conditions that can affect a person's ability to communicate effectively.

Eligibility criteria for RI assistance (as stipulated by section 16 of the YJCEA 1999) are set out on page 7 of this report.

Vulnerability Type	Definition/Non-Exhaustive Examples
Child without Concurrent Vulnerability	Refers exclusively to children who are entitled to an RI because their sole vulnerability is being under the age of 18.
Mental Disorder	Any disorder or disability of the mind. ⁷ Examples may include, but are <u>not limited to</u> : anxiety; depression; bipolar affective disorder; obsessive-compulsive disorder; a personality disorder; schizophrenia; dementia (including Alzheimer's disease).
Learning Disability	Affects the way a person understands information or how they communicate. This means they can have difficulty: understanding new or complex information; learning new skills; coping independently. ⁸

⁶ To request the assistance of an RI, the end-user (usually the police or CPS) submits a RfS form to the NCA's Witness Intermediary Team. Each request specifies the vulnerability or vulnerabilities that the witness has.

⁷ Mental Health Act 1983, Section 1(2)

⁸ National Health Service, 2018, (www.nhs.uk/conditions/learning-disabilities/)

	Examples may include, but are <u>not limited to</u> : ADHD; autism spectrum disorder (including Asperger’s Syndrome); dysarthria; language delay/disorder; selective mutism.
Physical Disability	A physical impairment that has a substantial and long-term negative impact on a person’s ability to do normal daily activities. ⁹ Examples may include, but are <u>not limited to</u> : Stammer/stutter; a voice disorder (including laryngectomy and tracheotomy); brain or head injury (including a stroke); neurological and progressive disorders (including motor neurone disease and Parkinson’s disease); cerebral palsy.

Breakdown of Vulnerabilities Cited in Request for Service Forms

Of all vulnerabilities cited on RI RfS forms in 2020/21, 33% concerned children without a concurrent vulnerability, making this the most frequently cited vulnerability. This was followed by children with a learning disability at 21%, adults with a learning disability at 20.5%, adults with a mental disorder at 14%, children with a mental disorder at 5%, adults with a physical disability at 4.6% and children with physical disability at 1.4%.

Breakdown of Requests (Vulnerability): 2020/21

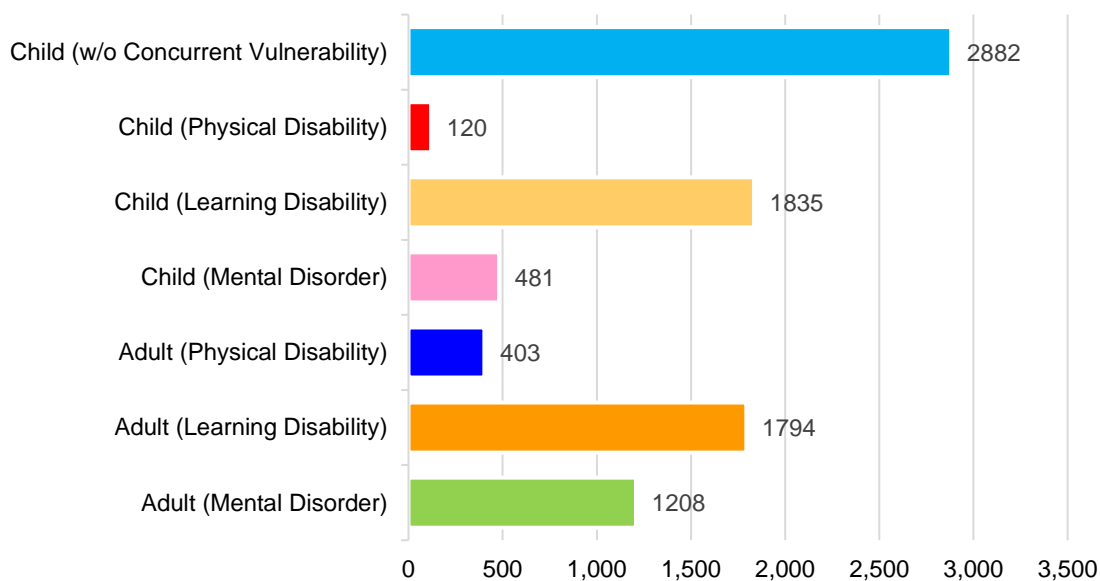


Figure 4

⁹ Equality Act 2010, Section 6(1)

Change Across All Requests

Since 2019/20, increases in the total number of RfS form citations were recorded for all vulnerability categories.¹⁰

For child victims and witnesses, citations for mental disorders increased by 49.3% (up 159 citations), those for physical disabilities increased by 48.1% (up 39 citations), those for learning disabilities increased by 3.9% (up 70 citations), and those for children without concurrent vulnerabilities increased by 0.8% (up 23 citations).

For adult victims and witnesses, citations for mental disorders increased by 18% (up 185 citations), those for learning disabilities increased by 10.3% (up 168 requests), and those for physical disabilities increased by 5.7% (up 22 citations).

CHANGE ACROSS ALL REQUESTS (VULNERABILITY)			
Vulnerability	2019/20	2020/21	Change from 2019/20 (%)
Child (w/o Concurrent vulnerability)	2,859	2882	+0.8
Child – Mental Disorder	322	481	+49.3
Child – Learning Disability	1,765	1835	+3.9
Child – Physical Disability	81	120	+48.1
Adult – Mental Disorder	1,023	1208	+18
Adult – Learning Disability	1,626	1794	+10.3
Adult – Physical Disability	381	403	+5.7

Table 1

RI Requests by Vulnerability: Annual Comparison

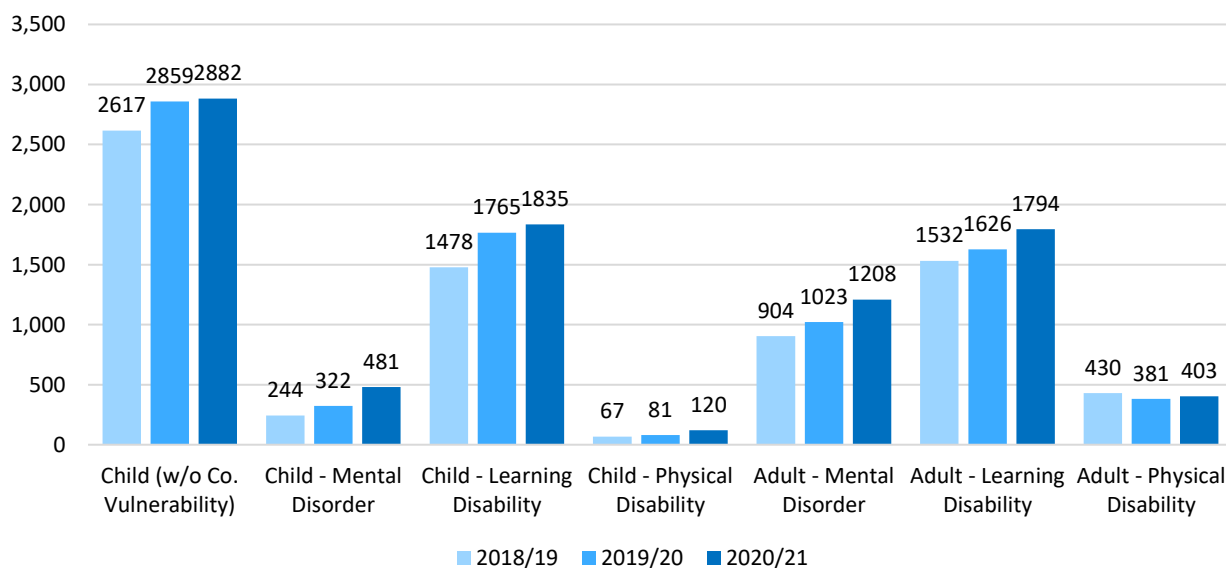


Figure 5

¹⁰ Figure 4 and Table 1. NCA Matching Service Data 2019 – 2021

Matching Success Rates

Marginal decreases in the percentages of matched requests were recorded across all but one vulnerability type (child – learning disability) since 2019/20.

For child victims and witnesses, the percentage of matched requests for physical disabilities decreased by 1.7%, children without concurrent vulnerabilities by 0.5%, and mental disorders by 0.3%. There was no change in the percentage of matched requests for children with learning disabilities from 2019/20.¹¹

For adult victims and witnesses, the percentage of matched requests for physical disabilities decreased by 3%, mental disorders by 1%, and learning disabilities by 0.8%.¹²

CHANGE IN SUCCESS RATES (VULNERABILITY)			
Vulnerability	Matched in 2019/20 (%)	Matched in 2020/21 (%)	Change from 2019/20 (%)
Child (w/o Concurrent Vulnerability)	99.1	98.6	-0.5
Child – Mental Disorder	98.4	98.1	-0.3
Child – Learning Disability	98.6	98.6	Nil
Child – Physical Disability	100	98.3	-1.7
Adult – Mental Disorder	96.2	95.2	-1
Adult – Learning Disability	97.3	96.5	-0.8
Adult – Physical Disability	98.2	95.2	-3

Table 2

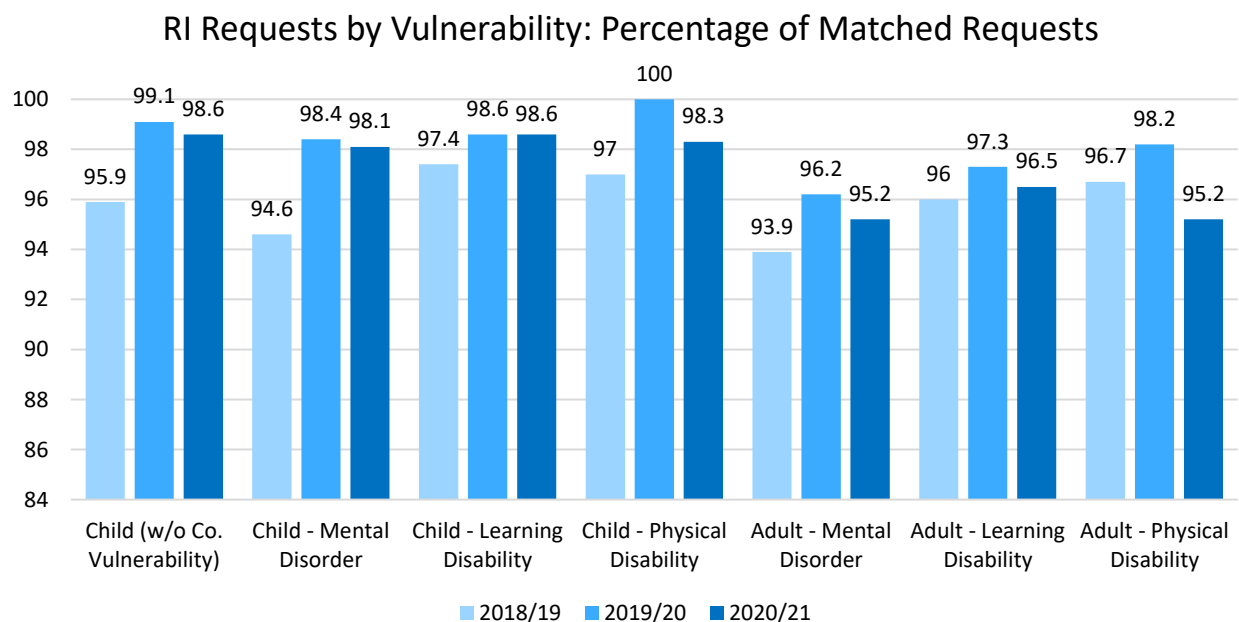


Figure 6

¹¹ Table 2, NCA Matching Service Data 2019 – 2021

¹² Table 2, NCA Matching Service Data 2019 – 2021

For child victims and witnesses, 1.2% of requests for mental disorders were unmatched, followed by requests for physical disabilities (0.8% unmatched), requests for learning disabilities (0.7% unmatched), and requests for children without concurrent vulnerabilities (0.5% unmatched).

For adult victims and witnesses, 3.1% of requests for physical disabilities were unmatched, followed by requests for mental disorders (2.6% unmatched), and requests for learning disabilities (1.5% unmatched).

CHILD (WITHOUT CONCURRENT VULNERABILITY)

Matched Requests: -0.5 %

Of the 2,882 requests for children with no concurrent vulnerability, 98.6% (2,842) were matched, with 0.5% (15) unmatched and 0.8% (25) cancelled.

This represents a 0.5% decrease in the percentage of matched cases from 2019/20 (99.1% child w/o concurrent vulnerability requests matched) and a 2.8% increase from 2018/19 (95.9% requests matched).¹³

CHILD - MENTAL DISORDER

Matched Requests: -0.3%

Of the 481 requests for children with a mental disorder, 98.1% (472) were matched, with 1.2% (6) unmatched and 0.6% (3) cancelled.

This represents a 0.3% decrease in the percentage of matched cases from 2019/20 (98.4% child mental disorder requests matched) and a 3.7% increase from 2018/19 (94.6% requests matched).¹⁴

CHILD - LEARNING DISABILITY

Matched Requests: Nil change

Of the 1,835 requests for children with a learning disability, 98.6% (1809) were matched, with 0.7% (13) unmatched and 0.7% (13) cancelled.

This represents no change in the percentage of matched cases from 2019/20 and a 1.2% increase from 2018/19 (97.4% requests matched).¹⁵

CHILD - PHYSICAL DISABILITY

Matched Requests: -1.7%

Of the 120 requests for children with physical disabilities, 98.3% were matched (118), with 0.8% (1) unmatched and 0.8% (1) cancelled.

This represents a 1.7% decrease in the percentage of matched cases from 2019/20 (100% child physical disabilities requests matched) and a 1.3% increase from 2018/19 (97% requests matched).¹⁶

¹³ Figure 6, *NCA Matching Service Data 2018 – 2021*

¹⁴ Figure 6, *NCA Matching Service Data 2018 – 2021*

¹⁵ Figure 6, *NCA Matching Service Data 2018 - 2021*

¹⁶ Figure 6, *NCA Matching Service Data 2018 – 2021*

ADULT - MENTAL DISORDER

Matched Requests: -1%

Of the 1,208 requests for adults with a mental disorder, 95.2% (1151) were matched, with 2.6% (32) unmatched and 2% (25) cancelled.

This represents a 1% decrease in the percentage of matched cases from 2019/20 (96.2% adult mental disorder requests matched) and a 1.4% increase from 2018/19 (93.9% requests matched).¹⁷

ADULT - LEARNING DISABILITY

Matched Requests: -0.8%

Of the 1,794 requests for adults with a learning disability, 96.5% (1,731) were matched, with 1.5% (27) unmatched and 2% (36) cancelled.

This represents a 0.8% decrease in the percentage of matched cases from 2019/20 (97.3% adult learning disabilities requests matched) and a 0.5% increase from 2018/19 (96% requests matched).¹⁸

ADULT - PHYSICAL DISABILITY

Matched Requests: -1%

Of the 403 requests adults with physical disabilities, 95.2% (384) were matched, with 3.1% (12) unmatched and 1.8% (7) cancelled.

This represents a 1% decrease in the percentage of matched cases from 2019/20 (98.2% adult physical disabilities requests matched) and a 1.5% decrease from 2018/19 (96.7% Adult Physical Disabilities requests matched).¹⁹

¹⁷ Figure 6, *NCA Matching Service Data 2018 – 2021*

¹⁸ Figure 6, *NCA Matching Service Data 2018 - 2021*

¹⁹ Figure 6, *NCA Matching Service Data 2018 – 2021*

Requests by Age of Witness (Children/Adults)

The NCA records the number of requests made on behalf of adults and children:

- Children (under 18s)
- Adults (over 18s)

Breakdown of Requests (Children/Adults)

Of all 7,312 requests for RIs in 2020/21, 68% of requests (4,947) were on behalf of children. The remaining 32% (2,365) were made on behalf of adults.²⁰

Breakdown of Requests (Adult/Child): 2020/21

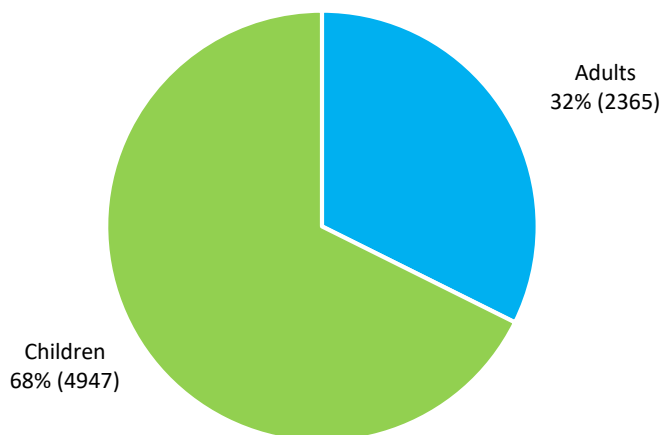


Figure 7

Change Across All Requests

Since 2019/20, the number of requests for children has increased by 4.5% (up by 215 requests) and the number of requests for adults has increased by 8.7% (up by 190 requests).²¹

CHANGE ACROSS ALL REQUESTS (AGE OF WITNESS)			
Age	2019/20	2020/21	Change (%)
Child	4732	4947	+4.5
Adult	2175	2365	+8.7

Table 3

²⁰ Figure 7, NCA Matching Service Data 2020/21

²¹ Table 3, NCA Matching Service Data 2019 – 2021

Matching Success Rates

Since 2019/20, the matching success rates for both children and adults have marginally decreased. Following a record number of requests, the percentage of matched requests for adults as decreased by 0.9%, and children by 0.2%.²²

CHANGE IN SUCCESS RATES (AGE OF WITNESS)			
Age	2019/20 (%)	2020/21 (%)	Change in Matched Requests (%)
Children	98.8	98.6	-0.2
Adults	97.1	96.2	-0.9

Table 4

CHILDREN

Matched Requests: -0.2%

Of the 4,947 requests children, 98.6% (4,878) were matched, 0.6% (30) were unmatched, with the remaining 0.8% (39) being cancelled.

This represents a 0.2% decrease in the percentage of matched cases from 2019/20 (97.1% children's requests matched).²³

ADULTS

Matched Requests: -0.9%

Of the 2365 requests for adults, 96.2% (2275) were matched, 1.9% (46) were unmatched, with the remaining 1.8% (44) being cancelled.

This represents a 0.9% decrease in the percentage of matched cases from 2019/20 (97.1% cases matched).²⁴

²² Table 4, *NCA Matching Service Data 2019 - 2021*

²³ Table 4, *NCA Matching Service Data 2019 - 2021*

²⁴ Table 4, *NCA Matching Service Data 2019 - 2021*

Requests by Witness Type

The NCA divides Matching Service request data into two witness types²⁵:

- **Victims**
- **Prosecution Witnesses**

Breakdown of Requests

Of all 7,312 requests for RIs in 2020/21, 91.2% of recorded requests (6,668) fell into the ‘Victims’ category. The remaining 8.8% (664) were made for ‘prosecution witnesses’.²⁶

Breakdown of Requests (Witness Type): 2020/21



Figure 8

Change Across All Requests

Since 2019/20, the number of requests for victims has increased by 5.2% (up by 328 requests) and the number of requests for prosecution witnesses increased by 17.1% (up by 97 requests).²⁷

CHANGE ACROSS ALL REQUESTS (WITNESS TYPE)			
Witness Type	2019/20	2020/21	Change (%)
Victims	6340	6668	+5.2
Prosecution Witnesses	567	664	+17.1

Table 5

²⁵ Data derived from Police and CPS Request for Service (RfS) forms. RfS forms may not always differentiate ‘victims’ from ‘prosecution witnesses’. In legal terms, a victim appears in court as a witness.

²⁶ Figure 8, NCA Matching Service Data 2020/21

²⁷ Table 5, NCA Matching Service Data 2019 – 2021

Matching Success Rates

The matching success rates for both witness types has marginally decreased since 2019/20. The percentage of matched requests for victims has decreased by 0.5%, and prosecution witnesses by 0.4%.²⁸

CHANGE IN SUCCESS RATES (WITNESS TYPE)			
Witness Type	2019/20 (%)	2020/21 (%)	Change in Matched Requests (%)
Victims	98.4	97.9	-0.5
Prosecution Witnesses	97.4	97	-0.4

Table 6

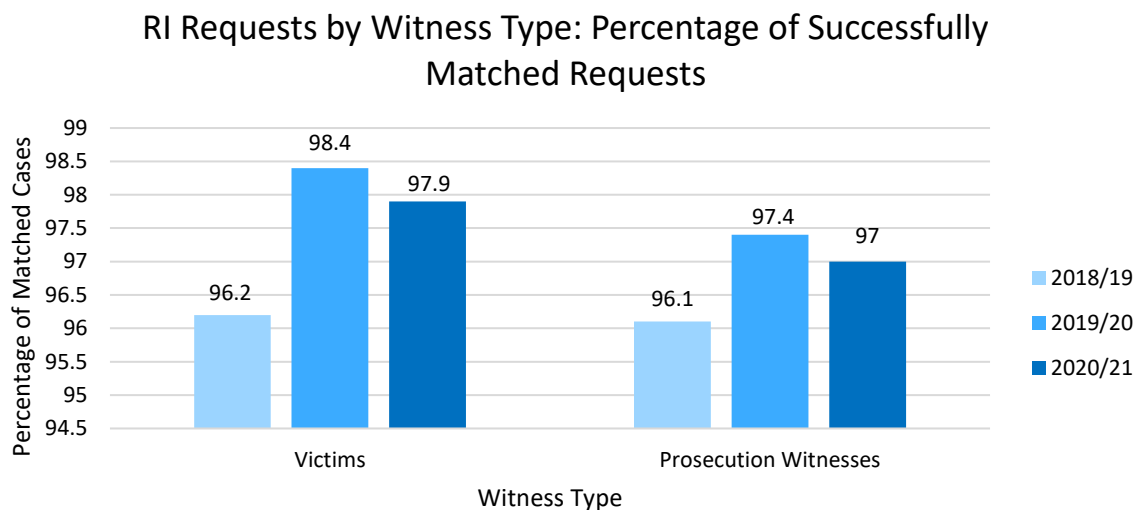


Figure 9

VICTIMS

Matched Requests -0.5%

Of the 6,668 requests for victims, 97.9% (6,528) were matched, 0.9% (66) were unmatched, with the remaining 1.1% (74) being cancelled.

This represents a 0.5% decrease in the percentage of matched cases from 2019/20 (98.4% victims' requests matched) and a 1.8% increase from 2018/19 (96.2% victims' requests matched).²⁹

PROSECUTION WITNESSES

Matched Requests -0.4%

Of the 644 requests for prosecution witnesses, 97% (625) were matched, 1.5% (10) were unmatched, with the remaining 1.4% (9) being cancelled.

This represents a 0.4% decrease in the percentage of matched cases from 2019/20 (97.4% prosecution witness requests matched) and an 0.9% increase from 2018/19 (96.1% prosecution witnesses' requests matched).³⁰

²⁸ Table 6, *NCA Matching Service Data 2019 - 2021*

²⁹ Figure 9, *NCA Matching Service Data 2018 - 2021*

³⁰ Figure 9, *NCA Matching Service Data 2018 - 2021*

Requests by End-User

There are two categories of end-user that have submitted requests to the NCA in 2020/21:

- Police
- CPS

Breakdown of Requests

Requests from police forces continue to constitute the majority (81.9%, 5,988) of all requests for RIs in 2020/21, with requests from the CPS accounting for 18.1% (1,324 requests).³¹

Breakdown of Requests (End-User): 2020/21

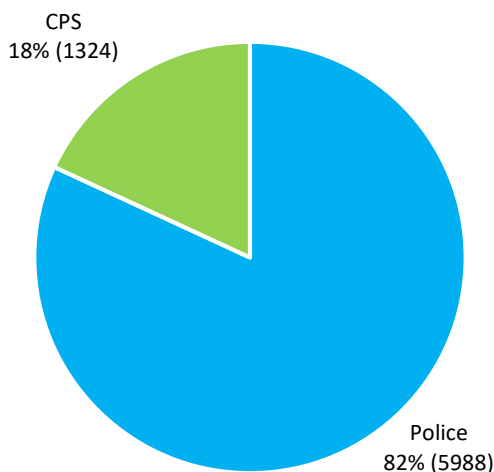


Figure 10

Change Across All Requests

Since 2019/20, the number requests from police forces have increased by 2.7% (up by 156 requests), and requests from the CPS have increased by 23.2% (up by 249 requests).³²

CHANGE ACROSS ALL REQUESTS (END-USER)			
End-User	2019/20	2020/21	Change (%)
Police	5832	5988	+2.7
CPS	1075	1324	+23.2

Table 8

³¹ Figure 10, *NCA Matching Service Data 2020/21*

³² Table 8, *NCA Matching Service Data 2019 – 2021*

Matching Success Rates

Since 2019/2020, the matching success rates for requests from the police and the CPS have both marginally decreased. The percentage of matched requests from the police decreased by 0.5% and the CPS by 0.4%.³³

CHANGE IN SUCCESS RATES (END-USER)			
End-User	2019/20 (%)	2020/21 (%)	Change in Matched Requests (%)
Police	98.6	98.1	-0.5
CPS	96.6	96.2	-0.4

Table 9

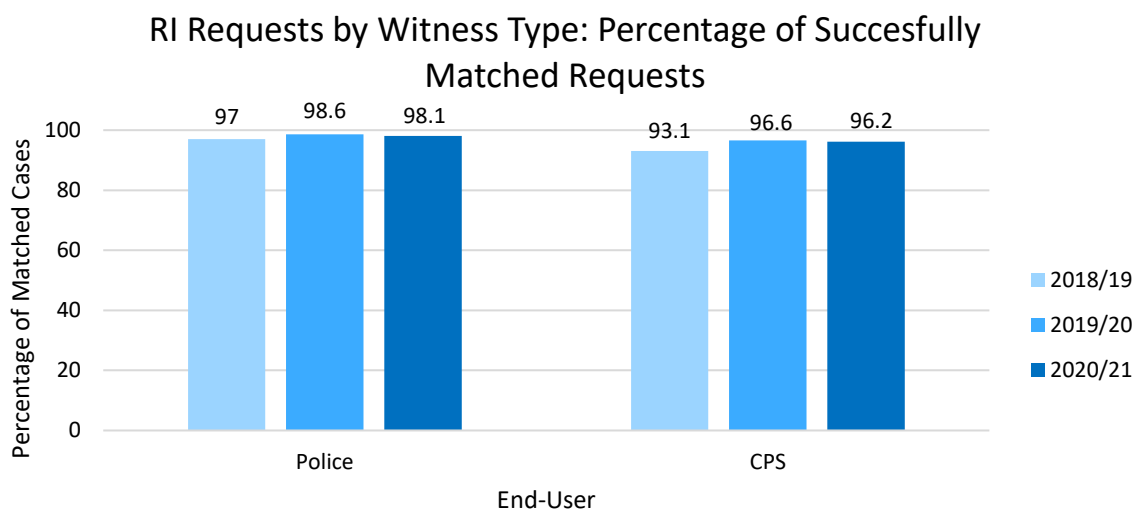


Figure 11

POLICE

Matched requests -0.5%

Of the 5,988 requests from police forces, 98.1% (5,879) were matched, 0.7% (43) were unmatched, with the remaining 1.1% (66) being cancelled.

This represents a 0.5% decrease in the percentage of matched cases from 2019/20 (98.6% police requests matched) and a 1.1% increase from 2018/19 (97% requests matched).³⁴

CROWN PROSECUTION SERVICE

Matched requests -0.4%

Of the 1,324 requests from the CPS, 96.2 (1,274) were matched, 2.5% (33) were unmatched, with the remaining 1.3% (17) being cancelled.

This represents a 0.4% decrease in the percentage of matched cases from 2019/20 (96.6% CPS requests matched) and a 3.3% increase from 2018/19 (93.1% requests matched).³⁵

³³ Table 9, *NCA Matching Service Data 2019 - 2021*

³⁴ Figure 11. *NCA Matching Service Data 2018 - 2021*

³⁵ Figure 11. *NCA Matching Service Data 2018 - 2021*

End-User Feedback

End-user feedback (usually from the police or the CPS) following the provision of an RI is evaluated against four criteria:

- **Compliance with Criminal Procedures**
- **Personal Conduct / Professionalism of the RI**
- **Quality of Information Provided by the RI**
- **Usefulness of the RI in the Proceedings**

The feedback under each criterion is disaggregated between RI provision for victims and RI provision for prosecution witnesses. When feedback for a particular case falls below 'satisfactory', the QAB will investigate.

End-users assess each criterion according to a five-tier scale, detailed below:

Feedback	Corresponding Score
Excellent	5
More than Satisfactory	4
Satisfactory	3
Less than Satisfactory	2
Poor	1

Feedback Overview

Below, the feedback across all four criteria and both witness types has been averaged to provide an insight into RI performance as viewed by end-users over the course of 2020/21.

Against 2,787 cases (those where feedback was received)³⁶, 99.9% received 'satisfactory', 'more than satisfactory' or 'excellent' feedback. Of the remaining 0.1%, 0.09% (11) of feedback was 'less than satisfactory' and 0.01% (1) 'poor'.³⁷

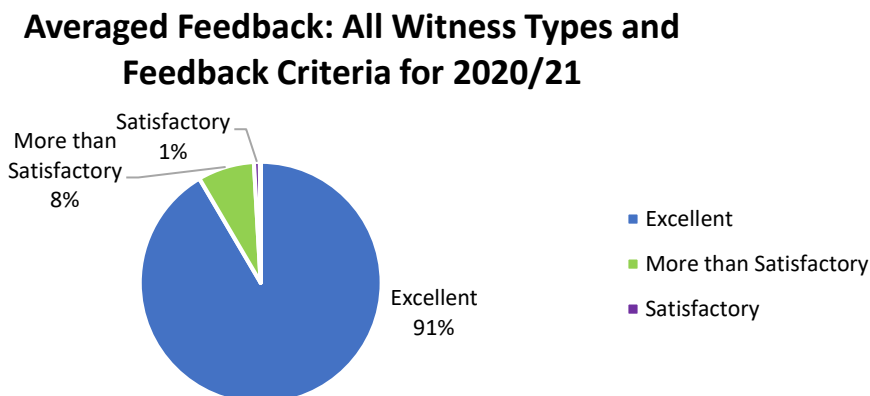


Figure 12

³⁶ Feedback is not always received.

³⁷ Figure 12. NCA Matching Service Data 2020/21

Feedback Across All Criteria

Below, all results, encompassing both witness types and all feedback criteria have been presented.³⁸This further demonstrates the high-quality service provided by RIs across the WIS.

VICTIMS' CASES						
Feedback Criteria	'Excellent' (%)	More than Satisfactory (%)	Satisfactory (%)	Less than Satisfactory (%)	Poor (%)	Responses
Compliance with criminal procedures	90.5 (2515)	8.6 (239)	0.8 (21)	0.1 (3)	Nil	2778
Personal conduct and professionalism	94.4 (2628)	4.9 (137)	0.5 (15)	0.1 (4)	Nil	2784
Quality of information provided by the RI	91.4 (2538)	7.9 (219)	0.8 (21)	Nil	Nil	2778
Usefulness of the RI in the proceedings	89.3 (2447)	9.2 (252)	1.3 (35)	0.1 (4)	0.04 (1)	2739

Table 10

PROSECUTION WITNESSES' CASES						
Feedback Criteria	'Excellent' (%)	More than Satisfactory (%)	Satisfactory (%)	Less than Satisfactory (%)	Poor (%)	Responses
Compliance with criminal procedures	91.3 (251)	8.7 (24)	Nil	Nil	Nil	275
Personal conduct and professionalism	94.2 (259)	5.8 (16)	Nil	Nil	Nil	275
Quality of information provided by the RI	93.5 (257)	5.8 (16)	0.7 (2)	Nil	Nil	275
Usefulness of the RI in the proceedings	91.9 (249)	7.0 (19)	1.1 (3)	Nil	Nil	271

Table 11

³⁸ Tables 10-11. NCA Matching Service Data 2019/20

Active RI Figures

The number of active and inactive RIs varies throughout the course of the year. These figures are recorded by the NCA on a monthly basis; as such, the figures below provide a snapshot of active and inactive figures on the 16th day of each month between April 2020 and April 2021.

Active RIs

An ‘active’ RI is one that is actively accepting new cases, as delegated by the NCA.

Inactive RIs

An ‘inactive’ RI is one that is recorded on the Intermediary Register as being unavailable to be offered and accept new cases in this role. An inactive RI may still work on ongoing cases. It is accepted that RIs will have other commitments that may result in their becoming inactive for periods of time.

Reasons for inactivity vary widely and include regular/known primary employment commitments, maternity leave, sabbatical periods(s), academic study, school holiday periods etc, and the duration of this inactivity varies accordingly. For most these periods are short; RI work is managed around them and the NCA is kept informed of their status.

RI Availability Overview

The number of active RIs averaged at 135; equivalent to 69% of the average total number of RIs on the WIS register over this period (197). Monthly ‘active’ figures have fluctuated over the period, with a notable decrease following the second national lockdown in November 2020.

The total number of RIs within the WIS decreased by 7.8% (16) over the course of the period. This decrease reflects the suspension of recruitment and training activities until November 2020 as well as routine attrition as RIs leave the WIS. As there is significant variation in caseloads between RIs, it is not possible to accurately calculate the impact of this decrease on the operational capacity of the Scheme.

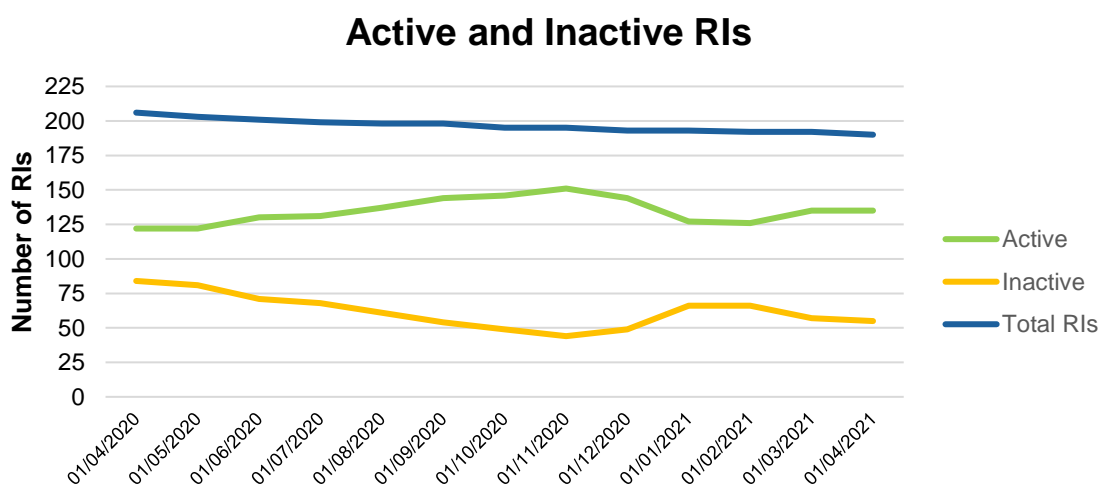


Figure 13

RI Interview: Richela Reyes

PROFILE

Richela Reyes qualified as a Registered Intermediary in 2010.

Richela is an Advanced Speech & Language Therapist working in the NHS with 20 years clinical experience, with a background in fine art and education. Richela works with secondary age and adult vulnerable witnesses with acquired neurological disorders, transgender communication, learning and physical disabilities.

How long have you been a Registered Intermediary?

I qualified as an RI in January 2010.

How did you first hear about the Witness Intermediary Scheme and what attracted you to apply?

It was in 2008 when I saw a recruitment advertisement in The Bulletin, the official magazine for Speech & Language Therapists (SLT). I had been interested in working in the justice system and had been contemplating opportunities to work as an SLT with Youth Offenders. When I saw the advert, I was immediately curious and wanted to know more. I called the number and had a chat about the scheme and the role. The role offered me the opportunity to focus on communication and use my clinical skills and experience in a new and challenging way. I was looking for a challenge and was ready for a new role in a new environment. However, it was the fact that the scheme was still burgeoning and developing that really caught my professional imagination, I saw an opportunity to be part of something extraordinary and knew that such opportunities were rare. However, I realised that I wasn't ready to apply at that time. Once I was ready and I knew I could commit fully I applied at the soonest opportunity.

What is your professional background and what skills from this do you bring to your work as a Registered Intermediary?

My background is in Fine Art, education and Speech & Language Therapy. I joined the NHS in 2001 and worked with adults with acquired neurology and other acquired and developmental conditions. I became a specialist in stroke rehabilitation and voice disorders. I think I bring every ounce of my background and experience to my work as an RI! It's not just my clinical knowledge, skills and practice that I employ but also softer skills in human communication that develop over the years working with patients, families and colleagues. I often reflect that many of the skills I bring are a result of being with patients or with vulnerable witnesses, they provide me with opportunities to engage, to learn and develop and I pay it forward, it's a wonderful enriching ongoing cycle.

How has the Covid-19 pandemic affected your day-to-day duties?

I could provide you with a long list, but I don't think it would truly describe the impact. Of course, things take longer, there's testing, cleaning, and all the other universal and safe Covid measures that are so important to all of us. For me, the challenge has been in maintaining the quality of my work and the quality of the experience for the witness, at every stage of the process. I have adapted and adopted new and successful ways of

working and some of my day-to-day activities simply weren't considered or available before, for example remote hearings and remote assessments. I hope that the successful changes that benefit RIs and vulnerable witness will remain. Being an RI demands flexibility and creativity and I have found these qualities more apparent and in demand on a day-to-day basis than ever before.

What is the most challenging case that you have assisted with?

It would be easy for me to look back and say this case, or that case was the most challenging. In truth, I think that any case I have reflected on and found on reflection and with hindsight an opportunity to have done something differently and perhaps in a better way to have been the most challenging case at that time. Every case is challenging, every witness is the most important witness and every moment of evidence giving in the most important moment. My most challenging case is always the case I'm working on.

What is the most rewarding aspect of practicing as a Registered Intermediary?

There are so many rewarding aspects of my role, but if I must choose, I'll say it's the knowledge that through carrying out my role I contribute to positive change in the justice system for vulnerable people, which when I applied to be an RI was exactly the reward I was hoping for. If I didn't have to choose, I'd also tell you about how rewarding it is when someone says, 'thank you', or smiles when they see me turn up, or a police officer says on 'phone 'Oh, I'm so glad it's you, I really need your help'.

What advice would you offer to someone starting out as a Registered Intermediary?

For someone starting out take advantage of mentorship and ask for advice and help freely. I would offer the same advice that I offer myself every morning when I think about the day ahead and I offer witnesses: if you don't understand, say so. If you don't know the answer, that's ok. If you need to hear it again, just ask and if you don't remember that's ok too. Most of all, if you're struggling and it all feels too much, just let me know.

What is the most useful piece of advice that you have received during your time as a Registered Intermediary?

As I was advised on my RI training at The City Law School: Be excellent, know your role, never give an opinion and be prepared for all matters and things that shall be required of you.

Part Three: Developments in the Witness Intermediary Scheme 2020/21

Summary

Throughout 2020/21, MoJ worked to mitigate the impact of the Covid-19 pandemic, while continuing to develop the provision of the WIS for the benefit of vulnerable witnesses, end-users and RIs alike.

Remote recruitment and training initiatives were introduced to support the continued inflow of newly highly skilled intermediaries, while new QA policies and an updated Procedural Guidance Manual have helped enhance WIS governance. CPD standards remained consistently high, while the Scheme's first ever remote Annual Conference provided another set of practical insights and updates relating to intermediary usage within the criminal justice system.



Remote Recruitment

RI recruitment was suspended between March and October 2020 to comply with Covid-19 restrictions while remote recruitment and training alternatives were developed. Rolling campaigns were re-instated on a remote basis in November 2020.

Following the resumption of recruitment, MoJ completed two recruitment rounds and shortlisted 27 RIs; 14 of these candidates have since been added to the WIS register with a further 13 awaiting training. Recruitment campaigns targeted candidates with specialist mental health skills in the North East of England, and the assistance of children and adults with communication difficulties in the East of England.

MoJ intends to continue routine WIS recruitment activities to complement wider court recovery efforts.

Details of the 2020/21 recruitment results are provided below:

RI RECRUITMENT 2020/21		
Region(s)/Skill Set	Number Shortlisted	Added to Register
North East England (November 2020)	9	5 (+4 pending training)
East of England (March 2021)	7	1 (+6 pending training)
Mixed cohorts (previous recruitment rounds, trained March 2021)	11	8 (+3 pending training)
TOTAL	27	14

Specialist skills are identified at the outset of recruitment stage and are approved by the QAB prior to the applicant's registration. Skill is assessed by determining whether the applicant has substantial knowledge of the language implications of a condition (or conditions) within a vulnerability area (e.g. mental disorder). This must be supported by practical experience in assisting people with that condition (e.g. schizophrenia).

A non-exhaustive list of conditions associated with each vulnerability area (excluding 'Communication with Children') is provided below:

RI SKILL SETS: ASSOCIATED CONDITIONS (NON-EXHAUSTIVE)		
Mental Disorders	Learning Disabilities	Physical Disabilities
Anxiety	Mild/moderate learning disability	Fluency (stammering/stuttering)
Depression	Severe learning disability	Deafness/hearing impairment
Bipolar affective disorder	ADHD	Dysarthria
Obsessive-Compulsive Disorder	Autism spectrum disorder	Voice disorder (including laryngectomy & tracheotomy)
Personality disorder (non-specific)	Asperger's Syndrome	Brain or head injury (including a stroke)
Schizophrenia	Language delay/disorder	Neurological and progressive disorders (including motor neurone disease and Parkinson's disease)
Dementia (including Alzheimer's disease)	Selective mutism	Dementia (including Alzheimer's disease)
		Cerebral palsy

Remote Training

The Registered Intermediary Training Team (RITT) adapted the RI training programme for remote delivery. The first remote course was delivered in March 2021, marking a first for the Scheme and enabling the course to resume in compliance with social distancing rules.

MoJ also appointed four new trainers to RITT in the first quarter of 2021. The RITT continues to be comprised of experienced accredited RIs (aRIs).

New QAB Policies

The QAB produced two new policies relating to sanctions and fitness to practice, providing additional clarity on essential quality assurance processes. Work also commenced on a mentoring policy, due for publication in the final quarter of 2021.

The sanctions policy is designed to deal with breaches of the WIS Code of Ethics and Code of Conduct. Its intention is to support RIs to achieve the required standards of performance and conduct. Where this does not happen, the procedure sets out the actions that the QAB will take forward.

The fitness to practice policy prescribes the actions open to the QAB if feedback is received, or concern reported, which indicates that an RI's conduct, in terms of their professionalism or fitness to practice, is falling below the standards prescribed by the RI Procedural Guidance Manual and delivered by their peers.

'*Fitness to practice*' refers to the RI's ability to perform work which is expected as part of their role to a required standard. Questions of fitness to practice may arise due to insufficient skill level or aptitude or challenging personal circumstances.

Both policies are now available to view in the documents section of the Registered Intermediaries Online (RIO) platform.

CPD Standards

Standards of continuing professional development have remained high, despite the challenges posed by the onset of the Covid-19 pandemic.

CPD log assessment results were consistent with previous years. In total, 109 logs were reviewed (amounting to just over 50% of all RIs): 2% of logs were assessed as excellent, 29% good, 67% sufficient, 2% borderline and there were no logs where CPD activity was judged insufficient.

Taking into account the impact of the pandemic on the individual circumstances of RIs, the QAB exercised discretion in the 2020/21 CPD round to relax standard CPD requirements, where mitigating circumstances existed.

Procedural Guidance Update

The MoJ issued an updated version of the Registered Intermediary Procedural Guidance Manual; the second consecutive annual update since 2019. This update included RI-specific guidance on data protection, covering processing instructions at both the pre-trial and trial stages of RI work, with respect to UK-GDPR and the Data Protection Act 2018.

As with the 2019 update, accredited RIs were invited to participate in the update process. RIs can continue to propose amendments at any point, which are collated and submitted by the RIRT for MoJ review.

Response to Covid-19

Throughout the course of the pandemic, the MoJ took action to ensure RIs were updated on how emerging circumstances impacted day-to-day intermediary duties and the

operation of the wider justice system, including court closures and virus outbreaks on court premises.

Intermediary-specific guidance was produced to inform intermediaries working across the justice system on working safely and appropriately during the pandemic. RIs across the WIS were instrumental in the production of this guidance.

MoJ will continue to respond to the Covid-19 pandemic as the situation develops. Weekly stakeholder updates from MoJ's external affairs team remain available to all RIs.

WIS Annual Conference

The third consecutive annual conference of the Witness Intermediary Scheme took place on 5 March 2021; the first time the event was held remotely. More than 160 RIs from across England and Wales attended via the MS Teams platform; the highest attendance on record.

The event provided an opportunity to reflect on the unique role that intermediaries hold within the justice system. Key topics included the boundaries of the RI role, the impact of the introduction of pre-recorded cross examinations via Section 28, and perspectives on the value of RIs from the police and the judiciary. Attendees were also able to choose between a range of 'breakout sessions', covering a wide array of subjects.

Feedback from the conference indicated the event was well-received by attendees, with more than 70% rating the event good or excellent. Going forward MoJ has committed to giving all RIs a say on event content to assist in the planning of future conferences.

Appointment of Accredited RIs

The accredited RI role provides opportunities for experienced RIs with excellent feedback histories to become more involved in the running of the WIS, in activities such as the development of emerging initiatives and guidance, mentorship, and recruitment sifting and benchmarking.

The number of accredited RIs within the Scheme continued to increase, with the MoJ appointing four new RIs to these senior roles in 2020/21. Over this period, the aRI role has become increasingly embedded within the WIS, with more than 25 aRIs now operating in most regions of England.

Applications for these senior roles remain open on a rolling basis. Applicants must have at least three years' RI experience, have completed at least 100 cases and have an excellent feedback history to be eligible.

Review of Intermediary Provision

Work on the review of intermediary provision across the justice system also continued. The purpose of this review is to gather evidence and data to fully understand the use, scope, quality, regulation, and means of providing intermediaries.

Once evidence has been assessed, the review will make recommendations about the future of intermediary provision, including a clear policy and legal framework defining eligibility, standards and regulation for intermediaries.

The review has analysed expenditure on intermediary services, as well as legislation, guidance and prior policy options. Consideration has been given to eligibility criteria and integration with the procurement of court-appointed intermediary services (CAIS) and engagement conducted with RIs and service providers on their current practice across all intermediary work and desires for future standards through surveys and discussions. Work was also undertaken to ensure the alignment of the CAIS specification with the WIS.

Further engagement with the sector is planned once CAIS procurement has concluded.

Rollout of Section 28

Pre-recorded video evidence and cross-examination (Section 28) enables those eligible to give their cross examination pre-recorded on video ahead of the trial. This video is then played later during the trial. It aims to enhance the quality and reliability of evidence by improving witness experiences of cross-examination and enhancing event recall by reducing the time between complaint and cross-examination.

National rollout of Section 28 for vulnerable victims and witnesses to all Crown Courts was expedited in response to the Covid-19 pandemic, with sixteen Crown Courts added in August 2020, thirty-two in October 2020 and rollout to the final twenty courts in November 2020.

RIs played an important role in ensuring the success of this rollout, working with the judiciary, legal and operational partners through Local Implementation Teams in each court area, and continue to assist vulnerable witnesses to give their best evidence at Section 28 hearings.

Part Four: Finance of the Witness Intermediary Scheme

Administrative Budget

The WIS budget for 2020/21 was £460,000, with £357,224 of this designated for the NCA's Witness Intermediary Team to fund the WIS Matching Service and the QAB Secretariat.

The remaining funds (amounting to one third of the 2020/21 budget) are allocated across the WIS. This includes financing the work of the IRB, QAB and RIRT as well as corporate duties undertaken by aRIs.

WIS BUDGET 2020/21		
Fund Allocation	Gross Sum (£)	% of Annual Budget
WIS Matching Service (+ QAB Secretariat)	357,224	77
Remaining WIS Services (IRB, QAB, RIRT, recruitment, training, NQRI development, aRI duties)	102,776	33
TOTAL	460,000	100

Annual Review of Remuneration Rates

RIs must invoice according to the national rates approved by the IRB. Fees are based upon an hourly rate, covering face-to-face appointments and report writing, with reimbursement of travel and subsistence within policy limits.

A contractual arrangement is entered into at the point that the RI accepts a Request for Service. This arrangement is between the RI, as a self-employed individual, and the service from which the request originates – usually the police or CPS.

Remuneration rates are agreed by the MoJ, the CPS and the National Police Chief's Council (NPCC). A review of remuneration rates takes place annually and follows an agreed procedure, with RIs invited to submit a remuneration proposal. The decision on remuneration considers: the wider financial climate for public sector pay; the skills required for the role; and changes to costs relating to self-employment and the overall cost of living. RIs were awarded a 1.5% increase to the 2020/21 core hourly rate of remuneration (this increase also applied to the unsocial and travel time rates).

REGISTERED INTERMEDIARY PAY AWARDS (FIVE-YEAR HISTORY)		
Financial Year	Award (% Increase)	Core Hourly Rate Post-Award (£)
2016-17	2.2	37.60
2017-18	2	38.36
2018-19	1.5	38.94
2019-20	1	39.33
2020-21	1.5	39.92

Part Five: Forward Look

The MoJ will continue to advance WIS governance as the Scheme matures, to deliver high-quality intermediary services within the criminal justice system in the face of rising demand.

This includes scaling up recruitment and training efforts, making headway with a variety of quality assurance projects to accommodate a growing WIS, evaluating and developing the functions of the senior RI roles, and overseeing a refreshed RI Training programme optimised for online delivery.



Meeting Rising Demand

The MoJ will continue to focus on ensuring the growing demand for RIs can be met. Sustained recruitment across regions will provide the foundations for these efforts, with regular campaigns being re-instated following the extended postponement of recruitment activities in 2020.

Recruitment decisions will continue to be informed by careful analysis of WIS data and emerging trends, ensuring that RIs are available across police force areas and skillsets. These efforts will complement ongoing court recovery initiatives in response to the Covid-19 pandemic.

Developing Quality Assurance

The QAB will publish designated policies concerning mentoring, CPD and returning to practice. It will also be exploring new means of obtaining feedback directly from vulnerable victims and witnesses and strengthening links with the Witness Service.

The Mentoring Policy will work to consolidate existing practice, while introducing new measures designed to strengthen the provision of mentoring for the benefit of all RIs.

A new CPD Policy will be accompanied by a revamped CPD log aimed at improving clarity and consistency, as well as the introduction of early performance reviews to support newly qualified RIs as they begin practising within the WIS.

QAB will also improve feedback on RI services, with a greater focus and the sharing of lessons learnt with WIS end-users and HMCTS. Furthermore, it will ensure that feedback informs and supports WIS CPD, especially in relation to making contemporary evidence more readily available to RIs.

The QAB will also oversee the introduction of a competency-based system for 'early-performance checks' of newly qualified RIs. Delivered by the Scheme's aRI mentors, this system will help promote high standards of practice and support new as they develop experience of working in the WIS.

Evaluation of Corporate Roles for Experienced RIs

MoJ will complete its evaluation of the aRI and regional coordinator roles to assess their fit within the Witness Intermediary Scheme and to produce refreshed role specifications.

This work will help ensure these roles are used to their full potential within an evolving WIS while remaining attractive opportunities for RIs. All changes made will be informed by survey-based feedback received from across the RI community.

A Refreshed RI Training Programme

The Registered Intermediary Training Team will take forward a series of changes to the RI Training Programme to develop the skills-specific aspects of the course and ensure materials are optimised for continued online delivery.



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