



Ministry
of Justice

The Witness Intermediary Scheme

**ANNUAL REPORT
2019/20**

September 2020



Ministry of Justice

Witness Intermediary Scheme: Annual Report 2019/20

(For the year ended 31 March 2020)

Alternative format versions of this report are available on request from
registered.interme@Justice.gov.uk.

Foreword from the Parliamentary Under Secretary of State for Justice, Alex Chalk MP



The Witness Intermediary Scheme (WIS) continues to be an asset to the criminal justice system, providing a vital service to some of the most vulnerable people in society and advancing equal access to justice across England and Wales.

The Scheme is made possible by the work of dedicated and skilled Registered Intermediaries (RIs), who each year help thousands of people with communication difficulties to participate in court proceedings and police interviews. The importance of RI assistance cannot be overstated; it enables many victims and witnesses to give their best evidence where this would otherwise be impossible. In doing so, it has made a meaningful difference to many lives.

Throughout 2019/20, the WIS has continued to deliver for people with communication difficulties and end-users alike. It successfully fulfilled more requests for RI assistance than at any point in its sixteen-year history, helping with over 6700 cases; more than half of which concerned children. Feedback from end-users in the police and the Crown Prosecution Service has been overwhelmingly positive, reflecting the high esteem in which RIs are held. Recent recruitment activities organised by the Ministry of Justice have also been a marked success, increasing WIS capacity by 24% between 2017 and 2019, while reducing end-user wait-times to two weeks or less.

As demand for RIs continues to rise, meeting this remains a priority for the Ministry of Justice. To this end measures have been taken to reform the WIS recruitment strategy, ensuring it is conducive to acquiring the skills that are most in need as well as meeting regional demand. Looking ahead, we will continue to build on the achievements of recent years, involving more RIs in decision-making and improving quality assurance arrangements to help ensure governance keeps pace with growing demand. Our efforts will remain focused on providing a high-quality WIS for all who use it, while contributing to the wider effort to increase support for vulnerable people in the justice system.

A handwritten signature in black ink, appearing to read 'Alex Chalk'.

Alex Chalk MP
Parliamentary Under Secretary of State for Justice

Contents

Foreword from the Parliamentary Under-Secretary of State for Justice	2
Terms and Abbreviations	5
Introduction: The Witness Intermediary Scheme in 2019/20	6
2019/20: The Year in Numbers	8
Part One: Overview of the Witness Intermediary Scheme	
Ministry of Justice	9
National Crime Agency	9
Intermediaries Registration Board	9
Quality Assurance Board	10
Registered Intermediary Reference Team	14
WIS Objectives: Our Priorities in the Year	15
Interview with the QAB Chair: Professor Karen Bryan	16
RI Interview: Dr Brendan O'Mahony	19
Part Two: Performance Analysis 2019/20	
Methodology	22
Summary	22
Cancelled Requests	23
Unmatched Requests	23
Performance Data for 2019/20:	
• Total Requests for RIs	24
• Requests by Witness Vulnerability	26
• Requests by Age of Witness	32
• Requests by Witness Type	34
• Requests by End-User	36
• End-User Feedback	38
RI Interview: Sue Thurman	40

Part Three: Developments in the Witness Intermediary Scheme 2019/20

Summary	44
Skills Based Recruitment	44
WIS Capacity	45
QAB Refresh	46
Governance and Transparency	46
Transfer of Responsibility for Recruitment and Training	47
Review of Intermediary Provision	47
RI Accreditation	47
WIS Conference 2020	49

RI Interview: Lorraine Campbell	50
----------------------------------------	----

Part Four: Finance of the Witness Intermediary Scheme

Administrative Budget	55
Remuneration Rates	55

RI Interview: Louise Engers	56
------------------------------------	----

Part Five: Forward Look

Meeting Rising Demand	59
Enhancing Quality Assurance	59
Completing the Review of Intermediary Provision	59
Senior RI Roles	60

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 2019/20

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
- if 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 2019 to 31 March 2020.

Summary of 2019/20

Throughout 2019/20 the MoJ acted to strengthen the WIS through enhancing governance, quality assurance and recruitment processes. These efforts have focused on strategically increasing WIS capacity to meet rising demand from end-users, while recruiting RIs with the skills and expertise that is most needed.

Requests for an RI via the WIS have increased by 483% between 2010 and 2020, and a year-on-year increase of 10% was recorded between 2018/19 and 2019/20. In total, the WIS received 6,907 requests for RI assistance in 2019/20, the highest number of requests in any 12-month period since the WIS was rolled out nationally in 2008. To meet this

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

persistent growth in demand, the MoJ completed three recruitment campaigns, recruiting 39 new RIs.²

The increased availability of RIs has raised the overall percentage of matched requests from 96.1% in 2018/19 to 98.3% of the annual total; less than 1% of requests were unmatched. It has also helped keep typical waiting times for RI assistance at two-weeks or less. In addition, feedback from end-users (usually from the police or the Crown Prosecution Service) has remained substantially positive, with 99.8% of responses recorded as either 'excellent', 'more than satisfactory' or 'satisfactory'.

The Quality Assurance Board (QAB) was reorganised with the recruitment of four new Board members and the introduction of six designated Board roles. The MoJ has continued to increase transparency in the WIS, publishing the Scheme's first-ever annual report and increasing the involvement of RIs in WIS governance by inviting RI input into emerging policies, guidance, and initiatives, including the annual review of the Procedural Guidance Manual. A standardised process for the annual review of RI remuneration rates was also introduced, setting out a clear timetable for decision-making.

The accreditation scheme for experienced RIs has continued to take shape following a further recruitment drive and the appointment of a Regional Coordinator for the Midlands. Responsibility for the training and recruitment of new RIs was transferred to the National Crime Agency's Witness Intermediary Team to strengthen the link between operations and recruitment activities. The MoJ has also taken forward the review of intermediary provision across the justice system, with options for change submitted for ministerial consideration.

In the coming year, the MoJ will remain committed to ensuring that end-users have access to high-quality RI support specific to witnesses needs, collaborating with stakeholders from across the justice system. Further strengthening quality assurance procedures is also a top priority, as is recruiting at least two more Regional Coordinators and completing the review of intermediary provision across the justice system.

Interviews

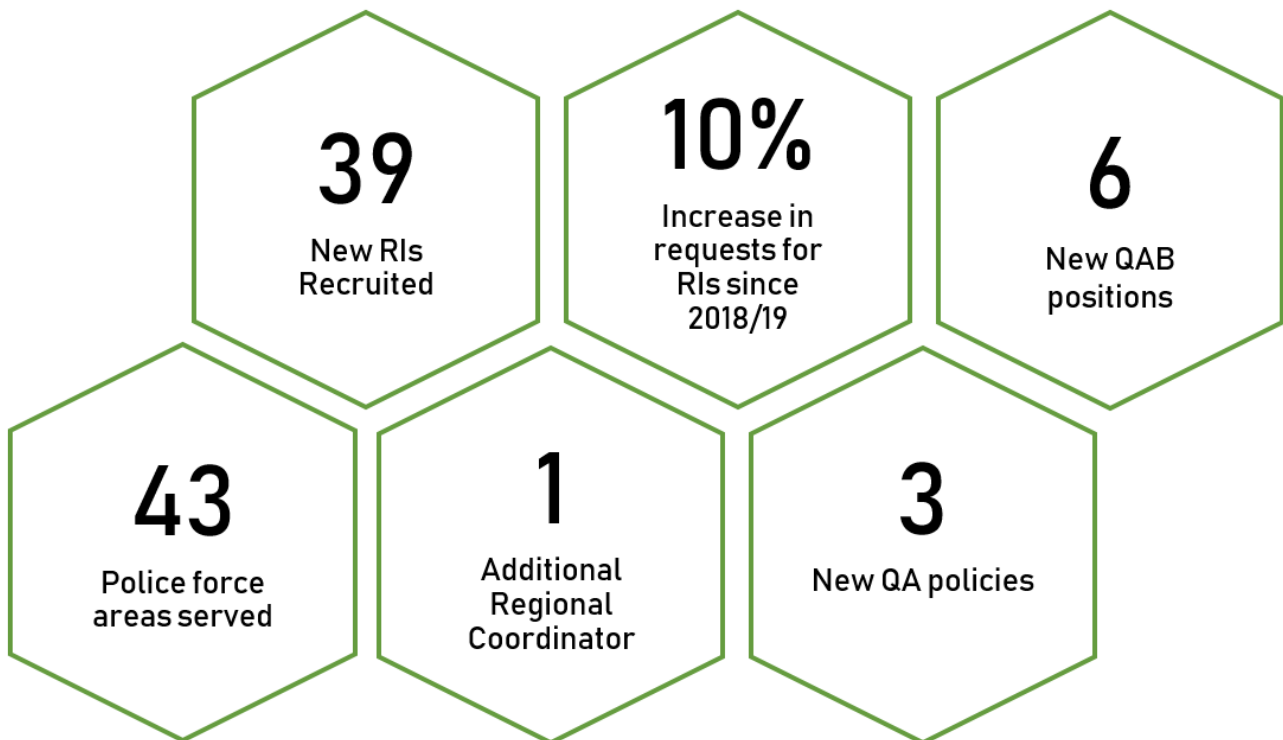
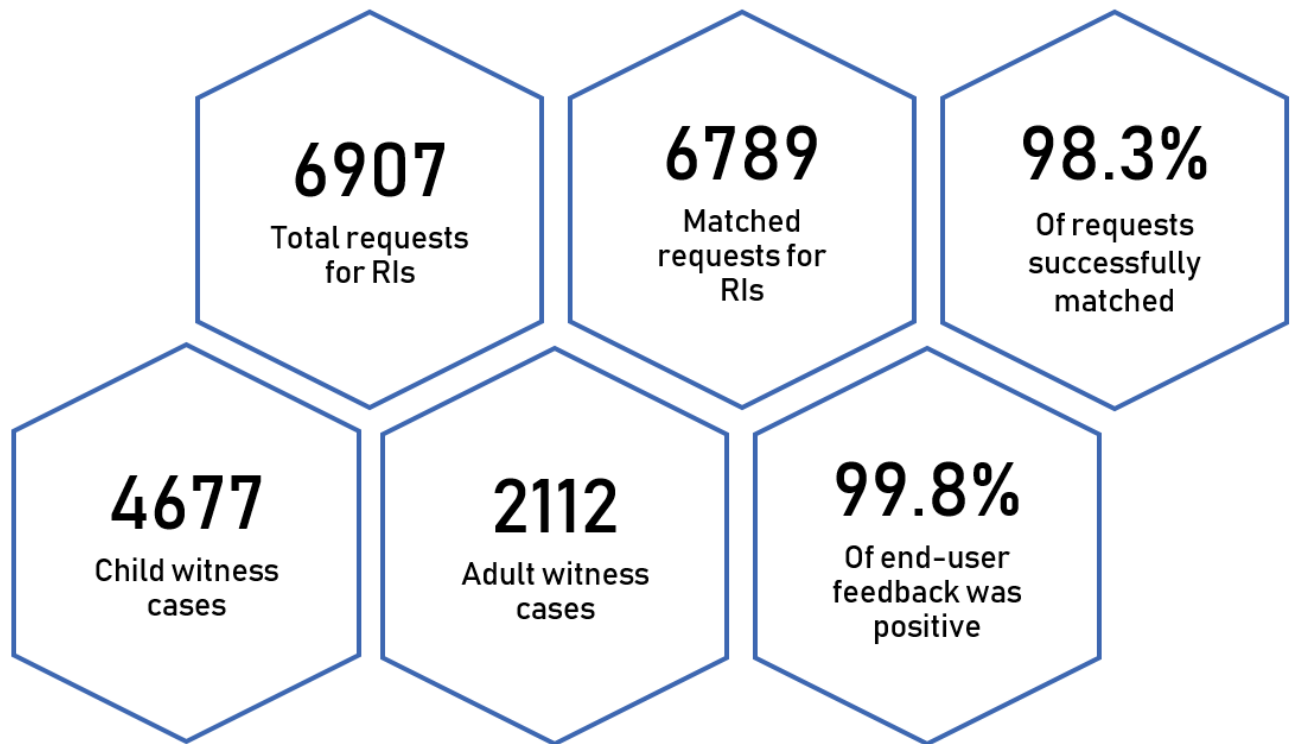
The five interviews included in this annual report were conducted by the MoJ between May 2020 and August 2020. They are featured with the express permission of each interviewee.

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.

² WIS recruitment stats for the period 1 April 2019 – 31 March 2020. (As of September 2020, 15 of the 39 new recruits are awaiting training, which is on hold due to Covid-19).

2019/20: The Year in Numbers



Part One: Overview of the Witness Intermediary Scheme

Ministry of Justice (Intermediaries Policy Team)

The MoJ's Intermediaries 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 NCA. Governance is provided via the Quality Assurance Board and Intermediaries Registration Board.

Intermediaries policy sits within the Vulnerabilities Policy Unit, which is part of the MoJ's Family and Criminal Justice Directorate.

National Crime Agency (Witness Intermediary Team)

The National Crime Agency's (NCA) 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. In 2020, the WIT acquired responsibility for the recruitment and registration of new 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 serves as the primary means for gauging emerging changes and trends in demand for RIs.

The Intermediaries Registration Board (IRB)

The IRB 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.

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.

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.

IRB REPRESENTATIVES	
Member	Representing Organisation
Laura Beaumont/Abigail Plenty	Chair / Deputy-Director of Vulnerabilities Unit, Ministry of Justice
Fiona Beazer	Citizen's Advice Witness Service
Hannah Kappler	Crown Prosecution Service
Adrienne Finney	Department of Justice, Northern Ireland
Julie Wilson	Department of Justice, Northern Ireland
Rachael Bower	HM Courts & Tribunals Service
Sidonie Kingsmill	HM Courts & Tribunals Service
Janet Arkinstall	The Law Society
Samantha Dine	Ministry of Justice
Philip Campbell	Ministry of Justice
Frank Glen	National Crime Agency
Nicola Furlong	National Police Chief's Council / Staffordshire Police
ACC Emma Barnett	National Police Chief's Council / Staffordshire Police
Karen Bryan	Quality Assurance Board
Regional Coordinator	RI Representative

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="217 692 491 763">Professor Karen Bryan Chair of the QAB</p>	<p data-bbox="528 398 1342 712">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="528 741 1342 976">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="528 1005 1342 1155">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="252 1597 456 1709">Clare Hickey Recruitment and Training Lead</p>	<p data-bbox="528 1249 1342 1361">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="528 1391 1342 1626">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="528 1655 1342 1805">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="528 1834 1342 2029">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.



Anne Phillimore
Mentoring and Support
Lead

Anne Phillimore has had a career in HR spanning a number of public sector organisations including, the Post Office, the Ombudsman's Office and Customs and Excise.

In 2004 Anne returned to Wales to take up the role of Director of Personnel in an Acute NHS Trust. In 2009, Anne moved to take up the role of Executive Director of Workforce and Organisational Development in a newly formed Integrated Health Board in Gwent, from which she retired in 2015.

Subsequently, Anne has run her own HR consultancy business, most recently completing a 10-month period as Interim Executive Director of Workforce and Organisational Development for another integrated Healthcare Board in Wales. Anne also sits as a lay member of the Nursing and Midwifery Council Conduct and Competency Panels, and is a Member of the NHS Agenda for the Change Pay Review Body.

Throughout her career, Anne has been responsible for leading and delivering value-added workforce interventions in a range of organisations, underpinned by the establishment of coaching and mentoring approaches and networks supporting a culture of leadership and staff development. Anne is also a Chartered Fellow of the Chartered Institute of Personnel and Development.

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 has a specific responsibility 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
Samantha Dine	Ministry of Justice
Philip Campbell	Ministry of Justice
Hannah Kappler	Crown Prosecution Service
David Liddle	National Crime Agency
Rachel Surkitt	National Crime Agency
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 self-appointed representatives from RI regional groups and aims to represent the interests of RIs to the MoJ. At present there are 12 RIRT representatives, covering 12 active regional groups. The RIRT meets regularly with the Head of Intermediaries Policy.

WIS Objectives: Our Priorities in the Year

Throughout 2019/20, the MoJ's management of the WIS has been guided by three core priorities:

- **Strategically increasing WIS capacity**
- **Strengthening governance**
- **Increasing RI involvement in decision-making**

Strategically Increasing WIS Capacity

The MoJ has remained committed to expanding the capacity of the WIS to increase the rates of successfully matched requests and ensure the timely provision of RI assistance.

It has implemented a new skills-based approach to complement the regional recruitment campaign. Through this, the MoJ ensured the WIS has the means to acquire the expertise most needed within the Scheme, while meeting rising demand from end-users.

Strengthening WIS Governance

The MoJ has acted to strengthen the governance of the WIS. It has refreshed the operation of the QAB, transferred recruitment and training responsibilities to the NCA, and worked in partnership with accredited RIs to review and reform existing guidance, policies and initiatives.

Increasing RI Involvement in Decision Making

The MoJ has acted to increase the involvement of RIs in WIS decision making. It has increased the number of accredited RIs, while providing more opportunities for experienced RIs to undertake a wide range of corporate assignments, from input into emerging policies and documentation, to recruitment, delivering RI training and the mentoring of newly-qualified RIs.

Interview with the QAB Chair: Professor Karen Bryan



PROFILE

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.

Professor Bryan was appointed Chair of the WIS IRB Assessment Committee in 2003, which was reorganised into the QAB in 2009.

How did you first hear about the Witness Intermediary Scheme and how long have you been involved with it?

In 2003 I became Chair of the IRB Assessment Committee, which was the precursor of the QAB. I was invited by the Royal College of Speech and Language Therapists (RCSLT) to put a CV forward in order to become a member. The Home Office then asked the RCSLT if I would chair the committee, and I accepted. So that was my first involvement with the WIS.

I didn't know a great deal about the Scheme at the time I was asked to be a member of the IRB Assessment Committee – it was a very recent development. I did know from postings by the RCSLT that the Government were planning on introducing an innovative new scheme to support vulnerable victims and witnesses. This was an area of great interest to me.

Being Chair of the IRB Assessment Committee meant that from 2003-2008 I was also a member of the intermediaries steering group. In 2009 the MoJ asked me to become Chair of the newly-formed Quality Assurance Board, and then in 2014, the IRB asked the Chair of QAB to be represented at the IRB.

What attracted you to join the Quality Assurance Board?

When I first learned about the Scheme, my clinical work was in forensic psychiatry. During this time, I worked with many people who had severe and enduring mental health problems. A lot of these people had significant contact with the criminal justice system, so I was very aware of the real difficulties that some of those people had in terms of understanding questions, telling their story, and giving evidence.

My clinical work gave me a very real insight into why the Scheme was so important and the very positive difference that it could make. I also thought it was a fascinating and pioneering development within the justice system; one which I was very eager to contribute to.

How has the Quality Assurance Board changed and developed in recent years?

In 2008 the IRB Assessment Committee was paused and in 2009 the MoJ introduced the new Quality Assurance Board as the range and number of cases increased following the Scheme's national rollout. This meant expanding our focus beyond the recruitment of new Registered Intermediaries with the right skills, to more actively monitoring standards of practice and continuing professional development. Of course, quality assurance must always be proportionate to risk; as our quality assurance processes have been scaled up we have always been guided by the view that they should be as light-touch as possible.

In recent years, the QAB has focused on becoming more strategic and on managing the new risks associated with a rapidly growing scheme. In doing so, we have worked on expanding the range of quality assurance mechanisms, while also recruiting new members to take up dedicated roles. These developments mean that the Board has acquired a wide range of talent and experience which stands us in good stead to manage quality assurance as the WIS continues to grow.

What is your professional background and what skills from this do you bring to your work in the quality assurance of the Witness Intermediary Scheme?

I am a Speech and Language Therapist. I am still registered, and I was in regular clinical practice until 2017. I have worked with a wide range of people, from children to adults with acquired neurological disorders, dementia and other degenerative diseases. More recently I have worked in forensic psychiatry, including people with very significant mental health problems. My recent research has been focused on communication difficulties in young offenders.

Through my work as an SLT, I have developed a lot of skills in relation to the challenges that people with communication difficulties face when they need to engage in complex verbally mediated processes. These are often difficult for anyone to undertake, but to do this with a significant communication difficulty is especially challenging. For a period, I was also a member of the Health and Care Professions Council where I developed a deep insight into quality assurance and ensuring value for money.

What is the most rewarding aspect of chairing the QAB?

Hearing about the very positive outcomes that Registered Intermediaries achieve in their work, either from end-users or directly from the intermediaries.

I have personal experience in recommending intermediary assistance during my clinical work and it's always great to see at first hand the very positive impact that intermediaries have in enabling people to communicate and achieve their aims.

From a quality assurance perspective, what advice would you offer to Registered Intermediaries and people interested in becoming a Registered Intermediary?

For people interested in becoming a Registered Intermediary: read the guidance very carefully.

Many people who apply and are not successful see the role as being primarily about supporting the person they are assisting. It is very important to recognise that the intermediary's duty is to serve the court or the police, and their role is to facilitate communication. Their role is not to provide witnesses with generalised support throughout the justice process. I would advise people to thoroughly research the role before applying and to find out whether they are right for it.

For practicing Registered Intermediaries: I would say to work within your skill set. Beyond that, I don't think they need my advice; they all do a fantastic job and are very positive advocates of the Scheme.

RI Interview: Dr Brendan O'Mahony



PROFILE

Dr Brendan O'Mahony is a HCPC registered Forensic Psychologist.

He qualified as a Registered Intermediary in 2007 and specialises in cases where either mild/moderate intellectual disability, personality disorder or mental health difficulties are noted on the referral form as impacting on communication.

How long have you been a Registered Intermediary?

Over 12.5 years, I applied in September 2007 and was formally added to the register in November of that year.

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

I had met with a Home Office researcher in the early 2000s and I became aware of a project considering vulnerable witnesses and the potential need for intermediaries. I responded to an advert in a psychology appointments bulletin in 2007.

It was the relevance to my previous experience that attracted me to the role. I had a policing background, having served with the Metropolitan Police Service for 10 years. During that time, I had spent four years training officers in investigative interviewing. I subsequently completed a Master's degree in Forensic Psychology, during which time I had examined the theory and emerging research relating to vulnerable witnesses, which complemented my practical experience. When I saw the advertisement for Registered Intermediaries I was working in a medium secure hospital with patients detained under the Mental Health Act who had intellectual disabilities, some of whom were convicted of violent or sexual offending. I knew that some of these patients had been victims of crime as well as having histories of offending behaviours.

The group-based sex offender treatment programme was being adapted at the time for patients with an intellectual or developmental disability and a lot of drawings were being used to aid communication. I remember thinking when I joined the team that it was hard to remember all of the pictures and pictorial accounts from week to week. I wondered whether this was the best/only way of facilitating communication and whether facilitators may have been encouraging the use of too many images rather than using (and adapting) more spoken and written language itself to best accommodate each individual's need.

I may well have been one of the first intermediaries trained as a psychologist, that joined the scheme. Few of my psychology peers seemed to grasp the role and be attracted to it. I think that my policing background and being familiar with police processes and with the courts meant that I may have been more comfortable than other psychologists would be working in this part of the criminal justice system as a Registered Intermediary.

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

My policing background and experience of providing training in investigative interviewing meant that I had a good knowledge of the investigative interviewing framework used by the police. I already knew how my skill set as an intermediary would interface with the police interview and with questioning in court. Understanding what the police are trying to achieve in terms of process meant that I understood how to work best with the police and I was not confused by things such as police shift work, which can initially be a hurdle for intermediaries as they get used to initiating and maintaining contact with the police. Having given evidence in court myself was useful – even whilst I was able to deal with it, I had still experienced the frustration of being ‘led’ as a tactic in cross-examination and not being enabled by the process to give my best evidence unless I was assertive.

My background in policing was also particularly useful when it came to report writing and communication. Police training had embedded the principles of brevity, accuracy and clarity and these are still useful to bear in mind. My previous experience also meant that I am able to stand up in front of people confidently and communicate – it is quite something to stand up in court at your first Ground Rules Hearing with barristers and a judge and be confident.

From my forensic psychology background, I brought experience of working with clients with a broad range of needs – intellectual disabilities, mental disorders and personality disorders – and could already adapt communication through language and communication aids. I was also accustomed to situations that needed to be managed very carefully and I am not intimidated by people presenting with difficult behaviour such as aggression. Both my police and psychology careers required empathy and patience and these have proved essential in intermediary work.

I had a good knowledge of assessing levels of cognitive functioning and impairment – working memory, speed of processing information etc, as well as skill and experience in establishing rapport with vulnerable people quickly. It is essential to gain trust to do an assessment and for there to be a successful interview – I’m good at this, I’m not entirely sure why, I suspect it’s from experience, and I am not sure that establishing genuine rapport can be easily taught.

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

I had a particularly difficult assessment with a young man who had a complex history of trauma and dissociation, heard voices and experienced flashbacks, and with a history of self-harm, with aggression and threatening behaviour when anxious. Trying to establish rapport and trust was a really slow process as he didn’t feel safe and able to participate in any sessions with me. We had three visits and three attempts to establish rapport, in one of which I couldn’t keep him present for more than 15 minutes. I started by introducing grounding techniques to try and reduce his anxiety. The environment in which these sessions took place had to be planned carefully so that he would feel safe and so that he could leave the room quickly if he needed to. It was very challenging. I had shared a communication aid with him and watched him tear it into tiny pieces, shredding it because he was so anxious. He withdrew from the process before I could complete the communication assessment. It left me feeling like I had failed, as hard as I had tried, it wasn’t enough for this young person. To this day I don’t know what he was experiencing in

terms of voices, I was looking out for dissociation etc. Sometimes, however hard you try, things just don't work and you are left with a sense of helplessness. Sometimes people aren't ready and need more time to be able to communicate. We can do our very best but sometimes even that doesn't achieve the end goal that we would like.

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

Undoubtedly, when a vulnerable witness is able to give an account and when I believe that it wouldn't have been able to happen without my intervention and assistance. An example is an adult witness last year who had previously unsuccessfully attempted to give an account to the police in an ABE. I did a communication assessment and talked about strategies to adapt communication. My communication assessment and strategies enabled her to provide her account to the police. She thanked me at the end and said it wouldn't have been possible without my assistance.

It's also rewarding when a barrister thanks you for amending questions and finds this helpful and to see the way acknowledgement of the intermediary role has changed since I first started practicing in 2007. Registered Intermediaries are now a key part of the justice system and to see this happen has been really rewarding. It's not just the communication assessments and facilitating communication, but also the wider involvement, such as academic research and delivering training, that I find rewarding.

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

Primarily, work within your skill set, be flexible in your approach but be mindful of professional boundaries at all times. The impartial, non-partisan, approach is essential.

As an intermediary, you are not responsible for 'fixing' the parts of the justice system that are not within your remit. Know where the boundaries are within the criminal justice system and the responsibilities of other parties within it.

Engage with your mentor when you are learning to work within the CJS. Ask for advice. Ultimately, as an intermediary, you are responsible for your own clinical opinion and recommendations so don't expect 'the answer' from your peers as you are responsible for the advice that you provide and it is what you are paid for.

Don't be too hard on yourself if, in hindsight, you think you missed an intervention in court or during an ABE. You have to let it go, learn from it, be aware of it, but don't be too hard on yourself as it will interfere with your work in future.

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

It's more of a comment, made several years ago by a barrister at court. He spoke to me quietly and asked me not to show him up in front of his peers and the judge. His view at that time was that as an intermediary I might embarrass him – why I have reframed this as advice is that it made me realise that I always need to have awareness of the needs and sensitivities of other professionals, whilst being assertive as an intermediary. Keep the bigger picture in mind, you gain more respect this way.

Part Two: Performance Analysis 2019/20

Methodology

The NCA collects data pertaining to requests for RIs. This data provides a comprehensive overview of the services provided by the WIS throughout 2019/20 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 2019/20**

Data is summarised from 1 April 2019 to 31 March 2020. 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 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 2019/20 data, this section will reference Matching Service data from 2018/19 (1 April 2018 to 31 March 2019) and 2017/18 (1 April 2017 to 31 March 2018). Data from the same annual periods for 2010-2017 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 2019/20, the rate of matched requests has risen across all recorded categories for a second consecutive year. A total of 6,907 requests were made and 98.3% (6,789) of these were successfully matched. This represents a 2.2% increase in the percentage of matched requests since 2018/19 and highlights the increased availability of RIs following the MoJ's sustained recruitment campaigns throughout the period.

The overall number of requests for RIs has increased by 10% since 2018/19, rising from 6,276 to 6,907 in 2019/20 – an increase of 631 requests. This figure represents the highest number of requests for RIs in a 12-month period since the WIS was rolled out nationally in 2008. The overall increase extends to all but one vulnerability category.

³ As opposed to a percentage point change.

Requests for adults with physical disabilities have decreased by 11.4% (down 51 requests from 2018/19). Figure 4 and Table 1 (see pages 27 and 28) show significant increases in requests for the other six vulnerability categories, ranging from 6% to 32%. Requests for children with learning disabilities and children without concurrent vulnerabilities have contributed most to the increase, rising by 19.4% (287 requests) and 9.2% (242 requests) respectively.

Police forces continue to make up the substantial majority of end-user requests, as demonstrated by figure 10 (see page 36). Requests from the police have increased by 14.6% (up 743 requests from 2018/19) to a record high of 5,832 requests. Requests from the CPS have decreased by 9.1% (down 107 requests from 2018/19).

End-user feedback for RIs throughout 2019/20 has remained positive, with 99.8% 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 6,907 requests for an RI were made via the WIS in 2019/20, an average of 576 requests per month.

This amounts to a 10% increase in requests (up by 631) since 2018/19, during which 6,276 requests were made. It also represents a 483% increase (up by 5,723) since 2010/11, during which 1,184 requests were made. Figure 1 shows the change in the total number of requests since the start of the previous decade.

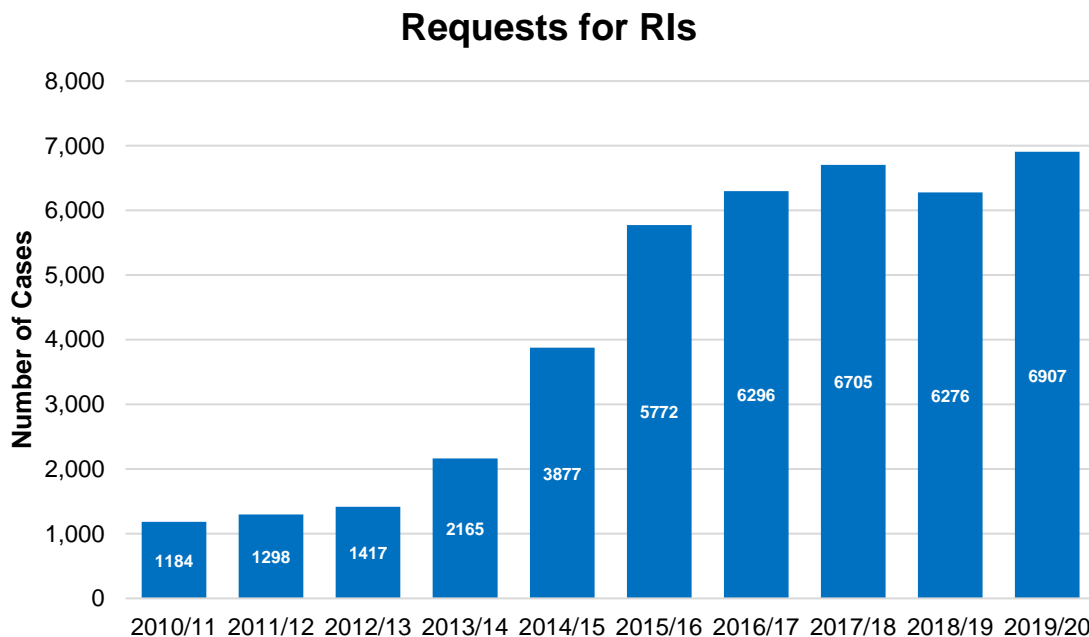


Figure 1

Overall Change: Matching Success Rates

Of all 6,907 requests in 2019/20, 98.3% (6,789) were matched, with 0.6% (44) unmatched and 1.1% (74) cancelled.⁴

This represents a 2.2% increase in the percentage of matched requests from 2018/19 (96.2% requests matched) and a 5.6% increase from 2017/18 (93.1% requests matched).⁵

⁴ Figure 2. *NCA Matching Service Data 2019/20*

⁵ Figure 3. *NCA Matching Service Data 2017 – 2020*

Total Matched Requests: 2019/20

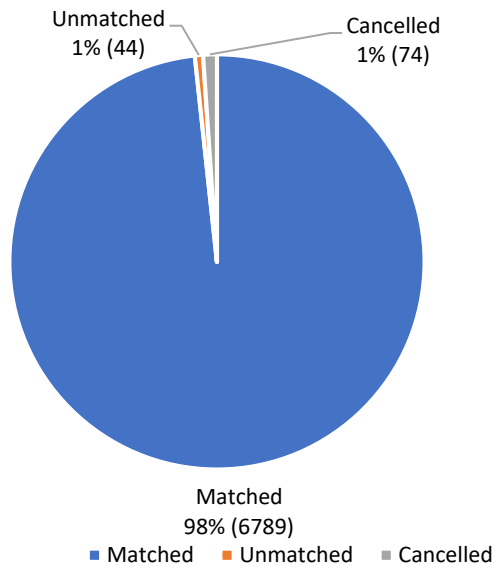


Figure 2

Total Matched Requests: Annual Comparison

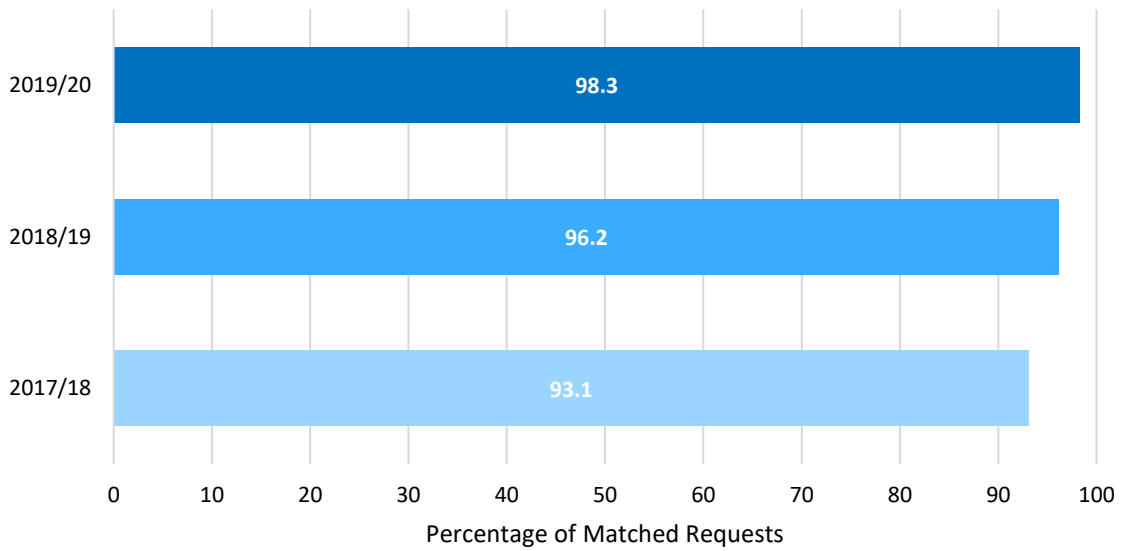


Figure 3

Requests by Witness Vulnerability

There are seven singular 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 6 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 requests for RIs in 2019/20, 35% were made for children without a concurrent vulnerability, making this the most frequently cited vulnerability on RfS forms. This was followed by children with learning disabilities at 22%, adults with learning disabilities at 20%, adults with a mental disorder at 13%, adults with physical disabilities at 5%, children with a mental disorder at 4% and children with physical disabilities at 1%.

Breakdown of Requests (Vulnerability): 2019/20

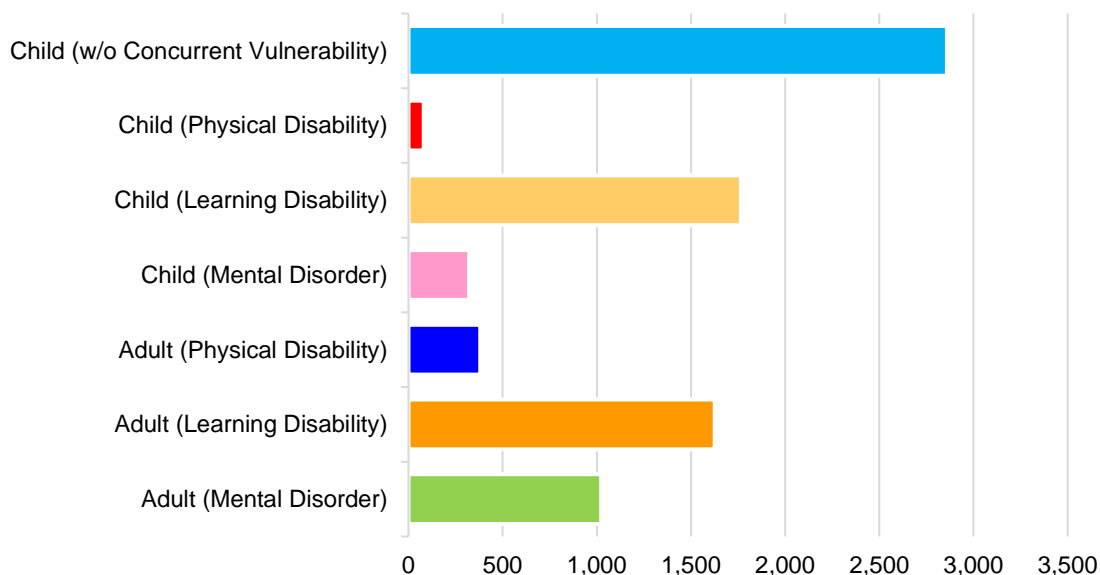


Figure 4

⁹ Equality Act 2010, Section 6(1)

Change Across All Requests

Since 2018/19, increases in the total number of requests were recorded for all but one (Adult – Physical Disability) vulnerability category.¹⁰

For child victims and witnesses, requests for mental disorders increased by 32% (up 78 requests), requests for physical disabilities increased by 20.9% (up 14 requests), requests for learning disabilities increased by 19.4% (up 287 requests), and requests for children without concurrent vulnerabilities increased by 9.2% (up 242 requests).

For adult victims and witnesses, requests for mental disorders increased by 13.1% (up 119 requests) and requests for learning disabilities increased by 6.1% (up 94 requests). The number of requests for adults with physical disabilities decreased by 11.4% (down 49 requests).

CHANGE ACROSS ALL REQUESTS (VULNERABILITY)			
Vulnerability	2018/19	2019/20	Change from 2018/19 (%)
Child (w/o Concurrent vulnerability)	2,617	2,859	+9.2
Child – Mental Disorder	244	322	+32
Child – Learning Disability	1,478	1,765	+19.4
Child – Physical Disability	67	81	+20.9
Adult – Mental Disorder	904	1,023	+13.1
Adult – Learning Disability	1,532	1,626	+6.1
Adult – Physical Disability	430	381	-11.4

Table 1

¹⁰ Figure 4 and Table 1. *NCA Matching Service Data 2018 – 2020*

RI Requests by Vulnerability: Annual Comparison

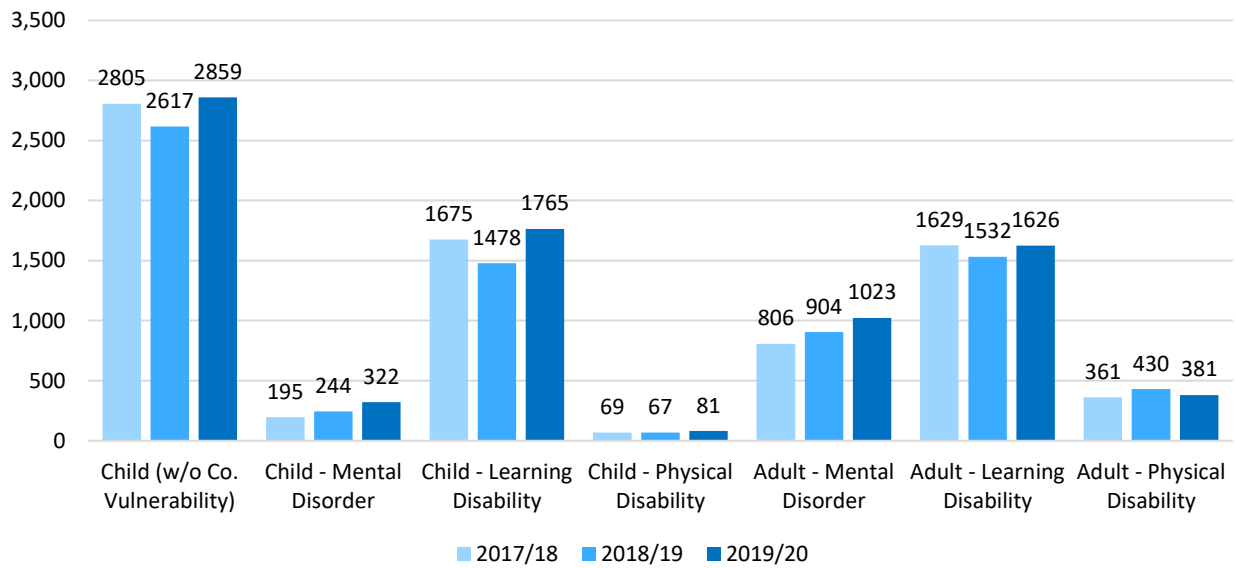


Figure 5

Matching Success Rates

The percentages of matched requests for all vulnerability types have increased since 2018/19.

For child victims and witnesses, the percentage of matched requests for mental disorders increased by 4%, children without concurrent vulnerabilities by 3.3%, physical disabilities by 3%, and learning disabilities by 1.2%.¹¹

For adult victims and witnesses, the percentage of matched requests for mental disorders increased by 2.4%, physical disabilities by 1.6%, and learning disabilities by 1.4%.¹²

CHANGE IN SUCCESS RATES (VULNERABILITY)			
Vulnerability	Matched in 2018/19 (%)	Matched in 2019/20 (%)	Change from 2018/19 (%)
Child (w/o Concurrent Vulnerability)	95.9	99.1	+3.3
Child – Mental Disorder	94.6	98.4	+4
Child – Learning Disability	97.4	98.6	+1.2
Child – Physical Disability	97	100	+3
Adult – Mental Disorder	93.9	96.2	+2.4
Adult – Learning Disability	96	97.3	+1.4
Adult – Physical Disability	96.7	98.2	+1.6

Table 2

¹¹ Table 2, NCA Matching Service Data 2018 – 2020

¹² Table 2, NCA Matching Service Data 2018 – 2020

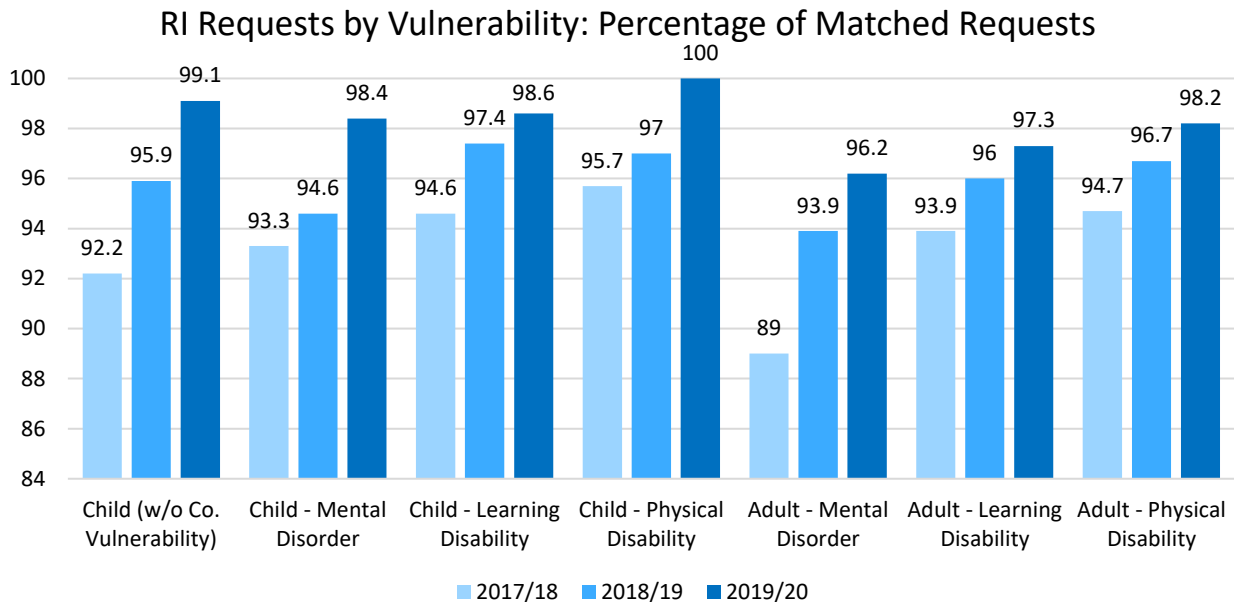


Figure 6

For child victims and witnesses, 0.9% of requests for mental disorders were unmatched, followed by requests for children without concurrent vulnerabilities (0.3% unmatched), requests for learning disabilities (0.3% unmatched), and requests for physical disabilities where there were no unmatched requests.

For adult victims and witnesses, 1.3% of requests for mental disorders were unmatched, followed by requests for learning disabilities (0.9% unmatched), and requests for physical disabilities (0.3% unmatched).

CHILD (WITHOUT CONCURRENT VULNERABILITY)

Matched Requests +3.3%

Of the 2,859 requests for children with no concurrent vulnerability, 99.1% (2,832) were matched, with 0.3% (10) unmatched and 0.6% (17) cancelled.

This represents a 3.3% increase in the percentage of matched cases from 2018/19 (95.9% Child w/o Concurrent Vulnerability requests matched) and a 7.5% increase from 2017/18 (92.2% requests matched).¹³

CHILD - MENTAL DISORDER

Matched Requests +4%

Of the 322 requests for children with a mental disorder, 98.4% (317) were matched, with 0.9% (3) unmatched and 0.6% (2) cancelled.

This represents a 4% increase in the percentage of matched cases from 2018/19 (94.6% Child Mental disorder requests matched) and a 5.4% increase from 2017/18 (93.3% requests matched).¹⁴

¹³ Figure 6, NCA Matching Service Data 2017 – 2020

¹⁴ Figure 6, NCA Matching Service Data 2017 – 2020

CHILD - LEARNING DISABILITY

Matched Requests +1.2%

Of the 1,765 requests for children with a learning disability, 98.6% (1740) were matched, with 0.3% (5) unmatched and 1.1% (20) cancelled.

This represents a 1.2% increase in the percentage of matched cases from 2018/19 (97.4% Child Learning Disabilities requests matched) and a 4.2% increase from 2017/18 (94.6% requests matched).¹⁵

CHILD - PHYSICAL DISABILITY

Matched Requests +3%

Of the 81 requests for children with physical disabilities, 100% (81) were matched.

This represents a 3% increase in the percentage of matched cases from 2018/19 (97% Child Physical Disabilities requests matched) and a 4.5% increase from 2017/18 (95.7% Child Physical Disabilities requests matched).¹⁶

ADULT - MENTAL DISORDER

Matched Requests +2.4%

Of the 1,023 requests for adults with a mental disorder, 96.2% (984) were matched, with 1.8% (18) unmatched and 2.1% (21) cancelled.

This represents a 2.4% increase in the percentage of matched cases from 2018/19 (93.9% Adult Mental disorder requests matched) and an 8% increase from 2017/18 (89% requests matched).¹⁷

ADULT - LEARNING DISABILITY

Matched Requests +1.4%

Of the 1,626 requests for adults with a learning disability, 97.3% (1,584) were matched, with 0.9% (16) unmatched and 1.6% (26) cancelled.

This represents a 1.4% increase in the percentage of matched cases from 2018/19 (96% Adult Learning Disabilities requests matched) and a 3.6% increase from 2017/18 (93.9% requests matched).¹⁸

ADULT - PHYSICAL DISABILITY

Matched Requests +1.6%

Of the 381 requests for children with physical disabilities, 98.2% (374) were matched, with 0.3% (1) unmatched and 1.6% (6) cancelled.

This represents a 1.6% increase in the percentage of matched cases from 2018/19 (96.7% Adult Physical Disabilities requests matched) and a 3.7% increase from 2017/18 (94.7% Adult Physical Disabilities requests matched).¹⁹

¹⁵ Figure 6, *NCA Matching Service Data 2017 - 2020*

¹⁶ Figure 6, *NCA Matching Service Data 2017 – 2020*

¹⁷ Figure 6, *NCA Matching Service Data 2017 – 2020*

¹⁸ Figure 6, *NCA Matching Service Data 2017 - 2020*

¹⁹ Figure 6, *NCA Matching Service Data 2017 – 2020*

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

Of all 6,907 requests for RIs in 2019/20, 69% of requests (4,732) were on behalf of children. The remaining 31% (2,175) were made on behalf of adults.²⁰

Breakdown of Requests (Adult/Child): 2019/20

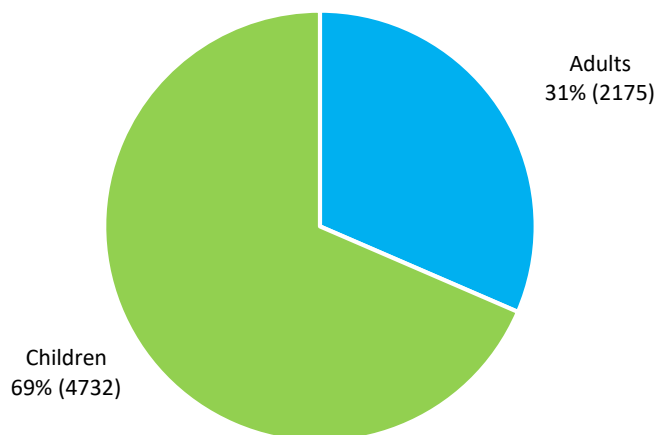


Figure 7

Change Across All Requests

Since 2018/19, the number of requests for children has increased by 12.7% (up by 534 requests) and the number of requests for adults has increased by 4.7% (up by 97 requests).²¹

CHANGE ACROSS ALL REQUESTS (AGE OF WITNESS)			
Age	2018/19	2019/20	Change (%)
Child	4,198	4,732	+12.7
Adult	2,078	2,175	+4.7

Table 3

²⁰ Figure 7, NCA Matching Service Data 2019/20

²¹ Table 3, NCA Matching Service Data 2018 – 2020

Matching Success Rates

Since 2018/19, the matching success rate for both children and adults has increased. The percentage of matched requests for children has increased by 2.5%, and adults by 1.4%.²²

CHANGE IN SUCCESS RATES (AGE OF WITNESS)			
Age	2018/19 (%)	2019/20 (%)	Change in Matched Requests (%)
Children	96.4	98.8	+2.5
Adults	95.8	97.1	+1.4

Table 4

CHILDREN

Matched Requests +2.5%

Of the 4,732 requests for children, 98.8% (4,677) were matched, 0.4% (17) were unmatched, with the remaining 0.8% (38) being cancelled.

This represents a 2.5% increase in the percentage of matched cases from 2018/19 (96.4% children's requests matched).²³

ADULTS

Matched Requests +1.4%

Of the 2,175 requests for adults, 97.1% (2112) were matched, 1.2% (27) were unmatched, with the remaining 1.2% (26) being cancelled.

This represents a 1.4% increase in the percentage of matched cases from 2018/19 (95.8% adults' requests matched).²⁴

²² Table 4, *NCA Matching Service Data 2018 - 2020*

²³ Table 4, *NCA Matching Service Data 2018 - 2020*

²⁴ Table 4, *NCA Matching Service Data 2018 - 2020*

Requests by Witness Type

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

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

Breakdown of Requests

Of all 6,907 requests for RIs in 2019/20, 91.8% of recorded requests (6,340) fell into the ‘Victims’ category. The remaining 8.2% (567) were made for ‘Prosecution Witnesses’.²⁶

Breakdown of Requests (Witness Type): 2019/20

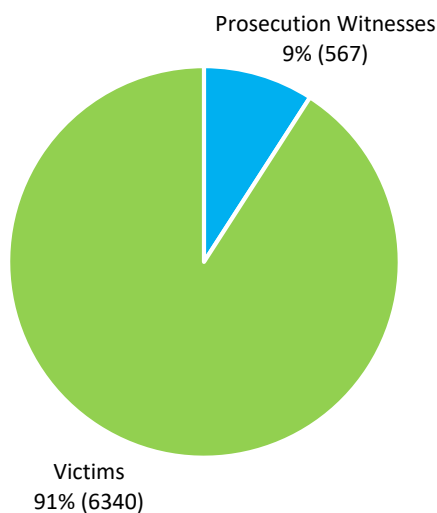


Figure 8

Change Across All Requests

Since 2018/19, the number of requests for victims has increased by 11.2% (up by 636 requests), while the number of requests for prosecution witnesses stayed largely unchanged.²⁷

CHANGE ACROSS ALL REQUESTS (WITNESS TYPE)			
Witness Type	2018/19	2019/20	Change (%)
Victims	5,704	6,340	+11.2
Prosecution Witnesses	572	567	-0.8

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 2019/20

²⁷ Table 5, NCA Matching Service Data 2017 – 2020

Matching Success Rates

Since 2018/19, the matching success rates for both witness types has increased. The percentage of matched requests for victims has increased by 2.3%, and prosecution witnesses by 1.4%.²⁸

CHANGE IN SUCCESS RATES (WITNESS TYPE)			
Witness Type	2018/19 (%)	2019/20 (%)	Change in Matched Requests (%)
Victims	96.2	98.4	+2.3
Prosecution Witnesses	96.1	97.4	+1.4

Table 6

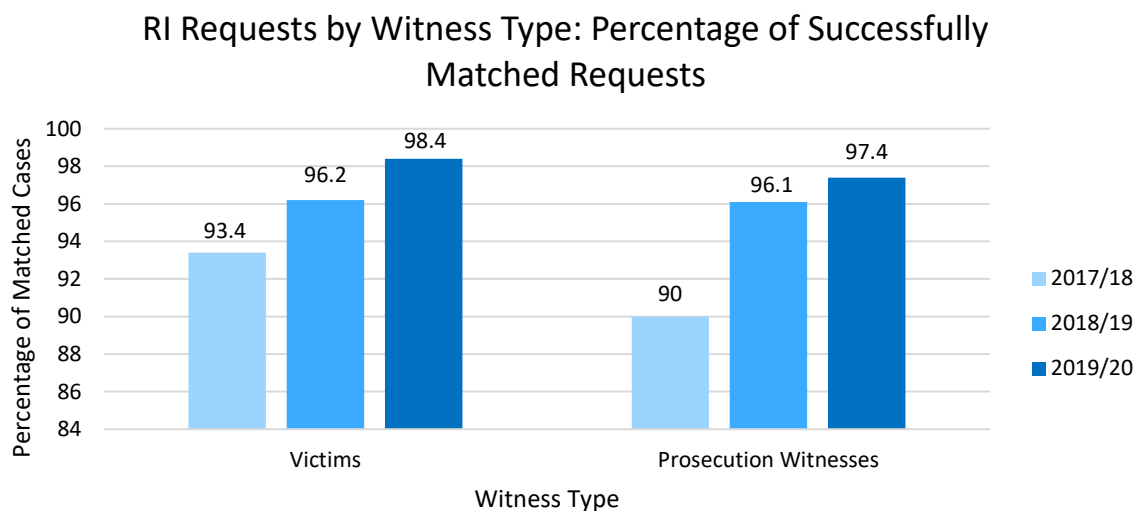


Figure 9

VICTIMS

Matched Requests +2.3%

Of the 6,340 requests for victims, 98.4% (6,237) were matched, 0.6% (37) were unmatched, with the remaining 1% (66) being cancelled.

This represents a 2.3% increase in the percentage of matched cases from 2018/19 (96.2% victims' requests matched) and a 5.4% increase from 2017/18 (93.4% victims' requests matched).²⁹

PROSECUTION WITNESSES

Matched Requests +1.4%

Of the 567 requests for prosecution witnesses, 97.4% (552) were matched, 1.2% (7) were unmatched, with the remaining 1.4% (8) being cancelled.

This represents a 1.4% increase in the percentage of matched cases from 2018/19 (96.1% prosecution witness requests matched) and an 8.2% increase from 2017/18 (90% prosecution witnesses' requests matched).³⁰

²⁸ Table 6, *NCA Matching Service Data 2017 - 2020*

²⁹ Figure 9. *NCA Matching Service Data 2017 - 2020*

³⁰ Figure 9. *NCA Matching Service Data 2017 - 2020*

Requests by End-User

There are two categories of end-user that have submitted requests to the NCA in 2019/20:

- Police
- CPS

Breakdown of Requests

Requests from police forces continue to constitute the substantial majority (84.4%, 5,832) of all requests for RIs in 2019/20, with requests from the CPS accounting for 15.6% (1,075 requests).³¹

Breakdown of Requests (End-User): 2019/20

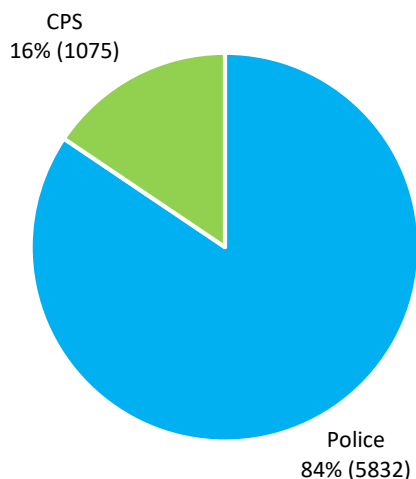


Figure 10

Change Across All Requests

Since 2018/19, requests from police forces have increased by 14.6% (up by 743 requests). Requests from the CPS have decreased by 9.1% (107 fewer requests).³²

CHANGE ACROSS ALL REQUESTS (END-USER)			
End-User	2018/19	2019/20	Change (%)
Police	5,089	5,832	+14.6
CPS	1,182	1,075	-9.1

Table 8

³¹ Figure 10, *NCA Matching Service Data 2019/20*

³² Table 8, *NCA Matching Service Data 2017 – 2020*

Matching Success Rates

Since 2018/19, the matching success rates for requests from the police and the CPS have both increased. The percentage of matched requests from the police increased by 1.6% and the CPS by 3.8%.³³

CHANGE IN SUCCESS RATES (END-USER)			
End-User	2018/19 (%)	2019/20 (%)	Change in Matched Requests (%)
Police	97	98.6	+1.6
CPS	93.1	96.6	+3.8

Table 9

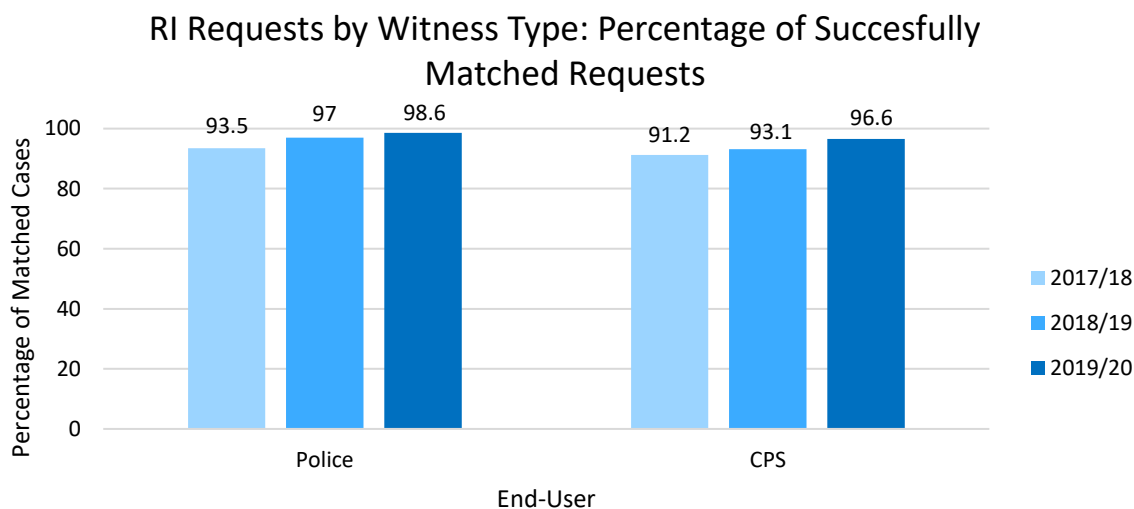


Figure 11

POLICE

Matched requests +1.6%

Of the 5,832 requests from police forces, 98.6% (5,751) were matched, 0.4% (24) were unmatched, with the remaining 1% (57) being cancelled.

This represents a 1.6% increase in the percentage of matched cases from 2018/19 (97% police requests matched) and a 5.5% increase from 2017/18 (93.5% requests matched).³⁴

CROWN PROSECUTION SERVICE

Matched requests +3.8%

Of the 1,075 requests from the CPS, 96.6 (1,038) were matched, 1.9% (20) were unmatched, with the remaining 1.6% (17) being cancelled.

This represents a 3.8% increase in the percentage of matched cases from 2018/19 (93.1% CPS requests matched) and a 5.9% increase from 2017/18 (91.2% requests matched).³⁵

³³ Table 9, *NCA Matching Service Data 2017 - 2020*

³⁴ Figure 11. *NCA Matching Service Data 2017 - 2020*

³⁵ Figure 11. *NCA Matching Service Data 2017 - 2020*

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 2019/20.

Against 2,706 cases (those where feedback was received)³⁶, 99.8% received 'satisfactory', 'more than satisfactory' or 'excellent' feedback. Of the remaining 0.2%, 0.1% of feedback was 'less than satisfactory' and 0.1% 'poor'.³⁷

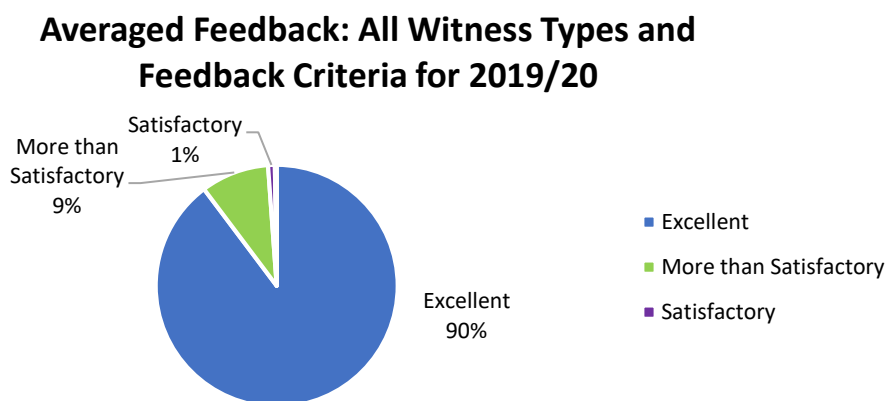


Figure 12

³⁶ Feedback is not always received.

³⁷ Figure 12. NCA Matching Service Data 2019/20

Feedback Across All Criteria

Below, all results, encompassing both witness types and all feedback criteria have been presented.³⁸

VICTIMS' CASES						
Feedback Criteria	'Excellent' (%)	More than Satisfactory (%)	Satisfactory (%)	Less than Satisfactory (%)	Poor (%)	Responses
Compliance with criminal procedures	87.9 (2183)	11.2 (277)	0.7 (18)	0.1 (3)	0.1 (2)	2483
Personal conduct and professionalism	93.3 (2320)	6 (148)	0.5 (13)	0.2 (5)	0.04 (1)	2487
Quality of information provided by the RI	90.1 (2239)	8.8 (218)	0.8 (21)	0.2 (4)	0.1 (3)	2485
Usefulness of the RI in the proceedings	87.6 (2146)	10.4 (254)	2 (40)	0.2 (4)	0.2 (4)	2448

Table 10

PROSECUTION WITNESSES' CASES						
Feedback Criteria	'Excellent' (%)	More than Satisfactory (%)	Satisfactory (%)	Less than Satisfactory (%)	Poor (%)	Responses
Compliance with criminal procedures	89.7 (191)	9.9 (21)	0.5 (1)	Nil	Nil	213
Personal conduct and professionalism	93.5 (202)	6.5 (14)	Nil	Nil	Nil	216
Quality of information provided by the RI	87.3 (188)	12.1 (26)	0.5 (1)	Nil	Nil	215
Usefulness of the RI in the proceedings	87.6 (186)	10.8 (23)	1.4 (3)	Nil	Nil	212

Table 11

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

RI Interview: Sue Thurman



PROFILE

Sue Thurman trained as a Registered Intermediary in 2009 after nearly thirty years working as a Speech and Language Therapist.

She specialised in working with children and adults with disabilities, especially those with learning disabilities and autistic spectrum conditions. She has also worked extensively as a trainer promoting 'inclusive communication' and has acted as consultant to several charities and safeguarding organisations.

How long have you been a Registered Intermediary?

Eleven years; I trained in 2009 and have worked as a Registered Intermediary ever since. Before that, I worked in the NHS as a speech and language therapist in a variety of posts, mainly with children and adults with learning disabilities, autistic spectrum conditions and physical disabilities. The last post that I held before taking voluntary redundancy was as a manager of speech and language therapy services for adults with learning disabilities.

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

Because I worked as a therapist in disability services, I've always been acutely aware of the increased risk that people with disabilities – particularly those with learning disabilities – have of being victims of crime and the barriers they face in being heard by the criminal justice system. I have always valued justice and fairness. I dislike bullying and the exclusion of any member of society. So, in many ways the role of Registered Intermediary seemed an ideal match for me.

As well as being a therapist, I provided consultation and training to several disability and safeguarding organisations. It is through this work that I became aware of the Witness Intermediary Scheme pilot project back in 2004. I delivered a workshop at a conference on justice, where I met Dame Joyce Plotnikoff, the justice system researcher, who was one of the key speakers at the event. I came away from that event thinking that working as an intermediary was definitely something that I would like to do. However, I felt I wasn't in a position to take up the role at that point, due to the time constraints of working in a full-time NHS managerial post.

I later took voluntary redundancy, shortly after which there was a recruitment campaign for Registered Intermediaries, and everything fell into place.

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

I've worked for many years as a speech and language therapist so gained lots of specialist communication skills, both in terms of verbal communication (such as making spoken information easier to understand) and using non-spoken strategies to help people express themselves through symbols, signing, and communication aids.

A lot of my time working as a therapist was spent making information accessible to people by turning complex concepts into more easily understood information. I feel this has given me a lot of skills in identifying what people actually need to know to make sense of something. When I create resources or explain things to individuals, I always make it bespoke to their particular needs.

People have different ideas of what speech and language therapists do; I wasn't a 'sit down and provide therapy' sort of therapist. In working with adults with communication difficulties, I used a very functional model of communication that looked at how a person could communicate, what they needed to communicate, and what made communication more difficult for them. I would then share information I gathered about that person and suggested strategies to help to support their communication to other people who could put them into practice. This is a clear parallel between my work as a therapist and my work as an intermediary. My role now is to help police officers, barristers and others to communicate as effectively as possible to enable a person to give their evidence.

I also brought other skills with me from my management and training background, such as problem-solving, lateral thinking, the ability to compromise and to use persuasion. These skills have been just as important as the more clinical communication skills throughout my time working as a Registered Intermediary.

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

It depends on what you mean by 'challenge'.

All cases have different challenges, whether that relates to the nature of a crime, the emotional impact of a crime on the witness or yourself, working with other criminal justice system staff, or the communication needs of the witness. Unpredictability is also a big challenge when working as a registered intermediary.

I wouldn't want to single out a specific case. However, I can think of many different cases that have been especially challenging; ones that have involved national media coverage, witnesses in witness protection, working with a foreign language interpreter, a witness who had no spoken language abilities at all and could only give their evidence through eye-pointing at symbols. All these cases have been very challenging in their own right, so it would be difficult to rank them.

It is important to note that high-profile cases are not inherently more challenging than cases which receive little or no media attention. What really matters is ensuring that the witness is heard; this is often where the real challenge is. Very early on in my career as a Registered Intermediary, there was a very straight-forward case in a magistrate's court involving a 16-year-old with Asperger syndrome. To begin with, I wasn't sure whether he needed intermediary assistance, though my assessment indicated that he did. For many reasons, others involved in the case – his family and the lawyers – wanted him to drop out of giving evidence. But he was adamant that the court should hear his version of events. To this day I have never forgotten him. To me, this case really showed the inherent importance of an individual being able to communicate and provide testimony, and how this is unrelated to how prominent or serious the case seems at face value.

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

When you feel you've made a meaningful difference to somebody or a situation. This is also what used to make my role as a speech and language therapist rewarding.

In my intermediary role, this might be when a police officer tells you that the assistance you provided was really helpful, or when you meet them again later and they tell you that they still use the strategy you explained to them. It could be when a barrister thanks you for helping them to word their questions in a way that enables them to cross-examine a witness when they had thought it wasn't possible.

The most rewarding aspect really comes from the witnesses, particularly when they realise they are able to do something that they didn't think they were capable of and they give their best evidence. This might involve the use of a simple communication tool, or by assisting to manage the anxiety that is stopping them from communicating clearly.

While I am very clear that I am impartial and that my duty is to the court, it is always touching when you receive personal thanks from the witness. Following one case in which a 'not guilty' verdict had been reached, the complainant gave me a card which read 'I wouldn't have been able to do this without you'. For me, this exemplified what the Registered Intermediary role is all about; helping people to communicate and making a positive difference, regardless of the outcome of the case.

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

I have four main pieces of advice.

First, make sure you are not isolated. Working as a Registered Intermediary can be very isolating, given that we're all self-employed and spread out across the country. However, there are always lots of opportunities to meet with more experienced intermediaries. So, make every use you can of opportunities like RIO (an on-line community for intermediaries), and particularly the regional groups.

Second, if you're starting out, don't rush to take on lots of cases. Take time to reflect on each case and learn from it. If you don't take the time to reflect, you are not likely to make positive changes to the way that you work. It's important to remember that no-one ever gets to a point where they've learnt everything and encountered every situation; even after eleven years in the role I still come across new situations and challenges. But if you have a good grounding in your role and an understanding of what the boundaries and principles are, then that will prepare you to work with anything you may encounter. So, to put it simply; reflect and don't rush.

Third, find a 'buddy group'. After starting this work, I quickly found a small group of intermediary colleagues who I grew to respect and trust. I still turn to many of those people today to share ideas if I ever encounter a problem. So, use them, but don't become exclusively linked to any single group. There are a very wide range of groups you can and should learn from.

Lastly, don't get overwhelmed by feeling like it's your duty to fix everything. Because intermediaries tend to come from caring and therapeutic backgrounds, we are often inclined to want to do that. It's important to remember we are a small cog in a complex system. Acknowledging and remaining within our specialised communication role is the best way we can contribute towards a meaningful difference within the criminal justice system for witnesses.

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

During my Registered Intermediary training we were always told, '*think trial*' in whatever we did. This means we should always be thinking about the practical impact of any particular action on any potential trial that may follow.

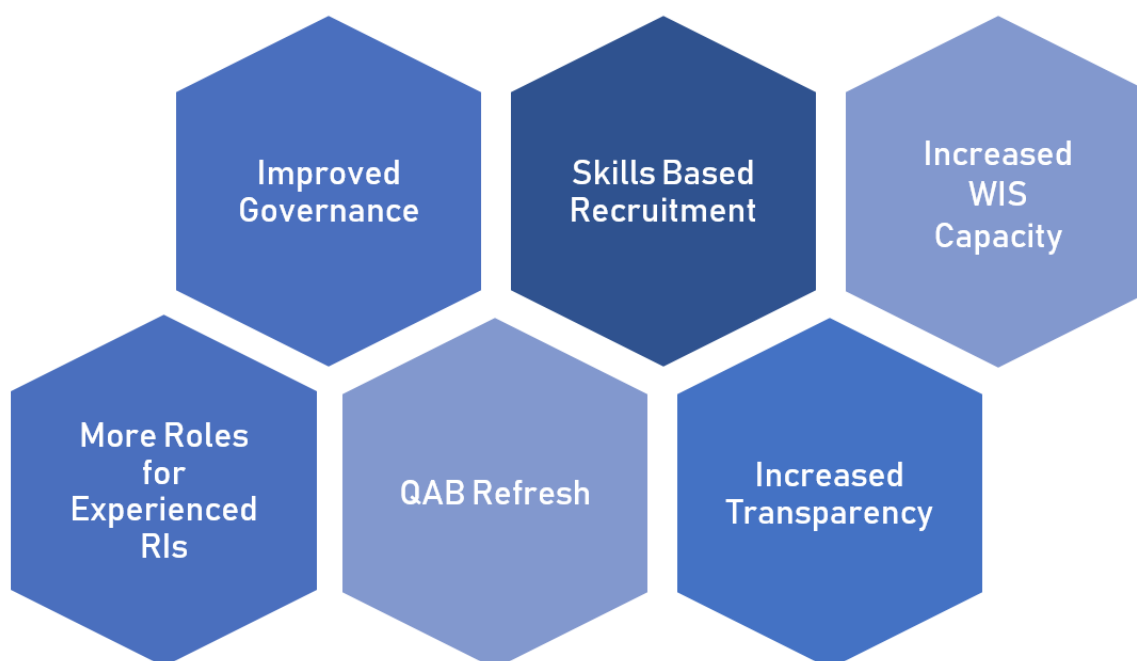
This has helped me to stick to the important principles, such as only taking on cases where I know that I have the required skill and experience, staying within the boundaries of impartiality, and not being 'persuaded' to take on cases if I feel I shouldn't for any reason. Remembering to '*think trial*' has always been very useful to me and, speaking to many colleagues, I know that they agree.

Part Three: Developments in the Witness Intermediary Scheme 2019/20

Summary

Throughout 2019/20, the MoJ has worked to strengthen the WIS through a range of measures intended to meet the needs of vulnerable victims and witnesses, provide end-users with high-quality RI assistance, and support the professional development of RIs.

To these ends, the MoJ has introduced a new skills-based recruitment campaign; increased transparency; refreshed the workings of the QAB; increased WIS capacity; recruited more accredited RIs; and delivered reform of WIS governance and administration.



Each of these measures supports the MoJ’s central objective of providing access to justice for vulnerable victims and witnesses in the criminal justice system.

Skills-Based Recruitment

The MoJ has implemented a new skills-based recruitment strategy to acquire the expertise most needed in the WIS. This complements the regional recruitment approach, which successfully reduced wait times to less than two weeks and increased WIS capacity by 24% between 2017 and 2019.

This targeted approach enables recruitment to be concentrated on specialist skills where there is evidence of need for additional RIs with expertise in fields such as mental health disorders, learning disabilities, physical disabilities and communication with children. It means more victims and witnesses can be assigned an RI that is best placed to assist with their specific needs.

The scale of recruitment activities has also been increased to include multiple regions in a single recruitment round. This has worked to widen the pool of available talent.

The first skills-specific recruitment round commenced in January 2020 across four regions of England and Wales. It targeted applicants with experience in assisting vulnerable adults and children with severe mental health disorders.

Detailed work has been conducted by the MoJ and NCA to establish demand for specific RI skills and overall regional need. This is supported by data from the WIT (on demand for specific skills, regional demand for RIs and regional success rates in matching RIs to a case), as well as the Office for National Statistics (on regional crime rate, total recorded crimes by region and estimated regional population).

Specialist skills are identified at the 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') has been 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

Increased WIS Capacity

The MoJ completed three recruitment rounds in 2019/20, recruiting 39 new RIs. Two rounds were focused on single regions, from which 24 RIs were added to the WIS Register. A further multi-regional skills-based campaign was launched in January 2020, which shortlisted 15 candidates with specialist mental health disorder expertise for RI Training.

The Scheme's ability to meet demand from end-users has substantially increased since 2018, which is reflected by record rates of successfully matched cases in 2019/20.

RI training and recruitment was placed on hold in March 2020 in order to comply with the government's social distancing rules following the outbreak of the coronavirus (Covid-19) pandemic. For this reason, it has not been possible to run recruitment and training activities as planned.

RI RECRUITMENT 2019/20	
Region(s)/Skill Set	Number Recruited
North West England	19
East of England	5
West Midlands, North West, South West, South East (mental health skills)	15 (awaiting training) RI Training on-hold due to Covid-19
TOTAL	39

Quality Assurance Board Refresh

The Quality Assurance Board launched its Strategy in September 2019. This set out plans to introduce several new policies as well as six dedicated roles to streamline quality assurance procedures.

The QAB has put this strategy into action and produced a revised complaints policy as well as developing fitness to practice and sanctions policies. In addition, work has begun on a formal mentoring policy informed by input from experienced RIs.

The QAB membership was also refreshed, with the recruitment of four new board members. Following this reorganisation, independent Board positions now consist of: the Chair; QA Lead; CPD and RI Register Lead; Mentoring and Support Lead; Negative Feedback, Complaints and Sanctions Lead; and Recruitment and Training Lead.

Improved Governance and Increased Transparency

The MoJ has continued working to improve governance and increase transparency, informed by feedback from the RI community.

In September 2019 the MoJ published its first-ever annual report. The Registered Intermediary Procedural Guidance Manual was overhauled in its first revision since 2015, and the MoJ has committed to annual reviews of the Manual to ensure guidance remains relevant and up-to-date. Accredited RIs are now invited to participate in the annual review of the Manual, while all RIs can propose amendments at any point which will be logged for consideration at the next review. The RIRT has also committed to providing the MoJ with collated proposals for change on an annual basis.

A formal procedure for the annual review of RI remuneration has been agreed between the MoJ, the Crown Prosecution Service and the National Police Chief's Council. This has standardised the process and set out a nine-week timeframe in which the Remuneration Board will complete the review, following receipt of proposals from RI representatives.

The WIS gov.uk webpage has been continually updated to host essential content for RIs and end-users. Key documents such as the RI Procedural Guidance Manual and annual reports are now publicly accessible.

The MoJ has also produced guidance for end-users of the WIS on working with deaf people in the criminal justice system. This includes instructions and advice on when and how to request the assistance of a deaf RI, with a view to increasing deaf awareness among end-users.

Recruitment and Training Transferred to the NCA

Responsibility for the coordination of RI recruitment and training was transferred to the Witness Intermediary Team as part of a revised service level agreement between the MoJ and NCA.

From April 2020, the WIT will plan and implement future RI recruitment campaigns based on their independent analysis of RI skill sets and regional demand. They will also arrange future RI Training programmes with the RI Training Team, manage the intake of new applicants, and work with accredited RIs (aRIs) to establish facilitated peer groups and mentoring arrangements for newly-qualified RIs.

This change helps to consolidate the link between operations, recruitment and training, allowing for improved coordination of the Scheme.

Review of Intermediary Provision

The MoJ has continued to progress the Review of Intermediary Provision Across the Justice System, which is focused on gathering evidence and data to fully understand the use, scope, quality, regulation, and means of providing intermediaries, with a view to making recommendations about the future of intermediary provision.

To inform decision making, the Intermediaries Team has worked with groups covering family, criminal and civil justice policy, as well as delivery bodies, justice system personnel (including intermediaries), the judiciary and academia.

Increased Numbers of accredited Registered Intermediaries (aRIs)

The introduction of the accredited RI role has continued to provide opportunities for experienced RIs with excellent feedback histories to become more involved in corporate activities delegated by the MoJ.

The MoJ has worked throughout 2019/20 to increase the number of aRIs as part of its efforts to involve more RIs in the governance of the WIS. It has regularly requested aRI input into emerging policies and guidance, as well as continued aRI assistance with training, recruitment, mentoring and the leadership of peer groups for NQRIs.

The MoJ has made progress with its objective to recruit four regional coordinators, filling two of the four available posts. Louise Engers was appointed regional coordinator for the Midlands in 2020, joining Jennifer Beaumont, the Regional Coordinator for Northern England and Wales.

Regional coordinators are the most senior of the aRI roles and work to facilitate communication between the MoJ and RIs in the 43 police force areas across England and Wales. Vacancies remain in the South West and the South East, and filling these positions remains a priority for the MoJ.

More detail on the senior RI roles is included below:

WIS Regional Coordinators	
Role	<p>A proactive role leading on good practise and strategic development within their region. Regional Coordinators are intended to improve the link between the MoJ and the regions, advising the policy team about emerging issues (e.g. drop in demand, changes to end-user practise) pertaining to RI activity. The Regional Coordinator monitors and evaluates RI activity in the region in order to inform engagement activity.</p> <p>The Regional Coordinator provides support and leadership to the RIs and stakeholders in their region to ensure an efficient and effective service is being delivered. They have a key role in the communication of new initiatives, raising awareness of new policies, procedures and guidance.</p> <p>The Regional Coordinator is also responsible for the development and implementation of a regional communication strategy.</p>
Key Requirements	Regional Coordinators must fulfil the aRI criteria and be an experienced leader, able to work on own initiative, communicate effectively and work collaboratively with a range of stakeholders.

Accredited Registered Intermediaries (aRIs)	
Role	<p>A reactive role in which an RI, accredited by the NCA, QAB and MoJ, may accept tasks assigned by the Ministry of Justice.</p> <p>Routine opportunities include:</p> <ul style="list-style-type: none"> • Contributing to recruitment (advertisement/ sifting applications/interviewing) • Training • Mentoring • Facilitating peer groups • Engaging in operational development <p>Proactive opportunities include:</p> <ul style="list-style-type: none"> • Identify and put forward proposals to meet ongoing CPD needs. • Take a lead role in offering operational support to police, courts and police station. • To deliver operational support to police by providing RI awareness training.
Key Requirements	Must have at least three years' experience, have completed at least 100 cases and have an excellent feedback history.

WIS Annual Conference 2020

The MoJ held the Annual WIS Conference for a second consecutive year, after re-introducing the event in 2019.

The Conference provided a unique opportunity to bring together RIs from across the country and reflect on the important role they have in the criminal justice system. The central theme of the 2020 conference, agreed by RIs and the QAB, was safeguarding.

Feedback from the conference indicated the event was well-received by attendees.

RI Interview: Lorraine Campbell



PROFILE

After 30 years in mainstream education, including Headship, Lorraine Campbell was appointed a tutor and assessor for adults training to be Higher Level Teaching Assistants and also postgraduates seeking the status of Early Years Professionals. Throughout her career, Lorraine experienced delivering information to children and adults who had varying cognitive abilities and of communicating with a number of external agencies.

Lorraine became a Registered Intermediary in 2004 and has since had the opportunity to apply her skills to assess and support vulnerable witnesses and work with police forces, advocates and judges in England and Wales.

How long have you been a Registered Intermediary?

I joined the WIS pilot in 2004, the pilot ran in London and Birmingham which was relatively close to my home and workplace.

During those early days, we spent a lot of time explaining exactly what our role was when we met with end-users and practitioners in the justice system. Some embraced the new role, while others were less welcoming and more cautious about how the role would work in practice.

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

When the advertisement was placed, I was employed as a head teacher, and as I had been in post for many years I was looking for a change of professional direction.

A colleague of mine had seen the advert in a speech therapy journal, and she alerted me to this. I then discussed this with my school governors, and they gave me leave to attend the interview; I thought the role sounded very interesting and that there was a great opportunity for me to use some of the skills and experience that I had acquired throughout my thirty years of teaching.

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

Coming from a career in education, I had worked with children of all primary school ages.

I was a head teacher in a school that had a nursery facility, as well as a small unit for children with mild-to-moderate learning difficulties. Additionally, my school had been chosen to be part of a pilot scheme for a group called a 'nurture group'. This meant that my staff would be working with a range of children of different abilities and also focusing on working in specialised areas. This brought me into contact with many different specialists such as educational psychologists, speech and language therapists, occupational therapists, doctors, and parents. Through this, I developed a deep understanding of assessing children's thinking skills and concentration levels, as well as

gaining experience in reducing language into its simplest forms and expressing it in a way that a child was able to follow. This is, of course, essential to the work of an RI.

Following my departure as a head teacher I was appointed a trainer and assessor of adults who were to become higher-level teaching assistants and candidates who had enrolled on a post-graduate course for teaching young children. In this role, I became skilled in supporting the professional development of adults, making complex information more accessible and helping them identify how they could transfer their existing skills into this new area of work. Again, I found this experience very useful when embarking on work as an RI. It's been very rewarding to continue using these skills that I developed over the previous thirty years in direct education.

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

There are two cases that have really stood out in my memory and each is very different

The first involved a twelve-year-old girl who had normal educational and social abilities until she was asked about specific criminal incidents that had happened to her. This was a case where the child had been continuously raped by an adult. She would sit and hold a normal conversation until a question was raised about the incidents. Although it appeared that the child wanted to talk about it, her face would become completely blank and she became a selective mute.

The child subsequently started writing letters to a relative, in which, bit-by-bit she explained what had happened to her. The relative made clear to the child that these letters had to be handed to the police, but she continued writing, so we knew the child was aware the police would read what had been written. After meeting the child and conducting an assessment, it became clear she had developed a close attachment to the police officer who had been supporting her. I proposed that this particular police officer should continue working with the child leading up to the ABE interview; though I still couldn't advise how to encourage her to give a disclosure.

I had identified that the child was able to write, though acknowledged the difficulty of asking her to hand write answers during an ABE interview. I then considered using a laptop computer for the child to type her answers into and the police were granted permission (CPS) to have the laptop administered by a specialist firm. The child then laid down certain conditions; the officer was not allowed to look at her or speak to her throughout the entire interview. As a result, they sat in a room and faced each other with laptops. I was located in a separate viewing room, which afforded me sight of both computers as this was the only way I could see what was being typed by both the police officer and the child. I also had the ability to monitor the child's body language. This approach was highly effective. The child completed the ABE interview by typing her answers.

The written-up interview was then sent to the CPS. For the first time ever, the CPS agreed that the trial could be conducted by the child typing her answers on a laptop. The judge also enthusiastically embraced all possible special measures that could be put in place to enable the child to communicate. The special measures were deployed; the child typed her answers and watched them being projected onto the screen of the live link room. All microphones for the defence and prosecution were turned off. This was how she was cross-examined.

During this same case, the defence advocate was sceptical of my RI role and was reluctant to allow me to look at and assist with his questions; perhaps due to not understanding the function of the RI. However, this barrister's questioning was often unsuitable, and on many occasions, he was stopped by the judge. Although the court typist had started to record counsel's question (and we could see it forming on the screen), she then had to delete it. These interruptions had an unsettling effect on the witness.

The defendant was later convicted. Subsequent to the conclusion of the hearing, I received feedback that the child had mentally and emotionally improved. Indeed, staff at her school couldn't believe how confident, happy, and relaxed she had become. This was good news for me; it was also great to know that I had been part of the first-ever court case to use laptops as part of the trial process.

The other highly challenging case involved a teenager with multiple serious learning difficulties. Her language ability was equivalent to a four or five-year-old child. She was also very susceptible to emotional mood-swings; sometimes she did not want to talk at all.

We had no problems until the trial. However, moving the child from her school to a court posed significant difficulties. I worked with the school to help the witness visit the court. I assisted the child in passing security, including physically supporting her. The child later refused to come out of the waiting room into the video link room, so we had to organise a second visit. In the meantime, the judge had asked to meet with me, so he could better understand her needs. The result was that we had several more court familiarisation visits and the judge was appraised of the child's fear of men. Therefore, I advised that anyone coming into contact with her should maintain a distance until the child could get used to them.

The judge was informed in advance of the next visit to court and during that time, the judge came into the corridor and briefly talked to the child. I described the judge as 'like the head teacher', which was a role she was familiar with. On the third visit, we switched the cameras on between the link room and the court, and the usher who the child had seen on each visit communicated with her from the court. The prosecution barrister then requested to meet the child in his office, and his junior, inventively, made a hand puppet out of his wig, putting eyes on it and using it to talk to the child; this helped her to relax. The judge had also asked everyone who would interact with the child in court to have their photos taken (including myself). These photos were then placed onto a visual timetable so the child could see the people she would meet in court on each day. The judge was very understanding and applied the appropriate special measures very seriously.

On the day of the trial, I escorted the child from her school to the court video link room. The judge's face was visible on the screen and the child was immediately relaxed by saying, 'Oh look, there's the boss!'. Indeed, she also recognised prosecution barrister, and remembered him by saying, 'Hello! That's the funny man!'. To everyone's amusement, the barrister responded by saying, 'Yes, thank you, not very many people know that I'm the funny man.' The administrative arrangements meant that child was sufficiently relaxed to be able to answer all questions, indeed all my recommendations to the court, in respect of special measures, were adhered to.

In both these cases, the response of the witness after giving evidence was one of relief and of happiness. To me, as an RI, it is so important that witnesses leave court feeling that they have had their chance to speak, regardless of the outcome of the case. Both these

cases were quite intense, and although very different, there were parallels. The key was not just me working with the police officer or preparing a report, it was also having judges, in both cases, that really wanted to know about the witness and understand why things needed to be done differently.

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

This has to be the response of the witness being able to give their evidence successfully. That includes seeing the witness pay attention to the questions that they are being asked and knowing that they've been able to understand and respond effectively. Regardless of whether it's during the cross-examination or during the visit to the court, it's always professionally gratifying to see that the witness feels more confident about the whole situation and seeing the witness recognise that they have achieved something they might have thought they were unable to do.

It's also highly rewarding to receive a positive response from an end-user. This could be when an officer acknowledges that the assistance has made the difference in being able to conduct an interview, or in finding a better way to communicate with the witness. Whilst receiving a positive response is gratifying, knowing that something one has done has benefited someone else is also very satisfying.

You were recently appointed an MBE for services to young victims and witnesses. What was it like to find out you had been nominated and what was it like to receive your award?

My first knowledge of the potential award was when I received was a letter from the Central Chancery of the Orders of Knighthood, followed by a telephone call from that office. For a few moments I was in disbelief; obviously I had no idea I had been nominated. I felt it was a real honour that someone had prepared that application together with references. Indeed, the Award Office, rehearsed with me all aspects of my professional career from child education through to adult learning and finally my role as an RI.

From that moment on, I felt that although I was receiving the award, it was important that it reflected the work of all RIs in helping vulnerable people to communicate. But it was a real shock, and took some getting used to. Even now I sometimes have to pinch myself to believe that it's real.

The build-up to receiving the award was very exciting. I arrived at Buckingham Palace and was escorted through many magnificent rooms. Meeting the other recipients was also very interesting as they all had different stories behind why they're there. I then received the award from HRH Prince William, who was knowledgeable about the RI role. It was very rewarding that he was able to talk for a few minutes about it, and that he understood the profound impact of the role on many people within the justice system.

It was an enormous honour. I can't thank the people who nominated me, because I don't know who they were. Of course, now whenever anyone asks what I received my MBE for, I get the chance to talk about being an RI, which is wonderful.

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

To be yourself.

Also, most importantly, to remember what your role is now and what the main aim is: to help the end-user and the witness to communicate.

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

I think it was 'to let it go'.

When you work with witnesses, you are closely and, occasionally emotionally, empathetic to them.

When the witness is discharged your role is completed and you have no further involvement. It can appear a strange place to stop, because the trial has not concluded. Additionally, you will not know, or be aware, or how the witness will feel about the outcome, or what will happen next for them. In short, it's that sudden break from this person that you assisted through quite a traumatic time that can be difficult. This is especially difficult for many RIs, as they often come from professional backgrounds where they will stay involved with the person they are assisting for a considerable time.

When a case goes well and the witness has been able to deliver their evidence successfully, you come out feeling pleased that you've done all you can and that the process is complete. But when it doesn't seem to go so well, for whatever reason, it can remain with you. I think many of my colleagues have spoken about this, and I know some of the new RIs that I mentor have contacted me after having had that experience. It can affect your emotions and you can feel quite distressed yourself.

It's important to acknowledge when you have completed everything that you can; you can't stop the unpleasant questions, or someone becoming upset or aggressive. There are so many aspects of the criminal process that are beyond your control. It does stay with you at first, but ultimately, you have to be resilient and to learn to 'let it go'.

Part Four: Finance of the Witness Intermediary Scheme

Administrative Budget

The WIS budget for 2019/20 was £460,000, with £298,706 of this paid to the NCA's Witness Intermediary Team to fund the WIS Matching Service and the QAB Secretariat.

The remaining funds (£161,294) are allocated across the WIS. This includes financing the IRB, QAB and RIRT as well as duties undertaken by aRIs.

WIS BUDGET 2019/20		
Fund Allocation	Sum (£)	% of Annual Budget
WIS Matching Service (+ QAB Secretariat)	298,706	64.9
Remaining WIS Services (IRB, QAB, RIRT, recruitment, training, NQRI development, aRI duties)	161,294	35.1
TOTAL	460,000	100

Remuneration Rates

RIs are paid at rates agreed by the MoJ, the CPS and the National Police Chief's Council (NPCC). Reviews of remuneration rates take place annually and follow an agreed procedure.

RIs must invoice according to the national rates that are 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.

RI Interview: Louise Engers



PROFILE

Louise qualified as a Registered Intermediary in 2014. In 2020 she was appointed WIS Regional Coordinator for the Midlands.

Louise has worked as a qualified Speech and Language Therapist since 2003. She has experience in the provision of services to paediatrics and adults with learning disabilities. Her areas of expertise include autism, mental health, challenging behaviour, alternative and augmentative communication (AAC) and sensory integration.

How long have you been a Registered Intermediary?

I trained in January 2014, so more than six and a half years.

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

A year or two before I qualified, I had emailed the Ministry of Justice to ask what measures were in place for people with communication needs in the justice system. An official responded with details about the Witness Intermediary Scheme, and said that if I was interested, they would add me to a list of interested parties and inform me when the MoJ was next recruiting for RIs.

Before that I had never come across the role before; I hadn't seen it advertised or read anything about it. Perhaps that's surprising as I am a Speech and Language Therapist, but ultimately, I came across it by chance.

Coming from an SLT background, I thought the work looked fascinating. I also thought it would be highly rewarding to transfer my SLT skills and experience into the justice system and to assist some very vulnerable people in giving their best evidence.

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

I have been a Speech and Language Therapist for 17 years.

The most obvious skill is the assessment of communication; I have extensive experience in assessing people with a broad range of communication disorders. The other skills that easily transfer from the SLT to the RI role relate to multidisciplinary working; that is working with a wide range of different professionals and agencies and being able to communicate effectively with them.

Also, one of the main duties of an SLT is to help people understand how communication disorders are going to affect a person's life. As an intermediary, we have to explain to people how a person's communication difficulties will impact on their ability to provide evidence. As a practicing SLT, I use a lot of tools and strategies to bridge gaps where there is a communication impairment. I am also used to report writing and setting out

specific recommendations and rationale, so there is a clear crossover in terms of the skills required for both roles. I use these skills interchangeably between my role as an SLT and my role as an RI.

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

Cases can be challenging in a number of different ways. It could be because you are working with a person who has a challenging presentation. I work a lot with people who have mental health difficulties, so I am used to helping people who can be quite volatile.

In other ways, cases can be challenging because they are emotionally distressing. We often hear upsetting things through the course of our work, and sometimes you can come away from an interview feeling quite personally traumatised. When a witness is talking in very great detail about the effect that a particular event has had on their life, it can be difficult to get it out of your head afterwards. I'm sure every RI has worked with witnesses who they will never forget for this reason. These emotionally charged cases are always the most difficult ones to deal with in my view.

When you're an SLT you tend to work in a healthcare setting with other SLTs. If you've had a stressful day, you can go into a room full of other SLTs and talk about what has happened and you'll immediately receive some support. As an RI, when the interview or trial is over, you usually say goodbye, get in your car and drive home. As RIs are bound by strict rules on confidentiality, we are often not able to discuss aspects of what we have experienced with friends or family, so the role can be quite isolating in that regard.

The role can also be challenging in a more practical sense, such as managing your diary. Hearings are often rescheduled at short notice and you are expected to rearrange your plans accordingly. One of the first things you learn is to write in your diary in pencil, never in pen.

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

At the end of each week while working as an RI, you can genuinely say that you have done something worthwhile.

You can rest assured that you have made a positive contribution by making a very difficult situation easier for someone. Without an RI's support, a person might not be able to give their evidence or participate in the justice system at all. By providing that communication support, you know that you are giving people the opportunity to have a voice, which is very rewarding in itself.

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

To not take up too much too quickly.

I would encourage all new starters to gradually build up their confidence, and set aside a lot of time for reflection after completing each case. This, in my opinion, is the best way to develop your skills at the police interview stage and in the courtroom. Nothing can teach

you more about courtroom skills more than experiencing the courtroom first hand and reflecting on what you have learned afterwards.

Starting RI work after completing training can be a daunting prospect and new RIs should know that it is perfectly normal to be anxious before their first trial. Though experience and reflection breed confidence, and when you become more confident you can start to take on increasingly more cases.

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

To look at the contents of your report and make sure that your recommendations are supported by strong rationale which you have clearly evidenced.

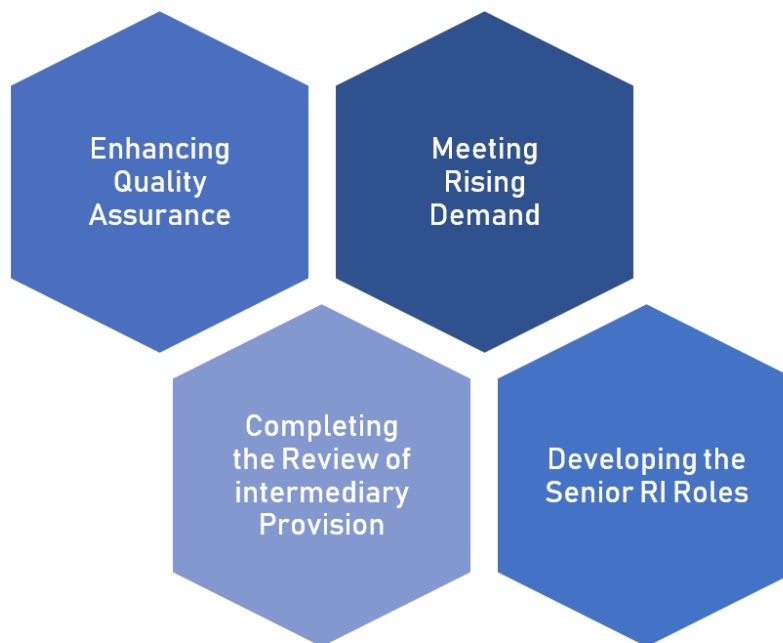
You need to make sure that it is clear to everyone that is reading your report that you haven't just made a recommendation because it can be found in the Advocate's Gateway Toolkit.

What end-users are looking for in your report is demonstrable expertise of assessing communication abilities, interpreting your assessment to produce recommendations, and ensuring that this is all clearly explained.

Part Five: Forward Look

Going forward, the MoJ will ensure the WIS continues to meet the growing demand for RIs while providing high-quality services to end-users and vulnerable people across England and Wales.

This is guided by the MoJ's wider commitment to improving access to justice and building a world-class justice system that works for everyone in society.



Meeting Rising Demand

The MoJ will advance its skills-based recruitment strategy, informed by analysis of the skills most needed in the WIS as well as regional demand for RI assistance.

Through this approach, the MoJ will continue to ensure that there are sufficient numbers of RIs in the WIS and that victims and witnesses are assigned an RI who is best placed to assist with their needs.

Enhancing Quality Assurance

A refreshed QAB will work to strengthen the existing mechanisms of quality assurance. This will include the delivery of a clear and robust mentoring policy, as well as a review of CPD requirements and the means of assessing RI skill sets.

Completing the Review of Intermediary Provision Across the Justice System

The MoJ will complete the review of intermediary provision across the justice system in late 2020 and move into the implementation phase.

Through this, the MoJ aims to ensure that high-quality services are provided across jurisdictions in a way that represents value for money.

Opportunities for Senior RIs

The MoJ will continue to increase and develop the number of senior RI roles in the WIS, ensuring that even more opportunities are available for RIs to contribute to the development of WIS governance.

Two additional regional coordinators will be appointed so that all police force areas across England and Wales are represented by a senior RI.



© Crown copyright 2020

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.