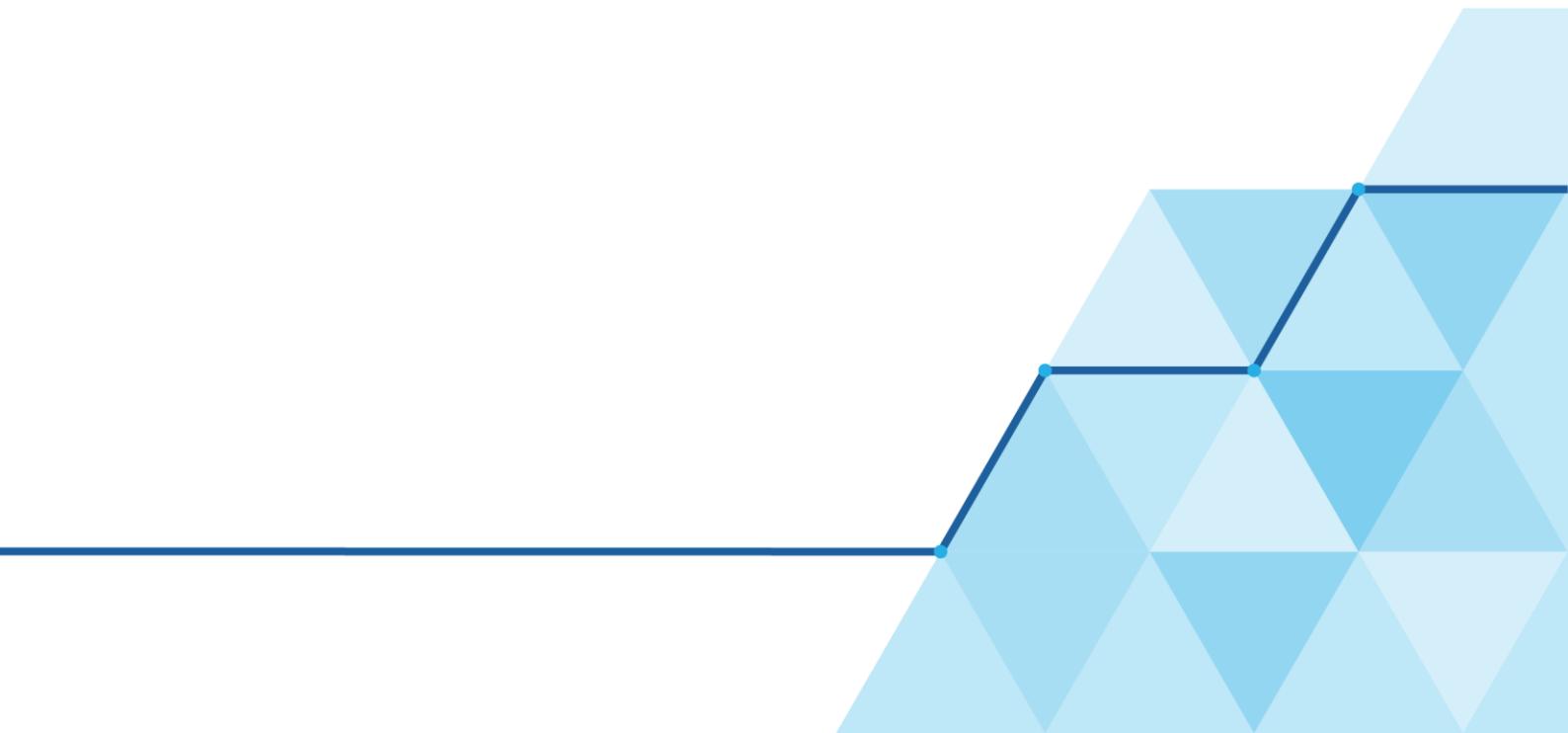




Ministry  
of Justice

# Registered Intermediary Procedural Guidance Manual

2023



# Contents

<b>Terms and Abbreviations</b>	<b>4</b>
<b>Introduction</b>	<b>6</b>
The Witness Intermediary Scheme	6
The Role of the Registered Intermediary and the Law	6
<b>Part 1: Professional Conduct</b>	<b>8</b>
Registered Intermediary Code of Ethics	8
Registered Intermediary Code of Practice	9
<b>Part 2: Professional Information and Requirements for Registered Intermediaries</b>	<b>11</b>
The Intermediaries Registration Board (IRB)	11
The Quality Assurance Board (QAB)	11
Registered Intermediary Reference Team (RIRT)	12
Criminal Record Checks	12
Insurance	13
Data Protection	13
Joining the Register	13
Criminal Justice Secure Mail	13
Remuneration	14
Complaints Policy and Procedure	14
Complaints Made by Registered Intermediaries	14
<b>Part 3: Conducting a Case</b>	<b>15</b>
Initial Contact with the Police	15
Assessing a Witness's Communication Needs	16
Preliminary Report	18
Achieving Best Evidence Interview	19
<b>Part 4: Written Report for the Court</b>	<b>21</b>
Overview and Funding Arrangements	21
Additional Assessments	22

Guidance on Report Sections	22
<b>Part 5: Assisting a Witness in Court</b>	<b>28</b>
Pre-Trial	28
Ground Rules Hearing	30
At Trial	31
Section 28 Pre-Recorded Cross Examination	32
<b>Part 6: Involvement of Registered Intermediaries at Other Stages</b>	<b>34</b>
<b>Part 7: Other Assistance for Witnesses</b>	<b>35</b>
Interpreters	35
Citizen Advice Witness Service	35
Independent Sexual Violence Advisers	35
Independent Domestic Violence Advisers	35
<b>Part 8: Safeguarding</b>	<b>37</b>
Safeguarding Concerns about Professionals	38
<b>Part 9: Further Information</b>	<b>39</b>
Time Commitment	39
Registered Intermediaries Online (RIO)	39
Continuing Professional Development (CPD)	39
Support for Newly Qualified Registered Intermediaries	40
Invoicing and Taxation	40
Registered Intermediary Identification Cards	40
<b>Documents and Resources</b>	<b>41</b>
Legislation	41
Essential Templates for Registered Intermediaries	41
Quality Assurance Board Materials	41
Witness Intermediary Scheme Reference Materials	41
Information Commissioner's Office Guidance (Data Protection)	42
Other Resources	42

## **Annexes**

<b>Annex A:</b> Report Writing Checklist	43
<b>Annex B:</b> RI Duties at Court Checklist	45
<b>Annex C:</b> Overview of Registered Intermediary Duties in the CJS	47

# Terms and Abbreviations

<b>ABE</b>	Achieving best evidence
<b>CJS</b>	Criminal justice system
<b>CPD</b>	Continuing professional development
<b>CJSM</b>	Criminal Justice Secure Mail
<b>CPS</b>	Crown Prosecution Service
<b>DBS</b>	Disclosure and Barring Service
<b>Defendant</b>	An individual charged with a criminal offence
<b>End-User</b>	The party that requests the service of a Registered Intermediary
<b>DPA</b>	Data Protection Act 2018
<b>GDPR</b>	General Data Protection Regulation
<b>GRH</b>	Ground rules hearing
<b>HMCTS</b>	Her Majesty's Courts and Tribunals Service
<b>IRB</b>	Intermediaries Registration Board
<b>ICO</b>	Information Commissioner's Office
<b>MoJ</b>	Ministry of Justice
<b>NCA</b>	National Crime Agency
<b>OIC</b>	Officer in charge (of the investigation)
<b>PTPH</b>	Plea and trial preparation hearing
<b>RfS</b>	Request for service
<b>RI</b>	Registered Intermediary
<b>RIO</b>	Registered Intermediaries Online
<b>RIRT</b>	Registered Intermediary Reference Team

<b>Section 27</b>	Section 27 of the Youth Justice and Criminal Evidence Act 1999 allows the court to direct that a video recording of an interview with an eligible witness be admitted as evidence in chief of that witness.
<b>Section 28</b>	Section 28 of the Youth Justice and Criminal Evidence Act 1999 allows the court to direct the cross-examination and re-examination of an eligible witness be pre-recorded.
<b>Section 29</b>	Section 29 of the Youth Justice and Criminal Evidence Act 1999 allows the court to direct that any examination of an eligible witness be conducted through an intermediary.
<b>Special Measures</b>	Adjustments made by the court to ensure that proceedings are fair for those who are vulnerable by virtue of their age or incapacity or by virtue of fear or distress
<b>WIS</b>	Witness Intermediary Scheme
<b>WIT</b>	Witness Intermediary Team
<b>YJCEA</b>	Youth Justice and Criminal Evidence Act 1999

# Introduction

## The Witness Intermediary Scheme

The Witness Intermediary Scheme (WIS) is the responsibility of the Ministry of Justice (MoJ). It was first piloted in England and Wales in 2004, when the special measure provisions in the Youth Justice and Criminal Evidence Act 1999 (YJCEA 1999) for examining witnesses through an intermediary were brought into force. Since 2008, the WIS has been available to all police force and Crown Prosecution Service (CPS) areas in England and Wales.

The WIS has developed significantly as knowledge and understanding of communication needs of witnesses' advances in line with demand for the intermediary special measure. The evolution of the Scheme and related procedures and practices is reflected in the publication of successive versions of the Registered Intermediary Procedural Guidance Manual in 2005, 2011, 2012, 2015, 2019 and 2020. This document is iterative and updates are made to reflect developments in procedures, best practice, and relevant legislation.

## The Role of the Registered Intermediary and the Law

Registered Intermediaries (RIs) are impartial, neutral officers of the justice system. Their primary responsibility is to enable complete, coherent, and accurate communication with vulnerable witnesses in the justice system whose means of communication are impaired. RIs help to improve the quality of evidence and to facilitate the vulnerable witness's understanding and participation in the proceedings. They are responsible for conducting an assessment and reporting, orally and in writing, about the communication needs of the vulnerable person and the steps necessary to meet those needs. The RI's assistance is often the difference between a witness being able to give evidence or not.

RIs are one of the statutory special measures for prosecution and defence witnesses. They are provided for by Section 29 of the YJCEA 1999.<sup>1</sup> Sections 16 and 17 of the YJCEA 1999 set out the eligibility criteria for special measures.<sup>2</sup> Under section 16 of the Act, the Crown or defence can apply for the use of an intermediary if:

- The witness is 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 Act); or

<sup>1</sup> <http://www.legislation.gov.uk/ukpga/1999/23/section/29>

<sup>2</sup> <https://www.legislation.gov.uk/ukpga/1999/23/section/16>

- significant impairment of intelligence or social functioning; or
- a physical disability or physical disorder.

This document is intended as the key point of reference for RIs by providing a clear summary of the ethics and procedural code that all RIs must abide by. It provides an overview of policy and procedure from receipt of a Request for Service (RfS) to the completion of a case. It will also be helpful to end-users and those that work with RIs during the criminal justice process.

# Part 1: Professional Conduct

## Registered Intermediary Code of Ethics

RIs shall uphold the Code of Ethics at all times.

### 1. Professionalism

RIs shall conduct themselves with a high degree of professionalism in all circumstances.

### 2. Propriety

RIs must not use information or knowledge gained through the course of their work to benefit themselves or their associates improperly.

### 3. Respect

RIs shall demonstrate respect for all those that they encounter in the course of their professional duties and will respect the practices of other professions.

### 4. Resilience

RIs will seek to overcome any unforeseen difficulties.

### 5. Confidentiality

RIs shall strictly uphold confidentiality requirements, including those relating to information sharing and data protection.

### 6. Impartiality

RIs will remain strictly impartial and uphold their duty to the criminal justice system.

## Registered Intermediary Code of Practice

RIs shall uphold the Code of Practice at all times.

1. The RI must act as an impartial officer of the court. The authority and judgment of the court must be respected at all times.
2. The primary responsibility of the RI is to enable complete, coherent and accurate communication to take place between the witness and the police or court.
3. The RI must not change the content or attempt to improve or elaborate on what is said by the witness. Any actions that may improve understanding without changing meaning must be taken only with the explicit consent of the court.
4. The RI should explain their role to the witness and ensure that the witness gives their consent to participating in the intermediary assessment.
5. The RI must not enter discussion, give advice, or express opinions concerning the evidence that the witness is to present or any aspect of the case.
6. The RI must only intervene in court if it is necessary to draw attention to the witness being unable to understand or answer a question, expressing communication non-verbally, being distressed, or needing a break.
7. The RI may only accept casework for WIS-entitled complainants and witnesses via the WIS. All casework concerning WIS-entitled complainants and witnesses must be invoiced for according to the terms and conditions of the WIS remuneration rate schedule.
8. The RI must make all reasonable effort to be available for all meetings, hearings, trials and other appointments for which adequate notice has been given. The RI must not cancel or postpone meetings that are part of the assignment without good reason and where possible, the consent of the parties concerned.
9. The RI must only accept work for which they judge to be within their professional competence and skill set.
10. The RI must notify the Intermediaries Registration Board, via the Ministry of Justice Vulnerable Users Policy team, immediately of any criminal investigation or proceedings against them, or any other complaint or investigation into their conduct or competence.
11. The RI must comply with all obligations under data protection law.

12. The RI will be thorough in conducting an assessment of a witness's needs, identifying all sources of information required to gain a clear understanding of the needs of the witness.
13. The RI must not attempt to diagnose the witness with any medical condition, disorder, or disability.
14. The RI must keep the end-user (usually the police or CPS) informed of any difficulties, including recording, and communicating any dissatisfaction expressed by the witness with either the intermediary or the procedure.
15. The RI must disclose any difficulties encountered, such as potential conflicts of interest and limitations in their professional experience and training, to the NCA.
16. The RI must respect obligations relating to disclosure between the prosecution and the defence teams.
17. The RI will continuously update their knowledge and skills and complete a continuing professional development (CPD) log annually.
18. The RI must not bring the Witness Intermediary Scheme or the Ministry of Justice into disrepute.

## Part 2: Professional Information and Requirements for Registered Intermediaries

- 2.1 The MoJ has overall responsibility for the WIS. There are two boards through which governance is delivered, these are:

### The Intermediaries Registration Board (IRB)

Chaired by the MoJ, the IRB meets quarterly and brings together key stakeholders from across the criminal justice system. The terms of reference of this Board are:

*'The Intermediaries Registration Board focusses on the strategic direction, policy management and operation of the Witness Intermediary Scheme. It is the governance body that brings together the key stakeholders from across the criminal justice system and through which the Witness Intermediary Scheme policy decisions are made.'*

*'Members are responsible for representing their organisations on the Board and representing the Board within their organisations to ensure the Scheme continues to meet the needs of those in the criminal justice system'.*

### The Quality Assurance Board (QAB)

- 2.2 The QAB meets quarterly and brings together individuals with substantial professional experience in the field of regulation and quality assurance. The Board reports to the IRB on the conduct of its duties. The objectives of this Board are:

- To ensure that RIs adhere to the Code of Practice and Code of Ethics
- To ensure that complaints against RIs are fully investigated in accordance with the Intermediaries Registration Board's Complaints Policy and Procedure
- To agree the standards for, and assist in the recruitment, training, qualification and continuing professional development of RIs
- To maintain and support the RI register and ensure that it is fit for purpose

- To monitor and support the development of consistency and quality in the RI profession
- 2.3 The National Crime Agency's Witness Intermediary Team (WIT) is responsible for delivering the WIS matching service, the key operational element of the Scheme. The matching service is the mechanism through which the WIT matches RIs to the specific communication requirements of witnesses at the request of the end-user, usually a police force or member of the CPS.

## Registered Intermediary Reference Team (RIRT)

- 2.4 In addition to the governance bodies, the Registered Intermediary Reference Team (RIRT) comprises up to 12 RIs from regional groups established by the RI community. RIRT aim to represent the interests of RIs to the MoJ. RIRT's role is to:
- Provide a forum for the RI community to raise relevant matters regarding the WIS to a self-selected group of its peers for discussion in a formal environment with the MoJ
  - Achieve representation of the RI community through its membership reflecting, as far as possible, a cross-section of that community by different professions and vocations, different working patterns and backgrounds
  - Have all regional group areas represented
  - Ensure that the relationship between the RI community and MoJ, end users and other stakeholders is being effectively represented and managed

## Criminal Record Checks

- 2.5 RIs are required to have a criminal record check via the Disclosure and Barring Service (DBS).<sup>3</sup> The RI role is included in the scope of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2023).<sup>4</sup>
- 2.6 RIs must immediately inform the QAB if they are subject to any safeguarding allegations, police investigation, cautions or criminal investigations. The QAB will then decide what action is appropriate in relation to accepting further referrals and ongoing cases.

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<sup>3</sup> RIs were made eligible for standard DBS checks on 6 July 2023, by virtue of the high public trust invested in the role. DBS checks for RIs conducted after this date will be conducted at standard level.

<sup>4</sup> [The Rehabilitation of Offenders Act 1974 \(Exceptions\) \(Amendment\) \(England and Wales\) Order 2023 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

- 2.7 DBS checks for RIs should be renewed every three years. RIs should contact the NCA ([ri.co-ord@nca.gov.uk](mailto:ri.co-ord@nca.gov.uk)) to request a renewal.

## Insurance

- 2.8 RIs must hold valid indemnity insurance. If this is provided through existing employment or membership of a professional body then the RI should ensure that this extends to their new role. If no insurance policy is held, then this should be sought through an independent insurance provider; note that the IRB does not specify the details or level of cover required.

## Data Protection

- 2.9 As self-employed communication specialists commissioned by the justice system, RIs are data controllers under the [Data Protection Act 2018](#) and have data protection responsibilities.<sup>5</sup>
- 2.10 RIs must register and maintain their registration with the Information Commissioner's Office (ICO) as data controllers. Guidance on how to register with the ICO and the associated fees is available via the Information Commissioner's website and [can be viewed here](#).
- 2.11 RIs are accountable for the lawful, secure, and compliant processing of personal data.<sup>6</sup> Guidance on the responsibilities of data controllers [can be viewed here](#), and a checklist [can be viewed here](#).

## Joining the Register

- 2.12 Once the RI Training (RIT), assessments and pre-employment checks (including insurance, data protection, and criminal record check requirements) have been successfully completed, individuals are eligible to join the register and, on doing so, will receive their unique registration number.

## Criminal Justice Secure Mail

- 2.13 To safeguard data and information, a secure email must be used. The NCA WIT will provide RIs with the details of their secure CJSM (Criminal Justice Secure Mail) account on joining the WIS register. All email correspondence containing sensitive, financial, or witness identifiable information must be sent through this account.

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<sup>5</sup> The Data Protection Act 2018 contains guidance on legal responsibilities regarding personal data. The Act distinguishes between a data 'controller' and 'processor' of personal data ([DPA 2018, Chapter 1, s.32](#)).

<sup>6</sup> With respect to the duties performed by the RI, the MoJ is neither a data controller, nor a data processor. The information provided in this subsection is for guidance only and is not formal instruction about RIs' legal responsibilities as data controllers.

- 2.14 RIIs must ensure that any account to which they email protected information is also secure. If in doubt, the RI should seek confirmation from the prospective recipient.

## Remuneration

- 2.15 RIIs must invoice according to the national rates, negotiated with the police and CPS, that are approved by the IRB. Fees are based on an hourly rate, with reimbursement of travel and subsistence within policy limits. The WIS remuneration rate schedule [can be viewed here](#).
- 2.16 Fees may be charged for activities including but not limited to: face-to-face appointments, report writing, obtaining background information, preparation time prior to an appointment, developing communication props, memory refreshing, pre-trial visits, and assistance with victim personal statements.
- 2.17 A contractual arrangement is entered into at the point that the RI accepts the RfS and sends the completed RfS form to the end-user. This arrangement is between the RI, as a self-employed individual, and the service from which the request originates – usually the police or CPS.

## Complaints Policy and Procedure

- 2.18 Complaints concerning the conduct or competence of an RI should be submitted in writing to the WIT ([WIT@nca.gov.uk](mailto:WIT@nca.gov.uk)). The name of the RI concerned should be provided together with the grounds of the complaint and the name and contact details of the complainant. The WIT will refer complaints to the QAB.
- 2.19 The QAB will decide on how to proceed based on the information provided.
- 2.20 The full Feedback and Complaints Policy [can be viewed here](#).

## Complaints Made by Registered Intermediaries

- 2.21 RIIs can make a complaint about another criminal justice system worker by following the complaints process of the body responsible for the individual in question.
- 2.22 RIIs can also log concerns about the conduct of individuals they encounter during the course of their work via the [Witness Intermediary Scheme Concerns Log](#).<sup>7</sup>

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<sup>7</sup> The MoJ is unable to take direct action against individuals representing external organisations. While your concerns can help to identify problematic trends, RIIs should contact the authority concerned to raise a formal complaint about another justice system worker.

## Part 3: Conducting a Case

- 3.1 When a police officer recognises that a witness requires the assistance of an RI for the purposes of obtaining evidence through an Achieving Best Evidence (ABE) interview, they will make a request for an RI by completing an RfS form and submit this to the NCA WIT. The RfS form [can be viewed here](#).
- 3.2 The CPS may also make a request for an RI in the same way, although in practice this usually takes place after the ABE interview and at a later stage in the proceedings. In such cases, the CPS will provide the RI with contact details of the caseworker. The RI will then inform the caseworker of their involvement in the case.
- 3.3 The NCA WIT will match the RfS if there is an available RI that has the necessary skills and experience to meet the witness's needs and is willing to practice in the relevant location. The NCA WIT will contact the RI. It is the RI's responsibility to ensure that their recorded skill set is fully within their expertise. The RI may be required to justify their skill set in court.

### Initial Contact with the Police

- 3.4 The RI will contact the police officer by telephone or email within 24 hours of accepting the RfS. The needs of the witness will be discussed and, as far as it is relevant to the communication needs of the witness, the police officer will provide brief details of the alleged offence and points to prove. During this conversation the date and time of the assessment should be arranged.
- 3.5 The RI should confirm that the police officer who will be conducting the ABE interview (interviewing officer) will be present at the assessment. It is essential that a police officer is present in the assessment at all times. This is to avoid the risk that a disclosure is made to the RI by the witness that would result in their role transitioning to that of a witness themselves. It is also helpful to all parties for the interviewing officer to be present as it assists them in observing the witness's communication skills and needs first hand. Having observed the witness's communication skills and needs, and the manner in which the RI intervened and managed those communication difficulties, the interviewing officer will better understand how to effectively communicate with the witness. RIs should not be alone with a witness at any point.
- 3.6 Following initial contact with the police officer, the RI should complete part 8 of the RfS (Letter of Engagement) and send it to the police officer, or to the CPS representative (depending on whom the request has come from). This document forms the contract between the RI and the end-user.

3.7 Details to cover in the initial contact with the police:

- Clarification of the role of the RI
- Contact details of the police officer and who to contact when they are off-duty
- Contact details of the CPS lawyer and caseworker (if available)
- Details of the witness – name, gender, age, main carer (if any), involvement with other agencies, first language, family members etc.
- Nature of the witness's vulnerability and perceived communication needs
- Details of the alleged offence and any points to prove in interview, including what was said by the witness during any initial disclosure (and/or previous interview, if there was one)
- Arrangements for the RI's assessment including explanation that the interviewing police officer should be present
- Whether necessary permissions have been obtained for the RI for the assessment itself and to obtain information from other sources
- Any risks to the RI, the witness or any other party present

## **Assessing a Witness's Communication Needs**

- 3.8 The RI conducts the communication assessment. The form and content of the assessment will depend on the witness's communication needs and the RI's skill set. The RI also uses this time to establish rapport with the witness.
- 3.9 The assessment must take place in the presence of a police officer who can provide an independent account of events if needed. At no time should the RI be left alone with the witness.
- 3.10 A witness supporter may be present to provide emotional support to the witness. The supporter, who must not themselves be a witness in the case, may be a parent, sibling, carer, care worker, social worker, or other volunteer advocate.
- 3.11 If the assessment takes place in a care home or hospital then the police officer and RI should discuss in advance the role of staff.

- 3.12 The purpose of the assessment is for the RI to ascertain the witness's communication abilities and specific needs. By the end of the assessment the RI should be able to advise:
- Whether or not the witness has the ability to communicate their evidence and, if so, how
  - Whether the use of an RI is likely to improve the completeness, coherence and accuracy of the witness's evidence
  - The most effective way of communicating questions to the witness
  - (*For post-ABE assessments*) What special measures and other adjustments will enable the witness to communicate most effectively

**Important:**

The task of the RI is to assess the ability of a witness to communicate evidence. The assessment and recommendations will assist an OIC in determining if an ABE is practicable. But responsibility for this decision rests with the OIC, not the RI.

- 3.13 The RI must not attempt to diagnose the witness with any medical condition, disorder, or disability.
- 3.14 It is not the role of an RI to determine whether the witness is medically and psychologically fit enough to be interviewed or to consider whether the benefits of conducting an interview outweigh any potential adverse impact that it might have on the witness. Such decisions are usually taken by the OIC in consultation with other suitably qualified professionals.
- 3.15 Where an RI does have concerns about the medical or psychological fitness of a witness, they are perfectly entitled to raise them with the end-user and to suggest that an assessment takes place with a suitably qualified clinician if necessary.
- 3.16 If the RI concludes that they do not have the appropriate specialism for the witness's particular communication needs they must contact the NCA WIT as soon as possible so that another RI can be sought.
- 3.17 The RI must keep a detailed record of what happened at the assessment. This record should include any actions taken by the RI and the RI's reasons for such actions, as well as the witness's response to communication strategies that the RI has used to facilitate communication and understanding. This detailed record will

inform the later report, but it is not necessary to record the meeting or to make a verbatim record.

## Preliminary Report

- 3.18 After the assessment the RI will prepare a preliminary report setting out their findings on the ability of the witness to communicate their evidence and any recommendations to enable complete, coherent and accurate communication. The police (preliminary) report template should be used as a guide and [can be viewed here](#). Please note that this report should be supplied in advance of the ABE interview.
- 3.19 Unless explicitly requested otherwise by the police or the CPS, the preliminary report is the only report the RI is required to produce at the police stage, preceding the written report for the court.
- 3.20 It should be noted that the assessment and the ABE interview are not typically conducted on the same day. This is because the vulnerable witness may be fatigued after the assessment, their attention may have deteriorated, specific communication aids may need to be created based on the interviewing officer's points to prove, or a further assessment may need to be undertaken to appraise further points not covered during the first assessment session.
- 3.21 However, there may be legitimate reasons why this may need to be done (e.g. it is considered to be in the interests of achieving best evidence, the police have a suspect in custody, an interview needs to be conducted before a medical examination can be carried out, or there may be urgent safeguarding issues).
- 3.22 If it is agreed between the RI and the interviewing officer to conduct the assessment and ABE interview on the same day, all relevant observations and recommendations that the RI would ordinarily provide in a written format should be covered orally in their planning meeting before the ABE interview on the day itself.

### Important:

Where the ABE interview takes place on the same day as the assessment, the RI may present their findings orally, but they must then follow up with a written report.

## Achieving Best Evidence Interview

- 3.23 Once the RI has assessed the witness and produced their recommendations, they will have a planning meeting for the ABE interview with the police officer. Planning includes a discussion of communication needs, the layout of the room, the use of communication aids or props, vocabulary and how to ensure that the witness stays calm and engaged. Planning discussions with the interviewing officer may include:
- How to check that the witness understands what is going to happen/is happening in the interview
  - Language: vocabulary, complexity of sentences, style of questioning, what forms of question to avoid
  - What the opening question of the interview might be, with options if that fails, to help the witness get to the point
  - Setting up the room in the most appropriate way, including any other environmental factors identified in assessment, such as numbers of individuals present
  - Ensuring that the RI is visible on the video recording (for transparency)
  - How best to explain the cameras and recording equipment
  - How to use any communication aids, visual aids, or props
  - The frequency and duration of breaks
  - How the RI should intervene if necessary
  - Any other circumstances relating to the communication abilities of the witness
- 3.24 It is important to recognise that the police officer conducts and manages the ABE interview. The RI is not a second interviewer. There should be a clear understanding of roles and how the RI should indicate if they need to intervene to check that the witness understands, to assist in rephrasing the question or to ask for a break on behalf of the witness. There may be others present in the interview room, such as a social worker, and the RI should be prepared to advise on a maximum number of people if there is a likelihood that this will affect the witness's communication.

3.25 [Section 29\(5\) of the YJCEA 1999](#) and [Criminal Procedure Rule 18.27](#) require that the RI make a declaration before the ABE interview commences. This should be explained to the witness beforehand, or it may be appropriate for the declaration to be recorded before the witness enters the room.

3.26 The declaration is as follows:

*'I swear by Almighty God [or I solemnly, sincerely and truly declare and affirm] that I shall faithfully communicate questions and answers and make true explanation of all matters and things required of me according to the best of my skill and understanding.'*

3.27 If the police have already conducted the ABE interview or taken a statement from the witness before the referral to the RI, then they must record the reasons for this and notify the CPS. The RI will conduct a communication assessment before watching the ABE video or reading the witness statement. The RI's report should explain this and state how, if at all, their recommendations were informed or altered as a result of watching the ABE or reading the witness statement. However, it is not the RI's role to give an opinion or analysis of an ABE interview that has already been conducted.

## Part 4: Written Report for the Court

### Overview and Funding Arrangements

- 4.1 If the case proceeds to court, the RI should produce a written report for the court following their acceptance of the CPS-issued RfS; the template court report should be used as a guide and [can be viewed here](#). A checklist for the court report is provided at [annex A](#).
- 4.2 It will often be necessary for the RI to conduct an additional communication assessment of the witness prior to writing the court report if a significant period of time has passed since the initial assessment (see 4.10 – 4.12 for details).
- 4.3 The CPS are responsible for funding the court report. The police should not be invoiced for this activity.
- 4.4 If the RI is requested to assist with a Victim Personal Statement, the police are responsible for funding this (regardless of the fact that it is post-charge). The RI should therefore send their invoice for this activity to their designated police contact.
- 4.5 The report should set out the witness's background, what was ascertained during the assessment and ABE interview, and details about the witness's communication abilities and specific needs, together with practical suggestions on how the witness can best be questioned at court. The report should also set out how the RI is able to assist the witness, as well as the experience and expertise that will be used in doing so.
- 4.6 The report will be used in three main ways:
  - It will be taken into consideration by the prosecution, defence and the court when the application for special measures is made
  - It will advise the prosecution, defence and the judge/magistrates about how best to communicate with the witness at trial
  - It will shape the discussions and the directions made at the Ground Rules Hearing (GRH)
- 4.7 Once the report is completed, the RI should submit it (in PDF format) to the person who commissioned it (usually the CPS paralegal), who is then responsible for sharing it with the other parties and the court.

- 4.8 As the report will be shared, the RI should only include personal confidential information insofar as it is necessary, and must not include information that could further identify or endanger the witness, such as their place of residence, date of birth, school, nursery or names of others via which the witness may be identified.
- 4.9 Information or reports should be stored securely along with the rest of the RI's notes and in compliance with the provisions of the Data Protection Act 2018 and the General Data Protection Regulation.

## **Additional Assessments**

- 4.10 If more than twelve months (or six months in some circumstances, see 4.11) have elapsed between the initial communication assessment of the witness and the date the CPS submits the RfS, the RI should undertake a further assessment of the witness. The CPS reserves the right to request an additional assessment at any point.
- 4.11 For children under the age of 11, and other witnesses whose communication needs are likely to change significantly over a short timespan (e.g. due to a progressive illness or other condition), the RI should undertake a further assessment if more than six months have elapsed between the initial assessment of the witness and the date the CPS submits the RfS. The RI should use their discretion to determine whether the witness's communication needs are likely to have changed since the initial assessment, and where this is deemed likely, the RI should request an additional assessment from the CPS and provide rationale for their recommendation.
- 4.12 A further assessment should also be conducted if the RI assisting the witness did not assist the witness at the police ABE stage (regardless of the time elapsed since the initial communication assessment). In such instances, the RI should also seek permission to view the ABE recording.

## **Guidance on Report Sections**

### **Contents**

- 4.13 Any report longer than ten pages, including the front page, should have a contents page to assist with navigation. All pages should be numbered. The contents table on the second page of the template can be updated automatically by right clicking and selecting 'update field.'

## Summary of Registered Intermediary's Qualifications and Experience

- 4.14 The RI should set out, usually in one or two paragraphs, their qualifications and experience relevant to the needs of the witness. This should include a sentence on RI qualification. A full CV can be annexed.

### Background

- 4.15 This section should set out how the referral came to the RI, who made the referral and why the referral was made (i.e. the vulnerability of the witness). This can be done using the suggested paragraph in the template (at 2.1) or other wording.
- 4.16 Under the sub-heading of 'Instructions,' the purpose of the report and role of the RI should be set out as follows:

#### ***I have been asked to:***

1. *indicate whether or not [Witness] has the ability to communicate [their] evidence and, if so, how;*
2. *indicate whether the use of a Registered Intermediary is likely to improve the quality (completeness, coherence and accuracy) of [Witness's] evidence;*
3. *make recommendations as to special measures and other adjustments to enable the best communication with [Witness].*

*My role as a Registered Intermediary is to assist communication with the witness and their communication with others. I am not instructed as an expert witness. I cannot give an opinion on the accuracy of the witness's recall of the facts in this case, nor can I give an opinion on whether the witness is telling the truth in their evidence.*

*My role is limited to facilitating communication before the trial and during the witness's evidence, advising how this can best be achieved.*

- 4.17 Under the sub-heading of 'Sources', all sources of information which have been used in order to write the report should be clearly set out, including the RI assessment(s), review of ABE and sources of any other third-party information. Possible sources of third-party information may include discussion with or information (e.g. reports/records) obtained from family members, foster parents, nursery workers, school teachers and teaching assistants, special educational needs co-ordinators, key workers, social workers, psychologists, doctors, nurses, therapists, police officers, etc.

- 4.18 Under the sub-heading of ‘Chronology,’ the chronology of the RI’s involvement in the case should be set out in the form of a table, including dates of referral (from police and CPS, if the RI has been involved at both stages of the case), assessment(s), review of ABE recording and further information and completion of report.

### **Witness Assessment**

- 4.19 This section should include a comprehensive description (organised under relevant, numbered sub-headings – suggestions of which can be found in the report template at section 5.1) of:
- Assessment process/tasks
  - Observations/findings regarding communication strengths/needs (from assessment/other sources)
  - Application of observations/findings to giving evidence (i.e. how will the communication strengths/needs impact upon the quality of evidence/participation in process of giving evidence?)

### **Recommendations on Special Measures and Other Adjustments**

- 4.20 This section should include all recommendations relating to:
- Pre-trial stages (e.g. pre-trial visit, submission of questions for review by RI, GRH, memory refreshing)
  - Special measures (e.g. live-link, Section 28)
  - Other adjustments (e.g. communication aids (for general use, e.g. ‘break’ cards), timings/breaks – including best time of day to begin evidence, length/location of breaks – strategies to support attention and listening/emotional regulation, environmental adaptations)

- 4.21 The section should identify the need for a GRH in the case, using the following paragraph:

*In accordance with Criminal Procedure Rules Part 3 paragraph 3.9(7) and Criminal Practice Directions 3F.27, a Ground Rules Hearing should be held, save for exceptional circumstances, and the Registered Intermediary should be party to any ground rules discussions.*

There is further guidance on GRHs, and a checklist available on [The Advocate's Gateway website](#).

- 4.22 This section should include an indication that the RI should be present at the hearing of a special measures application if it is opposed.

### **Recommendations on Communication**

- 4.23 This section should include recommendations specifically related to communication with the witness (e.g. recommendations and strategies for questioning), in order to improve the quality of the witness's evidence.

- 4.24 These recommendations should be as detailed and specific as possible, so as to assist advocates and the judge/magistrates in their communication with the witness.

- 4.25 In relation to questioning, the RI may wish to specify:

- The pace of questioning
- Use of the witness's name at the beginning of questions
- Allowing additional time for the witness to process the question and formulate their answer
- The length/format of questions
- Avoiding grammatically complex structures
- Communication aids which specifically assist with questioning (e.g. visual timelines, body outlines), etc.

- 4.26 Recommendations should be illustrated with practical examples (e.g. question types to use/avoid), tips and strategies (e.g. if the witness has delayed processing, the

report might advise the advocate to ‘count to five’ in their head before asking the next question).

4.27 Further points that may be covered in this section include:

- How the witness can be assisted to take the oath/affirmation
- The witness’s use of language, especially if idiosyncratic
- Indicators of the witness dissociating, or becoming confused/anxious/emotionally heightened/fatigued
- Advice to the questioner about their mode of delivery – such as tone of voice or indications that they are going to change topic
- The role of the RI during questioning, including how the RI will indicate if they need to intervene or if there needs to be a break in questioning (e.g. by raising a cue card).

4.28 Recommendations on communication could be organised in a table (as below) or with bullet points, for ease of reference. As with recommendations on special measures, each recommendation should be supported by rationale linked to an assessment finding (e.g. via cross-referencing or a brief description of the relevant assessment finding).

Recommendation	Example	Rationale
<b>Say [Witness’s] at the beginning of the question.</b>	‘[Witness], how did you meet [Suspect]?’	[Witness’s] attention is poor during verbal activities. I have found that saying [their] name helps to focus [their] attention.
<b>Keep questions or comments to [Witness] to a maximum of four key words per sentence.</b>	‘What was Sam doing under the bed?’	[Witness] is unable to process the entirety of sentences containing five or more key words.
<b>Keep the language used in questions or comments to [Witness] in the relevant tense.</b>	ASK: ‘What were you doing in the bedroom?’ or ‘What did you do in the bedroom?’ NOT: ‘What are you doing in the bedroom?’	[Witness] becomes confused when questions about the past are presented in the present tense.
<b>Avoid ‘why’ questions.</b>	ASK: ‘What was happening just before X?’ NOT: ‘Why did X happen?’	[Witness] is often unable to give appropriate responses to ‘why’ questions.

## RI Declaration

- 4.29 The RI declaration should be set out in full and followed by the RI's signature, registration number and the date.
- 4.30 The declaration should read:

*'I swear by Almighty God [or I solemnly, sincerely and truly declare and affirm] that I shall faithfully communicate questions and answers and make true explanation of all matters and things required of me according to the best of my skill and understanding.'*

## Appendices

- 4.31 Three appendices are included in the court report template. These are:

***Appendix 1: CV of Registered Intermediary***

***Appendix 2: Role of the Registered Intermediary***

***Appendix 3: Giving Feedback to the Witness Intermediary Scheme***

- 4.32 Further appendices could be included depending on the needs of the witness / case requirements. For example, appendices on:
- Communication aids (with pictures and more detailed explanation of use)
  - Neutral questions to be asked during live-link practice
  - GRH Checklist
  - Further information/references (e.g. on witness's conditions)
- 4.33 An original, signed copy (in PDF, if sent electronically) of the report should be supplied to the person that commissioned the report (usually the CPS case worker).

# Part 5: Assisting a Witness in Court

## Pre-Trial

### Overview

- 5.1 The RI who assisted the witness during the ABE interview (if an RI was involved at that stage) should, whenever possible, continue to assist the witness up to and including the trial. If this is not possible, there must be a 'hand over' process between the RI who wrote the report and the RI who will be acting at the trial.
- 5.2 The new RI must themselves meet with and assess the witness and establish rapport with the witness. They must also write their own report even if they agree with most, or all of, the previous RI's recommendations and conclusions. This is because the trial RI must be able to justify their interventions based on what they have personally learned about the witness through the assessment and what they have recommended.
- 5.3 The GRH will be based on the trial RI's report. If there has already been a GRH and a new RI takes over, there should be a further GRH involving the trial judge, advocates, and the new RI to ensure that there is a shared agreement to comply with the ground rules already set.
- 5.4 It is important to stay informed of the status of the case. Although the end-user should keep the RI informed, this may not always happen. It is recommended that the RI makes regular contact with the CPS, and/or the OIC, to ensure that they stay informed of dates and any changes to these. The RI must inform the end-user immediately if for any reason they are unable to assist on the fixed trial date.

### Receipt of CPS Request for Service

- 5.5 If the application for special measures is opposed, the RI should be present at the court for the contested application in order to assist the court in its decision making and, if necessary, to respond to the judge's questions about the report. If the special measures application is granted by the court, the RI should be present when the witness is due to give evidence.
- 5.6 RIs should work in partnership with others who may be involved in the preparation and support of witnesses for giving evidence (e.g. Witness Service or Independent Sexual Violence Advisors) and inform them of any relevant matters regarding the communication and well-being needs that might impact the quality of the witness's evidence and preparation for court.

### **Notifying the Citizens Advice Witness Service:**

On accepting the CPS issued RfS, Citizens Advice asks that RIs notify the Witness Service that they have been assigned to a new case.

This notification should be sent at the earliest opportunity, and should be done via secure email to [witness.service@cawitnessservice.cjsm.net](mailto:witness.service@cawitnessservice.cjsm.net).

The email should contain the case details, court name/type, the trial date (if available), the witness's name, confirmation of the RI's role, and the RI's contact details.

Further information on this Citizens Advice request [can be viewed here](#).

### **Court Familiarisation Visit**

- 5.7 RIs should attend the pre-trial court familiarisation visit. The Equal Treatment Bench Book<sup>8</sup> recommends that intermediaries should be provided with photos of the live link rooms and screens by the court, or be allowed to take their own photos for the purpose of preparation. Witnesses must practise speaking and listening on the live link, and the court should accommodate this with support from the Witness Service. The RI can facilitate this by providing court officials with questions to ask the witness when they practise. These questions must be pre-approved by CPS and be completely unrelated to the case, such as: 'What did you have for dinner yesterday?' 'How old are you?' 'How did you get here today?'

### **Memory Refreshing**

- 5.8 In advance of the trial, the witness will have the opportunity to refresh their memory by watching the ABE interview. It is the RI's role to advise on the best way of doing this, for instance it may be best to do this separately from the court familiarisation visit to avoid the witness becoming fatigued or overloaded with information. The RI should attend and there should be a designated note-taker when the witness views their interview so that if any new evidence transpires it can be reported to the judge. The notetaker must not be the RI, in case there is any discrepancy between the accounts of the notetaker and the witness.
- 5.9 Any further insights into the witness's communication needs learned from the pre-trial court visit or viewing of the ABE interview should be conveyed immediately to the CPS and the OIC, particularly if these lead to further recommendations or a supplementary report about useful adaptations to aid communication. For example, an RI noted during a live link practise that the child witness was communicating via

<sup>8</sup> <https://www.judiciary.gov.uk/wp-content/uploads/2018/02/equal-treatment-bench-book-february2018-v5-02mar18.pdf>

small gestures which would not clearly transmit on the live link; the RI therefore recommended that examination of the witness should take place with counsel in the live link room with the witness and RI.

- 5.10 The RI may be asked by the CPS to assist at any pre-trial meeting when consideration is given to the steps that need to be taken in order to assist the witness to give their best evidence (these usually take place for cases concerning rape and serious sexual offences, and more rarely other cases). If the RI receives an invitation to a meeting of this kind, they should make every possible effort to attend.

## **Ground Rules Hearing**

- 5.11 Where an RI is involved in a trial, a GRH must be held. This is where the judge or magistrates, advocates and RI discuss ground rules (such as how the RI may intervene, if necessary) prior to the witness giving evidence. Wherever possible, the RI should be actively involved in this process.
- 5.12 The ground rules for the conduct of questioning may include:
- A direction relieving a party of any duty to put that party's case to a witness in its entirety
  - Directions about the manner of questioning
  - Directions about the duration of questioning
  - Directions about how questions may or may not be asked
  - Directions about the use of models, plans, body maps or similar aids to help communicate a question or an answer
- 5.13 The judge may also order that the RI review the questions that the advocates plan to ask the witness and provide advice on their suitability in terms of the witness's communication needs.
- 5.14 Where the RI is asked to review the questions in advance, it is important that the purpose of cross-examination is kept in mind – to challenge the witness. The defence are required to set out in their Defence Case Statement where they take issue with the prosecution case, but they do not normally disclose in advance each matter on which they take issue with a particular witness. There may also be disagreement between defendants in a multi-handed trial as to what took place and/or who was responsible.

- 5.15 The RI's task is to help the advocate in phrasing questions in a way that the witness can understand, but their role is not to 'protect' the witness from being challenged on their evidence. They therefore must examine the questions solely from the standpoint of the witness's ability to understand and respond to them according to their specific communication needs. The RI must not disclose the content of questions to the prosecution or to any other defence counsel without the express written consent of the writer.

## At Trial

- 5.16 When the RI arrives at court, they should make themselves known to the court usher, the Witness Service and any other professional witness supporters (ISVAs etc.), the OIC and to the trial advocate. They should bring spare, clean copies of their report (hardcopy or electronic) for the court.
- 5.17 The judge should explain the RI's role to the jury and then the RI declaration should be made. This is required by statute and it is helpful for RIs to carry a small, laminated copy of the declaration in case the court does not have one available. The declaration can be made either in the court or in the live-link room.
- 5.18 The RI may need to explain their qualifications, training and role for the jury or magistrates.

## Giving Evidence

- 5.19 When the witness is giving evidence, the RI supports them as agreed in the GRH. The RI will monitor the witness and intervene if a communication issue arises. The means of intervention will have been agreed upon in the GRH. The RI's role during cross-examination must be transparent – they should be in view of the jury or magistrate and not out of camera view in the live link room. This is to ensure that the jury or magistrates can clearly see that answers are coming from the witness and not the RI.
- 5.20 Interventions should be made as soon as possible once the need is recognised, for instance, if the question is too complicated for the witness. This is a matter of judgment and needs to be resolved on the spot, on the basis of the knowledge the RI has gained about the witness. The questioning should flow if possible and the witness should not be disempowered.
- 5.21 If counsel are able to adapt their questions appropriately then there may be no need to intervene – this may well reflect the quality of the work carried out before the trial and that counsel have observed the ground rules. The RI should not be deterred from intervening in the event that an issue not previously recognised becomes apparent. When an intervention is made the advocate should be given an opportunity to rephrase the question before the RI offers to do so.

- 5.22 When a witness is asked a question that they cannot understand, it may cause distress as they realise that they cannot answer. Some witnesses may give answers such as 'don't know' or 'yeah' as a way of bringing the questioning to an end, even if these answers do not reflect the truth.
- 5.23 The RI needs to be alert to the issues that can arise if an advocate persistently asks inappropriate questions. If there is a fundamental problem with the advocate's style of questioning, and no one else takes the initiative, the RI should say to the judge; 'Your honour, there is a matter which would best be dealt with in the absence of the jury'. Following this, there should be a discussion between the judge, advocates and the RI in the absence of the jury.

**Important:**

It is the decision of the judge whether or not to take any action following the RI's intervention.

- 5.24 The court may not always hear every word that the witness says, and it is the RI's duty to bring this to the court's attention, particularly in the live link room, regardless of the impact this may have on the witness's evidence.
- 5.25 During any breaks in proceedings, witnesses can be referred to the Witness Service for any support needs or information concerning the proceedings.
- 5.26 A checklist of the RI's duties whilst at court can be found at [Annex B](#).

## Section 28 Pre-Recorded Cross Examination

- 5.27 Section 28 (s.28) of the YJCEA is a special measure that allows eligible witnesses to have their cross-examination video-recorded before the full trial. The witness's recorded cross-examination is then played during the 'live trial', along with the recorded evidence obtained during the ABE interview.
- 5.28 In most cases, this means that the vulnerable person does not have to attend the live trial in person. When further questioning is necessary, the judge is responsible for ensuring this is done in accordance with guidance (normally by way of a further s.28 hearing).
- 5.29 The aim is for the s.28 recording to be conducted closer to the time of offence, aiding memory recall and reducing the distress experienced by some witnesses when giving evidence to a full courtroom at trial.
- 5.30 As with all special measures, an application for the use of s.28 should be made after seeking the witness's views, ensuring they are eligible, and only if it would help

them to give their best evidence. The RI can be helpful in ensuring the implications of s.28 are explained appropriately to the witness so they can express an informed preference. The application for the special measure is made by the police and/or CPS and is granted at the judge's discretion, however, the RI can note any potential benefits of early recording in their court report.

**Important:**

While the RI's role at the s.28 hearing remains unchanged, the shortened timescales mean it is imperative the RI's availability is known for both the GRH and the pre-recorded hearing when these dates are set at the plea and trial preparation hearing (PTPH).

- 5.31 Procedurally, a s.28 hearing is the first day of the trial. The RI will act as they would in a live trial, being involved in the same preparation processes and providing the same communication assistance to the witness. As at a live trial, the vulnerable witness undergoing pre-recording of their cross-examination is entitled to consideration of all other special measures (including assistance from an RI).
- 5.32 The jury is not present at a s.28 hearing, but typically the judge, advocates and defendant(s) are in attendance in the court room. The witness will answer questions across a live link, either from another room in the court building or remotely from another court building.
- 5.33 The s.28 special measure is available in every Crown Court in England and Wales for vulnerable and intimidated witnesses who have completed a visually recorded interview. It is not presently available in the magistrates' courts.

## Part 6: Involvement of Registered Intermediaries at Other Stages

- 6.1 RIs may assist communication during an identification parade as part of the police investigative process or when a vulnerable witness is giving a Victim Personal Statement after a trial.
- 6.2 There is also a possibility that the assistance of an RI may be requested when sentencing and the outcome of a trial is explained. This is more likely to be the case if the vulnerable witness has a severe disability.
- 6.3 The RI may suggest modifications to procedure and language in those matters for the vulnerable person to engage, understand and communicate. At all times, the RI should abide by the code of ethics and code of practice. The RI should also follow any process-specific instructions communicated by the end-user and make recommendations which will adhere to those.

# Part 7: Other Assistance for Witnesses

## Interpreters

- 7.1 Interpreters are used where the witness does not have a good command of English. An RI will need to work with an interpreter if a witness also has communication needs that require their assistance. This includes British Sign Language interpreters. An interpreter is employed to translate questions and answers as exactly as possible and is not allowed to provide additional explanation of either the question or the answer. Interpreters are, however, allowed to intervene to alert the court of possible misunderstandings or missed cultural references.

## Citizen Advice Witness Service

- 7.2 The court-based Witness Service is provided by Citizen's Advice, funded by the MoJ, and offers information and support, including tailored pre-trial preparation and court visits, to all witnesses. The service is available to both prosecution and defence witnesses. It should be noted that pre-trial support for witnesses living in the London area is provided by Victim Support. Citizens Advice remain responsible for the support delivered at all court hearings (e.g. at trial).

## Independent Sexual Violence Advisers

- 7.3 An Independent Sexual Violence Adviser (ISVA) is a person who provides services to support victims of sexual offences.<sup>9</sup> ISVAs offer independent support and information to the victim, making them aware of their options, such as reporting to the police, accessing Sexual Assault Referral Centre services, and specialist support such as pre-trial therapy and sexual violence counselling. ISVAs also provide information on other services that victims/survivors may require, for example in relation to health and social care, housing, or benefits.<sup>10</sup>
- 7.4 It is a key role of the ISVA to provide practical support which may include assisting the person in accessing support services such as intermediaries.

## Independent Domestic Violence Advisers

- 7.5 The primary purpose of independent domestic violence advisors (IDVA) is to address the safety of victims at high risk of harm from intimate partners, ex-partners

<sup>9</sup> [The role of the Independent Sexual Violence Adviser \(ISVA\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/the-role-of-the-independent-sexual-violence-adviser-isva)

<sup>10</sup> As part of the draft Victims Bill, the MoJ has committed to developing statutory guidance for ISVAs and IDVAs, alongside introducing a duty on other agencies to have 'due regard' to this guidance.

or family members to secure their safety and the safety of their children. Serving as a victim's primary point of contact, IDVAs normally work with their clients from the point of crisis to assess the level of risk, discuss the range of suitable options and develop safety plans.<sup>11</sup>

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<sup>11</sup> [National definition of IDVA work.pdf \(safelives.org.uk\)](https://www.safelives.org.uk/national-definition-of-idva-work.pdf)

## Part 8: Safeguarding

- 8.1 There may be occasions when an RI is required to share concerns about a vulnerable witness because they believe that the witness may be at risk of harm.
- 8.2 If an RI believes that a child or vulnerable adult is at risk of harm then they must act in line with the relevant statutes and guidance including:
  - [Children Act 1989](#)
  - [Adoption and Children Act 2002](#)
  - [Children Act 2004](#)
  - [Mental Capacity Act 2005](#)
  - [Care Act 2014](#)
  - [Data Protection Act 2018](#)
  - [UK General Data Protection Regulation 2018](#)
  - [Guidance on 'Working Together to Safeguard Children', Department for Education, \(2018\)](#)
  - [Guidance on 'Information sharing: advice for practitioners providing safeguarding services to children, young people, parents and carers', \(2018\)](#)
- 8.3 If the RI assesses that a child or vulnerable adult is at risk of significant harm, they should contact their local Multi-Agency Safeguarding Hub (MASH) (or safeguarding children/adults board) in the first instance, and follow this up in writing within 24 hours. It is advised that the RI separately informs a police officer of their concerns and the action taken.
- 8.4 If the RI encounters difficulty in contacting a local safeguarding body, the RI is advised to notify the 'End-User' and 'The Authorising Person' as shown on the RfS form and any other officer involved in the case whose details are known to the RI. If advice regarding policing procedures is needed, the RI can contact the NCA WIT.
- 8.5 RI's must keep a full record of any reported safeguarding concern, including subsequent contact and decision.

8.6 RI's must notify the NCA WIT of any safeguarding referral made and the outcome.

## Safeguarding Concerns about Professionals

- 8.7 Any allegation made about an individual working with children or vulnerable adults must be referred to the same point of contact as a concern about a child's or adult's welfare. This ensures that follow-up can be coordinated as necessary.
- 8.8 An allegation about an individual working with children or vulnerable adults may include:
- That they have behaved in a way that has harmed a child or vulnerable adult
  - That they have possibly committed a criminal offence against a child or adult at risk
  - That they have related to a child or vulnerable adult in a way that indicates that they may pose a risk of harm to them
- 8.9 If there is a safeguarding concern relating to another RI, or a concern about their decision making, then this must be reported to the QAB via its secretariat ([WIT@nca.gov.uk](mailto:WIT@nca.gov.uk)).

## Part 9: Further Information

- 9.1 This section includes additional information that RIs need to make themselves aware of in the course of their work.

### Time Commitment

- 9.2 To remain on the register, RIs are required to complete a minimum of 24 days of RI work per year, with a minimum of 12 days of face-to-face casework.
- 9.3 Where RIs anticipate that they will be unavailable to accept cases for a long period of time, they should inform the NCA WIT staff. The NCA WIT will inform the QAB, which is responsible for monitoring whether RIs are meeting the minimum commitments required to remain on the register.
- 9.4 Where an RI has not been practising for a period of six months or more, the QAB will review the situation with the RI to determine the appropriate action. The QAB reserves the right to remove an RI from the register, subject to the specifics of the case at hand.
- 9.5 If an RI who has been removed from the register due to an extended period of inactivity wishes to be placed back on the register, then they must contact the QAB to agree a plan for returning to practice.

### Registered Intermediaries Online (RIO)

- 9.6 RIO is the online forum for RIs. Intermediaries will be provided with registration details for joining the online forum by the NCA WIT when they join the WIS register.
- 9.7 RIO is the place to post queries, find out about changes in policy and procedure, access documents and view available cases. Membership of RIO is mandatory and active use of RIO is a CPD requirement. RIO is a professional forum for discussion about matters pertaining to the WIS only and users must conduct themselves accordingly. The RIO Code of Conduct [can be viewed here](#).

### Continuing Professional Development (CPD)

- 9.8 CPD is the means through which RIs maintain, improve and broaden their knowledge and skills and continue to develop the professional qualities and competencies required in the discharge of their duties in the RI role. It is an important means by which the QAB can monitor and regulate the professional

standards expected of RIs in the WIS and, in doing so, provide a guarantee to the IRB and WIS stakeholders of the quality of service to be expected from an RI.

- 9.9 To remain registered, RIs must submit an annual CPD log to the QAB (covering the period 1 April – 31 March). Failure to submit a CPD log will result in suspension from the register unless there are exceptional circumstances agreed by the QAB. Guidance on the completion of a CPD log (including minimum requirements) and a template log [can be viewed here](#).

## **Support for Newly Qualified Registered Intermediaries**

- 9.10 Newly qualified RIs will be provided with the contact details of an experienced RI (mentor) who can provide support and advice (in a manner agreed by both parties) as they begin their RI work. Mentoring is funded by the MoJ up to a maximum of six hours. If the newly qualified RI wishes to continue with a mentoring-type arrangement once these six hours have been used, they can do so by self-funding.
- 9.11 In addition to one-to-one mentoring, the MoJ provides small, facilitated peer group meetings on a monthly basis for the first six months of practice. These groups meet online and provide an opportunity to discuss experiences and ask any questions. If newly qualified RIs would like additional training on any specific elements of the role then this will be arranged at these groups and guests can be invited to speak on any issues that attendees would like to be covered.

## **Invoicing and Taxation**

- 9.12 RIs are self-employed and enter into a contractual arrangement with the end-user when they accept the RfS and send the completed RfS form to them.
- 9.13 RIs are required to invoice according to the WIS remuneration rate schedule that sets out the fees negotiated with end-users and agreed by the IRB. Invoices via third parties or limited companies will not be paid. Invoices should be sent to the details of the 'Billing' section on the RfS form. A sample invoice [can be viewed here](#).
- 9.14 RIs are personally responsible for fulfilling their obligation to submit an annual self-assessment tax return to HM Revenue & Customs.

## **Registered Intermediary Identification Cards**

- 9.15 RIs can apply for replacement ID cards through the designated application form [accessible here](#).
- 9.16 On submitting an application for a replacement ID card, the NCA WIT will contact the RI with instructions on submitting a passport-style photograph.

# Documents and Resources

This page contains links to key documents such as templates, quality assurance policies, scheme reference materials, and other resources. These can be viewed online; internal documents require a RIO account to access.

## Legislation

- [Youth Justice and Criminal Evidence Act 1999](#)

## Essential Templates for Registered Intermediaries

- [Continuing Professional Development \(CPD\) Log Template and Guidance](#)
- [Court Report Template](#)
- [Police Preliminary Report Template](#)
- [Invoice Template](#)

## Quality Assurance Board Materials

- [Feedback and Complaints Policy](#)
- [Continuing Professional Development \(CPD\) Policy](#)
- [Fitness to Practice Policy](#)
- [Managing the Register Policy](#)
- [Mentoring and Support Policy](#)
- [Sanctions Policy](#)

## Witness Intermediary Scheme Reference Materials

- [Witness Intermediary Scheme Remuneration Rate Schedule and Guidance](#)
- [Request for Service \(RfS\) Form](#)
- [Example End-User's Feedback Form](#)
- [RI ID Card Application Form](#)
- [Witness Intermediary Scheme Concerns Log](#)

## Information Commissioner's Office Guidance (Data Protection)

- [Information on Data Controllers](#)
- [Checklist for Data Controllers](#)
- [Information on Data Protection Fees](#)

## Other Resources

Resource	Description
<a href="#">Registered Intermediaries Online</a>	The online forum for RIs, used to view available cases, access documents, monitor key updates, and post queries
<a href="#">Achieving Best Evidence in Criminal Proceedings</a>	Guidance on interviewing victims and witnesses, and guidance on using special measures
<a href="#">CPS: Special Measures</a>	Information about the range of special measures available to eligible witnesses
<a href="#">Equal Treatment Bench Book</a>	Aims to increase understanding of the different circumstances of people appearing in courts and tribunals
<a href="#">The Advocate's Gateway</a>	Provides free access to practical, evidence-based guidance on communicating with vulnerable witnesses and defendants
<a href="#">GOV.UK: WIS Webpage</a>	Information about Registered Intermediaries as part of the MoJ Witness Intermediary Scheme (incl. annual reports)
<a href="#">GOV.UK: Working Together to Safeguard Children</a>	Statutory guidance on inter-agency working to safeguard and promote the welfare of children
<a href="#">GOV.UK: Information Sharing Advice (Safeguarding)</a>	Guidance on information sharing for providers of safeguarding services to children, young people, parents and carers
<a href="#">GOV.UK: Victims' Code</a>	Focuses on victims' rights and sets out the standard that organisations must provide to victims of crime
<a href="#">RI Training Programme Materials</a>	Materials used in the MoJ's RI training programme
<a href="#">Going to Court: Younger Children</a>	HMCTS support videos for children involved in court proceedings
<a href="#">Going to Court: Older Children</a>	

# Annex A: Report Writing Checklist

## **Reports should meet the following minimum standards:**

- Suitable front page, including the RI's CJSR email address (based on front page in template)
- Contents page (if longer than 10 pages)
- Written in the first person
- Suitably structured and headed/sub-headed (following the layout in the template)
- One and a half (1.5) line-spacing
- Set out with wide margins
- Printed single-sided (if printed rather than emailed)
- Arial font must be used
- Font size twelve must be used
- Written in plain English and avoiding jargon
- Written in short sentences and with short paragraphs
- All assessment findings and recommendations should be functionally appropriate and written in the context of a trial
- Any medical or communication abbreviations and terms used should be explained, i.e. 'X has dysphasia. This means they have difficulty understanding words they want to say to express their meaning, in the absence of a cognitive impairment.'
- Page-numbered. This should be in the bottom right-hand corner of the page

- Paragraph-numbered, i.e. 1.1, 1.2, 1.3, etc. Sub-paragraphs should be reflected in numerical order and, if required, further divisions should be reflected in alphabetical order, i.e.

1.1

1.1.1

a)

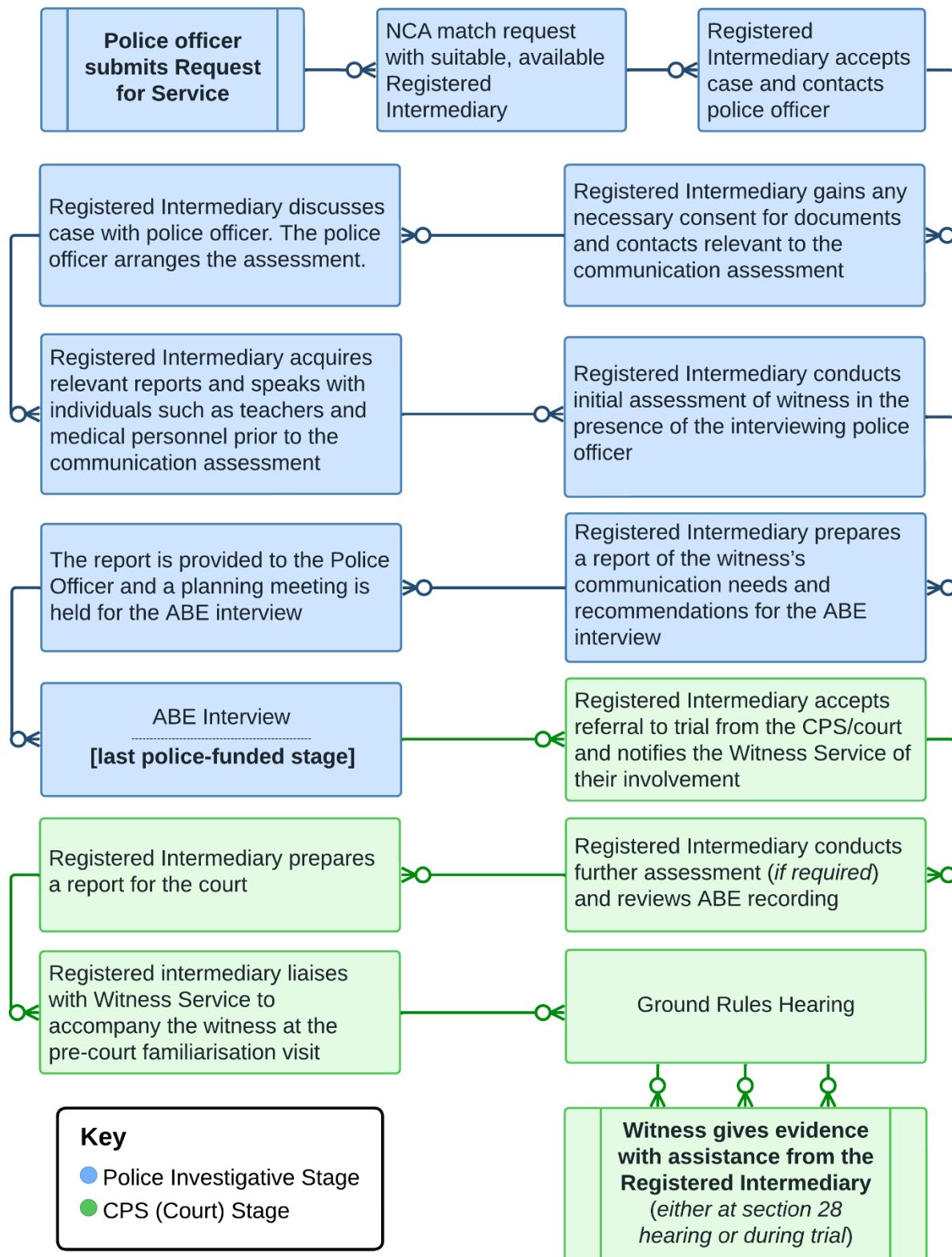
- Headed on each page with case name and number
- A clear summary of conclusions and recommendations before main body of report
- Key recommendations clearly set out for viewing ‘at a glance’ – a table may be used for this purpose
- Signed under the RI declaration
- Dated
- Proof-read and free of grammar, spelling and typographic errors

## Annex B: RI Duties at Court Checklist

- An RI owes their primary responsibility to the court and to upholding the overriding objective that criminal cases are dealt with justly
- The RI should discuss any witness preparation needs with the court-based witness service so they can address
- They should confirm their understanding of their duties and make their declaration at the start of the ABE interview and again at trial
- They will not discuss any aspect of the case or the witness's testimony with the witness
- They will communicate questions put to the witness by the court or legal representatives as accurately as possible, in a way that facilitates the witness's understanding
- They will communicate the witness's answers to questions to the court as accurately as possible
- They will communicate the witness's reply as given, however irrelevant or illogical it might seem. It is for the court to seek clarification if necessary
- They will seek clarification from the court of any questions that they have not understood before putting the question to the witness in the form the court wishes. Such clarification should relate to matters of understanding and comprehension and not any legal issues
- They will not interrupt the advocate's question unless there is an urgent need to seek clarification or to indicate that the witness has not understood something
- They will not hypothesise as to the intentions or motives of the witness
- They will not anticipate the intention of the questioner
- They will not alter the question put or answer given in the first instance but may if required offer an alternative form of the question to facilitate understanding
- They will not alter the precise nature or thrust of the questions put to the witness or the witness's answer in order to shield or protect the witness

- They will not unnecessarily impede or obstruct the pace and flow of court proceedings
- They will follow the directions of the court as instructed by the judge or magistrate and will respond to the directions and requests when required to do so
- They will not engage in private conversation with the witness during the giving of evidence or in any way distract the witness from attending to the court process
- They will address the court through the judge or magistrate unless invited to respond to others by the judge or magistrate
- They will conduct themselves in a manner which is consistent with their role as an RI and in accordance with the RI Codes of Practice and Ethics
- They will make use of appropriate pauses and breaks in the court process to raise any matters of concern affecting the quality of the witness's evidence or when necessary bring matters of immediate concern to the attention of the court at the time they occur
- They must not discuss any evidential aspect of the case with the witness on any future occasion

# Annex C: Overview of Registered Intermediary Duties in the CJS





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