



Ministry  
of Justice

# The Witness Intermediary Scheme

**ANNUAL REPORT  
2018/19**

September 2019



## **Ministry of Justice**

# **Witness Intermediary Scheme: Annual Report 2018/19**

(For the year ended 31 March 2019)

Alternative format versions of this report are available on request from [registered.interme@Justice.gov.uk](mailto:registered.interme@Justice.gov.uk).

# Foreword from the Parliamentary Under-Secretary of State for Justice Wendy Morton MP

Since the Witness Intermediary Scheme (WIS) was rolled out nationally in 2008 it has had an immensely positive impact on our criminal justice system, helping to ensure equal access to justice for some of the most vulnerable in society.



Now in its eleventh year, the WIS continues to provide this vital service in all 43 police force areas across England and Wales. Throughout 2018/19, the work fulfilled by Registered Intermediaries (RIs) has helped more than 6000 victims and witnesses with communication difficulties – over 500 per month – provide their best evidence at the police interview stage and in court. In so doing, they have made a huge difference in creating a more accessible environment by enabling the communication of evidence that would not otherwise be heard. Without RIs, many people with communication difficulties would be deprived of their voice in the criminal justice system.

The rapid increase in demand for RIs since the WIS was rolled out has created a need for expanded capacity and new changes to support a growing Scheme. Throughout the year, my officials in the Ministry of Justice have sought to meet these challenges, working in partnership with RIs across England and Wales to implement a series of improvements, including continuous recruitment campaigns, a new RI training programme and additional support for new recruits. These important changes are helping to ensure that the WIS can best serve the needs of the many victims and witnesses that rely on it.

Going forward, the Ministry of Justice will be conducting a review into the provision of intermediaries across the justice system to establish what is working well and what improvements can be made. Building on the progress of the past year, we will be continuing our work to strengthen the WIS by listening to the RIs that make this vital service possible. It is through these endeavours that we continue to strive for a world-class justice system that works for everyone in society.

A handwritten signature in black ink that reads "Wendy Morton". The signature is written in a cursive, flowing style.

**Wendy Morton 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: An Overview of the Witness Intermediary Scheme 2018/19	6
2018/19 in the Witness Intermediary Scheme: The Year in Numbers	8
<b>Part One: Administration of the Witness Intermediary Scheme</b>	
Ministry of Justice	9
Intermediaries Registration Board	9
Quality Assurance Board	10
National Crime Agency	10
Registered Intermediary Reference Team	11
WIS Objectives: Our Priorities	11
<b>Case Study 1:</b>	
Assisting Children in the Criminal Justice System	13
<b>Part Two: Performance Analysis</b>	
Methodology	15
Summary	15
Performance Data for 2018/19:	
• Total Requests for RIs	17
• Requests by Witness Vulnerability	19
• Requests by Witness Type	24
• Requests by End-user	27
• End-User Feedback	30
<b>Case Study 2:</b>	
The International Deployment of a Registered Intermediary	37
<b>Part Three: Developments in the Witness Intermediary Scheme 2018/19</b>	
Summary	39
RI Recruitment Strategy	39
RI Training	40

NQRI Support Framework	40
Accredited Registered Intermediaries	41
Regional Coordinators	41
WIS Conference 2019	42
<b>Case Study 3:</b>	
The View from an NQRI	43
<b>Part Four: Finance of the Witness Intermediary Scheme</b>	
Administrative Budget	45
Remuneration Rates	45
<b>Case Study 4:</b>	
Deafness in the Criminal Justice System	46
<b>Part Five: Forward Look</b>	
Skills Based Recruitment	48
The QAB Strategy	48
NQRI Support	48
Review of Intermediary Provision Across the Justice System	49
<b>Case Study 5:</b>	
Mental Illness in the Criminal Justice System	50

# 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
GRH	Ground Rules Hearing
HMCTS	Her Majesty’s Courts and Tribunals Service
IRB	Intermediaries Registration Board
MoJ	Ministry of Justice
NCA	National Crime Agency
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
s.28 Hearing	Section 28 Hearing <sup>1</sup>
WIS	Witness Intermediary Scheme
WIT	Witness Intermediary Team
YJCEA	Youth Justice and Criminal Evidence Act 1999

---

<sup>1</sup> Section 28 (s.28) of the Youth Justice and Criminal Evidence Act 1999 (YJCEA) allows vulnerable and intimidated witnesses to video record their cross-examination before the trial. This has been part commenced in Leeds, Liverpool and Kingston upon Thames Crown Court (Early Adopter Courts) since December 2013. On 3 June 2019 s.28 came into force in relation to victims of sexual offences and modern slavery offences (a sub set of intimidated witnesses) in proceedings before the three Early Adopter courts; and for vulnerable witnesses in the six First Wave Crown Court centres (Chester, Mold, Carlisle, Durham, Sheffield and Bradford).

# Introduction: An overview of the Witness Intermediary Scheme 2018/19

## Background

The Witness Intermediary Scheme (WIS) was first piloted in 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 and established a national database, the *Intermediary Register*, of Registered Intermediaries (RIs) recruited and trained by the Ministry of Justice (MoJ).

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.

This annual report provides an overview of the governance, operation and performance of the WIS from 1 April 2018 to 31 March 2019.

## Overview of 2018/19

Throughout 2018/19, the MoJ has implemented a suite of improvements to the WIS, with a particular focus on increasing capacity so that all victims and witnesses requiring a Registered Intermediary can receive assistance in a timely manner.

Requests for an RI via the WIS have increased by 430% since 2010. To accommodate this increased demand, we have completed four regional recruitment rounds, adding 48 new RIs to the WIS register.<sup>2</sup> This additional resource has enabled us to reduce the average waiting time for an RI to under three weeks. Throughout the year ahead, the MoJ will continue to run rolling recruitment campaigns targeting the skills and expertise that is most needed within the WIS.

A new Registered Intermediary training programme has been developed and implemented by a team of experienced RIs, enabling content to be fully tailored to the skills and knowledge required for the role. To complement this, the support provided to newly qualified RIs (NQRIs) has been improved, with increased one-to-one mentoring and the introduction of facilitated peer groups to consolidate what they have learned in their training. The MoJ has also reinstated the annual WIS conference to provide a valuable networking and CPD opportunity, bringing together RIs from across the country. This year's event took place in February and received positive feedback. To strengthen governance of the WIS and to provide opportunities for RIs to get involved in activities such as recruitment, training, CPD events, mentoring and policy development, we have

---

<sup>2</sup> WIS recruitment stats for the period 1 April 2018 – 31 March 2019

introduced an accreditation scheme whereby experienced RIs with an excellent feedback history can apply to take up senior roles.

We have continued to make progress with our aim to ensure all requests for RIs can be successfully matched, increasing the percentage of matched requests from 93% to 96% of the annual total. End-user feedback (usually from the police or the Crown Prosecution Service) has also remained positive, with 99.8% of responses recorded as either 'excellent', 'more than satisfactory' or 'satisfactory'.

In the coming year, we will continue to increase the numbers of RIs active within the WIS, targeting the skills and expertise required to meet the needs of vulnerable users of the criminal justice system. Improving RI mentoring arrangements will also remain a top priority, as will the training of new recruits. It is through these objectives that we will work to maintain high standards in the WIS and deliver the essential service that RIs provide.

In July 2019, the MoJ commenced a review of the provision of intermediary services across the justice system. This will gather evidence and data to fully understand the current landscape of intermediary provision, identifying and seeking to address issues, challenges and gaps to help shape and improve intermediary provision in future.

## **Case Studies**

The five case studies published within this annual report have been produced and provided by RIs active in the WIS. Some names and identifying details have been changed to protect the privacy of individuals.

## **Data Sources**

The figures in this report, unless explicitly stated otherwise, are derived from the National Crime Agency Witness Intermediary Team and the MoJ Intermediaries Team.



# 2018/19 in the Witness Intermediary Scheme: A Year in Numbers



# Part One: Administration of the Witness Intermediary Scheme

## The Ministry of Justice

The MoJ has overall responsibility for the WIS. This includes strategic and policy matters, the funding and administration of the WIS and the recruitment and training of new RIs.

Registered Intermediary policy sits within the Vulnerabilities Policy Unit, which is part of the Family and Criminal Justice Directorate.

## The Intermediaries Registration Board (IRB)

The IRB meets quarterly and brings together key stakeholders from across the criminal justice system. It is chaired by the MoJ.

The Terms of Reference of the Board are as follows:

‘The Intermediaries Registration Board (IRB) focuses on the strategic direction, policy management and operation of the WIS. It is the governance body that brings together the key stakeholders from across the criminal justice system and through which the WIS policy decisions are made. Members are responsible for representing their organisations on the board and representing the Board within their organisations to ensure the WIS continues to meet the needs of those in the criminal justice system’.

The IRB currently has fifteen active members:

INTERMEDIARIES REGISTRATION BOARD	
Member	Representing Organisation
Laura Beaumont/Abigail Plenty	Chair / Deputy-Director of Vulnerabilities Unit, Ministry of Justice
Fiona Beazer	Citizen’s Advice Witness Service
Annika Asp	Crown Prosecution Service
Adrienne Finney	Department of Justice, Northern Ireland
Veronica Holland	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 / Police
Karen Bryan	Quality Assurance Board
Jennifer Beaumont	Registered Intermediaries Reference Team
Adam Yates	Staffordshire Police
ACC Emma Barnett	Staffordshire Police

## 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 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 currently has thirteen members:

QUALITY ASSURANCE BOARD	
Member	Role/Representing
Karen Bryan	Chair / Independent member
Annika Asp	Crown Prosecution Service
Samantha Dine	Ministry of Justice
Philip Campbell	Ministry of Justice
David Liddle	National Crime Agency
Rachel Surkitt	National Crime Agency
Claire Moser	Royal College of Speech and Language Therapists (RCSLT)
Nicola Furlong	Staffordshire Police
Stella Charman	Independent member
Brian Daly	Independent member
Alison Peasgood	Independent member
Lizzie Peers	Independent member
John Postlethwaite	Independent member

## National Crime Agency (NCA)

The NCA's Witness Intermediary Team (WIT) has provided the operational delivery aspects of the WIS since 2013, having provided this part of the service in partnership with the MoJ since 2009. The key operational element is the Matching Service, which is the mechanism by which RIs are matched to the requirements of witnesses at the request of the end-user.

The WIT has responsibility for matching requests for RIs from the police and Crown Prosecution Service (CPS) using a centrally held register of qualified RIs. The NCA collects data such as number of requests in each area and the reason(s) for the request (such as type of disability and age of witness). This data serves as the primary means for gauging emerging changes and trends in demand for RIs. The WIT also provides support to police officers and prosecutors in the use of RIs and offers advice on interview strategies for vulnerable witnesses. It 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.

## **Registered Intermediary Reference Team (RIRT)**

In addition to the aforementioned governance bodies, the Registered Intermediary Reference Team (RIRT) is comprised of RIs from independent regional groups established by the RI community.

The RIRT is a stakeholder consultation group that represents RIs to the MoJ in the development, management and governance of the WIS. The group aims to represent the interests of RIs to the MoJ, while a nominated member of RIRT attends meetings of the IRB.

At present there are ten RIRT representatives, covering all ten active regional groups. Members of each regional group are represented at RIRT meetings.

## **WIS Objectives: Our Priorities**

Throughout 2018/19, the MoJ's management of the WIS has been guided by three core priorities:

- Increasing capacity
- Working in partnership with RIs to improve governance
- Increasing transparency

### **Increasing Capacity**

We have been working throughout the year to increase the overall capacity of the WIS so that all vulnerable victims and witnesses in need of the assistance of an RI receive it in a timely fashion.

### **Working in Partnership with RIs to Improve Governance**

Since the introduction of the accreditation scheme, we have gradually been building a network of accredited RIs (aRIs) to work with the MoJ to improve the WIS. In February, we also introduced the first Regional Coordinator, who acts as the first point of contact for RIs in that area. We will continue to build on this work in the coming year by recruiting three more Regional Coordinators and by ensuring that the aRIs have the opportunity to use their diverse range of skills and experience to benefit the WIS as a whole.

## **Increasing Transparency**

We are dedicated to ensuring transparency to promote accountable and inclusive WIS governance. As part of these efforts, we have improved our communications with RIs, providing quarterly updates on WIS developments whilst increasing the involvement of RIs in decision-making. We are publishing the first ever WIS annual report together with the QAB Strategy to provide improved access to information about the operation of the WIS.

# Case Study 1: Assisting Children in the Criminal Justice System

**Jan Jones**

## **BIOGRAPHY**

Jan qualified as a Registered Intermediary in 2003.

Her areas of expertise are typically developing children of seventeen and under and children with the cohort of vulnerabilities which include autism spectrum disorders, attention deficit hyperactivity disorder, epilepsy and obsessive-compulsive disorder.

Bartek and Abram are brothers aged seven and eight years. They speak Portuguese and English. They disclosed in November 2018 that a young man their mother had befriended had committed sexual offences against them in a room in their garden. An Achieving Best Evidence (ABE) interview was recorded by the police without an RI. RI assistance was requested in December for pre-recorded cross examination (Section 28 Hearing) to take place in late January. I was the RI contacted to assist.

With the officer in the case present, I assessed the language, communication skills and emotional state of both boys and subsequently watched the recordings of their police interviews. They were typically developing children progressing appropriately for their age at school. I wrote one report for the trial because many of the recommendations would be the same given the closeness of their ages but described my assessment findings for each boy separately.

Both boys could talk about events that happened in the past and answered questions which were simply put. They could answer questions beginning with *who*, *what*, *where*, *did* and *do*. They had more difficulty with questions beginning with *when* or *how* such as 'when did that happen' or 'how long ago' or 'how often'. For example, when one boy was asked when something happened he said '*like when I was four or something*'. Also, he said he '*did not time things*' when asked how long something took and '*not often*' when asked how often something happened.

Bartek was the older boy but found it more difficult to keep still and had less good listening skills. He had a Portuguese accent (which was the language spoken at home) and muddled a few speech sounds when he spoke so that he was not always easy to understand. Abram did not readily tell me I was wrong or that he did not know an answer to a question or comment. With some prompting he began to realise he could.

On the day I assessed them, I used an emotion scale and both boys put themselves at three about how anxious they were about going to court (one is not anxious and ten is very anxious). On the day of cross examination, they both put themselves at about a six.

Nearer to the trial the boys visited the court for a pre-trial visit accompanied by a volunteer from the Witness Service and me as the RI. They looked around the court room to see where the judge and barristers would sit. They visited the live link room and practiced over

the live link to the court room. Prior to the s.28 hearing they viewed their ABE interview to refresh their memory about what they had said to the police officer when interviewed.

A Ground Rules Hearing (GRH) was set for the Monday of the week both pre-recorded cross examinations would take place. The GRH was thorough, taking a substantial part of one day. Care was taken to make sure the technology would work so that both witness and the RI could be seen and heard well. Both the procedure for the hearings and the language to be used was discussed. The recommendations in my report were discussed and agreed.

The defence counsel sent me his proposed questions and I returned them with suggested amendments. The amendments were based on my assessments and acknowledged the guidance in the 20 Principles of Questioning which are part of the *Advocacy and the Vulnerable* training delivered by the Inns of Court College of Advocacy. A clear aim for me as the RI was to make sure that I was not altering the case which the defence counsel wanted to put to the witness, while enabling the witness to understand and engage.

The following morning prior to the first hearing, the defence counsel and I went through the amended questions and discussed them outside the court room. Later a further discussion took place led by the presiding judge. Modification to questions included simplifying complex two-part questions, taking out the words '*do you remember*' after a question, amending tagged questions and suggesting simpler vocabulary such as '*like*' rather than '*prefer*'.

During cross examination both boys were able to engage and understand the questions. Abram asked for a break and I alerted the judge and suggested that it could be a short 'stand up and turn around' break of two or three minutes, with which the judge agreed. Bartek said that he had not heard a question at one point.

The young and vulnerable witnesses appeared to still be processing and considering an answer to a previous question particularly when the case is being put to them. They did not process a following question, so they said to me that they did not hear or understand that question. It was quickly resolved by a request to counsel to repeat what they said and the cross examination proceeded smoothly. This highlights the fact that small modifications with the assistance of the RI can have a significant impact on the quality of the evidence and the fluency of the trial process.

The trial took place two months later, when Bartek and Abram's investigative interview and pre-recorded cross examination were played to the court. Their mother and sisters also gave evidence during that trial.

RIs are impartial and are present on behalf of the court rather than the prosecution or defence. I do not know the outcome of this trial as is often the case. As RIs we facilitate communication and arguably make questioning go more smoothly and with less re-traumatisation.

Saying goodbye to a case immediately after a witness has given evidence while the case goes on can be one of the possibly unsettling aspects of the RI role.

**Jan Jones – July 2019**

# Part Two: Performance Analysis

## Methodology

The NCA collects data pertaining to requests for RIs. This data provides a comprehensive overview of the services provided by the WIS throughout 2018/19 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 type of witness
- Requests by end-user (police or Crown Prosecution Service)
- End-user feedback for 2018/19

Data is summarised from 1 April 2018 to 31 March 2019. This includes changes in the number of requests, as well as changes relating to the distribution of requests across witness types, vulnerabilities and end-users, and the numbers of successfully matched, unmatched and cancelled requests (referred to as matching success rates).<sup>3</sup> This section also covers end-user feedback, defined by four assessment criteria from over 2500 cases concerning victims and prosecution witnesses where feedback was received.

To examine wider trends within the WIS and to provide benchmarks to interpret the 2018/19 data, this section will reference Matching Service data from 2017/18 (1 April 2017 to 31 March 2018). Data from the same annual periods in 2013/14 and 2010/11 has also been used, where it has been appropriate to provide long-term context through five-year and eight-year comparisons.

## Summary

Over 2018/19, the rate of successfully matched requests has risen across all recorded data categories. A total of 6276 requests were made over 2018/19, with 96.2% (6040) of these successfully matched. This represents a 3.3% increase in the rate of matched requests since 2017/18 and highlights the increased availability of RIs since the rolling regional recruitment campaigns were commenced in December 2017.

The overall number of requests for RIs has decreased by 6.4% since 2017/18, falling from 6705 to 6276 in 2018/19 – a decrease of 429 requests over this 12-month period. While this overall decrease does not extend to all vulnerability categories figure 5 (below), shows that the total number of requests for witnesses with learning disabilities have decreased by 8.9% (down 294 requests from 2017/18) and requests for child witnesses have decreased by 8.3% (382 requests). Requests for witnesses with physical disabilities and mental illnesses have risen, increasing by 15.6% (up 67 requests from 2017/18) and 14.7% (up 147 requests from 2017/18) respectively (figures 5 and 6, below). As demonstrated by

<sup>3</sup> A request for an RI may be cancelled in circumstances such as an early guilty plea or a withdrawal of complaint from the victim.



figures 21 and 22 (below), requests from the two largest end-users (the police and the CPS) have both decreased, with CPS requests down 11.4% and police requests down 5.2%. Requests from solicitors and the courts are exempt from this report's analysis due to the nominal figures involved.

There are numerous possible reasons for the decrease in the overall number of requests for RIs (since 2017/18) and available data has not enabled determination of a particular one. It was suspected that there was a perception among end-users that RIs were not readily available and that there were long waiting times for their services. The MoJ, HMCTS and NPCC took joint action to address this misperception and subsequent data for April-July 2019 shows an increase in the number of requests per month.<sup>4</sup>

End-user feedback for RIs throughout 2018/19 has been substantially positive, with 99.8% of all responses recorded as 'excellent', 'more than satisfactory' or 'satisfactory'.

---

<sup>4</sup> NCA Matching Service data from the period April – July 2019 indicates that the average number of RI requests per month has risen to 561. This is up 35 requests from the same period in 2018 (526 requests per month) and up 20 requests when compared with the same period in 2017 (541 requests per month).

# Performance Data for 2018/19

## Total Requests for RIs

In 2018/19 a total of 6276 requests for an RI were made via the WIS, an average of 523 requests per month.

These 2018/19 figures represent a 189.9% increase (by 4111 requests) since 2013/14, during which 2165 requests were made. They also represent a 430% increase (by 5092 requests) since 2010/11, during which 1184 requests were made. Figure 1 shows the change in the total number of requests since the start of the decade.

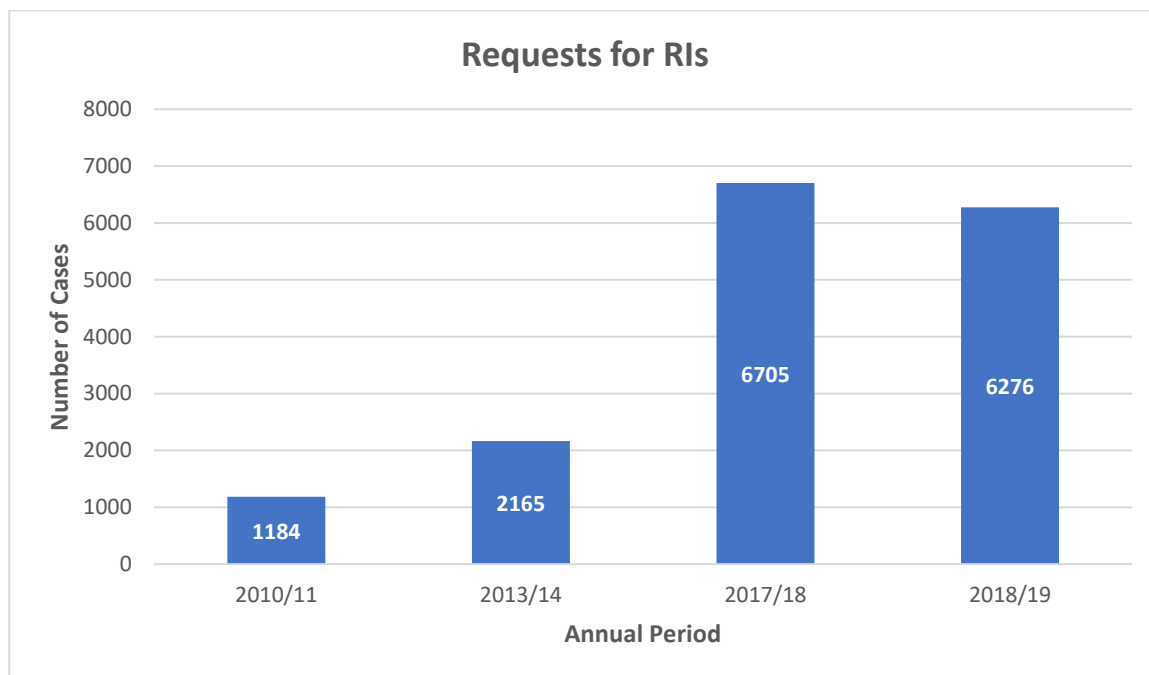


Figure 1

## Overall Change: Matching Success Rates

Of all 6276 requests in 2018/19, 96.2% (6040) were successfully matched, with 2.1% (133) unmatched and 1.6% (103) cancelled.<sup>5</sup>

This represents a 3.3% increase in the matching success rate from 2017/18 (93.1% requests matched), and a 1.5% increase from 2013/14 (94.8% requests matched).<sup>6</sup>

<sup>5</sup> Figure 2. *NCA Matching Service Data 2018/19*

<sup>6</sup> Figure 3. *NCA Matching Service Data 2013 – 2019*

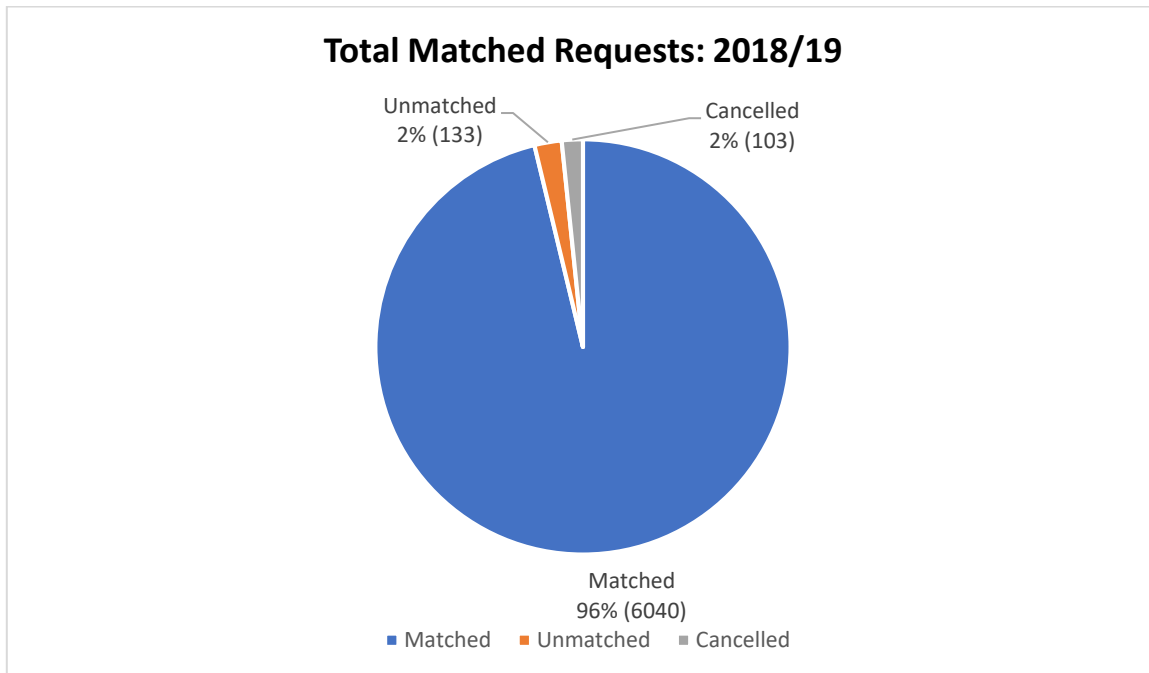


Figure 2

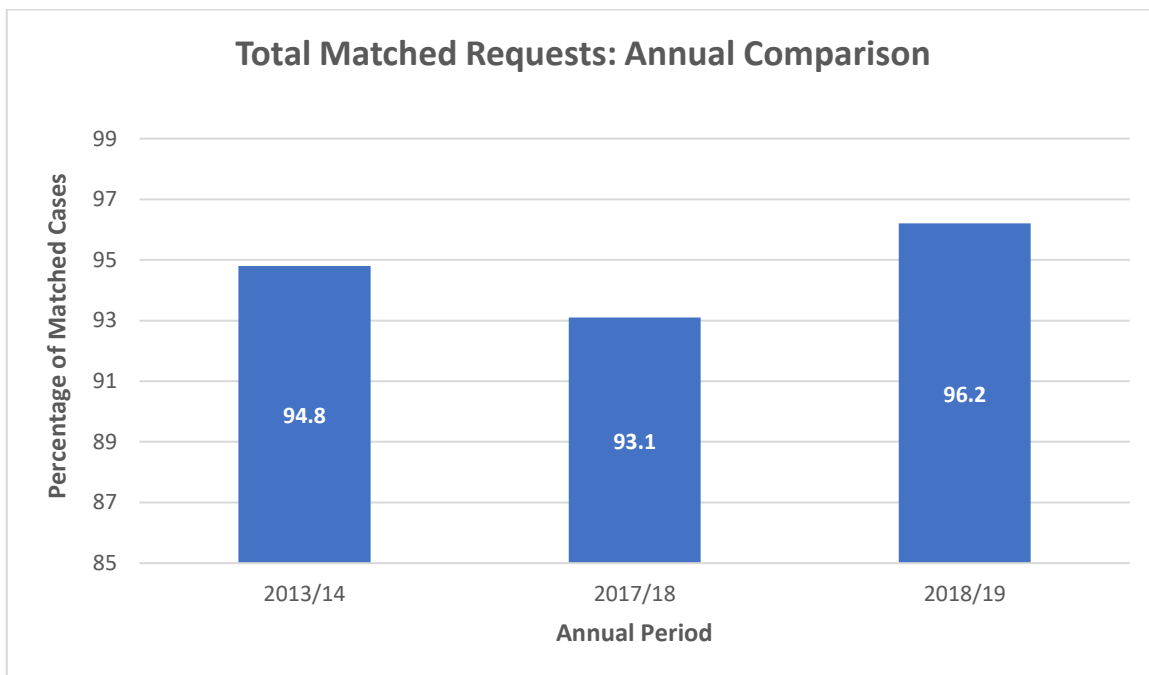


Figure 3

## Requests by Witness Vulnerability

There are four vulnerability categories in which RI requests are classified<sup>7</sup>:

- Child
- Mental Illness
- Learning Disability
- Physical Disability

### Breakdown of Requests

Of all requests for RIs in 2018/19, 47.4% were made for children, making this the largest single vulnerability category. This was followed by requests for learning disabilities at 34%, mental illness at 13% and physical disabilities at 5.6%.

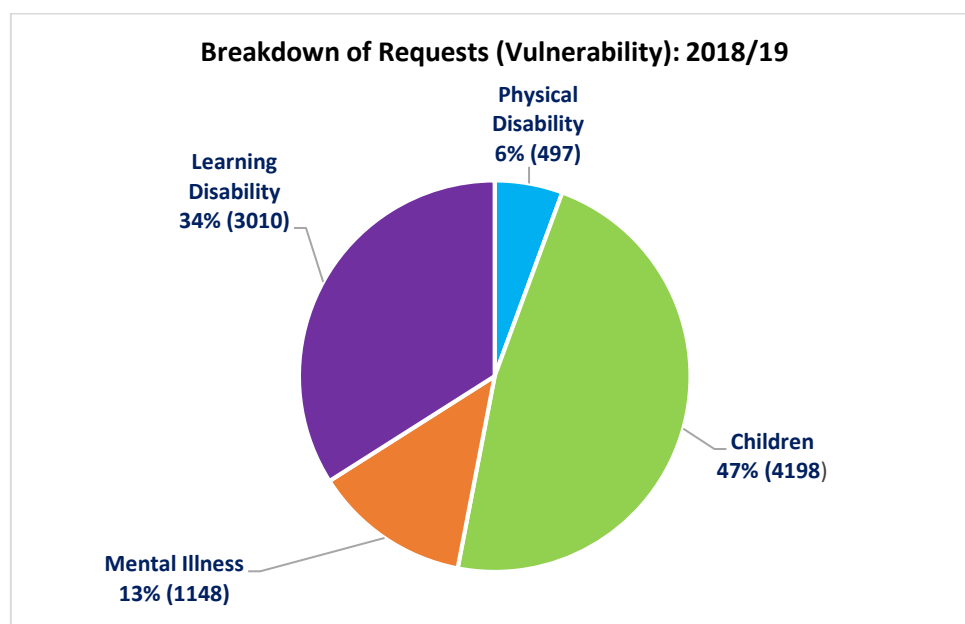


Figure 4

### Change Across All Requests

Since 2017/18, requests for witnesses with physical disabilities have increased by 15.6% (up 67 requests), while requests for witnesses with mental illness have increased by 14.7% (up 147 requests). Requests for witnesses with learning disabilities have decreased by 8.9% (down 294 requests), while requests for children have decreased by 8.3% (down 382 requests).<sup>8</sup>

<sup>7</sup> As a witness may have multiple vulnerabilities, the figures for this data exceed the figures for the total number of requests detailed above.

<sup>8</sup> Figures 4 and 5. *NCA Matching Service Data 2017 - 2018*

CHANGE ACROSS ALL REQUESTS (VULNERABILITY)			
Vulnerability	2017/18	2018/19	Change from 2017/18 (%)
Child	4580	4198	-8.3
Mental Illness	1001	1148	+14.7
Learning Disability	3304	3010	-8.9
Physical Disability	430	497	+15.6

Figure 5

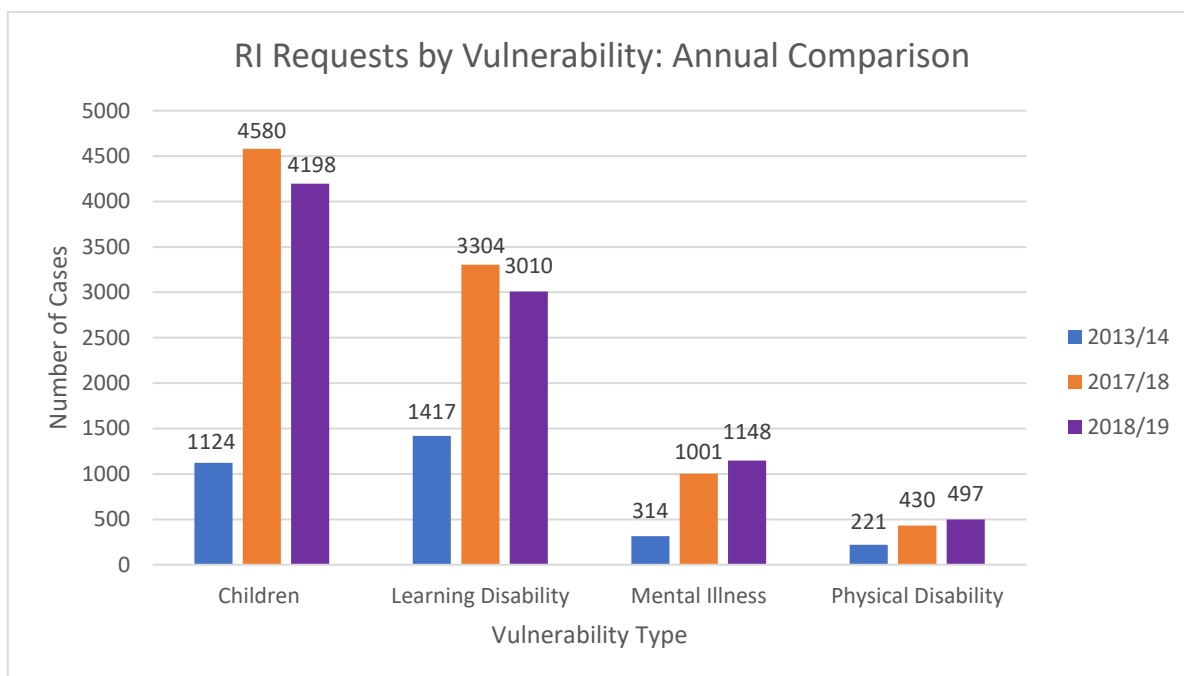


Figure 6

## Matching Success Rates

The matching success rate for all vulnerability types has increased since 2017/18. Matched requests for children increased by 3.5%, mental illness by 4.9%, learning disability by 2.7% and physical disability by 2%.<sup>9</sup>

CHANGE IN SUCCESS RATES (VULNERABILITY TYPE)			
Vulnerability	(%) MATCHED IN 2017/18	(%) MATCHED IN 2018/19	Change from 2017/18 (%)
Child	93.1	96.4	+3.5
Mental Illness	89.9	94.3	+4.9
Learning Disability	94.3	96.8	+2.7
Physical Disability	94.9	96.8	+2

Figure 7

<sup>9</sup> Figures 7 and 8, NCA Matching Service Data 2018/19

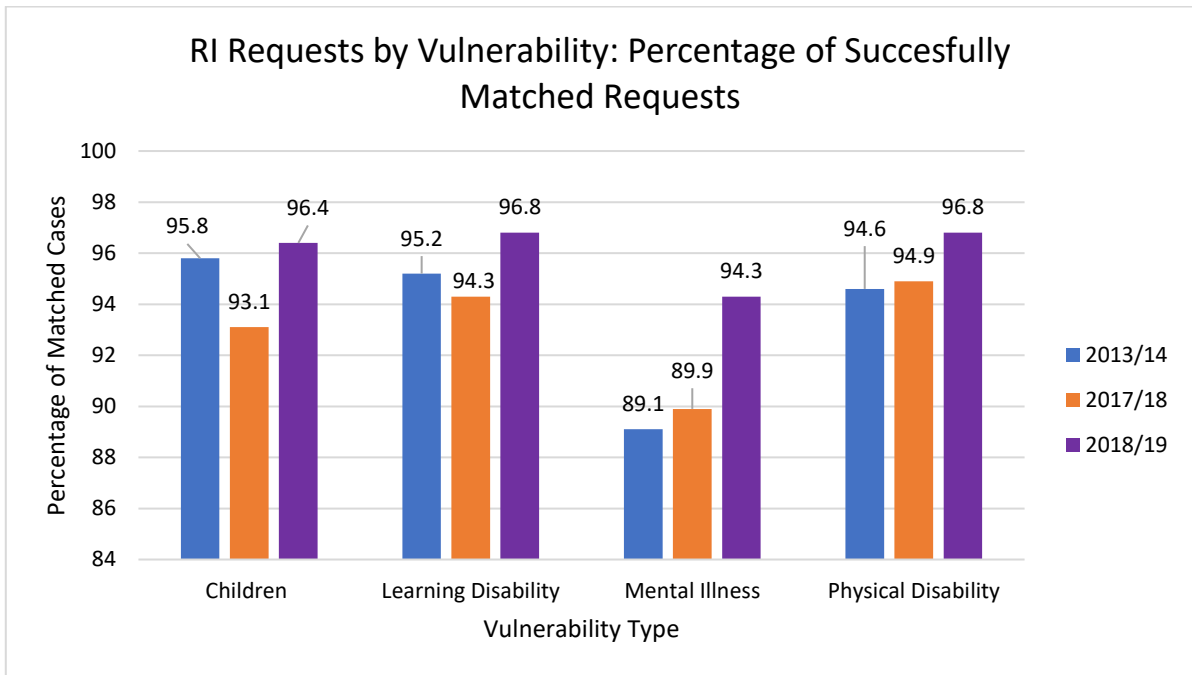


Figure 8

Requests for an RI to assist witnesses with mental illness were most likely to go unmatched (3.6% unmatched), followed by witnesses with physical disabilities (2% unmatched), children (1.9% unmatched) and witnesses with learning disabilities (1.4% unmatched).<sup>10</sup>

**CHILDREN**

**MATCHED REQUESTS +3.5%**

Of the 4198 requests for children, 96.4% (4047) were successfully matched in 2018/19, with 1.9% (80) unmatched and 1.7% (71) cancelled.<sup>11</sup>

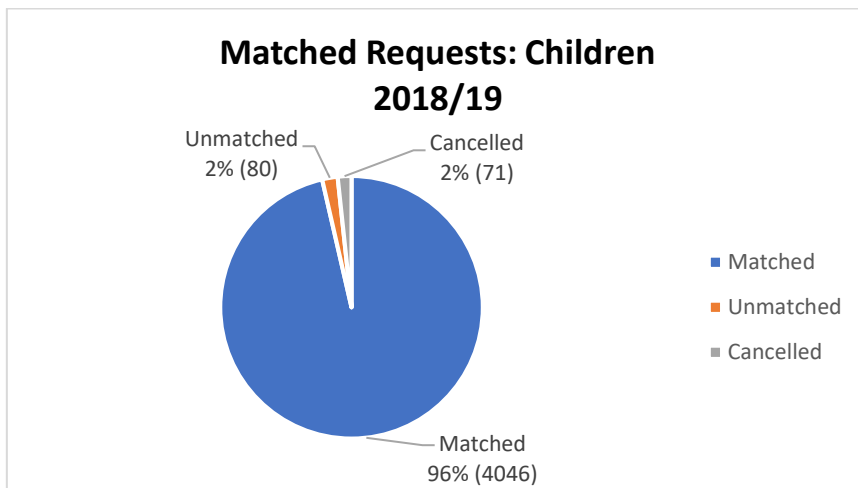


Figure 9

This represents a 3.5% increase in successfully matched cases from 2017/18 (up from 93.1%) and a 0.6% increase from 2013/14 (up from 95.8%).<sup>12</sup>

<sup>10</sup> Figures 9-12, *Matching Service Data 2018/19*

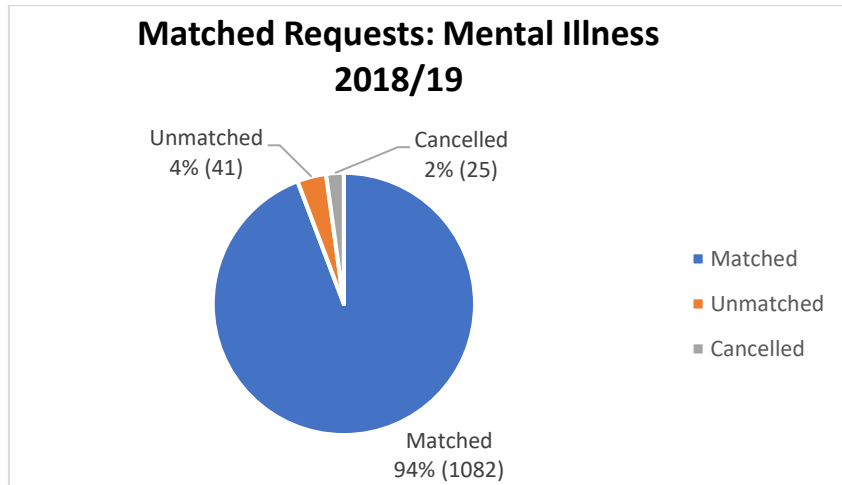
<sup>11</sup> Figure 9, *NCA Matching Service Data 2018/19*

<sup>12</sup> Figure 8, *NCA Matching Service Data 2018/19*

**MENTAL ILLNESS**

**MATCHED REQUESTS +4.9%**

Of the 1148 requests for witnesses with mental illness, 94.3% (1082) were successfully matched in 2018/19, with 3.6% (41) unmatched and 2.2% (25) cancelled.<sup>13</sup>



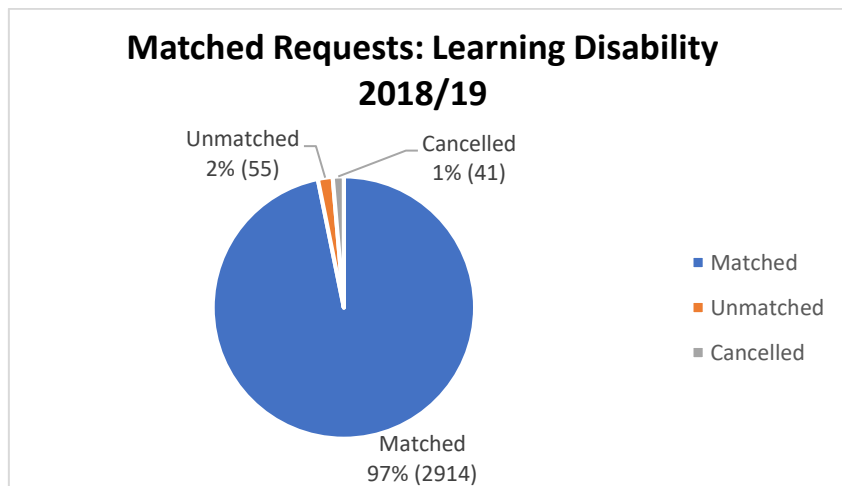
**Figure 10**

This represents a 4.9% increase in successfully matched cases from 2017/18 (89.9% mental illness requests matched) and a 5.8% increase from 2013/14 (89.1% requests matched).<sup>14</sup>

**LEARNING DISABILITY**

**MATCHED REQUESTS +2.7%**

Of the 3010 requests for witnesses with a learning disability, 96.8% (2914) were successfully matched in 2018/19, with 1.8% (55) unmatched and 1.4% (41) cancelled.<sup>15</sup>



**Figure 11**

This represents a 2.7% increase in successfully matched cases from 2017/18 (94.3% Learning Disabilities requests matched) and a 1.7% increase from 2013/14 (95.2% victims' requests matched).<sup>16</sup>

<sup>13</sup> Figure 10, NCA Matching Service Data 2018/19

<sup>14</sup> Figure 8, NCA Matching Service Data 2013 – 2019

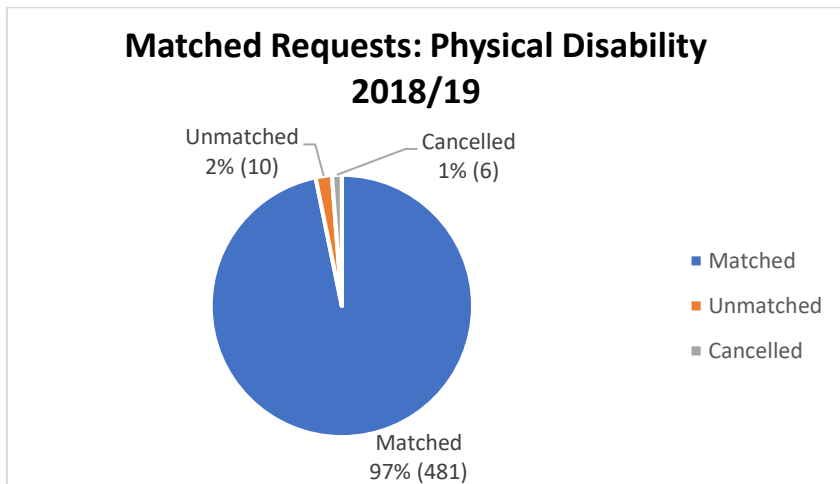
<sup>15</sup> Figure 11, NCA Matching Service Data 2018/19

<sup>16</sup> Figure 8, NCA Matching Service Data 2013 - 2019

**PHYSICAL DISABILITY**

**MATCHED REQUESTS +2%**

Of all 497 requests for physical disabilities, 96.8% (481) were successfully matched, with 2% (10) unmatched and 1.2% (6) cancelled.<sup>17</sup>



**Figure 12**

This represents a 2% increase in successfully matched cases from 2017/18 (94.9% Physical Disabilities requests matched) and a 2.3% increase from 2013/14 (94.6% victims' requests matched).<sup>18</sup>

<sup>17</sup> Figure 12, *NCA Matching Service Data 2018/19*

<sup>18</sup> Figure 8, *NCA Matching Service Data 2013 – 2019*



## Requests by Witness Type

The NCA divides Matching Service request data into two witness types<sup>19</sup>:

- Victims
- Prosecution Witnesses

### Breakdown of Requests

Of all requests for RIs in 2018/19, 91% of recorded requests (5704) fell into the ‘Victims’ category. The remaining 9% (572) were made for ‘Prosecution Witnesses’.<sup>20</sup>

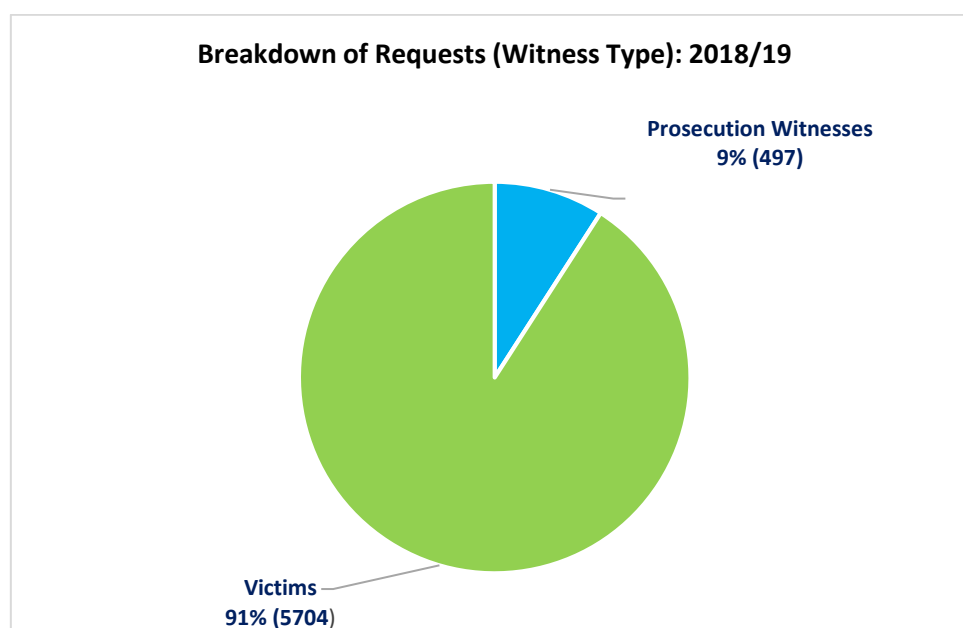


Figure 13

### Change Across All Requests

Since 2017/18, the number of requests for victims has decreased by 6.9% (428 fewer requests), while the number of requests for prosecution witnesses stayed largely unchanged.<sup>21</sup>

CHANGE ACROSS ALL REQUESTS (WITNESS TYPE)			
Witness Type	2017/18	2018/19	Change (%)
Victims	6132	5704	-6.9
Prosecution Witnesses	573	572	-0.17

Figure 14

<sup>19</sup> Data derived from 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.

<sup>20</sup> Figure 13, NCA Matching Service Data 2018/19

<sup>21</sup> Figures 14 and 15, NCA Matching Service Data 2017 – 2019

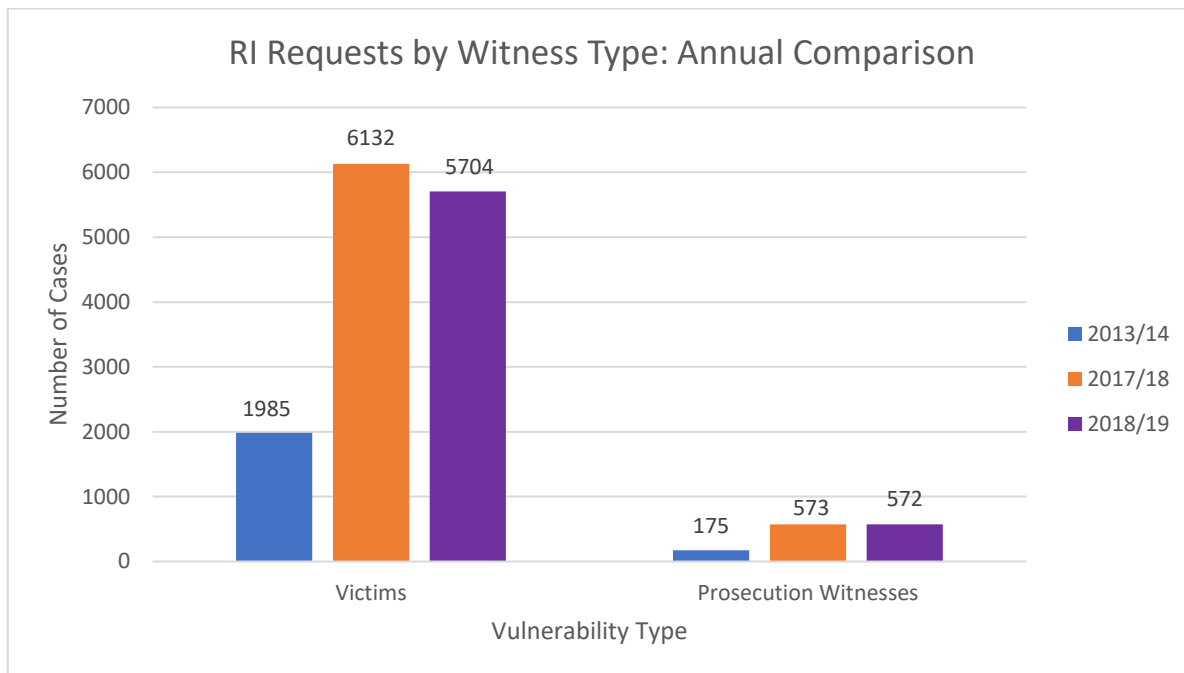


Figure 15

## Matching Success Rates

Since 2017/18, the matching success rate for both witness types has increased. Matched requests for prosecution witnesses have increased by 6.9%, and victims by 3%.<sup>22</sup>

CHANGE IN SUCCESS RATES (WITNESS TYPE)			
Witness Type	2017/18 (%)	2018/19 (%)	Change in Matched Requests (%)
Prosecution Witnesses	90	96.2	+6.9
Victims	93.4	96.2	+3

Figure 16

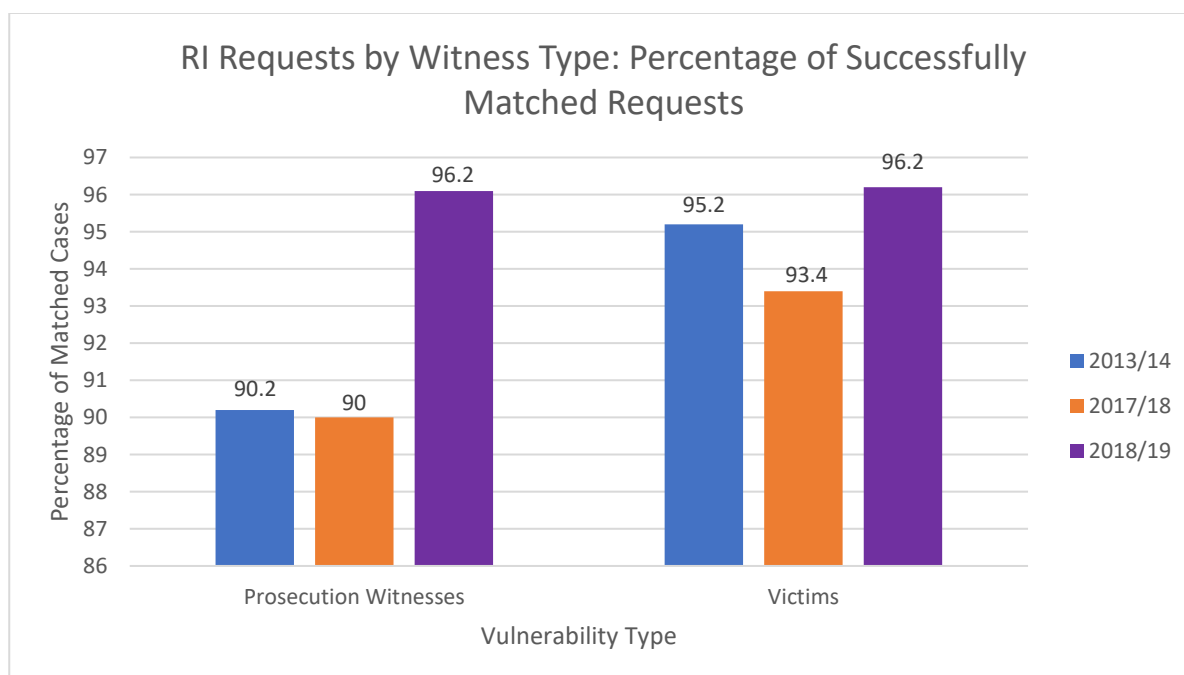


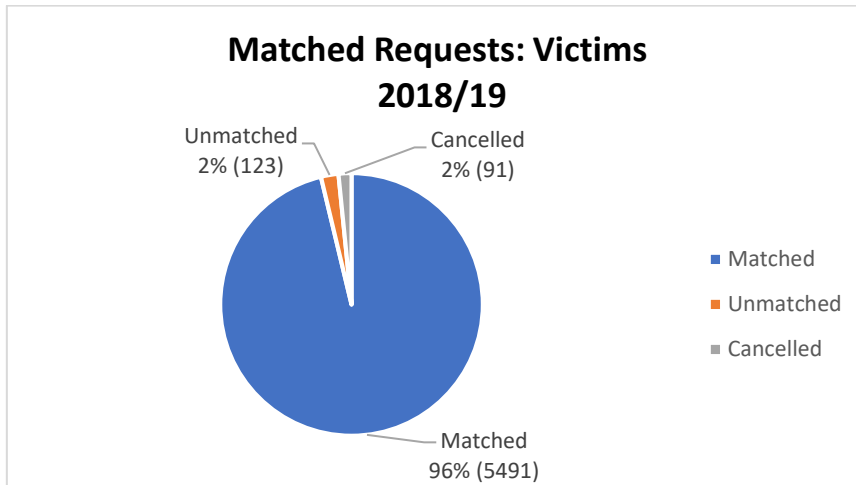
Figure 17

<sup>22</sup> Figures 16 and 17, NCA Matching Service Data 2013 - 2019

**VICTIMS**

**MATCHED REQUESTS +3%**

Of the 5705 requests for victims in 2018/19, 96.2% (5491) were successfully matched, 2.1% (123) went unmatched, with the remaining 1.6% (91) being cancelled.<sup>23</sup>



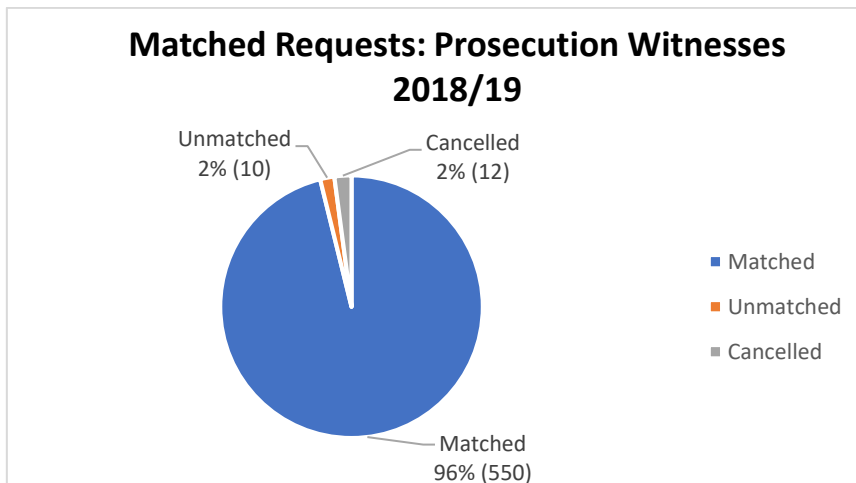
**Figure 18**

This represents a 3% increase in the rate of successfully matched cases from 2017/18 (93.4% victims' requests matched) and a 1.1% increase from 2013/14 (95.2% victims' requests matched).<sup>24</sup>

**PROSECUTION WITNESSES**

**MATCHED REQUESTS +6.9%**

Of the 572 requests for prosecution witnesses, 96.2% (550) were successfully matched, 1.7% (10) went unmatched, with the remaining 2.1% (12) being cancelled.<sup>25</sup>



**Figure 19**

This represents a 6.9% increase in the rate of successfully matched cases from 2017/18 (90% prosecution witness requests matched) and a 6.7% increase from 2013/14 (90.2% prosecution witnesses' requests matched).<sup>26</sup>

<sup>23</sup> Figure 18. NCA Matching Service Data 2018/19

<sup>24</sup> Figure 17. NCA Matching Service Data 2013 - 2019

<sup>25</sup> Figure 19. NCA Matching Service Data 2018/19

<sup>26</sup> Figure 17. NCA Matching Service Data 2013 - 2019

## Requests by End User

There are four categories of end-user that have submitted requests to the NCA in 2018/19:

▪ Police
▪ CPS
▪ Solicitors*
▪ Courts*

\*Due to the limited data pertaining to Matching Service requests from solicitors and courts, these two categories are exempt from data analysis.

### Breakdown of Requests

Requests from police forces constitute the substantial majority (81.1%, 5089) of all requests for RIs in 2018/19, with requests from the CPS accounting for 18.8% (1182 requests), and requests by solicitors and the courts just 0.06% (4 requests) and 0.01% (1 request) respectively.<sup>27</sup>

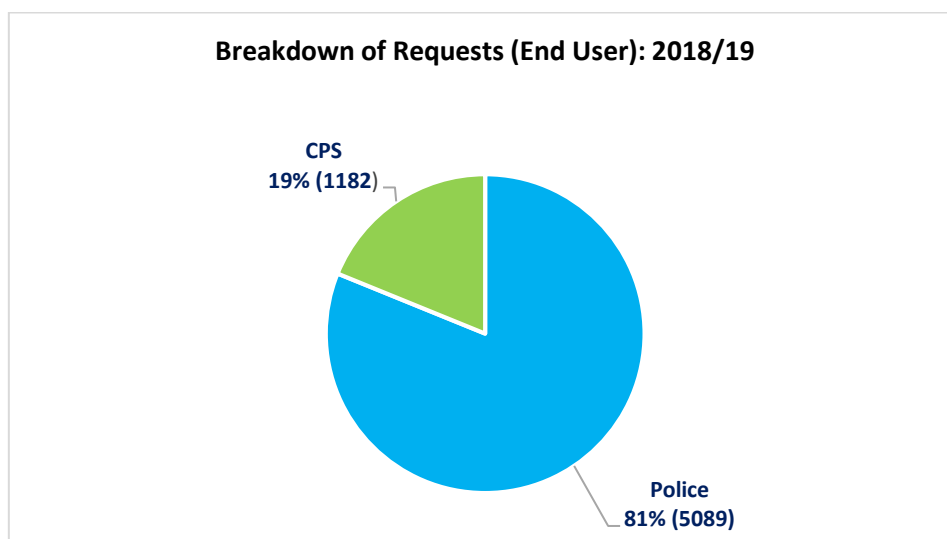


Figure 20

### Change Across All Requests

Since 2017/18 there have been decreases in the number of requests from both the police and from the CPS. Police requests decreased in 2018/19 by 5.2% (281 fewer requests) and CPS requests decreased by 11.4% (152 fewer requests).<sup>28</sup>

CHANGE ACROSS ALL REQUESTS (END USER)			
End User	2017/18	2018/19	Change (%)
Police	5370	5089	-5.2
CPS	1334	1182	-11.4
Solicitors	Nil	4	N/A
Courts	Nil	1	N/A

Figure 21

<sup>27</sup> Figures 20, *NCA Matching Service Data 2018/19*

<sup>28</sup> Figures 21 and 22 *NCA Matching Service Data 2017 – 2019*

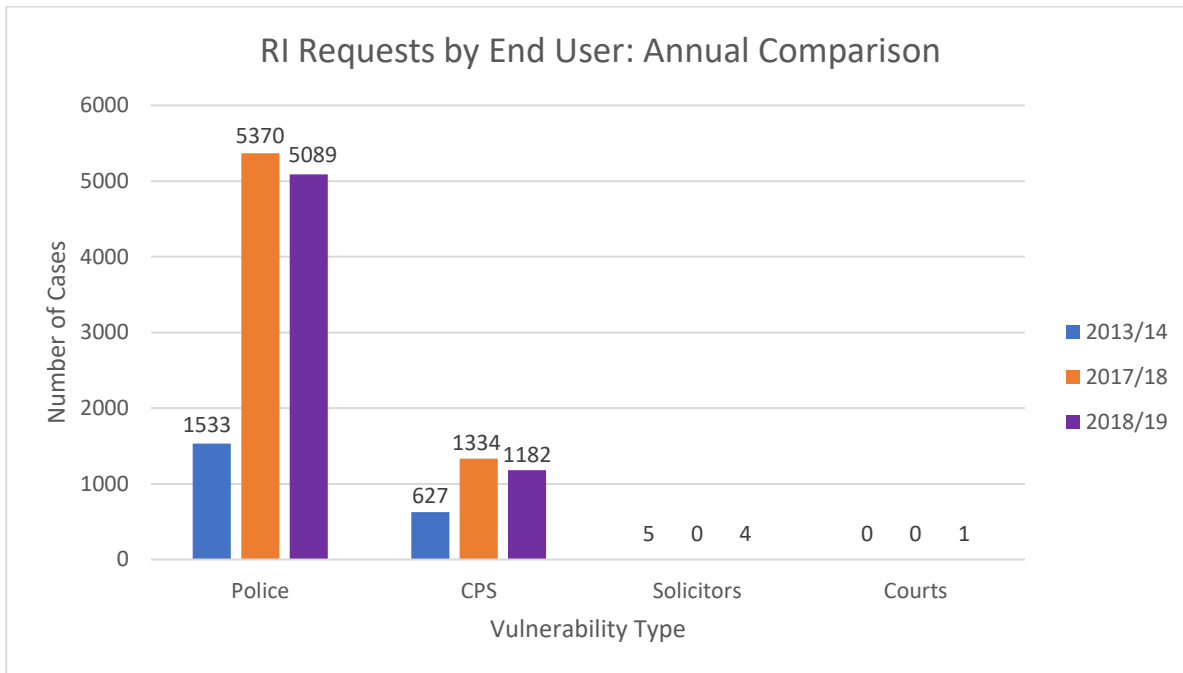


Figure 22

### Matching Success Rates

Since 2017/18, the matching success rates for the police and the CPS have increased. Successfully matched requests for the police increased by 3.7% and the CPS by 2.1%.<sup>29</sup>

CHANGE IN SUCCESS RATES (END USER)			
End User	2017/18 (%)	2018/19 (%)	Change in Matched Requests (%)
Police	93.5	97	+3.7
CPS	91.2	93.1	+2.1

Figure 23

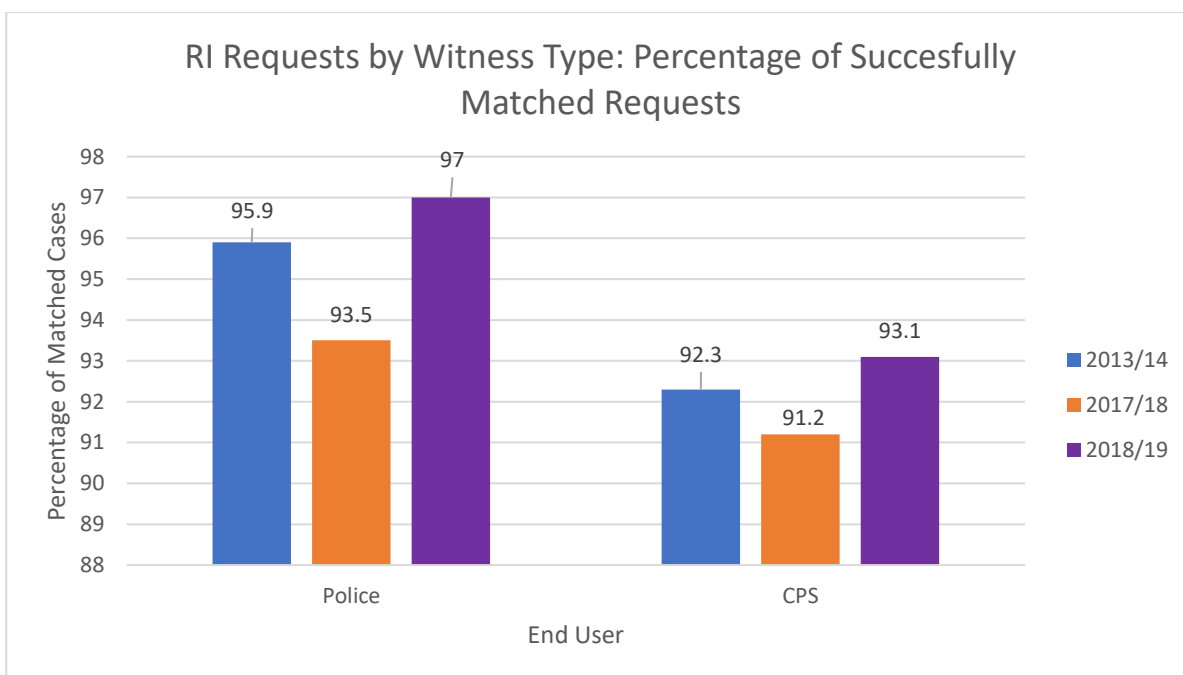


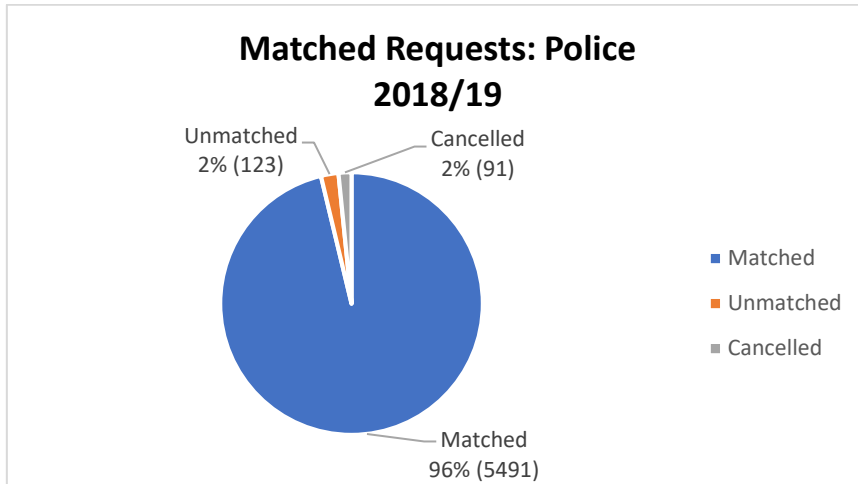
Figure 24

<sup>29</sup> Figure 23 and 24, NCA Matching Service Data 2013 - 2019

**POLICE**

**MATCHED REQUESTS +3.7%**

A total of 97% (4933) of the 5089 police requests were matched in 2018/19, 1.5% (78) went unmatched, with another 1.5% (77) cancelled.<sup>30</sup>



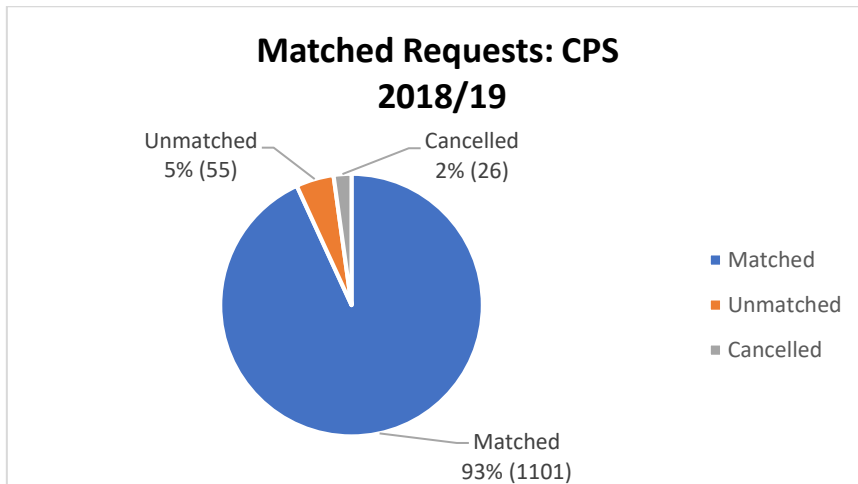
**Figure 25**

This represents a 3.7% increase in the rate of successfully matched cases from 2017/18 (93.5% police requests matched) and a 1.1% increase from 2013/14 (95.9% police requests matched).<sup>31</sup>

**CROWN PROSECUTION SERVICE**

**MATCHED REQUESTS +2.1%**

A total of 93.1% (1101) of CPS requests were matched in 2018/19, 4.7% (55) went unmatched, with another 2.2% (26) cancelled.<sup>32</sup>



**Figure 26**

This represents a 2.1% increase in the rate of successfully matched cases from 2017/18 (91.2% CPS requests matched) and a 0.9% increase from 2013/14 (92.3% CPS requests matched).<sup>33</sup>

<sup>30</sup> Figure 25. NCA Matching Service Data 2018/19

<sup>31</sup> Figure 24. NCA Matching Service Data 2013 - 2019

<sup>32</sup> Figure 26. NCA Matching Service Data 2018/19

<sup>33</sup> Figure 24. NCA Matching Service Data 2018/19

## 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 also disaggregated between RI provision for victims and RI provision for prosecution witnesses. When feedback for a particular case falls below ‘satisfactory’, the QAB will initiate investigation proceedings.

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

Figure 27

## 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 2018/19.

Against 2540 cases (those where feedback was received), 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’.<sup>34</sup>

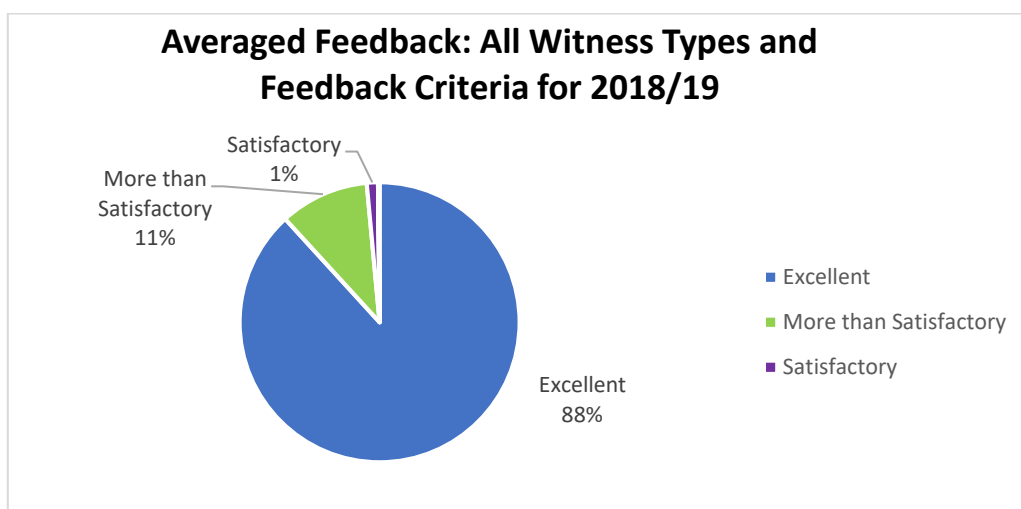


Figure 28

<sup>34</sup> Figure 28. NCA Matching Service Data 2018/19

## Feedback Across All Criteria

Below, all results, encompassing both witness types and all feedback criteria have been presented.<sup>35</sup>

CASES FOR VICTIMS						
Feedback Criteria	'Excellent' (%)	More than Satisfactory (%)	Satisfactory (%)	Less than Satisfactory (%)	Poor (%)	Responses
Compliance with criminal procedures	87.6 (1199)	11.4 (156)	1 (13)	Nil	Nil	1368
Personal conduct and professionalism	92.2 (1274)	7.2 (100)	0.3 (4)	0.1 (2)	0.1 (2)	1382
Quality of information provided by the RI	87.2 (1201)	11.2 (154)	1.4 (19)	Nil	0.2 (3)	1377
Usefulness of the RI in the proceedings	85.7 (1159)	11.6 (157)	2.4 (32)	0.3 (4)	Nil	1352

Figure 29

CASES FOR PROSECUTION WITNESSES						
Feedback Criteria	'Excellent' (%)	More than Satisfactory (%)	Satisfactory (%)	Less than Satisfactory (%)	Poor (%)	Responses
Compliance with criminal procedures	85.8 (103)	13.3 (16)	0.8 (1)	Nil	Nil	120
Personal conduct and professionalism	94.2 (113)	5 (6)	0.8 (1)	Nil	Nil	120
Quality of information provided by the RI	88.2 (106)	9.2 (11)	2.5 (3)	Nil	Nil	120
Usefulness of the RI in the proceedings	85.0 (102)	11.7 (14)	3.3 (4)	Nil	Nil	120

Figure 30

<sup>35</sup> Figures 29-40. NCA Matching Service Data 2018/19



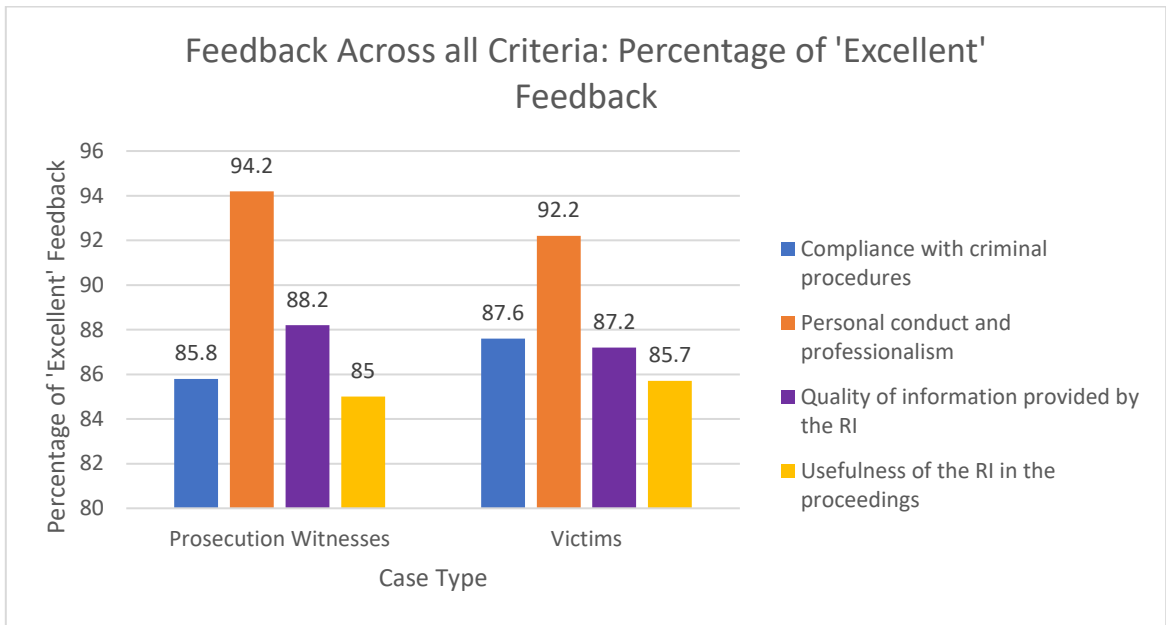


Figure 31

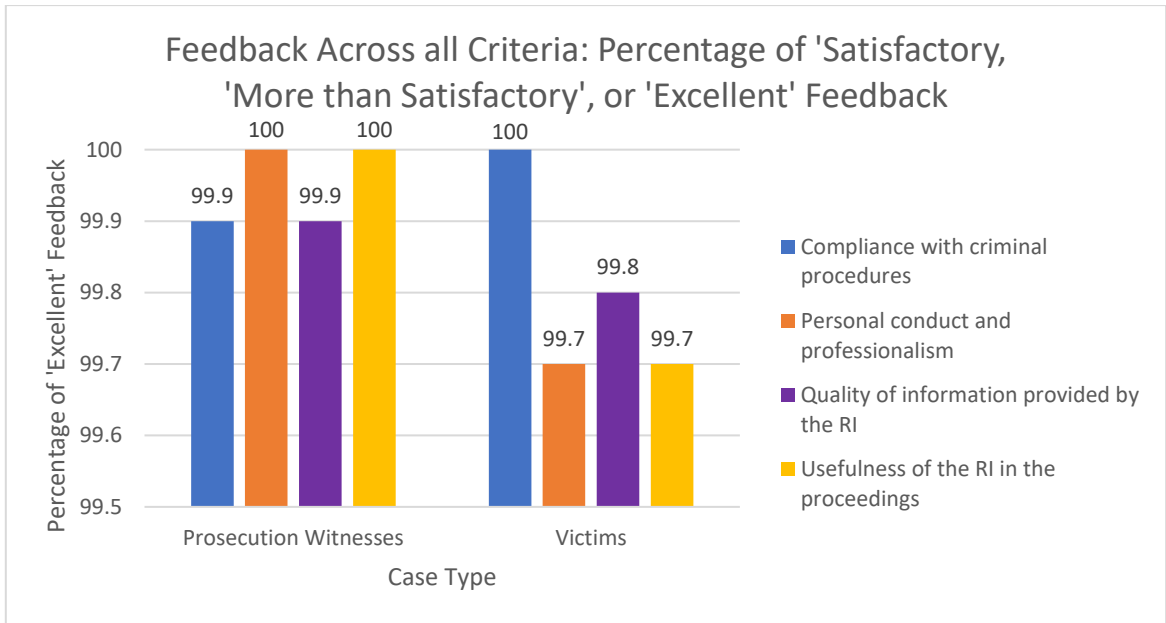


Figure 32

## Compliance with Criminal Procedures

VICTIMS	%	#
Excellent	87.6	1199
More than Satisfactory	11.4	156
Satisfactory	1	13
Less than Satisfactory	-Nil-	-Nil-
Poor	-Nil-	-Nil-

Figure 33A

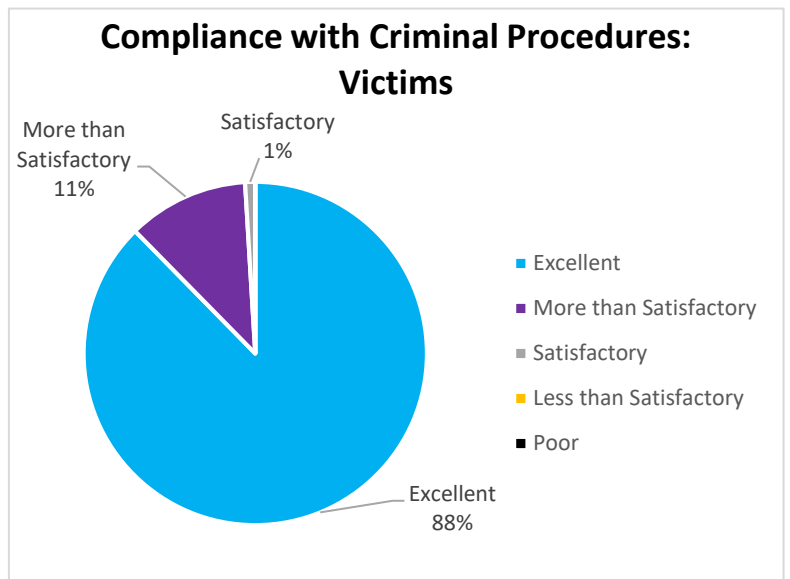


Figure 33B

PROSECUTION WITNESSES	%	#
Excellent	88.5	103
More than Satisfactory	13.3	16
Satisfactory	0.8	1
Less than Satisfactory	-Nil-	-Nil-
Poor	-Nil-	-Nil-

Figure 34A



Figure 34B

## Personal Conduct / Professionalism of the RI

VICTIMS	%	#
Excellent	92.2	1274
More than Satisfactory	7.2	100
Satisfactory	0.3	4
Less than Satisfactory	0.1	2
Poor	0.1	2

Figure 35A



Figure 35B

PROSECUTION WITNESSES	%	#
Excellent	94.2	113
More than Satisfactory	6	6
Satisfactory	1	1
Less than Satisfactory	-Nil-	-Nil-
Poor	-Nil-	-Nil-

Figure 36A



Figure 36B

## Quality of the Information Provided by the RI

VICTIMS	%	#
Excellent	87.2	1201
More than Satisfactory	11.2	154
Satisfactory	1.4	19
Less than Satisfactory	-Nil-	-Nil-
Poor	0.2	3

Figure 37A

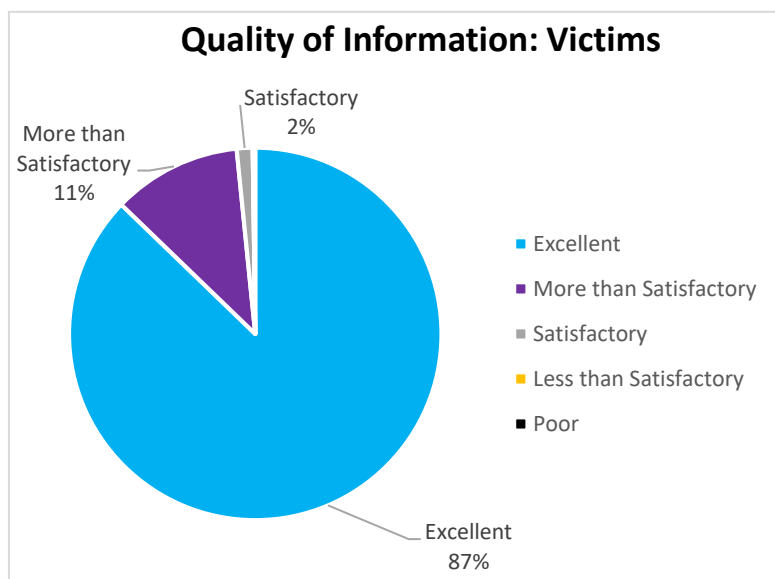


Figure 37B

PROSECUTION WITNESSES	%	#
Excellent	88.2	105
More than Satisfactory	9.2	11
Satisfactory	2.5	3
Less than Satisfactory	-Nil-	-Nil-
Poor	-Nil-	-Nil-

Figure 38A



Figure 38B

## Usefulness of the RI in the Proceedings

VICTIMS	%	#
Excellent	85.7	1159
More than Satisfactory	11.6	157
Satisfactory	2.4	32
Less than Satisfactory	0.3	4
Poor	-Nil-	-Nil-

Figure 39A

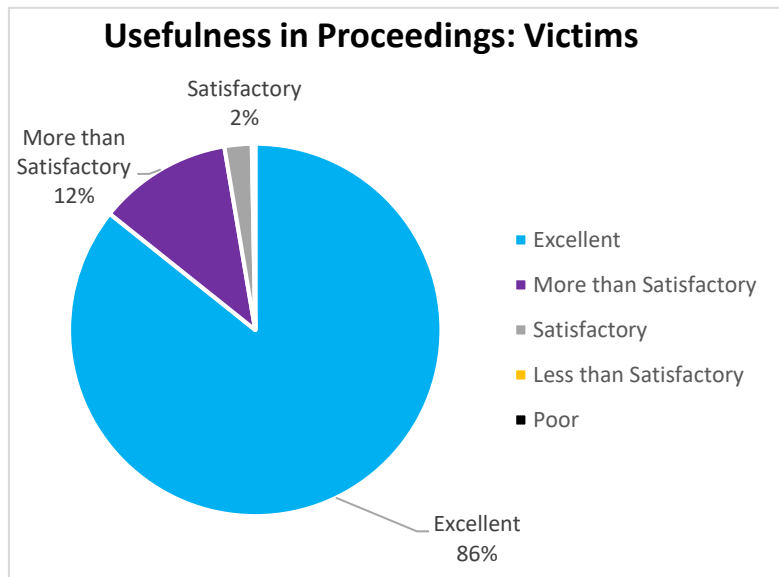


Figure 39B

PROSECUTION WITNESSES	%	#
Excellent	85	102
More than Satisfactory	11.7	14
Satisfactory	3.3	4
Less than Satisfactory	-Nil-	-Nil-
Poor	-Nil-	-Nil-

Figure 40A

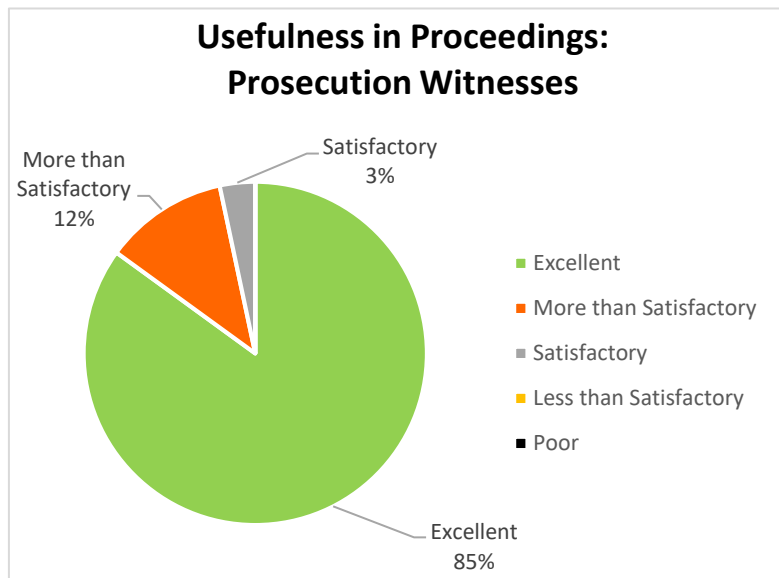


Figure 40B

# Case Study 2: The International Deployment of a Registered Intermediary

## Jennifer Beaumont



### BIOGRAPHY

Jennifer is an occupational therapist with more than 40 years' experience of working with young people and adults with a wide range of conditions including mental illness, physical and learning disabilities.

Having trained and registered as an intermediary in 2007, Jennifer has facilitated functional communication with more than 450 vulnerable people at all stages of the legal process. Jennifer recently gained accreditation with the Ministry of Justice and has taken up the role of Regional Coordinator for Registered Intermediaries in the North of England and North Wales.

In winter 2017, I spent a week working as an RI in Kenya. In spring 2018, I sat next to a young complainant to facilitate communication, alongside a Swahili interpreter, whilst the complainant gave evidence via television link from Kenya to Leeds Crown Court.

In autumn 2017, I received a request for service through the National Crime Agency (NCA) for an RI to carry out an assessment with a vulnerable complainant due to give evidence in a trial involving sexual assault and rape of a person under the age of 16 years, by a British citizen who befriended villagers and their families whilst on holiday in Kenya.

Before accepting the request, I spoke to child exploitation and online protection investigators, and a child protection officer working with the NCA to establish what would be required whilst I was in Kenya.

### Pre-trial

I researched culturally appropriate assessment materials and designed a story board to help the complainant understand basic facts about giving evidence.

In late 2017, I joined a small deployment team and flew out to Mombasa. Within 24 hours of our arrival, the Kenyan police transported us to the village. This providing an opportunity for me to meet the complainant and her mother.

The village had no running water, the family had no gas or electric power supply. The complainant lived in a one roomed hut with her mother and six younger siblings. I was told that the family cook and wash outdoors and the children carry water in containers balanced on their heads from a tap located at the entrance to the village.

I worked in Kenya for four days alongside Kenyan Police Protection Unit Officers, family care workers and the British NCA officers. I accepted the hospitality of staff at a local Rescue Centre where I carried out the functional communication assessment focusing on the language skills required for giving evidence (including how the complainant gave information, her ability to describe and explain, her grasp of time concepts, her understanding of complex language and how she responded to various question types).

She spoke a little English but communicated more accurately in her own language. She had a growth on her tongue, making some of what she said difficult to understand. She also lacked confidence in her ability to communicate, and presented as self-conscious and immature. Her mother did not know the year her daughter was born, although she thought she was about 15 years old when she started school the previous year. Dental records suggested she was in fact much younger.

Prior to leaving Kenya, I used a range of visual resources, including emotional symbols and pictures to assist the complainant to express herself during a visually recorded victim impact statement. A test of the television link between Kenya and Leeds Court provided an impromptu opportunity for us to meet court staff in Leeds. My report recommended Special Measures (YJCEA 1999) to enable the complainant to give best evidence in court during the trial.

Special Measures were granted and a brief Ground Rules Hearing took place at Leeds Crown Court before I returned to Kenya with the NCA investigators. No wigs or gowns would be worn, the judge and advocates would meet the complainant over the television link on day one of the trial to minimise anxiety. I reviewed advocates questions, to ensure short, simple questions with the question words at the beginning of the sentence, to minimise the risk of misunderstanding.

The television link was hosted by a Kenyan educational establishment in the city two hours by car from the complainant's village.

## **The Trial**

**Day 1:** Mombasa was experiencing the worst torrential rain for 20 years, roads were flooded and the whole island was without power. An emergency generator was used to establish the introductory live link from Kenya to the court. Talking to people over the television screen caused the self-conscious complainant to withdraw, and revert to one word answers not audible over the link. I spent time that afternoon with the complainant and the interpreter using voice projection and roleplay exercises to ensure their voices could be heard by the jury the next day.

**Day 2:** The television link was established and the young complainant gave evidence through the interpreter, the RI alerted the court of difficulties, monitored the flow of communication and provided timely feedback on the complainants use of gesture in response to questions, (nodding or shaking of the head to respond yes and no etc.). Visual emotions and body maps previously approved by the court were used by the complainant as she gave evidence to enable her to show and tell when she was too embarrassed to speak.

The defendant was found guilty and sentenced to 18.5 years in prison at Leeds Crown Court.

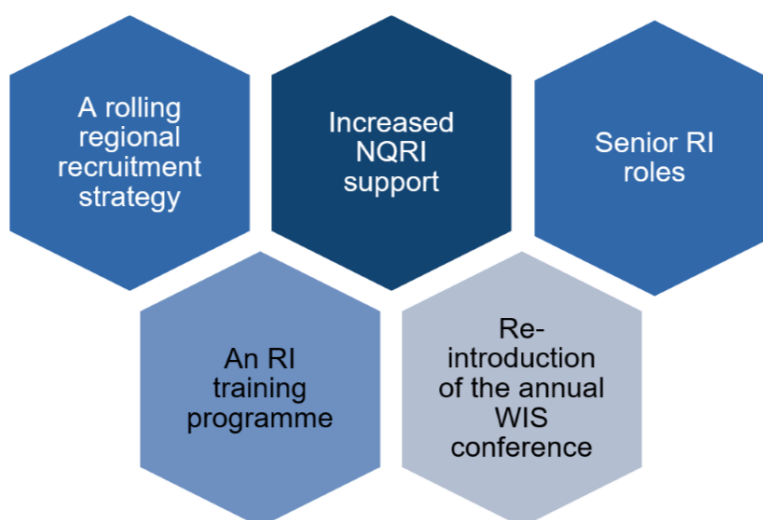
**Jennifer Beaumont – July 2019**

# Part Three: Developments in the Witness Intermediary Scheme 2018/19

## Summary

Throughout 2018/19, the MoJ has focussed on strengthening the WIS through a suite of initiatives intended to increase the availability of RIs and ensure their services can be commissioned promptly.

These initiatives include a rolling regional recruitment strategy to increase the number of active RIs within the WIS; an RI training programme; mentoring; facilitated NQRI peer groups; establishing senior RI roles; and the reintroduction of the WIS Annual Conference.



Sitting under the MoJ's central objective of ensuring all vulnerable witnesses have equal access to justice, these additions are focussed on ensuring the WIS supports RIs, victims and witnesses alike.

## RI Recruitment Strategy

In December 2017, the MoJ launched a rolling regional recruitment programme. This has been run continuously, with campaigns being focused on one region at a time in areas with shortages.

This tailored approach to regional demand has defined the MoJ's approach to recruitment throughout 2018/19. It has been central to addressing capacity gaps and ensuring the WIS meets the needs of all vulnerable witnesses in need of intermediary support.

Continuous rolling recruitment has successfully addressed the previous delays that were being experienced in gaining the services of an RI – reducing the average wait from four to five weeks, to two weeks or less.<sup>36</sup> It has also meant that new recruits can begin their role in the same area as the rest of their cohort and benefit from regionally facilitated NQRI peer groups.

<sup>36</sup> Often RI services can be obtained much more quickly, even on the same day.



Detailed work has been conducted by MoJ analysts to establish demand for RIs across England and Wales. This work has informed recruitment decisions.

By April 2019, the MoJ had completed four recruitment rounds over the course of 12 months. These campaigns have resulted in an additional 48 active RIs being added to the WIS database between April 2018 and April 2019.

REGIONAL RI RECRUITMENT 2018/19	
Region	New RI Recruits (Active in WIS)
East-Midlands	12
South East (October cohort)	13
South East (December cohort)	10
Wales	13
<b>TOTAL</b>	<b>48</b>

Figure 46

## RI Training

Experienced RIs were recruited by the MoJ to develop a bespoke training course and have delivered a thorough, seven-day programme that provides a strong platform from which trainees can go on to start practising. RI training was launched in summer 2018 and has since been delivered in further regions across England and Wales.

The training programme was developed in collaboration with the MoJ and in partnership with colleagues from across the criminal justice system. The police, CPS, NCA and judiciary are all involved in delivering modules of the training, which also includes visits to a court and police station to help provide a practical understanding of the RI role. Candidates are required to undertake and successfully complete a series of five assessments, after which they are eligible to join the WIS register (subject to DBS clearance and purchasing indemnity insurance).

## NQRI Support

The regional approach to recruitment has enabled tailored support for new recruits. NQRIs now have the benefit of peer groups, facilitated by experienced RIs, for the first six months of their new role.

These groups provide the opportunity for training to be consolidated and any outstanding questions or uncertainties to be addressed, as well as giving new recruits a place in which to discuss their experiences when taking their first cases. This means that new recruits will have trained together and will be practising in similar areas. They are encouraged to interact with their peers during this time and the relationships formed will provide a valuable network throughout their future practice.

The MoJ has doubled funding for one-to-one mentoring support for NQRIs.

## Accredited Registered Intermediaries (aRIs)

The introduction of the accredited RI role for experienced RIs with excellent feedback histories has provided an opportunity for these exceptional RIs to become more involved in activities for the corporate benefit of the WIS.

The aRI role is also intended to ensure that corporate work – such as involvement with recruitment, mentoring and feeding into emerging policies – is fairly and transparently allocated to individuals in the WIS. The most senior position available to an aRI is Regional Coordinator – a role that was introduced early in 2019. These roles will work to provide leadership and shape good practice at a regional level, while facilitating communication between the MoJ and regions across England and Wales.

Accreditation is open to RIs who have completed at least 100 cases over a minimum period of three years. It serves as MoJ, NCA and QAB-endorsed recognition of an RI's senior status, enabling the RI to take up additional duties provided by the MoJ.

## RI Regional Co-ordinators

As the most senior of the aRI roles, regional co-ordinators are appointed by the MoJ to strengthen and shape good practice in the region.

A key aspect of the role is to facilitate communication between the region and the MoJ. Regional co-ordinators function as the point of contact for RIs, end-users and stakeholders. They work closely with regional groups, providing assistance where required and communicating regional developments to the MoJ. Regional coordinators are also responsible for monitoring CPD needs and taking steps to ensure that these are met.

At the time of writing, one regional co-ordinator has taken up post for Northern England and Wales. The MoJ intends to recruit an additional three regional coordinators to cover the remaining regions, between them encompassing all 43 police force areas in England and Wales.

RI COORDINATION REGIONS			
Northern England and Wales	Midlands	South West	South East
POLICE FORCE AREAS			
Cheshire	Derbyshire	Avon and Somerset	Bedfordshire
Cleveland	Dyfed-Powys	Devon and Cornwall	Cambridgeshire
Cumbria	Leicester	Dorset	City of London
Durham	Lincolnshire	Gloucestershire	Essex
Greater Manchester	Northamptonshire	Gwent	Hertfordshire
Humberside	Nottinghamshire	Hampshire	Kent
Lancashire	Staffordshire	South Wales	Metropolitan
Merseyside	Warwickshire	Wiltshire	Norfolk
Northumberland	West Mercia		Suffolk
North Wales	West Midlands		Surrey
North Yorkshire			Sussex
South Yorkshire			Thames Valley
West Yorkshire			

## **WIS Conference 2019**

The MoJ re-introduced the WIS Conference and hosted the event in February 2019.

The conference provided an opportunity to bring together RIs from across the country and a chance to reflect on the vital role that RIs play in the criminal justice system and changes to the WIS over the course of the year.

Feedback from the conference indicated the event was well received by attendees, with more than 70% of respondents rating the event good, very good or excellent overall.

Going forward, the MoJ plans to host the WIS conference on an annual basis.

# Case Study 3: The View from an NQRI

## Nicola Bailey-Wood



### BIOGRAPHY

Nicola has worked as an NHS speech and language therapist for 26 years, specialising in specific language disorders and ASD spectrum difficulties with statemented children.

Nicola completed her RI training as part of the Wales cohort in March 2019 and started practising as an RI in May.

## The Process

For me, the process of becoming an RI was initially a long one. It was a voyage of discovery. I first made enquiries via email, two years before I finally had the opportunity to apply formally.

At the time of application, I will admit I only had a very sketchy idea of really what the job entailed. I was fortunate to have an acquaintance who had previously done the role. So, I was able to discuss in more detail, and also did a fair bit of 'googling' to gain as much information as I could. I was elated when a couple of months after my initial application I was able to attend an interview at Cardiff Magistrates Court.

I entered the building, a very different world from my usual stamping ground of the NHS, with Baroness Newlove's reform document tucked under my arm. It was a daunting two hours. I found writing reports of children I didn't know very difficult, and I very much took the attitude that I would just give it a go. The interview was fascinating. I came out of the court to meet my husband full of facts about my meeting, and I was sure I wanted to fulfil this role, if there was an outside chance I could do it. I realise now I still had only just scratched the surface of the RI world.

## Training

Being able to attend the training in Newport, for me, meant personal sacrifices. My speech and language therapy team were not supportive of me attending, so I took time out, and funded myself to be able to attend for the two weeks. It only took me to the end of the first day to realise this was what I needed to do, this was where I could use my skills more effectively than I had ever been able to use them before. My life as a speech and language therapist had been like dropping a pebble in a puddle; if I could do this it would feel like I was throwing a rock into a lake.

The course itself, I feel gave me all the information I needed to begin the process of being an RI. It was intense. There was a huge amount of new information to assimilate, but the tutors were there to offer amazing support. I was learning about a whole new world.

As difficult as the course work was, it focused my mind, and ensured that I could use my new knowledge effectively. And working with a group of RI hopefuls meant that I was already forming a network of support.

It needs to be said that it probably isn't for everyone, the subject matter of the cases we work on can be challenging. I have surprised myself, that I feel compelled to be part of this amazing network of people providing this support. I have also surprised many of my friends and family.

I felt so glad that I passed the course, and as hard as the presentation day was, I gained another opportunity to explain why I wanted to do this work.

## **Going forward**

The RI course was lifechanging, I have since left my life as a speech and language therapist behind, taking my skills and experience to enter the new world of the justice system. I am only on the start of that journey, learning more as I take on each new case. I am so glad that I had the opportunity to practice writing reports, it now allows me to be more confident as I produce them for real.

**Nicola Bailey-Wood – June 2019**

## Part Four: Finance of the Witness Intermediary Scheme

### Administrative Budget

The WIS budget for 2018/19 was £460,000, with £275,000 of this paid to the NCA's Witness Intermediary Team to fund the WIS Matching Service and QAB Secretariat.

The remaining funds (£185,000) are dispersed across the WIS. This includes financing the IRB, QAB and RIRT as well as the recruitment, training and development of RIs across England and Wales.

WIS BUDGET 2018/19		
FUND ALLOCATION	SUM (£)	% OF ANNUAL BUDGET
WIS Matching Service	275,000	59.8
Remaining WIS Services (IRB, RIRT, recruitment, training, NQRI development)	185,000	40.2
<b>TOTAL</b>	<b>460,000</b>	<b>100</b>

Figure 47

### Remuneration Rates

RIs are paid at rates agreed by end-users and the MoJ (including expenses).

RIs must invoice according to the national rates, negotiated with the police and CPS, 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 Registered Intermediary accepts a Request for Service. This arrangement is between the Registered Intermediary, as a self-employed individual, and the service from which the request originates – usually the police or CPS.

# Case Study 4: Deafness in the Criminal Justice System

## Chantelle de La Croix



### BIOGRAPHY

Chantelle has been a Registered Intermediary for over 16 years, specialising in working with deaf people who use sign language to communicate.

Having worked within the Deaf Community for over 20 years, much of Chantelle's work has focused on providing support for children in bi-lingual educational settings (oral/sign language) and family support within community settings.

I was contacted by the police to assist with a fraud case, in which an elderly man's sister was concerned a neighbour might be financially abusing him. His sister was responsible for his finances and had noticed he was unusually short of money on a weekly basis.

The gentleman in question was around 70. He was able to converse in British Sign Language (BSL), though as his language comprehension was very basic, he was not able to adequately answer questions from the police. The police then booked BSL interpreters, however the interpreters lacked the conceptual understanding necessary to communicate with the gentleman effectively.

Prior to the Achieving Best Evidence (ABE) interview, I met with the gentleman to develop a rapport with him and ascertain his level of understanding. I decided that he needed visual aids to assist with communication, so I showed him a series of items and questioned whether he wanted to buy them. The gentleman was able to indicate whether he wanted to buy the items and also demonstrated an understanding of the prices. From this, I determined that he had an ability to make basic informed choices using his own judgement.

The gentleman initially had a limited ability to recall when the neighbour made the suspicious requests for money, so I produced a monthly calendar to assist with the communication. From this, I established that the gentleman had a good memory of significant dates, such as Christmas, his birthday and his sister's birthday. This assisted with the investigation of the neighbour's suspected actions, as he was then able to establish whether the neighbour made the requests before or after these dates, and the frequency of such requests. From this point on, the gentleman was able to recall approximately how much money he provided, and acknowledged that he received nothing in return.

We then had to assess whether the gentleman was able to consciously agree to giving his neighbour money on request. We used a different approach, using basic language to determine an affirmative or a negative response. He was able to make clear that he did not want to give his neighbour the money, but he was frightened that he would

lose his friendship with them if he did not. From that point onwards, the police were able to obtain sufficient evidence to arrest the neighbour for financial abuse. As an RI, my communication skills had enabled the breakthrough the police needed to issue an arrest warrant.

Developing a rapport with the gentleman was crucial throughout this case. It enabled me to develop a conceptual understanding of his communication and establish his level of comprehension. With the use of visual aids to inform his decision-making processes, I was able to acquire the evidence that made a crucial difference to this case.

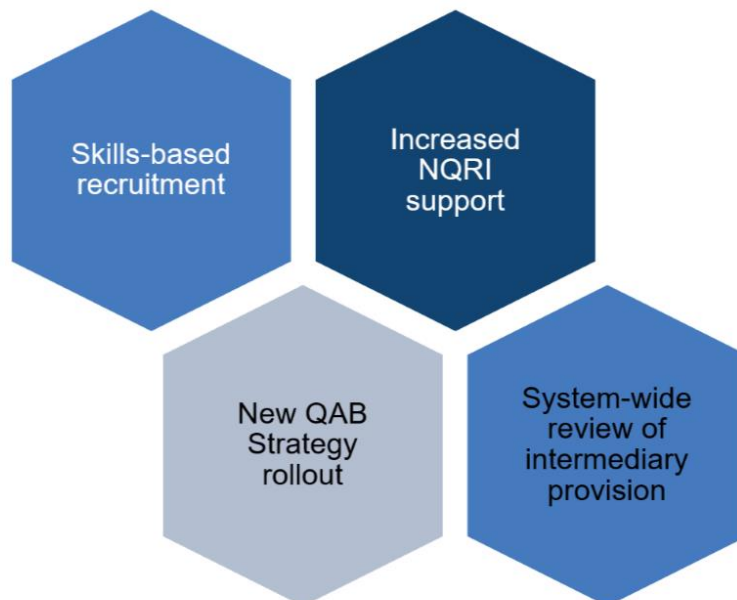
**Chantelle de la Croix – July 2019**



## Part Five: Forward Look

Going forward, the MoJ remains committed to improving the operation of the WIS to ensure demand for RIs can be met throughout England and Wales.

This forms part of a long-term objective to increase the overall provision of special measures to serve the needs of all vulnerable victims and witnesses within the criminal justice system.



### A Skills-Based Recruitment Approach

We will continue to ensure that there are sufficient numbers of RIs available in the WIS to ensure that the service can be provided with minimal waiting times.

We will implement a new 'skills-based' approach to recruitment, following analysis of the range of existing skills within the WIS. This new approach will target the skills and expertise most needed within the WIS, ensuring that vulnerable victims and witnesses are provided with a high-quality service, specific to individual needs.

### A New QAB Strategy

The Quality Assurance Board has published its strategy alongside this annual report and will be implementing this over the course of the next 12 months. This is the first time that the QAB has published a strategy and is for the benefit of increased transparency on how standards in the WIS are monitored and maintained.

### Support for Newly Qualified Registered Intermediaries

Recognising the importance of a seamless transition between training and taking up the first case, the MoJ will continue to develop facilitated NQRI peer groups, implementing changes based on feedback from the pilot phase and early stages. The MoJ is committed to ensuring that all new recruits are provided with access to a peer group.

Continuous Professional Development (CPD) for RIs will remain a priority. The existing mentoring scheme will be strengthened, with renewed guidance for both mentors and

mentees. Mentees will also be provided with greater flexibility in terms of when they use their MoJ funded mentoring hours. We will also be introducing tailored NQRI CPD logs, so new recruits can record the skills, knowledge and experience they gain throughout their role.

## **Review of Intermediary Provision Across the Justice System**

The MoJ will conduct a review of intermediary services across the justice system. This will gather evidence and data to fully understand the current landscape of intermediary provision across the justice system, identifying what is currently working well and seeking to address any issues, challenges and gaps. Once evidence has been assessed, we will make recommendations about intermediary provision in future and implement the solutions we have identified.

# Case Study 5: Mental Illness in the Criminal Justice System

## Richela Reyes

### BIOGRAPHY

Richela qualified as a Registered Intermediary in 2010.

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

I have two baoding balls. They live in a case of blue satin with a small copper catch. The box is lined with royal blue velvet and the balls sit snugly each in their own cup. Each ball is river green with dark swirls of blue, a pale green dragon crawls across them and tiny blood red flowers glow in the darkness. In the case they are still and silent. When I hold them and rotate them in my hands they chime. The balls chime many tones. As I sit and move them, paying less attention to my questioning mind and more attention to the moment, there are many tones chiming. There is no way to mark the moment, only the awareness that above all the other chimes that pool into rhythmic clatter there is one tone, one chime and one song that holds itself constant and true.

When I sat and thought about writing this case reflection, I immediately began to try and think of a case that exemplified some success or some challenge, a case that would demonstrate the role of the RI and shine a light on the extraordinary work we all achieve. Except, not all my cases are like that. Some cases fall in the shadow, cases that do not progress because of communication difficulty and I cannot make a difference. With 20 years of clinical experience as a Speech and Language Therapist and almost 10 years as an RI, I am simply not enough.

I accepted the case for Rose. Rose was 83 years old and living with Alzheimer's disease. Rose's husband had died some years ago and she lived at home with 24 hour live in care. Rose's previous carer had suspicions after listening to Rose chatting that Rose was being sexually abused and so set a camera trap. When I spoke with Jen, the officer in charge of the case, she told me that she couldn't understand how Rose had 'told' anyone that she was being abused as over a number of visits Jen couldn't make sense of her answers to questions and that she kept repeating stories that didn't seem to be related to any offence. Nevertheless, there was something that Rose seemed on the verge of telling Jen, something always just out of reach so Jen requested an RI.

I went to see Rose at home with Jen. Rose did not remember Jen but was very glad to meet us and happy to have a chat. Rose added that she couldn't imagine what we wanted to chat about, but it was nice to have the company. I won't tell you all about the introductions and consents, the explanations of the role and checks of understanding because that's not what I think about when I think about Rose. I think about the chimes.

As I sat opposite Rose and engaged her in conversation Rose enthusiastically answered my questions with a limited and unrelated selection of narratives. About the gardener who had made a terrible mess of her garden, about her husband who brought her a teddy bear back from a business trip, about her father loving her, working in the factory and about how good her carer was at baking cakes. Every so often I would ask Rose if she knew who Jen was and she would say that she didn't, but that she was very welcome. I reminded Rose frequently about who we were and why we were there.

Asking questions wasn't working, so I picked up my paper and pen and sat next to Rose on the sofa. I waited. Rose then began to talk about a wide range of things but always returning to the few narratives. As Rose talked, I drew key words – a church, the people who came to her door, the factory gates and wrote names and labelled the figures and Rose watched, telling when I had done a nice drawing and when it wasn't quite right. Occasionally I would comment, never a question, an acknowledgement that we were together in this talking adventure, together in this moment and together across all the moments across time that Rose talked about. As Rose talked her narratives grew to a rotating sphere filled with narratives wound together that chimed together and then alone, one chime echoed by another from a different time, connecting time in a seamless narrative of component parts. And then, the realisation that there was a single tone, one note that grew consistent, that formed into an event. The event that remained short, coherent and complete. The event of an offence that Jen wanted to hear.

After a long and exhaustive discussion when I explained how Rose was communicating to Jen and how asking questions would result in the repetitive telling of the narrative sets Jen decided that she would see if Rose would respond to some questions if she set the context for her. We went back into the living room. Rose had forgotten who we were and why we were there but smiled at me, patting the space next to her on the sofa. Jen asked her questions and Rose gave her the narratives she had given me at the start of the assessment. We exhausted all avenues of facilitation, skills, techniques and strategies. No chimes.

As we left, I asked a final time if she knew who we were. Rose said she didn't but that we were very nice and could come again any time for a chat. Jen and I sat in the car and continued to explore all the options until Jen felt she could not achieve an ABE that the CPS would accept. I drove away with Rose's chimed narrative in my head and asked the question; Does the court have the ability to listen to this witness for the purposes of hearing her evidence in court?

As I write this case reflection a text comes through from the matching service for a lady living with dementia. My heart leaps a little and always hopeful I reply; I can do those dates, thank you.

**Richela Reyes – July 2019**



© Crown copyright 2019

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](https://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.