



Ministry
of Justice

The Witness Intermediary Scheme

Annual Report 2023

Ministry of Justice

Witness Intermediary Scheme: Annual Report 2023

(For the year ended 31 December 2023)

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Foreword from the Parliamentary Under Secretary of State for Justice, Laura Farris MP



This year marks twenty years since the Witness Intermediary Scheme (WIS) was first piloted in England and Wales. Since the Scheme's inception and national roll-out in 2008, it has transformed the treatment of vulnerable witnesses and created an invaluable service established by its highly skilled and specialised cohort of Registered Intermediaries (RIs).

The MoJ is very grateful to the WIS' dedicated RIs, whose efforts have enabled a record number of vulnerable victims and witnesses to give their best evidence in 2023.

The Scheme receives overwhelmingly positive feedback, which is a testament to the expertise and professionalism of RIs across England and Wales. It is also evidence of the value that other justice system practitioners place on the support given by RIs to the police and courts in complex cases.

In 2023, the WIS matched intermediaries with 8,756 requests from the police and CPS. As the justice system's understanding of vulnerability develops, the demand for intermediary assistance has grown, with a 14% year-on-year increase. Looking into 2024, our focus continues to be on meeting rising demand by utilising national recruitment campaigns and making sure our excellent training programme brings more RIs onto the WIS register. Sustained RI recruitment will ensure the effectiveness and resilience of the Scheme to deliver assistance for vulnerable people.

Following our detailed review of intermediary provision during 2023, we have begun putting recommendations into practice to make improvements to the Scheme.

The MoJ would like to thank the RIs, whose dedication alongside other hard-working justice system practitioners ensures the success of this important service, enabling vulnerable victims and witnesses to give evidence and access justice.

A handwritten signature in black ink that reads "Laura Farris".

Laura Farris MP
Parliamentary Under Secretary of State for Justice

Contents

Terms and abbreviations	5
Introduction: The Witness Intermediary Scheme in 2023	6
Background	6
Summary of 2023	6
Data sources	7
2023: The year in numbers	8
Part One: Overview of the Witness Intermediary Scheme	9
Ministry of Justice (Vulnerable Users Policy Team)	9
The Witness Intermediary Team	9
The Witness Intermediary Scheme Governance and Standards Board	9
Part Two: Performance analysis 2023	14
Methodology	14
Summary	14
Cancelled requests	15
Unmatched requests	15
Total requests for RIs	16
Requests by witness vulnerability	18
Requests by age of witness (children/adults)	22
Requests by witness type	24
Requests by end-user	26
End-user feedback	28
Active RI figures	30
Part three: key developments in 2023	32
Continued RI recruitment	32
Renewed RI training programme	32
HMCTS Appointed Intermediary Services	32
Upgraded DBS checks	33
Governance and quality assurance reform	33

Refreshed RI procedural guidance	34
WIS annual conference	34
WIS newsletter	34
Part four: finance of the witness intermediary scheme	36
Administrative budget	36
Annual review of remuneration rates	36
Part five: forward look	37
Increasing WIS capability	37
Policy review next steps	37

Terms and abbreviations

ABE	Achieving Best Evidence
aRI	Accredited Registered Intermediary
CPD	Continuing Professional Development
CPS	Crown Prosecution Service
End-User	The party that requests the services of a Registered Intermediary, usually the police or CPS
GSB	Governance and Standards Board
MoJ	Ministry of Justice
NCA	National Crime Agency
NPCC	National Police Chiefs' Council
NQRI	Newly Qualified Registered Intermediary
RfS	Request for Service
RI	Registered Intermediary
RIRT	Registered Intermediary Reference Team
Section 28	Section 28 (s.28) of the Youth Justice and Criminal Evidence Act (YJCEA) 1999 allows eligible witnesses to pre-record their cross-examination or re-examination before the trial.
SLT	Speech and Language Therapist
WIS	Witness Intermediary Scheme
WIT	Witness Intermediary Team
YJCEA	Youth Justice and Criminal Evidence Act 1999

Introduction: The Witness Intermediary Scheme in 2023

Background

The Witness Intermediary Scheme (WIS) was first piloted in England and Wales in 2004 to implement the intermediary special measure in the Youth Justice and Criminal Evidence Act 1999 (YJCEA). The WIS was rolled out nationally in 2008 and established a register of intermediaries recruited and trained by the Ministry of Justice (MoJ).

The intermediaries trained under the WIS are known as Registered Intermediaries (RIs). RIs are self-employed impartial communication specialists whose role is to facilitate complete, coherent and accurate two-way communication between justice system professionals and vulnerable people with communication needs. Intermediaries aim to improve the quality of evidence and facilitate the vulnerable person's understanding and participation in police procedure and criminal proceedings. Their assistance often makes the difference between a vulnerable person being able to give their evidence and not.

Section 16 of the Youth Justice and Criminal Evidence Act 1999 stipulates that a witness in criminal proceedings is eligible for assistance from an intermediary if:

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

This Annual Report provides an overview of the governance, operation and performance of the WIS from 1 January 2023 to 31 December 2023.

Summary of 2023

In 2023 the MoJ has maintained a high-quality WIS service for vulnerable people in the face of the highest demand for RI assistance to date.

In 2023, the MoJ continued to recruit and train RIs for entry onto the WIS register to ensure supply meets growing demand, as well as finalising the policy review of intermediary services and strengthening the governance and quality assurance of the Scheme. The MoJ also took time to review WIS policies that required revision, receiving feedback from the wider intermediary community, to ensure that the policies continue to provide effective regulation of the Scheme ensure quality of service for vulnerable people.

The WIS received a total 9,240 requests for RI assistance in 2023, setting a record for the highest number of requests received for a fifth consecutive calendar year. This figure constitutes a 666% increase in the number of requests for RIs since 2010, and continued growth compared to 2022. The proportion of successfully matched requests for RI

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

assistance decreased slightly by 0.7% from 2022, amounting to 94.8% of all requests for service received. This is believed to be due to a rise in the number of complex requests, including people with multiple vulnerabilities.

Feedback from end-users (i.e. the police or the Crown Prosecution Service) remained overwhelmingly positive, with 99.8% of responses recorded as either 'excellent', 'more than satisfactory' or 'satisfactory'.

Continuing with national recruitment remains a priority and the MoJ funded recruitment campaigns during the year which added 19 new RIs to the WIS Register. In 2023, the MoJ also commissioned the development of a new training programme for RIs, producing a refreshed discursive training format for improved online delivery. Work to build Scheme capacity will continue throughout 2024 with four planned training programmes to match rising demand for services.

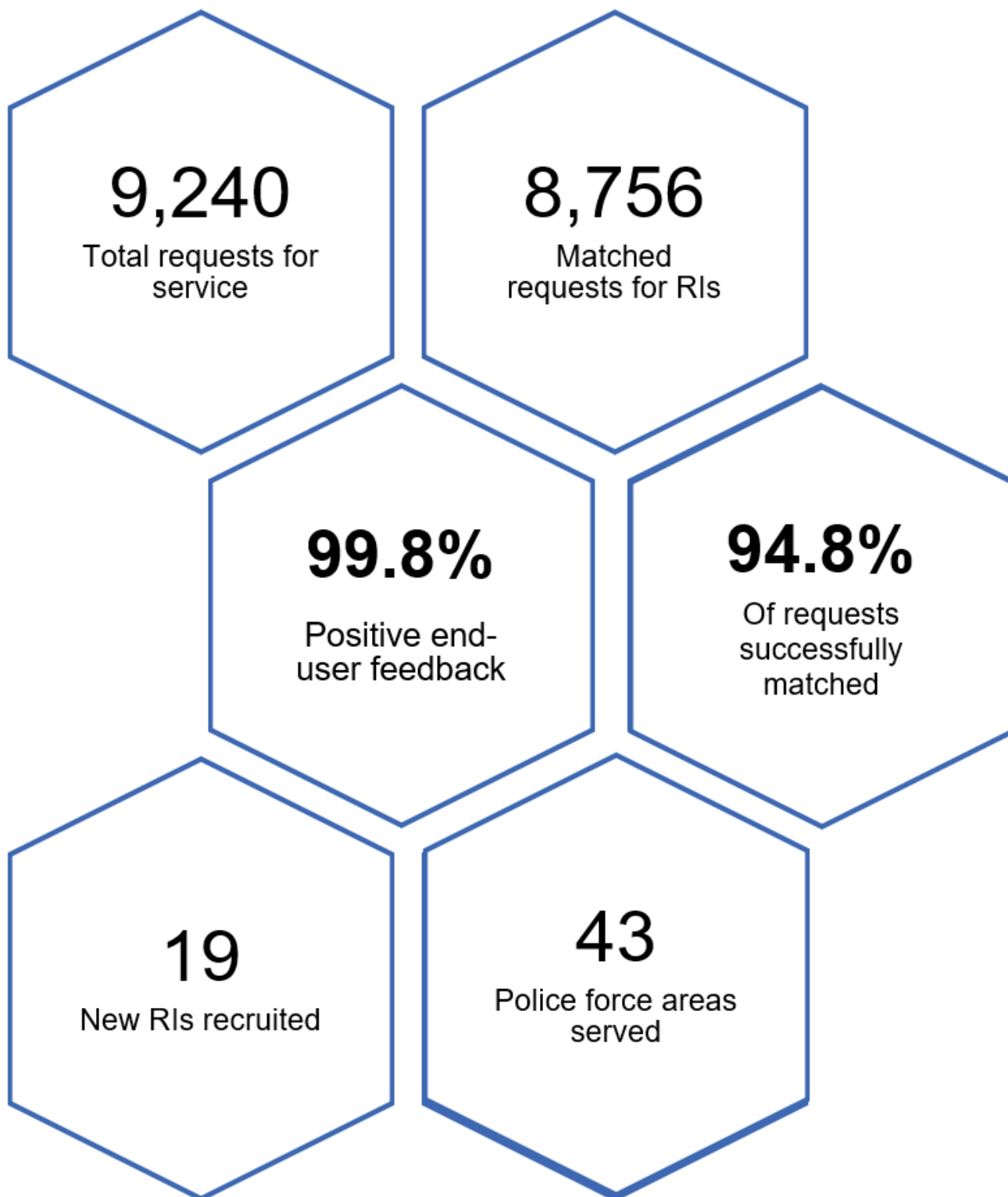
In relation to the WIS community, the MoJ hosted the WIS Annual Conference as a virtual event in early 2023, which provided RIs with CPD and networking opportunities. To strengthen the governance of the Scheme, the MoJ merged the existing WIS governance boards to form the Governance and Standards Board (GSB), which unifies the expertise of stakeholders from police, CPS, Royal College of Speech and Language Therapists, Department of Justice for Northern Ireland, NCA, Law Society, His Majesty's Courts and Tribunals Service (HMCTS), and RIs themselves. The GSB streamlines decision-making and strategic direction by merging the previous Quality Assurance Board and Intermediaries Registration Board. In addition, the MoJ revised the WIS Feedback and Complaints Policy, to give greater focus on informal resolution where possible, to encourage reflection and learning opportunities for the RI community.

In 2024, the MoJ anticipates further growth in demand for RI provision. Matching demand through sustained recruitment and training of RIs remains a priority, with the MoJ also collaborating with HMCTS to understand better the drivers of demand and the experiences of vulnerable users. The MoJ will also continue to collaborate with field experts to update policy where needed.

Data sources

All statistics in this report, unless explicitly stated otherwise, are sourced from the WIT and the MoJ Vulnerable Users Policy Team.

2023: The year in numbers



Part One: Overview of the Witness Intermediary Scheme

Ministry of Justice (Vulnerable Users Policy Team)

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

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

The Witness Intermediary Team

Since 2013, the NCA's Witness Intermediary Team (WIT) has delivered the operations of the WIS, including use of the Matching Service Database, management of the RI register and the recruitment and registration of RIs.

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

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

The Witness Intermediary Scheme Governance and Standards Board

In September 2023, the Quality Assurance Board (QAB) and Intermediaries Registration Board (IRB) agreed to merge to create a single Governance and Standards Board (GSB) to streamline decision making and make the best use of members' expertise.

The GSB oversees the WIS's performance and strategic direction and aims to ensure high-quality, professional intermediary services are available to victims and witnesses with communication needs. It is responsible for the governance and policy management of the Scheme, as well as the quality assurance, regulation and monitoring of the professional standards of Registered Intermediaries (RIs) working within the WIS.

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 objectives of the WIS GSB are to:

- Maintain accountability for the WIS's performance.
- To oversee the supply and recruitment of Registered Intermediaries
- To agree the standards for, and lead on, quality control of recruitment, training, registration and continuing professional development of RIs.
- To maintain the RI register and ensure that it is fit for purpose.
- To ensure that RIs are supported to act in accordance with the Code of Practice and the Code of Ethics.
- To ensure that feedback and complaints are reviewed in accordance with the WIS's feedback and complaints policy (Annex D).
- To monitor and support development of all aspects of the RI professional role.

The GSB meets quarterly and is comprised of sixteen members. Five of these are independent members who possess professional expertise in governance and quality assurance. The independent members also lead on specific areas of quality assurance, such as CPD, recruitment, or feedback and complaints. An additional seven members are official representatives from the MoJ, NCA, CPS and the Royal College of Speech and Language Therapists (RCSLT).

GSB: official representatives	
Member	Role
Rachel Hersey / Rabiah Narey	Ministry of Justice / Co-chair of GSB
Tom Henwood	Ministry of Justice
Hannah Kappler	Crown Prosecution Service
Sonya Baylis / Laura Hynes	National Crime Agency
Genna Telfer / Nicola Furlong	National Police Chiefs' Council (NPCC)
Clare Moser	Royal College of Speech and Language Therapists
Tony Pointer / Nikki Sorockyj	HMCTS
Rhiannon Mark / Amy McKay	Citizen's Advice Witness Service representative
Janet Arkinstall	Law Society
Sandra Stephenson	RI Reference Team
Jodie Kelly	Department of Justice Northern Ireland

GSB: independent members (2023)

Member	Profile
<p>Professor Karen Bryan Co-chair of GSB</p>	<p>Professor Karen Bryan is the Vice-Chancellor at York St John University. Prior to that, she was Deputy Vice Chancellor (Academic) at the University of Greenwich, Pro Vice-Chancellor for Regional Engagement and Dean of the Faculty of Health and Wellbeing at Sheffield Hallam University and held academic positions at the University of Surrey and University College London. In addition, Professor Bryan held posts with the NHS until 2013.</p> <p>Professor Bryan qualified as a speech and language therapist from the University of Newcastle upon Tyne, also gaining her PhD there. Her research interests are in communication difficulties in young offenders and forensic populations, as well as the impact of communication difficulties on access to healthcare.</p> <p>Professor Bryan is a Visiting Professor in the Department of Neuropsychology at the University of Warsaw, and a Fellow of the Royal College of Speech and Language Therapists. She was also previously a member of the Health Professions Council. She was awarded an OBE for services to higher education in 2018.</p>
<p>Clare Hickey Mentoring, Recruitment and Training Lead</p>	<p>Clare Hickey is a freelance HR Consultant, advising businesses on people strategy, recruitment, training and development, and providing solution focused coaching.</p> <p>Clare combines consultancy work with sitting as a Magistrate in both the Adult and Youth Courts in South Essex. She is also part of the 'Magistrates in the Community' team, visiting schools to deliver workshops on the judiciary and to raise awareness of issues concerning knife crime, cyber bullying and County Lines.</p>
<p>Karen Melvin General Consultant</p>	<p>Karen Melvin is a Speech & Language Therapist who has specialised in working with Adults with Intellectual Disabilities and/or Autism in various NHS Community, Inpatient and forensic settings since 2005. She is a member of a Regional Clinical and Service Leads Group for this population in Northern Ireland and is also a Regional Makaton Tutor. Karen is an experienced Intermediary who works through the Northern Ireland Registered Intermediary Scheme with victims/witnesses and suspects/defendants of all ages who display communication differences.</p> <p>Karen is also a Tutor and content developer for several professional courses on the National Autism Training Programme in conjunction with NHS England</p>

and the Anna Freud Centre, London. These include Health & Justice, CAMHS, Community Mental Health and Inpatient Mental Health Services. She has been a visiting lecturer at Ulster University for Undergraduate Speech and Language Therapy students.

Karen has personal experience of neurodivergence as the sibling of a learning disabled & Autistic adult and as a parent to an Autistic child who also has ADD. She is passionate about the most vulnerable people within our society having access to the judicial system on a fair and equitable basis with kind and sensitive support. Her particular interests are in the areas of situational mutism, non-speaking individuals and AAC (Augmentative, Alternative Communication).

**Carolyn
McConnell**
Feedback &
Complaints Lead

Carolyn McConnell has worked in social care for more than 25 years, most recently as Chief Quality & Risk Officer for a national charity. A major aspect of this role was setting and monitoring standards of care across more than 500 services. The role also involved managing corporate risk, internal audit, and feedback on service provision.

In the middle of her social care career Carolyn also worked for Merseyside Police Authority before returning to social care. In her role of Deputy Chief Executive, Carolyn was responsible for monitoring the performance of policing, community engagement and professional standards. This experience gives Carolyn a unique perspective into the needs of vulnerable people and the policing environment.

Carolyn has also recently been appointed as Chief Executive of a local charity for people with a learning disability and her passion is ensuring vulnerable people have a voice and are supported to participate in all areas of community.

As lead for negative feedback Carolyn wants to ensure this aspect of the work of the Board will continue to help maintain the high standards of the Registered Intermediaries Scheme.

Benjamin Roe
CPD and RI
Register Lead

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

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

witnesses for trial and supporting individuals through an often unfamiliar process.

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

Registered Intermediary Reference Team (RIRT)

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

- Provide a forum for the RI community to raise relevant matters regarding the 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. To have all regional support group areas represented.
- Ensure that the relationship between the RI community and MoJ, end-users and other stakeholders is being effectively represented and managed.

The RIRT meets quarterly with representatives from MoJ Vulnerable Users Policy.

Part Two: Performance analysis 2023

Methodology

The NCA collects data pertaining to requests for service (RfS) for RIs, which provides a comprehensive overview of annual WIS services delivered. This is the primary data source for WIS performance analysis.

Data includes:

- Total number of requests for a Registered intermediary
- Requests by witness vulnerability
- Requests by age of witness (child or adult)
- Requests by type of witness
- Requests by end-user (police or Crown Prosecution Service)
- End-user feedback for 2023
- Numbers of active and inactive RIs (monthly figures)

Data is summarised from 1 January 2023 to 31 December 2023. This includes changes in the number of requests and changes relating to the distribution of requests across vulnerabilities, witness age, witness types and end-users, in addition to numbers of matched, unmatched and cancelled requests. This section also covers RI availability and end-user feedback, defined by four assessment criteria from over 1,500 cases concerning victims and prosecution witnesses where feedback was received.

To examine wider trends within the WIS and to provide comparisons to interpret the 2023 data, this section will reference matching service data from 2022 (1 January 2022 to 31 December 2022). Data from the same annual periods for 2011-2022 has also been included to provide long-term context on demand for WIS services. All references to increases and decreases are measured in terms of percentage change.²

Summary

In 2023, the WIS received 9,240 requests for service for an RI, representing a 14% increase on the previous year and the highest number of requests for RIs in a calendar year since the national WIS rollout in 2008.

The overall increase in service corresponds to an increase in the number of requests for six of seven recorded vulnerability categories; shown on **figure 4**. A small decrease (1.3%) in requests has been recorded for children without a co-existing vulnerability (the most frequently cited vulnerability overall). The largest increases have been observed among

² As opposed to a percentage point change.

requests for adults with a mental disorder (28.7%) and for children with physical disabilities (28.3%).

94.8% of requests were successfully matched. This trend does not apply equally across the board, with matching success rates varying in both adult and child requests. The most significant annual variance is observed for adult mental disorder with a decrease of 2.8% in matching rate. However, overall, the statistics show the WIS matching requests to an RI with the appropriate skillset in the vast majority of cases.

Police forces continue to make up the majority with 79% of requests originating at investigative phase; as demonstrated by **figure 10** (see page 26). Requests from the police have increased by 14.6% annually to 7,339 requests. Requests from the CPS also saw a significant 10.3% increase to 1,898.

End-user feedback for RIs throughout 2023 remained substantially positive, with 99.8% of all responses recorded as 'excellent', 'more than satisfactory' or 'satisfactory'.

Cancelled requests

A request for an RI may be cancelled in circumstances such as an early guilty plea, a withdrawal of complaint from the victim, or if the witness is unable or no longer wishes to proceed for any reason (e.g. medical reasons). In 2023, 2.2% of RfS were cancelled.

Unmatched requests

Unmatched requests refer to instances in which an RI could not be assigned to a case following a request for RI assistance.

If the court agrees to adjourn, the request will still be recorded as unmatched and a new request (reflecting the new trial date) will be generated. Therefore, unmatched requests do not necessarily indicate the individual in need of assistance did not receive an intermediary for that case.

A request for an RI may go unmatched in circumstances where the WIT is unable to provide an RI within the timeframe specified by the end-user, if no RIs are able to accept a case, or if there are no RIs with availability on the date(s) of a trial. In exceptionally rare circumstances the WIT may be unable to provide an RI with the necessary skills to take on a complex case.

Where it is not possible to match a request from police, the National Vulnerable Witness Adviser will provide specialist advice. This is deployed through telephone or email advice to police investigators which takes account of the latest psychological research and will include the use of appropriate questioning styles and techniques to meet the vulnerable person's communication needs, suitably modified in a manner that is likely to be acceptable to the criminal justice system.

Where it is not possible to match a request at court stage, the National Vulnerable Witness Adviser will not be able to provide bespoke advice. In these circumstances a standard NCA advice statement will be provided.

In 2023, 2.2% of requests for service were unmatched.

Total requests for RIs

A total of 9,240 requests for an RI were made via the WIS in 2023, an average of 770 requests per month. This amounts to a 14% increase in requests (up by over 1,100) since 2022, during which 8,125 requests were made annually.

It also represents a 666% increase since 2010, when 1,206 requests were made (**figure 1**).

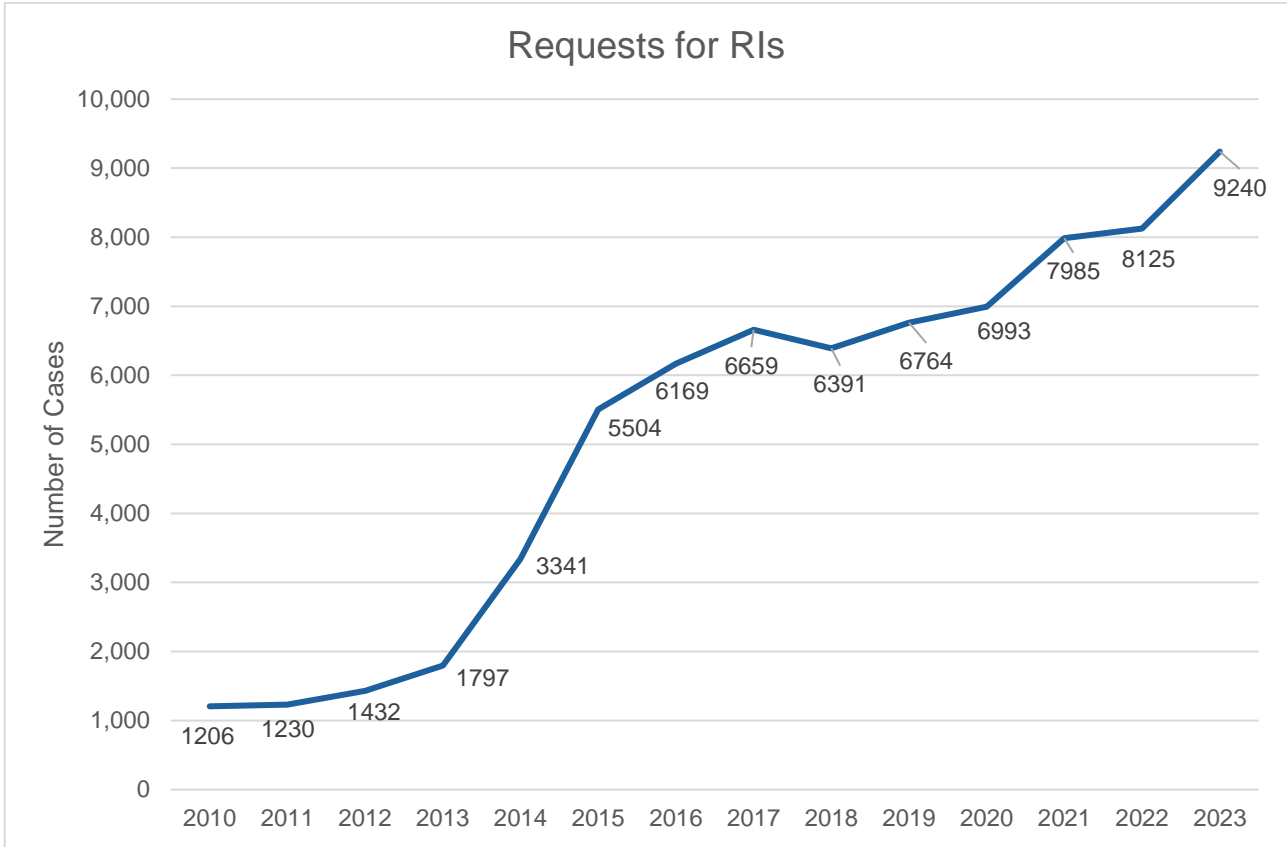


Figure 1

Overall change: matching success rates

Of 9,240 requests in 2023, 94.8% (8,756) were successfully matched by the WIT, with ~2% (201) unmatched and ~2% (202) cancelled.³ This represents around 4.4% of all requests for intermediary service and is a 0.4% decrease in the same figure in 2022.

³ 0.9% (81) cases remained in the process of matching as of January 2024.

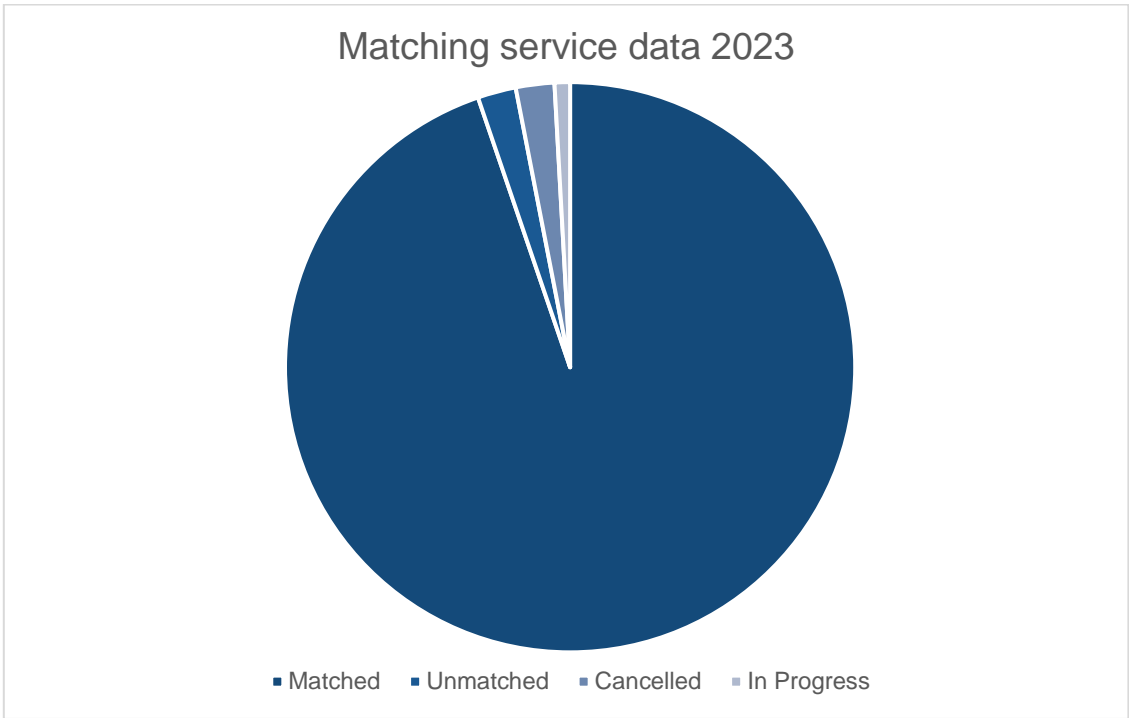


Figure 2

Total matched requests: annual comparison

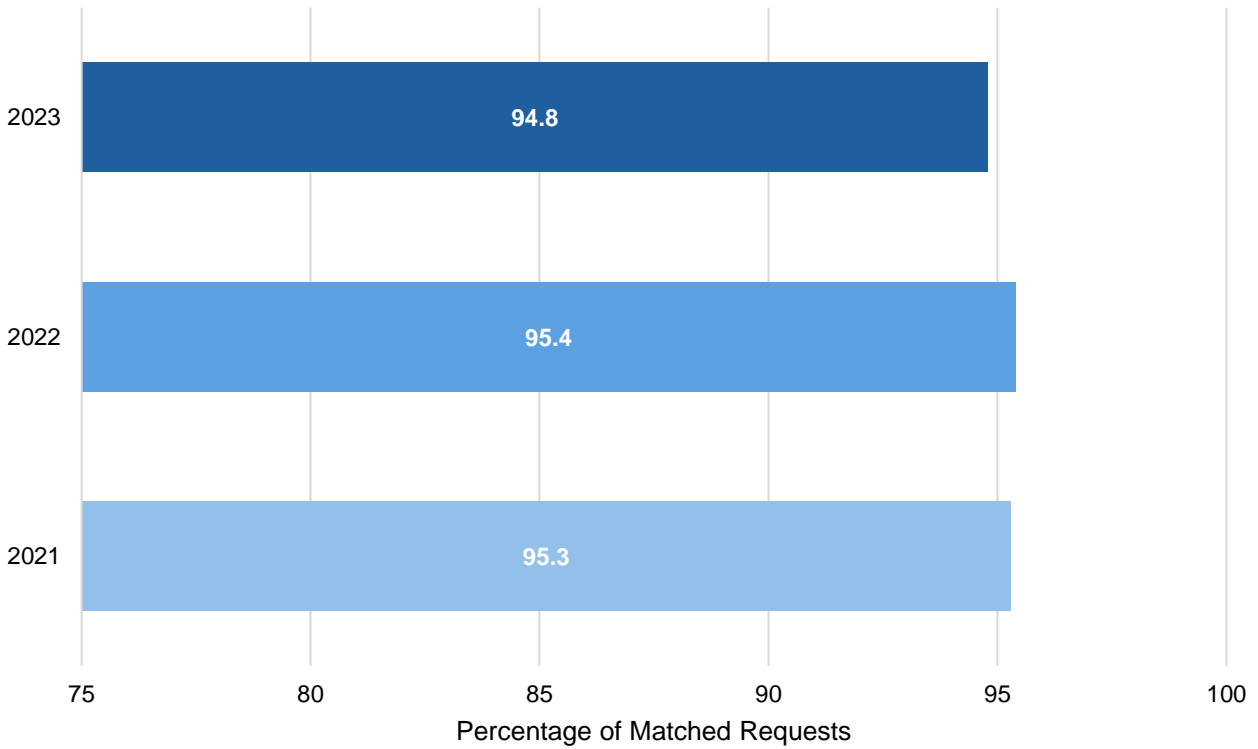


Figure 3

Requests by witness vulnerability

There are seven vulnerability categories which can be recorded on RI Request for Service (RfS) forms to indicate the needs of a witness:⁴

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

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

Definitions and examples

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

Eligibility criteria for RI assistance (as stipulated by section 16 of the YJCEA 1999) are set out on page 6 of this report.

Vulnerability type	Definition/non-exhaustive examples
Child without concurrent vulnerability	Refers exclusively to children who are entitled to an RI because their sole vulnerability is being under the age of 18.
Mental disorder	Any disorder or disability of the mind. ⁵ Examples may include, but are <u>not limited to</u> : anxiety; depression; bipolar affective disorder; obsessive-compulsive disorder; a personality disorder; schizophrenia; dementia (including Alzheimer’s disease).
Learning disability	Affects the way a person understands information or how they communicate. This means they can have difficulty: understanding new or complex information; learning new skills; coping independently. ⁶

⁴ To request the assistance of an RI, the end-user (usually the police or CPS) submits a RfS form to the NCA’s Witness Intermediary Team. Each request specifies the vulnerability or vulnerabilities that the witness has.

⁵ Mental Health Act 1983, Section 1(2)

⁶ National Health Service, 2018, (www.nhs.uk/conditions/learning-disabilities/)

	Examples may include but are <u>not limited to</u> : ADHD; autism spectrum disorder (including Asperger’s Syndrome); dysarthria; language delay/disorder; selective mutism.
Physical disability	A physical impairment that has a substantial and long-term negative impact on a person’s ability to do normal daily activities. ⁷ Examples may include but are <u>not limited to</u> : Stammer/stutter; a voice disorder (including laryngectomy and tracheotomy); brain or head injury (including a stroke); neurological and progressive disorders (including motor neurone disease and Parkinson’s disease); cerebral palsy.

Breakdown of vulnerabilities cited in request for service forms

Of all vulnerabilities cited on RI RfS forms in 2023, 64% were for children without a concurrent vulnerability, making this the most frequently cited vulnerability. This was closely followed by children with a learning disability at 29.5%, and adults with a learning disability at 27.5%. Adults with a mental disorder was cited in 20.4% requests, with children with a mental disorder and children and adults with a physical disability representing smaller percentages of requests.

Breakdown of requests by vulnerability: 2023

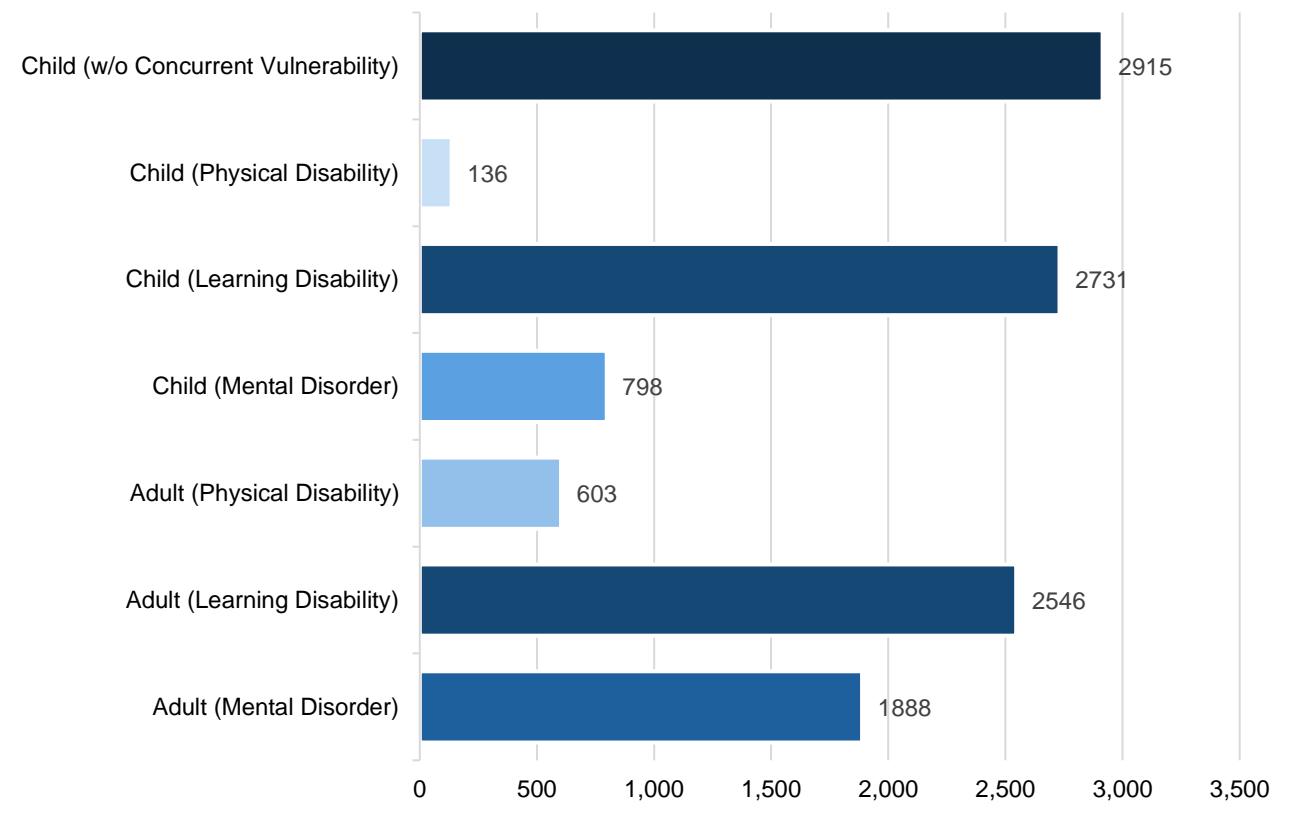


Figure 4

⁷ Equality Act 2010, Section 6(1)

Change across all requests

Since 2021, increases in the total number of RfS form citations were recorded for all except one vulnerability category (**Table 1**).⁸

For child victims and witnesses, citations for mental disorders increased by 14.5%, those for learning disabilities increased by 21.6%, those for physical disabilities increased by 28.6%. However, for the third year in a row, requests for children without concurrent vulnerabilities decreased (by 1.25%).

For adult victims and witnesses, citations for all vulnerability type increased; mental disorders increased by 28.7%, those for learning disabilities increased by 26%, and those for physical disabilities increased by 16.9%.

Change across all requests (Vulnerability types)			
Vulnerability	2022	2023	Change from 2022 (%)
Child (w/o Concurrent vulnerability)	2,952	2,915	-1.3
Child – Mental Disorder	697	798	+14.5
Child – Learning Disability	2,246	2,731	+21.6
Child – Physical Disability	106	136	+28.3
Adult – Mental Disorder	1,467	1,888	+28.7
Adult – Learning Disability	2,021	2,546	+26.0
Adult – Physical Disability	516	603	+16.9

Table 1

RI requests by vulnerability: annual comparison

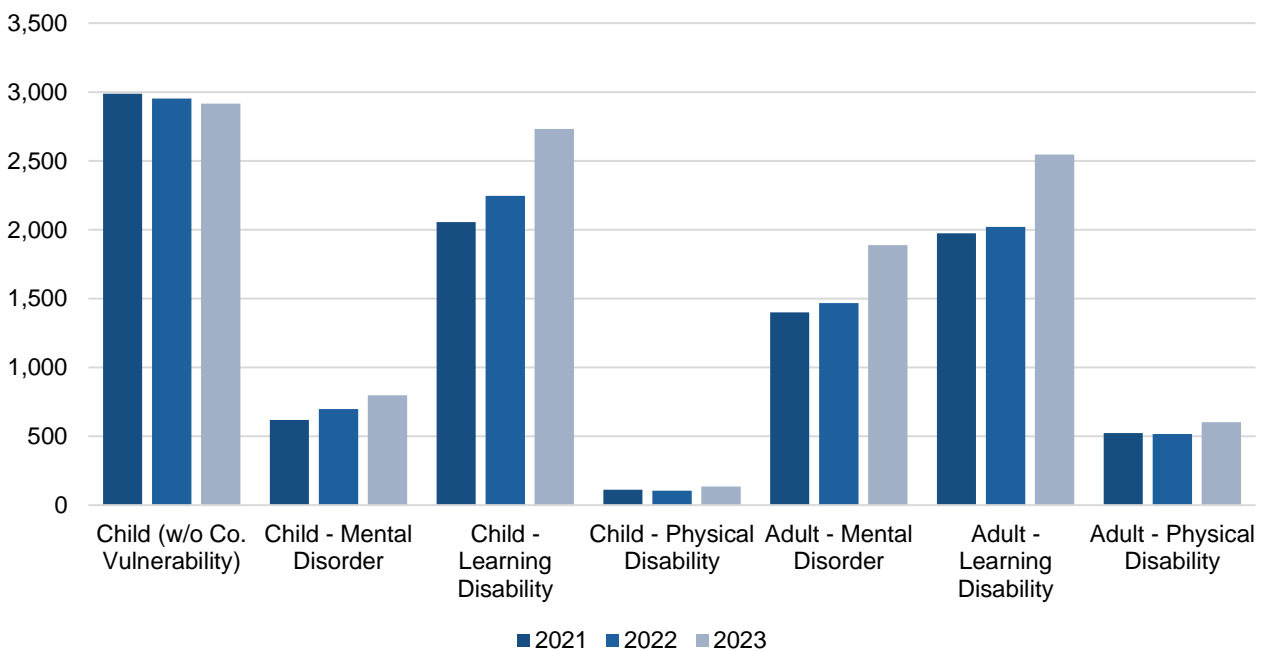


Figure 5

⁸ Figure 4 and Table 1, NCA Matching Service Data 2021 – 2023

Matching success rates

Increases in the percentage of matched requests were recorded across almost all child vulnerability types in 2023, with only one decrease noted for children without concurrent vulnerability, however the decrease captured is very minimal (0.2%) – see Table 2 and Figure 6 for depiction.

For adult victims and witnesses, the percentage of matched requests decreased for mental and learning vulnerabilities but increased for physical disability – also see Table 2 and Figure 6.⁹

Change in success matching rates (Vulnerability Types)			
Vulnerability	Matched in 2022 (%)	Matched in 2023 (%)	Change from 2022 (%pt)
Child (w/o Concurrent Vulnerability)	97.9	97.7	-0.2
Child – Mental Disorder	95.8	96.7	+0.9
Child – Learning Disability	97.1	97.2	+0.1
Child – Physical Disability	97.2	97.8	+0.6
Adult – Mental Disorder	89.6	86.8	-2.8
Adult – Learning Disability	92.7	91.2	-1.6
Adult – Physical Disability	89.5	92.0	+1.5

Table 2

RI Requests by vulnerability: percentage of matched requests

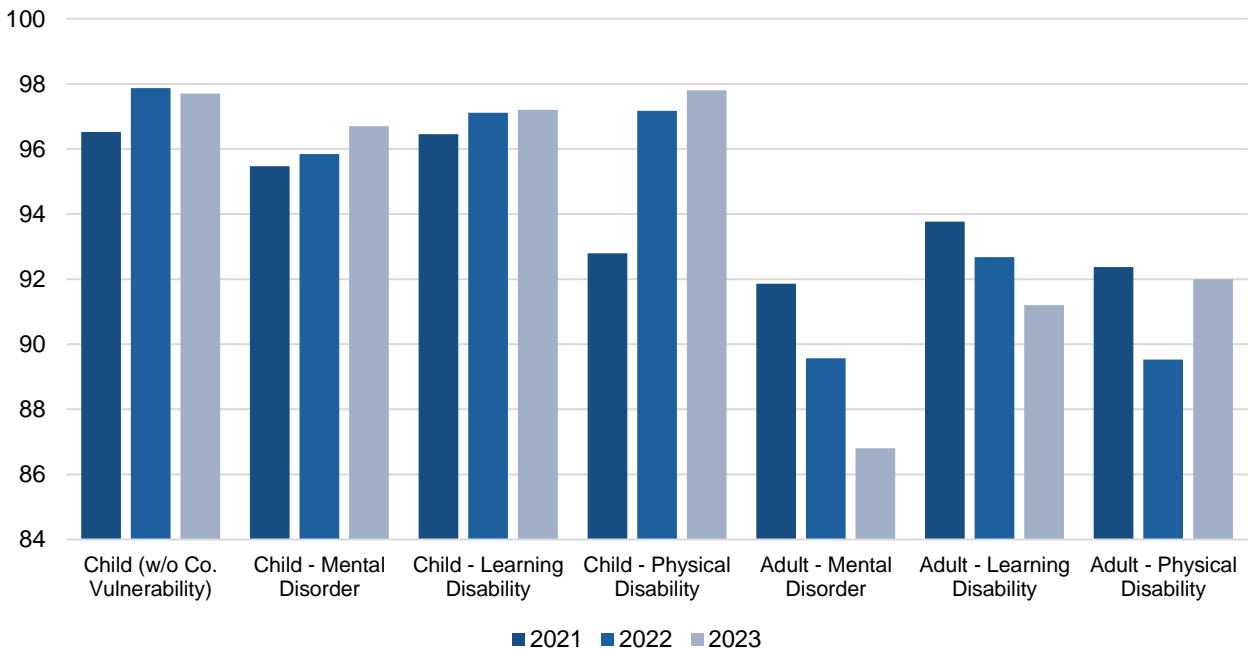


Figure 6

⁹ Table 2 and Figure 6, NCA Matching Service Data 2021 - 2023

Requests by age of witness (children/adults)

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

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

Breakdown of requests (children/adults)

Of all 9,240 requests for RIs in 2022, 64% of requests (5,915) were on behalf of children. The remaining 36% (3,325) were made on behalf of adults.

Breakdown of requests (adult/child): 2023

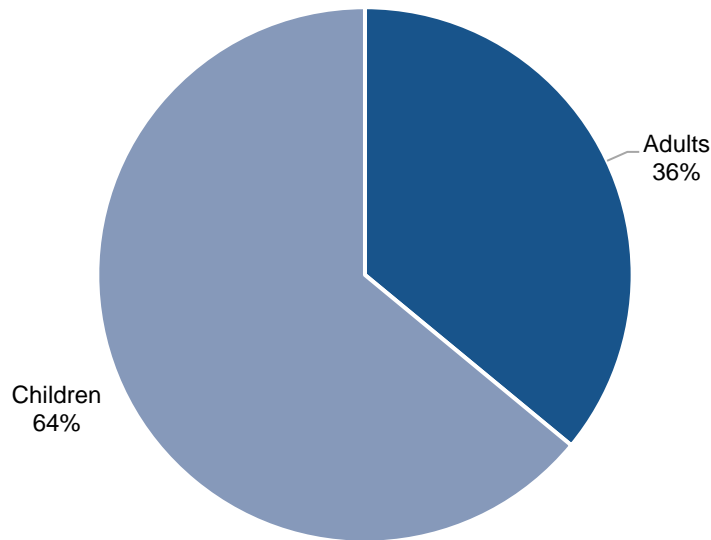


Figure 7

Change across all requests

The number of requests for both children and adults has increased by 8.9% (486 requests) and 23% (629 requests) respectively.

Change across all requests (by age of witness)			
Age	2022	2023	Change (%)
Child	5,429	5,915	+8.9
Adult	2,696	3,325	+23.3

Table 3

Matching success rates

When comparing 2023 with 2022, the matching success rates increased for children and decreased for adults. As shown in Table 4, the percentage variance was very low (+0.1% and -0/5% respectively).

Change in success rates (age of witness)			
Age	2022 (%)	2023 (%)	Change in Matched Requests (%pt)
Children	97.4	97.5	+0.1
Adults	91.4	89.9	-0.5

Table 4

Requests by witness type

The NCA divides matching service request data into three witness types.

- Victims
- Prosecution Witnesses
- Defence Witness

Breakdown of requests

Of all 9,240 requests for RIs in 2022, 92.2% of recorded requests (8,521) fell into the 'Victims' category, 7.8% (718) were made for 'prosecution witnesses, and <0.1% (1) were made for defence witnesses.

Breakdown of requests (witness type): 2022

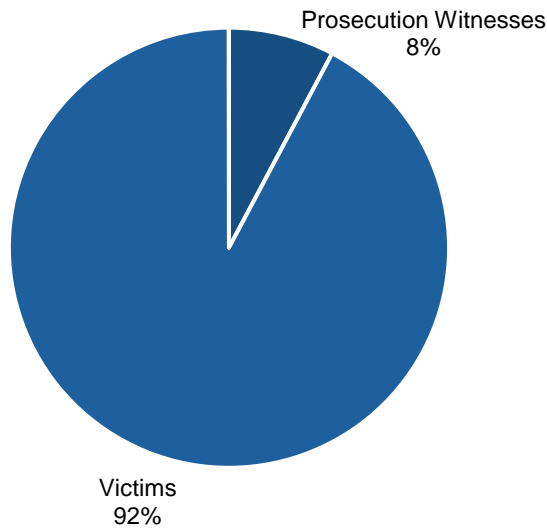


Figure 8

Change across all requests

Comparing to 2022 shows an increase in the number of requests for victims by 15.9%. The number of requests for prosecution witnesses decreased by 6.8%, as did the number of requests for defence witness which went down by 2 (67%).

Change across all requests (witness type)			
Witness Type	2022	2023	Change (%)
Victims	7352	8521	+15.9
Prosecution Witnesses	770	718	-6.8
Defence Witness	3	1	-67.0

Table 5

Matching success rates

The matching success rate for victims and prosecution witnesses marginally decreased since 2022. A further data breakdown has not been provided for defence witnesses due to the low volume of cases.

Change in success rates (witness type)			
Witness Type	2022 (%)	2023 (%)	Change in Matched Requests (%pt)
Victims	95.5	94.8	-0.7
Prosecution Witnesses	95.2	94.4	-0.8
Defence Witness	100	100	Nil

Table 6

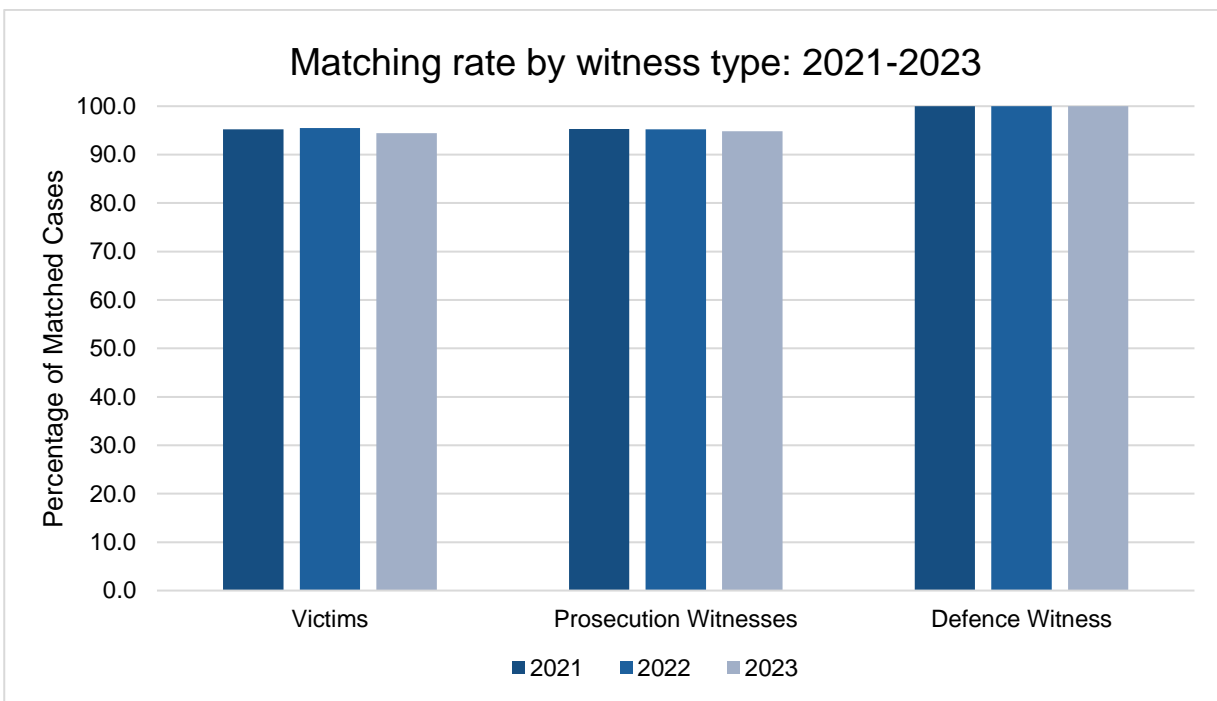


Figure 9

Requests by end-user

There are four categories of end-user that have submitted requests to the NCA in 2023:

- Police
- CPS
- Solicitor
- Court

Breakdown of requests

Requests from police forces continue to constitute the majority (79%, 7,339) of all requests for RIs in 2022, with requests from the CPS accounting for 21% (1,898 requests).¹⁰ Requests from solicitors and courts correspond with requests for defence witnesses and volumes remain exceptionally small (<0.1%); a further data breakdown has not been provided for this reason.

Breakdown of requests (end-user): 2023

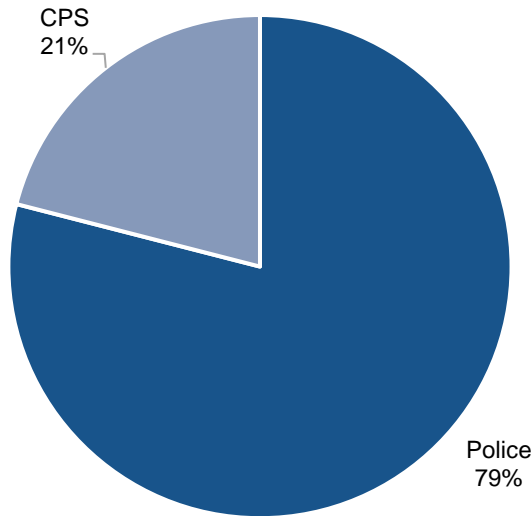


Figure 10

Change across all requests

The number requests from police forces have increased by 14.6%, and requests from the CPS have increased by 10.3%.¹¹

¹⁰ Figure 10, *NCA Matching Service Data 2022/23*

¹¹ Table 8, *NCA Matching Service Data 2021 – 2023*

Change across all requests			
End-User	2022	2023	Change (%)
Police	6,402	7,339	+14.6
CPS	1,720	1,898	+10.3
Solicitor	3	1	-60.0
Court	0	2	N/A

Table 8

Matching success rates

The matching success rate for requests from the police decreased by 1.1% from 2022, and the success rate for CPS requests also decreased by a nominal 0.2%.¹²

Change in success rates (end-user)			
End-User	2022 (%)	2023 (%)	Change in Matched Requests (%)
Police	96.7	95.8	-0.8
CPS	90.8	90.6	-0.2
Solicitor	100	100	Nil

Table 9

Matching rate by service requester: 2021-2023

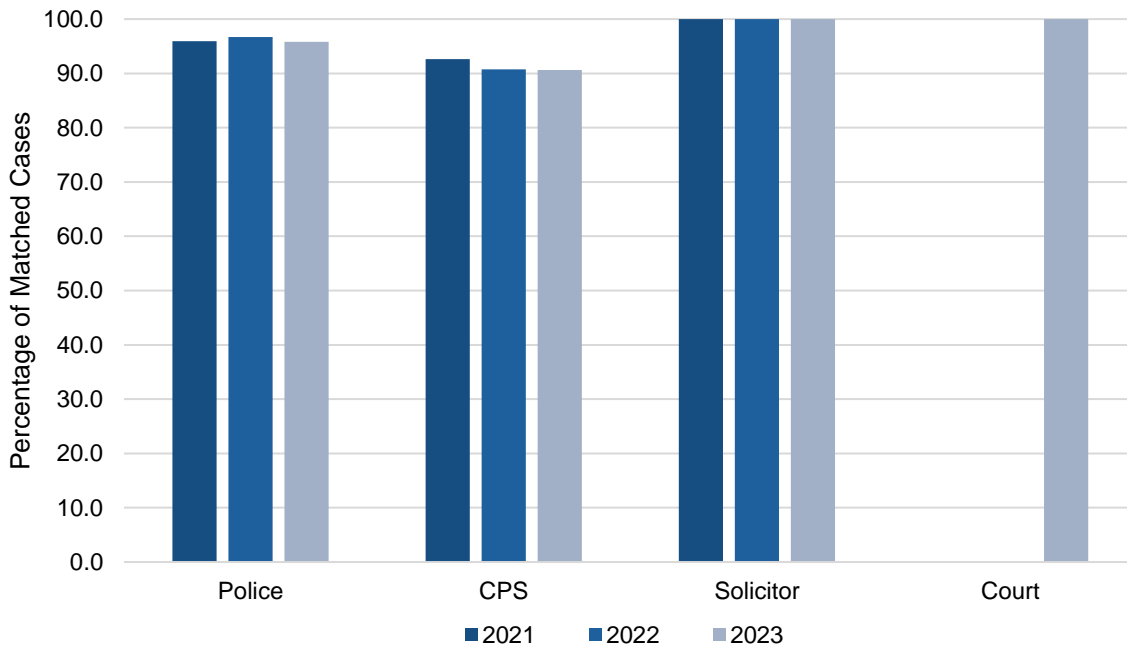


Figure 11

¹² Table 9, NCA Matching Service Data 2021 - 2023

End-user feedback

End-user feedback (typically from the police or the CPS) is assessed using a five-tier scale (excellent, more than satisfactory, satisfactory, less than satisfactory, and poor). Feedback is provided against four specific criteria:

- Compliance with criminal procedure
- Personal conduct / professionalism of the RI
- Quality of information provided by the RI
- Usefulness of the RI in the Proceedings

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

Feedback overview

Feedback across all four criteria and both witness types has been averaged to provide an insight into RI performance reflected through feedback from end-users in 2023.

Against 1,658 cases where feedback was received, 99.8% received 'satisfactory', 'more than satisfactory' or 'excellent' feedback. Of the remaining 0.2%, (3) of feedback was 'less than satisfactory' with only 1 piece of feedback reflecting a 'poor' rating.¹³

Breakdown of feedback received (end-user)

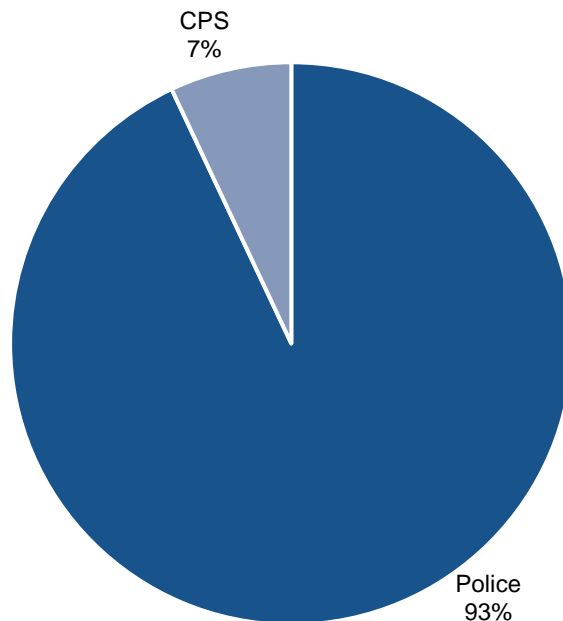


Figure 12

¹³ Figure 12, NCA Matching Service Data 2022/23

Feedback across all criteria

Below, all results, encompassing both witness types and all feedback criteria have been presented.¹⁴ This further demonstrates the high-quality service provided by RIs across the WIS.

Victims' cases						
Feedback Criteria	'Excellent' (%)	More than Satisfactory (%)	Satisfactory (%)	Less than Satisfactory (%)	Poor (%)	Responses
Compliance with criminal procedures	92.0 (1,420)	7.3 (113)	0.6 (10)	Nil	Nil	1,543
Personal conduct and professionalism	94.4 (1,462)	4.8 (75)	0.6 (9)	0.1 (2)	Nil	1,548
Quality of information provided by the RI	93.2 (1,445)	5.9 (91)	0.8 (13)	0.1 (1)	Nil	1,550
Usefulness of the RI in the proceedings	92.4 (1,404)	6.1 (92)	1.4 (21)	0.1 (2)	0.1 (1)	1,520

Table 10

Prosecution witnesses' cases						
Feedback Criteria	'Excellent' (%)	More than Satisfactory (%)	Satisfactory (%)	Less than Satisfactory (%)	Poor (%)	Responses
Compliance with criminal procedures	92.3 (108)	7.7 (9)	Nil	Nil	Nil	117
Personal conduct and professionalism	93.2 (109)	6.8 (8)	Nil	Nil	Nil	117
Quality of information provided by the RI	92.2 (107)	7.8 (9)	Nil	Nil	Nil	116
Usefulness of the RI in the proceedings	93.9 (107)	6.1 (7)	Nil	Nil	Nil	114

Table 11

¹⁴ Tables 10 and 11, NCA Matching Service Data 2022/23

Active RI figures

The number of active and inactive RIs varies throughout the course of the year. The figures below correspond to active and inactive figures on the 16th day of each month between January 2023 and December 2023.

Active RIs

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

Inactive RIs

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

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

RI availability overview

The number of active RIs fluctuated during 2023 with an average of 144 RIs; equivalent to 68% of the average total number of RIs on the WIS register over this period (212). This is a small decrease on the previous year where the average number of active RIs was 147.

A total of 19 RIs were added to the WIS register in 2023, with 23 RIs leaving the Scheme, resulting in an overall decrease of 4 RIs.¹⁵ This is reflective of a reduced number of training programmes run throughout the year, due to time spent developing new training content tailored for online delivery.

¹⁵ WIS attrition rate = 10.4% compared to national average of 16%

We plan to run four training courses in 2024 to ensure we continue to meet demand, with 7 RIs awaiting registration following completion of the course, and 44 awaiting training.

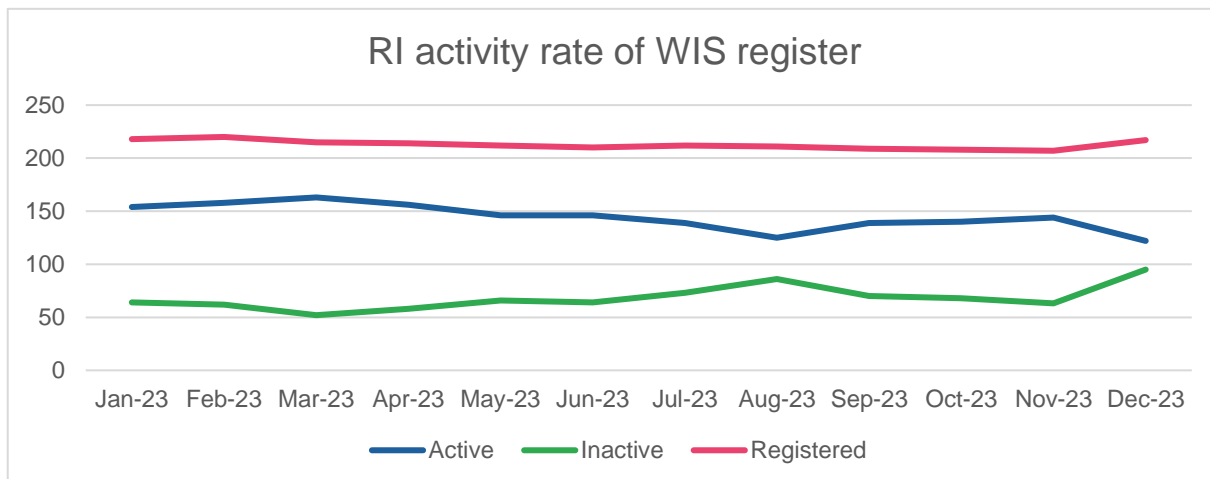


Figure 13

Part three: key developments in 2023



Continued RI recruitment

The MoJ continued to carry out national recruitment campaigns, with a short pause during the summer to allow the Registered Intermediary Training Team (RITT) to complete a comprehensive review of training content and delivery.

The MoJ also allocated funding to support the continued development of the RITT by recruiting additional members to the team. This enhances the resilience, capacity and skillset of the team to deliver high-quality training to prospective RIs.

Successful recruitment campaigns resulted in the appointment of 19 new RIs in 2023, increasing the total number of RIs added to the WIS Register over a 2-year period to over 50. This enables the Scheme to better support service users and respond more effectively to the growing demand for intermediary services. The enhanced capacity has also allowed for a more diverse range of skills and expertise within the WIS, which further contributes to the Scheme’s ability to adapt to the evolving needs of service users across the justice system.

Renewed RI training programme

The RITT have made a series of changes to the RI training programme to develop the skills-specific aspects of the course and ensure that materials are optimised for continued online delivery.

To improve trainee performance, the RITT restructured the online learning experience by extending the course duration and dividing it into two stages. Trainees are required to pass an assessment at the end of each stage to progress to the next level. A course handbook has also been developed to facilitate a more discursive and interactive programme.

Additional enhancements to the training programme include incorporation of more opportunities for feedback to inform the assessment process and modification of the assessment marking system. Instead of a binary pass/fail model, the new approach incorporates a more nuanced evaluation of trainees. The new training programme was successfully run in September and December 2023, receiving continued excellent feedback with an average rating of 4.6 out of 5. Moreover, since the introduction of the training programme, the average pass rate of attendees has risen from 75% in 2022 to 96% in late 2023.

The RITT, alongside the MoJ, have worked to strengthen links between recruitment, training, mentoring, early performance and post-training peer group support. This ensures a seamless transition into RI practice for those who successfully qualify, and promotes continued professional development and excellence, supporting the delivery of a high-quality Scheme.

Upgraded DBS checks

The rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 was amended in 2023, to make intermediaries eligible for DBS checks at the Standard level. This reflects the high degree of public trust vested in people that perform the intermediary role and will help further safeguard vulnerable individuals within the justice system.

Governance and quality assurance reform

We have revised the way the WIS is governed by combining the Intermediary Registration Board and Quality Assurance Board to form a WIS Governance and Standards Board (GSB).

The aim was to streamline decision-making, enhanced collaboration, improve operational policymaking and improve resource management. The GSB allows for better use of members expertise and more joined-up thinking about the WIS's strategic planning.

Additionally, we have recruited two new independent Board members. One with expertise in quality assurance, regulation and complaints, and the other with practical experience of acting as a RI. This addition enhances the Board's expertise, and further broaden the range of knowledge and experience at its disposal.

Moreover, WIS policies including mentoring & support and CPD are undergoing a review in collaboration between the MoJ, GSB and the RIRT. The initiation of the reviews reflect feedback from the RI community and will consider a variety of perspectives.

The MoJ, in collaboration with the GSB and RIRT, also revised the WIS Feedback and Complaints policy. The policy gives a greater focus on informal resolution where possible, to encourage reflection and learning opportunities for the RI community.

Refreshed RI procedural guidance

We have published a new iteration of the Registered Intermediary Procedural Guidance Manual in summer 2023. This document incorporates the latest procedural developments in the WIS, ensuring RIs are equipped with the knowledge, guidance, and procedural information to help navigate and perform the intermediary role within the criminal justice system.

Enhancements included:

- Additional clauses to Code of Practice relating to exclusivity of WIT booking system for WIS-entitled witnesses and complainants and availability of RIs where adequate notice is provided.
- Information on the newly upgraded DBS checks required of RI role, as per the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 ([as amended in 2023](#)).
- Strengthened procedural guidance on an RI's role and responsibilities when conducting a case at investigative stage.
- More information on the relationship between an RI and the CPS, and the responsibilities that an RI holds when assisting a witness in court in relation to court assessments, attendance and report writing.
- Strengthened protocols on safeguarding.

This comprehensive update benefitted from extensive contributions from across the intermediary community, including the NCA, RIRT and the RITT.

WIS annual conference

The 2023 WIS Annual Conference was held as a virtual event and was attended by over 120 individuals from across the WIS, including RIs, stakeholders and academics. The annual conference continues to be a key event in the WIS calendar and provides attendees with the opportunity to come together, network and learn more about specific areas of RI practice and special measures in the justice system.

The event featured sessions from a variety of speakers, including RIs, justice system professionals and academics. This reflected the developing, and sometimes challenging environment of RI practice in the justice system. Sessions featured specialised information on working with very young witnesses and witnesses with autism and mental health challenges, as well as hearing barristers' perspectives on working with RIs, the latest developments to ABE guidance, and the changing face of cross-examination in the criminal justice system.

The WIS Annual Conference received overwhelmingly positive feedback and continues to be a significant and well-attended event in the WIS calendar.

WIS newsletter

Throughout 2023, the Vulnerable Users policy team has provided a quarterly WIS newsletter to the RI community. The intention of the newsletters is to supply the RI community with regular communication of relevant news and updates from the WIS.

The WIS newsletter shares information on updates to procedural guidance, annual conference, legal guidance, changes to the Vulnerable Users Policy team, training and recruitment opportunities, and updates on the intermediary policy review. The newsletter also included written experiences from RIs themselves, and anonymised positive feedback, to demonstrate the quality service provided by the WIS.

Part four: finance of the witness intermediary scheme

Administrative budget

The WIS budget for 2023/24 was ~£700,000 with just under £600,000 of this designated for the NCA's Witness Intermediary Team to fund the WIS matching service and the GSB Secretariat.

The remaining funds are allocated across the WIS, this includes financing the work of the GSB, RITT and RIRT as well as corporate duties undertaken by RIs.

Annual review of remuneration rates

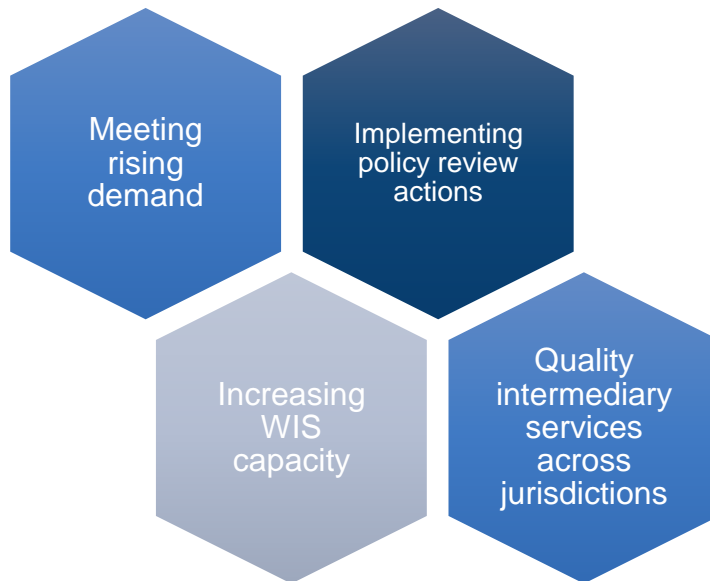
RIs must invoice according to the nationally agreed rate. Fees are based upon an hourly rate, covering face-to-face appointments and report writing, with reimbursement of travel and subsistence within policy limits.

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

Remuneration rates are agreed by the MoJ, the CPS and the NPCC. A review of remuneration rates takes place annually and follows an agreed procedure, with RIs invited to submit a remuneration proposal. RIs were awarded a 3.5% increase to the 2023/24 core hourly rate of remuneration (this increase also applied to the unsocial and travel time rates).

Registered intermediaries pay awards (recent history)		
Financial Year	Award (% Increase)	Core Hourly Rate Post-Award (£)
2019-20	1	39.33
2020-21	1.5	39.92
2021-22	Nil	39.92
2022-23	3	41.20
2023-24	3.5	42.64

Part five: forward look



Increasing WIS capability

The MoJ remains dedicated to investing in the recruitment and training of new RIs to increase WIS capability. In 2024, we will be continuing with a national recruitment strategy, identifying candidates with skills and expertise in a wide range of communication needs. Recruitment decisions will also be guided by WIS data analysis which provides the WIT with emerging regional trends. A targeted approach should help to enhance RI availability in specific police force areas and ensure that the needs of service users continue to be met.

Policy review next steps

Following ministerial approval in 2023, we move forward with the recommendations stemming from the review of intermediary provisions. Our recommendations come in three strands:

- Firstly, the MoJ will initiate a communication plan to promote understanding of the intermediary role. This will feature the publication of a revised intermediary definition which better captures the role and responsibilities of justice system intermediaries. We will also make contact with relevant stakeholders and justice system practitioners to provide information on intermediary services to promote better understanding of their use and value.
- The MoJ will work with HMCTS improve data collection and analysis around intermediary usage. By analysing the latest data, we will be better equipped to understand demand and shape a more effective and responsive intermediary provision that meets the evolving needs of the justice system.
- The MoJ will continue building relationships with stakeholders to ensure consistent quality of all intermediary services across criminal, family and civil jurisdictions.



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