

CONFERENCE REPORT

National Roll-Out and Beyond *Intermediaries Shaping the Future*

Fourth National **Registered Intermediary** Conference

At the Inns of Court School of Law, London

12 June 2007



OFFICE FOR
CRIMINAL JUSTICE REFORM

Criminal Justice System: working together for the public



Inns of Court
School of Law

Introduction

The Fourth National Registered Intermediary Conference, jointly organised by the Inns of Court School of Law (ICSL) and the Office for Criminal Justice Reform (OCJR) was the most significant to date.

As well as giving registered intermediaries an opportunity to network and to share best practice, this year's event featured a keynote address by Gerry Sutcliffe, Parliamentary Under-Secretary of State at the Ministry of Justice, **in which he formally announced that the intermediary scheme (which has been piloted in eight areas since 2005) will now be rolled out nationally.**

The operation of intermediaries has been independently evaluated and the official evaluation findings^{*} show that almost everyone who has encountered the work of intermediaries has been impressed with the service that they provide. The research also highlights a number of emerging benefits, including the potential to assist in bringing offenders to justice, increased access to justice; and assistance in identifying the needs of vulnerable witnesses.

This year's conference gave intermediaries and stakeholders the opportunity to take stock of the achievements of the scheme to date and to discuss issues of best practice. The Intermediary Project Team in OCJR is grateful to the speakers - PC Jayne Newman, PC Cheryl Wadsworth, Janet Larcher, Janet Lesley, Craig Flynn and Jan Jones for their insightful presentations.

Of crucial importance, was the opportunity to discuss how the scheme can meet the challenges associated with national roll-out and the workshop sessions raised a number of issues that need to be addressed if the scheme is to continue to be a success.

This report presents a summary of the issues that were discussed and shows just how committed and engaged delegates were. We are most grateful to all those involved in making this year's conference such a success.

The **Intermediary Project Team**, OCJR

^{*} <http://www.justice.gov.uk/publications/research120607a.htm>

Speakers

Gerry Sutcliffe

Parliamentary Under-Secretary of State, Ministry of Justice

Gerry Sutcliffe praised the hard work of registered intermediaries and said that he was “proud to be associated with a scheme that has done so much for vulnerable witnesses.” The Minister paid tribute to Roger Lincoln, who recently passed away, adding that Roger typified the commitment shown by intermediaries.



Speaking up for intermediaries – Gerry Sutcliffe

Mr Sutcliffe said that intermediaries had now supported over 700 people and that OCJR is currently recruiting more of them which should take the number of registered intermediaries past the 200 mark by the autumn.

The Minister said that intermediaries had been shown to help make the justice process accessible to some of the most vulnerable people in society; people who because of their vulnerability are more likely to be the victims of crime. He said that in some cases the intermediary is the difference between a witness being heard by the justice system or not.

He described an example from Derbyshire that showed how the intermediary scheme is making a real difference on the ground. In this case the positive attitude of the CPS caseworker, who had the courage to try something new, and the skill and professionalism of the intermediary, ensured that the criminal justice system did not fail a vulnerable victim.

Mr Sutcliffe referred to the independent evaluation of the intermediary pilot schemes which showed that almost everyone who has encountered the work of intermediaries has been impressed with what they do, adding that the evaluation highlighted a number of emerging benefits, including the extent to which intermediaries have increased access to justice and assisted in identifying the needs of vulnerable witnesses.

Following the positive evaluation of the scheme, the Minister announced that officials are now putting plans in place to extend the intermediary scheme nationwide.

Mr Sutcliffe closed by saying that there is much work to be done to ensure that the right structures are in place to support a national intermediary scheme that is able to maintain the high professional standards that witnesses and criminal justice agencies have come to expect.

The Thames Valley Experience

PC Jayne Newman & PC Cheryl Wadsworth, Thames Valley Police

PC Jayne Newman and PC Cheryl Wadsworth spoke about the benefits of using intermediaries in Thames Valley. Both Jayne and Cheryl admitted that they had initially been sceptical about the intermediary scheme but they had quickly realised how beneficial intermediaries are to ensuring that vulnerable witnesses have a voice. They said that police officers would not be able to carry out some interviews without an intermediary due to the nature of disability.

Jayne and Cheryl offered some points to consider, including the importance of intermediaries avoiding becoming a second interviewer, bearing in mind that the situation could be the first time that an officer has conducted interview with an

intermediary. They suggested that before seeing a witness, an intermediary should always meet with the officer to define and discuss roles, that the intermediary should only speak if required and that there should be agreement on when and how the intermediary should interrupt if and when required.

They recognised that police officers can sometimes be slow to consider the use of an intermediary. This can be attributed to a number of factors, including anxiety about having to look after someone, having to make practical and misconceptions about the role of an intermediary. These factors can be addressed by building a relationship between officers and intermediaries.

Janet Larcher, Registered Intermediary

Janet Larcher is one of the intermediaries that has worked with Jayne and Cheryl in the Thames Valley area.



Joint working – Janet Larcher & Jayne Newman

Janet was one of the first registered intermediaries and she explained that she had been mostly involved with cases involving witness's with learning disabilities.

She explained that her typical approach is to use the initial meeting with the witnesses to talk around the subject to see if the witness can remember timelines and describe people and places and distinguish between truth and lies. She added that she always attempts to conduct the witness interview following this informal discussion with the witness and that this approach had been successful.

The ‘Exeter Case’

Janet Lesley, Registered Intermediary

Janet Lesley shared some of the lessons she had learnt whilst being an intermediary in a case in Exeter. This involved a 27 year-old complainant called Mark who suffered from cerebral palsy and epilepsy and used symbol boards and body language/gestures to communicate. Janet spoke about her experience of assessing Mark and helping him to communicate during the police interview and at court. During the trial, measures were taken to ensure Mark was not too distraught. He was not able to see the accused in court and waited in the video link room until needed. Mark’s father was allowed to be present in the witness stand, along with Mark and Janet, and as such the box was removed to allow everyone to have more space and to feel more comfortable.

Janet suggested that consultation with a close relative can be very useful as a means to help identify needs.

Janet said that physical needs may need to be considered during trial. For example, Mark suffered from fatigue and it was suggested that he be present in court in the morning as he tended to tire in the afternoon. Sometimes a witness may need help just to stay calm. The presence of his father in the witness stand was a great calming influence to Mark and he could also help Mark with his physical needs.

In respect of the police interview, Janet suggested that intermediaries ensure that the oath is read at the beginning of the interview otherwise the evidence could be inadmissible. At court, Janet said that it is important for the intermediary not to support any version of the evidence and to focus on ensuring that communication is understood. She added that if intermediaries have any doubt that the witness does not understand what is being said they must make this known.

Working with deaf intermediaries

Craig Flynn, Registered Intermediary

Craig Flynn spoke about his experiences as a deaf intermediary and the differences between the roles of an interpreter and an intermediary.

He said that intermediaries can be more adept at making it clear what a deaf witness actually means. He said that with interpreters there could be a chance of suggestibility due to the way information is asked for. Craig said that this was a serious issue because interpreters have a lot of power and that there can be a breakdown of communication if questions and answers are not interpreted correctly. He added that intermediaries are able to meet the witness and to build up rapport.

This can be particularly helpful as a means to understand any regional and cultural variations in a witness’s use of sign language, which is vital in ensuring that a witness’s meaning is understood.

Craig said that he favoured the use of deaf intermediaries for deaf people as it can be easier to build a rapport although he acknowledged that many deaf children are born to hearing parents and do not have fluent signing skills. In these circumstances, joint working between deaf and hearing intermediaries should be encouraged.

Working with defendants

Jan Jones, Registered Intermediary

Jan Jones provided the conference with a case study which illustrated the differences of a case where the intermediary is assisting a defendant. The case she outlined concerned 'Tommy' aged 15 years whose case was heard in the Crown Court and not the Youth Court. The informal assessment took place with Tommy's foster father and a paralegal present and they discussed Tommy's worries and fears. After the initial assessment the paralegal commented that she had never heard Tommy say so much.

Jan highlighted that dealing with a defendant is different to dealing with witnesses because the group of criminal justice practitioners and other professionals was somewhat different from those that an intermediary usually deals with.

She also pointed out that the time which an intermediary would have to set aside for assisting a defendant was greater during the trial stage as the defendant

would be present in the court at all times. This meant that the impact of delays in the case was increased and Jan had to leave her diary free for a number of days and rely on phone calls to alert her when she was needed at court.

During the course of the trial Jan felt that as the questioning became faster and more probing, she found it quite difficult to monitor whether Tommy was being suggestible and processing the questions before answering, and therefore whether she should intervene.

Jan suggested that rather than try to judge how and when she should intervene in court, intermediaries should try to have a meeting with the Judge and counsel prior to the trial to establish the ground rules, iron out the finer points of any communication difficulties and ensure as far as possible that questioning, particularly cross examination, is suitable for the individual they are assisting. This will avoid the need for too many adjournments and interventions to enable questions to be re-phrased.

Workshops

The delegates were split into workshop groups and each group asked to discuss the services that are currently available to intermediaries, how they thought the intermediary scheme might look in the future and what issues needed to be resolved to ensure its continuing success and to discuss and share issues of best practice.



Shaping the future

Services to intermediaries

Delegates said that **mentoring** had been positive and that it should be more widely available. However, people also said that mentors should be paid or should receive some other form of remuneration. There was also a view expressed that mentors needed to be sufficiently experienced and able to deliver the role. There was a view that intermediaries should be issued with identity cards for the purposes of recognition and security, particularly to make it easy to access sites such as courts and police stations.

Delegates said that it was reassuring to have a **counselling service** available and that this should be retained. The **Smartsite** was seen as a useful medium for discussing issues and sharing experiences although some people had had access problems which OCJR will now seek to resolve. Some people said that it would be even more useful if there were more project updates and information posted by the Intermediary Project Team.

Delegates asked for examples of **best practice** to be shared online and for more information about data protection issues. There was a general feeling that more information could be provided to intermediaries. The current **newsletter** was seen as useful, although some delegates said that this should also be available in hard copy.

Some delegates said that they would appreciate more **training opportunities**, particularly involving other criminal justice practitioners. Delegates also asked for more information leaflets on the intermediary role so that they are able to pass these on to witnesses.

Remuneration was discussed at length with delegates asking for more clarity about the process for making claims. In particular, delegates asked for examples of accurately completed forms and a single point of contact for queries. Some delegates expressed concern with the time taken to process claims although OCJR representatives explained that there are proposed changes to the remuneration rules which should speed the process up. Several delegates also asked for clarification about personal insurance and for guidance on remuneration for training days.

The future of the scheme

Several people commented on the fact that South Wales and the West are the two most underused pilot areas.

Delegates were eager to see this issue addressed ahead of national roll-out.

Delegates said that the intermediary scheme needed to be properly funded and adequately publicised. Some people expressed the view that there should be a public roll-out of the scheme with as much publicity given to it as possible. Several people shared the view that greater training and awareness raising was needed for the police in order to ensure that intermediaries are involved at the earliest appropriate moment.

Delegates discussed the likely decentralisation of the scheme and there was consensus that a central national body needed to be maintained to oversee the scheme, to uphold and monitor standards and to provide support and advice.

Several people said that local networking would be useful and that the creation of local groups should be facilitated.

There was some discussion of training, with delegates expressing the view that this was crucial to the continuing success of the scheme. Some people suggested that a national vocational qualification (NVQ) for intermediaries could be a useful future development.

The process for collecting continuous professional development (CPD) points was discussed at length with several delegates requesting clarity on the process and what the requirement was. In terms of the future of the scheme, several delegates were of the opinion that national roll-out would make the process easier, particularly if a new system was devised to monitor CPD activity.

Best practice

Delegates said that where possible geographic matching should be used as a means of avoiding intermediaries having to travel large distances.

Early identification of vulnerable witnesses was seen as important, together with an early needs assessment. Some people said it was important for intermediaries to go with their “gut instinct” in terms of trusting their assessment of the needs of a witness.

In terms of awareness raising, delegates said that in some areas, intermediaries are involved in the local training of police officers, as well as regular discussions with members of counsel, magistrates’ and judges.

Local networking was seen by many as best practice with delegates saying that this was a useful way for intermediaries to share experiences and to discuss issues. Many delegates said that it was useful for intermediaries to ask for and receive feedback on their performance from practitioners.

Feedback on the event

The Intermediary Project Team is grateful to all those delegates who took the time to complete an evaluation form at the end of the day. They were full of helpful ideas for how to improve the conference and these will be considered for next time.

Of the 39 completed feedback forms, 34 rated the speakers as good or excellent, 31 said the right amount of time was allocated to them, 35 thought the duration of the conference was appropriate and 28 said that the right amount of time was allocated to syndicate work. However, several people would have liked more time allocated to discussion and the organisers will attempt to provide for this in the future.

On domestic matters, all responses said that the accommodation and venue were good or excellent and the vast majority of people said that catering was excellent.

Most delegates were also impressed with the overall organisation of the event and the quality of the delegate packs.

“Hugely enjoyable – thank you”

“I was very interested in Craig Flynn’s presentation on the use of deaf intermediaries as it raised many issues I had not previously considered”

“More of the same next year please!”

“There was so much to talk about”

“I would like more opportunities such as this, to meet other intermediaries and share experiences”

“It was very good to hear of first hand experiences from registered intermediaries”

“The workshops provided an opportunity to raise important issues”

*The **Intermediary Project Team** was delighted to meet with so many registered intermediaries. We welcome the feedback received and will seek to further improve future events.*

In respect of the future of the intermediary scheme, this year’s conference has highlighted the important issues that the team is addressing. A review is underway of the support provided to intermediaries and the proposed changes to the remuneration rules should result in greater clarity and a more efficient process.

As Gerry Sutcliffe said, there are many lessons to be learned and challenges ahead, but this conference has helped to focus the minds of intermediaries, OCJR and key stakeholders on the task ahead of us.

The **Intermediary Project Team**, OCJR

Attendees

Douglas Abbot (CPS)
Kay Alder (Thames Valley Police)
Chantelle Alker
Janet Arkinstall (Law Society)
Sarah Austin
Cheryl Berriman
Karen Bowen
Edith Bowman
Katherine Bullen
Alick Bush
Paul Candler (OCJR)
Hazel Christie (Scottish Exec)
Maddy Conway
Penny Cooper (ICSL)
Alison Cousins
Stephen Cummins (OCJR)
Ruth Douglas
Alison Drake
Lucienne Edge (OCJR)
Barbara Esam (NSPCC)
Craig Flynn
Shirley Ford (Victim Support)
Anna Freeman
Lucy Freeman
Catherine Groch (ICSL)
Barbara Hanson
Gillian Harrison (OCJR)
Gillian Hazel
Karina Hepworth
Kerry Herivel
Jane Hodson
Philippa Hutton
Diana Iwi
Gillian Jacobs
Sue Jacobs (CPS)
Diane Jones
Janet Jones
Sally Jones
Deborah Kelly
Gary Kirkley
Janet Larcher
Stephen Laurie (ICSL)
Janet Lesley
Julia-Claire Lloyd

Ann-Marie Loxley
Rebekah Lwin
Kate Man
Gwen Margree
Ami Mathur
Amanda McLellan
Jane McManus
Andrea Middleton
Sally Morgan-Owen
Heidi Morlin-Owen
Annette Munro
Janye Newman
Paula Nott
Simon Outen (ACPO)
John Parrott
Alison Peasgoody
Tina Pereira
Anne Piper
Liz Pitts
Liz Prosser
Liam Reed (OCJR)
Susan Reese
Sharon Richardson
Elizabeth Rolt
Rosy Russell
Louise Selby (OCJR)
Louise Sheffield
Coralie Spencer
Nicola Spivack
Claire Spruce
Susan Stevens
Kathryn Stone (VOICE UK)
Penny Tatt
Jane Thomas
Clare Tucker (CPS)
Michelle Turner
Cheryl Wadsworth (Thames Valley Police)
Marion Watts
Alan Wheeler (OCJR)
Harold Wilson
Celia Woolf
John Wright (HMCS)
Nick Wunderly (OCJR)
David Wurtzel (ICSL)