Measuring Up? Evaluating implementation of government commitments to young witnesses in criminal proceedings

NSPCC and Nuffield Foundation, July 2009

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Outputs

- Executive summary (www.nspcc.org.uk/measuringup)
- Full report
- Good practice guidance in managing YW cases and questioning children
- ‘Giving young witnesses a voice’ free disk for CJS training from NSPCC

First national survey

- 182 young witness interviews in E, W and NI
- Interviews with parents of 172 of these children
- Info from 52 Witness Services and 7 YW schemes
- Info from all organisations referring YWs to study

Aim

to compare children’s experiences with government policies

How young people felt before trial

- 79% worried / anxious
- 52% experiencing stress symptoms
- 38% studies affected
- 20% intimidated

How well did CJS identify vulnerability?

Parents said:

- 80% of children had pre-existing health/ devt concerns, stress symptoms or were intimidated
- CJS enquired about needs and wishes of 84% of children
- No CJS discussion for some very vulnerable YWs in the study

59 witness support organisations said:

- 44% not systematically notified about YWs before trial
- some learned about YWs only when they arrived at court

What support did YWs receive before trial?

- 50% visited the court
- 45% met a supporter
- 44% had neither a visit nor contact with a supporter

Pre-trial help was very beneficial:

- 95% who met supporter felt better about going to court
- 84% who visited court felt more confident

Continuity of support was important but

- only 49% who met a supporter before trial saw same person at trial
- 2/3 of children giving evidence by live link were accompanied by someone they had not met before

All YWs can make a visually recorded statement but

- Overall, only 55% had done so
- Falling to 42% of those who were 17 or over by time of trial
- Missed opportunity to extend eligibility for live link

All witnesses can refresh their memory from their statement but

- 55% who made a video statement did not see it before the trial
- Most who watched their video for 1st time at trial found this difficult

All should receive YW materials

- 70% received YW booklets (mostly by post)
- 31% were assisted to go through them
- 13% received the YW DVD

Delay

- Over 1/3 of trials re-scheduled
- YW cases took longer on average to reach trial than all cases
- YWs waited 3.5 hrs in mags/ youth court and 5.8 hours in Crown Court in E&W

Children in population with communication problems

- 7% with significant speech or language difficulties (Bercow 2008)
- 50% disadvantaged children with significantly lower speech and language skills (Bercow 2008)
- 10% with clinically recognisable mental disorder (ONS 2004)
- 1% with autism (Baird 2006)

Questioning

- 49% did not understand some questions
- 65% said questions too long, too fast or too complex
- Fewer than half of those with problems told the court

Questioning

- 20% were asked questions that jumped around in time
- 11% of sexual offence victims were asked to demonstrate intimate touching on body

'Achieving Best Evidence' 2007

If a child seems unlikely to be able to recognise a problematic question

or

tell the questioner that he or she has not understood

then

assessment by an intermediary should be considered

Use of intermediary special measure in this study

- 70% children eligible (our estimate)
- two assessed
- one assisted

YWs in Southeast and London fared poorly compared to all other court regions

- 43% made video (68% in NW)
- 60% used live link (91% in NW)
- 41% had pre-trial visit (60% in NW and Wales)
- 39% saw supporter pre-trial (67% in SW)

Policies are good but there is still a significant gap between the policy vision and the reality of many children's experiences