

<p>Institution: Queen's University Belfast</p>
<p>Unit of Assessment: 22 - Social Work and Social Policy</p>
<p>Title of case study: Influencing Policy on Young Witnesses in Criminal Proceedings</p>
<p>1. Summary of the impact (indicative maximum 100 words)</p> <p>The last three decades have witnessed considerable interest in the position of children and young people acting as witnesses in criminal cases and on how best to facilitate them to give their best evidence and minimise the trauma involved. Governments in England, Wales and Northern Ireland have introduced a raft of policies and procedures in order to ensure that young witnesses are able to give their best evidence and receive the support they need. Despite these efforts, however, research conducted by Plotnikoff and Woolfson (2004; 2009) in England, Wales and Northern Ireland demonstrated a continuing gap between policy and the practice reality of many children's experiences of giving evidence in criminal courts. The small number of Northern Ireland interviews in these studies, however, and evidence of on-going difficulties experienced by young witnesses, pointed to the need for additional research in Northern Ireland to explore the issues further and inform policy and practice in this jurisdiction. The Department of Justice (NI), therefore, commissioned a research team with members from the School of Sociology, Social Policy and Social Work, Queen's University Belfast and the NSPCC (Northern Ireland) to undertake research into the views and experiences of young witnesses giving evidence in criminal proceedings in Northern Ireland. This research is presented as an example of impact because its recommendations have influenced the work of two major reviews into the services provided to victims and witnesses of crime in Northern Ireland and, subsequently, the new five year draft strategy for victims and witnesses of crime.</p>
<p>2. Underpinning research (indicative maximum 500 words)</p> <p>The research on young witnesses in criminal proceedings was the start of a collaboration between QUB and the NSPCC in relation to the experiences of child victims in the criminal justice and social service systems. Hayes has a long-standing practice and research interest in the investigation of child abuse allegations by both police officers (Hayes and McCullough, 2001) and social workers (Hayes and Spratt, 2012), as has Bunting in child victims in the criminal justice system (Bunting, 2008; 2013). In November 2009 Hayes, as secretary of the Northern Ireland branch of the British Association for the Study and Prevention of Child Abuse and Neglect, organised a seminar at which Joyce Plotnikoff presented findings from a major study of the experiences of young witnesses and highlighted the need for in-depth research into this issue in the Northern Ireland jurisdiction. The Department of Justice (NI) subsequently commissioned QUB and the NSPCC to undertake this work.</p> <p>The research team was led by Hayes (Lecturer in Social Work) and Bunting (previously NSPCC, now QUB) and included Lazenbatt (Reader in Childhood Studies) and Carr and Duffy (Lecturers in Social Work). They interviewed 37 young prosecution witnesses and 33 parents/carers and administered a survey questionnaire to all volunteers and Children's Services Practitioners working for the NSPCC's Young Witness Service. The research was carried out between June 2010 and April 2011 and focused on the experiences of young witnesses and the support offered to them at three key phases – pre-trial, at trial and post-trial. The report (Hayes et al., 2011) made eleven recommendations based on a number of key findings including:</p> <ul style="list-style-type: none"> • Delay, both between the reporting of offences and trial dates and in waiting times at court, continued to be problematic; • Lack of pre-trial support for many young witnesses due to difficulties in information sharing between criminal justice agencies; • Lack of information for young people and their families about both case progress and the availability of support services; • The need for timely assessment of the needs of young witnesses to ensure that appropriate

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special measures are implemented;

- Problems relating to the questioning of young witnesses in court by defence lawyers;
- The need for practical measures to avoid young witnesses seeing the defendant and/or their family at court (e.g. separate entrances, waiting rooms, etc);
- Gaps in the therapeutic support available to young people post-trial.

The collaboration between QUB and the NSPCC (and other partners from the voluntary sector) is continuing and has led to the development of an assessment framework for vulnerable witnesses. Members of the young witness study team (Hayes, Bunting, Carr and Lazenbatt) are also currently developing a proposal to investigate the implementation of 'Achieving Best Evidence' interview guidance in Northern Ireland in collaboration with key stakeholders.

3. References to the research (indicative maximum of six references)

Bunting, L. (2008). 'Sexual Offences Against Children: An Exploration of Attrition in the Northern Ireland Criminal Justice System', *Child Abuse and Neglect*, 32 (12), 1109-1118.

Bunting, L. (2013). 'Invisible Victims: Recorded Crime and Children in the UK', *Child Abuse Review*, DOI: 10.1002/car.2252.

Hayes, D. and Bunting, L. (2013). 'Just be Brave – The Experiences of Young Witnesses in Criminal Proceedings in Northern Ireland', *Child Abuse Review*, DOI: 10.1002/car.2242.

Hayes, D., Bunting, L., Lazenbatt, A., Carr, N. And Duffy, J. (2011). *The Experiences of Young Witnesses in Criminal Proceedings in Northern Ireland: A Report for the Department of Justice (NI)*. Belfast: QUB/NSPCC. Available at: <http://go.qub.ac.uk/Bwbbc>

Hayes, D. and McCullough, W. (2001). 'Exploring the Views of Police Officers on the Use of Video Taped Evidence in Child Abuse Cases in Northern Ireland', *Journal of Social Work Research and Evaluation*, 2 (1), 57-72.

Hayes, D. and Spratt, T. (2012). 'Child Welfare as Child Protection then and now: What Social Workers did and Continue to do', *British Journal of Social Work*, DOI: 10.1093/bjsw/bcs161.

4. Details of the impact (indicative maximum 750 words)

Correspondence from the Department of Justice NI stated that the research would assist criminal justice agencies and their voluntary sector partners in the development of a new five year strategy for victims and witnesses of crime. The Department subsequently made a commitment in the victim and witness annual action plan 2011-12 (Department of Justice NI, 2011) to consider the recommendations of the research when developing this new five year strategy (see below). In November 2011 Hayes was invited to present the findings of the research at a joint NSPCC and Victim Support NI seminar on 'Victims' Voices: Experiences of Children and Adults of the Criminal Justice System in Northern Ireland'. The seminar was addressed by the minister for Justice and attended by senior representatives from a number of criminal justice agencies, the judiciary, legal professionals, the voluntary sector as well as representatives from the Department of Justice NI and the NI Assembly's Justice Committee.

In February 2012 Hayes and Bunting (NSPCC) were invited to contribute to a Criminal Justice Issues Group (CJIG) workshop on victims and witnesses of crime. The CJIG is an advisory body on operational issues impacting on the criminal justice system and comprises representatives from the judiciary, criminal justice agencies, legal professions and the voluntary sector. The workshop focused on three key areas (waiting times at court, victim participation in proceedings, and special measures) which were all issues that the research had highlighted in relation to young witnesses in criminal proceedings. In February 2012 Hayes was also invited to act as a consultant on a European Union Fundamental Rights Agency (FRA) project which is examining the involvement of

children and young people in justice proceedings (criminal and civil) in 10 EU member states. This has involved reviewing research materials, attending an 'experts' meeting at the FRA in Vienna to provide advice on appropriate methodologies and ethical issues, and an on-going role reviewing materials, draft reports, etc. Hayes also presented the research findings at the 8th Congress of the British Association for the Study and Prevention of Child Abuse and Neglect (BASPCAN) held at Queen's University Belfast in April 2012.

The research findings have influenced the work of two reviews into victims and witnesses of crime which have also fed into the development of the five year strategy mentioned above. The first of these was an inspection of the use of special measures in the criminal justice system in Northern Ireland and their effectiveness in achieving best outcomes for witnesses (Criminal Justice Inspection NI, 2012). The research findings are cited within the inspection report and the lead inspector has confirmed that they were instructive and valuable in that they provided a frame of reference for significant areas of the inspection, underpinned and supported the inspection findings, and broadly assisted in the assessments which led to the strategic recommendation of a Witness Charter for N.I. This is based on analogous findings that the rights of criminal justice system users (both children/young people and adults) were often not fully communicated or understood and the concomitant need to codify same in a Charter. Finally, he acknowledged that the research had supported many of the inspection's operational recommendations such as the need for a clear expression in PSNI policy of the need to discuss special measures and complete an individual needs assessment, the need to ensure a clear, comprehensive and auditable system of updates for witnesses regarding the process of special measures applications, and the development of a criminal justice system wide leaflet which clearly sets out for witnesses the kind of support available to them and the organisations who provide it.

The second was an inquiry into the criminal justice services available to victims and witnesses of crime in Northern Ireland (NI Assembly Committee for Justice, 2012). The research was cited in the inquiry report and quoted extensively in two NI Assembly Research and Information Service papers which informed the inquiry (O'Connell and Mulvenna, 2011; O'Connell, 2011). The research was also cited extensively in the NSPCC's evidence to the inquiry, both written (NSPCC, 2011) and oral (<http://www.niassembly.gov.uk/Documents/Official-Reports/Justice/2011-2012/InquiryintoCriminalJusticeServices.pdf>).

Correspondence from the Chair of the NI Assembly's Committee for Justice stated that "The Committee found it particularly useful that research based evidence relating specifically to the experiences of children and young people was available to inform its consideration of the issues and in reaching the Inquiry findings and recommendations." He particularly acknowledged the impact of the research on a number of the inquiry's recommendations including:

- The introduction of a Victim and Witness Charter providing statutory entitlements in terms of information provision and treatment;
- The introduction of a comprehensive formal assessment process to identify the needs of individual victims and witnesses in relation to special measures and other support requirements at the earliest stage;
- The provision of resources for practical support services including trauma counselling;
- An evaluation of the facilities currently provided for victims and witnesses in all courts;
- The introduction of a maximum waiting time for victims and witnesses;
- The use of specialised courts to prioritise cases involving children and young people;
- Placing case management on a statutory footing in order to address the issue of delay.

The new five year strategy for victims and witnesses of crime was issued for consultation in October 2012 (Department of Justice NI, 2012) and specifically acknowledges the research as one of the influences on its development. The draft strategy makes a number of commitments around the key themes of the status and treatment of victims and witnesses; communication and information provision; support provisions and special measures; participation and improved understanding; the collation of information and research on the experiences of victims and

witnesses. These themes had all been identified within the research in relation to the experiences of young witnesses. The final version of the strategy was launched in June 2013.

5. Sources to corroborate the impact (indicative maximum of 10 references)

Personal Sources:

Department of Justice Northern Ireland.

Criminal Justice Inspection Northern Ireland.

Documentary Sources:

Department of Justice NI (2012). *Making a Difference: Improving Access to Justice for Victims and Witnesses of Crime – A Five Year Strategy: A Department of Justice Consultation*. Belfast: DoJNI. <http://www.dojni.gov.uk/index/public-consultations/current-consultations/making-a-difference-improving-access-to-justice-for-victims-and-witnesses-of-crime-a-five-year-strategy.pdf>

NI Assembly Committee for Justice (2012). *Report on the Committee's Inquiry into the Criminal Justice Services Available to Victims and Witnesses of Crime in Northern Ireland*. Belfast: The Stationery Office. <http://www.niassembly.gov.uk/Documents/Justice/7890.pdf>

Criminal Justice Inspection NI (2012). *The Use of Special Measures in the Criminal Justice System in Northern Ireland*. Belfast: CJINI. <http://www.cjini.org/CJNI/files/e6/e684b2e9-231e-4c06-b496-5b744e10c0cb.pdf>

NSPCC (2011). *Inquiry into Victims and Witnesses of Crime: A Submission to the Assembly Justice Committee by the NSPCC Northern Ireland*. Belfast: NSPCC. http://www.niassembly.gov.uk/Documents/Justice/Inquiry_into_the_Criminal_Justice_Services/Written_Submissions/NSPCC.pdf

O'Connell, F. (2011). *Victims and Witnesses in the Criminal Justice System: Good Practice*. NI Assembly Research and Information Service Research Paper 173-11. <http://www.niassembly.gov.uk/Documents/RaISe/Publications/2011/Justice/17311.pdf>

O'Connell, F. and Mulvenna, G. (2011). *The Status of Victims in the Criminal Justice System*. NI Assembly Research and Information Service Research Paper 172-11. <http://www.niassembly.gov.uk/Documents/RaISe/Publications/2011/Justice/17211.pdf>

Department of Justice NI (2011). *Victim and Witness Annual Action Plan 2011-12*. Belfast: DoJNI. http://www.dojni.gov.uk/index/publications/publication-categories/pubs-criminal-justice/victim_and_witness_annual_action_plan_2011-12.pdf