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The Experiences of Young Witnesses in Criminal Proceedings in Northern Ireland

A Report for the Department of Justice (NI)

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Anne Lazenbatt, Nicola Carr and Joe Duffy

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1. Introduction

Over the past decade governments in England, Wales and Northern Ireland have introduced a raft of policies and procedures in order to ensure that child 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 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 this research, 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 need for such a study was also endorsed by Joyce Plotnikoff at a research seminar in November 2009 organised jointly by the Northern Ireland branch of the British Association for the Study and Prevention of Child Abuse and Neglect (BASPCAN) and the Northern Ireland Association of Social Workers (NIASW).

The Department of Justice (NI) recognized the importance of seeking the views and experiences of young witnesses giving evidence in criminal proceedings in Northern Ireland and 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 this study.

2. Research and Policy Context

THE IMPACT OF GIVING EVIDENCE AND THE STRESSES EXPERIENCED BY YOUNG WITNESSES

Numerous international studies, conducted largely in the 1980s and 1990s in North America, have investigated the emotional, mental and attitudinal impact testifying in court can have on child witnesses (Goodman et al., 1993; Myers, 1996; Peters, 1991; Sas et al., 1993; Whitcomb et al., 1994; Runyan et al., 1988; Goodman et al., 1992; Spencer & Flin, 1993; Quas et al., 2005; Lipovsky et al., 1992; Henry, 1997). Both Runyan et al. (1988) and Lipovsky et al. (1992) reported non-significant effects of court involvement, reflecting no detection of behavioural disturbance due to legal participation. However, Goodman et al.'s (1992) investigation of the effects of criminal court testimony on more than 2000 child sexual assault victims showed different results. The study compared "testifiers" with "non-testifiers" at three points following testimony: 3 months, 7 months, and after prosecution ended. At 7 months, testifiers evinced greater behavioural disturbance than non-testifiers, especially if they took the stand multiple times, were deprived of maternal support, and lacked corroboration of their claims. This finding is similar to the findings of Henry (1997) and Whitcomb et al. (1994), who reported that the number of times children testified and the harshness of questioning, were the best predictors of trauma and stress scores.

Goodman et al (1992) also found that by the time the prosecution closed, negative behaviour scores dropped for all children, as compared to their scores at intake, indicating that the children's mental health was improving. Nonetheless, overall, testifying was associated with less improvement in the children's emotional well being. Quas et al.'s (2005) follow up of the same group of children 12 years after giving evidence found that, overall, there were no detectable differences in behavioural adjustment and trauma-related psychopathology between children who had testified once and those who had not testified. However, testifying repeatedly in severe abuse cases and not testifying when the perpetrator received a light sentence predicted poorer current mental health. The individuals' emotional reactions while waiting to testify and while actually testifying were also associated with their current mental health and with greater distress predicting poorer adjustment, especially in individuals who were adolescents when they went to court.

However it is important to recognise the difficulty in determining if the occurrence of behavioural and emotional problems after legal proceedings is due to testifying per se, or due to other factors. Indeed it has been argued that that testifying may actually be beneficial or cathartic for child victims (Goodman et al., 1992) and may make them feel less victimized and more in control (Brennan & Brennan, 1988). Not being invited to give evidence may be taken as a sign that their claims are not being taken seriously or not believed (Goodman et al., 1992). This is supported by Quas et al. (2005) who also found that not testifying when the perpetrator received a light sentence predicted poorer current mental health, suggesting that for some, helping to bring an offender to justice can reduce feelings of helplessness and victimization.

On balance, Troxel et al. (2009) conclude that testifying in court is not necessarily harmful to children and that it is prolonged and multiple testimony in severe abuse cases which determines negative outcomes. As such, the issue is not so much whether or not children should testify in court but rather, how best to accommodate children who are involved in criminal proceedings to give their best evidence and minimise the stresses they experience. The adversarial and formal nature of criminal courts; fear of direct-examination and, even more so, cross-examination, fear of facing the defendant; and lack of knowledge and understanding of court processes have been identified as key anxieties for potential child witnesses (Troxel et al., 2009). Of all the fears that child witnesses report, facing the accused is usually ranked by children as the most intense (Sas, et al., 1991; Whitcomb et al., 1994). Studies document how children are fearful about talking in front of the accused in the courtroom and it is argued that the abuser-victim dynamic which often maintains the victim's silence when the abuse is happening can exist in the courtroom too.

Anticipatory anxiety as court dates loom is also exacerbated by a general lack of knowledge about the legal system and knowing what to expect in court (Goodman et al., 1991). Indeed Sas et al.'s (1993) Canadian research has revealed that many children disclose simply to make the abuse stop and they never envisage the police being called let alone being the subject of aggressive questioning in a courtroom. In some jurisdictions, having to face giving evidence without the support of parents is documented as adding considerably to the levels of stress children experience. Myers (1996: 234) likens the prospect of giving testimony in court to the experience of children facing a hospital procedure concluding:

“At the hospital, emotional support is an integral part of treatment and parents are partners in therapy. At the courthouse, however, things are different. The tradition in court is that the child must go it alone.”

While much of the available literature is North American in origin, Mackarel et al.'s (2001) briefing paper on legal issues and witness protection for the Scottish Executive identified similar concerns within the UK for witnesses generally. In addition to lack of information and the experience of giving evidence in an adversarial context, witnesses were concerned that they were given very little notice of the date of the trial, that their cases were often adjourned and they were expected to wait, sometimes for hours at a time, for their case to be called. They were also critical of facilities, reporting a lack of clear notices and signposting within the court building and described waiting rooms for witnesses as drab and offering no relief from the monotony of waiting, sometimes with prosecution and witnesses together, leading on occasions to intimidation and confrontations.

Increasing recognition of the potentially negative impact of criminal proceeding and the stresses experienced by child witnesses in the court environment has led many Western countries to develop legislative and policy initiatives aimed at better protecting child witnesses (Hoyano and Keenan, 2007). While the details and extent of reform varies from country to country, the past two decades have witnessed the introduction and implementation of policies and guidance across the UK aimed at facilitating children to give their best evidence in court (see Plotnikoff and Woolfson, 2009 for an overview). Developments in Northern Ireland have largely mirrored those in England and Wales, key amongst them being the introduction of the Children's Evidence (Northern Ireland) Order 1995, which allowed for witness evidence by children to be given via video link and barred defendants from cross-examining child witnesses personally, and the Criminal Evidence (Northern Ireland) Order 1999 which made provisions for physical measures to reduce the stress of children giving evidence at trial (see Table 1 for details of individual measures). Known as 'special measures', these statutory provisions originated from the findings of an England and Wales interdepartmental group review, 'Speaking Up for Justice' published by the Home Office in 1998. In the same year the Northern Ireland Vulnerable or Intimidated Witnesses Working Group was set up to consider the recommendations in 'Speaking Up for Justice'. Now known as the Victim and Witness Steering Group, this sub-group of the Criminal Justice Board has a central role in managing cross-agency issues impacting on victims and witnesses across the criminal justice system and, through a network of sub-groups, is responsible for coordinating key areas of service development and delivery

In terms of service development, the 2000 Review of the Criminal Justice System in Northern Ireland (Criminal Justice Review Group, 2000) also recommended that publicly funded witness support schemes should be made available at all Crown Court and Magistrates' courts venues. This recommendation formed the basis for the roll-out of the NSPCC's Young Witnesses Service which currently operates in all Crown Courts across Northern Ireland as well as Youth and Magistrates Courts in Antrim, Armagh, Belfast, Craigavon, Fermanagh and Tyrone, Lisburn, Londonderry and Newtownards.

Since the Millennium there have been further developments in policy and guidance with a number of Criminal Justice Inspections identifying a range of problems in relation to delays within the criminal justice system, attrition in the prosecution of sexual offences and general lack of confidence in the system and its processes (CJSNI, 2006a, 2006b, 2010). These inspections have been influential in developing policy in this area and making recommendations for change. In response to the findings of the 2006 inspection into the experiences of victims and witnesses, the Northern Ireland Office launched a five-year victim and witness strategy, 'Bridging the Gap', with the aim of enhancing the victim and witness experience of the criminal justice system by improving service delivery. This has involved:

- the development of a dedicated witness walkthrough to complement the victim's walkthrough available on the CJSNI website (www.cjsni.gov.uk);
- publication of a guide to Northern Ireland's criminal justice system for victims and witnesses of crime DoJ (2010a);
- publication of a cross-cutting Victims' Code of Practice (DoJ, 2011);
- establishing a 12-month pilot in the Ballymena area of further measures to improve victim liaison at local level;
- extending the YWS remote link pilot study to the Belfast court area;
- consulting on special measures to assist vulnerable and intimidated witnesses including the introduction of intermediaries (DoJ, 2010);
- publication of a revised version of 'Achieving Best Evidence' guidance on the provision of pre-trial therapy (DoJ, 2011).

Screens in the courtroom (Article 11) – screens are physically placed around the witness box to prevent the witness from seeing the defendant;

Evidence by live link (Article 12) –the witness will give evidence from a separate room located outside of the courtroom where proceedings are taking place;

Evidence given in private (Article 13) –the judge/magistrate will clear the courtroom of those who do not need to be in the courtroom when the witness is giving their evidence. Only legal representatives connected with the case and one nominated press member will be allowed to remain. This measure applies to sexual offence and intimidation cases only.

Removal of wigs and gowns (Article 14) – by lawyers and judges to make the courtroom appear less formal;

Video-recorded evidence-in-chief (Article 15) – the police interview will be visually recorded and played at the trial as the witness' main evidence in chief;

Video-recorded cross-examination or re-examination (Article 16) – where any further evidence is recorded in advance of the trial and played on the day of trial;

Intermediaries (Article 17) – people who act as 'go-betweens' to improve the communication and understanding of the witness. The intermediary will normally be a specialist - through training or with a unique knowledge of the witness, or have skills to overcome specific communication problems - who can help a witness who has difficulty understanding questions or framing evidence coherently to communicate;

Aids to communication (Article 18) – devices used by the witness to assist them in understanding questions and communicating their answers

Table 1: Special Measures Provisions Contained within the Criminal Evidence (Northern Ireland) Order 1999

Through the most recent version of the action plan; 'Victim and Witness Strategic Action Plan 2010-2011' (DoJ, 2010b) the criminal justice system makes specific commitments to:-

- Provide victims and witnesses with easier access to information about the operation of the criminal justice system and sources of appropriate advice and support within it. It is hoped that this will encourage them to have confidence in reporting crimes and maintaining a positive engagement with the criminal justice system;
- Ensure that specific and timely information is provided to victims and witnesses in relation to their individual case as it progresses through the criminal justice process;
- Continue to work together, in a coherent and coordinated manner and in partnership with relevant voluntary agencies, to ensure that victims and witnesses are afforded a consistently high standard of service from all criminal justice agencies;
- Recognize, and be responsive to, victims' and witnesses' individual needs to ensure that the most appropriate level of support can be provided before, during and after court proceedings;
- Afford victims and witnesses the opportunity to make their views known to those in the criminal justice system responsible for making decisions which impact on them and to contribute to the decision-making process, where this is appropriate.

Additionally, in 2009, in one of his last official acts before retiring as Lord Chief Justice, Justice Kerr issued a letter to all Supreme Court and County Court judges making recommendations regarding best practice in relation to young and vulnerable witnesses and victims (LCJ Kerr, 2009).

EVALUATING THE IMPACT OF UK POLICY DEVELOPMENTS

Despite these policy initiatives research exploring the experiences of young witnesses in the UK has consistently highlighted on-going difficulties. In 2004, Plotnikoff and Woolfson's research in England, Wales and Northern Ireland with 50 young witnesses identified lack of pre-trial support and preparation, delays in cases coming to trial, delays in giving evidence, inadequate facilities and an overall lack of witness choice and consultation. Although the majority of witnesses were able to avail of special measures, 14 did not have contact with a supporter before the trial date; 13 said no one kept in touch with them or their family about case progress; only 24 received a pre-trial visit and only 20 had seen NSPCC Young Witness Pack materials. The study identified 17 young witnesses whose vulnerabilities had apparently not been picked up and brought to the attention of the courts at any stage in the proceedings and in 4 cases young witnesses were strongly discouraged from receiving pre-trial therapy, despite a clear policy to the contrary. The researchers concluded that:

“Despite a network of policies and procedures intended to facilitate children’s evidence, only a handful of young witnesses... gave evidence in anything approaching the optimum circumstances. Their experiences revealed a chasm - an implementation gap between policy objectives and actual delivery around the country.”

Although more recent research by the same authors highlighted areas of improvement, disappointingly it concluded that a significant gap between the vision of policy and the reality of many children's experiences remained. Interviews with 172 young witnesses and their parents in contact with Witness Care Units and specialist witness support schemes across the UK highlighted the increasingly common usage of special measures with 129 of 172 young witnesses giving evidence by TV link. However, the research also revealed continuing problems with the use of visually recorded statements, lack of pre-trial support and assistance and the use of questioning at court which often confused and misled witnesses. A number of young witnesses experienced delay not only between reporting and the date set for trial, but through rescheduling of the court date and long waiting times to give and complete their evidence. Although the number of participants in Northern Ireland (NI) was small (n=15), the findings suggested that delays were significantly greater here than in England and Wales. In the Crown Court in Northern Ireland the average time for young witnesses between reporting offences and trial was around 20 months, compared with 13 months in England and Wales and in Magistrates' and Youth courts in Northern Ireland it was 13 months compared with 7 months in England and Wales. Overall, only 1 in 5 young witnesses in Northern Ireland gave evidence on the first scheduled trial date compared with 65% of those in England and Wales and only 30% completed their evidence on the first day compared to 67% in England & Wales. In Northern Ireland the average waiting time before giving evidence was over 6 hours at Magistrates/Youth Courts and over 12 hours at Crown Courts, more than twice as long as waiting times in England and Wales.

Questions		England & Wales	Northern Ireland
When trial went ahead?	On the first scheduled date	65%	42%
	Re-scheduled once	21%	25%
	Re-scheduled twice	11%	17%
	Re-scheduled three or more times	4%	17%
Average waiting time before giving evidence?	At magistrates' or youth court	3.5hrs	6.3hrs
	At Crown Court	5.8hrs	12.7hrs
When young witness began their evidence?	On the first day of attendance at court.	75%	33%
	In the morning of the first day of court attendance.	51%	8%
	Completed their evidence on the first day.	67%	30%

Table 2: Comparison of Young Witnesses Experiences of Delay in Giving Evidence (Plotnikoff and Woolfson, 2009)

Young witnesses reported that delays in giving evidence made them feel more anxious and nervous and more than half of all those interviewed (52%) reported at least one stress symptom in the pre-trial period; symptoms included sleepless nights, bed wetting, lack of appetite, anxiety, depression, panic attacks and self harming.

“It was really upsetting to be waiting all those hours and then to be told I’d to go another day.” (Lorna*, 10, young witness from NI).

“We were at court on the first trial date and waited for three hours but it was adjourned as the police officer did not attend. Also, my daughter’s medical records [about the injury caused by the offence] were not at court and were also not there for the second trial date two months later. On the second date, it was suggested that the trial be adjourned again for the records to be obtained. We objected and trial went ahead. Why didn’t they ask me to make sure the records were at court?”
(Parent of Rachel*, 15, young witness from NI).

“Normally I’m a very happy-go-lucky person but I was sad all the time. I only slept three or four hours a night – usually it’s eight or nine. I only ate one meal a day.”
(Eve, 17, young witness from NI).

“My seven year-old kept being sent home from school because she said she didn’t feel well.” (Parent of Petra*, 7, young witness from NI).

These stresses were often exacerbated by lack of contact with criminal justice professionals in relation to case progression, as highlighted by the experience of one NI parent who reported going to extraordinary lengths to get information about her child’s trial date because she was unaware that this would be provided:

“I would have liked more information. I went to all the interim hearings at court because nobody told me we would be notified of the trial date. I went fortnightly. I had to get child-minding. If you are in the public gallery you can’t always hear and I had to ask someone what happened. I thought I had to keep running back and forward [to court hearings] to find out the contest date. I came home drained. I hated it.”
(Parent of Samantha*, 16).

Similarly, inadequate waiting facilities, no separate access to court buildings or secure access between young witness waiting areas, thus increasing the risk of encounters with the defendant or his/her supporters also increased young witness stress. TV link facilities located away from court buildings have been developed in a number of locations across the UK, including Northern Ireland, as a means of overcoming these problems. Evaluation of witness support schemes and remote TV links (Plotnikoff and Woolfson, 2007, Applegate & Mawby, 2004; Applegate, 2006) have revealed widespread support for locating a remote TV link on support scheme premises amongst legal practitioners. Applegate’s & Mawby’s (2004) evaluation of the NSPCC’s remote link in Devon and Cornwall also highlighted that legal professionals viewed court facilities as unsuitable for child witnesses and endorsed the use of remote link technology to remove children from

this environment. Equally the small number of children and parents interviewed as part of the evaluation reported not having to enter the court building as a positive development which, while not eliminating stress, helped to reduce it.

Parents in Plotnikoff and Woolfsons' (2009) study were also asked whether they sought counselling or therapy for their child before the trial to help with feelings of stress and anxiety experienced by their child. While some were unaware such services existed, 19% had sought counselling for their child before the trial. However, 9% of parents had been advised not seek therapeutic support before the trial, mostly by police officers although such advice was also given in the same areas by young witness schemes and local authority children's services, suggesting a local culture in which policy on pre-trial therapy was misunderstood.

"I wanted to speak to someone when it all came out but the police said it would mess up my evidence or something. Now I don't want to speak to anyone because it's all over [the case]. As a family we were left to just get on with it."

(Carrie, 16, young witnesses from NI).*

Where pre-trial support was provided, it was found to make a great difference to the young witnesses who received it with 95% of those who met a supporter before trial saying this made them feel better about going to court and 84% who visited the court before trial saying this helped them feel more confident or know what to expect at trial. Over a third of children and parents said contact with a supporter before trial was what made it possible for their child to go to court. Young people reported receiving "individually tailored" pre-trial support and parents also benefited:

"We couldn't have done this without them. Some days we didn't want the reminder of seeing the supporter but other times I couldn't have managed without her. You knew she was always at the end of the phone right there with you."

Parent of Vera, 11 young witness from NI).*

"The supporter had to deal with us emotionally. We were very vulnerable. He was a great comfort – a tower of strength. Everything he said made sense. He was meticulous. We wanted to discuss my child's evidence but he said he couldn't hear about it." *(Parent of Connie*, 17, young witness from NI).*

However, even those who saw a supporter before trial sometimes wanted more assistance:

"I would've liked a bit more emotional help. She didn't really come enough. I'd have liked to see her every two or three weeks but she only came about once a month." *(Debbie*, 12, young witness from NI).*

"We would have liked earlier pro-active contact from [the young witness scheme] – not leaving it to us to call them." *(Rachel*, 15, young witness from NI).*

Likewise Plotnikoff and Woolfson's (2007) evaluation of 6 specialist young witness schemes in England demonstrated that the support provided by specialist schemes was well received by young witnesses. Ninety-six per cent of scheme-supported witnesses said the supporter made them feel more confident about going to court and 33% reported that the provision of such support was what made going to court possible. Scheme-supported witnesses received consistently higher levels of support than those in the comparison group (i.e. young witnesses provided with only standard services), and were better informed about what to do when answering questions at court and what might happen during cross-examination.

Carers of scheme-supported witnesses greatly appreciated the service received with 44 per cent reporting that the supporter made it possible for their child to go to court. The evaluation also provided evidence of added value in respect of criminal justice system objectives (e.g. schemes reported lower rates of young witnesses failing to attend court than are reflected in national estimates) as well as demonstrating that the ability of specialist schemes to impact on other objectives such as reducing the trauma of cross-examination and enabling children to give best evidence. However, it also noted that the full potential of young witness schemes has not yet been realized and identified six essential components of a model young witness service which might be promoted at a national level:

1. terms of reference offering support to all young witnesses in a criminal justice area;
2. updated National Standards providing a comprehensive framework for support services;
3. interagency protocols between specialist schemes and criminal justice partners;
4. measures to increase judicial confidence;
5. strengthened Local Criminal Justice Board involvement in improving young witness services;
6. the development of links between Local Criminal Justice Boards and Local Safeguarding Children Boards.

In addition to the development of young witness support services in England, the introduction of intermediaries has been shown to have positive benefits for young witnesses. This special measure is used to assist witnesses who need help to communicate their best evidence and who fall into at least one of the following groups: children – aged under 17 years; people with a mental disorder or learning disability; people with a physical disability or physical disorder. An intermediary is someone who the court approves to communicate to the witness the questions that the court, the defence and the prosecution teams ask, and to communicate the answers that the witness gives in response. They can also provide communication assistance in the investigation stage – approval for admission of evidence so taken is then sought retrospectively. The intermediary is allowed to explain the questions or answers so far as is necessary to enable them to be understood by the witness or the questioner but without changing the substance of the evidence. Intermediaries are not investigators and their role is not the same as appropriate adults, witness supporters or expert witnesses.

Six pathfinder projects implemented the intermediary special measure in England and the subsequent evaluation (Plotnikoff & Woolfson, 2007) found that almost all those who encountered the work of intermediaries expressed a positive opinion of their experience. Benefits included the potential to: assist in bringing offenders to justice; increase access to justice; contribute to cost savings; assist in identifying witness needs; and inform appropriate interviewing and questioning techniques. Despite these perceived benefits, the evaluation also revealed operational difficulties and cultural resistance among some in the criminal justice system, recommending 'positive action to meet these challenges and to help ensure that meritorious cases proceed and witnesses are given a voice.'

SUMMARY

Greater understanding of the emotional impact giving evidence has on children and young people has led to considerable efforts, both internationally and within the UK to develop policies and processes which better protect children and minimise stress. The implementation of 'special measures', in particular the TV link, has been central to this, as has the development of witness support schemes across the UK, including in Northern Ireland. Various UK research studies and evaluations show that young witnesses and their families greatly value the provision of witness support and the protections offered by special measures. Nonetheless, together with the findings from numerous NI criminal justice inspections, research studies also indicate that the actual experience of young witnesses still falls short of the policy vision and delays, lack of information and contact with criminal justice professionals and inappropriate court facilities remain on-going difficulties.

3. Research Design

This study aimed to gather information on the experiences of young witnesses giving evidence in courts in Northern Ireland in order to inform policy and practice in this jurisdiction. The principal sources of information were:

- Structured interviews with young prosecution witnesses who received a service from the NSPCC's Young Witness Service (YWS) and their parent/carer;
- Referral forms completed by YWS staff in relation to each young witness who agreed to participate in the study. These provided basic information about the nature of the case and the service provided by the YWS;
- A survey questionnaire which was administered to all YWS volunteers and Children's Services Practitioners (CSPs).

Ethical approval for the study was obtained from the NSPCC Research Ethics Committee and the Research Ethics Committee, School of Sociology, Social Policy and Social Work, Queen's University Belfast.

APPROACHING YOUNG WITNESSES AND OBTAINING INFORMED CONSENT

Potential research participants were identified via the YWS according to the following criteria:

- They were aged under 17 years at the time of the offence;
- They gave evidence for the prosecution at trial in respect of any type of offence at either a Magistrates, Youth, or Crown Court in Northern Ireland;
- The case had been completed with no ongoing involvement from the YWS.

The informed consent of young people and their parent/carer to be interviewed was sought and, for 'looked after' children, it was also agreed that consent would be sought from the relevant Health and Social Care Trust. The Office for Research Ethics Committees Northern Ireland (ORECNI) confirmed that the study did not require ethical review by a Health and Social Care REC and that it was appropriate to seek consent from the relevant Health and Social Care Trust should a 'looked after' child be referred for interview by the YWS. Such consent was sought and granted in respect of two young people who were the subject of Care Orders at the time they were referred to the study by the YWS.

The research team did not make direct contact with young people or their parent/carer without the YWS having first received their permission for this to happen. The following process for approaching young witnesses was agreed with the YWS:

- A YWS staff member contacted the parent/carer and explained the purpose of study following a script provided by the research team. If the parent/carer expressed an initial interest in participating in the study, the YWS staff member sought permission to pass on contact details to the research team;
- The YWS staff member passed on contact details by telephone to the lead researcher and these were recorded on a standard referral form;
- An information pack was sent by the lead researcher to the parent/carer. The pack contained a letter inviting participation in the study, an information sheet for parents/carers and age-appropriate information sheets for young people. These explained the purpose of the study, the purpose of the interviews, how the information would be used (including anonymity and the limits of confidentiality), the right to withdraw from the study at any time, and the name and contact details of the lead researcher. In the letter parents were requested to discuss the study with the young person and, together with them, identify any questions they might have about participation in the study;
- The lead researcher telephoned the parent/carer approximately one week after the information pack was sent out in order to discuss their views regarding participation in the study and the young person's attitude to participation. If both were agreeable to participating the parent/carer was given the name of the member of the research team who would contact them in order to make arrangements for the interview;
- The named member of the research team then made direct contact with the parent/carer in order to check if both they and the young person were still agreeable to participating in the study and to make practical arrangements for the interview;
- At the beginning of interviews the named member of the research team discussed the study in greater depth and answered any questions the parent/carer or young person had. Consent was also sought at this stage and, if both parent/carer and young person were willing to proceed, they were asked to complete and sign the relevant consent forms.
- Before the interview commenced both the young person and the parent/carer were advised that they could withdraw from the study at any time without giving a reason.
- Where consent had been given for the research team to obtain information from the YWS about the case, the YWS were subsequently asked to complete an anonymised case information pro forma and to return this to the lead researcher by e-mail.

In addition to obtaining and confirming the consent of participants throughout the period prior to interview, other steps were taken to safeguard the rights and welfare of young participants. During interviews young people were not asked about the offence or the details of the evidence that they had given. Furthermore, interviews were not recorded as this might have recalled for young people the formal recording of police investigative interviews.

Despite these measures, however, it was recognised that the interview could evoke upsetting memories for the young person. Both the young person and the parent/carer were advised, therefore, that the young person could decide who would be present at the interview and that the young person could pause or end the interview at any point. Interviewers were requested to be vigilant in identifying any signs of distress or reluctance to participate and to stop the interview if there was any such indication. Interview schedules were completed by the interviewer and contained tick boxes for the responses made most frequently (based on previous studies) with space to record key comments in the young person's own words. The schedule enabled the interviewer to focus on the young person and avoided the need to take a verbatim note or record the entire interview. Young people and parents/carers were also offered a choice regarding where the interview took place, i.e. either in their own home or anywhere else that was private and convenient for them.

INTERVIEWS

The interview schedules for young witnesses and parents/carers used in this study were based on those used by Plotnikoff & Woolfson (2009). In consultation with the YWS, the original research tools were amended, where necessary, to ensure that they were relevant to the Northern Ireland policy and service context.

The study did not meet its original target of fifty interviews and this reflects the experience of previous research in this area which notes the difficulty in obtaining interviews with young witnesses (Applegate and Mawby, 2004; Plotnikoff and Woolfson, 2004; 2009; Richards et al., 2008). As outlined in Table 3, however, by the end of the fieldwork fifty-eight young people had been referred to the study and thirty-seven young witness interviews had been completed. Twenty-one referrals to the study did not proceed to interview:

- Eighteen did not proceed because parents or young people did not wish to participate when contacted by the lead researcher;
- Three did not proceed because, despite repeated attempts, the lead researcher was unable to make contact with the family.

	No. Referred for Interview	No. of Young Witness Interviews	No. of Parent/Carer Interviews
Victims	41	27	24
Non-Victims	17	10	9
TOTAL	58	37	33

Table 3: Numbers of Study Referrals and Interviews

Of the young witness interviews that were completed the young person was interviewed in thirty-six cases and, in one case, the young person's interview schedule was completed by proxy (parent). An interview with a parent/carer took place in thirty-three cases (thirty-one with the young person's mother and two with the father). In four cases no parent/carer interview took place:

- In one case the parent was present whilst the young person was interviewed but did not complete the parent interview as she had not attended court with the young person;
- In one case the parent was present whilst the young person was being interviewed but he declined to participate in an interview;
- In two cases the young people involved had reached the age of 18 and were living independently of their parents. In both cases a parent was aware that the young person was being interviewed and had agreed to this.

Although the study had intended only to focus on those who gave evidence, it emerged during interviews with two young people that they had attended court but did not, in the end, give evidence. In both cases the defendant had pleaded guilty to a lesser charge on the day scheduled for the trial. These interviews, nevertheless, yielded useful information and the responses of these two young people have been included for all the interview questions apart from those relating to giving evidence.

Interviews were carried out by the five members of the research team and completed between August 2010 and March 2011. All of the interviews took place in the young person's own home. Interviews lasted between 40 minutes and 150 minutes with a mean duration of 71 minutes.

SURVEY OF NSPCC YOUNG WITNESS SERVICE VOLUNTEERS AND PRACTITIONERS

A total of twenty YWS volunteers were sent a short survey questionnaire asking their views of the issues faced by young witnesses in the pre-trial period, at trial and post-trial and the support available. Eleven questionnaires were returned giving a response rate of 55%. All five Children's Service's Practitioners, including the YWS Manager, completed a similar questionnaire administered at a YWS team meeting. This was followed by a discussion of the main issues identified.

DATA ANALYSIS

Data from interviews was analysed using the software package SPSS Version 19 and is described in the report using descriptive statistics (frequencies, percentages, etc). It should be noted that rounding errors mean that the percentages in some tables do not sum to exactly 100. Qualitative data from interviews and the survey of YWS volunteers and practitioners was analysed thematically and extensive use of quotes has been made in the report to illustrate the quantitative data.

LIMITATIONS

This study aimed to gather information on the experiences of young witnesses giving evidence in courts in Northern Ireland. Initially it was intended that this would be achieved through completion of fifty interviews with young people and a parent/carer. As the study progressed, however, it became clear that this would not be possible for a variety of reasons; the lack of contact information for a number of young witnesses who had only received a service from the YWS on the day of the trial; a high proportion of cases in which the defendant pled guilty and the young witness did not end up giving evidence; and the understandable reluctance on the part of some young witnesses and/or their parents to take part in the research study.

Overall, a total of thirty-seven interviews with young witnesses and thirty-three interviews with parents were completed by the research team within the time period agreed with the Department of Justice (NI). Given the relatively small numbers involved, the findings from these interviews cannot be said to be representative of the views of all young witnesses in Northern Ireland. Equally the delay between reporting an offence and the case being heard at court means that many young witnesses were describing experiences that occurred several years prior to the interview and sometimes they had difficulty recalling specific details. The extent to which the interviews are potentially biased towards positive or negative experiences of the criminal justice system is difficult to gauge; many young witnesses and their families are likely to have declined to participate because they did not want to recall painful experiences that they had put behind them; on the other hand a number clearly participated in the research precisely because of the negative nature of their experiences and because they wanted their views to be heard. As such, the interviews represent a range of views and experiences providing a rich and varied picture from the perspective of both victims and witnesses of violent, sexual and other offences heard at different Courts across Northern Ireland.

4. Profile of Research Participants

YOUNG WITNESSES

Twenty-four of the young people interviewed were female (64.9%) and thirteen were male (35.1%). Their mean age was 14.4 years at trial and 15.1 years at the time the research interview was carried out with them (see Table 4 below for breakdown). All of the young people were aged less than 17 years at the time of the offence but five were age 17 years and over by the time of trial. In terms of ethnicity, all of the young people interviewed were white, variously describing themselves as:

- ‘White’ (40.5%, n=15);
- ‘White British’ (46.0%, n=17);
- ‘White Irish’ (13.5%, n=5).

As outlined in Table 5 below, the thirty-seven young witnesses in the study attended a total of thirteen courts (six Crown Courts, four Magistrates Courts and three Youth Courts) across Northern Ireland. Fourteen (37.8%) attended Crown Courts, seventeen (46.0%) attended Magistrates Courts and six (16.2%) attended Youth Courts.

They were involved in a total of thirty cases. Some interviews were, therefore, carried out with more than one young witness in the same case:

- Twelve cases (40%) involving fourteen young witnesses were heard in Crown Courts;
- Twelve cases (40%) involving seventeen young witnesses were heard in Magistrates Courts;
- Six cases (20%) involving six young witnesses were heard in Youth Courts.

	Age at Trial	Age at Research Interview
Mean	14.4 years	15.1 years
Range	9-17 years	9-18 years
9-10 years	2 (5.4%)	2 (5.4%)
11-12 years	7 (18.9%)	4 (10.8%)
13-14 years	5 (13.5%)	8 (21.6%)
15-16 years	18 (48.6%)	10 (27.0%)
17-18 years	5 (13.5%)	13 (35.1%)
TOTAL	37 (100%)	37 (100%)

Table 4: Age of Young People at Time of Trial and Time of Research Interview

	Crown	Magistrates	Youth	TOTAL
Antrim	5	1	-	6 (16.2%)
Armagh	1	-	-	1 (2.7%)
Belfast	2	9	4	15 (40.5%)
Craigavon	3	-	-	3 (8.1%)
Downpatrick	1	-	-	1 (2.7%)
Dungannon	-	-	1	1 (2.7%)
Enniskillen	2	1	-	3 (8.1%)
Londonderry	-	6	1	7 (18.9%)
TOTAL	14 (37.8%)	17 (46.0%)	6 (16.2%)	37 (100%)

Table 5: Number of Young Witnesses by Court Level and Location

Table 6 below provides information in relation to the young witnesses and the type of offence involved. As indicated, nineteen young witnesses (51.4%) attended court in relation to violent offences, fifteen (40.5%) in relation to sexual offences and three (8.1%) in relation to other offences (two in relation to offences of harassment and one in relation to robbery). Twenty-seven of the thirty-seven young witnesses (73%) were victims of an offence charged and twenty (54.0%) knew the defendant in the following ways:

- Neighbour/family friend (21.6%, n=8)
- Member of immediate or extended family (13.5%, n=5)
- Mother's partner or ex-partner (10.8%, n=4)
- Fellow school pupil (5.4%, n=2)
- Other relationship (2.7%, n=1).

	Victim	Non-Victim	TOTAL
Violent	11	8	19 (51.4%)
Sexual	13	2	15 (40.5%)
Other	3	-	3 (8.1%)
TOTAL	27 (73.0%)	10 (27.0%)	37 (100%)

Table 6: Number of Young Witnesses by Type of Offence and Status

The thirty trials in which the thirty-seven young witnesses were involved ended in the following ways:

- Twenty trials involving twenty-six young witnesses (70.3%) ended in conviction on one or more charges;
- Six trials involving seven young witnesses (18.9%) ended in acquittal on all charges;
- Four trials involving four young witnesses (10.8%) had other outcomes;
- Twelve trials were in relation to sexual offences and involved fifteen young witnesses. Six of these trials involving eight young witnesses ended in conviction on one or more charges, four trials involving five young witnesses ended in acquittal on all charges and two trials involving two young witnesses had other outcomes;
- Sixteen trials were in relation to violent offences and involved nineteen young witnesses. Twelve of these trials involving fifteen young witnesses ended in conviction on one or more charges, two trials involving two young witnesses ended in acquittal on all charges and two trials involving two young witnesses had other outcomes;
- Two trials were in relation to other offences. One trial involving two young witnesses concerned an offence of harassment and ended in conviction. One trial involving one young witness was in connection with an offence of robbery and also ended in conviction.

NSPCC YOUNG WITNESS SERVICE VOLUNTEERS AND PRACTITIONERS

Of the eleven volunteers who responded, eight were female and two were male (this data was missing in one case). Three of the practitioners were female and two were male. Two volunteers were aged 21-30 years, three were aged 51-60 years and five were aged 61-70 years. Four practitioners were aged 41-50 years and one was aged 51-60 years. The length of time volunteers had been involved with the YWS ranged from 10 months to 12 years whilst practitioners had worked for the service for between 3 and 8 years. Three volunteers had been involved in up to 10 cases involving young witnesses, two had been involved in between 11 and 20 cases, three in between 21 and 30 cases and three in between 31 and 40 cases. Nine of the volunteers had been involved in supporting young witnesses in the past year (this data was missing in two cases).

5. Waiting to go to Trial

Parents and young witnesses were asked how long it was between reporting the offence to the police and the trial. This information was, where possible, confirmed with information received from the YWS although in the majority of cases they were unable to supply the exact date the offence was reported to the police. As outlined in Table 7 below, the mean time between reporting of the offence and trial for fourteen young witnesses in Crown Courts was 18.1 months (range 9 – 36 months) and, for twenty-two young witnesses in Magistrates and Youth Courts it was 12.9 months (range 3 – 36 months).

These figures are similar to those reported by Plotnikoff and Woolfson, 2009 for young witnesses in Northern Ireland. They reported mean times between reporting the offence and trial of around 20 months (range 17 – 29 months) for seven young witnesses in Crown Courts and 13 months (range 9 – 16 months) for five young witnesses in Magistrates or Youth Courts.

	Crown	Magistrates/Youth	TOTAL
Mean	18.1 months	12.9 months	14.9 months
Range	9 – 36 months	3 – 36 months	3 – 36 months
6 months or less	-	3	3 (8.3%)
7 – 11 months	1	9	10 (27.8%)
12 months or longer	13	10	23 (63.9%)
TOTAL	14	22	36* (100%)

*Data missing for 1 young witness who gave evidence in Crown Court

Table 7: Waiting Times from Reporting Offences to the Police to Trial by Court Level

The YWS were also asked if trials took place on the first scheduled date and parents and young people also commented on this:

- Trials went ahead on the first scheduled date for twenty-two young witnesses (59.5%);
- Trials involving ten young witnesses (27.0%) were re-scheduled once;
- Trials involving five young witnesses (13.5%) were re-scheduled on two or more occasions (for two young witnesses the trial was re-scheduled on two occasions, for one it was re-scheduled three times and for two the trial was re-scheduled four times).

HOW YOUNG WITNESSES FELT WHILE WAITING FOR THE TRIAL

The majority of young witnesses (83.8%, n=31), described themselves as being very worried or anxious in the pre-trial period. Nineteen (51.4%) said that they had not been too worried at first but had become more anxious as the trial date approached and twelve (32.4%) said that they had been worried about court right from the outset. Table 8 below sets out the reasons young people gave for their worry in the pre-trial period and some of their comments are provided below:

"Anxiety set in about going into the courtroom....felt like it was me that did something wrong." (17 year old victim of violent offence).

"I felt scared because I didn't know what was going to happen or what to expect." (11 year old witness to violent offence).

"I was worried about the thought of being in a courtroom - it was scary knowing that there would be a judge there looking at you. And the barrister - the way they cut you off and stuff. I'd heard about this and seen things on TV so I was worried." (15 year old victim of violent offence).

"It feels different - I've never experienced anything like that before. As the time comes closer you feel, not scared, but thoughtful of it. You start to worry because you're not sure what's going to happen...It's something you would think about in your free time, after school and times like that...The thought of going into court and having to speak was a bit daunting and seeing (the defendant). When I found out it was by video it didn't seem as bad at all...You worry a bit about it but don't let it get to the point where it takes over. You have to try not to think about it but sometimes you do...Now you can tell yourself that it doesn't matter as much but at the time you kind of worry about how your mum is, how your sister is, how it affects them." (15 year old victim of harassment offence).

"My head was everywhere - I didn't know what to expect. Would they look down on me? Would I get into trouble?...It got to the point where I was crying an awful lot. I was worried about remembering, bringing it all back up again..I would think about it every night - crying in bed." (17 year old victim of sexual offence).

"I didn't feel that worried but then coming up to it I felt more nervous - trying to remember everything that happened and not miss out any details." (15 year old victim of violent offence).

	No. of Young Witnesses
Scared	17 (46.0%)
Intimidated by defendant/defendant's friends or family	17 (46.0%)
Delay in trial date	9 (24.3%)
Changes in trial date	8 (21.6%)
Anxious about giving evidence	21 (56.7%)
Other reason	14 (37.8%)

Table 8: Reasons Given by Young Witnesses for Worry in the Pre-Trial Period

Just over half of the young witnesses (54.0%, n=20) described one or more symptoms of anxiety and these are outlined in Table 10 below. Seventeen of the thirty-three parents interviewed (51.5%) also stated that their child had experienced stress symptoms while waiting to go to court with eight saying that they had sought counseling or therapy for the young person before the trial.

	No. of Young Witnesses
Sleep problems	15 (40.5%)
Bedwetting	1 (2.7%)
Panic attacks	4 (10.8%)
Depression	7 (18.9%)
Afraid to go out	13 (35.1%)
Self-harming	3 (8.1%)
Eating/appetite problems	4 (10.8%)
Overdose	2 (5.4%)
Saw General Practitioner	8 (21.6%)
Went for psychological help	8 (21.6%)
Received prescription medication	6 (16.2%)
Other symptom	10 (27.0%)

Table 10: Anxiety Symptoms of Young Witnesses in the Pre-Trial Period

Of the twenty young witnesses who described anxiety symptoms in the pre-trial period, fourteen waited twelve months or more between reporting the offence to the police and the trial (mean waiting time = 18.2 months). Nine (45.0%) had experienced re-scheduled trial dates (six had the trial re-scheduled once, one had it re-scheduled twice, one had it re-scheduled three times and one had it re-scheduled four times). Eighteen were victims of an offence charged (nine in sexual offence trials, eight in violent offence trials, and one in a harassment offence trial) and two were witnesses to an offence (one to a sexual offence and one to a violent offence).

Twenty-five young witnesses (67.6%) stated that their school attendance or performance had been affected in the pre-trial period (see Table 11). In relation to having missed days at school, some young witnesses included days missed due to attendance at court and not specifically as a result of anxiety or stress in the pre-trial period. It is clear, however, that for a significant number of the young witnesses in the study the pre-trial period was very difficult and that, for some, symptoms persist post-trial. Some comments from young witnesses and extracts from interview notes are presented after Table 11 to illustrate.

	No. of Young Witnesses
Missed days	23 (62.2%)
Dropped out altogether	1 (2.7%)
Poor concentration/difficulty in studying or taking exams	13 (35.1%)
In trouble at school for poor behaviour	3 (8.1%)
Bullied at school	6 (16.2%)
Other effect	6 (16.2%)

Table 11: Effects of Being a Young Witness on School Attendance and Performance

"I was always frightened...I had to leave school and my house in ***and move with my family. I am scared all the time, worried that it will happen again...I have attended a psychiatrist since the attack and some days I feel better than others - not sure that my teenage years should be so frightening...can't sleep well, I am also taking anti depressants which make me tired all the time." (13 year old victim of violent offence).

"Constant migraines, sleep walking, anti depressants and beta blockers for anxiety - attended psychiatry and counselling."
(Interview notes – 13 year old victim of violent offence).

"I was anxious about how they would put things across to me...I just wanted justice...I couldn't sleep if I had nightmares...I cut myself and tried to hang myself and took two overdoses." (16 year old victim of sexual offence).

"Mum reported attempted suicide which never came out in the interview and also impact on education which again didn't come out at interview with young person."
(Interview notes – 15 year old victim of sexual offence).

"Suffered from insomnia, eating and making herself sick, carving words into her arm, angry with herself, feeling suicidal."
(Interview notes – 16 year old victim of violent offence).

"Once it actually came to going to court I got really nervous...I suffered from nightmares and I cut my wrists." (15 year old victim of sexual offence).

...she had been badly traumatised with lack of sleep, not wanting to go outside and play or go to the library with her friends. Her mother says she is being bullied at school and has great difficulty in getting her to go."
(Interview notes – 9 year old victim of violent offence).

"...missed considerable amount of school due to anxiety symptoms, sleeping problems, the court case and counselling...bullied at school by a boy - I dont like *** he bullies me all the time - he even tried to hit me - I was frightened about going to court – I didnt want to talk to anyone" (Interview notes - 9 year old victim of sexual offence).

"I was bullied in school - they pushed into me, called me names and gave me dirty looks. I had to be moved out of some classes in school. Other people in my family were threatened too...I felt embarrassed in school because I still had visible marks on my face from the attack but I tried to cover them up with make-up."
(14 year old victim of violent offence).

"She was very depressed during the period following the offence and trial. She 'couldn't eat' and was 'really down'. She took two overdoses...She was on anti-depressants and sleeping tablets but used these to overdose in the second attempt and was taken off these - I was just scared and didn't want to go to school...I just didn't want to get out of bed.' She missed a lot of school as a result."
(Interview notes - 16 year old victim of sexual offence).

6. Pre-Trial Preparation and Support

PRE-TRIAL VISIT TO THE COURT

Just under half of the young witnesses in the study (48.6%, n=18) had a pre-trial familiarization visit to the court (fifteen young people had one pre-trial visit to the court and three had two visits). Data from parent interviews were available for seventeen of the eighteen young people who had a pre-trial visit to the court and indicated that the visit had been offered by:

- A supporter from the NSPCC Young Witness Service (15 cases)*;
- A police officer (3 cases)*;
- The prosecutor/prosecution staff (1 case).

* In two cases parents reported that a pre-trial visit to the court had been offered by both a police officer and an NSPCC supporter

All seventeen parents reported that this visit to the court before the day of trial had been helpful:

"It (court visit) was fantastic...he knew what was going to happen and where. It showed him that there was nothing to be scared of. I think it made him feel safe and comfortable." (Mother of 11 year old victim of violent offence).

"The NSPCC supporter showed the kids round the court and made them feel relaxed and secure in the knowledge that they were there to help." (Mother of 15 year old victim and 12 year old witness – violent offence).

The eighteen young witnesses were asked how the pre-trial visit to the court had made them feel. Although the responses were mostly positive, their answers did reveal a degree of ambiguity in contrast to the parents' views outlined above:

- Two young people said the visit made them feel more confident;
- Seven said it helped them know what to expect;
- Four said it made them feel more worried;
- Two said it made them feel more confident and helped them know what to expect;
- Two said it helped them know what to expect but also made them feel more worried;
- One young person said the visit made her feel more confident and helped her know what to expect but also made her feel more worried.

Some of the comments made by young witnesses regarding their pre-trial court visits are presented below to illustrate;

"I felt worried by the visit - it started me thinking about actually being in court."
(15 year old victim of violent offence)

"I got everything I needed to know the day I visited the court."
(17 year old victim of sexual offence).

"Visiting the court made me feel more worried. You only see stuff like that in Eastenders and all - you don't think it's going to happen to you."
(15 year old victim of sexual offence).

"It felt alright. I knew where everything was. They showed me where I would be giving evidence and all. I knew there would be people there to help me."
(11 year old victim of violent offence).

"Visiting the court made me more anxious - seeing where you had to stand and where everybody else would be sitting. They explained the video-link bit to me and I was a bit more relieved that I wouldn't actually be in the courtroom."
(15 year old victim of violent offence).

"I felt better that I knew where it was." (12 year old witness to violent offence).

"It helped a bit but it also made what was going to happen real."
(16 year old victim of sexual offence).

"I was more at ease knowing what to expect." (17 year old victim of sexual offence).

In total, seven young people said that the pre-trial visit to the court had made them feel more worried with four saying that this was the only feeling it had engendered in them. There did not, however, appear to be any connection between feeling more worried as a result of the pre-trial visit and its timing. Of the young people who said it made them feel more worried, two had visited the court the day before the trial, one had visited 2-7 days before, two had visited 1-4 weeks before and two had visited more than 4 weeks before.

As outlined in Table 12 below the majority of the young witnesses who had a pre-trial visit to the court (77.8%, n=14), regardless of when this had taken place, thought that it had occurred at about the right time.

	Right Time	Too Late	Too Early	Don't Know	TOTAL (% of 18)
Day before	3	-	-	2	5 (27.8%)
2–7 days before	8	-	-	-	8 (44.4%)
1-4 weeks before	2	-	1	-	3 (16.7%)
More than 4 weeks before	1	1	-	-	2 (11.1%)
TOTAL	14 (77.8%)	1 (5.5%)	1 (5.5%)	2 (11.1%)	18 (100%)

Table 12: Young Witnesses' Views on the Timing of Pre-Trial Visits to Court

Seventeen of the eighteen young people (94.4%) who had pre-trial visits to the court said those taking them round the court checked if they had any questions and answered these. One young person (a 16 year old victim of a sexual offence), however, reported that she had felt too traumatized to ask questions and had not spoken during her visit to the court. All eighteen young people said that they had been shown round the court by a supporter from the NSPCC Young Witness Service (YWS) and all but one of the young people had also been accompanied by one of their parents. Some young people mentioned that others had been present during their visit who either helped show them round or introduced themselves:

- Five young people stated that a police officer had been present;
- Two young people stated that the Court clerk had been present;
- Three young people stated that other court staff had been present;
- One young person stated that a social worker had been present.

The eighteen young witnesses were asked about what had happened during their pre-trial visit to the court and their responses are presented in Table 13 below. As indicated, the majority saw the room where they would wait before giving evidence, a courtroom and the TV link room. Only a small number, however, practised speaking on the TV link (16.7%, n=3).

As will be reported later, the majority of the thirty-five young witnesses in the study who gave evidence (88.6%, n=31) did so by TV link either from a TV link room within the court building or from a TV link at a remote location. It would have been useful, therefore, for young people to have not only seen but also practised on the TV link. It is not clear from interviews with young people, however, whether they were actually offered the opportunity to practise on the TV link but declined to do so.

	No. of Young Witnesses (% of 18)
I saw the room where I would wait before giving evidence	16 (88.9%)
I saw a courtroom	15 (83.3%)
I saw the TV link room	16 (88.9%)
I practiced speaking on the TV link	3 (16.7%)
I practiced speaking in the courtroom from the witness box	4 (22.2%)
I saw screens in the courtroom	8 (44.4%)
I saw part of a trial in progress, watched from the public seats	1 (5.5%)

Table 13: What Happened During Pre-Trial Visits to Court

All of the 19 young witnesses who did not have a pre-trial court visit before the day of trial said that they were shown a courtroom and/or a TV link room on the day of the trial. Just under one third (31.6%, n=6), however, said that they would have liked to have visited the court before the trial:

"It would help you because you wouldn't feel as anxious about it - you would know the surroundings and it would make you feel a bit more comfortable."
(15 year old victim of harassment offence).

PRE-TRIAL CONTACT WITH A SUPPORTER FROM THE NSPCC YOUNG WITNESS SERVICE

Interviews with young people and parents indicated that twenty of the young witnesses in the study (54.0%) had pre-trial contact with a supporter from the NSPCC Young Witness Service (YWS). As indicated in Table 14 below, thirteen young witnesses (35.1) had pre-trial contact with a supporter at both a visit to the court and a home visit, five (13.5%) during a visit to the court only, two (5.4%) at a home visit only and seventeen (45.9%) had no pre-trial contact:

Both Court Visit and Home Visit	Court Visit Only	Home Visit Only	No Pre-Trial Contact	TOTAL
13 (35.1%)	5 (13.5%)	2 (5.4%)	17 (45.9%)	37 (100%)

Table 14: Pre-Trial Contact With a Supporter

The timing of pre-trial contact varied (range 1 day before – 7 weeks before). Even offers of support that came close to the trial date, however, were felt to have come at about the right time by the majority of parents whose child had pre-trial contact with a supporter (see Table 15 below). Only two parents said that the offer of support had come too late for their child (one was the mother of a 13 year old victim of a sexual offence who had contact with a supporter one week before the trial; one was the mother of a 13 year old victim of a violent offence who had contact with a supporter four weeks before the trial).

	Right Time	Too Late	Too Early	TOTAL (% of 19*)
Day before	1	-	-	1 (5.3%)
2–7 days before	4	1	-	5 (26.3%)
1-4 weeks before	7	1	-	8 (42.1%)
More than 4 weeks before	5	-	-	5 (26.3%)
TOTAL	17 (89.5%)	2 (10.5%)	- (0%)	19* (100%)

*Data missing for 1 parent whose child had pre-trial contact with a supporter

Table 15: Parents’ Perceptions of Timing of Pre-Trial Contact

Parent interviews indicated that, of the young witnesses who had contact with a supporter before the trial:

- Four (20%) had one pre-trial contact;
- Ten (50%) had two pre-trial contacts;
- Four (20%) had three pre-trial contacts;
- One (5%) had ten pre-trial contacts;

(Data is missing for one young person whose parent was not interviewed as part of this study).

The majority of young witnesses who had pre-trial contact with a supporter said that they had been shown how to deal with feeling tense (six said this did not happen, one could not remember and one did not answer) and all but one, (95%, n=19), said that contact with the supporter had made them feel better about going to court. Parents and young people were both asked if the young witness had had enough time with the supporter before the trial and the results are presented in Table 16. As outlined, 75% (n=15) of young people and 78.9% (n=15) of parents felt that there had been enough pre-trial contact. The parents and young people were also asked how much difference the supporter had made (see Table 17) with 85% of young people (n=17) and 89.5% of parents (n=17) saying either that the supporter had made a lot of difference or that it was contact with the supporter that had made it possible for the young person to go to court.

	No, Not Enough Contact	Yes, Enough Contact	TOTAL
Young Person's View (% of 20)	5 (25.0%)	15 (75.0%)	20 (100%)
Parent's View (% of 19*)	4 (21.1%)	15 (78.9%)	19* (100%)

*Data missing for 1 parent whose child had pre-trial contact with a supporter

Table 16: Did the Young Witness Have Enough Pre-Trial Contact With the Supporter?

	No Difference	A Little Difference	A Lot of Difference	Made it Possible for Child to go to Court	TOTAL
Young Person's View (% of 20)	- (0%)	3 (15.0%)	10 (50.0%)	7 (35.0%)	20 (100%)
Parent's View (% of 19*)	- (0%)	2 (10.5%)	8 (42.1%)	9 (47.4%)	19* (100%)

*Data missing for 1 parent whose child had pre-trial contact with a supporter

Table 17: How Much Difference Did the Supporter Make?

In contrast to Plotnikoff and Woolfsons' (2009) findings that pre-trial contact with a supporter did not always mean continuity of support from the same person through to the trial, the majority of parents in this study (84.2%, n=16) stated that their child saw the same person both before and on the day of trial:

"She (NSPCC Supporter) gave me a better idea of what it would be like to give evidence...The booklets I saw helped because they showed the layout of the court and stuff like that." (16 year old victim of sexual offence).

"The (Young Witness Service) came out to the house and went over all aspects of the case, Felt she was really helpful and pleasant." (Parent of 17 year old victim of sexual offence).

Of the thirty-seven young witnesses, thirty-six (97.3%) said that someone had helped them by explaining about court and answering their questions although often this was on the day of trial:

- Thirty-two (86.5%) said that the NSPCC YWS had helped them;
- Fifteen (40.5%) said that a parent or other relative had helped;
- Thirteen (35.1%) said that help had been provided by a police officer;
- Eight (21.6%) said the prosecutor/prosecution staff had helped;
- One (2.7%) said the court clerk had helped them;
- One (2.7%) said that the judge had helped;
- One (2.7%) said that a friend had helped;
- One (2.7%) said that someone had helped them but they could not remember who that person was;
- One (5.4%), an 11 year old witness to a violent offence, said that no-one had helped.

All of the young witnesses were asked if they had been given key advice about court and the results are presented in Table 18:

Were you told...	Yes	No	Don't Know	TOTAL
that you could tell the court if you didn't understand a question?	35 (94.6%)	1 (2.7%)	1 (2.7%)	37 (100%)
that you could tell the court if you needed a break?	35 (94.6%)	1 (2.7%)	1 (2.7%)	37 (100%)
that you could tell the court if you felt upset?	28 (75.7%)	7 (18.9%)	2 (5.4%)	37 (100%)
That a lawyer might say that you were not telling the truth?	29 (78.4%)	7 (18.9%)	1 (2.7%)	37 (100%)

Table 18: Key Advice About Court Given to Young Witnesses

The young witnesses named a total of one hundred and eighty-six individuals who had given them one or more of these key pieces of advice:

- On one hundred and three occasions (55.4%) this was a supporter from the YWS;
- On thirty-five occasions (18.8%) it was a police officer;
- On eighteen occasions (9.7%) it was a parent or other relative;
- On fifteen occasions (8.1%) it was the prosecuting lawyer;
- On eleven occasions (5.9%) it was the judge;
- On four occasions (2.2%) it was the court clerk.

Parent interviews were carried out in respect of thirty-three of the thirty-seven young witnesses in the study and they were asked about information they had received prior to the trial:

- Twenty-three parents (69.7%) said that they had been given a telephone number to call if they had any questions;
- Twenty-four (72.7%) said that someone had explained about the TV link and other special measures;
- Eighteen (54.5%) said that someone had kept them informed about what was happening in the case and 45.5% (n=15) said that no-one had kept them informed;
- Seven (21.2%) said that no-one gave them a phone number to call, explained about special measures or kept them informed about what was happening in the case

Parents indicated that information was often received from more than one source. Twenty-three parents (69.7%) indicated that the source of the above information was the NSPCC YWS, eighteen (54.5%) that it was a police officer, four (12.1%) that it was the prosecuting lawyer and one (3.0%) could not remember who the source was. Some parents were very critical about the lack of information before the trial:

"There was very limited information from the police."
(Parent of 15 year old victim of violent offence).

"We didn't really get any information on what to expect."
(Parent of 11 year old witness to violent offence).

"We weren't given any information before court, just a letter from the PPS saying that the case was going ahead...The police failed to make contact with us after promising to do so. They failed to return our calls...When they did make contact her (police officer's) attitude was disgusting - she just didn't seem interested and gave us no information at all." (Parent of 14 year old victim of violent offence).

"We were not informed with regards to what was happening with the case but the police did ring the day before going to court just to make sure we were all ok to attend." (Parent of 17 year old victim of violent offence).

"The police didn't want to know when I reported that my child had been intimidated by the defendant a week before going to court to give evidence."
(Parent of 15 year old victim of harassment offence).

In terms of materials from the Young Witness Pack, twenty-two parents (59.5%) said that they had received the booklet *'Your Child is a Witness'* and eighteen of the young people (48.6%) stated that they had seen young witness booklets. Sixteen of these eighteen young people had had pre-trial contact with a supporter from the NSPCC YWS. The young witnesses stated that they received booklets from:

- A supporter from the NSPCC YWS (83.3%, n=15);
- The prosecuting lawyer (5.6%, n=1)
- Not sure who gave them the booklet (11.1%, n=2)

Of the eighteen young witnesses who saw booklets from the Young Witness Pack, twelve (66.7%) said that someone read the booklets with them and explained things – three young people said that this was a parent and nine said that it was a supporter from the YWS. Eleven (61.1%) said that the booklets had been helpful, one (5.6%) said they did not know whether the booklets had been helpful or not, one (5.6%) did not comment on the helpfulness of the booklets and five (27.8%) said that the booklets had not been helpful. Two of these young people said that no-one had read through the booklets with them and four said that, although they had received the booklets, they had not read them:

"I was so fed up with delays that I didn't really pay attention."
(16 year old victim of sexual offence).

"I didn't really read them." (15 year old victim of sexual offence).

"I never really looked at it." (15 year old victim of sexual offence).

Only two young witnesses (5.4%) said that they had seen the explanatory DVD *'Giving Evidence: What It's Really Like'*. Both said it had been shown to them by a supporter from the YWS who had watched it with them and explained things and both said that it had been helpful.

Eleven young witnesses (29.7%) stated that they had obtained information about going to court from other sources and ten said that this had been helpful. The sources of this information were:

- A parent or other relative (5 young witnesses);
- A counsellor (two young witnesses);
- The NI Court service (one young witness);
- The prosecuting lawyer (one young witness);
- A television drama (one young witness) – this was described as not helpful.

None of the young witnesses in the study mentioned searching for information on the internet and only two (6.1%) of the thirty-three parents interviewed said that they had looked for information in this way. Only one parent (3.0%) said that they had looked at the '*Witnesses Virtual Walkthrough*' on The Criminal Justice System Northern Ireland (cjsni) website and she described this as helpful. Most parents, however, stated that they were not aware that this resource existed.

7. Arrangements at Trial and Special Measures

GETTING TO COURT

The thirty-three parents interviewed were asked if they were offered transport to the trial:

- Fourteen (42.4%) were offered help with transport, although only one accepted;
- Nineteen (57.6%) said that no offer of transport was made.

Thirty-one of the thirty-seven young people interviewed had entered the court building and six had waited at a remote TV link location. A number of those who entered the court building, however, reported that they were subsequently taken to a remote TV link location to wait. Young people reported that they entered the court building in the following ways:

- Ten (32.3% of 31) had used a rear or side entrance;
- Twelve (38.7%) used the public entrance but were met by an official escort;
- Nine (29.0%) used the public entrance on their own.

"More support is needed beforehand. On the day, when we went in, I would have liked someone to meet us. Initially we were sitting right beside the guy who the case was about. They should make sure that that can't happen. The kids could have been taken to (TV link room) in the first place to avoid them meeting that guy."
(Parent of 12 year old victim of violent offence).

WAITING AT COURT

Whilst the majority of the thirty-seven young witnesses (78.4%, n=29) waited to give evidence away from the public, 21.6% (n=8) reported waiting in two different locations. In most cases this involved some time waiting in the public waiting area before being moved to a separate waiting area or remote location. In one case a young witness had waited in the public waiting area through part of one trial and then in a separate waiting area when the trial had to be heard again:

- Twenty-three (62.1%) waited to give evidence away from the public in a separate waiting area;
 - Six (16.2%) waited at the location of a remote TV link away from the court building;
 - Eight (21.6%) reported that they had waited in 2 different locations.
-

"I didn't know what was going to happen but we were helped quite a lot by the NSPCC - they brought us into a separate room where we could relax and play games and things. They were very hospitable - they helped me to calm down and told me what was going to happen." (16 year old victim of harassment offence).

"We waited in the Young Witness Service room, but you had to leave the building at lunchtime which was a bit strange, once we knew we took a packed lunch." (Parent of 12 year old victim of sexual offence).

"It (remote TV link room) was far better (than public waiting area), there was a lot more room and I knew where everything was." (13 year old witness to harassment offence).

As outlined in Table 19, although the majority of young people reported that drinks and snacks and magazines/toys, etc were available while they waited, four (10.8%) stated that they were bored whilst waiting as they had nothing to do:

	No. of Young Witnesses (% of 18)
I brought something to do in case I had to wait	7 (18.9%)
I brought drinks or snacks with me	5 (13.5%)
There were drinks or snacks available/vending machines	23 (62.2%)
There were toys, magazines, TV/video/DVDs available	28 (75.7%)
There was nothing to do/nothing age or gender appropriate	4 (10.8%)

Table 19: Was There Anything to do While Waiting?

Seven young witnesses (18.9%) said that they felt 'OK' whilst waiting to give evidence but the majority (78.4%, n=29) stated that they felt very nervous, anxious or upset:

"I knew it was happening, I was there and there was no going back...I took a panic attack on the first day of court. My daddy reassured me and got me a drink of water." (16 year old victim of sexual offence).

"I was really shaky - I thought I was going to be sick or going to faint. I had funny feelings - butterflies in my stomach and light-headed." (15 year old victim of violent offence)

"It was very, very nerve-wracking. We were all shook up. Me and my sister were arguing because my nerves were building up." (17 year old victim of sexual offence).

"I was a mess, I cried the whole day..." (17 year old victim of sexual offence).

"I wanted to run away." (17 year old victim of violent offence).

Twenty-three young witnesses (62.2%) reported that they had seen the defendant during the trial. Of these:

- Eleven (47.8%) saw the defendant whilst going into/out of the court building;
- Eight (34.8%) saw the defendant when they were in the court building;
- Four (17.4%) saw the defendant whilst going into/out of the court building and when they were in the court building.

"He (the defendant) waved at me from the front door."
(9 year old victim of sexual offence).

"We saw (defendant) on our way into the court. It wasn't a very nice experience. He stared at us and it was very uncomfortable."
(13 year old victim of sexual offence).

"It was intimidating because he (defendant) said things to me when I was walking past." (17 year old victim of sexual offence).

"We went through the security check and into the cafe - she (defendant) was at the front door and, when I saw her, I got scared."
(12 year old witness to violent offence).

"When I was in the main waiting area I saw (defendant) – he was sitting about two seats down from us." (12 year old witness to violent offence).

"I saw (the defendant) waiting to go into the court. He still scares me and this didn't help at all - he should have been brought in through a back door." (16 year old witness to violent offence).

As outlined in Table 20 below, nearly three quarters of the young witnesses (73.0%, n=27) recalled being introduced to the prosecution lawyer and over one quarter (27.0%, n=10) to the defence lawyer whilst waiting at court. It is worth noting, however, that young witnesses were sometimes confused about who was who and they may have mixed up

prosecution with defence representatives. Three witnesses (8.1%) recalled being introduced to the judge and 16.2% (n=6) stated that they had been introduced to people but were unsure who they were. Only one witness (2.7%) specifically identified that they had been introduced to no-one:

Whilst waiting at court I was introduced to...	No. of Young Witnesses (% of 18)
The prosecution lawyer/someone from the PPS	27 (73.0%)
The defence lawyer	10 (27.0%)
The judge	3 (8.1%)
People but I don't know who they were	6 (16.2%)
No-one	1 (2.7%)

Table 20: Who Young Witnesses Said They Were Introduced to Whilst Waiting at Court

LENGTH OF TIME WAITING

Parents, and young people in cases where a parent was not interviewed, were asked to give the time they actually arrived at court each day and the time the young person was called to give evidence. They were asked to include days when they were sent away without giving evidence. There are many gaps in this data as parents and young people often could not remember, especially if the trial had been re-scheduled a number of times, and information is not available for five young witnesses in the study (three who attended Crown Courts, one who attended a Magistrates Court and one who attended a Youth Court). The mean waiting time in Crown Courts for eleven young witnesses was 12 hours and in Magistrates/Youth Courts for twenty-one young witnesses it was 5.9 hours. As illustrated in Table 21, these figures are similar to those reported by Plotnikoff and Woolfson, 2009. They found that the mean waiting time for five young witnesses at Crown Courts in Northern Ireland was 12.7 hours and, for five young witnesses in Magistrates/Youth Courts, it was 6.3 hours.

	Plotnikoff & Woolfson (2009)	Current Study
Crown Court	12.7 hours (5 young witnesses)	12.0 hours (11 young witnesses)
Magistrates/Youth Court	6.3 hours (5 young witnesses)	5.9 hours (21 young witnesses)

Table 21: Mean Waiting Times for Young Witnesses at Courts in Northern Ireland

As outlined in Table 22 below, 60% (n=21) of the thirty-five young witnesses who gave evidence did so from a TV link room at the court building, 28.6% (n=10) from a TV link at a remote location and 11.4% (n=4) in open court. Three young witnesses gave evidence without any special measures at all – a 14 year old victim of a violent offence, a 15 year old witness to a sexual offence and a 17 year old victim of a violent offence.

	No. of Young Witnesses (% of 35)
In TV Link Room at Court Building	21 (60.0%)
In TV Link Room at Remote Location	10 (28.6%)
In Open Court	3 (8.6%)
In Open Court Screened from the Defendant	1 (2.8%)
TOTAL	35 (100%)

Table 22: How Young Witnesses Gave Evidence

The majority of young witnesses (82.8%, n=29) said that they had given evidence the way they wanted. This included one young person who gave evidence in open court without any screens. Four young witnesses, however, were not happy with the way they gave evidence with most saying they would have preferred to have given evidence in open court rather than via the TV link. A further two young witnesses were unsure about the way they had given evidence, indicating that they would have preferred more discussion of the options:

“I didnt know there were any other options.” (15 year old witness to sexual offence).

“I would have loved to give evidence in the court room but they wouldn't allow it - the judge said no. I thought not doing it in court made it look as if I was scared.”
(15 year old victim of sexual offence).

“I would have preferred to give evidence in open court, I was not afraid of (defendant).” (16 year old witness to violent offence).

“No other options were discussed - would have liked to consider giving evidence in open court.” (Interview notes - 16 year old victim of sexual offence).

“Would have preferred to have been in court - thought it would go in defendant’s favour not to be there but father insisted on video link.”
(Interview notes - 16 year old victim of violent offence).

“You should be allowed to make the decision about how you give evidence.”
(15 year old victim of sexual offence)

Of the thirty-one young witnesses who gave evidence via the TV link, 41.9% (n=13) experienced some delays or problems with the equipment. This included problems with sound, the angle of the camera or the equipment not working at all. While much of this appeared to result in minor delays, in one case problems with the equipment resulted in the witness having to come back the next day and in another to the trial being rescheduled.

Overall, 41.9% (n=13) of those who gave evidence by TV link said that they saw the defendant on the screen at some point whilst they were giving evidence:

"I could see his (defendant's) head and his face just a couple of times when they were switching between the lawyer and the judge. This made me feel a bit nervous - it would be better if you couldn't see anyone except the judge and the lawyer." (16 year old victim of harassment offence.)

"I could see (defendant) - not his face like, just his chest and that was scary because I knew he could see me. I was scared because I was giving evidence about him and I thought he might go away to jail and he would know who I was and what school I went to - I was wearing my school uniform." (12 year old witness to violent offence).

"One time the camera slipped and I saw (defendant) for a split second." (17 year old victim of sexual offence).

"I saw (defendant) on the video-link on the first day. By accident the camera was zoomed out - the judge was very apologetic about it. Seeing him brought even more memories back. I broke down and started crying and had to stop for a while." (15 year old victim of sexual offence).

Twenty-five (80.6%) of the young witnesses who gave evidence by TV link said that they were aware that the defendant could see them. Fourteen reported that they had been made aware of this during a pre-trial visit to the court and eleven said they only found this out on the day of the trial. Four reported that this was a problem for them because it made them feel anxious.

Of the fifteen young witnesses who gave evidence in trials concerning sexual offences, only 13.8% (n=2) reported that the public was excluded from the courtroom. Communication/sign language interpreters were used in two cases and, of the fourteen young witnesses who gave evidence in Crown Courts, 35.7% (n=5) recalled being specifically asked if they wanted the removal of gowns and wigs. In many cases, however, young people noted that gown/wigs had been removed automatically.

WITNESS NEEDS AND CHOICE

As outlined in Table 23 below, the most commonly reported needs of the young person identified by the thirty-three parents interviewed was that they were worried about going to court (93.9%, n=31), followed by experiencing stress symptoms (51.5%, n=17) and being intimidated by the defendant / defendant’s friends/family while waiting to go to court (48.5%, n=16). Few parents indicated that anyone had spoken to them about these specific needs, although it is unclear if this is because this didn’t happen or the data is simply missing.

	No. of Parents Reporting (% of 33)
Religious or cultural needs	0 (0%)
Health issues such as asthma, hearing /sight / mobility	4 (12.1%)
Conditions such as dyslexia, learning difficulties, ADHD	4 (12.1%)
Short attention span for their age	2 (6.1%)
Poor level of speech and understanding	1 (3.0%)
Unable or unwilling to say if they don’t understand a word or question	4 (12.1%)
Intimidated by the defendant / defendant’s friends/family while waiting to go to court	16 (48.5%)
Worried about going to court	31 (93.9%)
Stress symptoms while waiting to go to court (e.g. sleep or eating problems, bedwetting, depression)	17 (51.5%)

Table 23: Needs of Young Witnesses Identified by Parents

“* was frightened, terrified of the defendant and she had to take tablets to help her relax and she had mild asthma before this and had to up her inhaler use. She was very stressed, moody, tearful and found it hard to concentrate at college.”***
(Parent of 17 year old victim of sexual offence).

“He was more worried about the court case on the day of attendance, he experienced nose bleeds due to the stress and anxiety of going to court.”
(Parent of 17 year old victim of violent offence).

“One of my children was intimidated by the defendant one week prior to the trial, we reported this to the police who did nothing about it.”
(Parent of 13 year old victim of harassment offence).

“He had trouble sleeping and he cried a lot and wet the bed and all. I talked to the PPS about his fear.” (Parent of 11 year old victim of violent offence).

Three quarters of parents (75.8%, n=25) said that someone asked their child about their views on Special Measures. Of these, almost all indicated that discussions about their child’s needs and wishes had involved the NSPCC YWS (92.0%, n=23) and a further 40% (n=10) involved the police. When asked who had been most helpful in finding out about the young person’s needs and wishes all of the parents indicated the YWS had been the most helpful while a quarter (24%, n=6) also named the police. In all of the cases where parents reported that no-one had asked their child’s views on Special Measures (24.2%, n=8), the young person had no pre-trial contact with the YWS.

As outlined in Table 24, parents generally rated the court as taking their child’s needs into account very well or quite well, although one quarter of those who responded (23.3%, n=7) thought the court had not been good at taking account of the their child’s welfare in relation to the stress they experienced and 21.2% (n=7) thought that their child’s security in terms of not seeing the defendant at court had not been dealt with well.

How well did the court take account of your child’s...	Very Well	Quite Well	Not Well	TOTAL*
health needs (e.g. tiredness, time allowed to take medication)	12 (46.2%)	12 (46.2%)	2 (7.7%)	26 (100%)
developmental needs (e.g. attention span and level of understanding)	13 (48.1%)	13 (48.1%)	1 (3.7%)	27 (100%)
welfare (e.g. in relation to any stress experienced by your child)	14 (46.7%)	9 (30.0%)	7 (23.3%)	30 (100%)
security (e.g. ensuring your child did not see the defendant at court)	16 (48.5%)	10 (30.3%)	7 (21.2%)	33 (100%)

*Excludes missing data

Table 24: Parents’ Perceptions of How Well Court Took Account of Their Child’s Needs

"She didn't have to see (defendant) before going into court - that could have been avoided. As a parent you want to protect your child - I thought that was ridiculous."
(Parent of 12 year old witness to violent offence).

"I thought, even though it's his job, that he (defence lawyer) was the lowest of the low - doing that to young children, making them out to be liars - it could destroy some kids."
(Parent of 12 year old witness to violent offence).

"NSPCC were very helpful in keeping the young people calm, (also providing stress putty), telling stories and trying to lighten the atmosphere. They tried their very best to keep us out of contact with the defendant but we did see the defendant but this was the fault of the courts, it's inevitable you were going to meet somewhere along the way on the day." (Parent of 18 year old victim of violent offence).

REFRESHING THE WITNESSES MEMORY

Just over a third of the young witnesses (35.1%, n=13) reported that the police had made a video of their interview and two thirds (64.9%, n=24) said that a written statement was taken. Of the thirteen young who had a video made, two were not shown it before the trial started. Of the eleven that viewed their video prior to giving evidence:

- Seven (63.6%) saw it on the morning of the trial;
- Three (27.3%) saw it the week before the trial;
- One (9.1%) could not remember when they viewed the video.

In most cases (84.6%, n=11) the video was used in court and, whilst a number of the young witnesses found this helpful, 36.4% (n=4) did not and indicated that they had had to repeat much of what was in their video statement when giving evidence. Most were unsure if their video had been edited or not. Eight of the young witnesses (66.7%) found watching the video for the first time upsetting and seven (58.3%) said that it made them feel strange. They also reported, however, that it had helped to refresh their memories:

"Watching it back helped me a lot - it helped me to remember."
(17 year old victim of sexual offence).

"It brought it all back again and helped me to remember. It refreshed my mind so that I could remember the order of how things happened and also made me remember other things that I had forgotten to say in my statement."
(15 year old victim of sexual offence).

Of the twenty four who had given a written statement, a small number (n=4, 16.7%) had not been given a chance to review it before the trial. In total six young witnesses had not seen either their video interview or statement before giving evidence, although only one reported a problem with remembering what they had said to the police.

8. Answering Questions

As displayed in Table 25, whilst just under one third (31.4%, n=11) of the young witnesses who gave evidence reported feeling fairly confident when answering questions, the majority felt nervous with just under one half (48.6%, n=17) feeling upset, scared or shaky, one quarter (25.8%, n=9) feeling confused and 14.3% (n=5) feeling physically sick. Often this distress extended to parents almost all of whom watched their child give evidence and some of whom had to give evidence themselves. Some comments are included after Table 25 to illustrate.

	No. of Young Witnesses (% of 35)
OK, quite confident	11 (31.4%)
Nervous	23 (65.7%)
Upset/scared/shaky	17 (48.6%)
Sick	5 (14.3%)
Confused	9 (25.8%)
Other (dizzy, tearful, crying, very distressed)	4 (11.4%)

Table 25: How Young Witnesses Felt Whilst Answering Questions

"I couldn't possibly have been more nervous. I was unbelievably shaky, drinking water and a bit sweaty. I had a stress relief ball and I was squeezing the life out of it. I was worried about what he (defence lawyer) would ask me next and I thought - this guy is going to be so mean to me. I know it's his (defence lawyer) job but he could have been nicer. It was the hardest experience of my life. I know all I had to do was tell the truth but the way he was getting on with me made me think this is just too tough."
(17 year old victim of sexual offence).

"When I was answering questions I felt shaky and nervous and I felt as if I was mumbling. I just wanted to get it over with." (16 year old victim of violent offence).

"It's very stressful watching your child give evidence especially when you know things are being said from other parties that are untrue."
(Parent of 18 year old victim of violent offence).

"I was kind of anxious in case I said anything wrong...When I was answering questions it was scary. I was scared in case I missed anything out and I had to make sure that I said everything clearly and didn't forget anything." (11 year old victim of violent offence).

82.9% (n=29) of the young witnesses felt they had been able to tell the court everything they wanted to say and 57.1% (n=20) said they had understood all the questions they were asked. 62.9% (n=22) indicated that the judge had asked the defence lawyer to change how they asked questions on at least one occasion and 42.6% (n=15) recalled the prosecution lawyer complaining about the way questions were asked by the defence lawyer. Of the fifteen young witnesses who reported not understanding all the questions, nine (60.0%) said that they had felt unable to tell the judge they had a problem.

When describing how they were asked questions by the defence lawyer, young witnesses commonly described the questions as repetitive or too long/complicated. One third thought the questions jumped around in terms of time (34.3%, n=12) or placed unrealistic demands on their memory (31.4%, n=11) and 11.4% (n=4) thought the questions were too fast (see Table 26). The majority (69.9%, n=22) were offered a break whilst giving evidence and of those that were not, only two indicated that they would have liked to have a break.

	No. of Young Witnesses (% of 35)
Too fast	4 (11.4%)
Too long/complicated	16 (45.7%)
Repetitive	27 (77.1%)
Jumped around in time	12 (34.3%)
Placed unrealistic demands on memory	11 (31.4%)

Table 26: How Young Witnesses Described the Questions Asked by the Defence Lawyer

Almost all of the young witnesses (94.3%, n=33) felt that the prosecution lawyer was polite whereas twenty-seven (77.1%) described the defence lawyer as not being polite. Table 27 below outlines how young witnesses described the behaviour of defence lawyers and some comments are provided to illustrate:

"The judge had to tell the lawyer to stop the nasty questions...he frightened me because he shouted all the time, not only at me but at my mum!"
(9 year old victim of sexual offence).

"She (defence lawyer) was firing the questions out at me and it made me really scared in case she made me say the wrong thing. She was tricking me to get me to say something wrong. I also felt dizzy when she was asking me questions. I said I felt dizzy and the judge asked me if I wanted a break - (NSPCC volunteer) gave me a drink of water. She kept repeating the questions to get the answers she wanted and the judge had to stop her and tell her I'd already answered. She made me feel annoyed and my head was spinning. I was very nervous and felt shaky. My hands were sweaty because she was being so hard on me - I hated her." (12 year old witness to violent offence).

"I felt intimidated because the defence lawyer was using big words. He asked me who was coaching me and said because I was at ** school I was uneducated. He tried to belittle me." (16 year old victim of sexual offence).***

"He (defence lawyer) kept asking me the same thing only in a different way. He tried to put words in my mouth and say that I'd made it all up. He was trying to catch me out all the time and confuse me. As I went to answer a question I wouldn't get to finish because he asked me another question." (15 year old victim of harassment offence).

"It's really not a pleasant experience at all...He (defence lawyer) made me feel as if I was nothing. He was really intimidating and made me out to be a liar. The judge had to stop him at one point because he was too nasty." (17 year old victim of sexual offence).

"It was quite hard to remember stuff...He (defence lawyer) was trying to trick me – he asked a lot of stupid questions...She (prosecution lawyer) told the judge to make him (defence lawyer) stop when he was trying to trick me." (12 year old witness to violent offence).

"I didn't feel like I was believed – he (defence lawyer) was trying to put me down." (16 year old victim of violent offence).

The defence lawyer...	No. of Young Witnesses (% of 35)
Talked over my answers	15 (42.6%)
Tried to put words in my mouth	23 (65.7%)
Asked me to show on my body where I was touched	1 (2.9%)
Was sarcastic/rude	16 (45.7%)
Was cross	9 (25.8%)
Was aggressive	11 (31.4%)
Said I was lying once	5 (14.3%)
Said I was lying more than once	21 (60.0%)
Other*	7 (20.0%)

* Other comments included the defence lawyer shouting at them, ridiculing their parents, belittling them, mumbling, pulling faces or not looking at them when they were speaking.

Table 27: How Young Witnesses Described the Behaviour of the Defence Lawyer

Overall almost two thirds of the young witnesses (64.7%, n=22) felt that they had been treated fairly when they were asked questions. Of the thirty-three parents interviewed, 72.7% (n=24) also stated that they felt their child had been treated fairly at court. For those that felt their child had been treated unfairly (27.3%, n=9) most described inappropriate and unnecessarily harsh questioning on the part of the defence lawyer as their reason for thinking this:

"He done very well even though there was a bit of pressure put on him. The judge asked him (defence lawyer) to speak to my son in a way that he would understand."
(Parent of 12 year old victim of violent offence).

"He was treated very well by the NSPCC representatives, the judge and the prosecutor who offered him a considerable amount of support. To be honest, I think what the defence lawyer did was despicable but the judge was very good at keeping a lid on it and she didn't let it go too far." (Parent of 13 year old witness to violent offence).

"For a child of her age she was allowed to be questioned in an inappropriate way. I was able to support her but some children would have really struggled. The judge and (prosecution) lawyer stopped things at times which helped but sometimes the cross-examination was too harsh on her." (Parent of 14 year old victim of violent offence).

"The defence barrister was allowed to call my daughter a liar three times before the judge intervened...The defence barrister also shouted at my daughter and intimidated her throughout." (Parent of 14 year old victim of violent offence).

The young witnesses who felt they had been treated unfairly (35.3%, n=12) also pointed to the behaviour of the defence lawyer as their reason for feeling like this:

"He (defence lawyer) was a bit of a pig to me." (16 year old victim of sexual offence).

"He (defence lawyer) was too harsh on me. The way he was speaking to me and making me out to be a liar as if I was only saying things to get revenge."
(16 year old victim of sexual offence).

"She (defence lawyer) was a real bitch. She made the questions hard and difficult to answer. She was trying to make me say the wrong answer - trying to make me confused." (14 year old victim of robbery offence).

"Because he (defence lawyer) was mean. I don't mean just not nice, I expected that, but he was really mean." (16 year old victim of sexual offence).

“The defence lawyer made me cry - I was frustrated as he kept calling me a liar. I felt I was on trial and that I was the person in the wrong...(defence lawyer) also tried to trip me up all the time and this made me anxious.” (13 year old victim of violent offence).

“Words were put in my mouth, he twisted my words, he outright lied and baited me as much as he could.” (16 year old victim of sexual offence).

85.7% (n=30) of the young witnesses who gave evidence recalled being thanked by someone at the court:

- 62.9% (n=22) were thanked by the judge;
- 60.0% (n=21) were thanked by the NSPCC YWS Supporter;
- 40.0% (n=14) were thanked by the prosecuting lawyer/member of prosecution staff;
- 17.1% (n=6) were thanked by a police officer;
- 11.4% (n=4) were thanked by the court clerk/a member of the court staff;
- 5.7% (n=2) were thanked by someone else (one said this was by the victim and one said it was by a member of the victim’s family).

After giving evidence the majority of young witnesses (91.4%, n=32) reported feeling relieved, though for some this was tinged with other emotions such as anger (17.1%, n=6), feeling tired (22.9%, n=8) and feeling sick (2.9%, n=1).

SUPPORT AT THE TRIAL

In terms of support while giving evidence, most young witnesses gave evidence accompanied by someone from the YWS (88.6%, n=31). Only two young witnesses gave evidence with no-one to support them and both these witnesses gave evidence in open court. A majority of young witnesses (88.6%, n=31) reported that YWS staff/volunteers had been the most help to them on the day of the trial while close to half (48.6%, n=17) referred to their family and 8.6% (n=3) to the police. All of the parents interviewed described YWS staff as the most helpful to them on the day, 15.2% (n=5) the police and 9.1% (n=3) family members.

“The judge was nice...the other lawyer was not friendly and he kept staring at me and putting his face very close to the camera... * (NSPCC worker) was good to me and my mum. He made me feel safe and I wasn’t too scared going into the video room with him...Everyone is scary and has a uniform on, the good people were ****(NSPCC) and *** (police officer).” (9 year old victim of violent offence).***

"I think I was treated fairly and very well by the NSPCC team - you couldn't say anything bad about them at all." (15 year old victim of harassment offence).

"Everything was explained really well to us by the police and the NSPCC. We couldn't have asked for a better detective, she was terrific and really down to earth. The lawyer we had was really, really nice but we didn't have enough contact with her. We only met her on the day of the trial - our lawyer was actually changed a couple of times and she got called in at the last minute and it all seemed a bit rushed."

(17 year old victim of sexual offence).

"I didn't know they (NSPCC) existed in Northern Ireland. She did a fantastic job - she put us at our ease and kept us all calm." (Parent of 16 year old victim of violent offence).

"I have to say that we found the YWS worker to be very professional and approachable towards children and their families. Also there was a supporter, a volunteer, a very friendly chap who interacted well with everyone, very knowledgeable about court processes. The police officer was brill and informed me of any bail applications and when the court date was and on every call asked how my son was doing."

(Parent of 17 year old victim of sexual offence).

9. After the Trial

The majority of cases (70.3%, n=26) resulted in a conviction on a least one charge and 66.7% (n=22) of parents and 75.7% (n=28) of young people recalled someone letting them know about the verdict soon after the trial finished. The person who did this was most commonly was the YWS supporter (39.3%, n=11), followed by the police (32.1%, n=9), a relative (25.0%, n=7) and the Public Prosecution Service (14.3%, n=4).

For young witnesses family members were the biggest source of support in the post-trial period (62.1%, n=23) with much smaller proportions reporting the YWS (16.2%, n=6) and the police (8.1%, n=3) as the most helpful after the trial. On the other hand almost half of parents (48.5%, n=16) felt that the YWS had been the biggest help after trial, followed by much smaller numbers citing the police (6.1%, n=2) and family members/friends (6.1%, n=2) as the most helpful. It was clear from a number of the interviews that parents had more follow up contact with the YWS and that often the young witnesses were not aware of this. More than half of the parents interviewed (57.6%, n=19) indicated that post-trial support from the YWS had not been offered while 21.2% (n=7) stated that it had been offered but refused.

"I had to chase the police for information. The policewoman said she would be in contact after the trial - I'm still waiting for her."

(Parent of 13 year old victim of sexual offence).

"After the trial my daughters were not offered any help or advice from anyone about the defendants bail or release date."

(Parent of two victims of sexual offence, aged 18 and 16).

"I feel there should be more support for the aftermath of it – it just doesn't end for the young person on the day." *(17 year old victim of sexual offence.)*

"Afterwards a meeting with the NSPCC would have been a very positive thing."

(Parent of 16 year old victim of violent offence).

"My only complaint is now the case is over we have been just left to get on with it - I have organised counselling for my son before and after the court case." *(Parent of 16 year old victim of sexual offence).*

When asked how they felt now, close to half of the young witnesses (48.6%, n=18) described having put it behind them, although only 37.8% (n=14) described feeling better and over half (51.4%, n=20) still described feeling upset, scared and/or worried by what had happened:

"In a way I put it behind me but I will always remember the attack and the court case."
(13 year old victim of violent offence).

"Angry - it annoys me that the jury couldn't come to a decision on a lot of the charges."
(15 year old victim of sexual offence).

"Nervous and anxious all of the time." (16 year old victim of sexual offence).

"It still bothers me though I have tried to put it behind me."
(12 year old victim of sexual offence).

"Still very scared and will only go out accompanied by mum or friend."
(Interview notes – 9 year old victim of violent offence).

Just over one quarter of the parents interviewed (27.3%, n=9) indicated that they had sought post-trial counselling to help with their child's stress symptoms. The YWS, police, social services and others helped with this although two parents indicated that no-one had helped.

WOULD THEY DO IT AGAIN?

62.2% (n=23) of young witnesses indicated that they would be willing to give evidence in a criminal trial again if asked although just over half (51.4%, n=19) stated that there was nothing positive about the experience of being witness. All but one of the young people who said they would not give evidence again were victims of sexual and violent offences rather than witnesses. For most the positives centred on the experience making them stronger, standing up for themselves and being more aware of what is expected in court and knowing that they could do it. One young person mentioned being able to help a friend (the victim) and another talked about preventing the offender from hurting others, although for some mixed emotions were apparent:

"It let people know what he (defendant) was like and I got to tell my story...but sometimes I think it was a waste of time and I shouldn't have put me and my family through it." (17 year old victim of sexual offence).

"I wanted to help support my mum. The police and the court were not helpful to her and made her feel bad about herself." (17 year old witness to violent offence).

"If I'm ever in that position again I'll know how to talk and speak - it sort of matures you a bit." (16 year old victim of harassment offence).

Over half of the parents interviewed (57.6%, n=19) stated that they would be willing to let their child give evidence in a criminal trial again although over one quarter (27.3%, n=9) indicated there had been times in the current trial when they had considered not letting their child give evidence. What had helped many parents go on was their child's determination and their belief that it was the right thing to do. Support from the YWS and other criminal justice professionals and being given explanations about the court process also helped a number of parents to make the decision to continue:

"We wouldn't have got through it if it hadn't been for (NSPCC). He put us at our ease and explained everything - he was 150% helpful and was great at his job."
(Parent of 14 year old victim of robbery offence).

"To get justice and the perpetrator to be found guilty and the girls to know that wrong was done to them. The most important thing was what the girls had to live with."
(Parent of two victims of sexual offences, aged 16 and 18).

For a number of young witnesses and parents, however, involvement in criminal justice processes had clearly been a traumatic and disillusioning experience. When asked about giving evidence again one young woman simply said 'hell no'. Another young woman's advice to other young witnesses was 'just don't do it' while another said she felt 'like telling them it's not worth it, swear to God I just don't.'

"If I had known how my daughter was going to be treated while giving her evidence I would never have put her through it and I never will again."
(Parent of 12 year old witness to violent offence).

"I was glad when it was over. It was a really horrible experience and I would not do it again. I was scared and frightened and made to feel a liar."
(13 year old victim of violent offence).

10. Improving the Process

Overall 63.9% (n=23) of young people suggested some changes to improve how young witnesses are treated at court. Much of this focused on cross examination by defence lawyers with young people describing this as too hard and not taking enough account of the age of the child:

"Defense lawyers should be nicer - slow down, not jump about with their questions and not use complicated sentences." (13 year old witness to violent offence).

"Defence lawyers should be more sensitive to kids."
(14 year old victim of robbery offence).

"Just for the cross examiner not to be so harsh, for young people it's not that nice, what would happen to very young children...do they still talk like that...the public should be cleared for children under a certain age." (18 year old victim of sexual offence).

Other suggestions included giving young witnesses more of a choice about how they give evidence, have more police officers in courts to stop intimidation, more breaks, less formality and more respect and more information about how long the process takes and when they will give evidence. One young person simply said 'the verdict'.

"Be treated like an adult rather than a child. I worried like an adult and I should have been spoken to with more respect and understanding. Without the NSPCC I would have been so alone." (14 year old victim of violent offence).

"You should be allowed to make the decision about how you give evidence."
(15 year old victim of sexual offence)

"They should get told beforehand if they have to do it. I didn't know I would have to give evidence until the last minute." (12 year old witness to violent offence).

40.5% (n=15) of young witnesses also suggested some changes to the way witnesses are supported. A number suggested more pre-trial contact and support to help prepare them for court, others more post-trial support:

"More support after the trial to help you cope with the outcome and how you are feeling." (17 year old victim of sexual offence).

"It would be very helpful if there was something before you got to court, like a booklet to read or someone coming out to talk to you or help you prepare - it would make you feel a bit better about it." (16 year old victim of harassment offence).

Other changes included lawyers not using such big words, internet resources to provide information about court, making it easier for children to say when they have a problem and having someone with young witnesses that they know well.

More than half of parents (54.5%, n=18) indicated that they would have liked more help and information. More face-to face contact with YWS supporters, someone to call if they had questions and advice on how to support their child were the types of help parent most frequently referred to. Other types of help/information cited included earlier contact with the NSPCC YWS, being made aware there was a YWS, post-trial support and being told the outcome:

"I would have liked (son) and myself to have been given more information before the day of trial. Really, there was little or no information/assistance until the day of trial. I would like to have been told the outcome. The only reason we know the outcome is because the victim's father told us." (Parent of 12 year old witness to violent offence).

"My daughter and I were unaware that there were support services for young witnesses until the support worker turned up." (Parent of 16 year old witness to sexual offence).

YOUNG WITNESSES' COMMENTS

At the end of each interview young witnesses were asked if they would like to say anything about their experiences to other young witnesses. As noted above, a number of comments advised other witnesses simply not to do it. Many, however, acknowledged how daunting it is to be a young witness but advised other young people not to be afraid, to be strong, stay calm and to tell the truth:

"Just be brave and tell the truth. Don't be scared - just stand up for yourself." (14 year old victim of violent offence).

"It's good to think that at the end of it you will be helping to stop things happening to someone else. You need to remember if you are a young witness that you are not in the wrong." (15 year old victim of sexual offence).

"I would tell them that if they have strength in themselves they'll get through it." (17 year old victim of violent offence).

"Keep your cool - some people could get frustrated because the lawyer tries to confuse you." (14 year old victim of robbery offence).

Other comments highlighted the need for court professionals to better take into account the needs of children and young people, talk to them appropriately and not be so harsh:

"It's really nerve-wracking being a young witness and judges need to make sure that we are ok." (16 year old victim of violent offence).

"The (defence) lawyer should ask you suitable questions and not try to make you say stuff that didn't happen or confuse you." (14 year old victim of violent offence).

"Don't be so aggressive - give young people a chance to say what they have to say and don't talk over them." (17 year old victim of sexual offence)

11. Findings from YWS Volunteers and Practitioners

PRE-TRIAL SUPPORT

Both volunteers and practitioners identified a range of issues faced by young witnesses in the pre-trial period. Much of this echoed the findings from the interviews with young witnesses and their parents highlighting the fears and anxieties experienced by young people and, often, the lack of contact and information they received from criminal justice agencies such as the police and the Public Prosecution Service. Key issues included:

- nervousness about giving evidence
- scared of meeting the defendant
- intimidated by courts
- facing the unknown/lack of knowledge of processes ahead of them
- not seeing the prosecution lawyer until the day of trial
- not being kept up to-date about case progress
- lack of contact about what happens next
- not being informed of the NSPCC YWS
- delay within the system generally and long periods between reporting and trial
- worry that they will not be believed
- high levels of parental anxiety
- fear of not remembering clearly because of time delay between reporting and court
- sexual offence and personal nature of crime.

“The uncertainty of it all, it’s all unknown to them - the pre-trial visit to court helps - seeing the defendant is a big fear, preventing this is difficult depending on the layout of the court, this is better dealt with in some courts than others.” (YWS Volunteer).

“Nervousness about giving evidence, feeling intimidated by the courts and meeting the defendant. They are overwhelmed by the adults in the court and worry about not understanding the questions. I am inexperienced but if the case is about sexual assault then they are very shy about the personal nature of the evidence.” (YWS Volunteer).

“Fear of the Court process as a total unknown. Fear of meeting the defendant. Apprehension about remembering and talking about the offence(s)/trauma.” (YWS Practitioner).

“Managing their anxieties re the upcoming proceedings. High levels of parental anxiety which are picked up by the child/young person is also a significant issue. Lack of information being provided to the family by involved agencies.” (YWS Practitioner).

While a number commented on the value of pre-trial support for young witnesses and their families, information sharing was commonly highlighted as a problem with volunteers noting that the YWS often received little notice of cases coming to court and was therefore unable to deliver an appropriate level of pre-trial support:

'Pre-trial support is not generally given because the cases are not always planned in advance - there are a lot of last minute referrals. Better planning is required by all round, especially by the Court Service. I think it should be compulsory for the PSNI to inform NSPCC that a young person is involved in a court case.' (YWS Volunteer).

"There is excellent support available to parents and children and young people but could be improved if YWS knew about cases earlier - the service gives parents confidence to know that someone else is there to help - YWS picks some cases up very late and doesn't have time for many visits if any at all." (YWS Volunteer).

Currently there are two primary referral pathways into the YWS. At Crown Court, where the most serious cases are heard, the YWS is usually notified of the case by the police after arraignment which can be anything from six weeks to six months before the case is due to be heard. At Magistrates/Youth Courts, an information sharing agreement developed between the NSPCC and the Public Prosecution Service (PPS), operational since January 2010, means that the PPS now inform YWS up to 3 weeks in advance of a case involving a young witness. Prior to the implementation of this agreement cases were often not passed on to the YWS and, as a consequence, witnesses were only provided with support on the day of the trial. Implementation of this agreement has helped to prevent this, although the YWS notes that this does still happen on occasions.

Comments by YWS practitioners point to fairly high levels of pre-trial support provided to cases being heard in the Crown Court and it is clear that the provision of pre-trial support for this group is a key aim of the service. Responses also indicated that pre-trial support in the Magistrates/Youth Courts, more often than not, takes the form of telephone contact only, although some practitioners strive to offer a pre-trial visit to all young witnesses. High numbers of referrals, lack of practitioner time and reduced time-frames were the reasons given, as were the fact that some young witnesses are assessed as not requiring pre-trial support or the YWS is unable to make contact with the family prior to the case being heard.:

"In respect of Crown Court cases pre-trial support is pretty good if enough time is given before the start date. In Magistrates and Youth Courts there is rarely pre-trial support other than a phone call from the practitioners - this is purely due to lack of time and practitioners." (YWS Practitioner).

“Pre-contest support (ie a home visit) - in the Magistrates/Youth Courts consists of telephone contact only in the majority of cases. It is difficult to see, for practical and logistical reasons, how a more thorough and comprehensive pre-trial service can be provided.” (YWS Practitioner).

THE TRIAL

Volunteers and practitioners often identified many of the same issues during the trial itself as in the pre-trial period, namely the young person's anxiety and fear of giving evidence, not understanding or remembering properly and fear of seeing the defendant. Additionally many noted how long waiting times serve to increase the young witnesses stress and anxiety and that often little explanation is given to them or their families as to what is happening:

“Length of time of they have to sit around in the room not knowing when things are going to start. Quite often they have to come to court for a few days before the case actually starts or is deferred.” (YWS Volunteer).

“Many young witnesses often experience fear, anxiety and nervousness during the process of waiting to give their evidence, as there are often delays in the trial and in many cases uncertainty as to when the young witness will be called. Key issues experienced also include not knowing what to expect, fear of seeing the defendant and also anxiety about how they will be treated by lawyers and perceived by the court. In some cases young witnesses are embarrassed and wish to protect their parents from hearing their evidence as they know that it may cause them hurt or pain when listening to it, which is often why children prefer their parents not to enter the courtroom.” (YWS Volunteer).

“Delay is a big problem - they are not sure when they will give evidence/have special measures been granted? When will the Prosecutor discuss their case evidence, will the defendant see them? What will the defence barrister say to them, will they remember what happened.” (YWS Practitioner).

Unanimously volunteers and practitioners supported the use of special measures, in particular the TV link, as central to helping children and young people give their best evidence and helping to minimise their distress:

“Video links are perhaps the single most effective method of ensuring that young witnesses are treated with the maximum care and attention at what can be a very distressing time.” (YWS Volunteer).

“Special measures are very important to make things easier for children giving evidence. It would help if the case could start on the morning the young witness comes to court ie cut out all the sitting about being anxious.” (YWS Volunteer).

“In my view, special measures are essential in protecting young witnesses. As one of the most vulnerable groups in our society, children should be protected within the court process, which is often an intimidating setting and a predominantly adult world. Recognition of children’s age, level of understanding and ability should be key factors in the use of special measures in courts.” (YWS Volunteer).

A number of practitioners, however, noted that they still see cases in which special measures applications have not been made, particularly in cases heard in Magistrates and Youth Courts. A number of practitioners also raised concerns about very aggressive questioning of young witnesses by defence barristers causing distress and trauma to already vulnerable witnesses, suggesting their needed to be greater awareness of child development and appropriate questioning amongst legal professionals. Others identified a number of areas for improvement including:

- more interventions by judges and prosecutors
- better timetabling at courts
- more contact between legal personnel and the young person
- automatic application of special measures to all children and young people who then can decide at the trial whether to avail of them or not
- flagging all child witnesses to ensure no-one slips through the net
- continuous professional development training amongst the legal profession in dealing with young witnesses
- better co-operation and co-ordination with the NSPCC YWS
- exploration of how special measures are employed and perceived by the professional legal culture.

POST –TRIAL

Practitioners and volunteers commented on a range of issues impacting on young witnesses in the post trial period, both immediately after the trial and in the longer term. The emotional upset resulting from cross examination and harsh questioning, the re-evocation of the original trauma and the turmoil caused by a not guilty verdict were key. While some talked about young witnesses feeling relieved after giving evidence, many more talked about young witnesses being in a state of shock, feeling disbelieved, upset by the line of questioning and needing to go over different questions and their responses. Volunteers often referred to reassuring the young witness that their evidence was good and helping them to ‘wind down’:

“Communicating the outcome of their evidence can be difficult as young witnesses can appear confused and in a state of shock as a result of their questioning. Many young witnesses, in my experience, are still processing the events of their questioning, their responses and also recalling questions asked and trying to ascertain their meaning and many young witnesses talk about what they thought they were being asked and also about what was implied by their answers. Unfortunately, in my experience, the majority of young witnesses have found the experience to be a very negative one and are so grateful of the support offered to them and thankful that the experience is over. Others become upset, tearful and some seem in a trance, while a few young witnesses are still 'buzzing' from the adrenaline and the experience. In the post-trial period all young witnesses reflect on the experience and vocalise their feelings...”

(YWS Volunteer).

“If the verdict did not go the way the young witness and their family wanted emotional turmoil often follows. On occasions it can seem as if the young witness requires counselling/psychotherapeutic support to help them process the experience of the court as opposed to the incident that required them to attend court in the first place.”

(YWS Practitioner)

The negative impact of a not guilty verdict both on the young witness and their family was a predominant concern and both practitioners and volunteers expressed the view that there was insufficient support, in particular therapeutic support, in the post-trial period and that families often feel let down by this:

“The availability of therapeutic support is wildly variable and inconsistent across the country. There needs to be a right to therapeutic support, particularly with self-harming issues.” *(YWS Practitioner).*

“In my opinion there is insufficient post trial support for the young witness. Again recognition that a joined up way of working between statutory agencies and those charged with counselling young witnesses is crucial to ensure a consistent high standard of care for those in this potentially difficult situation.” *(YWS Volunteer).*

Some indicated that the level of post-trial support, where provided, by the YWS was good but again drew attention to resource constraints and high caseloads as barriers to providing more post-trial support. As such the provision of post-trial support, as with pre-trial support, is focused more on Crown Court cases:

“The support in itself is very good however, given the quantity of cases and the amount of practitioners it’s impossible to provide post-trial support to all families – therefore Crown cases are prioritised.” *(YWS Practitioner).*

Better resources, more consistent provision of therapeutic support and better liaison between the police and the PPS in cases where the defendant still poses a threat and handover to a named social worker were all put forward as ways of improving current levels of support for young witnesses.

12. Conclusions

IDENTIFICATION OF YOUNG WITNESSES AND PROVISION OF PRE-TRIAL SUPPORT

Of the thirty-seven young witnesses interviewed, 54% had had pre-trial contact with a supporter from the NSPCC Young Witness Service (YWS) and just under half (48.6%, n=18) had a pre-trial familiarization visit to the court. While all of the young people received support on the day of the trial itself this indicates that many young witnesses and their families receive little in the way of pre-trial assistance. This finding was supported by the survey of YWS volunteers and practitioners which described problems with information sharing between criminal justice system agencies which sometimes prevented the YWS from providing an appropriate level of pre-trial support. The development of an information sharing protocol between the PPS and the YWS has been in operation since January 2010 and is reported by the YWS as having greatly improved the timing of referrals to the service. Nonetheless, some difficulties are still noted ***suggesting that the timing of referrals from criminal justice system agencies to the YWS should be kept under review to ensure that vulnerable witnesses are appropriately assessed and supported.*** Comments by YWS practitioners also point to fairly high levels of pre-trial support provided to cases being heard in the Crown Court but that pre-trial support in the Magistrates/Youth Courts, more often than not, takes the form of telephone contact only. High numbers of referrals, lack of practitioner time and reduced time-frames were the reasons given, as was the fact that some young witnesses are assessed as not requiring pre-trial support or the YWS is unable to make contact with the family prior to the case being heard. ***As such, future roll-out of the YWS to all Courts across Northern Ireland should be based on the identified level of support required by witnesses in the lower Courts and developed accordingly.***

Access to information in the pre-trial period also emerged as an issue with 45.5% of parents reporting that no-one in the criminal justice system had kept them informed about what was happening in the case. Some parents were very critical about the lack of information before the trial, particularly the role of the police in keeping them up-to-date, a finding supported by previous research (Plotnikoff & Woolfson, 2004; 2009) as well as a recent CJINI inspection into the handling of sexual violence cases (CJINI, 2010b). In terms of materials from the Young Witness Pack, twenty-two parents (59.5%) said that they had received the booklet 'Your Child is a Witness' and eighteen of the young people (48.6%) stated that they had seen young witness booklets. However, very few recalled seeing explanatory DVDs and only one parent said that they had looked at the online 'Witnesses Virtual Walkthrough'. ***This suggests the need to improve pre-trial contact and information sharing between parents and criminal justice system agencies as well as to raise awareness about the availability of current resources amongst young witnesses and their families.***

Where pre-trial support had been provided, 75% of young people and 78.9% of parents felt that there had been enough pre-trial contact with the YWS and 85% of young people and 89.5% of parents said either that the supporter had made a lot of difference or that it was contact with the supporter that had made it possible for the young person to go to court. This mirrors the positive findings from previous research and evaluation of witness

support schemes (Plotnikoff and Woolfson, 2004; 2009) which demonstrate the value of pre-trial support to young witnesses and their families. Equally, in contrast to Plotnikoff and Woolfson's (2009) study, high levels of service continuity were evident in this study with the majority of parents (84.2%, n=16) stating that their child saw the same person both before and on the day of trial.

When asked specifically about pre-trial court visits young witnesses responses were mostly positive. Nonetheless, they did reveal a degree of ambiguity highlighting the inherent difficulty in balancing the young witnesses need for information about court processes with the risk of raising their anxiety levels about what is to come. Parents, on the other hand, unanimously considered the pre-trial visit to have been helpful to their child. A majority of the eighteen young witnesses who received a pre-trial court visit saw the room where they would wait before giving evidence, a courtroom and the TV link room. ***However, given that a majority of witnesses gave evidence by TV link, the fact that only a small number had been able to practice speaking on the TV link suggests this an area for further development.***

DELAY

The mean time between reporting of the offence and trial for fourteen young witnesses in Crown Courts was 18.1 months (range 9 – 36 months) and, for twenty-two young witnesses in Magistrates and Youth Courts it was 12.9 months (range 3 – 36 months). These figures are similar to those identified by Plotnikoff & Woolfson's (2009) study, suggesting that little has changed for young witnesses in Northern Ireland. Two Criminal Justice inspections, specifically focusing on avoidable delay (CJINI, 2006a, 2010a), have both highlighted delay as an on-going problem within the criminal justice system with little progress noted since the publication of the first inspection report in 2006. Given the vulnerability of young witnesses, particularly those who have been victims of sexual and/or violent offences, ***the findings from this study further support the need to address avoidable delay as a means of improving young witness experiences of, and confidence in, the criminal justice system in Northern Ireland.***

As well as delay in waiting for their case to come to trial many young witnesses experienced long periods waiting in court to give evidence with an average waiting time of 12 hours in Crown Courts and 5.9 hours in Magistrates/Youth Courts. Again these findings are similar to those reported by Plotnikoff and Woolfson (2009) indicating that greater prioritisation of cases involving child witnesses is needed. Lord Chief Justice Kerr (2009) stated that it was undesirable for young witnesses and victims to "...be left waiting in the environs of the court where their sense of foreboding is likely to increase" and recommended that "Every effort should be made to bring certainty to the timing of their evidence" (LCJ Kerr, 2009: 2). ***The findings of this study suggest that there is still some way to go before this is achieved and consideration should be given to re-issuing the recommendations made by Lord Chief Justice Kerr (2009).***

SPECIAL MEASURES AND WITNESS CHOICE

In line with legislative developments and guidance in Northern Ireland, use of Special Measures was evident in the vast majority of cases and most young witnesses gave evidence via TV link, either at the court or at a remote location. Encouragingly, a majority of young witnesses reported giving evidence the way they wanted although a small number noted the lack of choice and would have preferred to face the defendant in open court rather than use the TV link. Conversely one young woman who gave evidence in open court would have preferred to use the TV link but a special measures application had not been made on her behalf, nor had her details been passed to the YWS as had been promised. Recent Department of Justice (NI) proposals (2010) to remove special measures presumptions for young witnesses and adopt a more flexible approach based on the wishes of the young person should provide greater witness choice in future. ***However, as noted above, monitoring of information sharing systems between the PSNI, Northern Ireland Court Service and YWS is necessary to ensure that young witnesses' needs are taken into account and special measures implemented where necessary.***

Aside from TV link applications few other special measures appeared to be used, or were needed. However, the public was excluded from the courtroom in only 13.8% of sexual offence cases and only one third of witnesses in Crown Court cases recalled being specifically asked if they wanted the removal of gowns and wigs. Nonetheless, many indicated that gowns/wigs had automatically been removed and it is worth noting that witnesses were often, unsurprisingly, preoccupied with giving evidence, and not paying particular attention to their surroundings. Technical difficulties were also apparent in 41.9% of cases which used the TV link. While most appeared to be minor some resulted in more significant delays causing one young witness to have to spend another day in court and one trial to be rescheduled. ***Routine maintenance of equipment and checks are needed to ensure it is in working order and that the camera does not enable the defendant to be seen.***

The most commonly reported needs of the child identified by parents was their child being worried about going to court, experiencing stress symptoms and being intimidated by the defendant / defendant's friends/family while waiting to go to court. Three quarters said someone asked their child about their views on Special Measures and all indicated that the YWS had been the most helpful in finding out about their child's needs and wishes with one quarter also naming the PSNI as helpful. Unfortunately one quarter of parents had no discussion about the use of special measures or their child's needs with anyone prior to the trial commencing, ***reiterating the need for referral and pre-trial assessment processes to be improved.***

Equally, while the majority of parents rated the court as taking their child's needs into account very or quite well, 23.3% thought the court had not been good at taking account of their child's welfare in relation to the stress they experienced and 21.2% that it had not been good at taking account of their child's security. Much of this related to how their child was treated and questioned when giving evidence as well as coming into contact with the defendant and his/her family in the court building. Indeed, it was

concerning, given that much of the impetus for developing such measures is to prevent young witnesses from facing the defendant, 41.9% of the young witnesses who gave evidence via TV link still saw the defendant on the screen at some point. Equally, 62.2% saw the defendant either while going in and out of the court or in and around the court building and while most waited to give evidence in a separate area away from the public, 29% entered the court building through public entrance by themselves and a number spent some time waiting in the public waiting area, often close to the defendant and/or their family. ***This indicates that practical arrangements for entering and waiting in court buildings need to be further developed to reduce the stresses placed upon young witnesses.***

QUESTIONING

While just over 30% of young witnesses reported feeling fairly confident when answering questions, close to two thirds described feeling nervous, and half described feeling upset, scared or shaky during questioning. Other responses included feeling dizzy, being tearful, crying whilst giving evidence and being very distressed. Often this distress extended to parents almost all of whom watched their child give evidence and some of whom had to give evidence themselves. When describing how they were asked questions by the defence, young witnesses commonly described the questions as repetitive or too long/complicated. A majority described being called a liar, usually more than once, while many felt the defence lawyer tried to put words in their mouth or that the defence lawyer was rude or sarcastic.

Despite their issues with the types of questions they were asked, overall almost two thirds felt that they had been treated fairly enough, a view parents generally concurred with. Both young witnesses and parents often displayed a pragmatic approach to cross examination recognizing that it was unpleasant but that the lawyer was *'just doing their job'*. Encouragingly 62.9% of young witnesses recalled the judge asking the defence lawyer to change how they asked questions on at least one occasion and 42.6% recalled the prosecution lawyer complaining about the way questions were asked by the defence lawyer. However, it was clear that many witnesses and parents would have preferred greater assistance and, for those parents who felt that their child had been treated unfairly, most described inappropriate and unnecessarily harsh questioning on the part of the defence lawyer as a key reason for thinking this. Often the defence lawyer was described as shouting and hectoring their child with little intervention from the court.

The majority of young witnesses felt they had been able to tell the court everything they wanted to say and had understood all the questions. It is worth noting, however, that 42.9% (n=15) reported not understanding some of the questions they had been asked and that many who had difficulties felt unable to tell the judge they had a problem. ***As such, the proposed introduction of intermediaries (Department of Justice NI, 2010); people who act as 'go-betweens' to improve the communication and understanding of the witness, is likely to be of particular value to this group, as well as young witnesses generally, and should be brought forward as soon as possible.***

The findings indicate that aggressive and harsh questioning under cross examination remains an issue and, while judicial intervention was apparent, this was not always the case. A recent report by the Advocacy Training Council (2011) has emphasized that ‘the handling and questioning of vulnerable witnesses, victims and defendants is a specialist skill’ and recommended that:

“A comprehensive modular programme of training in handling vulnerable witnesses, victims and defendants should be put in place for all criminal and family practitioners, both new and experienced.” (Advocacy Training Council, 2011: 4).

The Judicial Studies Board (2010) has also produced guidance for the judiciary in England and Wales on controlling cross-examination of child witnesses in order to minimise the trauma experienced. ***The development of equivalent guidance and training initiatives for judges and legal professionals in NI would be beneficial also.***

SUPPORT ON THE DAY OF THE TRIAL

Most young witnesses gave evidence accompanied by a supporter from the YWS and the majority (88.6%) reported that YWS staff/volunteers had been the most help to them on the day of the trial, as did all of the parents. A much smaller number (8.6%) also acknowledged the support of the police on the day of trial. In many cases this was attributed to specific police officers who had made particular efforts to support the families and keep in contact both in the pre-trial period and during the trial. Likewise, where PPS lawyers had spent time with young witnesses and kept them updated on what was happening in court, both before and after giving evidence, this was greatly valued and appreciated by young witnesses and their families. However, a number found the PPS lawyer distant, hard to understand and not particularly helpful whilst others indicated that contact with the police had been limited.

POST TRIAL SUPPORT

While views on the support offered on the day of the trial were generally positive, views on post-trial support were much more mixed. For young witnesses family members were the biggest source of support in the post-trial period with much smaller proportions reporting the YWS and PSNI. Almost half of the parents, on the other hand, felt that the YWS service had been the biggest help after trial. It was clear from a number of the interviews that parents had more follow up contact with the YWS than witnesses and that often the young witnesses were not aware of this. However, more than half of the parents indicated that post-trial support from the YWS had not been offered and that this would have been welcome rather than being *‘just left to get on with things.’* Comments from YWS practitioners pointed to resources constraints and high caseloads as barriers to providing more post-trial support, indicating that, as with pre-trial support, provision of post-trial support is focused more on Crown Court cases. Again this indicates the need for future roll-out of the YWS to be based on the identified level of both pre-trial and post trial support required by witnesses in the lower Courts and developed accordingly.

Post-trial support appeared to be particularly needed where the verdict had not been a positive one for the young witness and it was evident from the both the interviews with young witnesses and the survey of YWS volunteers and practitioners that engagement with the criminal justice system and Court processes and outcomes were often perplexing and traumatizing for both witnesses and their wider family. Although close to half the young witnesses described having put it behind them, only 37.8 described feeling better and over half (51.4%) were still upset, scared and/or worried by what had happened. One quarter of parents indicated that they had sought pre-trial counseling to help with their child's stress symptoms and one third had sought counseling post-trial. However, many YWS volunteers and practitioners ***identified gaps in the therapeutic support available, highlighting gaps in provision in different parts of NI which need to be addressed if effective support is to be provided.***

Positively, the majority of cases (70.3%) resulted in a conviction on a least one charge and 66.7% of parents and 75.7% of young people recalled someone letting them know about the verdict soon after the trial finished, usually the YWS or PSNI. However, some parents reported still not knowing the outcome of the case, again reiterating the need for keeping parents updated and developing a system of post-trial follow up. 62.2% of young witnesses indicated that they would be willing to give evidence again and 57.6% of parents said they would let their child give evidence in a criminal trial again if asked. All but one of the young people who said they would not give evidence again were victims of sexual and violent offences rather than witnesses and there was a strong sense from the interviews that the experience of victims was considerably different, more intense and often much more difficult, than that of witnesses. Over one quarter of parents indicated there had been times in the current trial when they had considered not letting their child give evidence. One father described his own distress at hearing his child crying outside the TV link room while being questioned and having his hand on the door on several occasions to go in put a stop to the trial. What had helped many parents go on was their child's determination and their belief that it was the right thing to do as well as support from the YWS and other criminal justice professionals.

RESPONDENTS' SUGGESTIONS FOR IMPROVING CURRENT PROCESSES AND PROVISION

Parents, young witnesses, YWS practitioners and volunteers made a number of suggestions for improving the current arrangements, many of which echo what has been discussed above. These included:

- more pre-trial contact and support to help prepare them for court;
 - being kept up-to-date about case progression by the PSNI and the PPS;
 - better information sharing between criminal justice system agencies and the YWS;
 - cross examination taking better account of the age of the child and not being so harsh or aggressive;
 - giving young witnesses more of a choice about how they give evidence;
 - having more police officers in courts to stop intimidation;
 - more interventions by judges and prosecutors;
 - better timetabling at courts;
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- more contact between legal personnel and the young person;
- ensuring all child witnesses are given access to special measures;
- continuous professional development training amongst the legal profession in dealing with young witnesses;
- more breaks in court proceedings;
- less formality and more respect for young witnesses;
- PPS lawyers being more approachable;
- more information about how long the process takes and when they will give evidence;
- internet resources;
- more post-trial support;
- better access to therapeutic services;
- advice for parents on how to support their child;
- someone for parents to call if they have questions.

SUMMARY OF KEY RECOMMENDATIONS

1. The timing of referrals from criminal justice system agencies to the YWS should be kept under review to ensure that vulnerable witnesses are appropriately assessed and supported.
2. Future roll-out of the YWS to all Courts across Northern Ireland should be based on the identified level of support required by witnesses in the lower Courts and developed accordingly.
3. Pre-trial contact and information sharing between parents and criminal justice system agencies needs to be improved and awareness needs to be raised about the availability of current resources amongst young witnesses and their families.
4. More opportunities need to be created for young witnesses to practice speaking on the TV link prior to giving evidence.
5. The findings from this study further support the need to address avoidable delay as a means of improving young witness experiences of, and confidence in, the criminal justice system in Northern Ireland.
6. The findings of this study suggest that prioritisation of young witness cases is still problematic and consideration should be given to re-issuing the recommendations made by Lord Chief Justice Kerr (2009).
7. Routine maintenance of TV link equipment and checks are needed to ensure it is in working order and that the camera does not enable the defendant to be seen.
8. Practical arrangements for entering and waiting in court buildings need to be further developed to reduce the stresses placed upon young witnesses.
9. The proposed introduction of intermediaries will be beneficial to young witnesses and victims and should be brought forward as soon as possible.
10. In line with developments in England and Wales, consideration should be given to developing guidance and training initiatives for judges and legal professionals in Northern Ireland in relation to the questioning and cross-examination of young witnesses and victims.
11. Gaps in the availability of therapeutic services in different parts of NI need to be addressed if effective support is to be provided both pre and post-trial.

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