



Journey to Justice:

Prioritising the wellbeing of children involved in criminal justice processes relating to sexual exploitation and abuse

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**Believe in
children**
 **Barnardo's**

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Glossary of terms and acronyms

ABE: Achieving best evidence interview, which is a visually-recorded interview between a trained police interviewer and the young victim or witness. These are usually conducted as close as possible to the crime being reported, and can later be shown during a trial as ‘evidence in chief’.

BTC: Barnardo’s Training and Consultancy

CAMHS: Child and adolescent mental health services

CICA: Criminal Injuries Compensation Authority, an agency that handles compensation claims for people who have been physically or mentally injured by being the blameless victim of a violent crime.

CJS: Criminal justice system

CPS: Crown Prosecution Service

CSA: Child sexual abuse

CSE: Child sexual exploitation

CSE practitioner: A Barnardo’s worker who supports children and young people on issues including CSE and going missing from home. This role may also include supporting them through the police investigation and prosecution process. The terms practitioner and worker are used interchangeably among those working in CSE services.

EHWB: Emotional health and wellbeing

Evidence in chief: The main evidence given in support of the case. This is outlined by the main lawyer (also known as a prosecution advocate) acting on behalf of the state (in a criminal case) or a private person (in a civil case) at the start of a trial.¹

Expert witness: A person who holds the expertise necessary to be qualified as an expert for the purpose of assisting during a trial with relevant technical information. Expert witnesses have been used to raise awareness among legal professionals and juries on abuse, exploitation and trauma.²

GRH: Ground rules hearing, where a discussion is held before a trial about how a child or young person’s evidence will be handled, and limitations may be imposed on the way barristers can question them.

ISVA: Independent sexual violence advisor. These are trained to support and provide information to witnesses throughout a court process. They are offered by various agencies throughout England and Wales including Barnardo’s. Barnardo’s ISVA workers specifically support children and young people through the police investigation and prosecution process.

IDVA: Independent domestic violence advisor (as above but specific to victims of domestic violence).

Intermediaries: Intermediaries support communication with vulnerable witnesses in the criminal justice system in England and Wales. According to the Ministry of Justice, ‘The primary responsibility of the intermediary is to enable complete, coherent and accurate communication to take place between a witness who requires special measures and the court.’³

NFA: ‘No further action’, where the Crown Prosecution Service decides not to take an investigation to trial.

NWG: National Working Group is a charity working to tackle CSE. It provides support and advice to those working with children and young people (under eighteen) who are affected by abuse through sexual exploitation.⁴

SARC: Sexual assault referral centre

Special measures: Special measures are a series of provisions that help vulnerable and intimidated witnesses give their best evidence in court, and help to relieve some of the stress associated with giving evidence. Special measures apply to prosecution and defence witnesses, but not to the defendant, and are subject to the discretion of the court.⁵

UNCRC: United Nations Convention on the Rights of the Child

YJCEA: Youth Justice and Criminal Evidence Act 1999

1 <https://www.translegal.com/legal-english-dictionary/evidence-in-chief>

2 <https://www.translegal.com/legal-english-dictionary/expert-witness>

3 The Registered Intermediary Procedural Guidance Manual (2015). Available at: <http://www.theadvocatesgateway.org/images/procedures/registered-intermediary-procedural-guidance-manual.pdf>

4 <http://www.nwgnetwork.org/>

5 Crown Prosecution Service Special Measures. Available from: [http://www.cps.gov.uk/legal/s to u/special_measures/#a02](http://www.cps.gov.uk/legal/s%20to%20u/special_measures/#a02)



Executive summary

Primary research question

How have Barnardo's child sexual exploitation (CSE) services supported and promoted the wellbeing of young victims and witnesses of child sexual exploitation and abuse through the police investigation and prosecution process?

Sub-questions

1. What did Barnardo's support consist of?
2. How was the wellbeing of young witnesses promoted?
3. What support (that should be in place or offered) was there in practice?
4. What are the practical and operational considerations of this kind of work?

Methods

The evaluation explored Barnardo's role in supporting children and young people's wellbeing at each milestone of the police investigation and prosecution process.

Key milestones of the police investigation and prosecution process

Through a mix of methods, views of key stakeholders were collated and analysed to evaluate Barnardo's support, and to identify good practice in supporting and promoting children and young people's wellbeing relating to each milestone, as well as areas for improvement (both within Barnardo's and the criminal justice system/process).

Key stakeholders included:

- Children and young people who have received Barnardo's support through a police investigation or prosecution (as a victim or witness)
- Parents and carers of children and young people
- Police (at various levels of management) who have worked with Barnardo's throughout investigations and trials

- Barnardo's service managers, CSE practitioners, and independent sexual violence advisors (ISVAs).

The following research methods were used:

- Literature/evidence review
- Semi-structured interviews with children and young people, with a participatory timeline activity and grading
- Semi-structured interviews with parents/carers
- Individual interviews with CSE practitioners, ISVAs and service managers
- Focus group discussions with groups of CSE practitioners and ISVAs, including timeline and wellbeing analysis
- Individual interviews with police professionals.

Before prosecution	Preparing for and during prosecution	After prosecution
Disclosure and Barnardo's initial involvement	Preparation for the trial (including offering and organisation of special measures)	Receiving information about the verdict and sentencing
Police investigation process (including questioning and 'Achieving Best Evidence' (ABE) interviews, and pre-trial therapy)	During the trial and cross-examination	Moving on
Possible 'no further action' (NFA) decision from the Crown Prosecution Service (CPS)		

Elements of wellbeing found to be most important to children and young people, and by practitioners, included:



The findings from the wellbeing and Barnardo's practice exercises have been cross referenced, triangulated and developed into 'best practice' summaries in each section of the report.

The methodological approach and tools were reviewed and approved by the Barnardo's Research Ethics Committee (BREC).

Target audiences of this report

- Barnardo's staff in services, management and policy
- Voluntary sector organisations involved in witness support
- Professionals and specialists interested in improving the experiences of vulnerable witnesses.

This evaluation aimed to add to the evidence base on how children and young people can be supported through police investigations and trials. Through doing this, it seeks to help inform practice in Barnardo's services and wider practice by the criminal justice system and other voluntary organisations, and to inform policy calls and structural support for young witnesses. All recommendations are repeated at the end of the report.

Key findings

- Barnardo's made a positive contribution to the wellbeing of children and young people throughout the police investigation and prosecution process. However, the work of Barnardo's cannot be seen in isolation from challenges within the existing process, which undermined the wellbeing of young witnesses and victims at various points.
- During the process, the benefits of consistent, one-to-one support from an independent, voluntary sector specialist worker were crucial to the promotion of children and young people's wellbeing, and to supporting them onto a pathway to recovery.
- The role of a Barnardo's worker was central in advocating for children and young people's rights and wellbeing to remain paramount, and for potential re-traumatisation to be limited as far as possible.
- Along with other work in this area, this evaluation builds an evidence base for access to advocacy, long-term and coordinated support from a 'single trusted individual and additional therapeutic support' where desired by the child or young person (which is highlighted as needing more attention in Beckett and Warrington (2015) *Making Justice Work*). This should be provided at the earliest stage and continue after a trial is complete.
- The immediate safeguarding and protection of vulnerable children and young people was often compromised by the lengthy waiting times that can prevail in the police investigation and prosecution process, and their overall recovery was delayed.
- As a voluntary sector organisation with significant experience of working with victims of child sexual exploitation and abuse, Barnardo's was well-placed to respond to and promote children and young people's wellbeing (in the areas in which Barnardo's services are available). Children and young people were supported both in relation to an active police investigation or trial, and in relation to ongoing risks of sexual exploitation and abuse that they may have faced.

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- The risk that the criminal justice process negatively affected the wellbeing of children and young people was heightened by the other vulnerabilities experienced by many witnesses and victims of exploitation and abuse. The support provided by Barnardo's was shaped by these vulnerabilities and by a range of other factors in their lives. This included, for example: children and young people living in foster care; children and young people who had severe mental health needs; children and young people transitioning into adulthood and new accommodation; children and young people completing crucial educational milestones, or children and young people who were going missing regularly.
 - The court preparation phase was extremely important in preparing children and young people for potential scenarios. Support for children and young people's overall wellbeing needs to be more thoroughly planned from the outset of investigations and prepared for at each stage of the process.
 - Barnardo's was central in advocating for a level of choice to remain with children and young people, and for their voices to be listened to, during a process that is usually very disempowering for young witnesses and victims.
 - Because of the complex attachment that victims of sexual exploitation and abuse may appear to show towards perpetrators of abuse (in some circumstances), Barnardo's was also central in raising awareness of exploitation, abuse, trauma and its manifestations in behaviour, with different stakeholders it works with during investigations and trials. Recognising this complexity in victims' backgrounds, presentation and experiences of trauma, and other complex vulnerabilities in their lives, is particularly important in cases where understanding of the concepts of trauma or consent may vary, both among those working in the criminal justice process and among juries who are considering evidence.
 - There is a gap in terms of support and explanation for parents and carers. There should be more emotional and practical support provided to parents and carers, from an independent source, to promote their own wellbeing and understanding of the process and to promote a solid support network for children and young people throughout this time.
 - Although working in a nurturing and trauma-informed way, there is a gap in Barnardo's ability to respond to children and young people with severe or complex mental health needs during an investigation and trial. Barnardo's should strengthen either its strategies to provide this support in-house or its linkages to support elsewhere, especially for those with acute and immediate needs.
 - There is currently real impetus for change in how vulnerable witnesses and victims are treated (including very recent announcements and plans coming into action in 2017), which will mean significant changes to the way young witnesses and victims will be cross-examined. It is highly likely that the better supported and informed a witness is, and the more their wellbeing is promoted and protected, the better their evidence will be. The role of independent support provided by a voluntary sector organisation, evaluated in this report, remains incredibly relevant in the current context. Every child or young person involved in a police investigation or trial relating to sexual abuse and exploitation deserves consistent, child-focused and specialist support before, during and after a prosecution.



Introduction

Barnardo's supports children and young people through police investigations and prosecutions, yet there is little documentation of if and how this has helped young victims and witnesses, and in what ways.

This evaluation was part of the Barnardo's Voluntary Funding Strategy Research and Evaluation Plan on Child Sexual Exploitation (CSE). Helping young witnesses and victims through prosecutions also contributes to the long-term outcome within the organisation's strategy on CSE: *More sexually exploited children are supported to recover, with services, including those offered by Barnardo's, improving and increasing to meet emerging and existing need.*

How the criminal justice system treats children and young people, and how this could be better, has historically been a key area of focus for Barnardo's. For example, the Parliamentary inquiry (2014) into child sexual exploitation and trafficking in the UK, led by Barnardo's, drew attention to many challenges and difficulties that the current system holds for young victims and witnesses.⁶

Barnardo's specialist child sexual exploitation and abuse services are increasingly supporting young witnesses and victims through police investigations and trials. Helping children and young people with the challenges associated with going through an investigation or going to court has increasingly become part of a CSE practitioner's role, and something that services offer alongside their core work. However, the support that is provided varies in its formality and scope depending on location and relationships with police and social care, warranting further learning and investigation.

'Wellbeing and support needs' was one of six crucial themes identified by Beckett and Warrington's (2015) *Making Justice Work*

study as needing attention and progress.⁷ In particular, it was argued, that more focus is needed on ensuring that victims and witnesses have access to advocacy, long-term and coordinated support by a 'single trusted individual and additional therapeutic support' where desired by the child or young person.⁸ This study importantly added to the evidence base on experiences of children and young people through the criminal justice process, which has to date mostly highlighted how these experiences negatively affect victims. Less is known about what kind of support they wish to receive.

Going through a police investigation and prosecution as a victim of exploitation or abuse is often described as inherently traumatic.⁹ This is because in addition to the trauma brought about by the experience of exploitation and abuse, through the process of a police investigation and trial, a child or young person must re-tell the experience, often multiple times, usually in an environment which is unfamiliar, intimidating and confusing to them. The process can be traumatic regardless of the outcome. A lot of evidence highlights how the justice system needs to change for young victims and witnesses in many ways, and thus this report provides a valuable insight into the needs and opinions of children and young people, their parents/carers, and police and practitioners who have been involved in police investigations and trials with Barnardo's support. It is important that these voices are listened to when designing support for young witnesses and victims (those under 18 years of age).

6 Barnardo's (2014). Report of the Parliamentary inquiry into the effectiveness of legislation for tackling child sexual exploitation and trafficking within the UK. Chaired by Sarah Champion MP. Barnardo's, Essex.

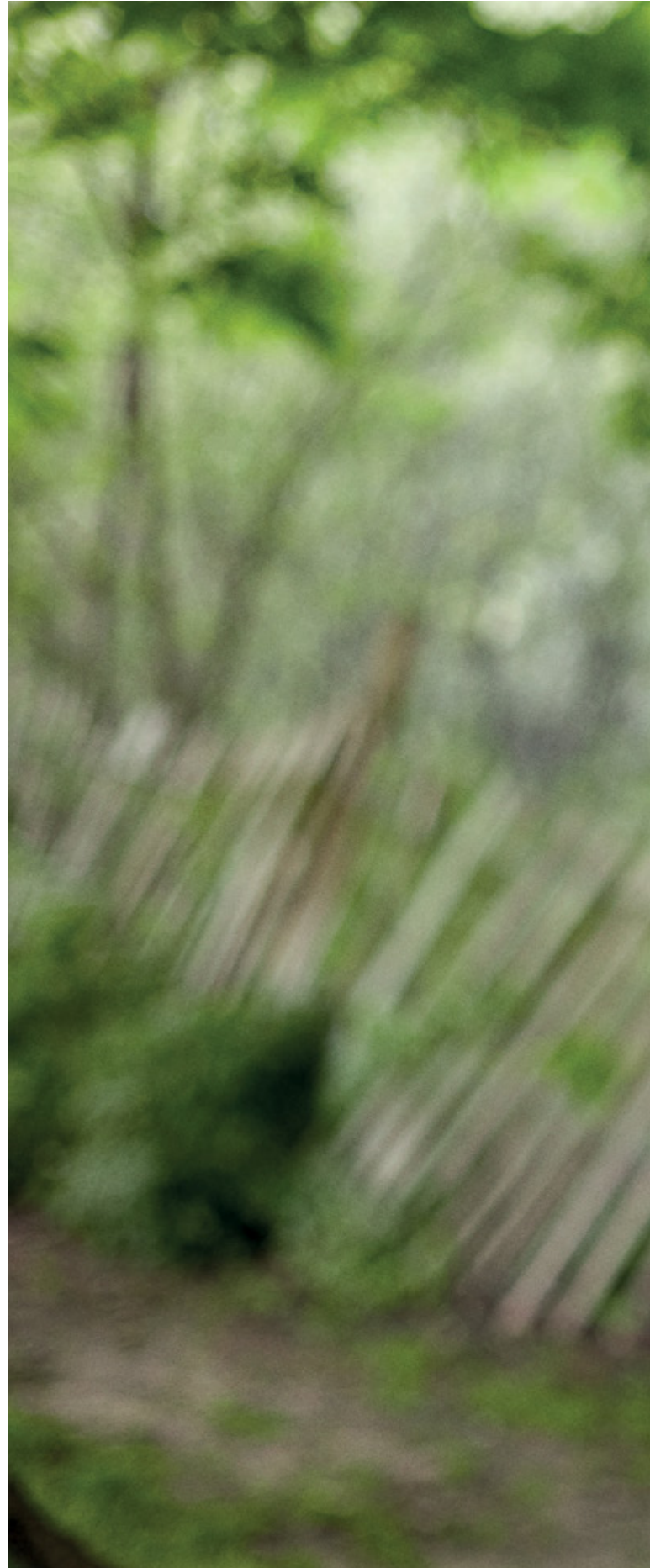
7 Beckett, H and Warrington, C (2015). Making Justice Work. Experiences of criminal justice for children and young people affected by sexual exploitation as victims and witnesses. University of Bedfordshire. Available at: https://www.beds.ac.uk/_data/assets/pdf_file/0011/461639/MakingJusticeWorkFullReport.pdf

8 Ibid. Page 8.

9 Beckett, H and Warrington, C (2015). Making Justice Work. Experiences of criminal justice for children and young people affected by sexual exploitation as victims and witnesses. University of Bedfordshire. Available at: https://www.beds.ac.uk/_data/assets/pdf_file/0011/461639/MakingJusticeWorkFullReport.pdf

Work has been taking place within the criminal justice system to improve procedures and circumstances to suit very vulnerable young victims and witnesses. For example, in 2017 pre-recorded cross-examination will be rolled out in England and Wales, which is likely to change experiences significantly for witnesses and victims who would have previously been required to attend in person at court (either physically in court or through a live link room).¹⁰

Nevertheless there is still a lot to learn about what works for children and young people – particularly in relation to receiving support from a ‘single trusted individual’ – and this report aims to contribute to filling this gap in knowledge.



¹⁰ Baverstock, J (Ministry of Justice) (2016). Process evaluation of pre-recorded cross-examination pilot (Section 28). Ministry of Justice Analytical Series.





What does existing evidence tell us? Summary of a literature review

A literature review was undertaken to inform this evaluation before the aims and research questions were finalised. The review explored the legal framework surrounding child sexual exploitation and abuse, some of the difficulties that children and young people experience when engaging with the criminal justice system, policy developments, and best practice regarding support for children and young people through investigations and prosecutions. The review also explored international best practice. The review of evidence concluded that although there have been some positive changes to national legislation, and although various sources of help and advice have been developed, children and young people are still not adequately and consistently supported through the investigation and trial process in the UK in relation to accused sexual offences against children. Key parts of the literature review are summarised here. As this is a summary, some aspects are discussed only briefly.

Child sexual exploitation and abuse and the law

Legislation surrounding sexual offences against children is different across the UK. Key provisions in England, Wales and Northern Ireland are summarised below, to demonstrate some of the forms of conduct which are covered. At present, prosecutions for child sexual exploitation and sexual abuse in England and Wales are brought under the provisions of the Sexual Offences Act 2003.¹¹ Further information about provisions across the UK (including overarching legislation in Scotland and Northern Ireland) can be found through the references.¹²

- Section 1: Rape (*applies to England and Wales*)
- Sections 2-3: Sexual assault (*applies to England and Wales*)
- Sections 5-8: Rape and other sexual offences against children under 13 (*applies to England and Wales*)
- Section 14: Arranging or facilitating a child sex offence (child under 16) (*applies to England and Wales*)
- Section 15: Meeting a child following sexual grooming (child under 16) (*applies to England, Wales and Northern Ireland*)
- Section 47: Paying for the sexual services of a child (*applies to England, Wales and Northern Ireland*)
- Section 48: Causing or inciting child prostitution or pornography (*applies to England, Wales and Northern Ireland*)
- Section 49: Controlling a child prostitute or a child involved in pornography (*applies to England, Wales and Northern Ireland*)
- Section 59A: Trafficking people for sexual exploitation (*applies to England, Wales and Northern Ireland*).

Context

Historically, the criminal justice process has been described as a scary, confusing and unfamiliar place for children and young people. Many service practitioners, young people and professionals in the criminal justice system have increasingly argued that we should first and foremost prioritise ‘what is best for the child’ in all court proceedings – and not necessarily the pursuit of a conviction. It has been questioned whether bringing child witnesses and victims to court really does bring about ‘justice’, as the process can be

11 College of Policing (2015). Major investigation and public protection. Responding to child sexual exploitation. Available at: <http://www.app.college.police.uk/app-content/major-investigation-and-public-protection/child-sexual-exploitation/#legislation-and-the-law>

12 See NSPCC’s website: <https://www.nspcc.org.uk/preventing-abuse/child-abuse-and-neglect/child-sexual-exploitation/legislation-policy-guidance/>

re-traumatising for already very vulnerable children and young people.¹³¹⁴¹⁵¹⁶

Others have argued that supporting child witnesses more fully would in fact aid the pursuit of justice. Prosecutors have often experienced major challenges in compiling sufficient evidence to convict perpetrators, with cases of exploitation and abuse often being 'hidden crimes'. Many professionals in the criminal justice system are suggesting that if children are supported adequately throughout the process, this clearly improves their engagement and the quality of evidence that they give.¹⁷ This has led to policy changes and professional guidance being issued, in an attempt to simultaneously improve young people's experiences of the court process and the quality of evidence.

Despite these calls for improvement, importantly, the literature suggests that supportive practice has improved in some areas, but that it is still not fully implemented in the criminal justice system.

Policy picture: Some improvements for child witnesses

- The UN Convention on the Rights of the Child (UNCRC) states that 'In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration' (Article 3.1).¹⁸
 - Article 12.1 states 'Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the
- child, the views of the child being given due weight in accordance with the age and maturity of the child.'¹⁹
 - Article 12.2 states 'For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.'²⁰
 - In 1999, the Youth Justice and Criminal Evidence Act was introduced in England and Wales which included specifications such as:
 - Court discretion – Courts have discretion to order that all of the child's evidence should be taken before the trial, and that video-recorded interviews of children under the age of 14 should be admissible as evidence. The child should not be required to appear in an open court.²¹
 - Publication – It is an offence to publish any details that could lead to the identification of a child or young person who is involved in a legal case, unless the judge specifically allows this.²²
 - The Crown Prosecution Service's (2006) policy states that courts should avoid delay when organising criminal cases involving children and young people as victims and witnesses. They acknowledge that long delays can be damaging for children and young people, leading to anxiety and making it more difficult for them to remember what happened. The policy states that courts should try to get the earliest

13 Plotnikoff, J. and Woolfson, R. (2011), Young witnesses in criminal proceedings: a progress report on Measuring Up? (2009)

14 The Guardian (2013), 'Child victims and witnesses should no longer appear in court, says Lord Judge', <http://www.theguardian.com/law/2013/nov/21/child-victims-witnesses-court-lord-judge>

15 Rowe, K. and Plotnikoff, J. (2013) The child protection system in England: Written evidence from Kathy Rowe and Joyce Plotnikoff (Director, Lexicon Limited). Parliament. Commons Select Committees. Session 2012-13. <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmeduc/writev/1514/cps87.htm>

16 Beckett, H and Warrington, C (2015), Making Justice Work, Available from: <https://www.beds.ac.uk/ic/recently-completed-projects/making-justice-work>

17 CEOP (2011), 'Out of Sight Out of Mind': http://ceop.police.uk/Documents/ceopdocs/ceop_thematic_assessment_executive_summary.pdf

18 United Nations Convention on the Rights of the Child (Page 4). Available from: http://353ld710iigr2n4po7k4kgvv-wpengine.netdna-ssl.com/wp-content/uploads/2010/05/UNCRC_united_nations_convention_on_the_rights_of_the_child.pdf

19 Ibid. Page 12.

20 Ibid. Page 12.

21 Section 28 of 1999 Youth Justice and Criminal Evidence Act. Available from: <http://www.legislation.gov.uk/ukpga/1999/23/contents>

22 Chapter IV of 1999 Youth Justice and Criminal Evidence Act. Available from: <http://www.legislation.gov.uk/ukpga/1999/23/contents>

possible date for the trial and have the date fixed in advance.²³

- The Criminal Injuries Compensation Act (1995) holds that where a child (or adult) has suffered physical injury or psychological harm as a result of the offender's crime, the child can make a claim for financial compensation through the Criminal Injuries Compensation Authority (CICA). A claim can only be made where there has been a crime of violence.²⁴

Special measures

As part of the Youth Justice and Criminal Evidence Act (YJCEA) 1999, the Government also introduced the right for children and young people to have special measures in court. These are a series of provisions designed to help vulnerable and intimidated witnesses give their best evidence in court and to help relieve some of the stress associated with giving evidence. All child witnesses under 18 are eligible for special measures. They are also available to witnesses deemed vulnerable, intimidated and victims of serious crimes and sexual offences. Special measures apply to prosecution and defence witnesses, but not to the defendant, and are subject to the discretion of the court.²⁵

The below is a summary of special measures available to vulnerable and intimidated witnesses, with the agreement of the judge:

- **Screens** (available for vulnerable and intimidated witnesses): screens may be made available to shield the witness from the defendant (section 23, YJCEA).
- **Live link** (available for vulnerable and intimidated witnesses): a live link enables the witness to give evidence during the trial from outside the court through a televised link to the courtroom. The witness may be accommodated either within the court building or in a suitable location outside the court (section 24, YJCEA).
- **Evidence given in private** (available for some vulnerable and intimidated witnesses): exclusion from the court of

members of the public and the press (except for one named person to represent the press) in cases involving sexual offences or intimidation by someone other than the accused (section 25, YJCEA).

- **Removal of wigs and gowns by judges and barristers** (available for vulnerable and intimidated witnesses at the Crown Court) (section 26, YJCEA).
- **Video-recorded interview** (available for vulnerable and intimidated witnesses): a video-recorded interview with a vulnerable or intimidated witness before the trial may be admitted by the court as the witness's evidence in chief – for adult complainants in sexual offence trials in the Crown Court. A video-recorded interview will be automatically admissible, upon application, unless this would not be in the interests of justice or would not maximise the quality of the complainant's evidence (section 27, YJCEA). (Section 103 of the Coroners and Justice Act 2009 relaxes the restrictions on a witness giving additional evidence in chief after the witness's video-recorded interview has been admitted.)
- **Examination of the witness through an intermediary** (available for vulnerable witnesses): an intermediary may be appointed by the court to assist the witness to give their evidence at court. 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 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 (section 29, YJCEA).
- **Aids to communication** (available for vulnerable witnesses): aids to communication may be permitted to enable a witness to give best evidence, whether through a communicator or interpreter, or through a communication aid or technique, provided that the communication can be independently verified and understood by the court (section 30, YJCEA).

²³ CPS policy on prosecuting criminal cases involving children and young people as victims and witnesses (2006). Available from: https://www.cps.gov.uk/victims_witnesses/children_policy.pdf

²⁴ Criminal Injuries Compensation Act 1995. Available from: <http://www.legislation.gov.uk/ukpga/1995/53/contents>

²⁵ CPS Special Measures: http://www.cps.gov.uk/legal/s_to_u/special_measures/#a02

Extracted from Crown Prosecution Service (CPS) guidance on special measures.²⁶

Additional sources of help and advice for young witnesses

- Citizens Advice Witness Service – All Crown courts and many Magistrates courts have a witness service with trained voluntary workers to help witnesses and their families. These services also have outreach workers for vulnerable witnesses.
- Child Witness Supporters – Some areas also have child witness supporters who act as a link between children and the court.
- Local Victim Support Schemes – Where available these can provide help and advice to parents and carers.
- Various resources and packs for young witnesses (for example, those developed by the Ministry of Justice). See Annex 2.
- Support from voluntary organisations.

Policy picture: Supportive practice has not been fully implemented

Many specialists have argued that although improvements have been made, the police investigation and trial process is still largely structured to be a very difficult experience for children and young people, and that many special measures are not consistently provided to young witnesses. Rowe and Plotnikoff (2013) argue that services for young witnesses remain very patchy across the country, and that the needs of young witnesses and victims are not being met.²⁷ They have also argued that children are not provided with enough resources in the criminal justice system. The financial climate has resulted in the closure of specialist young witness schemes and fewer resources.²⁸ Plotnikoff and Woolfson (2011) also argue that it is possible that current styles of ‘adversarial cross-examination’ in the UK often contravene principles for obtaining complete and accurate

reports from children, and may actually exploit their developmental limitations. They believe cross-examining witnesses by asking them many rounds of questions and attempting to ‘trick’ them and find faults in their account can cause young witnesses in particular to become confused and to give inconsistent answers. In other words, they argue that cross-examination involves ‘developmentally inappropriate questioning’, which can result in a young person giving weak evidence in court.

Continuing challenges: young people’s experience of police investigation and the court process:

The experience of going to court is generally recognised to be daunting and traumatic for children and young people. Below are some common difficulties that children and young people, and victims of sexual crimes, have been found to encounter:

- Stress, stigmatisation and re-traumatisation
- Fear of the perpetrator
- Long waiting times
- Bad experiences with criminal justice professionals
- Difficulty ‘engaging’ (see literature on sexual exploitation and trauma)
- Lack of knowledge about the court procedure
- Lack of power and agency.
- (Identified through the literature review)

Best practice principles: Structural support and professional guidance

Below is an outline of recommendations and guidance for best practice, made by the police and voluntary organisations, to improve experiences for children and young people. Importantly, many suggest that we know a lot about what young people need from existing guidance, but that these best practice principles have not been consistently

²⁶ Ibid.

²⁷ Rowe, K. and Plotnikoff, J. (2013) The child protection system in England: Written evidence from Kathy Rowe and Joyce Plotnikoff (Director, Lexicon Limited). Parliament. Commons Select Committees. Session 2012-13. <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmeduc/writev/1514/cps87.htm>

²⁸ Plotnikoff, J. and Woolfson, R. (2011), Young witnesses in criminal proceedings: a progress report on Measuring Up? (2009) <http://www.nuffieldfoundation.org/sites/default/files/files/Young%20witnesses%20in%20criminal%20proceedings%20a%20progress%20report%20on%20Measuring%20up%20v%20FINAL.pdf>

followed by all professionals who work with young witnesses.

- Training of professionals
- Recognising that victims may not always present themselves as vulnerable
- Engaging victims by building rapport
- Communicating with young witnesses
- Prioritising young witnesses' wellbeing
- Giving young people a sense of power and control
- Peer support
- Supporting witnesses after court proceedings have ended
- Supporting parents/carers
- Access to therapy.

(Identified through the literature review)

Witnesses and victims can access therapy during a criminal investigation, and the approach must remain within the boundaries of the 'pre-trial therapy protocol' of the CPS. Extracts from the protocol are included in the section on the police investigation milestone on page 49. The protocol holds that there must not be any detailed recounting of the evidence during the therapy, and that therapists working with the child must avoid approaches which risk discrediting the evidence.

Sexual exploitation, abuse and trauma

CEOP (2011)²⁹ and the College of Policing (2015)³⁰ suggest that it is important for practitioners and the police to be aware that victims of sexual exploitation may not always present themselves as vulnerable, and may be averse to engagement. This is because victims may be experiencing feelings of guilt and fear resulting from their exploitation. They may also be the perpetrators of other forms of crime, as a consequence of the control that their exploiters have over them.

The work of Howes (2016) on trauma and bonding has drawn attention to how victims of sexual abuse and exploitation may display

an attachment to their perpetrator(s). This attachment may have formed over a long period of time, especially where there has been targeting and grooming for example.³¹

Lockerick (2010) has also drawn attention to how traumatised witnesses may experience feelings of guilt and self-blame about some aspects of what has occurred. Her work explores the impact that guilt is likely to have on victim disclosure, and potentially on the accuracy of their evidence and account. She makes suggestions as to how investigators and interviewers might seek to use this understanding to inform investigations, interactions and interviews with traumatised witnesses.³²

Recognising and raising awareness of this complexity in witnesses' and victims' backgrounds, experiences and presentation of trauma, and of other complex vulnerabilities in their lives, is particularly important in cases where understanding of the concepts of trauma or consent may vary, either among those working in the criminal justice process or among juries who are considering evidence.

Recent developments

Video-recorded cross-examination – Section 28 pilots

Three pilots of pre-recorded cross-examination were recently undertaken in England (in London, Leeds and Liverpool). This is a significant step, as it means young witnesses do not have to enter a courtroom, but instead can be cross-examined from a remote room outside the court building. The idea is for this cross-examination to be as soon as possible after the evidence is gathered and recorded (through an ABE interview) so that there is reduced waiting time, allowing witnesses and victims to move forward with their lives earlier. Evaluation findings have shown promising results, including:³³

29 CEOP (2011), 'Out of Sight Out of Mind' http://ceop.police.uk/Documents/ceopdocs/ceop_thematic_assessment_executive_summary.pdf

30 College of Policing Website (2015), 'Responding to Child Sexual Exploitation', <https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/child-sexual-exploitation/#legislation-and-the-law>

31 Howes, N (2016). The Trauma Trap in CSE. 'It's like Boiling a Frog'. Presentation at Barnardo's CSE conference, February 2016.

32 Loderick, Z (2010). Victim guilt following experiences of sexualised trauma: investigation and interview considerations. Available at: <http://www.zoelodrick.co.uk/training/guilt-article>

33 MOJ Evaluation of pre-recorded cross-examination pilot (Section 28) 2016. Available at: <https://www.gov.uk/government/>

- Improved questioning styles helped by ground rules hearings (GRH)
- Learning highlighting the need for judicial scrutiny of draft written questions submitted in advance, so as to ensure they are relevant and appropriate
- Learning highlighting the importance of early identification of any vulnerability, so that this can be addressed in the GRH and appropriate steps for the witness can be in place
- Shorter cross-examination
- Better evidence and fewer ‘cracked trials’ (more guilty pleas prior to a trial)³⁴
- While the process continued to be stressful, evidence pointed to reduced distress and re-trauma.

The evaluation did however observe that, during the pilots, there were still critical delays between the recorded ABE interviews and recorded cross-examination, and therefore various areas for improvement were highlighted. It was recently announced that the approach will be rolled out across England and Wales from 2017 onwards.³⁵ This will hopefully hold considerable changes for the police investigation and court processes, and the ways these processes affect children and young people’s experiences of the criminal justice system, including the time young witnesses wait for cross-examination.

Specialist licences for police officers

The Home Office recently announced that it plans for police officers to have specialist training and licences to investigate child sex abuse.³⁶

The Advocates Gateway

The Vulnerable Witness Advocates Gateways (VWAG) provides guidance to advocates (and judges) as to the appropriate ways to plan trials with vulnerable witnesses.³⁷ The use of the gateways has been fully endorsed by

the Court of Appeal, and trial judges expect advocates to be familiar with and to comply with the guidance.³⁸

The national implementation of Advocacy and the Vulnerable Course (2016-2018)

Training is being rolled out for all legal professionals working with vulnerable witnesses involved in sexual offence cases throughout England and Wales on improving the treatment of the vulnerable during trials (including prosecution/defence, barrister/solicitor, as well as those which are privately funded or legally aided).³⁹ The course has been informed by the Section 28 pilots, intermediaries, the Advocates Gateways and child psychologists.⁴⁰

Expert evidence

The Home Office consulted on whether generic expert evidence on the impacts of serious sexual assault and abuse towards the behaviour of victims should be made admissible and available to juries (at present expert evidence is only admissible in this area if the complainant has a particular medical condition which may have influenced his or her behaviour). The change in the law was not introduced. Judges are allowed to assist juries with balanced directions to prevent juries from making false assumptions. However, the allowing of expert witnesses is an ongoing debate with some arguing that this can entitle the defence to call their own experts and lead to diversions from the main allegation.⁴¹

Barnahus/Children’s House Model Experts in this area have recently drawn attention to international models of practice, especially the ‘Barnahus’ model in Norway and other countries (also known as ‘Children’s House’) which prioritises the wellbeing of vulnerable children and young people, and

[uploads/system/uploads/attachment_data/file/553335/process-evaluation-doc.pdf](#)

34 Definition of a cracked trial: A trial that has been listed for a not guilty hearing on a particular day but does not proceed, either because the defendant pleads guilty to the whole or part of the indictment, or an alternative charge, or because the prosecution offer no evidence. Available at: <http://www.oxfordreference.com/view/10.1093/oi/authority.20110803095645197>

35 <http://www.bbc.co.uk/news/uk-29130709>

36 <http://news.sky.com/story/police-should-have-child-sex-abuse-licences-says-home-secretary-10677766>

37 <http://www.theadvocatesgateway.org>

38 Correspondence with Judge Peter Rook

39 Ibid.

40 More information on the training course is available at: <https://www.icca.ac.uk/advocacy-the-vulnerable/national-training-programme-2016-18>

41 Correspondence with Judge Peter Rook

pursues a much more child-friendly approach to questioning and evidence gathering, in comparison to the adversarial system in the UK. In this approach, children are interviewed by one trained police official through ‘facilitated interviews’, which take place in the same building throughout.⁴² Access to individual and family therapy are also available throughout the process.⁴³

Going forward

A lot of the research in this area has highlighted how pursuing justice through the current process, despite improvements to policy and practice, can be a difficult and re-traumatising experience for vulnerable witnesses and victims. ‘Wellbeing and support needs’ was one of six crucial themes identified by Beckett and Warrington’s (2015) *Making Justice Work* study as needing attention and progress. In particular, it was argued that more focus needs to be given to ensuring that victims and witnesses have access to

advocacy, long-term and coordinated support by a ‘*single trusted individual and additional therapeutic support*’ where desired by the child or young person. There is a gap in the evidence in relation to what this role is and the potential value of one-to-one support.

It is worth noting that the interviews for this evaluation were undertaken between January and June 2016, and refer to investigations and trials which took place in 2014 and 2015. Any policy discussion should bear this in mind.

It is highly likely that the better supported and informed a witness is, and the more their wellbeing is promoted and protected, the better their evidence will be. By documenting Barnardo’s role in providing one-to-one support through gathering organisational learning and participants’ perspectives, this evaluation seeks to contribute to filling this gap in evidence, so that young witnesses and victims can be better supported in the future.



⁴² For example, Blomfeldt, H (2016). “Interviewing Children. Facilitated Interviews.” Presentation to “Getting it Right for Child Witnesses” in Edinburgh 12th October 2016.

⁴³ Aamodt, A (2016). “Children’s House Oslo.” Presentation to “Getting it Right for Child Witnesses” in Edinburgh 12th October 2016.



Research questions

Primary research question

How have Barnardo's child sexual exploitation (CSE) services supported and promoted the wellbeing of young victims and witnesses through the police investigation and prosecution process?

Research sub-questions (4 areas)

1. What did Barnardo's support consist of?

- What support have Barnardo's services provided (either formally or informally) to young victims, before, during and after trials?
- What were some of the challenges in providing support?
- What innovative ways of working were there, and can any guidance or best practice be identified?

2. How was the wellbeing of young witnesses promoted?

- Has the support provided by Barnardo's support workers promoted the wellbeing of children and young people through a traumatic and difficult time? Was re-traumatisation (which is likely through an investigation and trial) minimised through the support offered?
- Dimensions of wellbeing identified with practitioners, children and young people (when piloting the methodology) included:
 - Sense of self and control
 - Relationships/support network
 - Emotional and physical health
 - Practical concerns
 - Safety and safeguarding.

3. What support (that should have been in place or offered) was there in practice?

- What were experiences with special measures in practice?
- How is guidance around pre-trial therapy realised in practice?

4. What are the practical and operational considerations of this kind of work?

- What were the effects on staff?
- What was the scale of/time spent on the work involved?
- What kinds of support do staff need? If there were a support package available for workers, what would it look like?
- Were there any unintended consequences of the work, which others could learn from?
- How has this work been resourced? What are opportunities for the future? Where does Barnardo's aspire to be?
- What recommendations do staff have for future courts support?



Methodology and ethical considerations

Methodological approach

This evaluation took a ‘process’ approach, seeking to understand and assess how Barnardo’s has supported children and young people through the police investigation and prosecution process, in relation to child sexual exploitation and abuse, and how well this has worked in the past, from different points of view, including an operational perspective.

The evaluation aimed to gain a well-rounded overview of what support looks like from the perspectives of young people, practitioners, parents/carers and police. It prioritised gaining children and young people’s views

about support before, during and after a trial. Taking a timeline methodology approach it collated different voices about the key milestones in the process.

This evaluation also took the spirit of an ‘appreciative inquiry’, exploring the positives, as well as what could be improved, knowing that the topic being explored is inherently full of complications and can be very challenging for children and young people.

Methods

The following table summarises the research methods used with each set of participants:

Goals and participants	Research methods
Background research and evidence gathering	Literature review and review of project learning documents.
Gathering the views of young victims and witnesses	<p>Six semi-structured interviews with children and young people who were either current or ex-service users, and who had been through police investigations or prosecutions with support from Barnardo’s. This included a small sample of two young people who received NFA decisions from the CPS. The breakdown by gender of the research participants was five female and one male.</p> <p>A participatory timeline methodology was used in these interviews. The participant placed stickers onto a flipchart representing key milestones of a police investigation and trial according to the order in which they happened. Discussions then centred on the support they had received at each milestone in the process. Towards the end of the interviews, if they wanted to, the participant then drew their ‘rollercoaster’ to visualise and explain their overall journey, and where they felt their support needs were highest.</p> <p>The timeline framework was developed by the researcher in coordination with an ISVA who had extensive experience of the police investigation and court process. The first interview was undertaken as a pilot, and the design was slightly tweaked for improvement afterwards. The data from this first pilot has been used in the analysis and report. The researcher made sure the methodology was flexible so that it could be used to suit each young person, their age and any specific visual and hearing needs.</p>
Grading	Towards the end of the interview, children and young people commented on the overall quality of the support they had received and how happy they were with it, through choosing on a scale of smiley faces. Discussions then centred on what they liked, what could be better and what was missing, as examples.

Goals and participants	Research methods
Gathering the views of practitioners on behalf of young victims and witnesses	One semi-structured interview with a Barnardo's practitioner. In this case the young person gave consent for a worker to speak about the case in detail – she wanted her story to be shared but did not want to re-tell it herself.
Gathering the views of parents/carers	Two semi-structured interviews with parents/carers (one with a mother and one with a mother and father, making three parents/carers interviewed) of children or young people who had been supported by Barnardo's. These were parents/carers of the children and young people interviewed.
Gathering the views of Barnardo's practitioners and service managers	Seven individual, semi-structured interviews with Barnardo's CSE practitioners and ISVAs about the individual cases (these usually focused on individual cases in preparation for the interviews with the children and young people). Six individual, semi-structured interviews with children's service managers (CSMs) One semi-structured interview with an in-house counsellor (one service) Four focus group discussions with Barnardo's practitioners across four services (one with two participants and three with five participants, making seventeen participants in total). These used a timeline methodology adapted from those used with the children and young people. Discussions focused on milestones and the support provided around each, and the challenges and good practice around each. Wellbeing analyses were then undertaken on separate flipcharts – exploring Barnardo's practice across dimensions of wellbeing.
Gathering the views of external stakeholders	Four interviews with police (four participants – detective chief inspector, detective inspector, detective constable and police constable), across three field sites. Originally the researcher planned to speak to social care professionals, however respondents in social care could not be identified during the research period.

Sampling, ethical considerations and approval

Locations and services

Barnardo's CSE services across all regions and nations were invited to take part in this research. Services chose to take part depending on whether or not they had been involved in police investigations, their enthusiasm and the time available to take part, and whether they knew of young people or external stakeholders wishing to engage with the research. No services who wished to be involved were excluded. The majority of research participants were in services in England, apart from one practitioner and young person in Northern Ireland, and one practitioner in Scotland.

Rather than exploring geographical differences, differences between services, or evaluating a specific service, the research

focused on drawing out commonalities or differences of young people and practitioner experiences and views across the study sites.

The following field sites and services (young people, practitioners and police) were involved in the research:

1. Belfast – Safe Choices
2. Bristol – BASE service (Barnardo's Against Sexual Exploitation)
3. Bradford – Turnaround service
4. Buckinghamshire – RU Safe? service
5. Manchester – Protect service
6. Middlesbrough – SECOS service (Sexual Exploitation Children's Outreach Service) and Independent Sexual Violence Advisor (ISVA) service

The findings presented in this report are from the above locations in England and Northern Ireland. They are not identified in the findings.

Children, young people and parents/carers

Participating services located children, young people and parents/carers whom they knew had been through prosecutions with support from Barnardo's. The researcher discussed the topic of the research and the ethical concerns, including the potential for upset and re-trauma through discussing the interview topics. The researcher and service staff therefore risk-assessed participants before ascertaining their involvement. The following factors were also considered:

- Current situation and stability of the young person and family
- Willingness to share and feed into future practice of Barnardo's
- Current support network and relationship with the service.

Information and consent forms were made available to participants before meeting the researcher. This explained that the focus of the research was on learning from what Barnardo's does, and on improving what it does to help children and young people. The research did not include any young people or parents/carers considered to be at high risk of suffering from the interview process. Parental consent was gained for children and young people 16 years and younger, as well as from the child or young person themselves. For those 17 and over, consent was only gained from the young person.

When meeting the participants, the researcher then discussed the information and consent forms in detail with all of them, ensuring that the information was understood and that consent was fully informed.

Most interviews with children, young people and parents/carers took place on the premises of Barnardo's services. Barnardo's practitioners were always in the same building when the interviews were taking place. It was ensured that the child or young person's worker came into the room half way through the interview to say hello and check if they were okay. One interview with a young person took place over the phone. This young person was 18 at the time of interview, was no longer in full involvement with the service, and decided this was how they wanted to have the discussion.

The researcher established signals with the children and young people that were to be used if they wanted to close the interviews. This was usually in the form of using a prop (e.g. the young person would hold up a marker pen or animal figurine agreed on at the beginning).

Children and young people were offered £15 Love to Shop vouchers as a 'thank you' for taking part. Food and drinks were also available during the field work.

Police

Interviews with police professionals mostly took place at police premises, with one taking place over the phone. In some cases the police interviewed were directly involved in some of the cases explored in the research, while in others they were not and talked more generally about their views and experiences. Again, full informed consent was gained. Police participants were identified through services.

Focus group discussions and practitioner interviews

All focus group discussions, and the majority of practitioner interviews, took place at Barnardo's services. A small number of practitioner and service manager discussions were conducted over the phone. Again, full informed consent was gained.

Barnardo's Training and Consultancy (BTC)

The evaluation ran alongside the development of a training package by BTC. As such, a colleague working for BTC took part in two of the focus group discussions with staff, and it is intended that the learning from this evaluation will feed into the development of guidance and/or training resources for Barnardo's staff.

Barnardo's Research Ethics Committee (BREC)

The research proposal, plans, field work tools and information and consent forms were all reviewed by a BREC panel in the winter of 2015, and a number of improvements were made in response to the review.

Timing

The final research design and ethical approach was approved in November 2015, and field work for this evaluation took place between January and June 2016, and refer to investigations and trials which took place in 2014 and 2015.

Policy relevance

Discussions with policy colleagues during the design phase suggested that the following areas would be useful to explore, as they could lead to future policy lobbying on certain aspects of prosecutions. As such these topics were included:

- Opinions on open/public courts
- Experiences of pre-recorded evidence pilots
- Experiences of special measures.

Participants (children and young people) and basic information about the trials

Barnardo's has been at the forefront of developing understanding of the diverse nature of child sexual exploitation and abuse.

While not exhaustive, some of the different kinds of exploitation and abuse that are being recognised today include: 'boyfriend'; online exploitation; peer exploitation; 'party' model; gang-related exploitation and violence.⁴⁴

This research focused on the process of police investigation and trial, and the support that Barnardo's provided, and did not explore participant experiences of the abuse itself for ethical reasons. As such, only very basic information on this was shared with the researcher by Barnardo's practitioners, and experiences of abuse were not discussed with participants.

The following table summarises the top-level information about the cases explored in this evaluation, and the outcomes of these investigations and trials. This is provided so that readers have a basic understanding of the backgrounds of cases that are explored throughout this report. The names, ages and locations have been made anonymous. There is diversity in the 'types' of abuse and exploitation, as well as the outcomes of the cases. The ages of the participants ranged from 12-18 years at the time of interview. All respondents were 16 or under at the time of the abuse in question.

Child/young person	Abuse/exploitation and other circumstances	Basic information about the trial and verdict
Ben	<i>'Boyfriend'/online exploitation</i> Ben was groomed online and sexually exploited by an older male in the community. Ben has since moved to be away from the area.	The case went to trial and resulted in a conviction. Evidence of contact was documented online and Ben did not need to be cross-examined. This process took around two and a half years.
Jade	<i>Witness in gang-related exploitation of multiple victims</i> Jade was witness to a friend being sexually exploited in a gang-based exploitative situation. Jade was often missing from home at this time.	The case went to trial and resulted in the conviction of multiple perpetrators. Because of the high number of victims and defendants, each witness had to be cross-examined by each defence lawyer. This process took around six months. The operation before the trial spanned over one and a half years.

⁴⁴ Source: Shepherd, W (forthcoming). How to work with children who are victims or at risk of sexual exploitation: Barnardo's model of practice. Barnardo's.

Child/young person	Abuse/exploitation and other circumstances	Basic information about the trial and verdict
Amy	<i>Familial sexual abuse by father</i> Amy was sexually abused by her father as a child and was placed in foster care. She is now in a permanent foster care situation.	The case 'fell apart' while in court, after Amy became confused during cross-examination, and there was no conviction. This process took around two years.
Leanne	<i>Familial sexual abuse by father</i> Leanne was sexually abused by her father as a child. She now lives with her mother. Leanne had suffered severe mental health issues including Post-Traumatic Stress Disorder (PTSD), and spent extensive time in a secure mental unit. It was during this time that the memories of her abuse re-surfaced.	'No further action' decision from the CPS. The case did not go to trial, after an 18-month police investigation.
Amber	<i>'Boyfriend'/older male in the community</i> Amber was groomed by an older male in the community, who she met at a sports club. At the time she believed he was her 'boyfriend'.	The case went to trial, after being adjourned once. Amber became confused during cross-examination. She was told that her evidence could not be corroborated. Defence was found not guilty. This took 4-5 months.
Rachel	<i>'Boyfriend'/online exploitation</i> Rachel was groomed online by an older male, who later met her in person and sexually assaulted her.	'No further action' decision from the CPS. The case did not go to trial after a 3-4 month investigation. She was told that her evidence could not be corroborated.
Chloe (whose practitioner shared her story)	<i>One-off sexual violence – rape</i> Chloe was raped by an older male who she had never met before, while she was missing from home.	Court was adjourned once. The case then went to trial and resulted in a conviction. The perpetrator was found guilty of raping Chloe and one other female under 16 in the community (while on bail). This process took around six months.

Annex 1 includes an update on the situations and circumstances of each participant at the time of the research.

Key milestones of the police investigation and prosecution process

Before prosecution	Preparing for and during prosecution	After prosecution
Disclosure and Barnardo's initial involvement	Preparation for the trial (including offering and organisation of special measures)	Receiving information about the verdict and sentencing
Police investigation process (including questioning and 'Achieving Best Evidence' (ABE) interviews, and pre-trial therapy)	During the trial and cross-examination	Moving on
Possible 'no further action' (NFA) decision from the Crown Prosecution Service (CPS)		

Wellbeing

Having consulted literature and conducted discussions with services staff, children and young people, the following wellbeing framework was developed and used to draw out good practice throughout each milestone in the process. The findings from the wellbeing and Barnardo's practice exercises have been cross referenced, triangulated and developed into 'best practice' summaries in each section of the report.



Limitations and caveats

- The evaluation was not intended to look at causal links between Barnardo's work, court cases and convictions. However, where possible, the verdicts of the trials were recorded.
- There was no comparison group, as from the outset it was highly unlikely that the researcher could locate young people who had gone through prosecutions without the support of a Barnardo's worker. This was also thought to hold considerable ethical concerns.
- The emphasis of this work was on the support provided during the prosecution process. The experiences of exploitation and abuse were not explored in depth. The prospect of discussing personal experiences had the potential to be quite intrusive, and the researcher was keen to avoid unnecessary questioning.
- Through a desire to avoid intrusive questioning, there was not a consistent assessment of children and young people's needs or the other support available by milestone. The discussions relating to children and young people reflect the core issues that they raised themselves.

Definitions

The report uses the following definitions:

- **'Practitioner' or 'worker'** refers to the Barnardo's individual worker involved in working with children and young people through the police investigation and prosecution process. There are two types of Barnardo's workers referred to in this research:
- **'CSE Practitioners'**: These practitioners often have dual roles in supporting children and young people on issues relating to CSE and going missing, alongside supporting other children and young people through court where needed. In the majority of cases, these workers are funded through Barnardo's voluntary funding and/or a mix of Barnardo's and local authority funding. The support they provide to children and young people through an investigation or trial is in addition to the one-to-one support (CSE

prevention and recovery) they provide to a case load of other individuals.

- **‘Barnardo’s ISVA workers’**: In the case of one service involved in the research, the service has a specific independent sexual violence advisor (ISVA) service. An ISVA worker involved in this research supported three of the children and young people who participated. The ISVA service is funded through the Home Office, and sits within a Barnardo’s CSE, abuse and missing service. ISVAs are specifically trained to provide 1:1 support throughout an investigation or trial to victims of sexual violence and are available through other agencies. They do not carry out CSE awareness and prevention activities at the same time (although the service attached to it now provides this to same children and young people ISVAs are working with, alongside an investigation and trial).

The decision to include both Barnardo’s CSE Practitioners and ISVAs in this research was so that the differences and commonalities between the two roles could be explored. The children and young people interviewed were supported by a mix of Barnardo’s practitioners and Barnardo’s ISVAs. Differences and commonalities in the experiences of CSE practitioners and ISVAs are highlighted throughout the report.

- Barnardo’s uses the official definition of **‘child sexual exploitation’** (CSE) which was created by the UK National Working Group (NWG) for Sexually Exploited Children and Young People and is used in statutory guidance for England and utilised in government guidance and policy. Definitions vary in nations and for different organisations.⁴⁵

‘Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive “something” (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them

performing, and/or another or others performing on them, sexual activities.

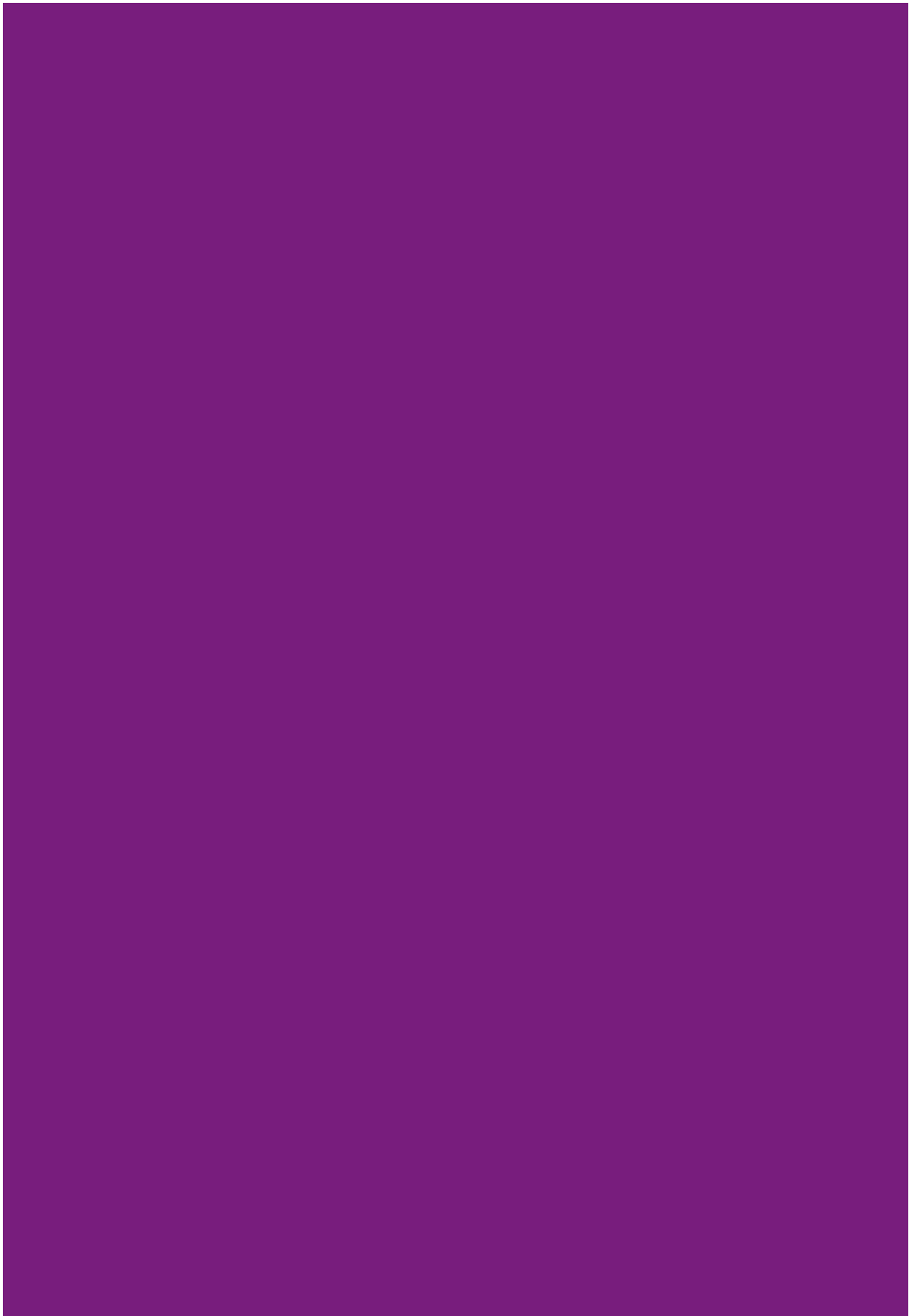
‘Child sexual exploitation can occur through the use of technology without the child’s immediate recognition; for example being persuaded to post sexual images on the Internet/mobile phones without immediate payment or gain. In all cases, those exploiting the child/young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are common, involvement in exploitative relationships being characterised in the main by the child or young person’s limited availability of choice resulting from their social/ economic and/or emotional vulnerability.’

- **‘Child sexual abuse’** (CSA) is defined as: (again, definitions vary in nations and for different organisations).

‘Involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening ... The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet) ... Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.’⁴⁶

45 The National Working Group for Sexually Exploited Children and Young People, 2008. Available at: <http://www.nwgnetwork.org/who-we-are/what-is-child-sexual-exploitation>

46 Sourced from NSPCC: <https://www.nspcc.org.uk/preventing-abuse/child-abuse-and-neglect/child-sexual-abuse/legislation-policy-guidance/> Original reference: HM Government (2015). Working together to safeguard children A guide to inter-agency working to safeguard and promote the welfare of children. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419595/Working_Together_to_Safeguard_Children.pdf



Findings – Before Prosecution

Milestone – Disclosure and Barnardo’s initial involvement

Children and young people’s needs – Disclosure and Barnardo’s initial involvement

Early and consistent support

For the majority of children and young people who participated in this evaluation, the beginning of their journey through the criminal justice process began with being interviewed by the police. Barnardo’s became involved once police investigations were underway.

Ben, for instance, was referred to Barnardo’s during the police investigation. The referral to Barnardo’s was made after the disclosure phase, and as such he did not have an allocated Barnardo’s worker until after he had disclosed, had been interviewed by the police and a CPS decision had been made (that the case would go to trial). Ben’s experience, as well as those of others, highlights the importance of involving Barnardo’s (or one-to-one support) as early as possible, so that support – particularly on raising awareness of rights and choices – can be provided. This is also when a relationship with a specialist worker begins to be established.

*‘At the very start they weren’t involved, it was social workers and stuff involved. But there weren’t any Barnardo’s. The referral was made after ... So all the video [ABE] and the statement, **I had to do all that myself.**’ (Ben)*

When asked how Barnardo’s could improve the service it offers in the future, Ben stated:

*‘Probably just the referral that was made for me, **it should be made quickly when it comes to light that a young person has been involved in something like that.** I think they should be referred to Barnardo’s immediately so they are not waiting for a while like.’ (Ben)*

Findings also highlight the importance of consistent support. Rachel explained that

she was allocated a Barnardo’s worker who was initially meant to only be a short-term worker. The option then arose for her to be placed with another worker, however Rachel was keen to remain with her original worker who she had grown close to. For Rachel, it was very important to have the same worker who remained with her for the duration of the investigation and beyond.

*‘**They let me stay with that worker because I didn’t want to go to anybody else ‘cause I’d got like a close bond ... She’s only like a temporary one, but because I got proper like used to her, I’d worked with her for months, they said that I could keep her ... I didn’t want a new one, I wouldn’t have been able to click with them.**’ (Rachel)*

Discussions with the police pointed to Barnardo’s strengths in working with children and young people in the early stages of investigations, and highlighted good practice of joint working. Barnardo’s work with young witnesses during this time was highly regarded by the police professionals consulted. Many highlighted the value of having a voluntary sector organisation involved, citing Barnardo’s skills in talking to and supporting children and young people over a long period, which in some cases has led to disclosures and has allowed investigations to be pursued.

One police officer recalled a case in which DNA evidence had been found, however the young person did not wish to talk to the police about what had happened for a year afterwards. A Barnardo’s worker supported this young person during that year, which eventually ended in a disclosure, and a subsequent trial in court. The Barnardo’s worker was then a witness in this case.

Barnardo’s role – Disclosure and Barnardo’s initial involvement

Supporting children and young people to make an informed choice

Barnardo’s involvement in a police investigation depends on how and when the referral for support is made to a service. If a disclosure of grooming, exploitation or abuse has already been made by a child or young

person, a service may receive a referral and become involved in supporting an individual from that point forward. In other cases, where a Barnardo's practitioner is already working with a child or young person who is known to be involved in an exploitative relationship, and a disclosure is made, then this practitioner usually becomes a witness in the police investigation and trial, depending on how far the investigation develops. This means that their role in relation to the young person during the investigation is then limited. When a practitioner becomes a witness, another practitioner would usually then support the young person through the trial.

If a Barnardo's practitioner is involved at the point of disclosure, a significant part of the role at this point is being clear that they have the responsibility to share what has been said with the police and statutory agencies, and helping children and young people understand their rights. Alongside this, Barnardo's workers focus on building a trusting relationship with the child or young person.

*'I think part of it is being very clear to the young person right from the beginning that disclosures will be shared and that police will be involved ... So being very open and honest right from the beginning is what I would do right from that initial meeting. **I'd make it quite clear what our roles and responsibilities are, and set it up that we do work with the police.**'* (Barnardo's practitioner)

*'Thinking about different pathways of what their options are ... I'd make it known to them that if a crime like that has been committed I have to pass it on, but it's the young person's choice as to whether the police are allowed to see them and whether they can talk to them or not. So if they don't want to, that's their right ... **it's very much advocacy and informing them of their rights.**'* (Barnardo's practitioner)

A number of Barnardo's practitioners explained that children and young people often feel under pressure to go forward with police investigations. As such, practitioners try to explain the situation and the choices available to them. This includes attempting to explain the process, including some of the difficulties that might occur, so that children and young people can make an informed choice about whether to go forward.

'They have a choice in the situation.'
(Barnardo's practitioner)

Prioritising wellbeing over disclosure

The Barnardo's worker's role at this stage also encompasses emotional and practical support, and for CSE practitioners this includes carrying out some education work on relationships and sexual health, with the aim of helping children and young people to recognise risky situations and abusive relationships. Practitioners were consistent in the view that children and young people's wellbeing and immediate safety needs to remain paramount, over and above a disclosure. Some also drew attention to the fact that many victims may choose never to disclose their experience of abuse because of the traumatising impact this can have.

On one occasion, a practitioner highlighted that she had felt pressure from the police to pursue or 'gain' a disclosure with a young person. In response to this, workers have tried to reassure the police that full disclosures will usually be made when a young person is feeling comfortable and ready.

*'There is a bit of a feeling that **sometimes they think 'oh Barnardo's will get it out of them'.**'* (Barnardo's practitioner)

*'We make the point that the disclosure will come when it will come. It's not our responsibility to get it. Because you can't go get a disclosure. **It will come when the natural circumstances present itself.**'* (Barnardo's practitioner)

Increasing understanding and confidence – talking about body parts

Another important learning is the need to help children and young people understand the correct terminology for body parts. Knowing that they will be questioned in detail, talking through the words they can use to describe intimate body parts was consistently reported as helpful in preparing them for difficult questioning with the police.

*'Another thing that I've learned which is a little tip, is it's actually a really difficult thing to be prepared if they're going to be asking really intimate personal questions. And **it's about having that conversation with them before, but also depending on their age and their cognitive ability, having a normal conversation about***

*‘what you would call different body parts.’
(Barnardo’s practitioner)*

Supporting physical and mental health

It is common for services to provide sexual health support (e.g. assessment, advice, treatment and access to contraception). Some services have in-house nurses and others link to outside provision. It is also common for some services to provide support with undertaking mental health assessments alongside mental health professionals where this is appropriate and available. In other areas where the linkages to mental health provision was weaker, this was less common.

In the cases explored, Barnardo’s was not involved in forensic medical examinations following disclosures. However, there was a good level of agreement among CSE practitioners and ISVAs that children and young people would benefit from support alongside these examinations, if workers were involved in the earlier stages.

Vulnerable adults

Police highlighted that there is an increasing need for one-to-one support for young people transitioning into adulthood, as well as for vulnerable adults who experienced abuse as children.

Barnardo’s role – best practice

This includes best practice identified across research participants

Disclosure and Barnardo’s initial involvement: How has the wellbeing of children and young people been promoted?

- **Sense of self and control**
 - Explaining confidentiality and the roles and responsibilities of police, Barnardo's, and other professionals
 - Helping children and young people to understand the current situation and their rights and choices
 - Helping children and young people in understanding words and language to describe body parts
 - Explaining the different pathways that could unfold
 - Explaining that going through with an investigation is their choice.

• Emotional and physical health

- Support alongside physical examinations (if involved at this stage)
- Support with undertaking mental health assessments alongside mental health professionals where appropriate and available
- Accessing sexual health advice, support and treatment (can be internal and external to Barnardo’s)
- Building a trusting relationship and letting them know that Barnardo’s believes in them
- Reassuring them that ‘you [the Barnardo’s worker] will be with them all the way’.

• Practical support

- Working with the police and offering explanations to the child/young person
- Providing extra support to help understanding if the child/young person has a learning disability or specific need
- Reporting concerns to the police and social care
- Being a witness (if witness to first disclosure)
- Assessing which children and young people the service can support across the team, and allocating support as early as possible
- Advocacy and information sharing
- Assisting with setting up the operation with the police (e.g. sharing of knowledge on alleged perpetrators)
- Helping to prepare children and young people for sharing intimate information with police

• Safety and safeguarding

- Risk assessment for further harm, and deciding whether or not to undertake joint-working on exploitation (CSE education etc.)

Learning and discussion points – Disclosure and Barnardo’s initial involvement

Need for capacity and flexibility to respond

In terms of practical and operational considerations, service managers highlighted the need for services to be able to remain dynamic (i.e. able to reallocate staff to work on

court cases, as well as being able to respond to immediate risks of harm and the needs of other children and young people, while not compromising ongoing investigations). This presents considerable challenges to services that are already stretched. The support needed throughout an investigation and trial can be difficult to plan for, as time frames are often unspecified and changeable, and demand that practitioners are available for large amounts of time with witnesses and victims. These capacity concerns were more acute for Barnardo's practitioners than Barnardo's ISVAs because the former continue to support a case load of other children and young people (who also require early and consistent support), while ISVAs are solely available for courts support work.

Number of police personnel involved

Practitioners recalled cases where up to five police officers have been involved before a disclosure. As such, they highlighted the need for at least one police officer to be consistently involved and sensitive to the wellbeing of the child, over and above there being a disclosure.

'You need to allocate one specific officer who doesn't have just that agenda of getting a disclosure.'

(Barnardo's practitioner)

Recommendations – Disclosure and Barnardo's initial involvement

Recommendation to police, social care or other referrers: Ensure referrals are made as early as possible.

Recommendation to Barnardo's: Review and reduce waiting times for support.

Recommendation to Barnardo's: Continue to promote consistency through allocating one worker for the whole process, where appropriate.

Recommendation to Barnardo's: Review availability of support for young people transitioning into adulthood, particularly for those with heightened vulnerabilities.

Recommendation to police: Ensure fewer and more consistent police officers are involved.

Milestone – Police investigation process

This section of the report explores the police investigation process broadly (including the questioning and ABE interview processes). Achieving best evidence (ABE) interviews are visually recorded interviews between a trained lead (police) interviewer and the young witness or victim. This usually goes on to be the 'evidence in chief' shown during the trial. If required, the witness/victim is then cross-examined based on this interview evidence (rather than needing to re-count the evidence again). ABE interviews are usually done as close as possible to the crime being reported.⁴⁷

Children and young people's needs – Police investigation process

Feeling unsafe and threatened

The children and young people involved in this research reported feeling unsafe and intimidated during the police investigation stage. All the participants were living in the same communities and towns as the alleged perpetrators. Children, young people and parents/carers reported feeling fearful that they would see the alleged perpetrator. While in some cases contact with the children and young people may have been prohibited through protective provisions ordered by the police, in other cases threatening behaviour was made by the alleged perpetrators, family members or friends (online and in person). In addition, others reported that because lots of people in the area knew about ongoing investigations, they felt people were gossiping and talking about them. Because of these circumstances, in Ben's case he decided to relocate to a different area after the trial.

Amy described the interviewing and the ABE video interview:

'That was okay but it was scary. Well, I didn't want to forget everything. I didn't want to say the wrong things ... I didn't want everybody knowing, I didn't want them to go back telling other people and them people telling everybody else. [It took] a long time. A long time.' (Amy)

⁴⁷ More information at: http://llrscb.proceduresonline.com/chapters/g_achv_best_evid.html

Case study: Rachel

Rachel had told her mother that she had been assaulted shortly after it happened, and her mother had called the police, who then interviewed Rachel around three times. None of these interviews were videoed. The police investigation process took 3-4 months, and Rachel explained that she felt constantly bothered, both online and in the local area, by the perpetrator and his relatives. Her experience highlights the need for children and young people's safety and personal space (in person and online) to be protected during police investigations.

*'I were getting like phone calls off the guy's cousin, getting abuse off him, **he were calling me upside down [all the time] so I had to ring the officer and say what had happened and stuff. And the officer warned him that if he carried on then he'd be arrested and stuff – but nowt happened to him.***

*'[His uncles] was in the car and started a video outside my sister's house, videoing it, going "I'm outside your sister's house", and stuff like that. **And obviously it was Snapchat, I couldn't prove nowt that it were right weird** [the Snapchat application deletes messages after they have been sent].*

*'I were annoyed because obviously the police weren't listening to me either, with him being outside my sister's house, stuff like that, proper weird, and then I don't know, **it just felt like I were being watched by him.** I knew I wasn't but it felt like that.'* (Rachel)

Parents/carers shared that they had concerns both for their child's, and their own, safety during the police investigation phase. This was especially the case if the accused perpetrator was on bail and living nearby. One parent/carer explains how she and her daughter both tried to disguise their appearances during this time, and how she took measures such as walking to school behind her daughter to check that she arrived safely. This fear was described as continuing after the trial (especially when there was no prison sentence given).

*'**We both coloured our hair completely different colours, we thought when she was walking to school, he wouldn't be able to pick her out** because she'd have completely different colour hair, he wouldn't expect that if you're walking in a crowd of people.'* (Parent/carer)

*'**I know we were frightened that he might try and come and get her sort of thing** ... I wanted [name of child] to have as much of a normal life as possible **so I'd let her walk with her friends but I would walk about 20 paces behind,** so there was a group of people in front but I could still see [name of child].'* (Parent/carer)

*'For quite a while afterwards, she was like **"what if I meet him in the street?"** ... Even now, in the back of my mind I'm thinking what if she ever bumps into him, you know?'* (Parent/carer)

Feeling blamed

Another common theme for children and young people was a feeling of having done something wrong, or feeling in some way to blame.

*'**I think that obviously the only people I've got a problem [with] is [the] police, like Barnardo's and that proper helped me.** I were going through like some proper bad times and I don't know, like spoke to [name of Barnardo's worker] and she sorted it all out for me. But it's just the police, they're the people you're supposed to go to and when they don't listen and when they take the mick, **you don't know who to turn to.**'* (Rachel)

*'It seems to me that the police only care when you're doing something wrong ... **they don't care when you're a victim.**'* (Rachel)

Loss of control

A common theme among the children and young people who participated was a feeling of being lost and not in control of the process they were involved in. In Amber's case, the ISVA service was not involved at the time of her ABE interviews – they became involved around the time of the CPS decision. Amber explained the process as feeling as if she were in a 'bubble'.

*‘A lot of the time it just happens and you get told, “oh yeah, this happened” ... it was between my parents and the police, I didn’t really get informed about anything, it just sort of happened and that. I think that’s the case **a lot of the time sometimes for the young person, it’s like you’re in this bubble and everything just happens around you.**’ (Amber)*

Many of the children and young people consulted had lost access to their phones and laptops during the police investigation (where they were needed as evidence), which they found particularly frustrating and isolating. Because of this, children and young people felt they had lost their connection to their friends and networks, and their normal way of communicating and keeping in touch. Many could use replacement phones for these periods, but were nevertheless frustrated. In some cases, this also bore a financial cost to young people who were paying for monthly contracts while they didn’t have the phones in their possession.

*‘Then he [the police officer] were going like, “We’re going to need to know everything, we’re going to need your phone, your underwear,” and stuff like that. So obviously I had to give them, **and then they didn’t get in touch with me for ages.**’ (Rachel)*

*‘They lied to me as well. They told me I’d have got my phone back the next day or the day after, they had no intentions of giving me my phone back, which annoyed me ‘cause I was on contract as well. It’s £50 a month, my contract. **They had it for three months so ... it would have been £150 wouldn’t it? £150 for nothing.** And like they said I couldn’t even change my number or owt like that.’ (Rachel)*

Starting to recognise exploitation

The police investigation phase can be a turbulent and confusing time for children and young people who have been groomed and exploited. It can often be a time when they start to realise that what they have experienced has been abusive rather than healthy or positive behaviour. During the police investigation that Amber experienced, she talked about giving two video interviews to the police. Her parents made the initial referral to the police. Initially, Amber did not realise that her ‘relationship’ with an older male was exploitative when she was being

groomed. This then meant she gave two ABE interviews.

*‘Because I did two, we did the first one straightaway because my parents had gone to the police and then it was on the same day and I sort of like, give all the evidence then and that. But then I did a second one again because on the first one, that was when I didn’t know really what was going on, but then like ... I think a few weeks later, they said that the defendant had been approached and he had denied everything and that was the first time I realised, because in that video, **I still thought oh he loved me and all stuff like this, so I was defending him and not really giving away things, so then I had to do a second one and that’s where I like ... yeah.**’ (Amber)*

Delays, lack of communication and frustration

Waiting time was a common complaint among the children and young people who participated. The police investigation that Leanne experienced took 18 months, ending in a ‘no further action’ decision. Leanne was supported by a Barnardo’s ISVA. She had severe mental health needs throughout her disclosure period which were ongoing. She explained the negative impacts that the continual delays had to her emotional health:

‘It took about a year and six months to get a decision. It angers me really that I had to wait that long to just be told “nothing’s happening”. There wasn’t enough evidence. Basically, I had PTSD and I repressed my memories from my childhood and they came back in flashbacks about two years ago, and because they came from flashbacks they didn’t think it was good enough evidence. My sister was also involved with it as well so she also did statements and things. They [the police] took a lot of time to get back to you. They didn’t keep up-to-date with you of what was happening, you had to get in touch with them about it, and whenever you did the only reply you got is it’s still with the CPS. That’s all you got from them.’ (Leanne)

Rachel shared similar frustrations:

‘We [Rachel and her Barnardo’s worker] had to keep ringing them up, they never got in contact with me, we had to keep ringing them up see what were going on.

*I really wanted to know what were going on, do you know what I mean, **they'd left it for three months.**' (Rachel)*

The length of time that the questioning and investigation phase can take, and the negative impact that this can have on a child or young person's wellbeing was raised repeatedly by practitioners. Uncertainty around when a case will go to trial can lead them to be very upset and 'wobbly'. This is particularly applicable in cases involving multiple witnesses.

*'The interesting thing for young people is when they make that statement, **there is often then long gaps, no communication from the police to let the young person know what's happening.** Even if it's just to say, "Hi, how are you doing? Just to let you know, the investigation is still ongoing."* I had a girl who didn't hear anything for two months! I was calling to try to get information which I did maybe once in that time, but no one contacted her and that's common. **That is one of the biggest things I struggle with.**' (Barnardo's practitioner)

*'**They just want some reassurance! Even if the police are investigating ... they're getting that information. They're getting something.** So we as workers will be trying to get that information, but we struggle with it as well.'* (Barnardo's practitioner)

*'**Her [one of the young people supported] wellbeing has been affected so much by the timescales being fluid.**'* (Barnardo's practitioner)

Additional stress (e.g. exams)

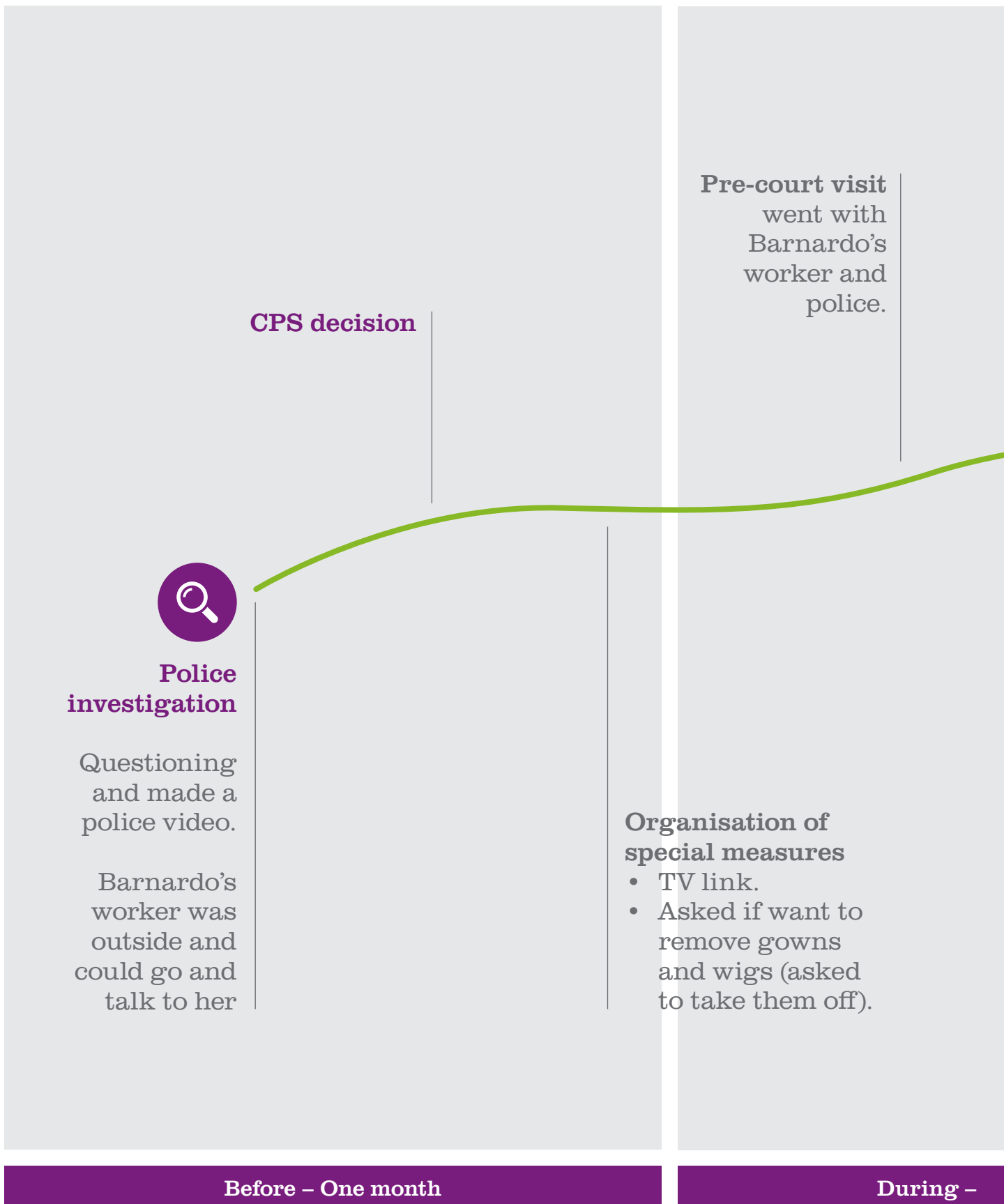
The timing of the police investigation had a particularly negative impact on Jade's life, as the investigation took place during mock GCSE exams. This trial involved multiple accused perpetrators, victims and witnesses. Because of its scale, she explained that there was a lot of 'waiting around' while interviews with others took place and while the case was processed before going to court.

'A lot of it was stressful because I didn't really pass my mocks. And then the stress through everything, not passing my mocks, it was hard for me to pass my GCSEs so I only got Ds and Cs.' (Jade)

Jade therefore re-sat several of her GCSEs the following year, once the trial was complete.

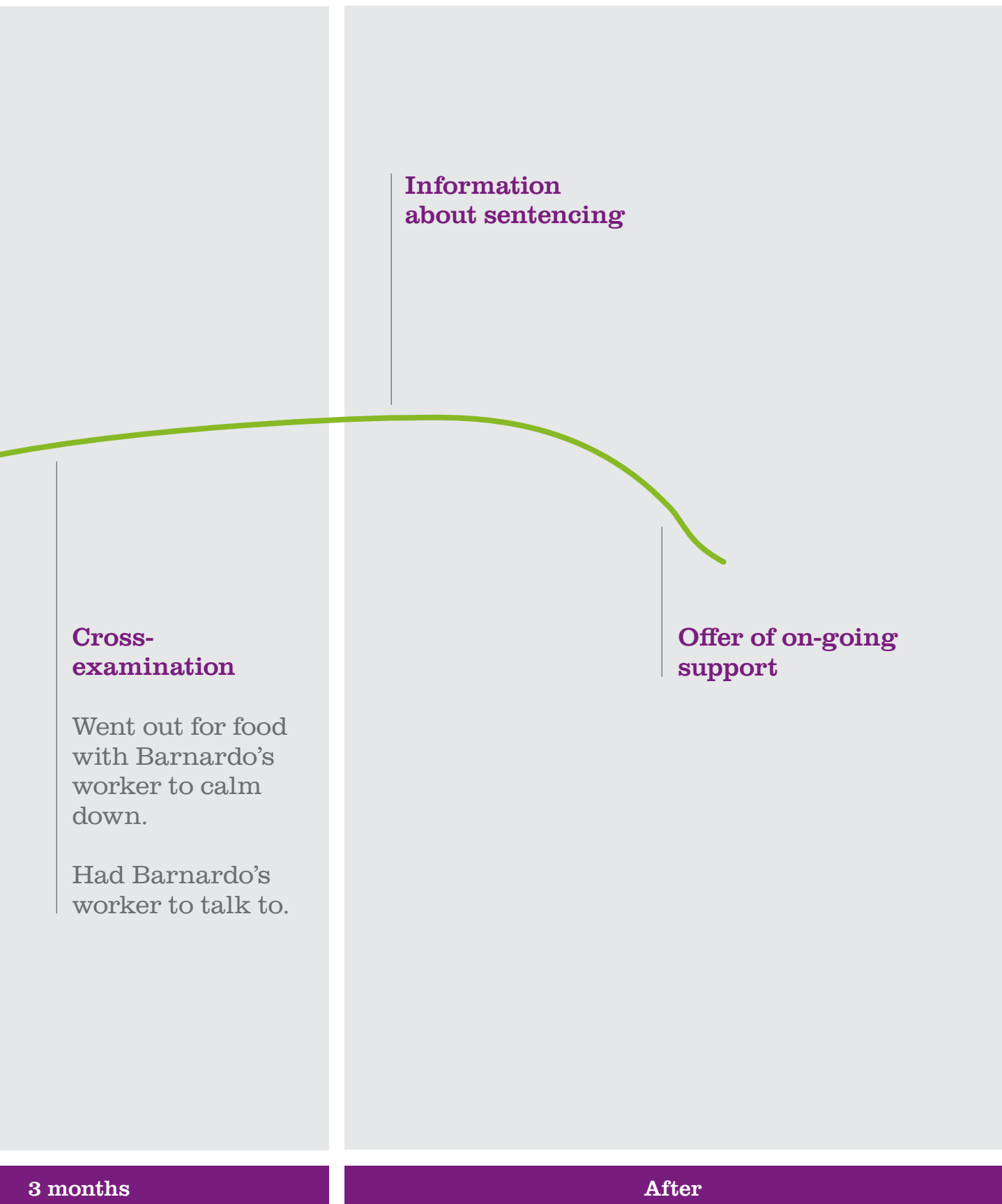
Jade felt her support needs were highest around the time of questioning, and then during the trial when she was waiting for the outcome. She also highlighted the need for ongoing support.

*'It's near the questioning and making videos and then during the whole thing, I think that's when you need a lot of support. And then after, you don't need as much, I just think it would be better for them to stay around a bit like [name of Barnardo's worker] did, for the fact that you know that someone is still there. Because obviously after court it's not a good thing, **you don't really want to be alone after.**'* (Jade)



Journey

investigations and prosecutions



3 months

After

‘Holding it all in’

Some of the ambiguity that practitioners displayed around the remits of pre-trial therapy (discussed under learning and discussion points on page 50-51) were also evident in children and young people’s accounts. Young people shared their grievances about the mental health support they received during the police investigation process. For example, Leanne accessed pre-trial therapy, however because of her needs, she felt strongly that she struggled with the delays and not being able to share detailed information until after her case. Leanne’s mental health needs were severe and ongoing during an 18-month investigation. This is consistent with other studies which have also found that constraints on what can be discussed during pre-trial therapy could deter children from wanting to access therapy at this point.⁴⁸

Case study: Leanne

In Leanne’s case, which took 18 months to reach a ‘no further action’ decision, she described how not being able to talk directly about the abuse was a real challenge for her. At the time, Leanne also had severe mental health needs (she was suffering from Post-Traumatic Stress Disorder). She shared her views on the pre-trial therapy she received:

‘You’re allowed this certain type of therapy which basically you’re not allowed to talk about anything that happened but just your feelings. But it’s pointless doing it, because the whole reason you’re feeling how you’re feeling is because of what happened, and you’re not going to get any ... you know what I mean?’

‘What help is that? You can see the frustration with the counsellor as well, and I’ve heard them say it’s the most frustrating thing to do because all they want to do is help and they can’t. Because if they talk about what happened then they’re part of the investigation and then they have to say.’

‘Because when I had my flashbacks I pretty much went straight to the police, and I’ve never ever talked about it, so

had these new sort of memories, and I just had to keep them to myself.

‘I think at one point I tried to do pre-court therapy – that’s what it’s called – and I just didn’t like it. It was basically you talking and someone staying quiet. You may as well of just sat in your room and talked to the wall.

‘Because if they talk back then they could say something that will affect you in court.’ (Leanne)

Talking about how she could then speak about things properly in the months after the CPS decision, Leanne said:

‘You were free to then, but it was harder to, because you’d been holding it for so long and you’d built this brick wall. You know what I mean?’ (Leanne)

Parents held similar views, in relation to the pre-trial therapy provided by a Barnardo’s counsellor.

*‘They supported her by giving her counselling but she wasn’t allowed to discuss what had happened to her, so that was a bit difficult. **It was helpful having the support, but because of the ongoing investigation, she couldn’t foreclose any information which really, she needed to get off her chest.**’ (Parent/carer)*

‘It’s telling them to keep all this inside. They need to be getting it out. It’s really harsh, very harsh.’ (Parent/carer)

When discussing her recommendations for Barnardo’s, Leanne added:

*‘**They [Barnardo’s ISVAs] were brilliant for what they could do ... Because I could see [name of ISVA worker] was frustrated at times because she couldn’t reach out fully.** They’re [Barnardo’s ISVAs] obviously not trained in mental health and I presume a lot of people they speak to probably do have the same condition as me, and if someone did have a flashback in front of them they wouldn’t have a clue what to do. And that’s not like in a nasty*

⁴⁸ Joyce Plotnikoff and Richard Woolfson (2009). Measuring up?. Evaluating implementation of Government commitments to young witnesses in criminal proceedings. NSPCC. Available at: <https://www.nspcc.org.uk/services-and-resources/research-and-resources/>

way, they're just not trained, that's not their field.' (Leanne)

I could get therapy afterwards, which was good to be honest. But I believe that therapy should be all the way around this, not just after. (Leanne)

Barnardo's role – Police investigation process

Barnardo's role at this stage is to support children and young people, and to provide mediation between the various agencies – mainly police – and the young person and their family. It has involved providing emotional reassurance and practical support (e.g. accompanying them to the police station for questioning and/or organising something to do together after the ABE interview), and has focused on advocacy, information sharing and relationship building.

It is worth noting that Barnardo's ISVAs are not usually involved at the time of the ABE interviews. These generally take place in coordination with the Sexual Assault Referral Centre (SARC), after which referrals are made to Barnardo's for an ISVA to support the child from then onwards throughout the investigation. It is generally felt that the offer of ISVA support should be made available before the ABE process. As discussed earlier, the majority of courts support is provided through Barnardo's CSE practitioners, with the exception of one Barnardo's ISVA service involved in this research.

Positive activities

A significant part of Barnardo's role during the police investigation phase is involving children and young people in activities which offer them the chance to talk but also are a distraction from the process. Rachel explained how her Barnardo's worker was there for her during this time. This included being nearby during the police interviews, taking her to get her possessions back from the police, and going for treats at local coffee shops.

*'We met up, it was either fortnightly or monthly ... and we just went for like a Costa or a walk in the park or just here, and we just caught up and I asked her any questions ... She was brilliant. **She was really good.**'* (Leanne)

Amy was supported by a Barnardo's ISVA throughout a police investigation and court proceedings. She remembers having her foster mum and her Barnardo's worker to talk to at the time. When describing the support she received, she discussed doing fun things such as visiting a Butterfly World, going for walks and baking a birthday cake. Many practitioners raised the importance of undertaking positive activities as a means to develop and nurture a trusting relationship with the child or young person.

Ensuring a support network is in place

Practitioners repeatedly reported the need to ensure a support network is in place for the child or young person around this time. For example:

*'In terms of the police questioning and the interviews, **you need to make sure that young people have a good support network lined up after. Because it's really re-traumatising.** And you can never really judge how they're going to respond. Sometimes they'll be acting okay and it'll be a couple of days later that it hits them. Sometimes they come out and are physically sick and are in a very, very bad way. So it's making sure that you've thought of a bit of a plan with them before.'* (Barnardo's practitioner)

If a child or young person is in foster care, practitioners argued the importance of making sure someone is home after the questioning and interviews. Barnardo's practitioners and ISVAs are often involved in updating parents/carers on the status of investigations, and also in determining how far children and young people would like their parents/carers to be involved. With regards to this, it was also stressed that this should always involve:

*'**Asking them what they want.** The girl who I supported, she lived with her mum – she had quite a good relationship. So her mum was quite involved. And the police officer went and met with her mum a few times, and sort of spoke about what was going on. I could be quite open with the mum, and make sure that mum was doing everything she could.'* (Barnardo's practitioner)

***I will offer telephone support, and say "if anything changes, or if nearer the time, please contact the office, because we are here for you."** And we'll pick that up at a*

later date. But I have done phone support with a family where I've kept contact with the police about the family – because not loads of families go through this. **It's not an everyday occurrence going to court. People don't know what's next or what happens now.**' (Barnardo's ISVA worker)

In other areas, the role of communicating with parents/carers has been held by the police.

Raising awareness and advising the police

Barnardo's has played a key role in raising police awareness. For example, the findings highlighted the importance of Barnardo's advocating for police not to go to schools/colleges to ask young people to come for questioning. Rachel, for example, was called while at college with the news about her police investigation.

*'It's just the way she [the police officer] were innit, and then the way she told me that my case had been dropped. She did it over the phone. **I was in college as well, it was so bad.**'* (Rachel)

'They kept talking about the "custody clock" – and I was saying 'Well how much longer have you got?' and it was still 3pm. So I said, "well you can wait for her to finish college at three, and then I'm picking her up. **You are not meeting her – the police – at college.** She'll come back to Barnardo's, we'll talk about what's going on and then you can meet with her then.' ... By the end of the operation they were a lot more with-it in terms of working with us. They were absolutely wonderful and became quite specialist CSE officers in the end. But there was a lot of learning with that kind of disclosure stuff.' (Barnardo's practitioner)

Amber was called in for questioning on her birthday. Discussing her recommendations:

'And just be aware of important dates as well, because on my birthday we got a phone call saying, "You need to come down to the police station, we've got an emergency meeting." And it was like four days before the trial, it was after the pre-court visit and then it was my birthday and then the trial, and then they called me in on my birthday.' (Amber)

Children and young people's accounts drew attention to the diversity of experience in their

interactions with the police. When discussing her recommendations, Rachel added:

*'Train the police officers more, defo, **'cause some of them really don't know how to work with young people.** Even [name of Barnardo's practitioner] said this, 'cause obviously I'm on curfew and a couple of week ago they came round my house, the police, walked straight into my bedroom at four o' clock in the morning, telling me who I should and shouldn't go round with, telling me I'm being groomed and stuff like that, telling my mum not to give me no money and stuff like that. **Some of them really don't know how to speak to us.**'* (Rachel)

Practitioners also highlighted the importance of having a choice of gender when allocating police officers and interviewers for each young person. One recalled a case where a young female did not allow the case to progress because the officer questioning her was male.

The findings show that Barnardo's clearly holds a positive reputation with local police, with regards to their work with young people. Practitioners frequently reported that the police come to the Barnardo's CSE services for advice and guidance.

Having a named police officer, as well as a Barnardo's worker, who are consistently involved holds multiple benefits for the young person. When this is the case:

'The young people know that they can go to their Barnardo's worker and say "I need to meet with the police", or "I want the police to back off", and they know the Barnardo's worker is there. Because they can see how we're working together. They know that you're there to help and protect them, if you like.' (Barnardo's practitioner)

Practitioners have also been involved in ascertaining how and whether the young person feels comfortable with being interviewed on video (for the ABE interview). This can be particularly traumatising for those who have been abused through video or online. In such cases, Barnardo's workers have advocated for alternative ways to give evidence, such as a written statement. This reinforces the learning about the importance of ensuring children and young people are properly consulted and empowered to make informed choices about the procedures and measures that suit them.

Multi-agency care plans

In some cases, Barnardo's has also been central in pursuing multi-agency care plans. One example of how this is developed is through 'Gold Groups'. When an operation is considered a 'critical incident', a 'Gold Group' is set up. These involve multi-agency meetings with all necessary partners – children's services, police, Barnardo's and media representatives. Alongside manager meetings which look at the specific needs of the children and young people, these are reported to have really helped coordinate and ensure appropriate plans for their wellbeing were in place.

'So there was a bespoke care plan written by people who knew the victim, who were speaking with the victim, and were able to talk through that care plan with them – what works really – "who would you like to contact you?" And just getting away from the age-old everybody turning up on the doorstep, social worker the next day, [the service] the next day – so just one person to do that contact.' (Detective inspector)

This coordinated support and preparation work with young people was crucial and – according to the detective inspector interviewed for this evaluation – incredibly important in the children and young people going to court.

*'Some were quite open about it and sort of, "yeah, I will", and others were very nervous about it. Yeah, lots of anxiety. Yeah, none of them point-blank refused. **They needed clearly lots of support through it. But if they didn't get that support – if we had just turned up and said "Alright, it's court next week" – I'm sure at least a couple of them would have said [no].***' (Detective inspector)

Ongoing education on exploitation and risks

A major part of Barnardo's work during a police investigation is making sure children and young people have the information available to them to ensure they remain safe and at a lesser risk of exploitation and abuse. Practitioners and ISVAs reported that the child/young person's safety is prioritised over and above the investigation, where their needs are paramount. Basic CSE and safety work is usually done in the third person (unrelated to the evidence, to avoiding 'coaching'), for

example through providing information on safety strategies and advice on how to identify grooming and risky situations where they might be vulnerable. The dilemmas around 'coaching' are discussed in the next section. In Barnardo's CSE services, this education work is undertaken by the same worker supporting the child or young person through the investigation. In the Barnardo's ISVA service, this work is undertaken by a separate CSE worker who works alongside their ISVA.⁴⁹

Crisis work

It is very common for Barnardo's CSE practitioners to be providing very practical support around this time. For example, it has involved making sure young people have a safe living space and access to food. Quite often this is described as 'crisis work'.

*'I had one yesterday, **"I got no money, I got no food."** I got one that said, "I got a letter I don't understand – it's from a psychologist – I'm going to go off my fucking head in a minute if you don't...". That. That is what you get. That is the crisis. And that in itself is not a crisis but the person's inability to understand, perceive it, and manage it, becomes the crisis.'* (Barnardo's practitioner)

Providing information

A major part of Barnardo's work during the police investigation phase is supporting the young person through talking about what the pathways and options are, and helping them to keep a realistic picture in their minds of scenarios that could happen. A significant challenge with regards to this is keeping up-to-date with the information on the investigation.

'I think the most difficult bit – and it must be worse for the young person – is the fact that because you're not kept in the loop, you don't always feel like you're doing the best by the young person. Because you don't necessarily know what is happening. And trying to get information can be very difficult as well. Information from the police.' (Barnardo's practitioner)

'They [YP] feel like they've lost control of things, and it's very difficult to give them back the control.' (Barnardo's practitioner)

⁴⁹ An Evaluation by Barefoot Social Research and Evaluation Services in 2015 of this service highlighted the challenges that the service was facing in balancing courts support work with ongoing safeguarding needs which led to practice changes.

Barnardo's role – best practice

This includes best practice identified across research participants

Police investigation process (including questioning and ABE interviews): How has the wellbeing of children and young people been promoted?

- **Sense of self and control**

- Talking through the different pathways and options
- Reminding children and young people of their rights and choices, and providing constant reassurance
- Helping children and young people to have a realistic picture of what could happen
- Helping children and young people think about how to 'help to keep it contained', for their own benefit of everyone not knowing/gossiping (e.g. at college) (this is discussed further in the 'preparation for trial' section)
- Offering peer support (in services where this is available)
- Making sure children and young people do not feel pressured to go forward unless they want to
- Explaining clearly and having a shared understanding of what can and cannot be discussed during the investigation and trial
- Helping them access their phones and laptops when available.

- **Relationships/support network**

- Helping to make sure a support network is in place
- Support with family relationships
- Being the appropriate adult
- Talking with families and explaining processes
- Negotiations with families around what the child or young person wants
- Making sure children and young people know who their 'go-to' people are.

- **Emotional and physical health**

- Having a positive activity lined up for after the interview itself
- Warning others in the support network that 'they may need extra support today'
- Support with completing mental

health assessments and access to wider support

- Providing emotional support and reassurance
- In-house counselling where available (counsellors should not ask questions about the case or evidence itself, following guidance on the remit of therapy at this stage)
- Linking to other appropriate therapy and mental health support where available
- Building a trusting relationship and thinking about 'how to cope' throughout this phase
- Being a familiar, constant and continuous person in their life
- 'Letting them vent'
- Organising or providing sexual health advice and support.

- **Practical support**

- Joint visits to the police
- Accompanying children and young people to questioning and interviews – usually sitting outside the questioning room and making sure they have a break
- Liaising with the police and child/young person and their family
- Working together with an individual police officer
- Lobbying for choice of police officer (gender)
- Letting children and young people know the pathways and options/what can happen
- Being aware that the defence lawyers may look at service recordings
- Monitoring how the investigation is affecting school work
- Getting things they want (e.g. colouring books)
- Thinking about the future
- Helping with enrolling in college
- Advocating to police to be aware of key dates (including birthdays and exam dates)
- Avoiding 'coaching' (see Page 49)
- Offering to have more detailed discussions if wanted after the trial
- Advocating for support where needed
- Keeping accurate recordings
- 'Crisis' and stabilisation work (supporting with food, money, housing etc.).

- **Safety and safeguarding**

- Basic CSE and safety work in the third person (unrelated to the evidence and avoiding coaching). For example, providing information on safety strategies and advice on how to identify grooming and situations where they might be vulnerable
- Providing info on staying safe, and helping children and young people to understand what has happened to them
- Putting the best interests of the child first
- Prioritising the child/young person’s safety over and above the investigation where their needs are paramount.

Learning and discussion points – Police investigation process

Police understanding

It is clear from the interviews that Barnardo’s has played a significant role in increasing understanding of the complexity and vulnerability of CSE victims among police forces. This has had subsequent positive impacts on how investigations have been handled and moved forwards. Speaking about how police worked before 2010:

‘And in those days I think we were sort of aware of CSE ... ish ... We sort of knew it was there, but I don’t think we – probably along with the vast majority of other forces in the country – really understood what it was all about. I think we were at a distinct advantage in [name of area] – having the [Barnardo’s CSE project] – because at the very beginning we were speaking with [name] who was the manager, and shown information ... And as you know in 2010/2011 there was a sort of water-shed, with publication coming out, including “Puppet on a String” – stuff like that. So we started to understand a little bit about CSE and what it was all about.’ (Detective inspector)

Police officials also reported the importance of having had specific training on CSE and trauma, and how this had helped the team working on this specific operation be more prepared to work with victims. Speaking about one victim, a police official recalled the difference that this investment had made:

*‘She was taken out to the hospital where the trauma came out by way of kicking and screaming and punching and shouting, and just being a real nightmare to handle ... And I think the investment in that training paid off, because they were able to recognise that this was trauma. **The easiest thing to do would be to arrest her and put her in handcuffs, and take her to the station. Five years ago that may have happened.**’* (Detective inspector)

This also helped in situations where young people were being held as suspects. Barnardo’s has worked with the police in instances where this has been the case.

*‘And we had a bit of a debate about it because the law commands that if people incriminate themselves then they need to be cautioned etc., **but we decided in the end just to let her talk.** And she gave three or four recorded interviews talking about her experience as a victim, and it actually worked very, very well. **That’s the first time I’ve ever done it, but it did work. It was all recorded, ready for the court, admissible as evidence in court. A video-recorded interview. It all worked very, very well ... So having gone through that process we were able to sort of weigh-up “Actually, this woman is a victim”.**’* (Detective inspector)

Support for witnesses

Jade became known to the Barnardo’s service during a large police investigation which involved multiple victims, witnesses and perpetrators. A Barnardo’s Practitioner was assigned to support her through the trial. The trial became high-profile with a number of perpetrators prosecuted.

Jade’s Barnardo’s practitioner was present during the questioning and ABE video interviews. She explains:

*‘I had [name of Barnardo’s worker] for my questioning. So she would take me to go see them and she’d bring me back and asked if I was all right and **make sure they weren’t pressuring me to answer any questions, and then with my video, when I was in the room, [name of practitioner] was in another room listening so she was there for the support.**’* (Jade)

The practitioner who supported her highlighted the good support Jade had

received from the police, specifically relating to her being a witness of a friend’s abuse. Her practitioner mentioned the good practice on behalf of the police in recognising this:

*‘She gave a couple of video interviews prior to going to court ... I think she was really well supported by the – the police officer that was linked in with her was great. She was really, really good. **And kept sort of saying to me, “I’m really aware that we don’t want her to feel that she’s not supported because she’s a witness not a victim.”**’ You know, I think she was really good at sort of checking in with her and – you know she gave Jade her number and said, “You can call me, and you can text me”, and I know that Jade did take that up.’ (Barnardo’s practitioner)*

Advocacy for intermediary support

In the experience of the practitioners interviewed, independent intermediaries have been appointed by the court where either a child is very young, or has a learning disability⁵⁰, although their involvement was reported to be very rare, reportedly because of there being a limited number. Intermediaries have a different role to Barnardo’s on the day of court. They are there to advise the court, and to facilitate communication between the barristers, the judge and the young person (to help ensure all questions are asked in an understandable manner, for example). In practitioners’ experience, this has made a significant difference.

‘They will help them achieve best evidence. But there’s not a lot of them in the country that do travel. And they do cost quite a lot of money. But they should be used.’
(Barnardo’s ISVA worker)

‘In terms of special measures as well, if it’s appropriate – massively advocating for an intermediary. So the young person I supported had a learning disability, but as court got closer her distress levels increased massively, and her ability to answer really basic questions was really impacted. So the main relationship needs to be with us and the police officer, making sure there’s a good network of other people as well. **Because when it came to two weeks before she was**

due to go to court, her emotional resilience plummeted. She really, really struggled. And we had a strategy about it because we felt she was at real risk of causing huge harm to herself.’ (Barnardo’s practitioner)

***‘And it was about meeting up with her a couple of times here. She had an assessment which highlighted massively how much she needed one. And they’re really good because they kind of stop any leading questions** and they – as we’re not allowed to sit in the video link with them – they’ve also got someone else there to advocate that she needs a break or “you’re not being clear in the way you’re asking her that”, and all of those sorts of things.’* (Barnardo’s practitioner)

There was some confusion on the part of practitioners about the extent of the role of intermediaries, and whether they were available for the duration of an investigation and a trial, or just on the day. Consultation with experts on this matter highlighted that their availability has now been extended to include involvement in ABE interviews. Plotnikoff and Woolfson (2015) make a strong case for intermediary support for child witnesses, as well as highlighting that their costs are around £36.00 an hour.⁵¹

Others need to recognise vulnerability and age

The time taken during the police investigation phase also has implications for how old the child or young person is when they go to court. Practitioners raised how this can potentially impact the jury’s impressions of that individual, in relation to their vulnerability and the legal age of consent. The following conversation between Barnardo’s practitioners explored this:

‘And also, you know, this girl she was 14 when this happened. Sixteen and a half when she went to court. She looks very, very different.’

‘Yeah, same for mine actually! She was 14, and nearly 16 by the time she went to court. So yeah, you are different aren’t you. And the jury can see that. They think, “oh well you look old enough to

⁵⁰ Section 16 of the Youth Justice and Criminal Evidence Act 1999 sets out the groups eligible for special measures:

witnesses with a mental disorder or learning disability; those with a physical disability or physical disorder; and children aged under 18 at the time of the hearing. Their eligibility is by age and no specific communication need is necessary.

⁵¹ Plotnikoff, J and Woolfson, R (2015). Intermediaries in the Criminal Justice System: Improving Communication for Vulnerable Witnesses and Defendants. Policy Press.

have given consent!’ But they were 14! So you are presenting as a different person in lots of ways, in court.’

‘You almost need to take photos of them of what they look like ... how vulnerable ... so they can tell them, “This is what I looked like!’”

(Conversation in a focus group discussion between Barnardo’s CSE practitioners)

Understanding the pre-trial therapy protocol

Extracts from the Provision of Therapy for Child Witnesses Prior to a Criminal Trial Practice Guidance⁵²

‘4.3 Whether a child should receive therapy before the criminal trial is not a decision for the police or The Crown Prosecution Service. Such decisions can only be taken by all of the professionals from the agencies responsible for the welfare of the child, in consultation with the carers of the child and the child him or herself, if the child is of sufficient age and understanding.

4.4 The best interests of the child are the paramount consideration in decisions about the provision of therapy before the criminal trial.

6.1 It should be understood that those involved in the prosecution of an alleged abuser have no authority to prevent a child from receiving therapy.’

Barnardo’s has a key role in ensuring that it supports children and young people to access the therapeutic support they need during a police investigation and in preparation for a trial (see extracts of the protocol). Young witnesses and victims can gain access to pre-trial therapy, and there are guidelines around what can be discussed during therapy sessions. For example, the guidelines hold that the evidence (information about the abuse or exploitation itself) must not be recalled or rehearsed in detail.

Extracts from the Provision of Therapy for Child Witnesses Prior to a Criminal Trial Practice Guidance⁵³

‘6.9 Therapists or counsellors should avoid using leading questions or discussing the evidence which the individual or any other witness will give, including exploring in detail the substance of specific allegations made.

6.10 Prior to the criminal trial, group therapy where the specific recounting of abuse takes place is best avoided. The particular danger of this kind of group therapy is that the witness may adopt the experiences of others taking part in the therapy. Structured group therapy approaches which help in a neutral way to improve the child’s self esteem are less likely to cause difficulties. As a general principle, group therapy should not be offered to the child witness prior to the trial.

6.11 Children may derive therapeutic benefits from talking about their experiences, but any detailed recounting or reenactment of the abuse may be perceived as coaching. Therapists should recognise that the criminal case is almost certain to fail as a consequence of this type of therapeutic work. This should be differentiated from the accepted practice of allowing witnesses, prior to giving evidence, to refresh their memory by reading their statements or viewing their video recorded interview.

5.24 There are therapeutic approaches that would very definitely present problems as far as evidential reliability is concerned. These would include hypnotherapy, psychodrama, regression techniques and unstructured groups.

6.2 The police and The Crown Prosecution Service should be made aware that therapy is proposed, is being undertaken, or has been undertaken.

6.10 Prior to the criminal trial, group therapy where the specific recounting

⁵² <https://www.cps.gov.uk/publications/prosecution/therapychild.html>

⁵³ Ibid.

of abuse takes place is best avoided. The particular danger of this kind of group therapy is that the witness may adopt the experiences of others taking part in the therapy. Structured group therapy approaches which help in a neutral way to improve the child's self esteem are less likely to cause difficulties. As a general principle, group therapy should not be offered to the child witness prior to the trial.

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6.12 Professionals should avoid the use of jargon and take care to use language that will not be perceived, if repeated by a child witness, as evidence of the witness being instructed. The language content of the therapy and counselling sessions is guided by the child but equally it must be recognised that children do use different forms of language in differing situations and contexts.

6.13 During therapy, witnesses should never be encouraged to extend their account of the abuse which they have suffered. However, it is acceptable to offer general reassurance and support to a child during this difficult process.

6.15 Prosecutors must be informed that the witness has received therapy. Prosecutors must then obtain an assurance that the witness did not, in the therapy session(s), say anything inconsistent with the statements made by the witness to the police. Prosecutors may need to be made aware of the contents of the therapy sessions as well as other details specified in the above paragraph, when considering whether or not to prosecute and their duties of disclosure.

6.16 Discussions at local level between the agencies concerned, exploring practical ways to facilitate good practice, will be helpful in handling the issues outlined in this guidance. A local protocol setting out the approach to be followed may be helpful.'

Most practitioners demonstrated a good level of awareness of the pre-trial therapy protocol and its boundaries, in relation to their own roles as well as the roles of counsellors (connected to the service or outside of the service), and this has developed over time. However, in some areas the confidence of working within the remits of the protocol was low. Many services have developed their own more tailored guidance to give them some structure around this. Nevertheless, there was general nervousness and mixed opinion around the protocol and its application in practice, and it seems that generally this is being worked out on a case-by-case basis and in coordination with the police working on a case.

'I think as an organisation we need the clarity. If we're supporting a young person through the court then I think you've got to adopt the CPS principles of being an independent person. If we're not supporting them through the court and another agency is doing that, then we can just carry on as we would, but if you are there specifically to support a child through the court – even if you've been a key worker for a while – then you have to sort of put a bit of a boundary around that, what you can and can't discuss with regards to the court phase.'

(Children's Services manager)

In addition, while there was varied understanding of the protocol, the implications for how children and young people must limit their discussions of the evidence were generally held to be damaging to the child's wellbeing and their recovery period.

'The main point of it is not rehearsing the traumatic experience in any way – not going through "what happened to you", because every time in theory you access a memory you can change it. So it's about emotional support around what has happened to the young person.'

(Barnardo's in-house counsellor)

‘From a safeguarding point of view, the needs of the child are actually paramount. And if you absolutely do need to talk about it then you need to talk about it. But my job is not to encourage them, not to try to piece together bits of their story – things like that.’ (Barnardo’s in-house counsellor)

‘But to me, that’s sort of damaging. That’s damaging to them. That’s what’s happened to “the dirty little secret” bit – we’re colluding in that. ‘Cause “shhhhh, don’t talk about that ... keep it secret.”’ (Barnardo’s ISVA)

‘I try do some strength-based work with them, because it’s very easy to define yourself by your bad experience and think because something horrible has happened to you, that actually you’re powerless. So it’s helping them understand that yes, you’re already a survivor and there are other things that you have and other capabilities, and helping them try and have a bit more of a sense of personal agency, so that they can be a little more self-reliant, a little more in control of their decision making and their actions and their situation, but not in a telling sense.’ (Barnardo’s in-house counsellor)

In general, the Barnardo’s ISVAs and in-house therapists appeared to have a clearer sense of the boundaries of the protocol in comparison to the Barnardo’s practitioners – who are providing courts support alongside a CSE case load, and who reported feeling more ambiguity and nervousness. This clarity was also more prominent in services which have in-house therapists and counsellors who are often assigned the role of providing therapy (according to the protocol) alongside an investigation and afterwards. Where there is no such support, CSE practitioners have a more difficult relationship with the protocol.

‘Can you see how difficult it is for me? When I start a session I say “you know you can talk to me about anything, you can do this, you can do that”. You do six sessions, you get a disclosure, and then you say “actually I can’t talk about that”.’ (Barnardo’s CSE worker)

It is also worth noting that the boundaries of Barnardo’s support at this time can very much vary depend on the direction given by police officers, and the practice and perspective

of police towards the offer of therapy. This suggests that police understanding and confidence around what is possible within the boundaries of the protocol could also be raised.

‘It’s really unclear, so in [name of area] we have police officers who are saying, “don’t talk about anything to do with grooming because you could be seen to be coaching her.” “Don’t talk about the case and just do support stuff, distraction stuff.” And then at the other end I’ve got a case when the officer is saying, “she clearly needs it, she’s holding so much responsibility and blame, she’s crying out to learn, she’s a very intelligent girl – to learn about grooming, about trauma bonds, and all of those sorts of things.” And actually it really varies, it depends what officer you have. Which is ridiculous, I ended up asking for advice from a CPS lawyer who was really, really helpful, and he is specifically based in [area] so I suppose it depends again which area you’re in – but it is ambiguous.’ (Barnardo’s practitioner)

Guidance on ‘coaching’ and what information to record

CPS guidance on ‘coaching’

‘Training or coaching for witnesses in criminal proceedings ... is not permitted ... The witness should give his or her own evidence, so far as practicable uninfluenced by what anyone else has said, whether in formal discussions or informal conversations. The rule reduces, indeed hopefully avoids any possibility, that one witness may tailor his evidence in the light of what anyone else said, and equally, avoids any unfounded perception that he may have done so ... The risk that training or coaching may adversely affect the accuracy of the evidence of the individual witness is constant. So we repeat, witness training for criminal trials is prohibited.’

‘This principle does not preclude pre-trial arrangements to familiarise witness with the layout of the court, the likely sequence of events when the witness is giving evidence, and a balanced appraisal of the different responsibilities of the various

participants... Witnesses should not be disadvantaged by ignorance of the process, nor when they come to give evidence, taken by surprise at the way it works. None of this however involves discussions about proposed or intended evidence. Sensible preparation for the experience of giving evidence, which assists the witness to give of his or her best at the forthcoming trial is permissible ... Nevertheless, the evidence remains the witness's own uncontaminated evidence.⁵⁴

Practitioners repeatedly reported challenges in trying to prioritise children and young people's immediate safety and awareness of risks to future danger or exploitation. This is often being balanced with not wanting to be accused of 'coaching' or 'guiding' while a police investigation is taking place, therefore affecting the evidence and the likelihood of a continued or successful trial.

There is still some general unease around this. Some practitioners had previously been accused of coaching, after having provided resources and information to young people. For example, in several multi-victim trials, barristers have challenged the attachment-based approaches used by the agencies involved – including Barnardo's – and used them in the defence as evidence of 'professional grooming' in their arguments.

To continue to support the young person's safety in these situations, most services monitor the risk the child or young person is facing, on an ongoing basis. Throughout the research, practitioners reported that this leaves them in a difficult position.

Barnardo's case notes are often requested to be reviewed as evidence during trials, and experience suggests practitioners would welcome some clearer guidance on both the remit of support and wording of recording. Barnardo's has developed guidance on this in relation to how it works within the remit of the pre-trial therapy protocol, however, understanding and confidence could be increased. Judges, prosecution advocates and court officials could also be clearer on what

Barnardo's role is.

I have to show that I am safeguarding a young person as well as not hindering an investigation. Obviously that's hard. So I can't kind of just put a recording on protecting themselves, keeping safe, because at the end of the day when people look back through the notes they need to see that I'm protecting that young person from CSE. So all I tend to put is: "This session was based on grooming, using scenario-based conversations, using the Barnardo's Risky Biz pack. Nothing was discussed in regards to the ongoing police investigation." Because I need to show that if somebody's at risk of CSE, then I need to show that I'm doing some work around what grooming is and what it entails. But then I also need to show that I'm not talking to them about the investigation. That's how I tend to record.' (Barnardo's practitioner).

I'm quite nervous – that you're part of a legal system, and you could be called to court, to give evidence. Your work, your notes, could be seen as being leading or coaching ... and it would be like your worst nightmare as a worker.' (Barnardo's ISVA)

On the other hand, there are inevitably going to be cases when practitioners are working with young people who have not disclosed, and where information and education on CSE and grooming leads to young people identifying their own exploitation and disclosing.

'My argument has always been from the other side. So say you're working with a young person who is at risk of CSE. You've worked with them for seven sessions so far. You've covered the grooming, you've covered safety, you've covered missing from home, healthy relationships, control and abusive relationships. So you've done that, and there's been no disclosure from them. Disclosure comes on the eighth week, and it goes to court. You've done that work before they've made the disclosure anyway, so then how is the barrister going to get hold of it then and say "hang on a minute, you've only disclosed this because of what you've done". But we're educating that young person to identify what grooming is, for them to know.' (Barnardo's practitioner)

⁵⁴ The rule against coaching a witness was explained by the Court of Appeal in *R v Momodou & Limani* [2005] EWCA Crim 177; [2005] 2 All ER 571; [2005] 2 Cr App R 6 summarised in Speaking to Witnesses at Court. CPS Guidance. March 2016.

Police reported that Barnardo's is in a unique position to support the child or young person when other agencies may not be able to. To avoid accusations of 'coaching' a child or young person, it was recommended that when preparing for investigations and court proceedings, Barnardo's should make it clear that their role is a support role and that they are working within the remit of the pre-trial therapy protocol, and should check that this is fully understood by justice professionals such as the judge.

'Barnardo's need to be aware that at some point, this is evidence, so every conversation with them and record is evidential.' (Police constable)

'Where the problem comes in is it's like the workers then become the witnesses, and then we're asking for all this information that's been collected for all these years, it's all said in confidentiality, but without a lot of that information and without any witnesses, we haven't got that strength of evidence to actually get a conviction.' (Detective constable)

'It makes me really nervous. Because obviously all our case notes are pulled, if it goes to trial, then the defence see them. And when I was cross-examining they pick out any tiny detail, and try and imply that you're coaching.' (Barnardo's practitioner)

Practitioners highlighted the need to be very clear with children and young people about what they can and can't talk about, and also highlighted the need for accurate case recording. Some practitioners have offered to be a listening ear or give advice on the actual case, once an investigation and trial is over.

'Just be really clear, really black and white, about what we can and can't do. Because it leaves you on edge.' (Barnardo's practitioner)

'So we always go along the lines of – just do the work, in a third-party scenario type way. So "this is CSE", you use case scenarios not about them ... So it's like a teaching based [approach].' (Barnardo's practitioner)

Barnardo's ISVAs – knowing the background to cases

During discussions, Barnardo's ISVA practitioners highlighted that they do not

have any background knowledge of the cases they are working on. This is in slight contrast to Barnardo's (non-ISVA) practitioners who usually have a basic understanding of what has happened, although they would refrain from talking about them in detail with the young person during the trial. According to the ISVA workers, not having any information can make it difficult for them to know what to avoid in conversations. Leanne explained:

'The thing that I definitely think needs improving is the fact the worker doesn't have a clue what happened ... I don't think she should necessarily know what happened, but I think she could do with knowing who it was by.' (Leanne)

Clear benefit of dedicated resources

Barnardo's supported young people and worked with the police throughout Operation Brooke, a large and high-profile trial. Brooke one resulted in the prosecution of nine defendants in relation to four victims. Brooke two resulted in the prosecution of another nine defendants in relation to six victims. One of the key learnings in relation to this trial was the importance of the dedicated resources received, which enabled the operation to have both investigative staff as well as staff to maintain systems. It also meant that the leading detective could 'hand-pick' officers known to be good at working with victims. These officers were able to invest time into building relationships and gaining trust. Having such resources enabled such time-intensive work.

'And some, even three or four visits in, wouldn't even approach the subject of interviews yet, and then it must have been a case of once they were a bit more relaxed they would say "just come and have a look around the interview suite. Just have a look around." And then a couple of weeks later, they [the victim] would be like "Ok, I'm ready to talk to you now."' (Detective inspector)

'Of course, bearing in mind that we had the resources, time, to do this. So, whereas in the real world, people are up against much more pressure, what I was able to have was the sort of "Rolls Royce" as to what worked and what I thought was going to work. And it thankfully did. Whereas in reality you might just have one DC who was responsible for the investigation, three victims all together. So you wouldn't have the luxury of time to do that.' (Detective inspector)

Police working on Operation Brooke were positive about Barnardo’s contribution, and argued that all children and young people deserved similar support.

‘For every child going through that court process, I would advocate every child who is identified at medium or high risk of CSE, should be allocated a Barnardo’s worker. That would be my bucket list, if I have to design it then yes, definitely, for somebody going through the court process as a minimum.’ (Detective chief inspector)

Implications of social media

The findings show that the presence of social media and mobile technology has implications for children and young people’s safety during police investigations (e.g. as mentioned earlier in the report, Rachel was repeatedly contacted by the perpetrator’s cousin and uncle via social media during the police investigation). In addition, the apps used did not retain the data shared, and so could not be used as evidence. In another case, there was a record of discussions over a social media site, which allowed the police to gather more evidence. However, where data is held abroad this can lead to delays. One practitioner recalls:

‘The investigation can take 4 months to 18 months. I’ve got two young people at the moment that have been shelved because the investigation involves international policies and legalities – Snapchat or Instagram or something from America – and for us to get information from a certain person’s profile on that app you have to go through America – and it’s stood still. This has now been about 18 months, and it’s still in investigation.’ (Barnardo’s ISVA worker)

Recommendations – Police investigation process

Recommendation to Barnardo’s, police and social care: Create multi-agency bespoke care plans for vulnerable witnesses and victims, including roles and responsibilities of all professionals.

Recommendation to Barnardo’s and police: Share learning and increase understanding and confidence of working within the remits of the pre-trial therapy protocol.

Recommendation to Barnardo’s: Raise professional confidence in producing accurate and transparent recordings.

Recommendation to Barnardo’s: Provide a clear and concise description, and gain a shared understanding of Barnardo’s role, with police and criminal justice professionals working on a case – including the remit of CSE education for safeguarding.

Recommendation to Barnardo’s: Review the limitations on what ISVA workers are allowed to know about a young witness/victim’s case, in particular to see if basic information about perpetrator relationship to the child/young person can be known (to avoid triggering upset to the child/young person).

Recommendation to Barnardo’s and police: Remain aware of important dates for children and young people (including birthdays and exam dates) and sensitive to where and when meetings take place (e.g. not at school or college).

Recommendation to Barnardo’s: Continue to share relevant information with the police, especially in relation to the child/young person’s safety, and information on potential perpetrators and networks.

Recommendation to Barnardo’s: Advocate for increased access to intermediaries for vulnerable children and young people, and for them to become involved at the earliest possible stage (including at ABE interviews).*

* A child or young person can be eligible by their age.

Recommendation to Barnardo’s, police and social care: Remain aware of the acute wellbeing needs of witnesses and victims in all investigations and trials (where timescales can be long), taking extra consideration for trials which involve multiple perpetrators and victims.

Recommendation to Barnardo’s: Continue to promote a support network around a child/young person, and make plans for what happens after key questioning and interviews (e.g. positive activities and making sure someone is at home).

Recommendation to Barnardo’s: Continue to advocate for children and young people’s

safety to remain the priority, and for their right to education on exploitation, abuse and keeping safe.

Recommendation to Barnardo's: Continue to advocate for information to be shared with children and young people, and for waiting times to be reduced.

Recommendation to Barnardo's: Continue to advocate for children and young people to be consulted and their preferences listened to throughout the investigation process.

Recommendation to Barnardo's: Consider sharing learning and practice with external intermediaries, ISVAs and witness support to promote clarity on roles.

Recommendation to Barnardo's: Raise professional standards, understanding of the criminal justice process (including up-to-date CPS policies and guidance as they are updated) and confidence in roles and responsibilities of CSE practitioners and ISVAs in relation to support through police investigations and trials.

Milestone – Crown Prosecution Service (CPS) decision – 'No further action' (NFA)

The decision of the CPS as to whether there is sufficient evidence to proceed with a trial in court is a key milestone, and a turning point in the process for children and young people. The conversations with children and young people in relation to CPS decisions concentrated on their experiences of 'no further action' (NFA) decisions. When the CPS deems that there is not enough evidence to pursue a trial, or it is deemed not in the public interest, an NFA decision is made (this is also often known as a 'dropped' case). This effectively means that the investigation is halted, unless further evidence comes to light at a later date. Both Leanne and Rachel, who took part in this research, experienced this.

Children and young people's needs – Crown Prosecution Service (CPS) decision – 'No further action' (NFA)

Shock

Discussions on NFA decisions highlighted the negative impact these had had on children

and young people's emotional health and wellbeing. This had led to feelings of shock, embarrassment, not being believed, and feeling like time had been wasted. In Rachel's case, the police investigation lasted between 3-4 months, and resulted in an NFA decision. Rachel received this news over the phone, from a police officer, while she was at college. At the time of talking to Rachel, she remained very angry about the outcome.

'I'm just like biding my time. Like I will get my payback on him.' (Rachel)

It was at this point, when she received the news, that Rachel felt she needed the most support.

'When I found out that my case had been dropped, I went in like a proper shock mode, like I only cry when I'm proper angry, like I did burst out crying and obviously, it were a shock 'cause his cousin went to college as well, so like it meant I had to be put in a security officer's car to be taken home from college, stuff like that. I felt like I was the person who committed the crime because just the way they tracked me but they let him off with everything, he didn't even get a slap on the wrist, I were even getting abuse from his mum, she were ringing me.' (Rachel)

'When they told me it was just so bad, like really bad, like I've never cried like that in college or anything like that, it was so embarrassing.' (Rachel)

Rachel described her support needs as being highest when she received the information about the NFA decision.

'It were a full nightmare. The worst bit were when I got told my decision, that it weren't going no further.' (Rachel)

'My emotions were going proper high at first ... and then obviously they were going higher and higher and then when I had to wait and all that lot, when it were getting investigated, when they contacted me to do another interview, it were going a bit lower then. And as they told me like everything, it just went sky high, just literally sky high, it just went pure bad.' (Rachel)

Rachel's

Support for young people during police



Journey

investigations and prosecutions

After

Frustration and disappointment

For Leanne, a key factor in the reasoning she was given for the NFA was to do with her memories and flashbacks. This outcome had a negative impact on Leanne, leading her to question her own memories.

*'My police officer came round and told me, which I appreciated rather than just a letter or something. She said it was basically because the flashbacks. **I think it was basically ignorance of people not understanding what flashbacks are because they are memories and not just ... but because the memories came forward they just didn't think it was like ... I don't know.** It was to do with that really.'* (Leanne)

It took 18 months to reach this decision.

*'Because they said up to two months I was getting my hopes up thinking, "If they've been this long surely they're getting a proper case together and I'll be able to go to court", **and then it was like "boom".'*** (Leanne)

***It's so frustrating because you question everything. You know what I mean? ... Like when they were like "no further action", they were saying the flashbacks weren't enough evidence and all of this, you just sort of ... I don't know how you ... I can't word it. [Pauses] Like you sort of question thinking.** "Do I actually have post-traumatic stress disorder? What actually happened to me?" You start second guessing everything and thinking, "Did this actually happen? Am I making it up?" You know what I mean?' (Leanne)*

Leanne's support needs were highest when she received the news of an NFA decision. Describing her support needs:

*'Just the whole process really. **With me having anxiety I wanted to know exactly what was happening when.** [Name of ISVA worker] always tried to get in touch with the police and my police officer was never in, and whenever it was it was still with the CPS, that's all I got. It wasn't like "it'll be in a couple of months". I wasn't even warned of the time period. I asked them and they were like "it could be up to two months", that's what they told me. **If they warned me that it could have been over a year then I would have been aware of it and not so much worried the whole time.'*** (Leanne)



Leanne's

Support for young people during police



Questioning

Leanne's PDST occurred – involving depression, memories and flashbacks of abuse in her childhood.

- Fortnightly catch ups with Barnardo's.
- Go to costa etc.
- Preparation for court work.



Police investigation

Barnardo's said "We believe you."

Two police interviews/ABE

"Not allowed proper therapy."

CPS were questioning events.

Flash



Before – 18 months

Journey

investigations and prosecutions

backs

Anxiety



Frustration



Rock bottom



Therapy with the service 'built a brick wall.' "It should be before and through it all."

Ignorance around flashbacks/not realising flashbacks are memories.

Ongoing support

"Questioning self."

"Questioning everything."

**CPS decision
(No further
action)**

After

Parents/carers argued in favour of providing training to relevant professionals working in the criminal justice system on the presentation of trauma and mental health needs (including PTSD).

When discussing recommendations for the police and CPS, children and young people added:

'To be kept more up-to-date. That was the frustrating thing. And to be told about the timescale. I know they can't say to you "we're going to be six months and three hours", I know that, but they could give you an estimate.' (Leanne)

'Try and investigate it like sooner, like prioritise kids' investigations.' (Rachel)

Barnardo's role – Crown Prosecution Service (CPS) decision – 'No further action' (NFA)

Barnardo's role during this stage has been largely to support the young witness or victim in preparing for a variety of possible outcomes, and to help orientate them for the way forward when the CPS decision is known.

Reassuring children and young people they are believed and that time was not wasted

Across all of the research sites, practitioners consistently reported the importance of re-affirming to the children and young people they had worked with that they were believed by their worker throughout this process, regardless of what the CPS decision was.

'It's about being believed – [and saying] "It's not that we don't believe you. That's not the case here, but it's about evidence and what's needed to get something into court".' (Barnardo's practitioner)

'If it's NFA they're always like "why didn't they believe me?!" And I just try to explain to them and make it clear that it's not because they're not believed. A lot of the time it's about evidence and it's about the likelihood of a prosecution.' (Barnardo's practitioner)

'We're kind of preparing them. I would say to them, "look, this may not go the way you want it to, but that doesn't mean that it didn't happen. Stick to your truth. We believe you. I believe you."' But you kind

of have to prepare them for the fact that it might not. But no one else does, in the court system or in the police and what not.' (Barnardo's practitioner)

Exploring evidence



Many practitioners have used the analogy of a jigsaw to explain and demonstrate the process which the CPS goes through to reach a decision about whether or not there will be a trial. For example, if there is too much missing evidence to reach a prosecution, they may make an NFA decision. The explanation is usually accompanied by reassurance that Barnardo's believes the child or young person. This is also commonly used around the time of giving evidence (at the time of the trial, or when the outcome of the trial is known) and is reported to be a useful (practical and visual) way to explain these milestones.

Children and young people reported 'feeling believed' by their Barnardo's worker.

'[Name of Barnardo's worker] said from day one, "I don't know what's happened, I'm not allowed to know what's happened but we believe you."' That's the first thing she said.

'My family believed it and my police officer I worked with believed it, but as a whole ... the whole criminal justice system were just like "phh" basically. That's what I felt like, yeah.' (Leanne)

Ensuring children, young people and families have a full explanation and understand the decision

Many practitioners highlighted the need for CPS decisions to be communicated in a careful and considerate way. Highlighting both the roles of the police and the CPS to young people has also been key in helping children and young people to understand who is making decisions and why they are being made (i.e.

highlighting how the CPS's role is different to that of the police, and showing that it is the police's role to provide evidence and the CPS's to make the decision). It is common for ISVAs to become much more involved at this stage, especially in sharing information with families.

'I think it's quite important that it's the police that explain to them why it's not going further. With us maybe. But I would generally get the police to explain it to them. It's not our decision.'
(Barnardo's practitioner)

'An important thing is explaining it to them in a really young-person-friendly way. So explaining who the Crown Prosecution Service are, explain that it's called "crown" because the queen wears a crown, and they're working for the queen. And just really helping them understand who they are and that it is not the police making this decision.' (Barnardo's practitioner)

'We've got to make sure it's from a reliable source ... we need it from a professional really. So we get that information confirmed, and then we'll contact the family around the decision. And that's when our role really kicks in.'
(Barnardo's ISVA)

Where an NFA decision has been made, this can be a very sensitive and turbulent time for the children and young people and their families. One ISVA explained her role in trying to help establish a state of 'calm'.

'If it's a "no further action" outcome there's a lot of high emotions around that – mainly from parents or family ... I think what you find is the family have been through so much of an emotional rollercoaster that a lot of them, once they're calmed down a couple of days later – I keep in touch with them – we try to look at the positives – we say "you can switch off from it now, you can move forwards."' (Barnardo's ISVA)

In-house counselling

Two of the services involved in this research have in-house therapeutic support and counsellors. The others, which do not, reported needing to make referrals onwards either to CAMHS (child and adolescent mental health services) or to other support services available to victims of abuse or sexual violence.

Barnardo's role – best practice

This includes best practice identified across research participants

CPS and NFA decisions: How has the wellbeing of children and young people been promoted?

- **Sense of self and control**
 - Explaining the situation
 - If an NFA decision, using the jigsaw analogy and providing reassurance that 'we believed you'
 - If an NFA decision, helping to do some acceptance work
 - Offering peer support (if available at the service)
 - 'Letting them vent'
- **Relationships/support network**
 - Contacting the family if appropriate and having clear communications with parents/carers
 - Helping families cope with high emotions
- **Emotional and physical health**
 - Being a trusting person
 - Encouraging self-care and proper sleep
 - Helping to stabilise the young person
- **Practical support**
 - Advocating for young witnesses and victims to be kept up-to-date
 - Checking and confirming the decision
 - Talking through the options going forward
 - If an NFA decision, trying to talk through some of the positives (e.g. that more evidence may surface at a later date)
 - Explaining charging decisions and processes around pleas

Learning and discussion points – Crown Prosecution Service (CPS) decision – 'No further action' (NFA)

Need for links with therapeutic and mental health services

Barnardo's practitioners and ISVAs highlighted the importance of supporting children and young people to access therapeutic support when cases have received an NFA decision, because of the shock, disappointment and overall emotional toll that these can have on a child/young person.

*'We've got loads of kids going through that process. **The trauma of a failed investigation or an investigation that goes further than that.**' (Barnardo's practitioner)*

Research participants highlighted the importance of having access to counselling throughout this period, especially as many of the service users Barnardo's works with have usually experienced other traumas in their lives, have difficult home lives, and/or have insecure or disorganised attachments to people in their lives. The police investigation or trial is often one part of a complex web of other issues which the children and young people need support with.

'Quite often the case is sort of the tip of the iceberg. Because of their vulnerability, because of the environmental factors, because of what's already happened to them in their childhood and the lack of protective factors or lack of positive role models, they've ended up in a situation where they've been exploited and if you just work on the exploitation, that's all ridiculous because it's everything that's led them to be as vulnerable as they are.' (Barnardo's in-house counsellor)

In all areas, services are pursuing mental health support for children and young people where this is needed. In services with in-house counsellors, this is more readily available. When services refer out to mental health services, practitioners reported often facing long waiting times. Most services and practitioners report working in a 'therapeutic way', and this is normal for Barnardo's practitioners, but access to more specialised mental health support for serious cases is less available.

*'I think it's perfectly possible for a project worker to work in a therapeutic way. It doesn't mean they're doing the therapy, but **they can work in a therapeutic way which takes into account the reactions of the young people.** They can do breathing exercises and mindfulness, they can be very empathic with the way in which young people remember things and judge them and focus on the behaviour, you know, because quite often that's what's happening in school. Schools interpret things as behavioural problems and actually underneath, it's trauma.'* (Barnardo's in-house counsellor)

Although being trained in trauma-informed practice, and working in a nurturing and therapeutic way, it was generally held that Barnardo's could improve its ability to respond to children and young people's emotional and mental health needs, especially when these are acute. The research findings therefore confirm that many of the children and young people Barnardo's is working with require formal mental health input.

Understanding complexity

Police drew attention to the complexity they face in compiling evidence in CSE/A cases, and were positive about the role that Barnardo's has in explaining and aiding children and young people's understanding of the process.

'I think from the police's point of view I can understand the young person's frustration, but they probably don't quite understand, or in some cases we've got the burden of proof and evidence so that's why it takes so long.' (Detective constable)

*'We've really, really got to cross all the Ts, dot all the Is for everything and it just takes an age to do that because ultimately if we don't do that and then it goes to court, it's all been for nothing. And **so these investigations can take two years because for those reasons.**'* (Detective constable)

It was also highlighted by one police professional that with the increasing number of historical abuse cases arising and being explored through investigations, if other evidence is gained, more and more cases are being re-opened.

What is best for the child

Across all study sites, practitioners reported feeling conflicted about whether going through a trial was best for the children or young people they have supported. Knowing the impacts that the process can have on their wellbeing, this dilemma has been constant in the cases supported. This is especially the case if evidence is lacking, and/or a particular young person is extremely vulnerable. Despite these conflicts, Barnardo's workers have remained in a supportive role towards the child/young person – supporting them with their wishes as well as working with the police throughout this phase.

'Because in some cases evidence is really weak and there is a rationale to say it's not worth it.' (Barnardo's practitioner)

'The conviction rates are quite low, so sometimes we have to have quite hard conversations with young people when they say "should I do this or not?" You have to think about their emotional wellbeing, you have to think about the safeguarding risks, you have to think about what happens if they go to court and it's not found in their favour and the impact that will have.' (Barnardo's practitioner)

'I had a young person with quite a lot of emotional need, and I kind of understand why police are pushing for disclosures or interviews or pushing for a court case to happen, but at the same time I don't always understand whether that's better for that young person in particular at that time – they're quite fragile, vulnerable. Although I understand the police's point of view of wanting to prosecute someone, at the same time is that the right thing for that young person at that time? Are they in a stable enough place to be able to disclose and go to court?' (Barnardo's practitioner)

Police also highlighted the importance of prioritising what is best for the child.

'I will not take anything to court that I don't think a victim is strong enough, and that's one of my pushings with police officers, to really make sure and assess how they feel these children will stand up in court because it isn't an easy process. If they wish to go to court, of course those feelings are taken into consideration without a doubt, but I always have that

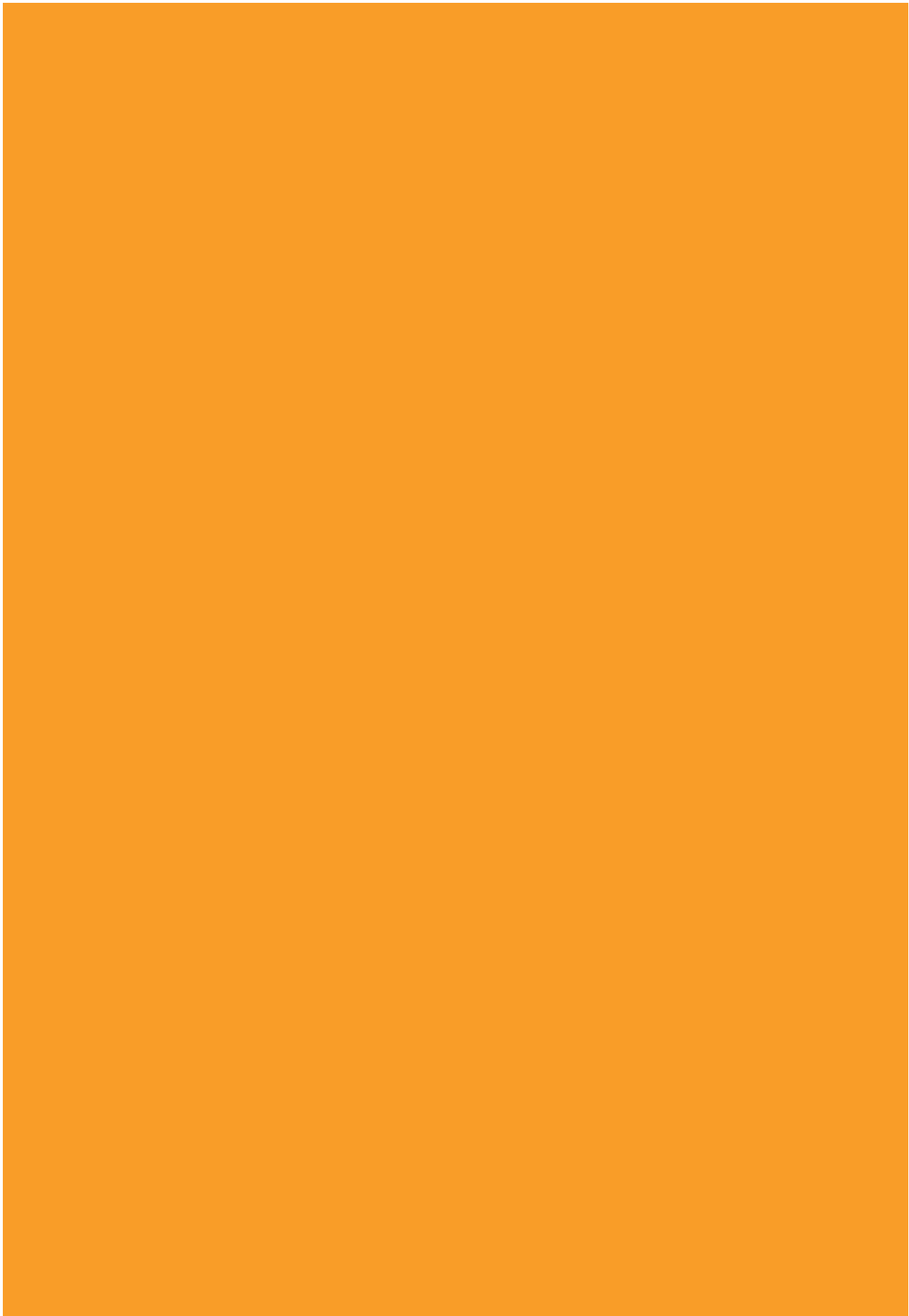
honest conversation of, "there is a side that could damage you further if this doesn't get ..." and I fully explain the justice system to them but it isn't as easy or as simple as you may think.' (Detective chief inspector)

Recommendations – Crown Prosecution Service (CPS) decision – 'No further action' (NFA)

Recommendation to Barnardo's: Build in-house capacity to respond to children and young people with acute mental health needs, and strengthen linkages to formal mental health support for all children and young people including those who have received NFA decisions.

Recommendation to Barnardo's: Advocate for NFA decisions to be communicated in a sensitive way and at appropriate times, with a specialist worker present.

Recommendation to Barnardo's: Raise awareness among staff of the right to obtain a review of the CPS decision.



Findings – Preparing For And During The Prosecution

Milestone – Preparation for the trial

Children and young people’s needs – Preparation for the trial

Practitioners talked consistently about support needs being very high just before a trial, and immediately afterwards (especially when other support or people are stepping away). Accounts from children and young people reiterated this.

‘Just before going to court. The couple of weeks leading up to court. You massively need to intensify the support that you give them.’ (Barnardo’s practitioner)

Risk of re-trauma and confusion

Parents/carers felt strongly that the run-up to the trial had negatively affected their son/daughter, both emotionally and physically. Explaining some of these experiences:

‘She was like a little lost child in the court experience ... She was frightened about what, because she’d been taken away by the police, interviewed by the police, she was absolutely terrified, she slept with me for months, she just became a little child.’ (Parent)

When discussing the impact that the run-up to the court proceedings had on Jade, her practitioner commented:

‘Jade did struggle with her mental health and kind of emotional wellbeing coming up to the court case. And there was some issues around self-harm for her.’ (Barnardo’s practitioner)

Informed choice

Overall, the findings show that it is now common practice for special measures (see literature review for information about these) to be made available (especially the option of cross-examination from a live link room, and the option to choose if judges and barristers wear wigs and gowns), suggesting that good practice is happening and going in the right

direction. However, findings also show that these are often presented as ‘decided’, and that children and young people feel ‘lost’ in the process, suggesting that their active participation in the agreement of these things should be more actively promoted.

All of the children and young people consulted were aware of some of the special measures available to them, although some reported that the decisions around these had been taken without their full consultation.

‘I know that they didn’t really like ... there wasn’t like a meeting where they sort of explained all the different options you have, because I actually wanted to stand up in court and give evidence and that because I was like, “No, I want to go there and be strong and do that”. But it was just assumed because you’re under 18, you’re having the video link thing so I didn’t really get the chance. It was like, “You’re under 18, you’re a child so you’re getting the video”.’ (Amber)

Children and young people varied in their views about wigs and gowns.

‘They asked me what I would feel more comfortable with. I think I told them to take them off, the fact that it was easier to talk to someone, that I could know who they were.’ (Jade)

Amy remembers being asked whether she wanted the judges and barristers to wear their wigs and gowns, and she said she didn’t mind so ‘I just said “just wear it”’.

Practitioners shared that children and young people’s views are generally mixed in terms of whether they would like barristers and judges to wear wigs and gowns or not, reinforcing the message that it is important for them to be asked and consulted. It was also noted that once the reasons for wearing them were explained and understood, these decisions could be made in a more informed way.

‘It varies because the young person I worked with was very clear that she wanted them to wear wigs because “it’s court, I don’t want it to feel normal”.

‘So it’s really worth asking them.’

(Barnardo’s practitioner)

*‘They can remove their wigs, they can remove their gowns. They normally give their evidence in a video link room. **But that can be expected.** We had a young person who actually wanted to take the stand. **So it’s about making them feel that they are one of the most important parts of this, they are so important, and their needs are respected and valued, and should be met as best we can.**’ (Barnardo’s ISVA)*

When discussing her recommendations, Amber added:

***‘I’d say for the criminal justice system, trying to include the young person a bit more because I remember feeling like everything was just happening around me and I had no control** and obviously, in a case like this, with that type of crime, a lot of control’s already been taken away from you and stuff, so I think it’s important to give the young person a choice.’ (Amber)*

‘I’d just say about involving the young people, giving them that control and actually listening to what they have to say, not just saying, “right, well, this is what happens in most cases so it’s obviously what’s best for you, so we’re going to decide it for you.”’ (Amber)

Barnardo’s role – Preparation for the trial

The period of preparation before a trial is a very intense and nervous time for witnesses and victims, and the evidence shows that Barnardo’s plays a key role in promoting their wellbeing throughout this phase. The findings highlight the key importance of the preparation phase for maximising the potential to protect children and young people’s wellbeing throughout the next milestones.

Advocating for special measures

Barnardo’s role in relation to the organisation of special measures largely involves advocating for these to be offered in full, and for children and young people to have the chance to voice what they would like and for this to be listened

to. The remit of Barnardo’s role is shaped heavily by relationships between the services, police and criminal justice professionals in an area. The following quotes illustrate this diversity in experience:

***‘There are some officers who are really great, and really get it. And there are other officers who think the best thing is to have a crying child in front of the jury so they can see it, and we are like “absolutely no way!”** ... That’s very unusual and that’s me being really blunt and extreme, but it’s not unheard of. So it’s about – all of our kids should be in a video link room. They shouldn’t be in court anyway. And that tends to be accepted.’ (Barnardo’s practitioner)*

***‘It’s the norm, because of their age and because of the nature of the crime as well,** so they’re deemed to be vulnerable witnesses. But then also in terms of special measures there’s lots of different ones they can go for. **I think the police tend to give the bare minimum, and we would tend to push for more.**’ (Barnardo’s practitioner)*

***‘There’s kind of a bit of a rub at that point isn’t there? What we know we can ask for – but the police not wanting to offer [some special measures].’** (Barnardo’s practitioner)*

Advocating for private cars, access and regular breaks

Practitioners highlighted that they usually advocate for children and young people they are supporting to arrive in blacked-out police vehicles, as well as entering the building through private access (usually through the back) in order to avoid bumping into the defendant(s) or their families.

***‘One of their biggest fears was actually being seen outside the court in public areas by the defendant or their families.** So we were able to get a car with blacked-out windows that drove straight down into the basement of the court area – away from the public area. And the court allowed us to use the judge’s lift – away from all public areas, straight up to the video link room. That worked really, really well.’ (Chief inspector)*

Barnardo’s workers have frequently had a role in advocating, or reminding criminal justice professionals or police of the need, for young

witnesses and victims to have regular breaks during the court proceedings.

Making plans for the possibility that the young witness or victim may see the defendant

Practitioners and ISVAs highlighted the importance of planning and thinking through how to respond if the child or young person sees the defendant during their time at the trial. It is normal to plan (as much as possible) for them to avoid the defendant (through entering via different doors etc.), but it is also helpful to have a 'back-up' plan in case this happens.

'We had to run through what would she do if she was to see him [the defendant]. How would she respond?' (Barnardo's practitioner)

Live link and screens

Barnardo's practitioners and ISVAs reported that live link rooms (where witnesses/victims are cross-examined from a separate room to the court, predominantly in the court building) have usually been offered.

There have been mixed experiences in terms of offering of screens to shield the video links from defendants in court. If the witness or victim is being cross-examined from a live link room, it is not very common to be offered a screen as well.

'So if they're on video link the police hate it if you remind them that they can have a screen in the court, so that the men, or women, can't see. So it's literally just the jury and the judge that can see the TV screen. They really hate that and it is very, very rare. I think if it's the difference between the young person attending court or not, they would put that in place.' (Barnardo's practitioner)

Generally, police professionals were positive about the provision of special measures, reporting that the availability of live link rooms had helped improve the provisions for vulnerable witnesses and victims, especially for those not wanting to go into a courtroom. Police stressed the importance of listening to children and young people's views during a pre-court visit.

'A lot of the learning from me for that is that it [special measures] is not just a tick-

box exercise. It's about saying "Well, come to court and say what you're concerned about? What are your issues?" And use that as a starting point rather than using a list to tick-off.' (Detective inspector)

Advocating for closing or shielding the public gallery

Across the study sites, practitioners expressed concern about public galleries in courtrooms, and most felt strongly that members of the public should not be able to view court cases which involve vulnerable witnesses and victims. Barnardo's practitioners have been involved in advocating either for galleries to be closed or for live link screens to be tilted so that the public cannot see the victim. However, allowance for this was reported to be very rare.

Practitioners, in general, were unclear about what can be provided for in terms of closing the public gallery, or shielding the views from the gallery.

'And they said that it is an open gallery but they've got screens around her so me and another worker went in ... and the screens were so low, that when she walked in we all saw her. Now we as workers knew her from the service anyway but there were two people – we didn't know who they were – from the public – they saw a full of her face. And we did make a complaint and put it forward but we haven't heard any feedback about it.' (Barnardo's practitioner)

'It's definitely a barrier to them wanting to start the disclosure and police process in the first place.' (Barnardo's practitioner)

'They do close the gallery sometimes for children. It depends on the judge.' (Barnardo's practitioner)

'Another thing that does get offered is the screening from the court from the public gallery. Because I am still unaware as to whether that is a judge decision or not.' (Barnardo's practitioner)

Police also discussed cases when they were able (with the judge) to arrange for black out curtains to surround the public gallery, so that the public could hear but not see. This was quite costly, and is not a widespread practice (usually for very high-profile cases).

Involvement in special measures planning meetings

Practitioners had different experiences in terms of their involvement in planning meetings where special measures are discussed and organised. For the most part, it is common for Barnardo’s practitioners and Barnardo’s ISVAs not to be at these, while it was generally felt by all that involvement in these meetings would be beneficial. At present, there does not seem to be any consistency in terms of who is representing the children and young people’s interests in these. If the witness has an intermediary, it is usually them, if not, it would usually be the police. There is a gap in terms of who is advocating for children and young people’s interests and needs.

‘There was no sort of confirmation that they were actually going to happen. So you know, make sure they’ve talked about it all ... I had to keep chasing them. And if she’s, you know, under 16 or 18 I’m sure it will happen. But what will happen? Is there any confirmation? And I think it’s good that they kind of immediately offer you a video link room, but sometimes young people don’t actually want that and they’d actually prefer to be in a courtroom with a screen. So yeah I don’t think they’re actually always given the correct options, or actually realise that if you’re in the video link room there’s a lot of people who can see you, whereas in the court they won’t actually see you. So I don’t think they get the information correctly either.’ (Barnardo’s practitioner)

‘[Discussing pre-trial hearings] We’re never invited to those. And I feel like if we went to those we could talk about what the young person needed.’ (Barnardo’s practitioner)

Protecting confidentiality (advising media)

Barnardo’s practitioners and ISVAs highlighted the importance of checking that reporting restrictions are in place at this time, and planning for how information will be handled throughout the trial. Services have been involved in checking that reporting restrictions are upheld, both before and during trials. The names of witnesses and victims who are under 18 should not be reported, and services have found it helpful to check that this is in place with both police and media representatives. Barnardo’s local and national media teams provide advice to local CSE/A services and support with making arrangements with the media.

Developing coping strategies and resilience

Barnardo’s practitioners and ISVAs help with developing coping strategies and building the resilience of children and young people during this stressful time. This includes, for example, encouraging proper sleep, encouraging visualisations (e.g. picking up someone they are struggling to manage their emotions around and dropping them or shrinking them), art, going for ice-cream, choosing pebbles or making toys that they can keep with them on the day(s) of the trial.

‘The children and young people we work with have experienced a huge lack of control in their lives, and our non-direct supportive activities can enable them to feel empowered.’ (Barnardo’s ISVA)



Example coping strategies

(Barnardo’s court training developed by a Barnardo’s ISVA)

- **Music**
- **Walking**
- **Keep a diary**
- **Talk**
- **Baths**
- **Sleep**
- **Recognise positivity**

Pre-court visits/meeting the judge and advocate

Participants were consistent in reporting the benefits that a pre-court visit can have in preparing a child/young person and orientating them with the space they will spend time in during the trial (e.g. the live link room, courtroom, waiting rooms etc.). Barnardo’s practitioners and ISVAs usually accompany them to these visits, however, discussions highlighted that these are not routinely offered to CSE practitioners. Discussions with Barnardo’s ISVAs showed

that these are normal practice, highlighting some differences in the formality of the ISVA and CSE practitioner roles.

*[A] Pre-court visit is really crucial, because we would say in terms of pictures that you show them, each court is different. It's about them going – **having the opportunity for them to have a play with the video links, with someone else in the room so they can see down. So they do physically go into the court so they can see what it's like. Yeah I think that's really, really important.*** (Barnardo's practitioner)

*'During the courts visits beforehand – for my girl we did visit [name of court] and [name of court] because they didn't know which one it was going to be at. It was a lot of work to arrange those. **It was not a simple process. And it was like they were doing us a huge favour.*** (Barnardo's practitioner)

'They should really be offered that as a sort of right for a young person.' (Barnardo's practitioner)

On the whole, children and young people shared that pre-court visits were helpful in helping them feel more prepared for the day of the trial. This involved looking at the courtroom, live link rooms, entrances and exits, and talking through what to do if they needed a break.

'They just showed me the room I'd sit in, they asked whether I was religious so what words I'd have to say, they spoke to me more about what would happen on the day, where I would go down, where they'd bring me up and things like this, where [name of Barnardo's worker] and my mum would wait.' (Jade)

Parents and carers also reiterated the important benefits that meeting the judge and prosecution advocate could have in preparing their son/daughter for court and cross-examination. One set of parents described how their child had become very confused, when being cross-examined, about who the prosecution advocate was. This supports findings from other participants. They advocated for clear introductions between children and young people and the judge and prosecution advocate, and to ensure the young witness

or victim fully understands who is who and their role in the process.

*'It's nice when the judge and the barristers do come and meet the young person beforehand, because that makes them real – Again it's not that they're these really professionally well-spoken scary men asking questions. We do prepare them in a way by saying "just stick to the truth", **"breathe and don't rush your answers", "if you don't understand the question, ask them to repeat it".*** (Barnardo's ISVA)

'What's really good and what does happen is the judge and the barristers will come and speak to the young person beforehand, and I always say to them "They're just doing a job ... like a doctor. When a doctor is finished his job he goes home and watches Coronation Street, or the Kardashians!" And it makes them really, it makes them sort of ordinary people.' (Barnardo's ISVA)

Opinions regarding meeting the defence barristers were more mixed, with one practitioner particularly feeling that this experience left the child/young person feeling confused.

*'I've learned is that defence barristers are always really keen to meet them and be really gentle and really nice with them before. I always say "you have got that option, but I really don't want you to". Because we spend so much time preparing them for them to be really nasty, and for them to be really difficult and strong in their questioning approach. **And it's so confusing – especially for the girl I supported right through court – for her to have met someone who was really gentle and then half an hour later pulling her to pieces on the stand. I think it's just really unhelpful.*** (Barnardo's practitioner)

Supporting children and young people through the reviewing of the evidence

Many practitioners shared that the periods just before and after court are the most intensive, and are where support needs are highest for children and young people. These phases were described as 'when trauma is relived', highlighting the importance of helping children and young people prepare for the process and possible outcomes. An important step in this process is for the young witness to review their evidence before the trial. The

Criminal Practice Directions states ‘witnesses are entitled to refresh their memory from their statement or visually recorded interview ... The witness’s first viewing of the visually recorded interview can be distressing or distracting. It should not be seen for the first time immediately before giving evidence.’ It also recommends that intermediary assistance be sought ‘to establish exactly how memory refreshing should be managed’.⁵⁵ Other evidence on this matter has highlighted how ensuring that this refreshing takes place is a police responsibility, but is often overlooked. Plotnikoff and Woolfson (2015) argued for intermediary support throughout this stage.⁵⁶

Throughout the cases explored in this research, it was usual practice for witnesses and victims to watch their ABE video interviews in preparation for court and giving evidence. Most practitioners highlighted the value in doing this for preparation purposes. However, it was also raised that this can be particularly difficult to do, and the importance was highlighted of supporting them through this.

*‘It’s quite ad hoc. Sometimes you’ll get some police officers going round and showing it to them. Other young people will come in here. But for the one I’ve just been on, **that was really traumatic for her. It brought her all of a sudden back into a place where she didn’t want to be.**’ (Barnardo’s practitioner)*

*‘With the video interview as well I thought it would be important to add in that before they go to court – they should re-watch their videos. **As that in itself is quite traumatic.** And it’s really important that they do because often there is such a massive time delay between when they first give it and ... we know that you block out things when you have something really traumatic ... so a girl had forgotten a lot of the details. So it’s really important that they do watch them. **But yeah, I suppose it’s about making sure that support is around them while they do that, because its taking them to a really horrendous place.**’ (Barnardo’s practitioner)*

*‘For me it’s just talking it through with them afterwards, and it’s also a sense of them realising how vulnerable they were, and that **they’re looking at their vulnerable self.** And then, in their case even though it was traumatic, it helped them to see how they’ve moved on in that respect, but also what they were in that mind frame.’ (Barnardo’s practitioner)*

Police also reported how there is often a time lapse between the ABE and trial itself, and stressed the importance of re-watching the interview before hand, and for this to be shown as the main evidence where possible. They shared that they found it to be helpful to have the Barnardo’s practitioner present when re-watching the video with the young person.

Most police professionals expressed an interest in the Section 28 pilots and were looking forward to hearing the learning from these. Police reported a few cases where convictions were made without victims needing to go to court, when there is enough without needing the child or young person to give evidence in person, reporting that where possible this is “always a very good outcome” (Detective chief inspector).

Planning

All participants highlighted the importance of planning how young witnesses and victims would be supported through the trial.

*‘A couple of months before, we’d just started planning all of that so it just feels really safe. **You’re not just springing anything on them at the last minute.**’ (Barnardo’s practitioner)*

*‘**It’s down to the tiniest detail. What are you going to wear? What things should we get?** Do you want to have something in your hand that you can fiddle with that they won’t see on camera? All of those sorts of things. Magazines, yeah.’ (Barnardo’s practitioner)*

*‘Just before going to court. **The couple of weeks leading up to court. You massively need to intensify the support that you give them.**’ (Barnardo’s practitioner)*

⁵⁵ Criminal Practice Directions (2015). Page 58. Available at: <https://www.judiciary.gov.uk/wp-content/uploads/2015/09/crim-pd-2015.pdf>

⁵⁶ Plotnikoff, J and Woolfson, R (2015). Intermediaries in the Criminal Justice System: Improving Communication for Vulnerable Witnesses and Defendants. Policy Press.

Barnardo's practitioners and ISVAs use a variety of means to explore what the court experience will be like with children and young people. This includes puppet demonstrations, getting used to seeing an image of yourself in on-screen by using a mirror, and using existing court preparation resources which are friendly for children and young people of different ages. Practitioners also help children and young people to think through what to take with them on the day.



See Annex 3 for examples of child-friendly practice.

Advocating for children and young people's safety (e.g. Skyguard alarms)

Skyguard alarms are personal safety alarms for at-risk individuals and lone workers. In one case these were made available for witnesses and victims during a high-profile trial. These allow children and young people to contact the police instantly. From this research, these do not appear to be readily available, and have only been offered when witnesses and victims are considered to be very vulnerable or when the defendant is out in the community on bail.

I think all the girls from Brooke had them. And I've had to advocate quite a lot for my young person whilst awaiting the trial. Skyguard alarm – I think they're quite expensive and in short supply, but that certainly helped my young person stay emotionally healthy, and she's got a lot better now that she has that in her bag, cause she was really worried she was going to bump into the perpetrator, because he's out on bail.' (Barnardo's practitioner)

Emotional support

A number of practitioners highlighted that they have provided support through talking about how to 'filter' or share information with the right people. They explained that often children and young people share their story and situation with a lot of their peers, and this

can often result in a lot of people knowing and talking about them which often impacts them emotionally. This support is about identifying which relationships are trusting and positive in children and young people's lives, and who can support them throughout this time. This emotional support is also provided throughout the police investigation phase.

'They tell other people and suddenly the whole college knows and then that impacts on them.' (Barnardo's practitioner)

I had a young person who literally would just tell anyone who'd listen everything that had happened to her. And she went through some really serious exploitation. And I was just trying to help her contain it and pick people who are appropriate ... Because once you've told someone something you can't un-tell them. You can't take the information back.' (Barnardo's practitioner)

Animal therapy

One service shared that they have recently bought a dog which will be at the service and will get to know the staff and children and young people who are supported by the service. It is hoped that eventually the dog may be able to attend police interviews and trials if desired.

'When the dogs have been in, the kids have loved it, they've took them for a walk, they've gone out because we have a cemetery across the road, they've gone for a walk with the dog, it's loosened them up, they've talked more, they'll stroke the dog when they're talking, if they like dogs.' (Children's Services manager)

'It's very difficult to get anybody sitting in the court, in the box, witness box. You can usually stand outside, you can sometimes get in there which is why we sometimes think therapy dogs and pet dogs would be better because the judges still feel, "we don't want anything being said", like don't want anybody touching somebody's hand, if that means a yes or a no, so a pet dog or a transition object a young person can take in with them, that can just sort of keep easing their stress through a stress ball or stroking the dog.' (Children's Services manager)

Peer support

A small number of peer supporters exist in one of the services involved. These are young people who have been supported by Barnardo's previously through court, and now volunteer and offer support and guidance to other children and young people being supported by the service. They also offer examples of ways that helped them through the process.

'There were two active ones that have done really, really well. They've been to Parliament [Westminster] and everything with recommendations ... It's really good, really effective. Each young person is really individual, families are, the offences are, their experiences are, and that's literally what they say when they meet them on day one. And you can, again, expect the unexpected, is what I always say. You never know what is going to happen.' (Barnardo's ISVA)

Barnardo's role – best practice

This includes best practice identified across research participants

Preparation for a trial: How has the wellbeing of children and young people been promoted?

- **Sense of self and control**
 - Support through reviewing video of evidence and understanding who they were then and are now
 - Helping the child/young person get used to seeing themselves on camera
 - Encouraging the child/young person to take deep breaths
 - Helping children and young people to 'filter' what to share with whom
 - Letting them know they are believed through reassurance, e.g. 'We believe you'
 - Making them aware that the media cannot make them identifiable.

Special measures:

- Asking the child or young person what they want (e.g. removal of wigs, or video link etc.)
- Letting them know what their rights are
- Encouraging (if possible) for the judge and prosecution advocate to meet the child/young person.

- **Relationships/support network**

- Providing peer support (where available)
- Providing animal therapy (where available)

Special measures:

- Negotiating with parents/carers around what the child/young person wants.

- **Emotional and physical health**

- Supporting the child/young person through the re-watching of the ABE interview (known to be re-traumatising)
- Helping children and young people prepare for possible outcomes during this very intense period
- Helping with coping strategies and ideas for self-care.

- **Practical support**

- Preparing what they want to take to court (e.g. colouring books etc.)
- Organising and/or attending the pre-court visit
- Viewing the room where the child/young person will be cross-examined
- Making plans for the arrival and departure from the trial buildings
- Planning as much as possible (e.g. what to wear, when to have lunch breaks etc.)
- Planning and coordinating Barnardo's role in the process (e.g. where to be etc.)
- Liaising with the Witness Service (Citizen's Advice) where appropriate.

Special measures:

- Advocating for the offering of the full suite of special measures for the child/young person to choose from
- Advocating to attend 'ground rules hearings' and special measures meetings to represent the child's wishes and best interests
- Advocating for no harmful or confusing questioning
- Checking that the room in the witness suite is comfortable
- Advocating for Intermediaries to be involved, especially if the child is very young or has special needs
- Advocating for closing of the public gallery, for curtains to surround it, or the live link screens to be tilted.

- **Safety and safeguarding**
 - Warning that the community may be there, and planning to avoid seeing the defendant or their family
 - Explaining confidentiality concerns to the media and police
 - Ensuring media restrictions are in place to promote victim/witness privacy
 - Advocating for ‘Skyguard’ alarms.

Learning and discussion points – Preparation for the trial

Ground rules

‘Ground rules hearings’ are usually within a few weeks of the trial, and are when discussions are held about how the children and young people’s evidence will be handled. Police highlighted good practice where a judge has provided ‘ground rules’ among barristers, in order to avoid over-questioning witnesses and using ‘tagged questions’.⁵⁷ In relation to Operation Brooke:

‘At the beginning of the trial, the judge gave out what they call the “ground rules”. So they called all the barristers together – bearing in mind you’ve got a barrister for each of the defendants, plus ours, plus two juniors, so in the meantime you might have 10 or 12 barristers stood there. And he gave the ground rules which were very, very good. And to cut a long story short they were that: “All of you might want to ask questions of the same witness, but you won’t be asking the same questions. Work out amongst yourselves who’s going to go first. Work out amongst yourselves who’s going to be asking any specific questions because you will not be asking the same question again and again and again. Do not ask “tagged” questions. Do not ask leading questions.”’ (Detective inspector)

The time each barrister could take to question each witness was limited to half an hour, but this highlights how the current structure involving multiple defence lawyers (in cases

where there are multiple defendants)⁵⁸ can be particularly damaging to children and young people’s wellbeing. This also points to the importance of ground rules hearings for safeguarding young witnesses and victims from harmful questioning.

Praise for Barnardo’s advocacy for the rights of children and victims

Police praised Barnardo’s for its work in highlighting the rights of victims who are being held or looked upon as having offending behaviour. For example, police shared a few cases where children and young people had been held in cells, and Barnardo’s had managed to show how elements of their behaviour were in fact signs of being a victim.

Recommendations – Preparation for the trial

Recommendation: All judges should ensure children and young people are actively involved in decision making during the preparation phase so that their specific wishes around the trial process are heard.

Recommendation: Judges should use their discretion to close public galleries when vulnerable children are being questioned about traumatic experiences, in order to protect their identities.

Recommendation to Barnardo’s: Check that the child/young person *always* has the option of a pre-court visit/or the option to visit the room from which their cross-examination will be recorded (under the revised system), as well as the option of meeting the judge and prosecution advocate.* Witnesses should also be offered the opportunity to try out any technical equipment on this visit.

* It is now CPS guidance that all witnesses should meet the prosecution advocate, are told the purpose of cross-examination and are given details about the defence that is being put forward. The witness must

⁵⁷ A tag question is when a statement is followed by a short question seeking confirmation. Definition: “Tag. Truncated interrogative clause added to the end of another clause, requesting some kind of confirmation: *He hasn’t seen her, has he?*” Lifted from Huddleston and Pullum (2005). *A Student’s introduction to English Grammar*. Cambridge University Press. p.307.

⁵⁸ The Criminal Practice Directions recommend that in multi-defendant trials, the lead advocate should ask most of the questions, with other advocates asking only ‘ancillary questions relevant to their client’s case’, without repeating questions already asked (para 3E.5.); and that allocation of questions among counsel should be addressed at the ground rules hearing (Criminal Procedure Rule 3.9(7)(v)).

also be told if any issues of bad character or previous sexual behaviour are to be referred to.⁵⁹

Recommendation to Barnardo's: Young witnesses should be aware that they do not have to meet the defence barrister before the trial if they do not wish to.

Recommendation to Barnardo's: Make safety plans for children/young people and staff whose safety is at risk, including advocating for Skyguard alarms for children/young people and staff where intimidation or risk are likely.

Recommendation to police: Make the option of Skyguard alarms more readily available to at-risk children, young people and support staff.

Recommendation to Barnardo's: Gather learning from the peer support service, and where appropriate, harness the potential and interest of children and young people who have been through the process to offer support to other children and young people. This should depend on whether children and young people are keen or not to do this.

Recommendation to Barnardo's: Advocate for the involvement of an intermediary in all cases to assess the witness's capacity to take part in the trial. If an intermediary is required, they should remain in communication with the Barnardo's worker to ensure the witness's needs and wishes are represented in ground rules hearings.*

*The screening of cross-examination questions during ground rules hearings is due to be mainstreamed through the roll-out of pre-recorded cross-examination throughout England and Wales in 2017 onwards.

Recommendation: The Ministry of Justice should provide further funding and training for registered intermediaries so that all children and young people can receive an assessment prior to a trial. All children and young people deemed in need of an intermediary should be provided with one. This should not impact on the timeframe of the case.

Milestone – During the trial and cross-examination

Children and young people's needs – During the trial and cross-examination

Delays and frustration

Two of the young people interviewed experienced adjourned (rescheduled) trials. This was described as frustrating, especially as pre-court visits and preparation had already taken place. In some cases, court days had been delayed by significant time periods.

'It was frustrating because I'd prepared myself and got myself ready and thought, "it's next week" and then we'll just get through that and then you can move on and stuff but, so yeah, it was a bit frustrating thinking, "I'm going to have to wait another three months".' (Amber)

Amber felt her support needs were high during the preparation phase and when court was adjourned.

'Some days you'd wake up and you'd have a good day and you'd think "it's not that bad". And then other days, you'd wake up and think "I don't want to get out of bed". That was really weird, around that middle section really.' (Amber)

⁵⁹ Speaking to Witnesses at Court. CPS Guidance. March 2016.



Amber's

Support for young people during police



Police investigation
including 2 videoed
interviews



**Court was
adjourned**
“Frustrating”

CPS decision

Court preparation

- Pre-court visit – with Barnardo's worker

Special measures

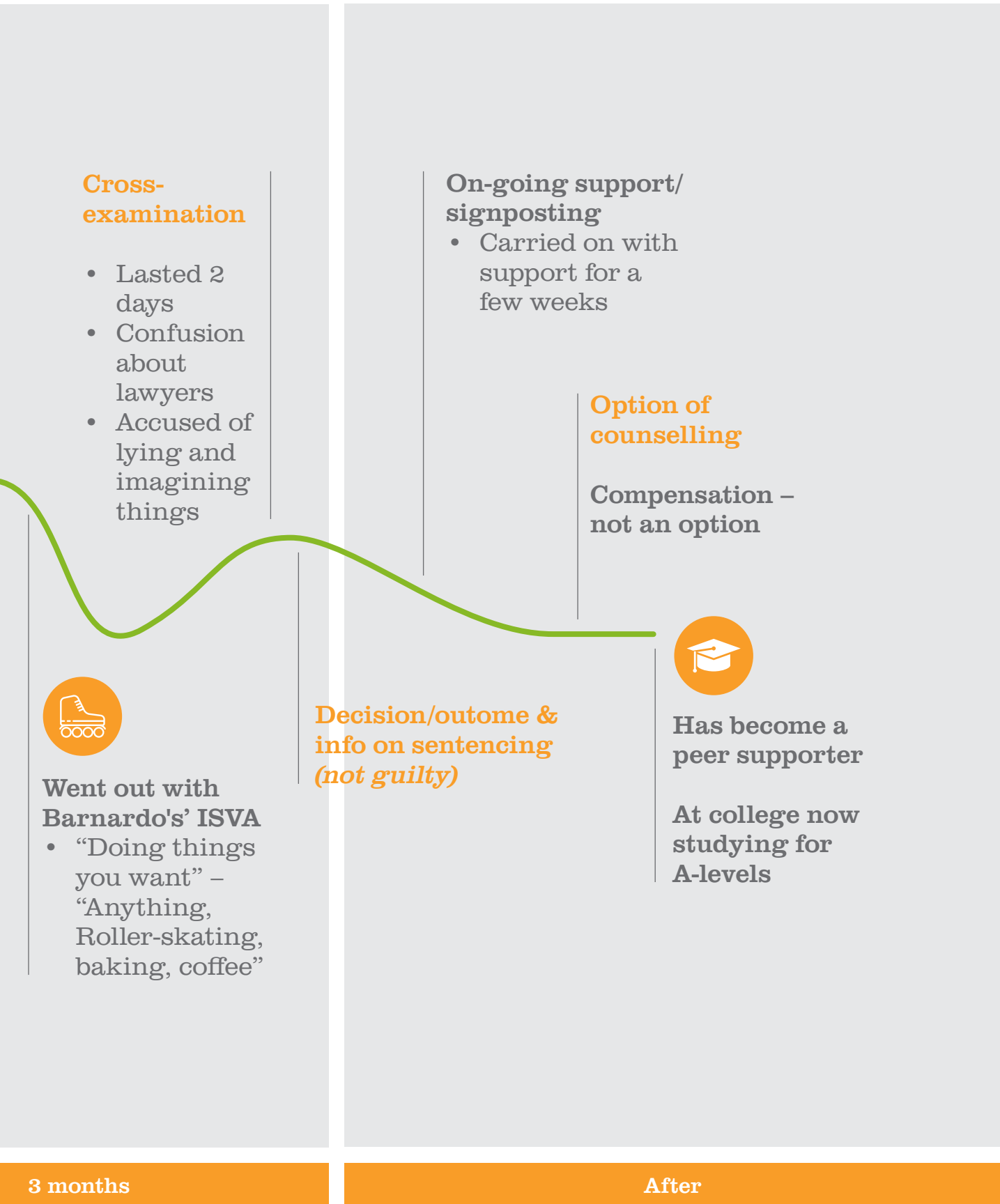
- Video link
- Was 'just told'
- Was 'not aware of these'

Before – A few weeks

During –

Journey

investigations and prosecutions



Went out with Barnardo's' ISVA

- “Doing things you want” – “Anything, Roller-skating, baking, coffee”



Has become a peer supporter

At college now studying for A-levels

Practitioners and police echoed children and young people in terms of the negative and stressful impacts of when a court case is adjourned. In such cases, Barnardo's workers have tried to raise awareness among police and criminal justice professionals of the impacts this can have on children and young people.

'You can't underestimate the level of stress they must feel in the lead-up. Often they experience lots of nightmares, and it's really about trying to remind them that – I know the police have a little bit of say over it – remind them gently as to what the impact of that is having on the young person. To try to keep it as close to timescales as possible.' (Barnardo's practitioner)

*I had one case that took two and a half years from disclosure to going to court, and it ... trials got put off and adjourned ... but of course you don't know until the Friday before the Monday when it's supposed to start. **And for young people that's insane, that's just awful!*** (Barnardo's practitioner)

'Certainly for our girl at the latest court case, this poor girl went through hell. She was due to stand trial or the trial was due to go ahead in January, [name of Barnardo's worker] had prepped her, we'd worked with her, we'd talked to her, we'd really sort of set the ground, visited the court, gone through her statement, done everything prep-wise. She was already anxious about it anyway, when it came to start the trial, the defence barrister on the first day didn't show up, second day turned up, signed the jury in, third day, one of the jury declared they'd been a victim of CSE and didn't feel prepared or wanted to go through the trial. Sadly, they abandoned the trial.' (Detective chief inspector)

Only one service had some recent experience and overlap with the pre-recorded cross-examination (Section 28) pilots. In this area, practitioners shared that the video-recorded cross-examination had been delayed, which still meant that the children and young people were living with the trauma throughout this period of time. This experience largely supports the learning recorded in the evaluation of the pilots (see literature review for learning from the Ministry of Justice evaluation.)

Fear of court and confusion – experiences of cross-examination

For Amy, the experience of being cross-examined was very difficult. She shared her experiences of being confused about the words being used, and as a result, the trial being called to an end.

'That was scary because they were using, well one of the women who was on [name of defendant's] side, she was using really big words and at the time, I can't remember what the word was but I didn't know thing so she was asking me a question and **I didn't know what to say because I didn't know what the words meant.'** (Amy)

'The barrister confused me and then they had to finish it, like they had to stop everything. Yeah. [It ended] Because I couldn't go on, because I didn't know what to do or anything, because they confused me, I didn't know anything.' (Amy)

When discussing her recommendations, Amy added:

'I think they should not be allowed to confuse you and use big words.' (Amy)

Amy felt her support needs were highest when she was in the live link room.

'But then when I was in court, no-one else was allowed in the room so this was the highest.' (Amy)

They were also highest when the outcome of the case became known and when the decision was being made about not going ahead with the trial after her cross-examination.

'This was the start of the rollercoaster, then it went up, went really high ... and then started to go down again and then it was okay and then it went up a little bit, went down again, then went up really high and then that's how it went ... Now I'm okay.' (Amy)





Police investigation

Talking to Barnardo's worker.
Talking to Mum.

Activities with Barnardo's worker E.g. going to butterfly world, baking a birthday cake at SECOS.

Good



Questioning

“Scary at questioning. Didn't want them telling other people. Didn't want people to know.”



Police video/ABE

ABE: “Scary. Didn't want to forget. Didn't want to say the wrong thing.”

Pre-court visit
with Barnardo's worker and Mum. Was okay. Helped to know what it looked like.

Special measures
“They offered to take off the wigs and gowns. I said I didn't mind.”

CPS decision

Ok



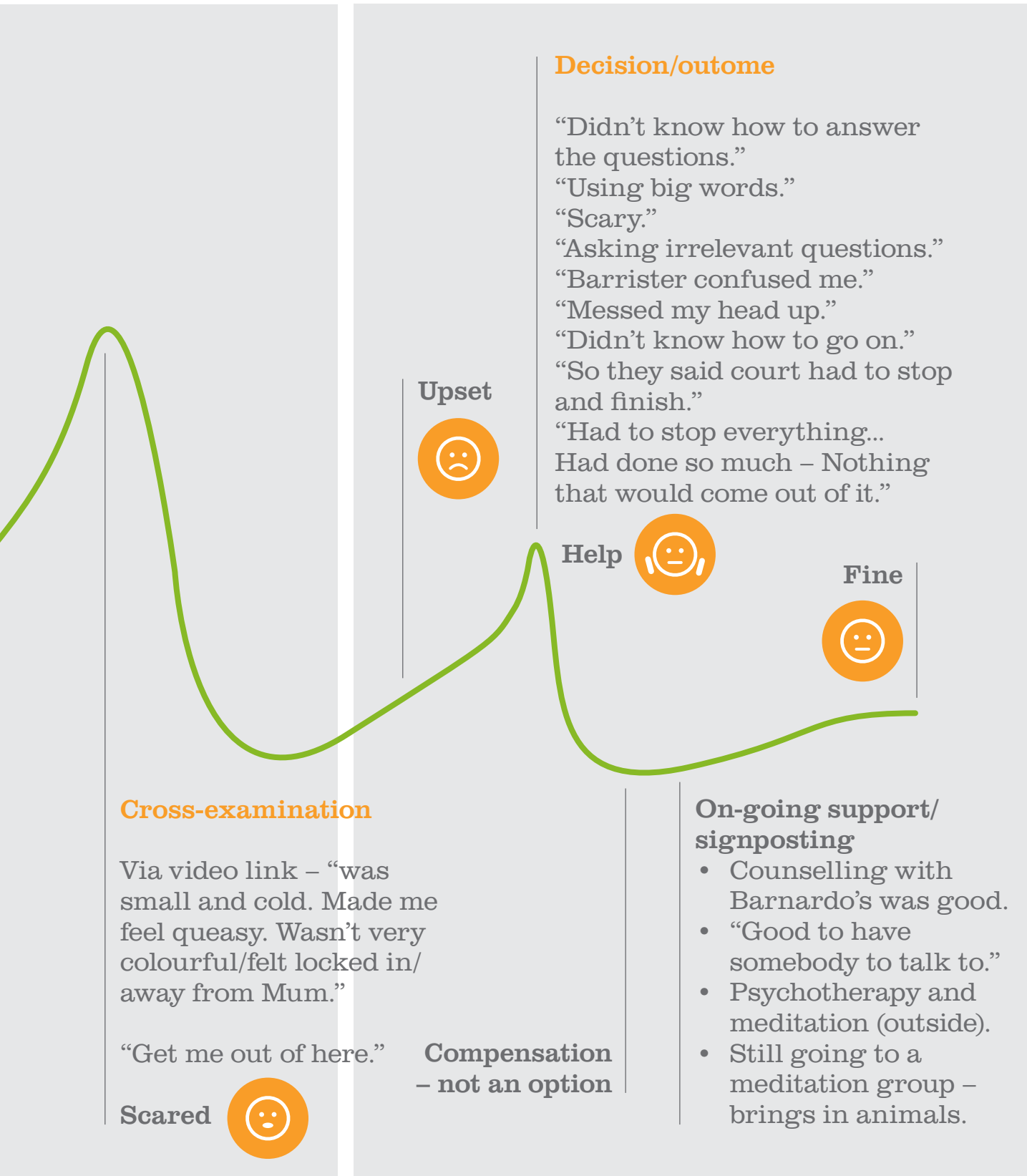
“Barnardo's took me places.”

Before

During

Journey

investigations and prosecutions



After

Amber's experience highlights the importance of meeting the barristers before the trial, and being clear on which of them are there for prosecution and defence.

'I remember I didn't know which lawyer was mine and that. I was a bit confused because the first lawyer, I found out afterwards that she was sort of like on the, I don't know what it's called, on my side basically. But I didn't know she was and I thought she was trying to trip me up a lot and stuff so yeah, I don't know, so then I thought at least I've got the cross-examination bit out the way and now I can relax because it's mine and she just takes me through the story, but then obviously, then the real cross-examination came and that was worse ... I felt like she was just trying to trip me up and didn't really believe me.' (Amber)

Amber explains the questioning from the defence.

'She'd ask me a question and I'd answer and then she'd say, "Yeah but you're lying" or things like that and I don't know ... but she'd just say it after all of the answers really, "yeah but that's not what really happened was it?", "Yeah you just imagined", and things like that and stuff. Because she just kept on saying it so in the end I just said, "I'm sat here, it's my job to tell the truth and that's what I'm saying".' (Amber)

Fear of seeing the defendant

None of the practitioners interviewed had experienced cases where children and young people could be cross-examined from outside a court building (e.g. at a SARC). In one of the study sites, the SARC is being prepared for remote cross-examination and practitioners expressed enthusiasm for this.

Many expressed the worry they have that children and young people will see the defendants, and the stress and worry that this possibility can cause.

'Can you imagine if you're driving by the court building – he is going to be there. He's within the same space as you. He's in the same building as you. Even if you say to them "don't worry, you won't see him". Well you might. Like at lunch.' (Barnardo's ISVA)

'The scariest part for them is – will he be able to see me?' (Barnardo's ISVA)

'I went to [place of the Crown court] last year and we were in this secure room and everything and the perpetrator appeared at the window having a fag break, you know. Awful! And you know it completely freaked out our client who had to go on the witness stand 10 minutes later. And she hadn't seen him for two years. And there's all the court orders about how he can't come in to the area, he can't approach her, and then on the day, he's there outside the window.' (Barnardo's practitioner)

Barnardo's practitioners and ISVAs usually travel with the children/young people they are supporting. Sometimes this includes providing transport and advocating for blacked-out police vehicles.

'I'll see them beforehand. We'll go to a shop; we'll buy what they would like to take to the court. And do a little list of what they would like to keep them occupied.' (Barnardo's ISVA)

Recognising vulnerability and impacts of trauma

The evidence points to the diversity in children and young people's experiences, and how their behaviour and vulnerability can often be misinterpreted and misunderstood in a trial setting and throughout cross-examination. Police highlighted some of the challenges that police forces and criminal justice professionals face in understanding and recognising the vulnerability and trauma displayed by victims of exploitation and abuse, which often displays itself in behaviour which seems aggressive and disengaged.

'There were still issues – our main victim told the judge to "F off" on many occasions – verbally abused the barristers and the defendants. But, that was just her really. Her defence mechanism is to go to 40,000 feet within half a second, and fight, and that was her defence mechanism really.' (Detective inspector)

Police also drew attention to cases where questioning has led children and young people to feel 'stupid'.

'It was difficult because they were asking really difficult questions and I think one

of the issues, **they made her feel stupid.** She doesn't think like they do, she hasn't been educated, she's not stupid by any stretch of the mark but she has her own way of dealing with things, her own way of saying things and her own way of lashing out and they play on it. It's not good.' (Detective chief inspector)

Feeling blamed

Barnardo's staff reported ongoing atmospheres of victim-blaming and misrepresentation of witnesses throughout trials.

'There's a lack of understanding about what consent actually means, and that's exploited by defence barristers because they will still bring up the fact that you may have had sex with that person the day before and you might at that party [have] had consensual sex with somebody else 15 minutes afterwards, but for the incident that the jury is there to look at, you said no, and it's no and it doesn't matter what happened before and what happened afterwards. I'm not even sure that every judge understands that! **And the standard thing is it's for the young person to be painted as a bit promiscuous, they're up for it.**' (Barnardo's in-house counsellor)

On the whole, practitioners shared negative experiences and views in relation to treatment of children and young people by defence barristers.

*'It does feel a bit like, with the young people I've worked with – **You're handing them over to the wolves.** That's a statement I've always felt in my mind. Not us ... but they're being handed over to barristers.'* (Barnardo's practitioner)

There have been a number of trials which have involved multiple perpetrators/defendants, who each have different lawyers. In such cases, the child/young person was reported to have been questioned by multiple lawyers.

'After four days of her being on the stand – came out to see how she was doing and was quite concerned for her wellbeing. The one before that, no, she had 11 barristers question her; it was horrendous, for a week.' (Barnardo's practitioner)

Barnardo's role – During the trial and cross-examination

Barnardo's role during the day(s) of a trial focuses on practical and emotional support. This includes, for example, support with coping strategies, being there on the day of the court and arranging transport, among other things explained further in this section. The evidence from this research shows that experiences during trials can be very unpredictable and turbulent for the wellbeing of children and young people, and most children and young people experienced challenges, especially confusion and upset when cross-examinations were undertaken.

Strengthening the support network and being a 'constant'

Many practitioners highlighted the importance of identifying and reinforcing the existing support network of children and young people where possible. Sometimes, the only 'constant' is a Barnardo's worker.

*'The two young people who I took through Operation Brooke didn't have any parent/carers support. One did. To the point where she literally got home from court and her mum put her straight into foster care, with two bin bags, on the same day she had been in court all day. She didn't have a good relationship with the police officer, she didn't have a good relationship with the social worker, because she had had three going through, **so the only person constant was me.**'* (Barnardo's practitioner)

*'But there was literally no one else in that court to offer support, other than one police officer. **So you're holding quite a bit. So that would be my biggest thing – to get as many people supporting a young person as possible, otherwise you're holding a lot.**'* (Barnardo's practitioner)

Barnardo's support for children and young people was described as **'nurturing'** by the police consulted.

*'The case went to court, two-week trial which isn't easy. And what you could tell was during the trial, **our girl was supported fully by Barnardo's and ourselves, particularly Barnardo's throughout. She was risk assessed and really nurtured through it.**'* (Detective chief inspector)

'You and I would probably call her "Mum". But unfortunately, these children don't have, nine times out of ten, and you could call that a contributory factor to where they are but sadly, they don't have that parental sort of guidance, the support.'
(Detective chief inspector)

Ben felt his support needs were consistent, and were highest when his mum was unable to attend court with him. (Ben did not do an 'emotional rollercoaster' drawing because he chose to have a discussion over the phone).

'At the times when I wasn't comfortable doing things, you know with my mum, it was just me and my mum, and she couldn't really go with me to court. [Name of Barnardo's worker] was the one who picked me up and took me there, sat with me, you know. Just talked through things with me, you know.' (Ben)

Barnardo's practitioners and ISVAs have held important roles in supporting parents/carers during this phase. This has involved, for example, sitting with them during the trial and explaining processes and decisions.

'I sat with Mum in court, because they wouldn't let me go in with her which is what she wanted. But they said I could go into the public gallery ... but then Mum was having a nervous breakdown so I said well why don't I stay with Mum because at least I'll be there when you come out, and I can look after Mum whilst you're in there.'
(Barnardo's practitioner)

Arranging accommodation

Barnardo's practitioners have helped with organising hotels and suitable accommodation for children and young people during trials. Sometimes this is in coordination with the police. This has usually been for very at-risk children and young people seen as needing immediate protection and safety away from a community.

Accompanying children and young people on the day(s) of the trial

In Ben's case, there was enough 'hard evidence' which meant that it was not necessary for him to be cross-examined on the day. Ben did attend the court building during the trial, and was seated in a room outside of the main court area. He was accompanied

by his Barnardo's practitioner, as well as a witness protection worker.

'She was good like, [name of Barnardo's practitioner] went to the courtroom with me and sat with me in the courtroom.'
(Ben)

Ben's worker was also flexible in terms of where she visited Ben.

'She supported me in other ways too. At the time I wasn't living at home, she would come down to where I was staying and, you know, being supportive in pretty much every way.' (Ben)

Jade was cross-examined via a live link room, separate to the courtroom. After showing the ABE video, which had been pre-recorded, as her main evidence, the court was then linked up to her room, where she was then questioned. During this time, her Barnardo's worker was outside the live link room, and was able to talk to her during the breaks.

'I had [name of Barnardo's practitioner] to talk to if I had any questions about it.'
(Jade)

Amy was also cross-examined from a remote live link room, which was in the same court building where the trial was taking place. Describing the room:

'It was small and cold. It was a bit, made me feel a bit ... queasy. It wasn't really colourful, it was just really small. I felt locked in as well because it was away at the very back room, away from Mum and everybody, so I felt locked away.' (Amy)

Amy also had another person present in the room, who she had not met before. Amy's Barnardo's worker transported her to and from court.

Recent CPS guidance states:

'Because the ISVA role is not always understood, the type of support ISVAs are permitted to offer their clients at court can vary considerably. If a victim expects the ISVA to accompany them in the live link or behind a screen and this does not happen, their experience of court will undoubtedly be affected. To avoid this situation prosecutors should always explain the

*ISVA's role to the defence advocate and the court where necessary.*⁶⁰

Amber's ISVA worker was allowed into the live link room with her, and she highlighted how she had been reassured by her after cross-examination. Amber's ISVA worker had advocated to be allowed into the live link room, and was allowed on this occasion. Usually Barnardo's ISVAs reported not being able to accompany children and young people into the live link rooms (contrary to policy), and instead are present in the witness area, corridors outside of live link rooms, or in the public gallery if this is what a child or young person wishes.

'I remember because I had my ISVA in the live link room and I remember afterwards, she said "I was really proud when you said "look I'm here to say the truth and that's what I'm saying".'" (Amber)

Most practitioners and ISVAs felt that access to the live link rooms would allow them to provide greater support at this time.

'Now I don't normally go in the room with them. And I disagree with that. Because I think, I say "I'm going to be there for you" – When it comes to actually going into the room to give their evidence, I'm sat outside! A stranger goes in, an usher!' (Barnardo's ISVA)

Some police felt strongly that Barnardo's workers should be allowed into the live link rooms.

'During the cross-examination period, they couldn't, they could sit with her but couldn't go in the court with her, I can't remember. Put it this way, they should be by their side all the time.' (Detective chief inspector)

Another of Amy's recommendations included:

'If the worker like [name of Barnardo's worker] was allowed in the room with you.' (Amy)

Planning for children and young people's wellbeing

Barnardo's practitioners and ISVAs shared that just before court can be a time when

the emotional resilience drops considerably for the children and young people they support. During a trial, it is very common for Barnardo's workers to support children and young people with identifying ideas and ways to keep calm on the day(s) of the trial. For example, this includes taking magazines, colouring books, crayons, drinks and snacks to court.



Peer supporters also offer a reassuring presence for children and young people (although they do not attend the trial itself). One peer supporter explains the kind of reassurance she offers:

'You haven't done anything wrong. We are always here to help and support you. It is okay to feel "all over the place". Other people have experienced this. Once it is over, your life can move on.' (Amber)

Police highlighted the importance of having contingency plans in place during trials. This can include working with Barnardo's so that the young people can have a lunch break, or take some 'time-out' at the service.

It was generally held that having a Barnardo's worker (or voluntary sector support) available to support the witness or victim at this time was extremely helpful, as this can be a very busy time for the police, who are often required to provide evidence for the judge and jury, or give evidence themselves.

Positive activities and choice

The children and young people consulted reported feeling supported during the trial(s). In many ways, Barnardo's role was helping to give some choice and power back to the young person, during a process which takes it away. One young person talks about the support she received at the time.

60 Ibid

*‘For me it was just sort of empowering, because during the process, like I said, you feel like **you’re in this bubble and everyone is making these decisions** and you just have to, just go along and deal with it and stuff like that. So with Barnardo’s, it was ... **I had a choice again and when we’d meet up, she’d be like “What do you want to do today? We’ll do what you want,”** and things like that and it was just, yeah.’ (Amber)*

*‘**Just being given an option really**, and not just being told, “right, this is what we’re doing” ... Anything really, we went roller-skating, we went to cafés, just different places and did whatever I wanted. We baked a cake one time.’ (Amber)*

Parents and carers described the support:

*‘She come round to, obviously [name of ISVA] built that rapport with her as well, **taking her out, going somewhere neutral**, sometimes they went bowling, sometimes they just went for a McDonalds or whatever, didn’t matter what it was, **it was just a little bit of time for [name of child] to be able to offload whatever she felt, if she wanted to – or not.**’ (Parent/carer)*

Linking with other witness support provisions

Barnardo’s links with existing witness support services in local areas. In some cases, witness support workers have been allowed more access into court or live link rooms than Barnardo’s workers, and where possible Barnardo’s works alongside these other professionals.

Barnardo’s role – best practice

This includes best practice identified across research participants

During the trial and cross-examination: How has the wellbeing of children and young people been promoted?

- **Sense of self and control**
 - Planning positive activities and giving children and young people a choice over these
 - Reminding children and young people of their rights, choices and providing constant reassurance.

- **Relationships/support network**
 - Supporting family members through explaining the processes and keeping them up-to-date.
- **Emotional and physical health**
 - Encouraging proper sleep
 - Reassurance of being believed (e.g. ‘You are believed’ or ‘We believed you’)
 - Having a trusting relationship
 - Helping with ‘how to cope’
 - Being realistic about what might happen
 - Being a familiar and constant person in their life
 - Putting their welfare first
 - Linking up with services for emergency mental health assessments (if needed)
 - Monitoring if/how the trial may be affecting school work.
- **Practical support**
 - Providing transport to and from court
 - Explaining the processes that will take place during the trial
 - Explaining who can see and hear what during cross-examination
 - Explaining the public gallery so that this is not a surprise
 - If there is a hung jury, and a re-trial, providing continuous support to the child or young person
 - Finding out what is happening when the status of the trial is unclear or uncertain
 - Organising accommodation, safe houses, or hotels if needed
 - Reminding the police and judge of the effects that delays can have on wellbeing
 - Planning a positive activity for after the trial – giving them ‘time-out’ by doing something afterwards
 - Buying food for the day and planning breaks.
- **Safety and safeguarding**
 - Helping with fears about seeing the defendant (and their family) through planning private routes into and out of the building
 - Being there and helping them feel safe
 - Working with the police to ensure physical safety.

Learning and discussion points – During the trial and cross-examination

Around-the-clock support

Supporting children and young people through an investigation and trial can be a time-intensive role and require around-the-clock support in relation to various aspects of their lives. This can be challenging for services who have a high number of service users with multiple needs. In relation to Operation Brooke, police highlighted that where possible, and where resources allowed, around-the-clock support and accommodation was necessary.

‘And the thinking behind that was – particularly our main victim – I wasn’t confident she was going to be there the next day if we’d knocked on the door. And secondly, some of the victims – their parents weren’t particularly supportive. So was it ethically right for me to drop off a witness having been re-traumatised on the Monday at four o’clock saying “we’ll see you in the morning”? There’s no way to deal with that.’ (Detective inspector)

Giving evidence on a different day

Practitioners advised that if a Barnardo’s worker is giving evidence in the same trial, to advocate for this to be on a different day to the day the child/young person is being cross-examined. This is because it can prove very stressful for both the child/young person and the practitioner if they have to give evidence on the same day.

Need for more child-friendly spaces

Practitioners and ISVAs highlighted the need for more child-friendly and carefully designed spaces in court buildings, especially in the witness suites. From experiences in this research, live link rooms were described to be unwelcoming and cold places. Learning could be drawn from the Barnahus/Children’s House model in this regard (see Page 20).

‘There needs to be a child-friendly room in the witness suite. What I experienced the last time I was in court – the door was opening all the time and a police officer would walk in and someone with a gown on will walk in and the young person will

say “is this for me?! Is this for me?!” Like waiting to go into the dentist’s chair, the dentist shouting your name, or waiting for an operation! ... And I just think there’s not a lot of protection for young people. It’s not very child-friendly.’ (Barnardo’s ISVA)

Recommendations – During the trial and cross-examination

Recommendation to Barnardo’s: Advocate for Barnardo’s practitioners and ISVAs to be beside the young witness or victim during cross-examination (in the live link room or alongside them during pre-recorded cross-examination), if this is their wish.⁶¹

Recommendation to Barnardo’s: Draw learning from the Barnahus/Children’s House model in relation to making the process more child-friendly.

Recommendation to Barnardo’s: Continue to raise awareness of the impacts of abuse, exploitation and trauma on victims’ behaviour, and advocate for expert witnesses where appropriate.

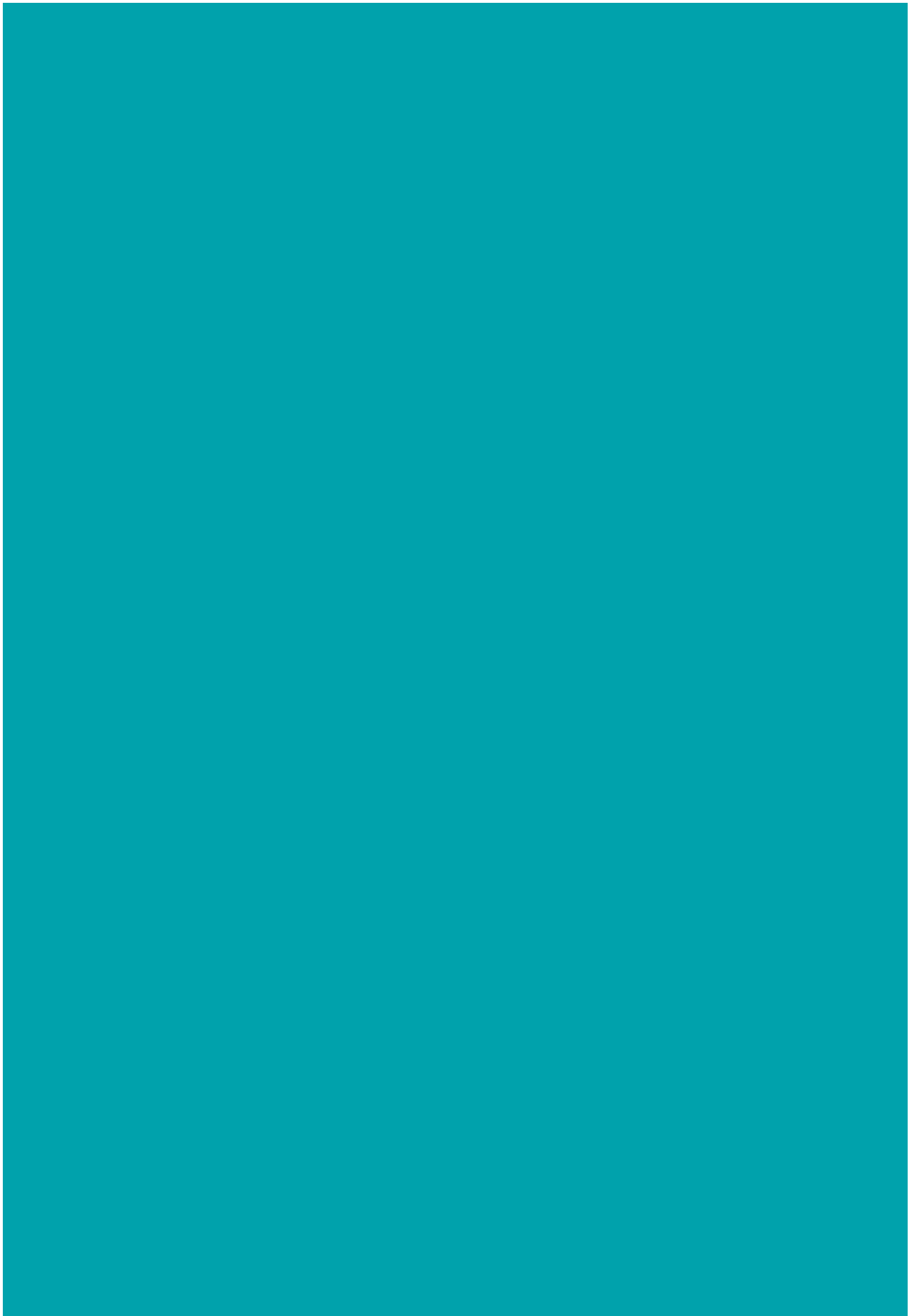
Recommendation to Barnardo’s: Support the implementation of pre-recorded cross-examination, and monitor if and how this affects children and young people’s experiences and their wellbeing throughout the justice process, particularly in relation to waiting times and questioning styles. Adapt the Barnardo’s practitioner and ISVA roles to suit the updated process.

Recommendation: All special measures, including the use of screens, should be made available for pre-trial cross-examination cases.

Recommendation: The Ministry of Justice should monitor the roll-out of pre-trial cross-examination and review regularly to ensure it is reducing waiting times and treating young witnesses sensitively.

Recommendation: Early and consistent support from an independent organisation should be provided to all children and young people, alongside the roll-out of pre-recorded cross-examination.

⁶¹ A statutory special measure allows a named supporter, known to and trusted by the witness, to provide emotional support while witnesses give evidence in the live link room. Their wishes regarding the choice of person must be taken into account (section 102, Coroners and Justice Act 2009; para 18B.1.2, Criminal Practice Directions; part C3, Application for a special measures direction).



Findings – After Prosecution

Milestone – Receiving information about the verdict and sentencing

Children and young people’s needs – Receiving information about the verdict and sentencing

Need for clear delivery of the verdict

Barnardo’s practitioners raised the impacts that the outcome can have on a child or young person’s wellbeing, and this can be the case whether the defendant is found guilty or not guilty. In most of the cases of the children and young people interviewed, the news of the sentencing outcome was delivered by their Barnardo’s worker. In Amber’s case, there was a not guilty verdict. Her parents received the news on the outcome, and told Amber. In Ben’s case there was a guilty verdict, and a prison sentence given.

*‘[Name of Barnardo’s practitioner] told me the outcome, before anyone else did. **It was positive to get some closure on it all**, you know? I couldn’t say anything bad about it, the service. It took about two and a half years for it all to be settled like. From when I did the video. It’s a long time to have to deal with it.’ (Ben)*

*‘The information about the sentence, I think it was actually [name of Barnardo’s worker] that told me herself **because they decided it was better because obviously**, they could tell her and then for her to tell me, so [name of Barnardo’s worker] met up with me and told me herself and asked if I was comfortable about it and that’s what I wanted and things like this.’ (Jade)*

Amy’s trial ended after her cross-examination, when she was confused by the barristers, Amy explained what happened then:

*‘A lady came through ... and said “We’ve had to stop everything” and like [name of defendant), **he didn’t go down to prison, he went out and went home**. I thought we’d done so much at the court and then it was all gone, like **nothing came out of it**. I was a little bit upset but okay that it was over and done with.’ (Amy)*

In most cases, Barnardo’s workers have been present when the outcome of the trial is communicated with the children and young people, and this is generally held as good practice. In others, the outcome has been communicated to children and young people and their families. In the latter cases, practitioners have been involved in working through some of the confusion or misunderstanding which has resulted after hearing the outcome with children and young people, and parents/carers. Practitioners highlighted the importance of planning how the news of the outcome will be delivered, and asking the children and young people how they would like to receive this information and with whom.

‘I’ve had a young person phone me up in tears and go “this is what the verdict was”. I didn’t have a clue, and they were high suicide risk as well ... badly handled.’
(Barnardo’s practitioner)

‘It’s about them being kept in touch constantly as to the timescales of when it’s going to be. And working out how they want that news to be delivered. So with my young person she wanted me and the allocated police officer to go and visit her in foster care, and let her know what the outcome was.’ (Barnardo’s practitioner)

Coping with the verdict

Practitioners drew attention to the reactions that children and young people may have to the verdict of a case. Such news can lead to very conflicting emotions (including feelings of guilt) which can take time to understand and cope with. Barnardo’s practitioners mainly try to help children and young people in identifying and understanding their emotions at this time, and provide reassurance that they are not to blame.

‘She didn’t get the result she wanted. So suddenly she was back to square one, but worse, because she was kind of being told that no one believed her. So you know that’s what the message was for her, and suddenly there was nothing.’
(Barnardo’s practitioner)

In such cases, Barnardo’s practitioners and ISVAs have offered support to reinforce the view that they were believed, and have provided some help with making sense of the outcome. They offer ongoing reassurance.

It’s important to explain that actually it wasn’t because you weren’t believed; it’s just unfortunate that at this time the evidence just didn’t go the right way. It’s not that you’re not believed.
(Barnardo’s practitioner)

*I think CSE is so complicated, and the grilling process is so thorough, that they are still very confused even though they might have got to a point where they recognise that stuff has happened that they didn’t want to happen. They still feel “maybe I asked for it, maybe I did go back.” And it’s really complicated; **it’s not like “Great! He’s got a guilty and it’s all sorted!” There’s so much more.*** (Barnardo’s practitioner)

*It’s like “yay he’s in prison, but I’ve still been raped.” **And the emotional impact of that is still significant.** Being able to come to terms with that, and work through that and understand that. **Compounded by the other trauma in their lives,** and whatever’s going on alternatively to the exploitation.’
(Barnardo’s practitioner)*

Barnardo’s role – Receiving information about the verdict and sentencing

Preparing for the verdict

Barnardo’s has a central role following a court proceeding in supporting the young witness/victim continually in a way that works for them, regardless of the outcome of the trial, and providing ongoing reassurance.

Preparing them, like with the NFA, preparing them that it could be a not guilty, and that’s not because it didn’t happen. *That’s because they haven’t got 100 per cent beyond reasonable doubt. I use the analogy of a puzzle, because I think often they feel really responsible for getting that guilty verdict. And I say actually you’re only giving one piece of the puzzle. You’re not giving a full picture. So how can you be solely responsible for getting that guilty verdict. You can’t be, it doesn’t work like that.’* (Barnardo’s practitioner)

Support through media reporting

Despite having reporting restrictions in place, which hold that the witnesses’ or victims’ names must be concealed, when stories and portrayals about the case appear in the media following a trial, this can be very difficult for a child or young person to see. Often witnesses and victims will be known in their communities, and the reports can feel very revealing and re-traumatising. Barnardo’s practitioners are involved in supporting them at this time.

‘They know who they are when they’re reading the articles. *To them they think they are massively being spoken about [even if it is anonymous], really in a public way, especially if it is in the news as well, so it’s about preparing them for that, and that there’s no way that the media could make them identifiable.’* (Barnardo’s practitioner)

*‘Blaming them really isn’t it. The community blaming the victim ... but **they’re actually continuing to live in that community and the family.***’
(Barnardo’s practitioner)

‘So they re-live the whole lot when it came out again in the news.’
(Barnardo’s practitioner)

Barnardo’s role – best practice

This includes best practice identified across research participants

Receiving information about the verdict and sentencing: How has the wellbeing of children and young people been promoted?

- **Sense of self and control**
 - Helping young witnesses and victims prepare for all possible outcomes
 - Helping to explain the verdict and provide reassurance
 - Explaining ‘you are just one piece of the puzzle’.
- **Relationships/support network**
 - Explaining verdicts and sentences to families.
- **Emotional and physical health**
 - Supporting children and young people with their feelings

- Supporting children and young people to understand the outcome
- Supporting children and young people to take care of their physical health.

- **Practical support**

- Deciding early on how and with whom the news will be delivered
- Ensuring post-sentence management plans are in place for the delivery of updates about release dates and locations, and that children and young people understand these.
- Planning what the relationship with Barnardo's is going to be like going forward.

- **Safety and safeguarding**

- Working with media professionals to ensure confidentiality
- Supporting children and young people when they read media reports.

Case Study: Chloe

Chloe was referred to Barnardo's by Social Services in June 2014. The concerns were:

- Serious sexual assault in February, male arrested and bailed
- High level of missing from home (MFH) Cannabis use
- A difficult and unstable life at home
- Chloe had been excluded from school and a number of Pupil Referral Units (PRUs) due to her behaviour.

Chloe had had an extensive history of Social Services involvement in her life, due to both her mum and step-father being alcohol-dependent when she was growing up. She had been in care a number of times, and was quite hesitant about working with services.

The aim of Barnardo's work with Chloe was to engage with her in order to help her reduce the risks around herself, to offer post-sexual-assault support, and to help to stabilise things at home and school with her. Barnardo's began working intensively with Chloe, as well as with her family and the PRU to help them understand some of Chloe's behaviours.

In July, the older male who had assaulted Chloe was arrested and bailed for sexual offences against her. During this time he attacked another young person, and there was a police manhunt to find him. Barnardo's supported Chloe and her family throughout this, keeping them up to date with all the developments. This was a really difficult time for Chloe, as it was one of her fears that this man would hurt another young person.

From December 2014, Barnardo's undertook court preparation work and court visits with Chloe and her family for the pending trial in January. A number of joint sessions were also completed with her mum to strengthen their relationship, and help improve her mum's confidence in supporting and understanding Chloe. In January, Barnardo's offered intensive support during the start of the trial. However, unfortunately the trial was adjourned until July.

Chloe really struggled with this decision, and her feelings around it. Her behaviours escalated, she physically assaulted her mum and brother and was arrested and placed in emergency care.

Barnardo's offered intensive work around helping to stabilise things for Chloe, advocating to family and professionals about what was happening in her life, and helping her explore healthy ways of releasing her feelings. During this really difficult time, Barnardo's was a 'constant' for Chloe. Barnardo's also supported mediation work between the family and Chloe, and she returned home.

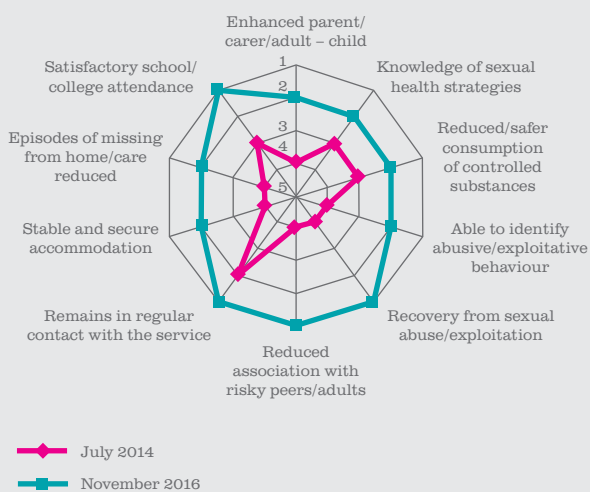
Alongside the one-to-one work, Chloe also took part in some participation work with Barnardo's, as well as graffiti art and street art workshops. She really enjoyed them, and this helped build her confidence individually and in groups, as well as being a positive activity for her.

The trial went ahead in July, and Chloe gave evidence in court for four days, supported by Barnardo's and her mum. The cross-examination was lengthy and difficult; Chloe came out of court four times extremely upset and needing support. Barnardo's had daily contact with Chloe

and her family in the run-up and during the trial, keeping them up to date and seeing how they were. The defendant was found guilty on 10 of 12 counts; and Barnardo’s were present with the police when the news on the outcome was delivered to Chloe and her family. The defendant was sentenced to 21 years in prison. Chloe’s worker supported her and the family in attending the sentencing hearing, as Chloe felt that she wanted to be there.

Chloe’s relationship with her mum, step-father and siblings has significantly improved. She sat her GCSEs and started a beauty course at college, which is a huge achievement. Chloe’s risk of sexual exploitation, which was previously assessed as high, is now assessed as low. She no longer goes missing and has stopped smoking cannabis. She aspires to be a peer mentor for other young people and to speak to them about her experiences and what she has learnt from them.

Chloe – Outcomes at her first and last assessments



Outcomes are recorded across all our CSE services. The following chart shows recent outcomes data, as recorded by the worker, for Chloe. Five represents the highest support need, and one is the lowest support need.

This case study is based on written and spoken accounts with Chloe’s Barnardo’s worker.

Learning and discussion points – Receiving information about the verdict and sentencing

Continued updates and safety

Following Operation Brooke, police put post-sentence management plans in place. This includes updating the victims and witnesses when the offenders are being released, as well as making sure, they are not re-housed near the victims or witnesses. This was not something that was raised by other practitioners or children and young people, and appears to be common practice, but is of critical importance for the ongoing mental wellbeing and physical safety of children and young people after a trial.

Recommendations – Receiving information about the verdict and sentencing

Recommendation to police and Barnardo’s: Plan a clear delivery of information about the verdict and sentencing, and ensure support is available for afterwards.

Recommendation to police and Barnardo’s: Ensure post-sentence management plans are in place for the delivery of updates about release dates and locations, and that children and young people understand these, and know where to go for information.

Milestone – Moving on

Children and young people’s needs – Moving on

Ongoing reassurance

Based on the findings, support after an investigation or trial has been shaped by what the child or young person needs. Generally, the support continues after the investigation or trial, as this is usually quite a turbulent time. It is also when Barnardo’s workers and ISVAs work with children and young people to further understand the outcome of a case and provide encouragement to explore future avenues in their lives. It may also be a time when more intensive educative work on grooming or keeping safe in relation to their own experience may happen. Equally, depending on the individual, it may be time to start to close the relationship.

Many Barnardo’s workers explained this phase as being ‘up to them’, with Barnardo’s providing ‘support to the end’. Workers say things like ‘they can drop in. We are still here’, and ‘We’re like a long piece of string’. Providing this kind of support can be a challenge where services have limited resources and need to provide support to more service users, and this challenge is especially the case when young people are transitioning into adulthood.

The children and young people consulted were positive about the ongoing support that they had received following investigations and trials.

*‘I stayed with [name of Barnardo’s practitioner] for another three months. We didn’t finish till December time and that was just to talk about, **to make sure I was okay with everything and obviously because other things were going on around then.**’ (Jade)*

*‘We go Starbucks. **We go Starbucks and she speaks to me,** I don’t know, she’s really good, and like I’ve just come off this trip with Barnardo’s now and that were really good, this camp thing [a residential trip for young people].’ (Rachel)*

Ongoing risk of exploitation and abuse

It is very common for Barnardo’s to continue to provide more intensive support on CSE and missing from home issues during this phase. Practitioners reported that often the risks

facing children and young people are still present in their networks, and so it is of critical importance to keep supporting them in this way to encourage their continued safety. This specific support is carried out by Barnardo’s practitioners, rather than Barnardo’s ISVAs.

Coping with trauma and the ongoing impact of exploitation or abuse

Children and young people highlighted how Barnardo’s practitioners had helped them gain access to other services.

‘[Name of Barnardo’s worker] was helpful. She made referrals for me with other professionals.’ (Ben)

‘They got me into counselling, that was good. And then now they’ve put me onto a psychotherapy for meditation, for stuff, and then everything will be finished with.’ (Amy)

Practitioners highlighted the need to be aware of the healing services available in the area. In the services which have an in-house counselling service, practitioners and ISVAs would usually refer for the individual to receive more in-depth counselling, if this is what they would like. Where this is not available internally, practitioners usually make referrals to other services to provide this. In one of the areas, an additional online counselling service is also being promoted with young people. Some practitioners complained that it has taken too long for counselling support to become available. Having in-house counsellors at Barnardo’s services is not widespread.

Speaking about some of these difficulties:

*‘We’ve referred ours to a counselling service. That’s fine, there’s no worries. **But it’s taken a number of months to try and get that service** ... And this is a girl who’s attempted suicide quite recently! And we’ve looked to try to get money to source that funding. The local authority is saying “but it’s going to cost thousands of pounds to pay for a private therapist. ‘Cause if we do it for her we’re setting the precedent to do it for all the other kids you’re going to tell us about!” ‘Cause there’s loads of them!’ (Barnardo’s practitioner)*

*‘I mean we refer them to CAMHS [Child and Adolescent Mental Health Services] but ... but exactly! **When you say we refer to***

CAMHS everyone has the same reaction of “oh CAMHS!” (Barnardo’s practitioner)

*‘We’ve had one young person that has had therapeutic intervention funded by the local authority. **The first case that I’ve ever known.**’* (Barnardo’s practitioner)

*‘[The service needs access to] a therapist who’s got an appropriate skill set, because not that many people specialise in this area, there is a real dearth of skills. I don’t have, in [area of service], a referral path for more complex work, I can refer people onto **CAMHS but they don’t have the resources or the skills or the time to be able to offer anything.**’* (Barnardo’s in-house counsellor)

Support with managing money (criminal injuries compensation)

Practitioners consistently reported that young people have needed support in planning how the compensation money will be spent (if it was sought and given), citing incidents where young people have not felt prepared for or aware of the scale of the money they received, and have gone on to spend the money rapidly. It is not always possible for Barnardo’s to provide this support, and this can be particularly challenging if a service user is very vulnerable and transitioning into adulthood.

*‘**There’s been a few cases where young people have been given a big pay-out, and it’s caused self-destruction, at a time where they were over 18, got this massive pay-out.**’* (Barnardo’s practitioner)

*‘I had a young person who was given £27,000, when she turned 18 – she was abused as a child ... **She blew it on loads of drugs for everybody,** and then ended up working in a sauna, because she then had this massive drug habit, and it was a way of feeding it ... but she lost £27,000 in a month!’* (Barnardo’s practitioner)

In some cases, compensation can be paid to parents/carers who can help to oversee the money.

*‘The one I’ve supported to apply for it, she has quite a consistent relationship with her parents. And I feel like with her, her parents are overseeing it, and actually, **it could be positive for her.**’* (Barnardo’s practitioner)

In other situations, there have been cases where families of victims have tried to gain the money for other purposes.

*‘I know a girl who got it – she didn’t get it cause she was under 18 – but they allow some of it to be paid out to the parents. **And her parents were applying for it to pay the rent, to do this, to do that, you know what I mean? And mother had it all! And she’d not even got to 18, but all this money was being given out from whoever holds it all.**’* (Barnardo’s practitioner)

*‘My young person still rings me now ... but her mum’s not supporting her through the whole process, **but knowing that Mum will be very interested in her life if she gets compensation.** And so what we’ve done is she’s asked me – Barnardo’s and social care – to be her sort of holding people. So if she does get the money, the information comes to us and social care first, and not her mum. So yeah, she asked for that.’* (Barnardo’s practitioner)

In such situations, Barnardo’s workers have tried to provide advice but also advocated for more support from social care in supporting vulnerable adults transitioning into adulthood. This is an ongoing challenge.

Barnardo’s role – Moving on

Focusing on the future

Overall, Barnardo’s practitioners and ISVAs felt that after-care was incredibly important, and highlighted that support needs for children and young people can be very high in the period after an investigation and trial.

*‘It is very important to make plans for young people before court, for a change after court. So plan something nice that you’re going to do regardless of what the outcome is. So they’ve still got that to focus on and something positive to focus on and to look forward to, that isn’t dependent to what happens at court. **‘Cause it’s such an all-consuming experience for them for years potentially beforehand, I think it can drop away and leave them feeling quite empty when it’s over.**’* (Barnardo’s practitioner)

*‘**Straight after a lot of services you see stop. Its “hands-off, it’s all done and dusted”, but that is the point a young***

person needs someone. *I think it's been well documented anyway in the past from previous investigation. But that I would say is when the young person starts to re-live everything, so they're being re-traumatised again.'* (Barnardo's practitioner)

'What we would do is during our support, we would talk about maybe what the future is for them – where we'd like to see things going. Obviously if they're little we don't ask too much. We just ensure that they're in quite a good place. If they're older we might have taken them to college to enrol them at college.' (Barnardo's ISVA)

Positive activities

It is common for services to offer a variety of activities including art and music therapies. One of the young people interviewed had been supported to record and produce a CD with a song she wrote and sang. The service was linked with a music production company specialising in working with young people.

Leanne explained that having written the song while in a secure mental health hospital, she shared it with two friends of hers who had had similar experiences. This helped them come forward to report to the police, one resulting in a conviction.

*'Ideally I'd love it to be sort of a charity single for Barnardo's. **That's my big dream. If it can raise some money and awareness.'*** (Leanne)

The research shows that it is common practice for the support to be shaped primarily by what the child or young person wants.

*'With my young person she's like "[name of practitioner], I don't want professionals around forever. What going to happen with us after court?" **And I'm like, "We'll just plan that, so I will continue to be available for you if you want me, and if you decide that actually that part of your life is over now and you want to move on then we'll plan what we're going to do as an ending and we'll work towards that, so you know what the timescales are."** And we have those conversations as we go on. You know, "You're not going to have to have me forever, but equally I'm not going to disappear the minute the court stuff is over either. We'll just work to what you need as we're going."* (Barnardo's practitioner)

*'**The contact were based around what the young people wanted, and it was up to them** as to when they wanted it to end.'* (Barnardo's practitioner)

*'They know that they can drop in. **It's not that they can't have any contact with us ever again. We're still here.'*** (Barnardo's practitioner)

*'It's like that long arm safety thing in their mind. A long piece of string, I think. **It makes such a difference.'*** (Barnardo's practitioner)

One practitioner highlighted that sometimes continued involvement can bring back trauma, again highlighting the importance of the child or young person's wishes in driving the nature of support at this time.

*'I was having daily visits and was working very intensely with her, and then went to visit her just before the news about sentencing – and in the visit **I did after that she had a horrendous flashback when she saw me.** I think I was so linked with the whole disclosure, trial, everything, that after that when I visited three times after that, and each time she had really awful flashbacks. So we had a CAMHS consultation about it – and the idea would have been that I would have worked with her for six months seeing her daily to work through that – but we agreed that that was unrealistic. So she was in a place of safety, she had really good carers looking after her. So it was agreed that I would be doing consultation support for the foster carer. So we were still involved and she knew she could come back to me if she wanted to, but it wasn't fair on her to keep triggering – she had really severe Post Traumatic Stress [Disorder]. **So it really depends on the person.'*** (Barnardo's practitioner)

Many practitioners described their services as 'good at being there' and 'consistent'. This is similar to messages from child or young person participants.

*'**I think consistency is an important word.** Where we have cases where there are some other services doing similar stuff, they are less consistent. **They won't stick it out as long as we will. And they won't be there in the long – you know – we are there in the long term. If we need to be.'*** (Barnardo's practitioner)

'I think if young people feel supported, then we're making a difference.'

(Barnardo's practitioner)

Opportunities to support others

Amber was offered counselling, but instead wanted to offer support to other young people going through the criminal justice process. With support from Amber's ISVA, a training pack has been developed, and a number of young people have been trained and have offered peer support to children and young people at this service. Explaining the support they give:

*'I'll go along to some of the sessions and we'll go sit down somewhere and I'll answer any questions they have, and they know as well, I've been through that, and **a lot of them have said it's just nice to see someone who's been through that but sort of like there's light at the end of the tunnel**, and hearing about all the stuff I've done and that, they say it's nice to know that life can go on and it doesn't have to always be.'*
(Amber)

This can be at any stage in the process, and can involve specific support around, for example, a pre-court visit. At the time of the research, this young person was planning to move on to university soon, and so wished for more children and young people to be trained as peer supporters.

Supporting criminal injuries compensation claims

Barnardo's has played an active role in supporting applications for criminal injuries compensation, or linking up to other services who offer this support. However, this does appear to be an area where clarification on process and procedure could be developed.

None of the children and young people who participated recalled that they had applied or gained compensation, although Ben was currently in the process of applying.

There was the general opinion that there could be more awareness of the compensation process among services.

*'They can apply to it whether they've got guilty or not guilty, which is really good. **But it takes such a long time**, and you're dependent on the police giving quite a lot of information, and in my experience they've*

been quite slow in coming forward with that, so we can fill in everything that we can, but then also, they've got to wait for the police to do it.' *(Barnardo's practitioner)*

A number of practitioners reported that they often link up with other services at this stage for support with applications for compensation and advice, most notably Victim Support.

Police recalled a case put forward for criminal injuries compensation, but where a young person had had a previous conviction, and this was not successful. Cases like this are an ongoing challenge for the police and for Barnardo's, which continues to undertake advocacy on this issue.

Barnardo's role – best practice

This includes best practice identified across research participants

Moving on: How has the wellbeing of children and young people been promoted?

- **Sense of self and control**
 - Thinking and talking about the future
 - Supporting children and young people to understand their options with regards to applying for criminal injuries compensation.
- **Relationships/support network**
 - Peer support can continue (in services where this is available)
 - Supporting the child/young person with thinking through who should receive the criminal injuries compensation (if granted).
- **Emotional and physical health**
 - Therapeutic work and counselling.
Note: This depends on whether the service has in-house therapy support. Where they do not, the service should refer the child/young person to therapists/services outside of the service
 - Signposting to therapeutic services.
- **Practical support**
 - Helping with enrolling in college etc.
 - Providing more specialist CSE and missing from home support
 - For the last session, allowing the

child/young person to choose what they want to do (e.g. park, walk, butterfly centre) and doing some reflection on their journey

- Helping to access the forms and support with criminal injuries compensation applications (must be done within two years)
- Referring for help elsewhere (e.g. Victim Support)
- Supporting with budgeting to ensure that compensation is not used to the detriment of physical health and wellbeing
- Supporting children and young people to cope with compensation decisions.

Learning and discussion points – Moving on

Capacity to provide ongoing support

Practitioners generally felt that their role, in the voluntary sector, is unique, as it allows them to offer ongoing support to the child/young person, and involve things that they want to do. Nevertheless, with ongoing case loads requiring immediate attention, practitioners shared that their ability to offer this kind of ongoing support does depend on the capacity of the service at the time. There was some feeling among the Barnardo's practitioners that the ISVA role is more able to provide this support, due to not having open CSE cases at the same time.

Police generally praised Barnardo's for its continuing support for witnesses and victims after trials. After the outcomes of cases are known, police are usually very busy with live operations and investigations, and so the dedicated support of Barnardo's at this time was reported as valuable.

Recommendations – Moving on

Recommendation to Barnardo's: Continue to provide one-to-one support after a trial is complete, promoting children and young people's wellbeing on their journey towards recovery, alongside CSE education and prevention support.

Recommendation to Barnardo's: Share procedures and guidance and increase understanding of how to support children and young people through compensation application procedures.

Recommendation to Barnardo's: Promote internal learning and discussion on how to support children and young people with large pay-outs.



Value of Barnardo's involvement to children and young people's overall wellbeing

Joint working with the police

Police were positive about the joint working between themselves and Barnardo's:

*'Everybody played a really key part, in engaging, supporting, encouraging, managing victims, all the way throughout. And that worked really, really well. **It was a real team experience.**' (Detective inspector)*

*'**We were very lucky in that we had Barnardo's in the city for a number of years beforehand.** So we had those working relationships. We had a fairly good knowledge of what Barnardo's do and how they did it. We'd had those interactions before. So it was a fairly natural fit when [this investigation] came along. Barnardo's just sort of slot in there and were part of the team really.'* (Detective inspector)

Some draw particular attention to excellent multi-agency working:

*'**I have every faith in Barnardo's,** and as part of the CSE team, for me, they underpin any work or any court case you can potentially or you've got any chance of going through.'* (Detective chief inspector)

*'**We've got the benefit of being co-located, so the working relationship is absolutely second to none.**'* (Detective chief inspector)

*'**What we do is talk about things in the best interest of the child, and it's a joint decision,** with Children's Services, with Barnardo's as well and the police of what then happens.'* (Detective chief inspector)

*'**So what the agency's [Barnardo's] done is filled in the gaps between the police, Social Services,** because Social Services haven't got time to keep going back and saying, "Do you want to talk to us now?" The police haven't got the capacity to do that, but you've got this Barnardo's in between.'* (Police constable)

*'I think the multi-agency hubs and the core working which is, I wouldn't say it's new but it's relatively new, **has all worked really, really well, so expanding on that is such a ... good thing.**'* (Detective constable)

Value of ongoing engagement

Police also highlighted the value having a Barnardo's worker brought in terms of remaining engaged with the child or young person:

*'**If it hadn't have been for the Barnardo's worker being involved, we would not have probably kept her [the victim] on board.**'* (Detective chief inspector)

*'**There was so much victim focus that really to not have Barnardo's there, we would probably have struggled to give her that amount of victim focus.**'* (Detective chief inspector)

Describing Barnardo's:

*'**It's that sanctuary – that place that they can go, safety if you like,** pop into Barnardo's. There's people there, have a cup of tea, can speak to somebody in private. It's not their mum, it's not their dad, it's not their sister, it's just somebody where they can just get out the house and go speak to somebody who knows what we're going through.'* (Police constable)

Parents/carers

Parents and carers on the whole spoke very positively about the support their child had received. The fact that the support was provided independently of social care also seems to have been an important factor. Parents talked about initially feeling embarrassed, but on reflection being very grateful that Barnardo's were involved.

*'**Barnardo's have been great all the way through.**'* (Parent/carer)

'Barnardo's have been fantastic, they really have, and everyone that we've met has been so nice. It's always been a relaxed atmosphere and we've always felt good going to Barnardo's, and **the workers have always been good, I don't think I could fault them in any way really.**' (Parent/carer)

'The first time I went in and was interviewed by the police, they offered us a little brochure, they went "would you like Barnardo's to be involved?" And I was sort of, you know when you just can't believe something's happening to you? The whole case at that time, I felt like "oh God" it's sort of like embarrassment as well, you try and live your life correctly, all of a sudden you have this incident so, we decided to take a leaflet but I just thought **"oh God, that will be like Social Services and things like that". Even though you've got nothing to hide, it's just like embarrassing.**' (Parent/carer)

'But we took one and then I thought, I'll just see how it goes and she went out with [name of ISVA] then, she sort of like, I could tell it was only going to help her then and week after week, all my fears were allayed really because I knew she was enjoying it. She was building up a rapport with Barnardo's and that, so **in the end I was just so pleased we took the leaflet and decided to go with it. It was a massive help.**' (Parent/carer)

'You don't tell your parents everything, especially when you're young. **Having someone outside the family like that is probably a godsend to have.**' (Parent/carer)

The fact that the relationship with a Barnardo's worker was ongoing meant that there were no gaps in the support.

'It was ongoing all the time. Even when it was quiet things in the legal process, she was still seeing [name of ISVA] or someone from Barnardo's quite a lot.' (Parent/carer)

Identifying with children and young people
Barnardo's were able to identify with children and young people during this process, which often involves a lot of professionals.

'At that time when I was in that position, there was a lot of people there in my life. There was police officers, social workers.

It didn't really feel like any of them had a real opinion on any level, and I think a Barnardo's person like [Name of practitioner] would be good to have in those situations because she was more sort of more identifiable to young people. You know what I'm saying?' (Ben)

'I just think what she does is like a really good job.' (Rachel)

'Like she's down to earth, she even gets along with my sister ... she takes me places and she's just proper down to earth and you can just speak to her about anything, **I don't feel like she's judging me or owt like that.**' (Rachel)

Independent support

Children and young people highlighted that because the Barnardo's worker was not their parent/carer, it was easier to talk to them:

'It was good to have that because sometimes ... I remember, I can tell my parents everything and we got on great, but I knew if I had a worry about the case or the court or something, I didn't want to upset them so I wouldn't talk about it to them, I think that's it really, it's like the support you need where you know you're not hurting anyone by doing that, whereas if I sat down with my mum and said, "I'm feeling worried about this", then I know she'd get upset, so **it's good to have an extra supporter.**' (Amber)

Parents and carers were very positive about the support that Barnardo's provided to children and young people throughout this period. The interviews with parents/carers highlighted the benefit of having independent (outside of the criminal justice system) and non-familial support.

'She was paired up with [name of ISVA] and that was very good. [Name of ISVA], initially I think she saw her once a week and she'd take her out, take her for a cup of tea and I think **Leanne just unburdened herself of all her worries to her and she'd reassure her and it was getting her out, it was really good. She looked forward to that support as well.**' (Parent/carer)

'Barnardo's were like fantastic with her, throughout.' (Parent/carer)

'I can't praise them [Barnardo's] enough.'
(Parent/carer)

Benefits of long-term support and help with talking about things

Discussions with children and young people reinforced the finding that the long-term support meant that trusting relationships were built. Children and young people felt connected to their workers and comfortable talking to them.

'I was very happy with it, it helped me a lot. I don't think I would have really got through it without any help, and obviously I was really close to [name of Barnardo's worker] because I'd been with her those couple of months before, so we were really close which made it easier for me to be so close to her.' (Jade)

'I don't really mind talking about it, because at first I hated talking about it but I think it's got easier over time with everyone helping out and things like this, and now I prefer to talk to people about it, to help others that are going through it.' (Jade)

Help with overcoming fears and worries about the court process

Children and young people felt that having a Barnardo's worker had helped them to prepare for going to court, especially in terms of helping with worries and fear of what would happen.

'It was really hard when obviously we stopped working together because I told her so much but ... I think obviously the help that she helped me with made me a better person and easier to talk to other people, like my mum and things like this. She helped me with that and having less fear of things because before court, I had loads of fear about worrying and all this, and she helped me just overcome them.' (Jade)

Benefit of positive activities:

When discussing what they liked about the support they received, children and young people highlighted that they appreciated taking part in non-directive activities.

'I found it easier as well, instead of staying inside the Barnardo's building, I found every now and again I would go out. Me and [name of Barnardo's worker] like to cook, we like to make cakes and stuff so I

was doing catering in school, so she used to do cakes with me and things. I found it a lot easier than just sitting in a room and talking. We obviously still talk while we're making the cakes but that's like kind of takes your mind off so much stress because you're doing something and trying to talk at the same time, so I found that a lot easier as well.' (Jade)

'It was good. It was good to have somebody to talk to.' (Amy)

'Barnardo's are brilliant, I've nothing bad to say about them, it's just they're a bit stuck that's all with the whole justice system really. Which is a pathetic word because there's no justice.' (Leanne)

Grading of Barnardo's support by children and young people

The children and young people consulted answered the following question at the end of their interviews with the researcher.

'What was the Barnardo's support like overall (quality)? Were you happy, okay or unhappy with the support you received? 0-5 Smiley Faces grading'



Very Happy



Happy



Okay



Unhappy



Very unhappy

Answers:

5/6=Very Happy

1/6=Okay

In answer to the question, five out of six children and young people answered 'very happy'. For the one young person who answered 'okay', it was felt that Barnardo's did not have the skills in responding to her mental health needs. This has highlighted a gap in Barnardo's ability to be able to respond to children and young people with severe or complex emotional health and wellbeing (EHWB)/mental health needs during an investigation and/or trial.



Wellbeing of parents/carers

Loss of control, guilt and embarrassment

Parents and carers talked about experiencing feelings of guilt and embarrassment at these times, when abuse or exploitation had been discovered. There were also discussions about feeling lost and confused in the process. This was the case in both situations where the abuse had been perpetrated by a family member, and when it had been perpetrated by someone in the community.

*'You're just thrown in the deep end and you feel like the guilty party because you have to go to all these meetings and **you just don't know what's happening.**' (Parent/carer)*

*'It's such a shock that loads of agencies get involved, the police, social worker, other organisations, and as a mother, you just don't know what's happening. And honestly, **you could do with a family liaison officer because you haven't a clue what's going on.**' (Parent/carer)*

*'It's just the not knowing really, you think you're responsible adults but then something hits you like that **and you become just lost yourself a bit.**' (Parent/carer)*

Moving on – Counselling for parents/carers

A number of the parents/carers consulted had received counselling support. Barnardo's had been instrumental in providing them with details of counselling services where they could try to gain support.

*'Barnardo's put me in touch with a counselling service and I went to there for a few sessions, three or four sessions and it did help me immensely... **I was crumbling inside because I couldn't accept it but by going to that counselling service, I could just cry** if I needed to cry, let it all out, tell them what I felt... And instead of feeling guilty, which is what I did, I felt guilty, I thought I should have known even sooner than I did pick up on it, why didn't I stop it?' (Parent/carer)*

*'[Name of ISVA] put me in touch with this place... **we can't sing Barnardo's praises any more than we can, they're just fantastic** because I went through about four sessions, got it all out and then you do, you think you're right, I couldn't have changed it.'* (Parent)

In another case, a parent/carer highlighted that she felt the counselling had a limited benefit for her, feeling that it could have been more beneficial to speak to adults who had been through similar experiences instead.

*'I tried going to [name of counselling service for domestic and sexual abuse] for some counselling and at first session I knew it was no good because ... it was just like "oh that can't have been very nice", and **I needed someone who understood, do you know what I mean?**' (Parent)*

'There's been times I've wanted to speak to someone, but I'd like to speak to someone who's been through it, had the same experience, can relate, you know?' (Parent)

In general, the discussions with parents/carers highlighted the need for independent family support throughout the experience.

'You've got to be there for your child, you've got to be strong for them but you need the support as well to do that.' (Parent)

*'I think when the whole thing first starts, it is so crazy. **I walked around in a trance for about two years, having to go to this meeting, that meeting...** and if I had someone there to say, "this is what's going to happen, you'll probably have to go here and go there", you just don't know.'* (Parent)

*'It's good that you have the option for counselling... I was okay, the worst bit for me was when we found it, it was three days before we went to the police and **it was like a pressure cooker, you couldn't concentrate on anything ... Inside you're in turmoil.**' (Parent)*

Recommendations – Wellbeing of parents/carers

Recommendation to Barnardo's:

Strengthen Barnardo's work with parents/carers, and advocate for more specific parent/carer support (e.g. counselling and group support) through other agencies.



Wellbeing of Barnardo's staff

Evidence from this evaluation shows that supporting a child or young person through a police investigation and trial is a very intense process for the Barnardo's practitioner and teams, especially where support is provided 'around the clock' and/or trials are very high-pressured. The research findings suggest that more can be done to promote the wellbeing of staff who are supporting young witnesses and victims.

Stress

Staff reported high levels of stress when supporting children and young people through investigations and trials.

'It is quite stressful. You can't underestimate how stressful it is.'
(Barnardo's practitioner)

*'And you know we always talk about the young person, and how you can look after them, but **I think you kind of need the same afterwards don't you.** To have something planned in to de-brief!'*
(Barnardo's practitioner)

Safety

Ensuring staff safety is an issue, especially when there is potential for them to be recognised and approached in the community.

*'Little things like I remember that I had given my evidence and walked back, I was a so paranoid. I felt a glimpse of what it must be like for a young person – that everyone knew who I was, what I said, I felt like people were following me, like ... Cause obviously if you are giving evidence, you don't get special measures! **You are seeing all the family, the 10 men lined up staring at you!**'* (Barnardo's practitioner)

Workload

Practitioners talked a lot about the time-consuming nature of courts support, and how this can impact the support they can provide other children and young people on their case load.

Good practice in promoting the wellbeing of staff throughout police investigations and trials

- Have 1:1 supervision (clinical if provided)
- Have group supervision
- Have group support
- Promote a supportive team atmosphere
- Block out calendar time for the trial period
- Take time out
- Plan a holiday or book time off for after the trial
- Spread relationships and responsibilities across the team, especially when pressure and time burdens are high
- Help service users to meet other team members (so that if staff are absent there is somebody else to step in)
- Put in place support plans for staff
- It is important not to support two service users through investigations or trial at one time (CSE practitioners).

Recommendations – Wellbeing of Barnardo's staff

Recommendation to Barnardo's: Promote clinical supervision for Barnardo's staff who are supporting children and young people through police investigations and trials.

Recommendation to Barnardo's: Put in place support plans for Barnardo's staff who are supporting children and young people through police investigations and trials.

Recommendation to Barnardo's: Formalise Barnardo's role in the police investigation and trial process. *The best practice sections of this report should be utilised.

Recommendation to Barnardo's: Train and increase the capacity of Barnardo's staff to support children and young people through the investigation and prosecution process, to feel confident and supported in doing so.

Recommendation to Barnardo's: Learn from other roles in the criminal justice system (e.g. ISVAs, independent domestic violence advisors (IDVAs), and intermediaries) in relation to promoting staff wellbeing and safety.



Summary of recommendations

Disclosure and Barnardo's initial involvement

Recommendation to police, social care or other referrers: Ensure referrals are made as early as possible.

Recommendation to Barnardo's: Review and reduce waiting times for support.

Recommendation to Barnardo's: Continue to promote consistency through allocating one worker for the whole process, where appropriate.

Recommendation to Barnardo's: Review availability of support for young people transitioning into adulthood, particularly to those with heightened vulnerabilities.

Recommendation to police: Ensure fewer and more consistent police officers are involved.

Police investigation process

Recommendation to Barnardo's, police and social care: Create multi-agency bespoke care plans for vulnerable witnesses and victims, including roles and responsibilities of all professionals.

Recommendation to Barnardo's and police: Share learning and increase understanding and confidence of working within the remits of the pre-trial therapy protocol.

Recommendation to Barnardo's: Raise professional confidence in producing accurate and transparent recordings.

Recommendation to Barnardo's: Provide a clear and concise description, and gain a shared understanding of Barnardo's role among police and criminal justice professionals working on a case – including the remit of CSE education for safeguarding.

Recommendation to Barnardo's: Review the limitations on what ISVA workers are allowed to know about a young witness/victim's case, in particular to see if basic information about perpetrator relationship to the child/young person can be known (to avoid triggering upset to the child/young person).

Recommendation to Barnardo's and police: Remain aware of important dates for children and young people (including birthdays and exam dates) and sensitive to where and when meetings take place (e.g. not at school or college).

Recommendation to Barnardo's: Continue to share relevant information with the police, especially in relation to the child/young person's safety, and information on potential perpetrators and networks.

Recommendation to Barnardo's: Advocate for increased access to intermediaries for vulnerable children and young people, and for them to become involved at the earliest possible stage (including at ABE interviews).*

* A child or young person can be eligible by their age.

Recommendation to Barnardo's, police and social care: Remain aware of the acute wellbeing needs of witnesses and victims in all investigations and trials (where timescales can be long), taking extra consideration for trials which involve multiple perpetrators and victims.

Recommendation to Barnardo's: Continue to promote a support network around a child/young person, and make plans for what happens after key questioning and interviews (e.g. positive activities and making sure someone is at home).

Recommendation to Barnardo's: Continue to advocate for children and young people's safety to remain the priority, and for their right to education on exploitation, abuse and keeping safe.

Recommendation to Barnardo's: Continue to advocate for information to be shared with children and young people, and for waiting times to be reduced.

Recommendation to Barnardo's: Continue to advocate for children and young people to be consulted and their preferences listened to throughout the investigation process.

Recommendation to Barnardo's: Consider sharing learning and practice with external intermediaries, ISVAs and witness support to promote clarity on roles.

Recommendation to Barnardo's: Raise professional standards, understanding of the criminal justice process (including up-to-date CPS policies and guidance as they are updated) and confidence in roles and responsibilities of CSE practitioners and ISVAs in relation to support through police investigations and trials.

Crown Prosecution Service (CPS) decision – 'No further action' (NFA)

Recommendation to Barnardo's: Build in-house capacity to respond to children and young people with acute mental health needs, and strengthen linkages to formal mental health support for all children and young people including those who have received NFA decisions.

Recommendation to Barnardo's: Advocate for NFA decisions to be communicated in a sensitive way and at appropriate times, with a specialist worker present.

Recommendation to Barnardo's: Raise awareness among staff of the right to obtain a review of the CPS decision.

Preparation for the trial

Recommendation: All judges should ensure children and young people are actively involved in decision making during the preparation phase so that their specific wishes around the trial process are heard.

Recommendation: Judges should use their discretion to close public galleries when vulnerable children are being questioned about traumatic experiences, in order to protect their identities.

Recommendation to Barnardo's: Check that the child/young person always has the option of a pre-court visit/or the option to visit the room from which their cross-examination will be recorded (under the revised system), as well as the option of meeting the judge and prosecution advocate.* Witnesses should also be offered the opportunity to try out any technical equipment on this visit.

* It is now CPS guidance that all witnesses should meet the prosecution advocate, are told the purpose of cross-examination and are given details about the defence that is being put forward. The witness must also be told if any

issues of bad character or previous sexual behaviour are to be referred to.⁶²

Recommendation to Barnardo's: Young witnesses should be aware that they do not have to meet the defence barrister before the trial if they do not wish to.

Recommendation to Barnardo's: Make safety plans for children/young people and staff whose safety is at risk, including advocating for Skyguard alarms for children/young people and staff where intimidation or risk are likely.

Recommendation to police: Make the option of Skyguard alarms more readily available to at-risk children, young people and support staff.

Recommendation to Barnardo's: Gather learning from the peer support service, and where appropriate, harness the potential and interest of children and young people who have been through the process to offer support to other children and young people. This should depend on whether children and young people are keen or not to do this.

Recommendation to Barnardo's: Advocate for the involvement of an intermediary in all cases to assess the witness's capacity to take part in the trial. If an intermediary is required, they should remain in communication with the Barnardo's worker to ensure the witness's needs and wishes are represented in ground rules hearings.*

*The screening of cross-examination questions during ground rules hearings is due to be mainstreamed through the roll-out of pre-recorded cross-examination throughout England and Wales in 2017 onwards.

Recommendation: The Ministry of Justice should provide further funding and training for registered intermediaries so that all children and young people can receive an assessment prior to a trial. All children and young people deemed in need of an intermediary should be provided with one. This should not impact on the timeframe of the case.

During the trial and cross-examination

Recommendation to Barnardo's: Advocate for Barnardo's practitioners and ISVAs to be beside the young witness or victim during cross-examination (in the live link room or alongside

⁶² Speaking to Witnesses at Court. CPS Guidance. March 2016.

them during pre-recorded cross-examination), if this is their wish.⁶³

Recommendation to Barnardo's: Draw learning from the Barnabus/Children's House model in relation to making the process more child-friendly.

Recommendation to Barnardo's: Continue to raise awareness of the impacts of abuse, exploitation and trauma on victims' behaviour, and advocate for expert witnesses where appropriate.

Recommendation to Barnardo's: Support the implementation of pre-recorded cross-examination, and monitor if and how this affects children and young people's experiences and their wellbeing throughout the justice process, particularly in relation to waiting times and questioning styles. Adapt the Barnardo's practitioner and ISVA roles to suit the updated process.

Recommendation: All special measures, including the use of screens, should be made available for pre-trial cross-examination cases.

Recommendation: The Ministry of Justice should monitor the roll-out of pre-trial cross-examination and review regularly to ensure it is reducing waiting times and treating young witnesses sensitively.

Recommendation: Early and consistent support from an independent organisation should be provided to all children and young people, alongside the roll-out of pre-recorded cross-examination.

Receiving information about the verdict and sentencing

Recommendation to police and Barnardo's: Plan a clear delivery of information about the verdict and sentencing, and ensure support is available for afterwards.

Recommendation to police and Barnardo's: Ensure post-sentence management plans are in place for the delivery of updates about release dates and locations, and that children and young people understand these, and know where to go for information.

Moving on

Recommendation to Barnardo's: Continue to provide one-to-one support after a trial is complete, promoting children and young people's wellbeing on their journey towards recovery, alongside CSE education and prevention support.

Recommendation to Barnardo's: Share procedures and guidance and increase understanding of how to support children and young people through compensation application procedures.

Recommendation to Barnardo's: Promote internal learning and discussion on how to support children and young people with large pay-outs.

Wellbeing of parents/carers

Recommendation to Barnardo's: Strengthen Barnardo's work with parents/carers, and advocate for more specific parent/carer support (e.g. counselling and group support) through other agencies.

Wellbeing of Barnardo's staff

Recommendation to Barnardo's: Promote clinical supervision for Barnardo's staff who are supporting children and young people through police investigations and trials.

Recommendation to Barnardo's: Put in place support plans for Barnardo's staff who are supporting children and young people through police investigations and trials.

Recommendation to Barnardo's: Formalise Barnardo's role in the police investigation and trial process. *The best practice sections of this report should be utilised.

Recommendation to Barnardo's: Train and increase the capacity of Barnardo's staff to support children and young people through the investigation and prosecution process, to feel confident and supported in doing so.

Recommendation to Barnardo's: Learn from other roles in the criminal justice system (e.g. ISVAs, IDVAs, and intermediaries) in relation to promoting staff wellbeing and safety.

⁶³ A statutory special measure allows a named supporter, known to and trusted by the witness, to provide emotional support while witnesses give evidence in the live link room. Their wishes regarding the choice of person must be taken into account (section 102, Coroners and Justice Act 2009; para 18B.1,2, Criminal Practice Directions; part C3, Application for a special measures direction).



Annex

Annex 1: Participants at the end of the research

Ben was living in semi-supported accommodation and looking to go to college.

Jade was re-sitting her GCSEs and plans to go to college.

Amy remains in school (aged 13)

Leanne is exploring her options and continuing to produce music. Her mental health needs are ongoing.

Amber was doing her A Levels and preparing to study at university. She continues to provide peer mentor support until she goes to university.

Rachel was studying for her GCSEs at a PRU (pupil referral unit), after being excluded from mainstream school. The service still sees her as high risk, and she has recently had a number of missing episodes. She was receiving continued 1:1 and residential support from the service.

Chloe sat her GCSEs and started a beauty course at college. She no longer goes missing and has stopped smoking cannabis. She aspires to be a peer mentor for other young people and to speak to them about her experiences and what she has learnt from them.

Annex 2: Preparing young witnesses for police investigations and trials – recommended resources

- **Going to court: A booklet for children and young people who are going to be witnesses at Crown, magistrates' or youth court (UK)** (two versions for younger and older children). Available at: <http://www.socialworkerstoolbox.com/going-court-booklet-children-young-people-going-witnesses-crown-magistrates-youth-court/>
- **Going to magistrates court. A booklet for children and young people who are going to be witnesses in court.** CJS (criminal justice system) and NSPCC.

- **Going to crown court, A booklet for children and young people who are going to be witnesses in court.** CJS and NSPCC.
- **Your child is a witness.** Information and advice for parents, carers, or people accompanying young witnesses to court. Ministry of Justice.
- **Young witnesses at the magistrates' court and the youth court. The Young Witness Pack.**
- **Being a witness. A booklet for young witnesses going to court.** CJS and NSPCC.
- Ministry of Justice (2013). Witness Charter. **Looking After Young Witnesses.** Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/265341/witness-charter-easyread.pdf
- **Preparing Young Witnesses for Court – a Handbook for Child Witness Supporters** (NSPCC 1998) – includes an important resource for non-evidential role play with young witnesses. Available at: <http://217.35.77.12/archive/england/papers/justice/pdfs/PreparingYoungWitnessesForCourt.pdf>

Annex 3: Preparing young witnesses for a trial – child-friendly examples

Exploring roles in the court room

Barnardo's ISVAs and practitioners have developed child-friendly ways to illustrate and explain different people's roles in the court process. For example, below are extracts from training developed by an ISVA:

The Queen's lawyers and the law

We explain to young people that the Crown Prosecution Service (CPS) is responsible for prosecuting criminal cases investigated by the police in England and Wales. The CPS acts on behalf of the public interest, not on behalf of victims or victims' families.

The person in court who helps the child say what happened is called a Crown Prosecutor. We use the word 'Crown' because he or she works for the Queen and the Queen wears a crown.



The defence barrister is the accused adviser. You could point out to your child that even though they may seem 'mean', they are here to do a job which is to 'test the evidence' and to make sure that the child and all the other witnesses are telling the truth. This is an important job: to make sure innocent people don't get convicted by mistake (children easily understand the idea of being blamed for something they didn't do). (*Barnardo's court training*)

Explaining the jury's role and the concept of 'beyond reasonable doubt'

The simplest way to describe the jury to young people is that the jury decide if they think a law has been broken by listening to the child and other witnesses.

The jury is 12 ordinary people aged between 18-75 years.

Once all the evidence from all the witnesses has been said aloud in court, the jury has all the pieces of the puzzle and makes a decision whether the accused is 'guilty' or 'not guilty'. We explain to young people what these mean in the following terms:

Guilty means that the jury is sure that the accused did something wrong and will be sentenced by the court.

When an accused is found 'not guilty', maybe the jury was 80 per cent sure but that is not enough. We use the analogy of a bowl of sugar for young people to

understand this fully. If each juror's brain is like a bowl of sugar then each granule needs to be sure one way or another. If there is one granule that is unsure of the evidence or feels there needs to more evidence to make them sure then they are unable to make a guilty verdict.



'Not guilty' does not mean innocent, and it does not mean that people didn't believe the child. The fact that he or she was charged is remembered by the police. A not guilty verdict can often be seen by the child as a very negative outcome. It is important, therefore, to prepare the child for such an outcome, and to always explain this outcome in a more positive manner. You could stress how brave the child has been and how proud you are of them for standing up and telling the truth. Lots of people believed them (us, the police, the CPS) but the evidence was not strong enough to reach the high level of proof required by the court.



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