

NSPCC Response to Consultation on best Practice Guidance for Practitioners: Achieving Best Evidence in Criminal Proceedings: Guidance on Interviewing Victims and Witnesses, Using Special Measures and Provision of Pre-trial Therapy

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1. NSPCC welcomes the opportunity to respond to the consultation on “Best Practice Guidelines for Practitioners on Achieving Best Evidence in Criminal Proceedings” (DOJ, 2010). The NSPCC has a particular interest in relation to this issue through transferable learning from supporting young witnesses in criminal trials throughout Northern Ireland, and through our recovery and support work with children and families who have experienced domestic abuse.
2. NSPCC has a number of key interfaces with the criminal justice and child protection systems. The Society has statutory powers under the Children Order (NI) 1995 and provides a range of services and therapeutic interventions to children who have been abused. NSPCC provides one of the three regional services to children who sexually harm and operates and manages the regional Young Witness Service which is funded by the Department of Justice. In addition the NSPCC Domestic Abuse teams work with children who are subject to care proceedings in family courts.
3. The society is referenced in the Criminal Justice Order and is a Strategic Management Board member of PPANI. NSPCC is also represented on a number of regional fora, including: the Regional Child Protection Committee the Victim and Witness Task Force of the Criminal Justice Board and various subgroups of the regional Domestic Violence and Sexual Violence strategies.
4. The NSPCC chaired the ABE Sub-group responsible for drafting this document and warmly welcomes the proposals contained within the consultation document.
5. However, we also recognise that while this is a significant improvement, there remain a number of areas requiring further development. We believe the role of interviewing and questioning children and young people who have been abused is a highly skilled and specialised role requiring a high level of child protection knowledge and skills which should be reflected in the status and training

6. The guidance notes the evaluation of individual interviews should take the form of self evaluation as well as assessment by a supervisor or other qualified person. We have recently become aware of research conducted in England and Wales which has highlighted significant issues in the conduct of ABE interviews (Robinson, 2008a & 2008b). Concerningly, of the 140 interviews with children and young people reporting sexual abuse reviewed, none were conducted jointly with social workers and only two were assessed as coming anywhere close to the four stage approach set out in ABE guidance. The researcher concluded that the conduct of interviews more often resembled an interrogation and a fixation on peripheral detail which not only prevented the young people from telling their story, but actually appeared to introduce inconsistency into the account. Initial discussions with NSPCC practitioners suggest that similar problems may also be present in current NI practice. NSPCC takes the view that the implementation and roll out of this guidance offers a timely opportunity to monitor and audit the practice of ABE interviews in this jurisdiction. Consultation with experts such as the researcher mentioned above would likely prove valuable in setting in place a robust process for doing this.
7. Further consideration needs to be given to interviewing children who have been sexually abused by family members/relatives/carers. These can present as some of the most complex cases, often involving multiple incidences of abuse and/or perpetrators and children and young people who are significantly traumatised by their experiences. Although the guidance contains a separate section on interviewing very young or psychologically disturbed children, we are of the view that more detailed guidance in this area is needed as these can prove some of the most difficult cases for police interviewers.
8. The guidance rightly recognises the importance of specialist training and on-going quality assurance in the conduct of ABE interviews. It is our opinion that the challenges involved in interviewing merit a separate, second stage training course rather than merely being 'lumped in' with more generic ABE training. This would also help to endorse the specialist skills required to successfully interview children and young people

9. We are encouraged to see the proposals include an agreed assessment protocol based on national occupational standards and would suggest these should also be further informed by other frameworks available for quality assurance which are based on new research evidence in this field by experts such as Professor Michael Lamb other. It is imperative that investigating officers are clear as to what constitutes a good/successful ABE interview.
10. Monitoring the implementation of these ABE guidelines in practice will be central to assessing the impact of the guidance, particularly in multiple and complex cases of abuse and where cases have been withdrawn or retracted. We would hope that continuous monitoring will highlight any possible shortcomings, enabling them to be quickly identified and rectified.

References:

Robinson, B. (2008a) ABE Interviews: Is the Child's 'Best Evidence' being achieved in alleged sexual abuse cases? (Part 1). Family Law Week, July 2008. Available at: <http://www.familylawweek.co.uk/site.aspx?i=ed24715>

Robinson, B. (2008b) ABE Interviews: Is the Child's 'Best Evidence' being achieved in alleged sexual abuse cases? (Part 2). Family Law Week, July 2008. Available at: <http://www.familylawweek.co.uk/site.aspx?i=ed24931>

Contributors:

Avery Bowser	Assistant Director	ABowser@nspc.org.uk
Kathleen Toner	Policy Officer	Kathleen.toner@nspcc.org.uk
Dr Lisa Bunting	Senior Researcher	lbunting@nspcc.org.uk

NSPCC, Jennymount Business Park, North Derby Street, Belfast. Tel 90351135