Key stakeholder evaluation of NSPCC
Young Witness Service Remote Live Link (Foyle)

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1 Background

Introduction

NCB NI (National Children’s Bureau Northern Ireland) was commissioned by NSPCC to assist in the undertaking of an evaluation of the NSPCC Young Witness Service (YWS) remote live link in Foyle. This report presents the findings of the evaluation with key stakeholders, namely Criminal Justice System (CJS) Personnel, YWS volunteers, Victim Support staff and NSPCC staff.

This study forms part of an overall evaluation of the NSPCC YWS remote live link in Foyle. The Department of Justice (DOJ) recently funded a report by Queen’s University of Belfast (QUB) and NSPCC into the experiences of young witnesses and their parents/carers; as part of this study QUB and NSPCC also conducted a survey with YWS volunteers. In addition this report provides a detailed research and policy context for young witnesses in criminal proceedings in Northern Ireland1.

NCB NI is part of the Policy, Research and Information Department in NCB and works to inform and influence policy, practice and service development from an evidence based perspective. NCB NI is able to deliver both large and small scale research commissions, working with partners when necessary and using the expertise developed within the wider research team in NCB.

Background

The NSPCC YWS remote live link to Londonderry (Bishop Street) Courthouse is a pilot scheme that has been in operation since January 2008. The pilot which was funded and operated by NSPCC was initially for three years. To date the funding and operation has continued to be supported by the Court Service. The NSPCC hope however that this evaluation and the evaluation being conducted by QUB will help prove its value and the Department of Justice will agree to underwrite its funding and agree to extend the use of remote live links for all courts throughout Northern Ireland.

The concept of young witnesses giving evidence via a TV live link was introduced in recognition that giving evidence in open court can be a traumatic experience for a young person, even more so when the defendant is a relative or family friend. In some courts young witnesses give evidence in a separate room in the courthouse through a court TV link. However, there is now acknowledgment that court buildings are not child friendly and that a young witness could become anxious if they encounter the defendant and his or her family and friends in the court buildings. This acknowledgement has led to the introduction of

remote live links where the young witness can give their evidence in another building away from the courthouse.

A number of policies and procedures have been introduced by Governments in England, Wales and Northern Ireland to ensure that young witnesses are able to give their best evidence and receive the support they need. In Northern Ireland ‘special measures’ were introduced under the Children’s Evidence (Northern Ireland) Order 1995 and extended by the Criminal Evidence (Northern Ireland) Order 1999. Special measures aim to reduce the stress placed on young witnesses when giving evidence. These special measures enable young witnesses to give evidence via video link rather than open court, allowing the use of pre-recorded interviews as evidence in chief, the screening of young witnesses in open court and barring defendants from cross examining child witnesses personally.

The overall aim of this study was to evaluate use of the remote live link at Londonderry Crown Court from the perspective of key stakeholders namely YWS volunteers, Victim Support staff, NSPCC staff and key CJS personnel.

The objectives of the evaluation were to gather stakeholder views on the following:

1. The effectiveness of the remote link in ensuring that young witnesses are supported to give their best evidence and that reduced stress is placed on them in doing so;
2. The impact of the remote live link on trials and barriers to the effectiveness of the remote live link;
3. The quality of the service provided by NSPCC;
4. The advantages and disadvantages of the remote live link; and
5. The potential expansion of the remote live link to be used across all courts.
This chapter details the research methods used to complete the evaluation. This study looked specifically at the views of key stakeholders: CJS Personnel, YWS volunteers, Witness Service staff and NSPCC staff.

Data collection

NSPCC provided NCB NI with the contact details of CJS personnel, YWS volunteers, Witness Service staff and NSPCC staff that have been involved in criminal cases using the remote live link and had agreed to be contacted by NCB NI to take part in the research. NCB NI then contacted the stakeholders to arrange an interview or focus group.

Interviews

A series of semi-structured in-depth interviews were conducted with stakeholders. In cases where there were 2 people to be interviewed from a particular group, this was done on a paired basis with both people interviewed at the same time. Each interview lasted no longer than 45 minutes; they were conducted with the following people:

1. The Recorder
2. The District Judge
3. Public Prosecution Service barrister
4. Public Prosecution Service Clerk
5. Court Clerk
6. Defence solicitor
7. Police Service Northern Ireland (2 representatives in joint interview)
8. Witness Service staff (2 staff in joint interview)
9. NSPCC YWS staff member

Focus group

A focus group was conducted with three volunteers who have supported young witnesses in using the remote live link.

All interviews and the focus group were conducted in May 2011 with a total of 14 participants. For the purposes of this report and to maintain the anonymity of those interviewed, the findings and quotes related to them will be attributed to either CJS (interviews 1 to 7 above) or staff and volunteers (interviews 8 & 9 above and the focus group).
Data analysis

NCB NI received written consent from all participants for the interviews and the focus group to be tape recorded. Each recording was transcribed. The analysis was conducted using Framework, a thematic matrix approach to qualitative data analysis. The analytical framework reflected the research objectives and the content of data collected. All units of data (transcripts) were treated consistently and systematically. Interpretation was based on the data, and the linkage between interpretation and data is demonstrable in the findings. The full diversity within a given theme has been reflected in the findings, rather than any numerical dominance within the dataset.
3 Evaluation Findings

This chapter presents the findings of the evaluation. The findings are presented under each of the objectives of the evaluation which were to gather stakeholder views on the following:

1. The effectiveness of the remote link in ensuring that young witnesses are supported to give their best evidence and that reduced stress is placed on them in doing so;
2. The impact of the remote live link on trials and barriers to the effectiveness of the remote live link;
3. The quality of the service provided by NSPCC;
4. The advantages and disadvantages of the remote live link; and
5. The potential expansion of the remote live link to be used across all courts.

All those interviewed were asked about their experience of a young witness giving evidence via a remote live link, via a court based TV link and in open court. All of the participants had experience of a young witness giving evidence via the remote live link in NSPCC’s offices to Londonderry Courthouse. The majority had also experience of young witnesses giving evidence via a court based TV link; some pointed out that this facility exists in Londonderry Courthouse and was used before the remote live link and currently if the remote live link is unavailable. Only one CJS participant had not experienced a young witness giving evidence in open court, while only two of the staff and volunteers had experienced young witnesses giving evidence in open court.

1. The effectiveness of the remote live link in ensuring that young witnesses are supported to give their best evidence and that reduced stress is placed on them in doing so

This objective was examined by asking participants firstly if they felt that young witnesses were supported to give their best evidence through the remote live link and secondly if they felt the remote link reduced the stress placed on young people when providing evidence.

Supported to give best evidence

All the participants agreed that the remote live link supports young witnesses to give their best evidence. Participants commented that this is because the young witnesses are in a safe, secure environment with people to support them. As a result participants noted that the court proceedings are more likely to go ahead and the young witnesses are more able to complete their evidence:

Case proceedings are able to go ahead because a young witness will not feel as intimidated giving their evidence from a remote venue. Whereas if they had to come into a court room and confront the person they are giving evidence against the case might not get off the ground. So, to achieve best evidence then yes, it is a perfect solution as far as I can see (CJS).
Another participant described how the remote live link enables young people to give their evidence:

Most of the young witnesses don’t like to be cross-examined but the way in which it is done is very advantageous for them giving their evidence. There is a lot more to be achieved in giving their evidence by live link than by standing up and being very close to the cross examiner and the suspect (CJS).

Participants felt that the support that is provided by NSPCC also enables the young witness to concentrate on giving their best evidence and not get distracted by unnecessary strains and stresses:

....because the witness is much less stressed, more relaxed, they are in a more comfortable environment....it enables them to concentrate on giving their evidence because they haven’t got these other fears and stresses in their head. They can just go in and give their evidence (staff and volunteers).

This viewpoint about best evidence was underlined by another participant:

It [remote live link] encourages the witness to give their best evidence. It promotes best evidence and favours a young witness (CJS).

**Reduced stress placed on young people when providing evidence**

All the participants agreed that the remote live link reduces the stress placed on young people when providing evidence. Three main factors were identified by participants as contributing to reducing stress.

1. **The physical separation of the buildings**

All the participants commented on the distress that can be caused by the young witness not only meeting the defendant and his or her family but also the fear that they might meet them in the courthouse or its vicinity:

...having separate buildings is comforting for witnesses in the sense that they are not going to come into the building and encounter those whom they might be giving evidence against or those associated with them - that does undoubtedly offer a comfort to them (CJS).

Some of the staff and volunteers described their experiences of young witnesses giving evidence via court TV links where the young witness met the defendant and their family in the courthouse:

That case I had...it was a 13 year old who had been raped by her step-father on 40 separate occasions and he could walk past the witness (staff and volunteers).
2. No courthouse or court room

The court room itself was deemed by the participants to be intimidating for young witnesses. It can make them nervous and cause them distress which can result in the young witness being unable to provide evidence:

...the young person is too nervous. They are more worried about seeing the defendant. They even clam up when they see the judge (staff and volunteers).

With a live link (court based or remote) the young witness does not have to give evidence in the witness box in open court, several participants spoke about how distressing open court can be for a young witness and how it can be reassuring to give evidence from a remote live link:

They [young witnesses] can give their evidence without having to go into the witness box in front of all these people which in sexual cases can be very embarrassing, intimidating and stressful (CJS).

It is easier to relax when you know that your evidence is considered in the same way as if you were in a court room but yet you have the comfort and support of giving your evidence some distance away. The evidence might be personal and upsetting but you don’t have a room full of strangers looking at you. It must be very reassuring from a witness perspective (CJS).

The fact that even with a court based TV link young witnesses still have to enter the court building and go through security to get to the room where they give evidence was viewed by participants as unnerving and unsettling for some young witnesses:

You can see the change in their [the young witnesses] confidence whenever they are maybe here [NSPCC building] and you have to take them across [courthouse]. You can see the fear creeping in (staff and volunteers).

One participant described how the TV link room in Londonderry Courthouse is referred to as the ‘dungeon’ because of its location and how it is accessed:

You go down flights of stairs to get to it [Court TV link room] and if you are coming in through the side you have to get the big gate opened where the driver would come in so it’s nearly like entering a cell facility and you are locked in (staff and volunteers).

A CJS member explained that for many of the young witnesses their biggest fear was actually going to the courthouse and facing the defendant. They stated that the remote live link eliminates this fear as much as possible and encourages young witnesses to proceed with the case:

When you ask them [young witness] what their biggest worry is they say going to court and seeing X. Then when you explain the process to them and show them
leaflets from the NSPCC it is very reassuring for them as they have been through enough (CJS member).

3. The young witness has their family with them
During those times in the process when a young witness is not giving evidence in a trial they can be with their family in a nearby room in the NSPCC building. This was viewed as being very comforting for the young witness:

A child witness knows that their family are close by and at any stage the child can say ‘I need a break’ or if the child gets upset the judge can turn the video link off and as long as the child does not talk about the evidence they are giving, the child can talk to family members (CJS).

The staff and volunteers also commented on how the facilities can become like a second home for the child during a trial:

It really makes a difference especially for a two or three week trial. The NSPCC remote link venue is like a second home. It makes a big difference for the child (staff and volunteers).

In comparison, participants noted that when a young witness gives evidence from a court TV link room they can only have an accompanying officer with them and no family members present.

Notably, two participants recognised that while the remote live link reduces the stress for young witnesses, it does not eradicate it completely as the young person still has to give evidence which in itself is a stressful experience:

Well it’s not going to completely eliminate it [stress] because at the end of the day they are still giving evidence in a court proceeding and they might still feel some stress but you are trying to minimise that and if that is the way to do it then long may it continue (CJS).

One participant also felt that whilst the remote link has helped, more could be done by judges to make the cross examination process less stressful for young witnesses:

There are barristers and QCs who can cross examine rigorously for their client while causing minimal upset for the witness while other barristers will just use all the tricks they use for adult witnesses and will cause significant distress and I don’t think at times that there is enough oversight by judges. But within the current set up I think remote link has helped a lot (staff and volunteers).
Summary

- All the participants agreed that young witnesses were supported to give their best evidence through the remote live link; this is because the young witnesses are in a safe, secure environment with people to support them. As a result the court proceedings are more likely to go ahead and the young witnesses are more able to complete their evidence.

- All the participants agreed that the remote live link reduces the stress placed on young witnesses when providing evidence. The reduced stress was attributed to three main factors: the physical separation of the NSPCC building from the court, the young witness not having to enter the court room or courthouse and the young witness having their family with them.
2. Impact on trials and barriers to effectiveness

**Impact of remote live link on trials**

Participants were asked what impact they felt the remote live link had on the outcomes of trials and the effectiveness of the cross examination process.

**Outcomes of trials**

Most commented that the remote live link does not have an impact on the outcomes of trials in that it does not lead to more defendants being found guilty or not guilty. However, participants did feel that what the link does have an impact on is making more trials go ahead, which in turn could result in more convictions:

> I can recall one case where a young person said simply that they were not going to come to court and the CPS made a hearsay application to have their statement admitted in evidence without the possibility of cross examination which we are very reluctant to do because there are inherent unfairnesses in that. I said to the PPS prosecutor have you considered special measures and he hadn’t. Then in the next few weeks a special measures application came in and in due course the young person gave evidence by live link and was quite happy to do so. Now that was someone who had refused to give evidence and the statement would probably not have been admitted in those circumstances where there was no opportunity to cross examine. So there is a clear example of a case which proceeded, and proceeded to a conviction, where it would not have gone ahead at all (CJS).

In further discussion of this topic, one participant noted that a court is never run twice; as such there will never be a completely objective comparison between a trial where the young witness gives evidence in open court and a trial where the young witness gives evidence via a remote live link.

**Cross examination process**

The impact of the remote live link on the effectiveness of the cross examination process was discussed with the participants. The majority of participants did not feel that it had any effect on the cross examination process. Though, as discussed earlier some remarked that the remote live link was better for the young witnesses as they are more relaxed and able to provide their best evidence in cross examination.

However, there was a belief from some participants that giving evidence in open court is more persuasive than through a TV link. There was a perception that the TV creates a sense of remoteness that doesn’t allow the jury to evaluate the young witness for truthfulness and reliability.

One participant explained that the distance created by the TV screen can actually make it easier for the defence to cross examine the young witness as the remoteness can result in the young witness having less influence over the jury:
You can cross examine them [young witnesses] much more effectively via a TV screen than if they were challenging you or not answering questions via the witness box. It’s easier for the defence to be effective in a link situation than if the witness is across the desk and challenging questions or reacting in a way that would make the jury sympathetic. That still happens of course depending on the nature of the evidence but the actual distance seems to assist cross examination (CJS).

**Barriers to the effectiveness of the remote live link**

Those interviewed were asked if they felt there were any barriers with the remote live link. Most of the participants found it difficult to identify a barrier; however some minor issues were noted.

**Teething problems**

Participants referred to some technical issues with the equipment when the remote live link was first introduced that they had learned to resolve and prevent in the future:

Initially there were a few teething problems.....where there has been a break in the court they have put it on hold rather than disconnect and occasionally we could still hear the court and they could still hear the witness even though there was no picture. In either case that was a problem but that was a matter of all of us learning (staff and volunteers).

One of the staff and volunteers explained that they now run through the equipment both the day before trial and the morning of trial to ensure everything is working properly and that the sound is clear and that the cameras are positioned correctly.

**The legal process of granting special measures**

The legal process of granting special measures was identified by some participants as a barrier to the effectiveness of the remote live link, as certain legal procedures have to be put in place before a young witness can use the remote live link to give evidence. A young witness must apply for special measures to have access to the remote live link; the witness must meet the criteria and the court must be satisfied that it is necessary and it will enhance the quality of the evidence before the use of remote live link is granted.

**Levels of organisation and preparation required by all involved**

 Some of the participants spoke of the need for all those involved in court proceedings to be organised for the remote live link to work effectively. This was seen as particularly necessary when exhibits are being used in the trial. Defence and prosecution need to plan in advance what documents they would like to be presented as evidence. These documents are given to the young witnesses accompanying officer before the trial begins so they are ready to be passed to the witness when needed. Participants commented that in the past on occasions when documents have not been prepared in advance, the judge has agreed for

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2 Special measures aim to reduce the stress placed on young witnesses when giving evidence. These special measures enable young witnesses to give evidence via video link rather than open court, allowing the use of pre-recorded interviews as evidence in chief, the screening of young witnesses in open court and barring defendants from cross examining child witnesses personally.
the court to rise while the documentation was brought to the young witness. The proximity of NSPCC offices to the courthouse was seen as particularly functional in this regard.

Summary

• In general participants felt that the remote live link did not have any impact on the outcomes of trials. What it has an impact on is the number and likelihood of trials going ahead, which in turn could result in more convictions.

• Participants did not feel the remote live link has an impact on the effectiveness of the cross examination process. Rather, it was felt that it makes the young witness more relaxed so they are better able to give their best evidence in cross examination. However, some participants felt that the remoteness of the TV link can result in the young witnesses having less influence on the jury.

• The participants found it difficult to identify barriers to the effectiveness of the remote live link; there were some minor technical issues at the start which have now been resolved. Two other potential barriers were identified, firstly the practical issue that all those involved in court proceedings need to be organised for the live link to work effectively and secondly the legal process that needs to be undertaken for special measures to go ahead.
3. The quality of the service

NSPCC Premises

Participants were asked their opinion on the suitability of the room where the young witnesses provide their evidence and the NSPCC building. Only one of the participants had not seen the facilities first hand. All the other participants were very positive about what was offered.

Evidence room

The room where the young witness sits to give evidence was perceived by participants as bright and attractive and clear of distraction:

Obviously you don’t want a room too big. I think it is quite important for a child witness to know that there is really only one person there when they are giving evidence. It seems to give them an air of calmness so I can see no problems with the room as it currently is. It is also fairly clear of distraction so it enables the child witness to concentrate on the questions that are asked (CJS).

NSPCC staff and volunteers spoke of an improvement they made to the room. They changed the background colour from green to blue after the remote live link was first set up in order to get a clearer image on screen.

The NSPCC building

All the participants commented on the young people friendly facilities offered to young witnesses in the NSPCC building. The facilities were viewed in stark contrast to what is offered to young witnesses in the courthouse. Young witnesses giving evidence through a court based TV Link are confined to one room that was described by CJS member as ‘bleak and minimalist’. There are no other rooms for the young witness and they are often unable to go outside:

If you [young witness] give evidence via the court link, once you go into the court building that’s you until you come out at the end of the day because there wouldn’t be any private areas where they could get fresh air etc without the risk of running into the defendant so they’ll just say ‘I’ll do without’ (staff and volunteers).

Young witnesses have the freedom to move around the NSPCC building and go outside for fresh air. It was considered by participants to be a safe environment for the young people that doesn’t feel as official as a court:

For a child the court is very official, lots of people in suits, security personnel. The environment is very alien whereas here [NSPCC building] it’s not - it’s more like an office, homely even. Over there [courthouse] it is a more frightening experience (staff and volunteers).

There were also observations that the facilities as a whole were bright, roomy and welcoming for young witnesses of all ages:
The facilities are brilliant, bright and roomy, perfect for very young children right up to teenagers, lots of books, music, games, tea, coffee, sweets etc. They cater for all ages, they [young witnesses] are treated so well (CJS).

As discussed earlier the fact the young witness can go to the family room to be with their family when not giving evidence was perceived by the participants as very comforting for the young witness.

There was also general consensus that the young witnesses feel secure in the NSPCC buildings. The NSPCC building is a controlled environment where staff and volunteers can decide who comes into and out of the building. One participant noted that the building had key coded locks which prevent unknown or unwelcome people entering the facilities. Another commented on the fact that the facilities are upstairs and therefore people passing on the street are unable to see through the windows.

The location of the NSPCC building was considered to be ideal by all of the participants. The building is physically separate from the courthouse so the young witnesses do not have to see the defendant and his or her family and friends but it is also close enough that prosecution can easily visit to consult with witnesses and for court to be adjourned for documentation to be brought to young witnesses if necessary:

    The location is ideal because on occasion one has to consult with witnesses and if the witness is on live link you really don’t want to have to bring them into the courthouse so counsel has to go over to the NSPCC which is very close (CJS).

Another CJS member stressed the importance of the buildings close proximity as in some cases family members of the young witness may also be witnesses in the case and as such they are required in court. The closeness of the NSPCC building allows family members to easily go back and forth between the courthouse and the NSPCC building to provide support to the young witness.

Staff and volunteers noted other benefits of being remote from the courthouse. They explained how in the NSPCC offices they can pick up family dynamics which can be difficult to do in a busy court building. They can learn who the young witness talks to the most and then find out from that person whether there has been any major changes in behaviour or anything else that the support staff and volunteers should be aware of.

Staff and volunteers remarked that the environment makes them more relaxed as they can also be nervous going to the courthouse. This in turn makes the young witnesses more relaxed:

    Kids are intuitive. If they see you uptight or nervous it reflects on them. If you are relaxed they will be relaxed (staff and volunteers).
NSPCC Service and staff

During the course of the interviews the quality of the service offered by NSPCC was raised by many participants. The participants commented on the service in general as well as the work of the staff and volunteers.

Participants from the CJS noted the high quality of the service offered by NSPCC:

The concept of it [the remote live link] is good, the practical set up is good and the support given to witnesses seems on the face of it to be good (CJS)

The operators of the remote live link were perceived to be proficient in their role:

Basically in terms of the live link it always works well there is always someone there. There are good arrangements between the staff here [Londonderry Courthouse] and the NSPCC staff and witness support groups. Generally in my experience if we say ‘are they ready to give evidence’ they are ready to give evidence. There is reasonably good communication notwithstanding the physical separation of the two buildings (CJS).

There was recognition of the important work that the staff and volunteers do before a trial to ensure it runs smoothly. For example, NSPCC staff and volunteers visiting the courthouse before and during trial to check on the progress so that when the remote live link begins, the young witness is ready. Some participants also commented on the admirable conduct of the NSPCC staff:

Staff are very professional and friendly so I can highly commend the job that they are doing and the facility that they are providing (CJS).

NSPCC staff are brilliant, they make our job so much easier. I couldn’t imagine doing it any other way (CJS).

Staff and volunteers themselves spoke of the support they offer to the young witnesses. They look after the young witnesses, clarify any concerns they have and make them feel at ease:

You are able to explain to the child what is happening. Once they sit in the video room that is the start and end of it they don’t have to do anything else.... you can tell them that there is a camera on you as well, we are all in this together (staff and volunteers).

You are bringing the court service to them. In the courts the barristers don’t wear wigs and they try to tone things down but it doesn’t come anywhere near sitting in front of the video link...basically they are playing on a computer – that is how some of them feel (staff and volunteers).
They also reported showing young witnesses around the courthouse before a trial so they have a better understanding of what will happen during the trial and who people are involved and their various roles.

The NSPCC staff and volunteers also thank the young witness for giving evidence and reassure them that giving evidence was the correct decision:

I think they get more satisfaction that they have completed their evidence. We always make a point of thanking the young witness even if the defendant pleads guilty and the young person doesn’t have to give their evidence because it was the very fact that the young witness attended court that made the person admit their guilt so we say to the young person that he/she has done their job just by attending court without actually saying anything (staff and volunteers).

**The equipment**

The participants were asked about their thoughts on the quality of the equipment used in the remote live link. Whilst many of the participants had some initial issues with equipment, on reflection they all agreed that any problems were either down to teething issues which were quickly resolved or down to the equipment in Londonderry Courthouse as opposed to the NSPCC remote live link equipment:

We do have problems with the equipment but not with the live link with the NSPCC (CJS).

One participant explained that the off site nature of the remote live link and the usage protocols in place have resulted in a smoother operation than the court based TV Link. They commented that to connect to the remote live link the call has to be accepted, whereas with the court based TV link the young witness appears on screen instantly and is sometimes not prepared when the link is made:

The remote links are tighter organised because they are off site it requires more thought from everybody whereas where the link is in the court building people can get a bit relaxed about the way it is operated and this impacts on the witness e.g. they link in instantly and the witness isn’t aware that they are coming in or they break for lunch and they don’t tell us and the witness is left sitting there and someone has to go and check. Because of the systems and protocol we have in place for the remote link it has tightened everybody up (staff and volunteers).

All participants agreed that the picture and sound were clear and there was no time delay in the equipment used by NSPCC for the remote live link.

**Summary**

- The NSPCC premises were perceived by all participants as very suitable. They were viewed as bright, roomy and welcoming for young witnesses of all ages. Participants particularly liked that the young witnesses are not confined to one room, that they
are able to go outside and that a family room is available. The premises were also viewed as safe and secure for young witnesses and their families.

- The general consensus among all the participants was that the NSPCC premises were in an ideal location. Three main reasons were identified: firstly, the physical separation from courthouse means young witnesses do not have to see the defendant and his or her family; secondly it is close enough that prosecution can easily visit to consult with witnesses and for court to be adjourned for documentation to be brought to young witnesses if necessary. Thirdly, the proximity enables family members who are witnesses in the same case to easily go to the courthouse when required and return to NSPCC’s offices to support the young witness.

- The participants spoke of the high quality service that was provided by NSPCC. The staff and volunteers were perceived to be very proficient in their roles.

- There were no perceived difficulties with the NSPCC equipment used for the remote live link.
4. Advantages and disadvantages of remote live link as opposed to court based TV links and open court

Participants were asked what they perceived to be the advantages and disadvantages of giving evidence via remote link as opposed to court based TV links and open court. Many of the advantages and disadvantages have already been discussed in the findings presented earlier in this chapter.

Advantages

1. More cases going ahead
The main identified advantage of giving evidence via remote live link over open court is the fact that more cases have gone ahead:

By and large since the NSPCC Live link started I can’t recall a child witness being unable to continue with their evidence where in the past I have encountered that – that may be a coincidence but it’s all I have to go on (CJS).

Participants commented that more young witnesses are being able to complete their evidence via the remote live link as they feel safer, secure and less stressed. There was also a belief that more cases were completed than would have happened if the young witness gave evidence via a court based TV link:

I was dealing with a rape victim and...there was no way that the girl would have been able to give evidence in court. As it turned out she even struggled to give her evidence here [in NSPCC] and I was with her during the whole thing and her family was with her as well. It was a great comfort for her to have her family with her and to know that she was in a safe environment but even with that she struggled desperately to give her evidence. The idea of her going over to court to give evidence...there was no way that girl could have done it (staff and volunteers).

2. Young witnesses are able to give their best evidence
Another identified advantage which has already been highlighted by participants at the beginning of this chapter is the opinion that the remote live link supports young witnesses to give their best evidence as:

I think you would get a lot better evidence using the video link since the child is not getting looked at by lots of faces he or she would be more willing to talk (CJS).

3. Reduced fear and stress in young witnesses
A further advantage of the remote live link over other methods is the reduced fear and stress placed on young witnesses. Due to the reasons highlighted previously, such as:

- The physical separation of the building so the young witness does not encounter the defendant or his family and friends
• The young witness being able to have their family with them and

• The young witness not having to give evidence in the witness box and not having to enter the court building:

In comparison to giving evidence from the court based TV link, I think young witnesses do feel more confident and relaxed. If they come out stressed they can be reassured and brought back more easily than if they were in the courthouse (staff and volunteers).

4. Benefits of NSPCC facilities for young witnesses
As discussed earlier, the actual NSPCC premises themselves were viewed as advantageous over giving evidence via open court and a court TV link due to the facilities that are offered to the young witnesses:

• An evidence room which is bright, attractive and clear of distraction

• Young people friendly space, the offices are bright, roomy and welcoming and the young witness is free to move between rooms and go outside when not giving evidence

• The young witness has their family close by during trial and can be with them when not giving evidence

• Young witnesses feel secure in the NSPCC building as it is a controlled environment where staff and volunteers decide who comes in and out.

• Staff and volunteers spend more time with the family and are able to pick up on family dynamics, gaining a better understanding of the young witness and tailoring the support offered accordingly.

• The staff and volunteers are more relaxed as they don’t have to attend court and in turn the young witnesses are more relaxed.

5. NSPCC offices are in an ideal location separate from the courthouse
As highlighted earlier in the findings the NSPCC building is very close to the court building and was noted by all the participants as beneficial. Three main reasons were provided: firstly, the physical separation from courthouse means young witnesses do not have to see the defendant and his or her family; secondly it is close enough that the prosecution can easily visit to consult with witnesses and for court to be adjourned for documentation to be brought to young witnesses if necessary. Thirdly, the proximity enables family members who are witnesses in the same case to easily go to the courthouse when required and return to NSPCC’s offices to support the young witness.

6. More quality time with prosecutor
Another advantage of the remote live link over open court and court TV links is that the barristers can come to meet the young people in NSPCC offices rather than the courthouse.
One of the staff and volunteers commented on how being removed from the courthouse resulted in young witnesses spending more quality time during the consultation with the prosecutor:

Here [NSPCC building] the prosecutor can talk to them [young witness] and they can concentrate on the consultation with the prosecutor and even the fact that the prosecutor is removed from the court means that they can spend more quality time with the witness as over in the court they have someone behind them asking them ‘can I have a word with you?’. They have a better consultation (staff and volunteers).

**Disadvantages**

1. Less persuasive evidence than in open court

The main disadvantage of the remote live link is that giving evidence through a TV link whether that is a remote TV link or court TV link is less persuasive than giving evidence in open court. There was a belief among the judges, defence and prosecution that the TV creates a sense of remoteness that doesn’t allow for the feeling and atmosphere of court and that when a witness appears in open court the jury is more able to assess them for truthfulness and reliability:

   In practical terms we think it is more effective if they [young witnesses] give their evidence in the witness box, they seem to give their evidence better, the jury seems to accept it better, everyone seems to accept that the quality of the evidence is better because they are actually present (CJS).

   ...you can evaluate a person better if they were sitting across a desk than if they were on a TV screen. A witness breaking down or becoming emotional is much more powerful where they are a few feet away rather than being on a TV screen (CJS).

This view that young witnesses can have more of an impact on the jury in open court was also held by some of the staff and volunteers:

   In terms of the trial, sometimes it is better for the jury to see the young person in person (staff & volunteers).

2. Physical separation of building

The physical separation of the building was also noted by some participants as a disadvantage of remote live link. If the witness is required to view a document when being cross examined or taken through their evidence and this has not been prepared before court, court will have to adjourn for a short period of time while the document is brought to the NSPCC building. With a court TV link and in open court the adjournment would not be necessary.
3. Marginally slower to consult young witnesses
A minor disadvantage of the remote live link noted by one participant is that it is marginally slower for the counsel to consult the young witness as they have to leave the court building to meet them.

4. Judges loss of control
An initial disadvantage of remote live link was noted by one of the staff and volunteers who felt that the judges are more confident and more in control in open court compared to the remote live link. He also commented however, that as the remote live link has been continued to be used it has become routine and these issues are no longer as apparent.

Review of methods

On reviewing the advantages and disadvantages of each of the three methods of young witnesses giving evidence, it appears that the remote live link is the most advantageous. Whilst those who are in court during a trial have the same experience of a young witness giving evidence whether that is through a court based TV link or via a remote live link what the remote live link offers in addition to the court based TV link is reduced stress and fear on the young witness. This is due to the young witness giving evidence in a building separate from the courthouse in a young person friendly environment with the support of NSPCC staff and their family. This service offered by NSPCC firstly leads to more young witnesses deciding to proceed with cases and secondly more young witnesses being able to complete their evidence.

Those interviewed were asked which of the methods they felt was best. All but three of the participants felt that giving evidence via remote live link was best for young witnesses. These three participants from the CJS felt open court was best due to the legal principal that one should have the opportunity to face one’s accuser. However they conceded that remote live link is a reasonable alternative that has to be used in order to achieve a situation where a young witness is prepared to give evidence:

...the realities of the situation are, especially with young children and especially where there are allegations of sexual abuse, that the entire atmosphere of the court is so intimidating. It is difficult enough for a child to tell what has happened even to a counsellor but to sit in an open court with a jury can be so intimidating that the child either is unable to give their evidence in full or their recollection of instances changes and it creates all sort of difficulties (CJS).
Summary

The table below summarises the advantages and disadvantages of young witnesses giving evidence via a remote live link as opposed to court TV links and open court.

<table>
<thead>
<tr>
<th>Advantage/Discussion</th>
<th>Over Court TV Link and Open court</th>
<th>Over open court</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADVANTAGES of remote live link</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Over Court TV Link and Open court</td>
<td>More cases going ahead</td>
<td></td>
</tr>
<tr>
<td>Over Court TV Link and Open court</td>
<td>Young witnesses are able to give their best evidence</td>
<td>Less persuasive evidence than in open court</td>
</tr>
<tr>
<td>Over Court TV Link and Open court</td>
<td>Reduced fear and stress in young witnesses</td>
<td></td>
</tr>
<tr>
<td>Over Court TV Link and Open court</td>
<td>Benefits of NSPCC facilities for young witnesses</td>
<td></td>
</tr>
<tr>
<td>Over Court TV Link and Open court</td>
<td>NSPCC offices are in an ideal location separate from the courthouse</td>
<td>Physical separation of building</td>
</tr>
<tr>
<td>Over Court TV Link and Open court</td>
<td>More quality time with prosecutor</td>
<td>Marginally slower to consult young witnesses</td>
</tr>
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| DISADVANTAGES of remote live link                                                   |                                   |                 |
| Over open court                                                                     |                                   |                 |
| Over open court                                                                     | Judges loss of control            |                 |

- The advantages of the remote live link heavily outweigh court based TV links advantages.
- Remote live link is also viewed as more advantageous than open court. While some participants felt open court was best, there was a concession that remote live link was necessary in order for many cases to proceed.
5. The potential expansion of the link

The NSPCC remote live link to Londonderry Courthouse is a pilot project. The participants were asked their opinion on the continuation of the service in Londonderry Courthouse on a permanent basis and the expansion of the service to all courts throughout Northern Ireland.

**Extension of service in Londonderry Courthouse**

All participants were fully in favour of the extension of the service in Londonderry Courthouse. Two of the participants were unaware it was a pilot and were saddened at the thought the service may end. Participants reasoning for the desired extension of the service have been outlined throughout this chapter and are further exemplified by the following quote:

> Fully in favour [of extension]... for the reasons given: That is it seems to make children more comfortable, it seems to avoid confrontation with potential witnesses or potential defendants or anyone who might threaten them or otherwise limit their ability to give evidence (CJS)

The participants found it difficult to identify any barriers to the permanent extension of the service in Foyle. One issue that arose in two interviews was resources, with recognition of the costs involved in providing the service and the impact this may have on the sustainability of the service. Another barrier noted by a participant was that there could be a problem if the building currently used by NSPCC was to become unavailable.

**Expansion of service throughout Northern Ireland**

All the participants were also fully in favour of the expansion of the service to all courts throughout Northern Ireland:

> Our experience has all been positive and I would welcome it being extended on a permanent basis not just here but also throughout NI (CJS).

The feeling from the participants was that the service has been successful in Londonderry Courthouse, so it could be easily replicated elsewhere. There was recognition that it could only benefit other courts and that they were privileged to have the service in Foyle:

> I think it would be a real plus for the Criminal Justice System. We are privileged here in Derry and it would be nice if it could become a standard not just a privilege (staff and volunteers).

Another of the staff and volunteers noted the injustice to young people in other parts of Northern Ireland as only young witnesses living in the Foyle area can currently benefit from the service:

> Let’s say it’s the same kind of case – the facilities provided here [in Londonderry Courthouse] are most ideal and a child in Belfast doesn’t have this. The children
coming here have an advantage and all children should be equal (staff and volunteers).

Initially participants found it difficult to identify barriers as to the expansion of the service to all courts in Northern Ireland. However some potential barriers were noted. In a similar vein to the extension locally resources were seen as an issue.

One of the staff and volunteers raised the possible barrier of getting approval from the judges in the other courthouses. There was a lengthy process involved in gaining approval of the use of the remote live link in Londonderry Courthouse. The participant is also aware that a new judge could come into post that is unhappy with young witnesses giving evidence via remote live link and consequently decide that the service should no longer be used. The participant however did comment that the Lord Chief Justice has approved the service in Londonderry Courthouse and it would now be difficult to challenge the use of remote live link:

The Recorder here [Londonderry Courthouse] got it signed off by the Lord Chief Justice before it came into operation so if a judge here tried to refuse it now and we challenged it they could find it hard to stand over (staff and volunteer).

The other barrier which was mentioned by a number of the participants was location of the remote link building. The close proximity of the NSPCC building to Londonderry Courthouse has already been highlighted in this chapter as particularly helpful in the operation of the remote live link service; as such this was viewed as a recommendation for any other remote live link service.

Nevertheless some staff and volunteers felt that the problems that could arise with a remote live link building being further away from a courthouse could be overcome through planning and modern technology. For example, the defence and prosecution preparing documentation in advance for presentation to the young witness during the trial: if unforeseen documentation arises, this could be scanned into a computer and the young witness could see it via a computer screen:

It would mean a lot of preparation and the prosecution and defence would need to be on the ball but if they were on the ball there would be no reason why not [the remote link could be further from courthouse] because those things can be organised in advance (staff and volunteers).

These participants felt that if the barrier of location was overcome, the Remote Link could be utilised more. For example a young witness who was taking part in a trial in another courthouse could give their evidence from the NSPCC offices in Foyle. Some local cases go to Coleraine and Belfast Court. The participants felt it would be much less stressful for the young person and their family to go somewhere local than have to drive to an area they were unfamiliar with:

You could also extend it where there is a higher court trial in Belfast and the witnesses involved come from here [Foyle area]. The child would have to leave here.
early in the morning to get to Belfast for 10am, whereas if they could give their evidence here [Londonderry courthouse] you wouldn’t be taking them out of their routine as much, taking them to a different city etc. It would have a big impact on vulnerable people or children (staff and volunteers).

The potential of a central remote live link office was also raised by another participant. This office would have remote live links to all the courts in Northern Ireland, with young witness in Northern Ireland being able to access the service.

Summary

- All participants were fully in favour of the extension of the service in Foyle Courthouse.
- All participants were fully in favour of the expansion of the service to all courts throughout Northern Ireland.
- Resources were an identified barrier for extension locally and nationally.
- Most participants felt that the office which a remote live link is located should be in close proximity to the courthouse to which it is linked. However some felt that this would not be necessary with careful planning and the utilisation of modern technology.
4 Conclusions and recommendations

Using the key findings presented in the previous chapter, this final chapter presents the conclusions that can be drawn regarding the remote live link. The chapter also makes number of recommendations for future implementation and delivery of the service.

Conclusions

There was an overwhelming positive response to the remote live link from all the participants. They were all in agreement that the remote live link enables young witnesses to give their best evidence and that it reduces the stress placed on them when giving evidence. Participants found it difficult to identify barriers to the remote live link; those identified were minor and solutions were suggested as to how these could be resolved.

The identified advantages of the remote live link heavily outweigh the advantages of court based TV links; this is due to the fact that the young witnesses give evidence in another building away from the courthouse. The building is safe, secure and child friendly, the young witness has space to move around and there is the provision of a family room. They also have the support of NSPCC staff and volunteers. In addition, the separation means that they will not encounter the defendant and his or her family in the duration of the trial. The remote nature of the live link reduces fear and stress in young witnesses which in turn leads to more young witnesses being able to provide their best evidence and more cases being completed.

Remote live link was also viewed by the majority of participants as more advantageous than open court. While some participants felt open court was best, there was a concession that remote live link was necessary in order to reduce the stress placed upon young witnesses so that cases can proceed.

All participants were fully in favour of the extension of the service in Londonderry Courthouse and the expansion of the service to all courts throughout Northern Ireland. In terms of expansion most participants felt that the office in which a remote live link is located should be in close proximity to the courthouse to which it is linked. However some felt that this would not be necessary with careful planning and the utilisation of modern technology.

Recommendations

- The pilot scheme for the NSPCC YWS remote live link to Londonderry Courthouse has proven to be effective and therefore should be made a permanent facility available to all young witnesses who are involved in criminal cases held in the jurisdiction.

- The use of remote live link should be extended to all courts throughout Northern Ireland and the facilities in use by NSPCC YWS in Foyle should be used as a model of good practice to help the implementation in other courts.
• The Department of Justice should agree to underwrite the funding for the extension of the remote live link service to Londonderry Courthouse and the expansion of the remote live link facility throughout Northern Ireland.

• NSPCC should explore the possibility of utilising their facilities in Foyle so they can be employed by young witnesses appearing in other courts in Northern Ireland and also explore the possibility of a central remote live link office.