

Impact case study (REF3)

Institution: Teesside University		
Unit of Assessment: 4		
Title of case study: Improving professional practice in rapport and facilitating vulnerable victims and witnesses to give their best evidence		
Period when the underpinning research was undertaken: 2011-2020		
Details of staff conducting the underpinning research from the submitting unit:		
Name(s):	Role(s) (e.g. job title):	Period(s) employed by submitting HEI:
Georgios Antonopoulos	Professor of Criminology	Jun 2006 to present
Nikki Carthy	Senior Lecturer in Psychology	Oct 2007 to present
Kimberly Collins	Senior Lecturer in Forensic Psychology	Jun 2011 to present
Period when the claimed impact occurred: 2014-2020		
Is this case study continued from a case study submitted in 2014? N		

1. Summary of the impact (indicative maximum 100 words)

Research at the Centre for Applied Psychological Science at Teesside University has informed the practice of professionals working with vulnerable people within the criminal justice system and has been used to underpin recommendations relating to the use of intermediaries in the criminal justice system. First, our research has improved service provision of intermediaries in the UK by changing the practice of intermediaries in relation to how they build rapport and assess the communication needs of clients. Second, our research has informed the training of and improved the professional practice of police officers when undertaking investigative interviews with children and young people. Third, our research has informed the decision-making of the Victim's Commissioner in relation to the provision of registered intermediaries (RIs) and set a precedent for intermediaries to question vulnerable people during family proceedings.

2. Underpinning research (indicative maximum 500 words)

Our research has investigated rapport building and communication assessment practices during police interviews, and the role of registered intermediaries (RIs) in police interviews and courts. Qualitative and experimental research was undertaken to uncover how police officers use rapport to facilitate communication with children and suspects. Child protection practitioners (police officers and social workers) from nine regions in Scotland were interviewed to determine how they believe rapport building is conducted in investigative interviews, and how this may influence children's communication [3.1]. The results highlighted that interviewers use rapport building as a communication tool and that rapport is achieved using three main strategies. The first is to assess the child during rapport building. The second is to adjust the interview approach during rapport to facilitate communication. And the third is to produce a psychological outcome in the child that benefits communication. This research produced one of the first models of building and initiating rapport during police interviews.

Following on from this, our research went on to provide a direct link between rapport and investigation-relevant information [3.2]. This research assessed whether three components of rapport (mutual attention, positivity, and coordination) were evident in 82 real world police interviews of suspects and determined which components are related to the communication of investigation-relevant information. Findings revealed that overall rapport is significantly related to the amount of investigation-relevant information obtained, particularly during the middle and end stages of a police interview, and that the attention component is used most often, followed by coordination and then positivity. Consequently, the findings provided a workable theoretical framework for understanding the influence of rapport in police interviews, which can be used by practitioners to help identify and maintain rapport during investigative interviews. Taken together the results of this programme of research related to rapport building (carried out and published

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between June 2011 and January 2019) suggest that rapport is an essential technique for facilitating communication within investigative interviews, and is particularly beneficial for encouraging vulnerable individuals, like children, to participate in the criminal justice system.

The research has also examined the work of intermediaries with vulnerable individuals and uncovered how the communication assessment used by these practitioners works to predict children's communication capabilities and assist the police and courts in gathering evidence from children. Registered intermediaries have been available to assist child witness communication in legal proceedings since 2004, following the implementation of the Youth Justice and Criminal Evidence Act for England and Wales. However, concerns have been raised about how intermediaries might impact on the fairness of criminal proceedings. Our research was the first to demonstrate the positive effects of intermediaries on jury decision-making [3.3, 3.4]. Specifically, we investigated the impact of intermediary involvement on mock juror perceptions of children and their communication when they were cross-examined in court [3.3]. Ratings of children's communication and the quality of the cross-examination were greater in the intermediary 'present' versus 'not present' condition. This was a pivotal finding as it demonstrated that this special measure does not have a detrimental impact on adult perceptions of children's communication, behaviour and the quality of the cross-examination and thus offered support for the witness intermediary scheme (Ministry of Justice, 2015) as an effective procedure for the facilitation of children's best evidence.

We subsequently conducted the first investigation into juror perceptions of vulnerable defendants when an intermediary supports them in court [3.4]. Contrary to concerns, results revealed that the presence of an intermediary had no impact upon jurors' ratings of a defendant's believability and guilt, indicating that no bias exists amongst jurors regarding the impact of intermediary presence on a defendant's testimony. This finding is significant as it suggests that intermediaries are an appropriate procedural aid for vulnerable defendants in court.

More recently, we conducted semi-structured interviews with seventeen experienced registered intermediaries to investigate their perceptions and experience of independently assessing the communication skills of child witnesses, and the impact this has on the efficacy of the legal process in terms of evidential quality, child witness experiences and engagement [3.5]. Six main themes were identified within the data: assessment constraints and requirements, essential elements of the assessment process, why the assessment process is effective, ensuring recommendations are followed through, pressures and barriers, and practice development. Importantly, the findings highlighted the need for improved training not only for registered intermediaries but also for all legal professionals in the recognition and management of communication needs particular to criminal proceedings.

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

[3.1] Collins K, Doherty-Sneddon G, Doherty M J. 2014. Practitioner perspectives on rapport building during child investigative interviews. *Psychology, Crime and Law*. 20:9, 884-901. <https://doi.org/10.1080/1068316X.2014.888428>

[3.2] Collins K, Carthy N. 2019. No rapport, no comment: The relationship between rapport and communication during investigative interviews with suspects. *Journal of Investigative Psychology and Offender Profiling*. 16, 18-31. <https://doi.org/10.1002/jip.1517>. Selected for REF2021.

[3.3] Collins K, Harker N, Antonopoulos G. 2017. The impact of the Registered Intermediary on adults' perceptions of child witnesses: Evidence from a mock cross-examination. *European Journal on Criminal Policy and Research*. 23, 211-225. <https://doi.org/10.1007/s10610-016-9314-1>. Selected for REF2021.

[3.4] Smethurst A, Collins K. 2019. Mock jury perceptions of vulnerable defendants assisted in court by intermediaries – are jurors' expectations violated? *Applied Psychology in Criminal Justice*. 15:1, 23-40. Available at: <http://www.apcj.org/journal/index.php?mode=view&item=148>. Selected for REF2021.

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[3.5] Collins K, Krahenbuhl S. 2020. Registered Intermediaries' assessment of children's communication: an exploration of aims and processes. The International Journal of Evidence and Proof. 24:4, 374-395. <https://doi.org/10.1177/1365712720952335>.

All articles have been published in high quality, peer-reviewed journals focusing on forensic psychology and criminal policy.

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

Individuals who are vulnerable due to their age, physical, mental or intellectual disabilities face obstacles when navigating the Criminal Justice System (CJS). The Youth Justice and Criminal Evidence Act (1999) allowed the provision of certain changes to the criminal justice process for vulnerable people, including the introduction of intermediaries, who assess the communication skills of vulnerable people and provide guidance to practitioners on how best to question the vulnerable person. The underpinning research demonstrated that successful assessment of communication and rapport are key when it comes to vulnerable people providing evidence during investigative interviews and in court. These findings have led to instrumental changes in the professional practice of those working with vulnerable people within the CJS and informed recommendations relating to the use of intermediaries in court. These changes to practice and guidance ultimately increased access to justice for vulnerable people.

The research evidence has improved the practice of registered intermediaries in England and Wales through the development of three toolkits for The Advocate's Gateway. The Advocate's Gateway is a project run by experienced barristers to develop tools to assist the practice of criminal justice practitioners. According to the 2015 Criminal Practice Directions: 'advocates should consult and follow the relevant guidance whenever they prepare to question a young or otherwise vulnerable witness or defendant. Judges may find it helpful to refer advocates to this material and to use the toolkits in case management' [5.1, toolkit menu page]. In 2015, Collins was invited to author the Advocate's Gateway toolkit on questioning children and young people. The underpinning research also informed the toolkits on: 4.Planning to question someone with a learning disability, 5.Planning to question someone with 'hidden' disabilities: specific language impairment, dyslexia, dyspraxia, dyscalculia and AD(H)D, 6.Planning to question a child or young person, and 7.Additional factors concerning children under 7 (or functioning at a very young age), all of which were co-authored by Collins [5.1]. The guidance in these toolkits is based on the findings of references 3.1 and 3.2 on the topic of rapport building, and how rapport facilitates communication, helps practitioners understand the communication needs of vulnerable people and encourages the engagement of vulnerable people [5.1]. As of December 2020, the toolkits have been downloaded 9,114 times [5.2]. Toolkits are often cited in court reports and used to support the practice of intermediaries.

Triangle is an internationally renowned business that works with children and young people with communication difficulties including offering an intermediary service to facilitate communication in criminal and family proceedings. According to the lead for intermediary services in family proceedings, The Advocate's Gateway toolkits focused on supporting vulnerable people 'have improved our service provision as our intermediaries rely on them to support the successful questioning of vulnerable victims and defendants. In turn this leads to better communication from vulnerable people' [5.3]. The research has also improved the practice of intermediaries through research-informed workshops that Collins has delivered for Triangle since 2014. During these workshops, intermediaries are informed about the research findings on rapport [3.1, 3.2]. For the national lead for family services at Triangle, following these workshops 'intermediaries have gone on to use the indicators of rapport during their practice. They watch out for these indicators and if they are not present then they make more of an effort to establish rapport. They were taught that rapport can improve the production of evidence and therefore they now seek to increase rapport during their practice' [5.3]. Triangle believe this training has led to 'improved access to justice for many vulnerable children and young people across the UK' [5.3]. Intermediaries that participated in this training in 2018 commented that: 'learning the procedures encourages me as an individual to have confidence in my capabilities to support and do everything I can to ensure the vulnerable person justice' and another said it 'provided me with some simple strategies that I could use to enable vulnerable people to communicate in the most effective way possible' [5.4]. Based on the findings of 3.5, Collins led a workshop in 2020 for

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intermediaries on how to effectively assess the communication needs of child witnesses. Intermediaries who attended this workshop reported that ‘the themes emerging from the RIs [registered intermediaries] interviews around assessment changed my practice’ and how abstract themes such as ‘neglect’ can be explored by asking (in relevant cases) ‘more about environment and people – embedded in neutral topics’ [5.4]. Taken together these statements from Triangle and intermediaries illustrate the impact the research has had on both practice and service provision.

Testimonies from intermediaries also illustrate how the Advocacy Gateway toolkits have improved their practice [5.5]. For instance, intermediaries have stated that ‘the research and toolkits make explicit reference to certain communication tools which can be used to aid communication and rapport. I have incorporated some of those ideas and strategies directly into my practice’ and doing so has benefited intermediary practice as using the techniques informed by the research ‘has made a significant difference in the speed in which rapport can be built’ with the child witnesses they work with [5.5]. Other intermediaries echoed this sentiment agreeing that the research ‘has given me the tools to establish rapport with vulnerable people’ and another stated that she refers to toolkit 6 in all her court reports and it has influenced her practice: ‘when I meet children for the first time I always ensure that I set the foundations for effective communication. For example: ensuring sufficient time is spent building rapport’ [5.5].

The research has also led to improved practice of police officers when undertaking investigative interviews with children and young people. Police officers use the research findings to help them build rapport, assess rapport, and assess children’s communication skills to facilitate communication and obtain more investigation-relevant information. The research identified a link between rapport, communication and investigation-relevant information and recommended that professionals be trained in rapport building in order to understand what rapport should look like during investigative interviews, and to help interviewers identify when rapport is not present. Collins has been invited to deliver training workshops based on this research [3.1, 3.2] to West Midlands Police since 2016 [5.6]. Detective Constables and Sergeants who participated in this training in 2018 reported that following the workshop they ‘spend more time on rapport building with the child, with greater focus on the specific needs of the individual’ and have ‘better understanding of how to communicate with a child – keeping language simple, structuring questions’ and have ‘tools for assessing children’s understanding’. They report that these changes to practice benefit their work as they ‘help me secure more successful prosecutions at court and help police work within best practice in dealing with child victims’ and ultimately ‘vulnerable people will have appropriate support to make them or enable them to feel confident of explaining what happened to them. This information will ensure those responsible will/can be prosecuted’ [5.6].

The research also informed the development of training provision for Scottish child investigative interviewers. Collins was invited to consult on and deliver training for the Joint Investigative Interviewing Project (JIIP, 2018), a project led by Police Scotland and Social Work Scotland [5.6]. The JIIP was tasked by the Scottish Government to develop national training for police officers and social workers undertaking joint investigative interviews of children and young people with the overarching aim of avoiding the need for children to give evidence in court. Collins advised specifically on how to interview and build rapport with very young children [3.1, 3.2]. A team leader at Social Work Scotland who is part of the JIIP stated that the research has ‘informed consideration of the communication needs of children/young people participating in Joint Investigative Interviews (JIIs) in Scotland, and how to incorporate this into national training in Scotland for police officers and social workers undertaking these interviews [5.6].

Finally, the research has also informed the decision-making of the Victim’s Commissioner in relation to the provision of registered intermediaries and set a precedent for intermediaries to question vulnerable people during family proceedings. The research was cited in the Victim’s Commissioner’s 2018 review of the provision of RIs for children and vulnerable victims and witnesses, named Voice of the Voiceless. The research [3.3, 3.4] identified that juror perceptions of child witnesses and vulnerable defendants are not negatively affected by intermediary assistance, a finding that supports the use of intermediaries in criminal justice processes. The Victim’s Commissioner’s review was informed by this research [3.3] and it was cited to highlight

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the need for further research on the use of intermediaries and to verify that use of intermediaries has nothing but a positive influence on judicial decision-making. The review states: ‘there are fewer studies which examine the actual impact of the presence of RIs at trial, though there are some exceptions...The research found that the presence of a RI in court improved adults’ perceptions of children’s communication, and the perceived quality of the cross-examination that took place (Collins, Harker, & Antonopoulos, 2017)’ [5.8]. An author of the review commented that the research helped them ‘outline the most recent research in the field and provided evidence to help frame our own research questions’ [5.9]. The review made recommendations to improve the provision of RIs. Thus, the research informed the decision-making of the Victims’ Commissioner and underpinned recommendations that promote the use of RIs in the UK.

Intermediaries are typically called upon in the criminal court but are increasingly used with vulnerable people in family courts. In 2019 Collins, who is herself an RI, was asked to cross-examine a vulnerable respondent in a family hearing. The judge allowed this to occur due to Collins’ research expertise in rapport building [3.1 and 3.2]. This was the first time an intermediary has been called to ask questions on behalf of the court. The young person had so far refused to speak to the police and courts. Through collaboration with another intermediary who was supporting the witness, Collins drew on the findings of her research [3.1, 3.2] to successfully facilitate communication with the young person, question them and gather evidence to allow her voice to be heard. The intermediary supporting the witness stated ‘not only did Kimberly’s research have a significant impact on this particular case, it has also paved the way for a change in practice...for intermediaries to take on this role more often’ [5.10].

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

[5.1] Webpage and Toolkits (pdf and link). The Advocate’s Gateway. 2015. Toolkits: 4 - Planning to question someone with a learning disability, 5 - Planning to question someone with ‘hidden’ disabilities: specific language impairment, dyslexia, dyspraxia, dyscalculia and AD(H)D, and 7 - Additional factors concerning children under seven (or functioning at a very young age). Available at: Advocacy Gateway Toolkits <https://www.theadvocatesgateway.org/toolkits>

[5.2] Email (pdf). Data analytics from The Advocates Gateway detailing the number of toolkit downloads. Received 11 December 2020.

[5.3] Signed Letter (pdf). Testimonial from Triangle’s National Lead for Family Services. Received on 19 November 2020.

[5.4] Impact Questionnaires (pdf). Feedback from six intermediaries who attended a rapport or communication workshop in May 2018, June 2018, November 2020. Questionnaires received between May 2018 and January 2021.

[5.5] Emails and Signed Letters (pdf). Consolidated testimonials from four intermediaries who used The Advocate’s Gateway toolkits. Correspondence received between June 2020 and January 2021.

[5.6] Impact Questionnaires (pdf). Feedback from 14 detective constables and sergeants from West Midlands Police following who attended a 2018 workshop on a rapport workshop. Questionnaires received in July 2018.

[5.7] Email Correspondence (pdf) from Team Leader, Social Work Scotland, Joint Investigative Interviewing Project. Received January 2018.

[5.8] Report (pdf and link). Victim’s Commissioner (2018). A voice for the Voiceless: Provision of Registered Intermediaries for children and vulnerable victims and witnesses. Available at: <https://victimscommissioner.org.uk/published-reviews/a-voice-for-the-voiceless-provision-of-registered-intermediaries/>.

[5.9] Email Statement (pdf) from author of the Victim commissioner’s report and Principal Research Officer, Office of the Sentencing Council. Received 08 June 2020.

[5.10] Signed Letter (pdf). Testimonial from a registered intermediary regarding Collins invitation to cross-examine in the family courts. Received 19 September 2019.