



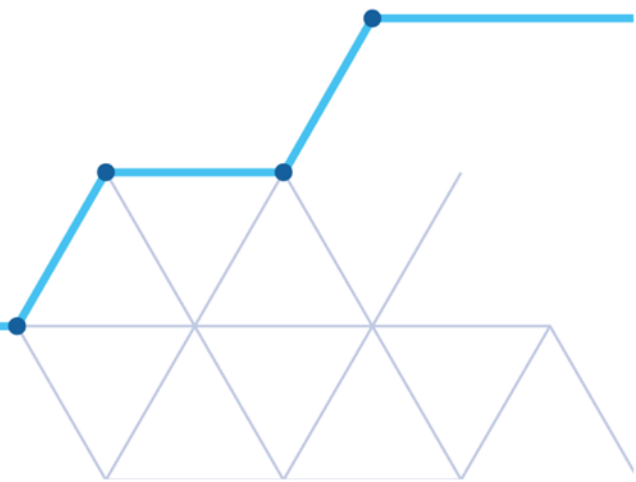
Ministry  
of Justice

# Registered Intermediary Procedural Guidance

2019

August 2019

Protecting and advancing the principles of justice





Ministry  
of Justice

# **Registered Intermediary Procedural Guidance**

## **2019**

## Contents

<b>Terms and abbreviations</b>	<b>3</b>
<b>Introduction</b>	<b>5</b>
<b>Part 1 – Professional conduct</b>	<b>6</b>
Registered Intermediary Code of Ethics	6
Registered Intermediary Code of Practice	7
<b>Part 2 – Governance of the Witness Intermediary Scheme</b>	<b>8</b>
Joining the Register	9
Data Protection	9
Insurance	9
Criminal Records Check	9
Remuneration	10
Complaints policy and procedure	10
<b>Part 3 – Conducting a case</b>	<b>12</b>
Advance information	12
Assessing a witness’s communication needs	13
Preliminary Report	14
Achieving Best Evidence Interview	14
<b>Part 4 – Written report for the court</b>	<b>16</b>
Guidance on report sections	16
<b>Part 5 – Supporting a witness in court</b>	<b>21</b>
Ground Rules Hearing	22
At trial	22
<b>Part 6 – Involvement of Registered Intermediaries at later stages</b>	<b>24</b>
<b>Part 7 – Other support for witnesses</b>	<b>25</b>
<b>Part 8 – Safeguarding</b>	<b>26</b>
Safeguarding concerns about professionals	26
<b>Part 9 – Further information</b>	<b>27</b>

<b>Annexes</b>	<b>29</b>
<b>Annex A – Court report template</b>	<b>29</b>
<b>Annex B – Report writing checklist</b>	<b>36</b>
<b>Annex C – Checklist of RI duties at court</b>	<b>37</b>
<b>Annex D – Registered Intermediary Reference Team Terms of Reference</b>	<b>38</b>
<b>Annex E – Witness Intermediary Scheme rate card</b>	<b>39</b>
<b>Annex F – Witness Intermediary Scheme complaints policy</b>	<b>42</b>
<b>Annex G – Request for service form</b>	<b>45</b>
<b>Annex H – End-user’s feedback form</b>	<b>54</b>
<b>Annex I – RIO code of conduct</b>	<b>56</b>
<b>Annex J – Sample CPD log and Guidance</b>	<b>58</b>
<b>Annex K – Sample invoice</b>	<b>64</b>
<b>Annex L – Overview of Registered Intermediary involvement in the CJS</b>	<b>68</b>

---

## Terms and abbreviations

ABE	Achieving Best Evidence
CJS	Criminal Justice System
CPD	Continuing Professional Development
CJSM	Criminal Justice Secure Mail
CPR	Criminal Procedure Rules
CPS	Crown Prosecution Service
DBS	The Disclosure and Barring Service
Defendant	An individual charged with a criminal offence
End User	The party that requests the service of a Registered Intermediary
DPA	Data Protection Act 2018
GDPR	General Data Protection Regulation
GRH	Ground Rules Hearing
HMCTS	Her Majesty's Courts and Tribunals Service
IRB	Intermediaries Registration Board
ICO	Information Commissioner's Office
MoJ	Ministry of Justice
NCA	National Crime Agency
OIC	Officer in Charge (of the investigation)
PTPH	Plea and Trial Preparation Hearing
QAB	Quality Assurance Board
RfS	Request for Service
RI	Registered Intermediary
RIT	Registered Intermediary Training
RIO	Registered Intermediaries Online
RIRT	Registered Intermediary Reference Team

Section 27	Section 27 of the Youth Justice and Criminal Evidence Act 1999 allows the court to direct that a video recording of an interview with an eligible witness be admitted as evidence in chief of that witness.
Section 28	Section 28 of the Youth Justice and Criminal Evidence Act 1999 allows the court to direct the cross-examination and re-examination of an eligible witness be pre-recorded. <sup>1</sup>
Section 29	Section 29 of the Youth Justice and Criminal Evidence Act 1999 allows the court to direct that any examination of an eligible witness be conducted through an intermediary.
WIS	Witness Intermediary Scheme
WIT	Witness Intermediary Team

---

<sup>1</sup> At the time of writing this special measure has been implemented for vulnerable and some intimidated witnesses in 3 Crown Courts (Liverpool, Leeds and Kingston upon Thames) and in 6 further Crown Courts for vulnerable witnesses only. This special measure is currently limited to Crown Courts and not available in Magistrates' Courts.

## Introduction

The Witness Intermediary Scheme was first piloted in England and Wales in 2004, when the special measure provisions in the Youth Justice and Criminal Evidence Act 1999 for examining witnesses through an intermediary were brought into force. The role of Registered Intermediaries in the scheme is to assist two-way communication between the police or court and complainants or witnesses with communication needs. The Scheme was rolled out nationally in 2008.

The function of the Registered Intermediary is to communicate to the witness questions put to the witness, and to communicate the answers to the person asking the questions – providing explanation where necessary.<sup>2</sup> Their assistance is often the difference between a witness being able to give evidence or not.

Registered Intermediaries have made a substantial contribution to the justice system since the role was introduced, helping thousands of victims and witnesses to give their best evidence. In 2018 there were 6,391 requests for Registered Intermediary services, compared to 3,337 in 2014 and just 1,206 in 2010.

This Procedural Guidance Manual is intended for use by Registered Intermediaries to provide a clear summary of the ethics and procedural code that all Registered Intermediaries must abide by. The manual provides an overview of procedure from receipt of a request for service to completion of a case. It will also be useful for end-users and those that work with Registered Intermediaries during the criminal justice process.

---

<sup>2</sup> <http://www.legislation.gov.uk/ukpga/1999/23/section/29>  
<http://www.justice.gov.uk/courts/procedure-rules/criminal/docs/2015/crim-proc-rules-2015-part-18.pdf>  
<http://www.justice.gov.uk/courts/procedure-rules/criminal/docs/2015/crim-practice-directions-l-general-matters-2015.pdf>

## **Part 1 – Professional conduct**

### **Registered Intermediary Code of Ethics**

Registered Intermediaries shall uphold the Code of Ethics at all times.

#### **1. Professionalism**

Registered Intermediaries shall conduct themselves with a high degree of professionalism in all circumstances.

#### **2. Propriety**

Registered Intermediaries must not use information or knowledge gained through the course of their work to benefit themselves or their associates improperly.

#### **3. Respect**

Registered Intermediaries shall demonstrate respect for all those that they encounter in the course of their professional duties and will respect the practices of other professions.

#### **4. Resilience**

Registered Intermediaries will seek to overcome any unforeseen difficulties.

#### **5. Confidentiality**

Registered Intermediaries shall strictly uphold confidentiality requirements.

#### **6. Impartiality**

Registered Intermediaries will remain strictly impartial and uphold their duty to the criminal justice system.



## Registered Intermediary Code of Practice

Registered Intermediaries shall uphold the Code of Practice at all times.

1. The primary responsibility of the Registered Intermediary is to enable complete, coherent and accurate communication to take place between the witness and the police or court.
2. The Registered Intermediary must identify the sources of information required in order to gain a clear understanding of the special needs of the witness.
3. The Registered Intermediary must comply with all obligations under data protection law.
4. The Registered Intermediary will be thorough in conducting an assessment of a witness's needs, including using background information and meetings with relatives, carers and professionals involved to give as complete an account as possible.
5. The Registered Intermediary must not enter into discussion, give advice, or express opinions concerning the evidence that the witness is to present or any aspect of the case.
6. Registered Intermediaries must keep the end user (usually the police or Crown Prosecution Service) informed of any difficulties, including recording and communicating any dissatisfaction expressed by the witness with either the intermediary or the procedure.
7. The Registered Intermediary should explain their role to the witness and ensure that the witness is satisfied with participating in the intermediary assessment.
8. The Registered Intermediary must not change the content, or attempt to improve or elaborate on what is said by the witness in court. Any actions that may improve understanding without changing meaning must be taken only with the explicit consent of the court.
9. The Registered Intermediary must only intervene in court if it is necessary to draw attention to the witness being unable to understand, or to answer, a question, expressing communication non-verbally, being distressed or needing a break.
10. The Registered Intermediary must disclose to the court any difficulties encountered, such as limitations in their professional experience and training, and seek the court's guidance about action that may be taken to achieve best evidence.
11. The authority and judgment of the court must be respected at all times.
12. At all times the Registered Intermediary's duty to the court remains paramount and they must respect obligations relating to disclosure between the prosecution and the defence teams.
13. The Registered Intermediary must notify the Intermediaries Registration Board immediately of any criminal investigation or proceedings against them, or any other complaint or investigation into their conduct or competence.
14. The Registered Intermediary must not bring the Witness Intermediary Scheme or the Ministry of Justice into disrepute.
15. The Registered Intermediary will continuously update their knowledge and skills and complete a continuing professional development (CPD) log annually.

## Part 2 – Governance of the Witness Intermediary Scheme

The Ministry of Justice has overall responsibility for the Witness Intermediary Scheme. There are two boards through which governance is delivered, these are:

### 1) The Intermediaries Registration Board (IRB)

The IRB meets quarterly and brings together key stakeholders from across the criminal justice system and is chaired by the Ministry of Justice. The terms of reference of the Board are:

‘The Intermediaries Registration Board (IRB) focusses on the strategic direction, policy management and operation of the Witness Intermediary Scheme. It is the Governance body that brings together the key stakeholders<sup>3</sup> from across the criminal justice system and through which the Witness Intermediary Scheme policy decisions are made.’

‘Members are responsible for representing their organisations on the board and representing the Board within their organisations to ensure the Scheme continues to meet the needs of those in the criminal justice system’.

### 2) The Quality Assurance Board (QAB)

The QAB meets quarterly and brings together individuals with substantial professional experience in the field of regulation and quality assurance. The objectives of the Board are:

- To ensure that Registered Intermediaries act in accordance with the Code of Practice and Code of Ethics.
- To ensure that complaints against Registered Intermediaries are fully investigated in accordance with the Intermediary Registration Board’s Complaints Policy and Procedure.
- To agree the standards for and assist in the recruitment, training, accreditation and continuing professional development of Registered Intermediaries.
- To maintain and support the Registered Intermediary Register and ensure that it is fit for purpose.
- To monitor and support the development of consistency and quality in the RI profession.

The QAB reports to the Intermediaries Registration Board in the conduct of its objectives and responsibilities.

---

<sup>3</sup> Members of the IRB: the Ministry of Justice (Chair); Chair of the Quality Assurance Board; the National Crime Agency; CPS; the police; RIRT; HMCTS; Witness Service; Department of Justice Northern Ireland; The Law Society; Judicial Office

In addition to the governance bodies, the Registered Intermediary Reference Team (RIRT) comprises up to 12 Registered Intermediaries from regional groups established by the Registered Intermediary community. RIRT aim to represent the interests of Registered Intermediaries to the Ministry of Justice. The terms of reference of RIRT can be found at annex D.

## **Joining the Register**

Once the Registered Intermediary Training (RIT) and assessments have been successfully completed, individuals are eligible to join the Register and, on doing so, will receive their unique registration number. Individuals must also fulfil the following data protection, insurance and safeguarding requirements.

## **Data Protection**

Registered Intermediaries are required to register, and maintain their registration, with the Information Commissioner's Office (ICO) as Tier 1 Data Controllers. Guidance on how to register with the ICO is available via the Information Commissioner's website.<sup>4</sup>

Registered Intermediaries must ensure that they comply with current data protection law. Guidance is available via the Information Commissioner's website.

To safeguard data and information a secure email must be used at all times. Registered Intermediaries will be provided with a CJSM secure email account and must ensure that any account to which they email protected information is also secure (for example police emails have a pnn suffix and Ministry of Justice emails have gov.uk). In the event of any doubt the Registered Intermediary must seek confirmation that an email address is secure.

To register for a secure email account, contact the Witness Intermediary Team at the National Crime Agency (NCA).

## **Insurance**

Registered Intermediaries must hold valid indemnity insurance. If this is provided through existing employment or membership of a professional body then Registered Intermediaries should ensure that this extends to their new role. If no insurance policy is held, then this should be sought through an independent insurance provider; note that the IRB do not specify the details or level of cover required.

## **Criminal Records Check**

Registered Intermediaries are required to have a basic level criminal record check via the Disclosure and Barring Service (DBS).<sup>5</sup> Registered Intermediaries who do not have a current DBS check and who are unable to obtain one through their employer (if applicable) need to apply via the Ministry of Justice (MoJ). Registered Intermediaries must

---

<sup>4</sup> <https://ico.org.uk/for-organisations/register>

<sup>5</sup> <https://www.gov.uk/government/organisations/disclosure-and-barring-service>

immediately inform the QAB if they are subject to any safeguarding allegations, police investigation, cautions or criminal investigations. The QAB will then decide what action is appropriate in relation to accepting further referrals and ongoing cases.

## Remuneration

Registered Intermediaries must invoice according to the national rates, negotiated with the police and Crown Prosecution Service (CPS), that are approved by the IRB. Fees are based upon an hourly rate, covering face to face appointments and report writing, with reimbursement of travel and subsistence within policy limits. The Registered Intermediary rate card can be found at annex E.

A contractual arrangement is entered into at the point that the Registered Intermediary accepts a Request for Service. This arrangement is between the Registered Intermediary, as a self-employed individual, and the service from which the request originates – usually the police or CPS.

## Complaints policy and procedure

The Quality Assurance Board (QAB) is appointed by the Ministry of Justice to regulate professional standards within the Witness Intermediary Scheme (WIS). Complaints concerning the conduct or competence of a Registered Intermediary should be submitted in writing to the secretary of the QAB (WIT@nca.gov.uk). The name of the Registered Intermediary concerned should be provided together with the grounds of the complaint and the name and contact details of the complainant.

The QAB will decide, on the basis of the information provided, whether:

- (a) The complaint requires further investigation; or
- (b) The complaint is suitable for informal resolution; or
- (c) The complaint does not fall within the remit of the QAB (for example the complaint concerns a non-registered intermediary).

At this stage the QAB will also consider whether there are any immediate implications due to the nature or seriousness of the complaint and determine whether:

- (a) The Registered Intermediary can continue to accept cases.
- (b) The Registered Intermediary can continue with their existing cases but not take new cases until the complaint is resolved.
- (c) The Registered Intermediary should be suspended from the register and immediately cease work on existing cases.

The QAB will inform the Registered Intermediary and the complainant of the next steps. If there is to be an investigation, this will be conducted by a QAB-appointed investigator. Once the investigation has concluded, the investigator will produce a report and a determination will be made as to whether the complaint should be upheld and, if so, what actions are required.

The QAB has the power to impose sanctions, which can include any of the following:

- (a) Formal warning.
- (b) Required remedial actions as advised.
- (c) Suspension from the WIS register.
- (d) Additional training/re-training.
- (e) Supervision from a nominated QAB member or accredited Registered Intermediary.
- (f) Self-funded mentoring.
- (g) Final warning.
- (h) Removal from the WIS register.

If either the complainant or the Registered Intermediary are not satisfied with the outcome of the complaint then they should set out the grounds for an appeal in writing and send it to the QAB secretary (WIT@nca.gov.uk).

The full complaints policy and procedure can be found at annex F.

## Part 3 – Conducting a case

When a police officer recognises that a witness requires the assistance of a Registered Intermediary they will first contact the CPS for an early special measures meeting, often conducted over the phone. At this point it should also be agreed who is paying for the Registered Intermediary.

The police officer will complete a Request for Service (RfS) form and submit this to the NCA Witness Intermediary Team (WIT). The RfS form can be found at annex G.

The WIT will match the RfS to an available Registered Intermediary that has the necessary skills and experience to meet the witness's needs and also practises in the relevant location. The WIT will contact the Registered Intermediary. It is the RI's responsibility to ensure that their recorded skill set is fully within their expertise. RIs may be required to justify their skill set in court.

### Advance information

The police officer will gain any necessary permission from the witness to obtain copies of relevant reports (for example medical or school reports) and for the Registered Intermediary to speak to relevant professionals (for example the witness's doctor or teacher). The Registered Intermediary should ascertain what the police officer has agreed.

The Registered Intermediary will contact the police officer by phone or email within 24 hours of accepting the RfS. The needs of the witness will be discussed and, as far as it is relevant to the communication needs of the witness, the police officer will provide details of the alleged offence and/or the alleged perpetrator. During this conversation the date and time of the assessment should be arranged.

The Registered Intermediary should confirm that the police officer will be present at the assessment. It is essential that the police officer is present at the assessment at all times. This is to avoid the risk that a disclosure is made to the Registered Intermediary by the witness that would result in their role transitioning to that of a witness themselves. It is also helpful to all parties for the interviewing officer to be present as it assists them in observing the witness's communication skills and needs first hand. **RIs should not be alone with a witness at any point.**

Following the conversation, the Registered Intermediary should complete part 8 of the RfS (Letter of Engagement) and send it to the police officer. This document forms the contract between the Registered Intermediary and the police. The form should also be sent to the NCA.

Details to cover in the initial contact with the police:

- Clarification of the role of the Registered Intermediary;
- Contact details of the police officer and who to contact when they are off-duty;
- Contact details of the CPS lawyer and caseworker (if available);

- Details of the witness – name, gender, date of birth, main carer (if any), involvement with other agencies, first language, family members etc;
- Nature of the witness’s vulnerability;
- Arrangements for the Registered Intermediary’s assessment including explanation that the police officer must be present;
- Whether necessary permissions have been obtained for the Registered Intermediary for the assessment itself and to obtain information from other sources (verbal or written);
- Any risks to the Registered Intermediary, the witness or any other party present.

The Registered Intermediary should request copies of any relevant reports from professionals on the witness’s communication abilities and speak to relevant parties. Any necessary permissions from the witness must always be obtained by the police officer, who should also inform any professionals that the Registered Intermediary will be making contact. It should be made clear to the witness and/or their parent or guardian that any documents obtained may be referred to in the Registered Intermediary’s report which, if the case progresses to trial, will be sent to the prosecution and defence lawyers.

### **Assessing a witness’s communication needs**

The Registered Intermediary conducts the communication assessment. There is no set procedure for this; the form and content of the assessment will depend on the witness’s communication needs and the Registered Intermediary’s skill set. The Registered Intermediary also uses this time to establish rapport with the witness. The assessment must take place in the presence of a responsible third party, usually the police officer that made the request, who can provide an independent account of events if needed. At no time should the Registered Intermediary be left alone with the witness. A witness supporter may be present to provide emotional support to the witness. The supporter, who must not themselves be a witness in the case, may be a parent, sibling, carer, care worker, social worker, or other volunteer advocate. If the assessment takes place in a care home or hospital then the police officer and Registered Intermediary should discuss in advance the role of staff. The purpose of the assessment is for the Registered Intermediary to ascertain the witness’s communication abilities and specific needs. By the end of the assessment the Registered Intermediary should be able to advise:

- Whether or not the witness has the ability to communicate their evidence and, if so, how.
- Whether the use of a Registered Intermediary is likely to improve the completeness, coherence and accuracy of the witness’s evidence.
- The most effective way of communicating questions to the witness.
- What special measures and other adjustments will enable the witness to communicate most effectively.

If the Registered Intermediary concludes that they do not have the appropriate specialism for the witness’s particular communication needs they must contact the NCA WIT as soon as possible so that another Registered Intermediary can be sought.

The Registered Intermediary must keep a note of what happened at the assessment, but it is not necessary to record the meeting or to make a verbatim record.

## Preliminary Report

After the assessment the Registered Intermediary will prepare a preliminary report setting out their findings and recommendations for the Achieving Best Evidence (ABE) interview. Where the interview takes place on the same day as the assessment the Registered Intermediary may present their findings orally and follow up with a written report.

## Achieving Best Evidence Interview

Once the Registered Intermediary has assessed and established a rapport with the witness, they will have a planning meeting for the ABE interview with the police officer. Planning includes a discussion of communication needs, the layout of the room, the use of communication aids or props, vocabulary and how to ensure that the witness stays calm and engaged. Planning discussions with the interviewing officer may include:

- How to check that the witness understands what is going to happen/is happening in the interview.
- Language: vocabulary, complexity of sentences, style of questioning, what forms of questions to avoid.
- Setting up the room in the most appropriate way.
- How best to explain the cameras and recording equipment.
- How to use any communication aids, visual aids or props.
- The frequency and duration of breaks.
- How the Registered Intermediary should intervene if necessary.
- Any other circumstances relating to the communication abilities of the witness.

It is important to recognise that the police officer conducts and manages the ABE interview. There should be a clear understanding of roles and how the Registered Intermediary should indicate if they need to intervene to check that the witness understands, to assist the police officer in rephrasing the question or to ask for a break on behalf of the witness. There may be others present in the interview room, such as a social worker, and the Registered Intermediary should be prepared to advise on a maximum number of people if there is a likelihood that this will affect the witness's communication.

Section 29(5) of the Youth Justice and Criminal Evidence Act 1999 and Criminal Procedure Rule 18.7 require that the Registered Intermediary make a declaration before the interview commences. This should be explained to the witness beforehand, or it may be appropriate for the declaration to be recorded before the witness enters the room.

The declaration is as follows:

*'I solemnly, sincerely and truly declare [or 'I swear by Almighty God'] that I will well and faithfully communicate questions and answers and make true explanation of all matters and things as shall be required of me according to the best of my skill and understanding'.*

If the police have already conducted the ABE interview or taken a statement from the witness before the referral to the Registered Intermediary then they must record the reasons for this and notify the CPS. The Registered Intermediary will conduct a



communication assessment before watching the ABE video or reading the witness statement. The Registered Intermediary's report should explain this and state how, if at all, their assessment was altered as a result of watching the ABE or reading the witness statement. However, it is not the Registered Intermediary's role to give an opinion or analysis of an ABE interview that has already been conducted.

## **Part 4 – Written report for the court**

Following the ABE interview, the Registered Intermediary should prepare a report for the court, where this has been requested, based on their assessment and any supporting information. The Registered Intermediary should ensure that they are certain which party is paying for the report. The template at annex A should be used as a guide and a checklist is provided at annex B.

The report should set out the witness's background, what was ascertained during the assessment and ABE interview, and details about the witness's communication abilities and specific needs together with practical suggestions on how the witness can best be questioned at court. The report should also set out how the Registered Intermediary is able to assist the witness and what experience and skills they have that will assist them in doing so.

The report will be used in three main ways:

- It will be taken into consideration by the prosecution, defence and the court when the application for special measures is made.
- It will advise the prosecution, defence and the magistrate/judge about how best to communicate with the witness at trial.
- It will shape the discussions and the directions made at the Ground Rules Hearing.

Once the report is completed the Registered Intermediary should submit it to the person who commissioned it, which would usually be the CPS paralegal, who is then responsible for sharing it with the other party and the court.

### **Guidance on report sections**

#### **Contents**

Any report longer than ten pages, including the front page, should have a contents page to assist with navigation. All reports should be page numbered, whatever their length.

#### **Summary of qualifications and experience**

The Registered Intermediary should set out, usually in one or two paragraphs, their qualifications and experience relevant to the particular case. A full CV can be annexed.

#### **Background, instructions and chronology**

The Registered Intermediary should set out who commissioned their input and why, as well as the key facts and dates such as the name of the witness, their date of birth, the date of the referral, the assessment, the ABE interview and the Plea and Trial Preparation Hearing (if known). This section should clearly set out what the report seeks to address, for example a report might say:

*I have been asked to:*

- i. Indicate whether or not the witness has the ability to communicate their evidence and, if so, how;*
- ii. Indicate whether the use of a Registered Intermediary is likely to improve the quality (completeness, coherence and accuracy) of the witness's evidence;*
- iii. Advise the advocates on the most effective way of communicating questions to the witness;*
- iv. Make recommendations as to special measures and other adjustments to enable the best communication with the witness.*

*My role as a Registered Intermediary is to assist communication with the witness and their communication with others. I am not instructed as an expert witness. I cannot give an opinion on the accuracy of the witness's recall of the facts in this case nor can I give an opinion on whether a witness is telling the truth in his/her evidence.*

*My role is limited to facilitating communication before trial and during the witness's evidence and advising how to assist them to achieve best evidence.*

### **Summary of conclusions and recommendations**

Normally this section would be no more than two or three pages long and should give the reader a quick overview of what the report says. It should include the following statement:

*'In accordance with Criminal Procedure Rules Part 3 paragraph 3.9(7) and Criminal Practice Directions 3F.27, a Ground Rules Hearing should be held, save for exceptional circumstances, and the Registered Intermediary should be party to any ground rules discussions'.*

There is further guidance on Ground Rules Hearings, and a checklist, on The Advocate's Gateway.<sup>6</sup>

### **Witness assessment**

This section should give details of the evidence upon which the Registered Intermediary has based their conclusions. Each Registered Intermediary should approach an assessment in the way they feel is most appropriate. There is no rule to say how an assessment should be carried out or what it should consist of; the Registered Intermediary should decide the best way to carry out the assessment in the particular case and their report should reflect this.

This section should make reference to other information that the Registered Intermediary has relied on in their assessment. Others who may be able to provide relevant information for the assessment include family members, foster parents, nursery workers, school teachers and teaching assistants, special educational needs co-ordinators, key workers, social workers, psychologists, doctors, nurses, therapists, police officers etc. All sources of information, whether written or oral, should be listed in the report together with the date of the conversation or receipt of the information. It should not usually be necessary to attach a copy of a third party's report in its entirety.

---

<sup>6</sup> <http://theadvocatesgateway.org/>

The Registered Intermediary sends the report to the end user (as set out in the RfS) and the officer in charge (OIC) of the case as well as the CPS. The CPS will attach the report to the application for special measures, which will be served on the defence and the court. It is important to note that as the report will be shared, the Registered Intermediary should only include personal confidential information insofar as it is necessary and must not include information that could further identify or endanger the witness, such as their place of residence, school or nursery.

Information or reports should be stored securely along with the rest of the Registered Intermediary's notes in compliance with the provisions of the Data Protection Act 2018 and the General Data Protection Regulation.

### **Conclusions and recommendations for special measures**

This section of the report should respond to the issues that the Registered Intermediary has been asked to address, such as whether the witness has the ability to give evidence in court and, if so, whether the use of a Registered Intermediary is likely to improve the completeness, coherence and accuracy of the evidence given.

The report should then make recommendations on how to improve the quality of evidence from the witness. These should be set out as detailed recommendations to the advocates and the magistrate/judge on how best to communicate with the witness. The Ground Rules Hearing checklist on the Advocate's Gateway<sup>7</sup> is useful for this purpose.

The recommendations should make reference to the assessment findings and give detailed and specific instructions on how questions may best be put to the witness. For instance, the Registered Intermediary may wish to specify the pace of questioning, use of the witness's name at the beginning of questions, allowing additional time for the witness to process the question and formulate their answer, length of questions and avoiding inferences or double negatives. Recommendations should be illustrated with practical examples and should be as specific as possible – for instance the length of short breaks should be specified as well as whether these should be in the court room. The report should give the questioner practical tips and strategies. For example, if it was established at assessment that the witness has a language-processing delay and a recommendation is to allow the witness sufficient time to answer, the report might suggest that the questioner counts up to five in their head after a question.

Further points that may be covered in the report include:

- The witness's use of language, especially if idiosyncratic;
- Indicators of the witness becoming confused;
- How the Registered Intermediary will indicate if they need to intervene or if there needs to be a break in questioning (e.g. raising a red card);
- If any communication aids are to be used;
- Advice to the questioner about their mode of delivery – such as tone of voice or indications that they are going to change topic;

---

<sup>7</sup> <http://theadvocatesgateway.org/>

- Any points to be adjusted in the witness familiarisation visit to the court or live link location (note that familiarisation is the responsibility of the court-based Witness Service, although the Registered Intermediary usually attends to facilitate communication).
- Recommendations as to when and where the witness watches their ABE interview to refresh their memory prior to trial.

The Registered Intermediary should advise on the best time for the witness to give evidence so that the CPS can take steps to have the trial timetabled accordingly. It is also useful to include a summary of the recommendations in table or checklist form so that these may be used as a quick reference guide in court – see table below.

Recommendation	Example	Rationale
Provide Zoe with activities to 'busy herself with' during questioning.	Colouring activities, playdough, fiddle toys can be provided by the Registered Intermediary.	Zoe moved around during the ABE which may impact the quality of the live link. Specific focused activities may support Zoe to remain seated.
Provide Zoe with a seating aid to support her to remain seated and pay attention.	The Registered Intermediary will provide a sensory cushion for Zoe to use if required.	Zoe moved around during the ABE which may impact the quality of the live link. Sensory cushions are known to support children to remain seated.
Keep the language used in questions or comments to Zoe to a maximum of four words per sentence.	Discuss and agree questions with the Registered Intermediary prior to the trial. The Registered Intermediary will support the simplification of the language used throughout the trial if required.	Assessment suggests that Zoe found it difficult to understand sentences which included 5 or more words.
Keep the language used in questions or comments to Zoe in the relevant tense.	Use the simple present tense or past tense as appropriate to the topic being discussed. The Registered Intermediary will give support with this throughout the trial if required.	Zoe found it difficult to understand complex grammar structures and tenses.
'Why' questions may need to be avoided.	Questions such 'why did that happen' are likely not to be understood and thus answered inappropriately.	Zoe was often not able to give appropriate responses to 'why' questions.
Questions related to times and dates will need to be simple or avoided.	Example: avoid asking 'what time of day was it' and instead say 'when did it happen'. Zoe however may still find this difficult to answer.	Assessment suggests that Zoe finds it difficult to answer temporal questions e.g. ' <i>what time of day was it</i> '. She also demonstrated difficulty understanding times of the day, months and seasons.

The report should indicate that the Registered Intermediary should be present at the hearing of a special measures application if it is opposed.

### **Registered Intermediary declaration**

The Registered Intermediary declaration should be set out in full and be followed by the intermediary's signature and date. An original, signed copy, of the report should be supplied to the person that commissioned the report.

The declaration should read:

*'I solemnly, sincerely and truly declare [‘or ‘I swear by Almighty God’] that I will faithfully communicate questions and answers and make true explanations of all matters and things as shall be required of me according to the best of my skill and understanding’.*

### **Other information to include**

Appendices should be used for relevant reference material that is too detailed for the main body of the report. These may include details about communication aids and it may be useful to cross refer to the communication aids toolkit on The Advocate's Gateway.

It is helpful to include a description of the Registered Intermediary role, for those that have no prior knowledge.

## Part 5 – Supporting a witness in court

It is important to stay informed of the status of the case. Although the end-user should keep the Registered Intermediary informed, this may not always happen. It is recommended that the Registered Intermediary makes regular contact with the CPS to ensure that they stay informed of dates and any changes to these. The Registered Intermediary must inform the end-user immediately if for any reason they are unable to assist on the fixed trial date.

If the application for special measures is opposed, the Registered Intermediary should be present at the court for the contested application in order to assist the court in its decision making and, if necessary, to respond to the judge's questions about the report. If the special measures application is granted by the court, the Registered Intermediary should be present when the witness is due to give evidence.

The Registered Intermediary should attend when the witness has their pre-trial court familiarisation visit and inform the court-based Witness Service of any relevant matters regarding the witness's care and well-being that might have an impact on the quality of the witness's evidence. The Equal Treatment Bench Book<sup>8</sup> recommends that intermediaries should be provided with photos of the live link rooms and screens by the court, or be allowed to take their own photos for the purpose of preparing the witness. Witnesses are entitled to practise speaking and listening on the live link and the court should accommodate this. The Registered Intermediary can facilitate this by providing court officials with questions to ask the witness when they practise. These questions must be completely unrelated to the case, such as: 'what did you have for dinner yesterday?' 'How old are you?' 'How did you get here today?'

In advance of the trial, the witness will have the opportunity to refresh their memory by watching the ABE interview. It is the Registered Intermediary's role to advise on the best way of doing this, for instance it may be best to do this separately from the court familiarisation visit to avoid the witness becoming fatigued or overloaded with information. There should be a designated note-taker when the witness views their interview so that if any new evidence transpires it can be reported to the judge. The notetaker must not be the Registered Intermediary in case there is any discrepancy between the accounts of the note-taker and the witness.

Any further insights into the witness's communication needs learned from the pre-trial court visit or viewing of the ABE interview should be conveyed immediately to the CPS and the OIC, particularly if these lead to further recommendations or a supplementary report about useful adaptations to aid communication. For example, a Registered Intermediary noted during a live link practise that the child witness was communicating via small gestures which would not clearly come over on the live link; she therefore recommended that examination of the witness should take place with counsel in the live link room with the witness and Registered Intermediary.

The Registered Intermediary may be asked to assist at any pre-trial meeting with the CPS when consideration is given to the steps that need to be taken in order to assist the

---

<sup>8</sup> <https://www.judiciary.gov.uk/wp-content/uploads/2018/02/equal-treatment-bench-book-february2018-v5-02mar18.pdf>

witness to give their best evidence. If such a meeting is going ahead and the Registered Intermediary has not been invited, the Registered Intermediary should clearly indicate to the OIC that they should be present.

## Ground Rules Hearing

Where a Registered Intermediary is involved in a trial it is a requirement that a Ground Rules Hearing is held. This is where the judge or magistrate, advocates and Registered Intermediary discuss ground rules, such as how the Registered Intermediary may intervene if necessary, prior to the witness giving evidence. The judge may also order that the Registered Intermediary review the questions that the advocates plan to ask the witness and provide advice on their suitability in terms of the witness's communication needs. The ground rules for the conduct of questioning may include:

- A direction relieving a party of any duty to put that party's case to a witness in its entirety.
- Directions about the manner of questioning.
- Directions about the duration of questioning.
- Directions about how questions may or may not be asked.
- Directions about the use of models, plans, body maps or similar aids to help communicate a question or an answer.

Where the Registered Intermediary is asked to review the questions in advance it is important that the purpose of cross-examination is kept in mind – to challenge the witness. The defence are required to set out in their Defence Case Statement where they take issue with the prosecution, but they do not normally disclose in advance each matter on which they take issue with a particular witness. There may also be disagreement between defendants in a multi-handed trial as to what took place and/or who was responsible. The Registered Intermediary's task is to help the advocate in phrasing questions in a way that the witness can understand, but their role is not to 'protect' the witness from being challenged on their evidence. They therefore must examine the questions solely from the standpoint of the witness's ability to understand and respond to them according to their specific communication needs. The Registered Intermediary must not disclose the content of questions to the prosecution or to any other defence counsel without the express written consent of the writer.

## At trial

When the Registered Intermediary arrives at court they should make themselves known to the court usher, the court-based Witness Service, the officer in charge of the case and to the trial advocate. They should bring spare, clean hard or electronic copies of their report for the court.

The judge should explain the Registered Intermediary's role to the jury and then the Registered Intermediary declaration should be made. This is required by statute and it is helpful for Registered Intermediaries to carry a small, laminated copy of the declaration in case the court does not have one available. The declaration can be made either in the court or in the live-link room.



The Registered Intermediary may need to explain their qualifications, training and role for the jury or magistrates.

When the witness is giving evidence the Registered Intermediary sits next to them either in the witness box or the live link room. The Registered Intermediary will monitor the witness and intervene if a communication issue arises. The means of intervention will have been agreed upon in the Ground Rules Hearing. In some instances the witness will give evidence prior to the trial in accordance with section 28 of the Youth Justice and Criminal Evidence Act 1999. The Registered Intermediary's role during cross-examination must be transparent – they should be in view of the jury or magistrate and not out of camera view in the live link room. This is to ensure that the jury or magistrate can clearly see that answers are coming from the witness and not the Registered Intermediary.

Interventions should be made as soon as possible once the need is recognised, for instance, if the question is too complicated for the witness. This is a matter of judgment and needs to be resolved on the spot on the basis of the knowledge the Registered Intermediary has gained about the witness. The questioning should flow if possible and the witness should not be disempowered.

If counsel are able to adapt their questions appropriately then there may be no need to intervene – this may well reflect the quality of the work carried out before the trial and that counsel have observed the ground rules. The Registered Intermediary should not be deterred from intervening in the event that an issue not previously recognised becomes apparent. When an intervention is made the advocate should be given an opportunity to rephrase the question before the Registered Intermediary is asked to do so.

When a witness is asked a question that they cannot understand it may cause distress as they realise that they cannot answer. Some witnesses may give answers such as 'don't know' or 'yeah' as a way of bringing the questioning to an end, even if these answers do not reflect the truth. The Registered Intermediary needs to be alert to the issues that can arise if an advocate persistently asks inappropriate questions. If there is a fundamental problem with the advocates style of questioning, and no one else takes the initiative, the Registered Intermediary should say to the judge 'Your honour, there is a matter which would best be dealt with in the absence of the jury'. Following this, there should be a discussion between the judge, advocates and Registered Intermediary in the absence of the jury. It is the decision of the judge whether or not to take any action following the Registered Intermediary's intervention.

The court may not always hear every word that the witness says and it is the Registered Intermediary's duty to bring this to the court's attention, particularly in the live link room, regardless of the impact this may have on the witness's evidence.

A checklist of the Registered Intermediary's duties whilst at court can be found at annex C.

## **Part 6 – Involvement of Registered Intermediaries at later stages**

In practise, a request for a Registered Intermediary can occur at any stage in the criminal justice process, for example the CPS may make a request for assistance at the trial without any involvement of a Registered Intermediary at the ABE interview stage. Registered Intermediaries may also assist in matters such as helping a witness who is giving a Victim Impact Statement or taking part in an identification procedure, or they may be involved in helping to explain the outcome of a trial.

It has sometimes been submitted that if a witness was not assisted by a Registered Intermediary during the investigative stages then they should not require assistance at trial. There is in fact no link here and it may be that the witness's communication needs were not identified until a later stage. In addition, a police interview and a cross-examination are very different both in atmosphere and style of questioning.

## **Part 7 – Other support for witnesses**

### **Interpreters**

Interpreters are used where the witness does not have a good command of English. A Registered Intermediary will need to work with an interpreter if a witness also has communication needs that require their assistance. This includes British Sign Language interpreters. An interpreter is employed to translate questions and answers as exactly as possible and is not allowed to provide additional explanation of either the question or the answer. Interpreters are, however, allowed to intervene to alert the court of possible misunderstandings or missed cultural references.

### **The court-based Witness Service**

The court-based Witness Service is provided by the Citizen's Advice Bureau, funded by the Ministry of Justice, and offers information and support, including pre-trial court visits, to all witnesses. The service is available to both prosecution and defence witnesses. Registered Intermediaries will need to liaise with the Witness Service to arrange the pre-trial court visit and to provide them with information about the witness's needs. Note that, as of April 2019, pre-trial support is provided by Victim's Support in the London Area.

### **Support for children**

The National Society for Prevention of Cruelty to Children (NSPCC) provides the Young Witness Service. Witnesses under the age of 18 can receive support before and during their court appearance, including familiarisation with the court process and physical and emotional support for young witnesses at all stages of the trial process.

Young witness support schemes are also operated by local Criminal Justice Boards and the court-based Witness Service.

## Part 8 – Safeguarding

There may be occasions when a Registered Intermediary is required to share concerns about a vulnerable witness because they believe that the witness may be at risk of harm.

If a Registered Intermediary believes that a child or vulnerable adult is at risk of harm then they must act in line with the relevant statutes and guidance including:

- Children Act 1989
- Children Act 2004
- Adoption and Children Act 2002
- General Data Protection Regulation
- Data Protection Act 2018
- 'Working together to safeguard children', guidance. Department for Education, July 2018.
- 'Information sharing: advice for practitioners providing safeguarding services to children, young people, parents and carers', guidance (2018).
- Care Act 2014
- Mental Capacity Act 2005

If the Registered Intermediary believes that a child or vulnerable adult is at risk of harm, they should make the relevant agency/agencies aware verbally as soon as possible and follow this up in writing within 24 hours. Relevant agencies include the police (contact the National Crime Agency Witness Intermediary Team), local children's services or adult safeguarding services.

The Registered Intermediary should keep a clear record of any actions and their reasons for them. Information subsequently provided by the agency/agencies alerted should also be recorded. This record should be submitted to the Quality Assurance Board.

### Safeguarding concerns about professionals

Any allegation made about an individual working with children or vulnerable adults must be referred to the same point of contact as a concern about a child's or adult's welfare. This ensures that follow-up can be coordinated as necessary.

An allegation about an individual working with children or vulnerable adults may include:

- That they have behaved in a way that has harmed a child or vulnerable adult.
- That they have possibly committed a criminal offence against a child or adult at risk;
- That they have related to a child or vulnerable adult in a way that indicates that they may pose a risk of harm to them.

If there is a safeguarding concern relating to another Registered Intermediary, or a concern about their decision making, then this must be reported to the Quality Assurance Board.

## Part 9 – Further information

This section includes additional information that Registered Intermediaries need to make themselves aware of in the course of their work.

### Time commitment

To remain on the register, Registered Intermediaries are required to complete a minimum of 24 days of Registered Intermediary work per year, with a minimum of 12 days of face to face casework.

Where Registered Intermediaries anticipate that they will be unavailable to accept cases for a period of time, they should inform the WIT staff at the NCA.

### CJSM email account

A member of the WIT will provide you with the details of your secure CJSM (Criminal Justice Secure Mail) account when you join the Witness Intermediary Scheme register. All email correspondence containing sensitive or witness identifiable information must be sent through this account. Invoices to police and CPS finance departments should be sent via this account.

### Registered Intermediaries Online (RIO)

RIO is the online forum for Registered Intermediaries. You will be provided with registration details for joining the online forum by the Witness Intermediary Team when you join the Witness Intermediary Scheme register. Consider setting up the alert system on your RIO account to ensure you are alerted to postings.

RIO is the place to post queries, find out about changes in policy and procedure, access documents and see unmatched cases. Membership of RIO is mandatory and active use of RIO is a CPD requirement. RIO is a professional forum for discussion about matters pertaining to the Witness Intermediary Scheme only and users must conduct themselves accordingly. The RIO Code of Conduct can be found at annex I.

### Continuing Professional Development (CPD)

CPD is the means by which Registered Intermediaries maintain, improve and broaden their knowledge and skills and continue to develop the professional qualities and competencies required in the discharge of their duties in the Registered Intermediary role. It is an important means by which the QAB can monitor and regulate the professional standards expected of Registered Intermediaries in the WIS and, in doing so, provide a guarantee to the IRB and WIS stakeholders of the quality of service to be expected from a Registered Intermediary. Keeping abreast of developments in their specialist fields as well as in the context of providing communication assistance in the criminal justice system helps to inform decisions around future training and development opportunities for new and existing Registered Intermediaries.

To remain registered as a Registered Intermediary it is a requirement that an annual CPD log, for the period 1 April – 31 March the previous year, is submitted for review to the QAB. Failure to submit a CPD log will result in suspension from the register unless there

are exceptional circumstances agreed by the QAB. Guidance on the completion of a CPD log (including minimum requirements) and a template log can be found at annex J. A selection of anonymised examples of CPD logs are available on RIO. Reminders and calling notices regarding annual submission of CPD logs are posted regularly on RIO. Registered Intermediaries are responsible for regularly checking RIO for these CPD updates and ensuring they submit their logs by the required deadline.

### **Support for newly qualified Registered Intermediaries**

Newly qualified RIs will be provided with the contact details of an experienced Registered Intermediary who will be on hand if they have any questions during their first case. Assistance is funded by the Ministry of Justice up to a maximum of three hours. If the newly qualified Registered Intermediary wishes to continue with a mentoring-type arrangement once this early 1-1 support comes to an end then they can do so by self-funding. In addition to 1-1 support, the Ministry of Justice provides small facilitated peer group meetings on a monthly basis for the first six months of practice. These groups provide an invaluable opportunity to discuss experiences and ask any questions. If newly qualified Registered Intermediaries would like additional training on any specific elements of the role then this will be arranged at these groups and guests can be invited to speak on any issues that attendees would like to be covered.

### **Invoicing and taxation**

Registered Intermediaries are self-employed and enter into a contractual arrangement with the end-user when they accept the request for service. They are required to invoice according to the rate card that sets out the fees negotiated with end-users and agreed by the IRB. Invoices via third parties or private limited companies will not be paid. Invoices should be sent directly to the end-user who will pay the Registered Intermediary directly. A sample invoice can be found at annex K.

Registered Intermediaries are personally responsible for fulfilling their obligation to submit an annual self-assessment tax return to HM Revenue & Customs.

### **Conduct and minimum standards of professionalism**

Whilst working as a Registered Intermediary, individuals must conduct themselves in a courteous and professional manner at all times, whether they are dealing with vulnerable witnesses, CJS professionals or court users. This also applies to conduct on social media, RIO and dealings with professionals at the Ministry of Justice and NCA Witness Intermediary Team. Registered Intermediaries should be mindful of the Code of Ethics and the Code of Practice at all times.

**Annexes**

**Annex A – Court report template**

**COURT REPORT TEMPLATE**

**R v XX**

**Case reference number: 54321**

**Registered Intermediary Report and Recommendations on Special  
Measures**

**in respect of Zoe**

**Report prepared at the request of DC Joe Bloggs, Child Abuse  
Investigation Team, South Central Police**

**Author: R Intermediary**

**Registered Intermediary Registration Number: 12345**

**7<sup>th</sup> August 2018**

## **Confidential Report**

This report is confidential and is intended only for the parties and the court in this case.

It should not be disclosed outside these proceedings without the permission of the court.



This report is for advice only and is not evidence in the case.

## **Contents**

1. Introduction	p.3
2. Summary of RI's qualifications and experience	p.3
3. Background, instructions and chronology	p.3
4. Summary of findings and recommendations	p.4
5. Assessment	p.4
6. Conclusion	p.6
7. Recommendations and strategies	p.7
8. Registered Intermediary declaration and signature	p.10

## **Appendices**

Appendix 1: CV of the Registered Intermediary

Appendix 2: Description of the role of a Registered Intermediary

Appendix 3: Giving feedback about the WIS

## **1. Introduction**

1.1 The purpose of this report is:

1.1.1 to indicate whether Zoe has the ability to communicate in order to give evidence in court; and, if so

1.1.2 to outline whether a Registered Intermediary is likely to improve the quality (completeness, coherence and accuracy) of evidence given by Zoe; and

1.1.3 to make recommendations about special measures which may enable the best communication with Zoe during a trial.

## **2. Summary of Registered Intermediary's qualifications and experience**

2.1 I have a degree in... [give comprehensive details]

2.1.1 A copy of my CV can be found in appendix 1

## **3. Instructions and chronology**

3.1 My role as a Registered Intermediary is to assist communication with a witness. I am not instructed as an expert witness. I cannot give an opinion on the accuracy or truthfulness of the evidence Zoe gives.

3.2 My role is limited to providing assistance to facilitate communication before trial and during cross examination and advising how this can best be achieved

3.3 Intermediary assessment was requested by DC Joe Bloggs as Zoe is to appear as a witness during a trial and she is a young child.

**In order to write this report I have:**

- 3.4 Met Zoe with her father and DC Joe Bloggs.
- 3.5 Assessed Zoe's language and communication skills.
- 3.6 Watched the video recorded Achieving Best Evidence (ABE) interview.
- 3.7 Read information provided by Zoe's school.

**Chronology:**

<b>DATE</b>	<b>EVENT</b>
01.04.18	Referral accepted from the Witness Intermediary Service at the National Crime Agency.
02.04.18	Emails and telephone calls between NCA & DC Joe Bloggs Preparation and planning.
15.04.18	Assessment of Zoe's language and communication.
15.04.18	Viewing of video recorded ABE interview.

**4. Summary of conclusions and recommendations****5. Witness assessment****6. Conclusions****7. Recommendations and Strategies to Facilitate Communication and Understanding****Recommendations****Key Strategies**

## 8. Registered Intermediary Declaration

*“I solemnly, sincerely and truly declare [or ‘I swear by Almighty God’] that I will well and faithfully communicate questions and answers and make true explanation of all matters and things as shall be required of me according to the best of my skill and understanding.”*

Signed R Intermediary

Dated 09.08.18

## Appendices

Appendix 1

CV

Appendix 2

Role of the RI

1) The role of the Registered Intermediary is to facilitate communication between the vulnerable witness and:

- the police (particularly at the Achieving Best Evidence interview stage)
- the defence and prosecution advocates
- the judge or magistrate

in order to help the witness give their best evidence (complete, coherent and accurate).

- 2) The primary duty of the Registered Intermediary is to the court. As such the role is impartial.
- 3) In order to facilitate communication, the Registered Intermediary will:
  - complete an assessment of the witness's communication skills and difficulties
  - review and consider background information
  - write a report outlining assessment findings and giving recommendations on strategies to enable best communication
- 4) A Registered Intermediary is not an expert witness, investigator, interpreter, appropriate adult or advocate for the witness.

### Appendix 3

#### Giving Feedback to the Witness Intermediary Scheme

End Users will be provided with a feedback form, the completion and submission of which will enable performance management information to be collected and assessed to see what improvements to service provision should be made.

Should end users wish to provide additional feedback on the service they should send it by email to [Registered.interme@justice.gov.uk](mailto:Registered.interme@justice.gov.uk).

For others involved in a case i.e. members of HMCTS, the judiciary, counsel etc feedback should be provided to [Registered.interme@justice.gov.uk](mailto:Registered.interme@justice.gov.uk).

The end user, on behalf of their organisation, submits the request for service for engagement of the RI. For victims and witnesses this will be the police and CPS. The end user will be the person to whom reports are submitted.

## Annex B – Report writing checklist

Reports should meet the following minimum standards:

- Suitable front page (and contents page, if longer than 10 pages).
- Written in the first person.
- Suitably structured and headed/sub-headed, following the guidance above.
- One and a half line-spaced.
- Set out with wide margins.
- Printed single-sided.
- Arial font must be used.
- Font size twelve must be used.
- Written in plain English and containing no jargon.
- Written in short sentences and with short paragraphs.
- Any medical or communication abbreviations and terms used should be explained, i.e. 'X has dysphagia. This means they have difficulty swallowing and this has an impact on their ability physically to form words.'
- Page-numbered, i.e. page 1 of 5. This should be in the bottom right-hand corner of the page.
- Paragraph-numbered., i.e. 1.1, 1.2, 1.3, etc. Sub-paragraphs should be reflected in numerical order and, if required, further divisions should be reflected in alphabetical order, i.e.
  - o 1.1
    - 1.
      - a.
- Headed on each page with case name, number and the front page headed RI Report.
- Clearly summarised at the end with conclusions and recommendations (which are supported in the body of the report by assessment findings).
- Recommendations clearly set out for viewing 'at a glance' – a table may be used for this purpose.
- Signed under the oath.
- Dated.
- Proof-read and free of grammar, spelling and typographic errors.

## Annex C – Checklist of RI duties at court

- An RI owes their primary responsibility to the court and to upholding the overriding objective that criminal cases are dealt with justly.
- They should confirm their understanding of their duties and make their declaration at the start of the ABE interview and again at trial.
- They will not discuss any aspect of the case or of the witness's testimony with the witness.
- They will communicate questions put to the witness by the court or legal representatives as accurately as possible, in a way that facilitates the witness's understanding.
- They will communicate the witness's answers to questions to the court as accurately as possible.
- They will communicate the witness's reply as given, however irrelevant or illogical it might seem. It is for the court to seek clarification if necessary.
- They will seek clarification from the court of any questions that they have not understood before putting the question to the witness in the form the court wishes. Such clarification should relate to matters of understanding and comprehension and not any legal issues.
- They will not interrupt the advocate's question unless there is an urgent need to seek clarification or to indicate that the witness has not understood something.
- They will not hypothesise as to the intentions or motives of the witness.
- They will not anticipate the intention of the questioner.
- They will not alter the question put or answer given in the first instance but may if required offer an alternative form of the question to facilitate understanding.
- They will not alter the precise nature or thrust of the questions put to the witness or the witness's answer in order to shield or protect the witness.
- They will not unnecessarily impede or obstruct the pace and flow of court proceedings.
- They will follow the directions of the court as instructed by the judge or magistrate and will respond to the directions and requests when required to do so.
- They will not engage in private conversation with the witness during the giving of evidence or in any way distract the witness from attending to the court process.
- They will address the court through the judge or magistrate unless invited to respond to others by the judge or magistrate.
- They will conduct themselves in a manner which is consistent with their role as an RI and in accordance with the RI Codes of Practice and Ethics.
- They will make use of appropriate pauses and breaks in the court process to raise any matters of concern affecting the quality of the witness's evidence or when necessary bring matters of immediate concern to the attention of the court at the time they occur.
- They must not discuss any evidential aspect of the case with the witness on any future occasion.

## **Annex D – Registered Intermediary Reference Team Terms of Reference**

### **Objectives:**

- To provide a forum for the RI community to raise relevant matters regarding the Witness Intermediary Scheme to a self-selected group of its peers for subsequent discussion in a formal environment with the Ministry of Justice (MoJ).
- To achieve representation of the RI community through its membership reflecting, as far as possible, a cross-section of that community by different professions and vocations, different working patterns and backgrounds. To have all regional support group areas represented.
- To ensure that the relationship between the RI community and MoJ, End-Users and other stakeholders is being effectively represented and managed.

### **Responsibilities:**

- To provide the MoJ with feedback (qualitative and quantitative) regarding relevant matters which affect the RI community.
- To act as a review/consultative body for selected pieces of work from MoJ or End-Users which may affect the RI community.



## Annex E – Witness Intermediary Scheme rate card

Rate Card effective from 01 February 2019



Ministry  
of Justice

Registered Intermediaries are self-employed communication specialists working under the framework of the MOJ's Witness Intermediary Scheme. This document sets out the rates as agreed by the Intermediaries Registration Board in December 2018. If a RI wishes to work under the previous rate card after 1st February 2019 - for example if there's an ongoing case - they may apply to the NCA in writing for dispensation.

### Fees

The core hourly rate is raised to **£38.94 per hour** or £9.73 per full quarter hour.

Unsocial hours rate is raised to £55.90 per hour or £13.97 per full quarter hour.

Minimum daily attendance fee: £116.82

Cancellation fee: £116.82

Travel time can be claimed at £16.90 per hour or £4.20 per full quarter hour.

### Expenses

Accommodation costs per night including breakfast are not to exceed:

- £115 within the M25
- £100 in Birmingham, Liverpool, Leeds, Manchester & Newcastle
- £80 for the rest of England and Wales

Subsistence costs should be billed at the following rates

- Day subsistence: £4.25 for 5-8 hours; or £9.30 for more than 8 hours
- Overnight subsistence: £26 when in hotel accommodation

Travel costs should be billed at the following rates:

- Public transport costs in standard class will be reimbursed in full on presentation of the receipt or ticket;

- Travel by plane or taxi will not be reimbursed unless approved in writing with the end-user in advance;
- Travel by car, motorcycle or bicycle can be billed at the following rates: £0.45 per mile for car; £0.24 per mile for motorcycle; £0.20 per mile for bicycle.

## **Annex: Explanatory notes**

### **The minimum daily attendance fee**

The minimum daily attendance fee was introduced to avoid RIs earning unacceptably low amounts: for example travelling a long distance for an assessment that only took an hour. Where an RI would end up billing less than 3 hours in a given day they may instead bill at the minimum daily attendance fee. If more than 3 hours are worked in any day each hour should be billed in full and the minimum daily attendance fee does not apply.

There are no scenarios in which the minimum daily attendance fee can be claimed more than once per day.

### **Unsocial hours rates**

The unsocial hours rates are applicable for meetings and assessments but do not cover report writing or administration unless work has been agreed in a pre-trial meeting and can only be completed in unsocial hours e.g. late re-writing of questions to be put at cross-examination on the next working day.

Unsocial hours include all public holidays in England and Wales, Saturdays and Sundays, and work between 19:30 and midnight and midnight to 06:30 on Monday to Friday.

### **Payment via third parties**

Registered Intermediaries are self-employed professionals who enter into an arrangement with the end-user (i.e. the police or CPS) when they accept a Request for Service. Invoices via third parties will not be paid.

### **Cancellation fees**

The cancellation fees exist to reimburse the Registered Intermediary for the loss of earnings and to incentivise responsible use of the scheme by end users (the police and CPS). The fee applies:

- a) If a confirmed appointment is cancelled within 24 hours (excluding the weekend)
- b) If a pencilled in trial is cancelled before the start of a trial with less than 5 days' notice (up to 3 days in court can incur the cancellation fee – i.e. £350.06)
- c) If a case concludes or is cancelled before the anticipated end-date the RI can apply the cancellation for up to 3 days that were booked to attend court but subsequently not needed.

If there is more than one appointment cancelled in one day then a Registered Intermediary may charge more than one cancellation fee. Where there is more than one

witness in a case the Registered Intermediary may charge a cancellation fee for the first witness plus one hour for each additional witness.

### **Accommodation Expenses**

All instances where overnight accommodation is required must be approved in advance by the end-user.

Where such accommodation is agreed, in the first instance RIs should ask end-users to use their centralised hotel booking arrangements. If this is not possible RIs can book accommodation themselves and claim the actual cost incurred up the limits on page 1, providing the receipts to the end-user along with the invoice.

If a trial runs late or is cancelled and the RI has to pay late booking or cancellation fees, these costs will be reimbursed on presentation of a receipt.

### **Subsistence**

Overnight subsistence will be paid for each 24-hour period where an RI stays in hotel accommodation.

Day subsistence will only be paid if the RI is not being paid the standard rate or minimum attendance fee for the same time.

Under no circumstances can overnight and day subsistence be paid during the same 24 hour period.

### **Instances where RIs are called as a prosecution witness by the CPS**

RIs appearing in these circumstances will not be deemed as ordinary witnesses but are classified as RIs summoned to court for that purpose. RIs should invoice the CPS in line with this rate card.

## Annex F – Witness Intermediary Scheme complaints policy

### 1.0 Making a complaint

- 1.1 The Quality Assurance Board (QAB) is appointed by the Ministry of Justice to regulate professional standards within the Witness Intermediary Scheme (WIS).
- 1.2 Complaints concerning the conduct or competence of a Registered Intermediary should be submitted in writing to WIT@nca.gov.uk. The name of the Registered Intermediary concerned should be provided together with the grounds of the complaint and the name and contact details of the complainant.
- 1.3 The **QAB secretariat will acknowledge receipt of a complaint within 5 working days** and pass it to the designated QAB complaint lead. The QAB secretariat will notify the Registered Intermediary that a complaint has been made, providing a copy of the complaint, the name of the assigned QAB complaint lead and the date and time that they will be in touch.
- 1.4 The **designated QAB complaint lead will review the complaint within 5 working days of receipt from the secretariat** and determine, on the basis of the information provided, whether:
  - (a) The complaint requires further investigation; or
  - (b) The complaint is suitable for informal resolution; or
  - (c) The complaint does not fall within the remit of the QAB (for example the complaint concerns a non-registered intermediary).
- 1.5 The complaint lead will also consider the fitness to practice implications of the complaint and will decide:
  - (a) That the Registered Intermediary can remain on the register; or
  - (b) That the Registered Intermediary can continue with existing cases but may not take new ones; or
  - (c) That the Registered Intermediary must be suspended from the register.
- 1.6 The secretariat of the QAB will then write to the complainant to inform them that either there will be an investigation, and how long it is expected to take, or that the complaint will not be taken any further. The complainant and the Registered Intermediary will both be provided with a copy of this complaints policy.

### 2.0 Investigation

- 2.1 The **designated QAB complaint lead will investigate the complaint, or appoint a QAB member as an investigator, as soon as possible and no later than 15 working days from the determination of the need for an investigation.** In the event of unavoidable delay, the secretariat will write to both the complainant and the

Registered Intermediary to notify them and explain the cause and extent of the delay.

- 2.2 The complaint investigator will contact both parties upon appointment to notify them that they will be taking forward the investigation and to make arrangements to speak with them.
- 2.3 The designated QAB investigator will discuss any information needs with the secretariat at the earliest opportunity, record these and the date that the investigation has commenced.
- 2.4 The designated QAB complaint investigator will seek to establish the views of the parties and fully investigate the complaint. They will produce a report that provides a recommendation as to whether the complaint should be upheld wholly, partially or not at all. **The report should be agreed with the QAB complaint lead and submitted to the secretariat of the QAB within one month of their appointment.** This period may be extended to two months if a complaint is particularly complex or if any of the parties are not available, but this must be identified at the earliest opportunity and the complainant and Registered Intermediary advised accordingly.

### **3.0 Determination**

- 3.1 The secretariat will write to the parties involved to inform them of the outcome of the formal investigation.
- 3.2 If the QAB complaint investigator determines that the complaint should be upheld then they will initiate the sanctions/fitness to practice policy and determine what action is necessary. In providing details of the outcome of an investigation the details of any sanctions will be provided to the Registered Intermediary only.

### **4.0 Appeals**


- 4.1 If either the complainant or the Registered Intermediary are not satisfied with the outcome of the complaint then they should set out the grounds for an appeal in writing and send it to WIT@nca.gov.uk. **Appeals should be submitted within 10 working days of receiving the outcome of a complaint.**
- 4.2 **The secretariat of the Quality Assurance Board will acknowledge receipt of the appeal within 5 working days.**
- 4.3 The Chair of the QAB will consider whether there are grounds for believing either:
  - i) That the matter was not investigated in a fair and reasonable manner by the complaints investigator; or
  - ii) That the determination of the QAB complaint investigator is unreasonable in light of all of the circumstances of the complaint.

**If the Chair does not consider that there are grounds for appeal then they will dismiss the appeal application in writing within 5 working days of receipt.**

- 4.4 If the Chair of the QAB considers that there are grounds for appeal then **an Appeal Panel will be appointed within 10 working days of receipt** and the parties to the complaint will be notified by the QAB secretariat.
- 4.5 The Appeal Panel will consist of two members of the QAB, who have not previously been involved in the complaint investigation, in addition to the Chair. **The Panel will meet, insofar as it is possible, within 10 working days of their appointment** to consider the complaint, the investigation and the decision. They may decide to:
- (a) Terminate the complaints procedure by dismissing the appeal.
  - (b) Issue an appeal outcome.
- 4.6 **The parties to the complaint will be informed of the Appeal Panel's decision by the Chair of the QAB within 5 working days of the Panel meeting.** This decision will be final.

July 2019

## Annex G – Request for service form

OFFICIAL - SENSITIVE (When complete)	
	
NCA OP number:	
Logged on Remedy (dd/mm/yy):	
Vulnerable person name:	
Police crime ref:	
Operation Name:	
CPS URN:	
Defendant(s) name: (if known)	
<p><b>Request for Service</b> Police &amp; CPS</p> <p>Contract for Service between the End-User Organisation and the Intermediary</p>	
Please note that from 1st April 2009 all MOJ funding for the use of Registered Intermediaries ceased.	
<b>To be funded by the Police:</b>	Initial Assessment, ABE Interview
<b>To be funded by the CPS:</b>	Initial Assessment, Trial, Court Familiarisation Visit (if required), Additional Meetings with CPS
<p>Please note that the NCA is unable to process Requests for Service unless completed in full</p> <p>PNN users please submit the completed form (in its original Excel format) to <a href="mailto:mcis@nca.pnn.police.uk">mcis@nca.pnn.police.uk</a></p> <p><b>Non pnn users</b> please submit the completed form (in its original Excel format) to <a href="mailto:mcis@nca.gov.uk">mcis@nca.gov.uk</a> (if sent to pnn from a non pnn email account your email will not pass through the security network)</p>	
Page 1 of 9	
OFFICIAL - SENSITIVE (When complete)	

**OFFICIAL - SENSITIVE** (When complete)

**1. INVOICE BILLING ADDRESS**

Please provide details of where invoices should be sent. This could be your central or local finance office, the court etc. **This information is mandatory for both Police and CPS. The Request for Service will not be processed without it.**

<b>Billing department name:</b>	
<b>Billing department:</b>	
<b>Cost code (mandatory):</b>	
<b>Purchase Order Number (if known):</b>	
<b>Address &amp; Postcode:</b>	
<b>Contact name (optional):</b>	
<b>Billing department telephone number:</b>	Please overwrite but note we cannot accept police officer details within this section
<b>Billing department secure email address:</b>	Please overwrite but note we cannot accept police officer details within this section
<small>(a secure email address will contain .pnn/.cjsm)</small>	

**2. REQUESTING END-USER DETAILS** - This is the person the Registered Intermediary will contact to make arrangements with

	<b>Police Officer Contact Information (MANDATORY)</b>	<b>Additional CPS Contact Information (MANDATORY - if pre-trial)</b>
<b>Name of contact:</b>		
<b>Rank / Title:</b>		
<b>Telephone number:</b>		
<b>Mobile number:</b>		
<b>Secure Email address:</b>		
<small>(a secure email address will contain .pnn/.cjsm)</small>		
<b>Force / CPS Area:</b>		
<b>Department:</b>		
<b>Address &amp; Postcode:</b>		
<b>Alternative contact details: (MANDATORY)</b>		
<small>Must include email and telephone number</small>		

On completion of the case, we will automatically email you a feedback form. We would appreciate if you could spend some time completing it regarding the Registered Intermediaries involvement.

**OFFICIAL - SENSITIVE** (When complete)



OFFICIAL - SENSITIVE (When complete)

**3. AUTHORISING PERSON'S DETAILS** - Must be from the same organisation as billing organisation and for Police requests this should be in line with NPCC/Force policy

Name of Authorising Person:	
Telephone number:	
Mobile number:	
Email address:	
Department and address:	

**CPS only:** I confirm that funding has been authorised in accordance with my financial delegated powers and is within the authorised limits detailed on my Financial Delegation Form Appendix A1.2

**4. ENGAGEMENT DETAILS**

Registered Intermediaries carry out intermediary work in addition to other professional commitments, therefore we ask for at least 2 weeks notice before deployment.

Should you require an intermediary more urgently please provide your reasons below and we will endeavour to facilitate a more urgent deployment:

- Suspect in custody who cannot be bailed
- Serious concerns around victim/witnesses memory due to age or vulnerability
- Serious and immediate concerns for public safety due to the nature of the offence

Please detail below any other reasons or additional information in respect of the selections above:

OFFICIAL - SENSITIVE (When complete)

**OFFICIAL - SENSITIVE** (When complete)

**Police Funded Requests (Police details provided in sections 1 and 3)**

Please provide any dates to avoid, imminent rest days, shift patterns or annual leave to assist us in matching the RI with the most suitable availability:

--

For urgent requests are weekend appointments suitable?

**Initial Assessment with a view to ABE**

Assessment timeframe from:		Additional Comments:
Assessment timeframe to:		
Assessment venue - town/city & postcode:		
ABE timeframe from:		Additional Comments:
ABE timeframe to:		
ABE venue - town/city & postcode:		

**Initial Assessment with a view to charge / trial**

Assessment timeframe from:		Additional Comments:
Assessment timeframe to:		
Assessment venue - town/city & postcode:		
Trial date set:	Please select...	Additional Comments:
Date from:		
Date to:		
Trial Venue: If no date set please indicate likely venue. Please note, a CPS authorised request for service form will need to be submitted to secure the RI for trial.		

If a Registered Intermediary has been used before with this vulnerable person, or this case, and you would like to continue to use the same Registered Intermediary please complete the following:

Previous NCA OP number:	
Intermediary name:	
Other witnesses in this case supported by the RI: (please provide name(s) and DOB)	

**OFFICIAL - SENSITIVE** (When complete)

**OFFICIAL - SENSITIVE** (When complete)

**CPS Funded Requests (CPS details provided in sections 1 and 3)**

CPS URN (mandatory):		
<input type="checkbox"/> <b>Initial Assessment</b>		
Timeframe from:		Additional Comments:
Timeframe to:		
Assessment venue - town/city & postcode:		
<input type="checkbox"/> <b>Additional Meetings including Ground Rules Hearing</b>		
Timeframe from:		Additional Comments:
Timeframe to:		
Venue: (if different to trial venue)		
<input type="checkbox"/> <b>Trial / Section 28</b> - if a Section 28 cross examination is scheduled please provide the details of this and not the trial		
Trial / S28 date set:		Additional Comments:
Date from:		
Date to:		
Trial / S28 Venue: If no date set please indicate likely venue.		
Police OIC name, email and Telephone number must be included: (if not already provided in Section 2):		Additional Comments:
If a Registered Intermediary has been used before with this vulnerable person and you would like to continue to use the same Registered Intermediary please complete the following:		
NCA OP number:		
Intermediary name:		
Other witnesses in this case supported by the RI: (please provide name(s) and DOB		

**OFFICIAL - SENSITIVE** (When complete)

**OFFICIAL - SENSITIVE** (When complete)

**5. CASE DETAILS**

Please state if the vulnerable person is:	Please select...
Stage of case:	Please select...
Offence Type:	Please select...
Additional:	Please Select if applicable...
Multiple Defendants:	Please select...
Has the witness or carer expressed a preference for the intermediary to be:	Please select...

**6. VULNERABLE PERSON'S DETAILS**

Vulnerable person's name:	
Sex:	Please select...
Date of birth (dd/mm/yyyy):	Age:
In which area does the vulnerable person reside? (e.g. Harrow, HA1):	

**6.1 Disabilities / Vulnerabilities**

Which of the following descriptions apply to the vulnerable person (*select as many that apply*):

Aged under 18 years:	Please select...
Age related only (under 18 & no disabilities):	Please select...

**It is a 2 step process to select the appropriate disabilities and vulnerabilities** please note that the disabilities selected enable the NCA to match a Registered Intermediary with the correct skills to support the vulnerable person:

**Step 1** - Click into the 'Please select disability' box below and using the arrow on the bottom right hand corner of the cell select from 'Learning Disability', 'Mental Health' or 'Physical Disability'

**Step 2** - Click into the 'Please select vulnerability' box and using the arrow on the bottom right hand corner of the cell select from the corresponding vulnerabilities listed

Please select disability	Please select vulnerability
Please select disability	Please select vulnerability
Please select disability	Please select vulnerability
Please select disability	Please select vulnerability

Other	
Additional information - reports:	Please select...

**6.2 Communication / Communication Aids**

Does the vulnerable person communicate verbally?	Please select...
Does the vulnerable person communicate in English?	Please select...
If not English what language does the vulnerable person use? Please note that you are responsible for obtaining a foreign language interpreter.	

Some Registered Intermediaries are hearing impaired; in these cases a BSL interpreter will accompany them or need to be provided. Please refer to the Letter of Engagement to see if the intermediary is providing their own BSL interpreter

What is the vulnerable person's primary means of expressing themselves if it is not speech? (*tick as many that apply*)

<b>OFFICIAL - SENSITIVE</b> (When complete)			
<b>Bliss Symbol</b>	<input type="checkbox"/>	<b>Makaton Signing</b>	<input type="checkbox"/>
<b>BSL Signing</b>	<input type="checkbox"/>	<b>Makaton Symbol</b>	<input type="checkbox"/>
<b>Eye Movements</b>	<input type="checkbox"/>	<b>PCS Symbol</b>	<input type="checkbox"/>
<b>Hand Gestures</b>	<input type="checkbox"/>	<b>PECS Symbol</b>	<input type="checkbox"/>
<b>Other (please specify)</b>			
<b>Does the vulnerable person have any sensory difficulties? i.e. hearing loss, vision etc. If yes please specify</b>			
<b>Does the vulnerable person have any mobility difficulties? If yes please specify</b>			
<b>Is the vulnerable person taking any medication that may affect their assessment performance? If yes please specify</b>			
<b>Is there any additional information about the vulnerable person's needs that has not already been covered? If yes please specify</b>			

<b>Pointing</b>	<input type="checkbox"/>
<b>Picture Board</b>	<input type="checkbox"/>
<b>REBUS Symbol</b>	<input type="checkbox"/>

Page 7 of 9

**OFFICIAL - SENSITIVE** (When complete)

OFFICIAL - SENSITIVE (When complete)

## 7. CONTRACT

Both parties to the contract have read the Registered Intermediary Procedural Guidance Manual and agree to adhere to and comply with its provisions to the extent necessary to give this agreement legal effect.

This Request for Service will form the contract for services as specified below and recorded on the work log.

### The End User agrees:

- To pay the Registered Intermediary, in line with the current rates of remuneration for their services, within 30 days of receipt of an invoice (or as soon as possible thereafter);
- To inform the Registered Intermediary of any changes to the terms or dates of the engagement as soon as possible;
- To assist and advise the Registered Intermediary concerning the storage and disposal of sensitive information related to the engagement.
- To complete and return the End-User feedback form on completion of the nominated Registered Intermediary's involvement in this case.

Cancellation charges – the End-User acknowledges that short-notice cancellation fees can be claimed by a Registered Intermediary in line with the policies detailed in the Rates of Remuneration for Registered Intermediaries which the End-User has been provided with. These are in addition to the costs of any pre-paid, non-refundable travel and subsistence costs incurred by the Registered Intermediary in respect of their engagement by the End-User.

### The Registered Intermediary agrees:

- To provide the services specified in this contract;
- To assist the End User in estimating any further work required;
- To conform to agreed work sign-off procedures;
- To provide an invoice on the completion of the services specified;
- To apply the behaviours and norms as to conduct and dress, reasonably required across the Criminal Justice system;

To adhere to the Registered Intermediary Codes of Ethics and Practice.

To comply with the Cabinet Office Statement of Mandatory Minimum Measures - [www.cabinetoffice.gov.uk/sites/default/files/resources/hmg-security-policy\\_0\\_0.pdf](http://www.cabinetoffice.gov.uk/sites/default/files/resources/hmg-security-policy_0_0.pdf).

For the avoidance of doubt, the Registered Intermediary confirms that (s)he has adequate and appropriate personal indemnity insurance / is covered by their employer's policy for their services as a Registered Intermediary in such sum as will enable the Registered Intermediary to comply with their obligation to rectify mistakes or deal with claims arising as a result of their acts or omission in the carrying out of their services under this contract. The Registered Intermediary agrees to provide written evidence of such insurance as and when required by the End User.

Both parties undertake to maintain the confidentiality of any Confidential Information involved in the engagement. The provisions of this clause shall survive the termination of this Contract however that occurs.

Both parties shall agree to comply with the following sections of the Registered Intermediary Procedural Guidance Manual, to the extent that is appropriate for either or both of them to do so, for the purposes of this Contract:

- Part 1 – The Intermediary's role: law, procedure and practice.
- Part 3 – The Registered Intermediary Codes of Practice and Ethics.
- Paragraphs 4.11 – 4.12 inclusive – Rates of remuneration for Registered Intermediaries.
- Paragraphs 4.13 – 4.15 inclusive – Invoicing and taxation.
- Paragraphs 4.16 – 4.19 inclusive – Data protection regulations.
- Paragraphs 4.20 – 4.22 inclusive – Insurance to practice in the role of a Registered Intermediary
- Paragraphs 4.24 – 4.29 inclusive – Complaints Policy and Procedure.

OFFICIAL - SENSITIVE (When complete)

\* Note: Paragraph numbers referenced on this page (8 of 9) do not correspond with this version of the Registered Intermediary Procedural Guidance.

OFFICIAL - SENSITIVE (When complete)

**8. LETTER OF ENGAGEMENT**

NCA OP number:	
Name and Organisation of requesting person:	
Name of Intermediary:	
Intermediary Registration number:	
Email Address:	
Date Engagement accepted:	

To be completed by the allocated Intermediary only:

<input type="checkbox"/>	I agree to the work that has been set out in the Letter of Engagement	
<b>Tick all that apply</b>	<b>Additional Information</b>	<b>Details (please include dates, names, quotes etc)</b>
<input type="checkbox"/>	I will be unable to work during these periods due to other work/personal commitments	
<input type="checkbox"/>	I am a hearing impaired intermediary and will supply my own BSL Interpreter. <b>If ticking this box you must supply a quote from the BSL Interpreter</b>	
<input type="checkbox"/>	I am a hearing impaired intermediary and will require a BSL Interpreter	
<input type="checkbox"/>	I will be claiming for all my fees and related expenses	
<input type="checkbox"/>	I will be requiring overnight accommodation (please include costs involved)	
<input type="checkbox"/>	I will be using public transport for this RfS	
<input type="checkbox"/>	I will be driving my car for this RfS	
<input type="checkbox"/>	I will require the use of a taxi	
<input type="checkbox"/>	I will be using other methods of transport (please specify including costs and reasons why)	
<input type="checkbox"/>	I will require further information from a 3rd party. Please state who you need to obtain the information from and the cost involved	

**Registered Intermediary - Please contact the End-User within 24 hours of accepting this case or as otherwise agreed**

If for any reason you are unable to complete any part of the work agreed at any stage during this engagement you should contact the End-User and the NCA Witness Intermediary Team to discuss

Please return this form to the requesting End-User and [wit@nca.gov.uk](mailto:wit@nca.gov.uk)

Please keep a copy for your records

OFFICIAL - SENSITIVE (When complete)

OFFICIAL - SENSITIVE (When complete)

## Annex H – End-user’s feedback form

Dear

On \*\*\*\* the NCA Witness Intermediary Team sent you a feedback form regarding your request for a Registered Intermediary for the following:

Enquiry Ref:

Date of enquiry:

Vulnerable person:

Registered Intermediary:

In order for us to maintain our high levels of service, we would appreciate it if you would take a few minutes to complete the below. **Once you have selected reply to this email the boxes below will activate to allow input.**

If you submitted the request for an RI on behalf of a colleague please forward this feedback request onto them. Additionally if your investigation did not progress and the RI did not provide any support please let us know.

On a rating 1–5 1=Poor 2=Less than satisfactory 3=Satisfactory 4=Good 5=Excellent how did the Intermediary perform in the following areas:		Please provide ratings in the below boxes:
Q1.	The Registered Intermediary's compliance with criminal procedures	
Q2.	The Registered Intermediary's personal conduct / professionalism	
Q3.	Quality of information provided by the Registered Intermediary	
Q4.	The Registered Intermediary's usefulness in the proceedings	

Q5. If you marked any questions as poor or less than satisfactory (1 or 2) please give your reasons below

Q6. What went well with your use of a Registered Intermediary in this case?

Kind regards

**Witness Intermediary Team**  
 Major Crime Investigative Support



National Investigative Capabilities  
Investigations Command

**National Crime Agency**

The Aspen, Wyboston Lakes, Great North Road, Wyboston, Bedfordshire, MK44 3BY

E: [wit@nca.pnn.police.uk](mailto:wit@nca.pnn.police.uk) (pnn users)

E: [wit@nca.x.gsi.gov.uk](mailto:wit@nca.x.gsi.gov.uk) (all other users)

**Major Crime Investigative Support** 0345 000 5463

[www.nationalcrimeagency.gov.uk](http://www.nationalcrimeagency.gov.uk)

[www.facebook.com/NCA](https://www.facebook.com/NCA)

Twitter: @NCA-UK

*NCA mission: Leading the UK's fight to cut serious and organised crime*

## Annex I – RIO code of conduct



Ministry  
of Justice

### Registered Intermediaries Online (RIO)

#### Code of Conduct

These are the terms which apply to your use of Registered Intermediaries On-line (RIO). All users are expected to post discussions and make responses in a professional and responsible manner and to adhere to the Code of Conduct. Please read the Code carefully before you commence using RIO.

You should note that in using RIO you are confirming your acceptance of this Code of Conduct.

We may make changes to the Code at any time to reflect the development and use of RIO as an on-line forum for Registered Intermediaries. You should check these terms regularly to make sure you are abiding by the current version.

#### **1. TAKING RESPONSIBILITY FOR WHAT YOU POST**

NPIA/MOJ takes no responsibility for the content of posts made by third parties on RIO.

Contributions should be relevant, accurate and respectful of the views of other contributors. Avoid insulting, obscene or defamatory comments otherwise action may be taken against you including, but not limited to, temporarily or permanently removing your access to the site.

Reasons for content removal include anything that:

- Contains racist, sexist, homophobic, discriminatory or personally offensive comments of any kind;
- Represents a threat to the reputation, integrity, safety or security of the NPIA, Witness Intermediary Scheme, wider MOJ or any individual, individuals or stakeholders within it or beyond it;
- Is directly critical or derogatory about identified individuals (either singly or as a group) within the Witness Intermediary Scheme or beyond it;
- Is completely off-topic;

- Does not attribute content to others correctly (see Point 4);
- Requires editing for clarity of meaning - users should use plain English and avoid excessive use of acronyms; or
- Is inappropriate to a work context.

Occasionally the moderators (the Ministry of Justice and the NPIA) may make contact with a user to suggest that a removed post is edited by the originator and cleared for clarity by the moderator before being re-published.

## **2. PROTECTING YOUR OWN ACCOUNT**

Access usernames and passwords should not be shared with others, nor should you allow others access to NPIA RIO using your identity.

## **3. PROTECTING RIO CONTENT**

Information held on NPIA RIO should not be disclosed to third parties. However, users should be aware that NPIA is subject to the Freedom of Information and Data Protection Acts, and cannot give assurances that information will not have to be disclosed in response to a request under either of those Acts.

## **4. PROTECTING OTHER'S INTELLECTUAL PROPERTY**

Users views expressed on RIO are those of the contributors and are not those of the NPIA/MOJ. You should post your own views in your own words and you should post as yourself – i.e. not on behalf of any third party. Any data or references you include which are the intellectual property of others must be clearly attributed to the owner and you should also indicate whether or not the owner is aware of its inclusion in your post.

## **5. OTHER POLICIES TO BE AWARE OF**

These rules are supplemental to the Registered Intermediary Codes of Practice and Ethics.

## **6. RAISING ANY CONCERNS**

If you encounter any content or behaviour in connection with use of RIO which you think is unacceptable you should report it to the Witness Intermediary Team at [wit@npia.pnn.police.uk](mailto:wit@npia.pnn.police.uk). It will then be reviewed by the moderators and, in the event that it does not comply with the Code of Conduct, a decision will be taken as to what action, if any, is appropriate.

**Ministry of Justice / NPIA**

**Last updated December 2010**

## Annex J – Sample CPD log and Guidance



Ministry  
of Justice

### JUSTICE REFORM PORTFOLIO, MINISTRY OF JUSTICE

### REGISTERED INTERMEDIARY (RI) CONTINUING PROFESSIONAL DEVELOPMENT (CPD) 2017/18

**Submission deadline Monday 22 April 2019 to  
[cpd.admin@regintermediary.cjsm.net](mailto:cpd.admin@regintermediary.cjsm.net)**

(The completed log should be submitted electronically with your name and CPD 2018/19 on the subject line of your email)

**Please Note:** further to a recommendation agreed by the QAB can those of you who received an excellent rating in the previous year provide a nil return to: [cpd.admin@regintermediary.cjsm.net](mailto:cpd.admin@regintermediary.cjsm.net). However **you must still complete a log** as you may be asked to submit this if you are the subject of a complaint/negative feedback.

#### **Purpose**

Continuous Professional Development (CPD) is the means by which Registered Intermediaries (RIs) maintain, improve and broaden their knowledge and skills and develop the professional qualities and competencies required in the discharge of their duties in this role. It is an important means by which the Quality Assurance Board (QAB) can monitor and regulate the professional standards expected of RIs in the Witness Intermediary Scheme (WIS) and, in doing so, provide a guarantee to the Intermediaries Registration Board and WIS stakeholders of the quality of service to be expected from an RI. Additionally, it will help inform the development of future training and development opportunities for new and existing RIs.

## Personal CPD Log for year ending 31 March 2019

Name:

Contact details: Email

.....Phone.....

Registration Number:

Date of registration:

Number of cases accepted in past 12 months:

Number of days / weeks **engaged in RI activities** in past 12 months:  days  
weeks

Number of days engaged as an RI in a **face-to-face role with a witness** during the past 12 months:

If less than the minimum requirement of 12 days in a face to face role with a witness, please state why and indicate whether your current activity levels are improving:

Total number of RI-specific CPD hours (8 hours per annum minimum) detailed in this log:

Amount of planned or unplanned absence notified to NCA:

Name of regulatory body and registration number, if applicable:

Regulatory body CPD requirements met: Yes / No / Not applicable (Delete as appropriate)

Name of previous/current Mentor:

## Requirements

Continuing registration as an RI requires the following:

1. Evidence of having met the minimum requirement of 12 days as an RI in a **face-to-face role with a witness** during the past 12 months, ( NB at least 24 days plus is the expectation)
2. Where applicable, continued membership of an appropriate regulatory body with continuing professional development (CPD) requirements met as required by the respective body.
3. Evidence of RI-specific CPD (8 hours per annum minimum). It is important that RIs are able to demonstrate a breadth and range of CPD activities. It should be noted that acting as an RI does not constitute CPD activity and should not be submitted as evidence although reflection on case-work with relevant learning points can be included.

The following criteria are also requirements of continued registration as an RI please confirm compliance with these

<b>I confirm:</b>	
I am registered on the Registered Intermediaries On-line forum and <b>log on to access this regularly</b>	YES/NO
I have a secure email address	YES/NO
I am a member of an RI regional support & <b>regularly attend and participate</b> in that group  Please specify which group and indicate <b>how you have engaged and participated</b>  If you are not a member of an RI group <b>please state why</b>	YES/NO  NAME:
I have appropriate personal indemnity insurance to practice in the role of an RI	YES/NO
I am registered with the Information Commissioners Office as a Data Controller (Tier 1 user)	YES/NO
I have had a peer review of a court report written by me (or a preliminary report following assessment/ABE if no court report yet done). Template available on RIO. You may be asked to submit this.  <b>Name of peer reviewer</b>	YES/NO  NAME:

## Guidance notes for completion of this log

Evidence of learning points or outcomes concerning support groups, use of RIO and peer review of reports should be in the body of your log.

### Options include:

- o Evidence of personal reflection following RI casework with key learning points clearly specified;
- o Attendance or presenting at other appropriate conferences, study days, training events, etc;
- o Attendance at an accredited refresher course at the City Law School, City University, London;
- o Active participation in a regional support group or appropriate Special Interest Group;
- o Evidence of utilisation of the Registered Intermediaries On-line (RIO) forum to update knowledge (to include research and other documents posted) with key learning points clearly specified;
- o Evidence of forging and developing links with local criminal justice system practitioners; and
- o Active participation in awareness-raising and on-going education events as an RI.

In order to meet these requirements, RIs are asked to keep details of cases in which they have been involved and record RI-specific CPD activities in the attached template. For all CPD activities, evidence of key learning points must be clearly specified.

CPD is an on-going process and RIs are encouraged to regularly add to their CPD logs throughout the year.

*The following template should be completed as required to capture the breadth and range of CPD activities. Please use one page per activity and continue on additional pages if necessary.*

#### **Activity 1**

<b>Date of CPD Activity:</b>
<b>Number of CPD Hours:</b>
<b>Description of CPD Activity</b>
<b>Learning Points and future changes in my practice</b>

#### **Activity 2**

<b>Date of CPD Activity:</b>
<b>Number of CPD Hours:</b>
<b>Description of CPD Activity</b>
<b>Learning Points and future changes in my practice</b>

#### **Activity 3**

<b>Date of CPD Activity:</b>
<b>Number of CPD Hours:</b>
<b>Description of CPD Activity</b>
<b>Learning Points and future changes in my practice</b>

#### **Activity 4**

<b>Date of CPD Activity:</b>
------------------------------

<b>Number of CPD Hours:</b>
<b>Description of CPD Activity</b>
<b>Learning Points and future changes in my practice</b>

**Activity 5**

<b>Date of CPD Activity:</b>
<b>Number of CPD Hours:</b>
<b>Description of CPD Activity</b>
<b>Learning Points and future changes in my practice</b>

**Activity 6**

<b>Date of CPD Activity:</b>
<b>Number of CPD Hours:</b>
<b>Description of CPD Activity</b>
<b>Learning Points and future changes in my practice</b>

**Activity 7**

<b>Date of CPD Activity:</b>
<b>Number of CPD Hours:</b>
<b>Description of CPD Activity</b>
<b>Learning Points and future changes in my practice</b>



**Activity 8**

<b>Date of CPD Activity:</b>
<b>Number of CPD Hours:</b>
<b>Description of CPD Activity</b>
<b>Learning Points and future changes in my practice</b>

**Activity 9**

<b>Date of CPD Activity:</b>
<b>Number of CPD Hours:</b>
<b>Description of CPD Activity</b>
<b>Learning Points and future changes in my practice</b>

**Activity 10**

<b>Date of CPD Activity:</b>
<b>Number of CPD Hours:</b>
<b>Description of CPD Activity</b>
<b>Learning Points and future changes in my practice</b>

## Annex K – Sample invoice

# INVOICE

**FOR REGISTERED**

**INTERMEDIARY  
SERVICES**

**SUPPLIED THROUGH  
THE**

**WITNESS  
INTERMEDIARY**

**SCHEME**

**Invoice sent to:**

a

Intermediary ID no:	VAT no:
Matching Service no:	
Invoice no:	
Date of invoice:	Payment due date:
End User: <a href="#">Click here</a>	Please specify if other:
Area: <a href="#">Click here</a> (A-M)	Area: <a href="#">Click here</a> (N-Z)
End User name / rank / position:	
End User's telephone no:	
Crime ref no:	CPS / URN no:
If Met Police case, Vender Reference no:	
Defence case no:	Court case no:

Date	Remuneration Code/Description	Amount	Unit	Rate	Total (£)
				<b>Sub total</b>	
				<b>VAT @</b>	
				<b>%</b>	
				<b>Grand total</b>	

**Registered Intermediary details – see next page**

**Name:**

**Address incl. postcode:**

**Contact telephone number:**

**Contact email address:**

**PAYMENT TERMS: Payments should be made within 30 days by cheque or money transfer**

**Cheques should be made payable to:**

**Money transfers should be made to the following account only:**

**Bank/Building Society name:**

**Bank/Building Society town/city:**

**Account name:**

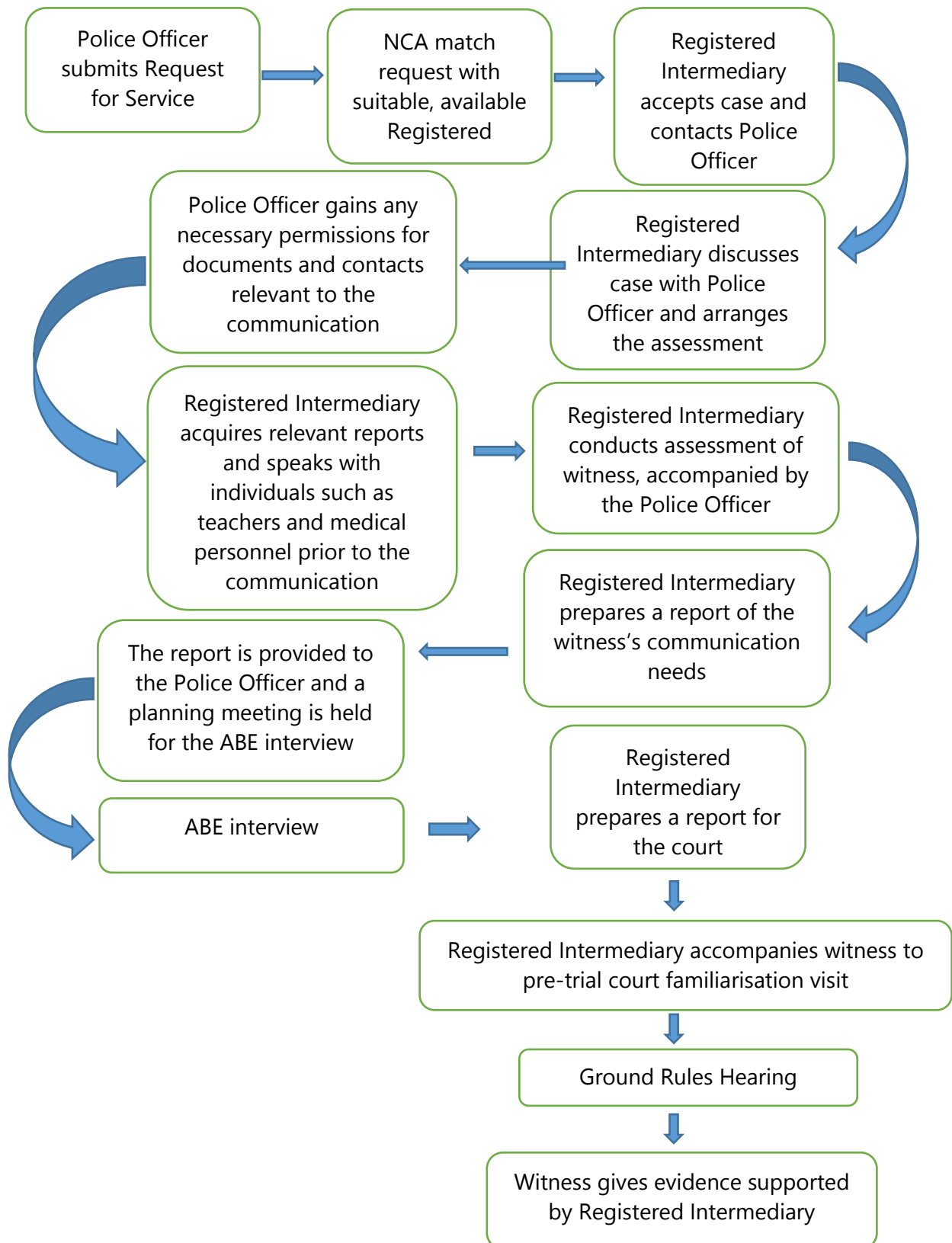
**Account number:**

**Sort Code:**

<b>Table of Remuneration costs (as at 1 February 2019)</b>	
<b>Standard rate fee</b>	£9.73 per full quarter hour or £38.94 per hour
<b>Minimum daily attendance fee</b> (Assessment and police interview / attendance at court / attendance at trial)	A minimum attendance fee of 3 hours at the professional fee rate of £38.94 per hour (total, £116.82) may be charged for this purpose. There are no scenarios in which the minimum attendance fee can be claimed more than once per day. If more than 3 hours are worked in any day each hour should be billed in full and the minimum daily attendance fee does not apply.
<b>Unsocial rate fee</b>	An unsocial hours rate is also payable of £13.97 per full quarter hour or £55.90 an hour on a public holiday (at any time of day – England & Wales public holidays only); or on a Saturday or a Sunday (at any time of day); and work between 19:30 – 00:00 and 00:00 to 06:30 on Monday to Friday. Travel fees are paid at the normal rate during these times.  This rate to be applicable for meetings and assessments and does not cover report writing or administration.
<b>Day Subsistence</b>	May only be claimed if a standard rate fee is not applicable; Absence from home or work is more than 5 hours, or a balance of time of more than 5 hours, in a complete period of 24 hours which night subsistence is paid.  Flat rates of daily subsistence are: <ul style="list-style-type: none"> <li>• Over 5 hours up to 8 hours – £4.25</li> <li>• Over 8 hours - £9.30</li> <li>• Overnight subsistence - £26 when in hotel accommodation</li> </ul> Under no circumstances can overnight and day subsistence be paid during the same 24 hour period.
<b>Accommodation Costs</b>	Accommodation costs per night including breakfast are not to exceed: <ul style="list-style-type: none"> <li>• £115 within M25</li> <li>• £100 in Birmingham, Liverpool, Leeds, Manchester &amp; Newcastle</li> <li>• £80 for the rest of England and Wales</li> </ul>
<b>Travel</b>	<ul style="list-style-type: none"> <li>• £4.20 per full (or part) quarter hour or £16.90 per hour</li> <li>• £0.45 per mile – car</li> <li>• £0.24 per mile – motorcycle</li> <li>• £0.20 per mile – bicycle</li> <li>• Public transport costs in standard class will be reimbursed in full on presentation of the receipt or ticket</li> <li>• Travel by plane or taxi will not be reimbursed unless approved in writing with the end-user in advance.</li> </ul>

<p><b>Cancellation Fees</b></p>	<p>Cancellation fees applies;</p> <ul style="list-style-type: none"> <li>a) If a confirmed appointment is cancelled within 24 hours (excluding the weekend)</li> <li>b) If a pencilled in trial is cancelled before the start of a trial with less than 5 days' notice (up to 3 days in court can incur the cancellation fee – i.e. £350.06)</li> <li>c) If a case concludes or is cancelled before the anticipated end-date the RI can apply the cancellation for up to 3 days that were booked to attend court but subsequently not needed.</li> </ul> <p>If there is more than one witness in a case the Registered Intermediary may charge a cancellation fee for the first witness plus one hour for each additional witness.</p> <p>If a trial runs late or is cancelled and the RI has to pay late booking or cancellation fees for accommodation, these costs will be reimbursed on presentation of a receipt.</p> <p>These are in addition to the costs of any pre-paid, non-refundable travel and subsistence costs incurred by the RI in respect of their engagement by an End-User.</p>
<p><b>RIs called as a prosecution witness by the CPS</b></p>	<p>RIs appearing in these circumstances will not be deemed as ordinary witnesses but are classified as RIs summoned to court for that purpose. RIs should invoice the CPS in line with this Table of Remuneration</p>

## Annex L – Overview of Registered Intermediary involvement in the CJS



## Further resources

### Contact details for the MoJ and the NCA

Ministry of Justice: [Registered.intermediaries@justice.gov.uk](mailto:Registered.intermediaries@justice.gov.uk)

NCA Witness Intermediary Team - [SOCWITNESSINT@nca.x.gsi.gov.uk](mailto:SOCWITNESSINT@nca.x.gsi.gov.uk)

### Websites

The Witness Intermediary Scheme: <https://www.gov.uk/guidance/ministry-of-justice-witness-intermediary-scheme>

Crown Prosecution Service: The Crown Prosecution Service is responsible for prosecuting criminal cases investigated by the police in England and Wales. Information on how the CPS apply for special measures can be found here:  
[http://cps.gov.uk/legal/s\\_to\\_u/special\\_measures/index.html](http://cps.gov.uk/legal/s_to_u/special_measures/index.html)

Ministry of Justice: The government department with responsibility for the courts, prisons, probation services and attendance centres.  
<https://www.gov.uk/government/organisations/ministry-of-justice>

The website includes resources for witnesses to explain what it is like going to court.  
<https://www.gov.uk/going-to-court-victim-witness>

NSPCC: a charity working to end cruelty to children in the UK. <http://www.nspcc.org.uk>

The Advocate's Gateway: This is a widely-used website endorsed by the higher judiciary which provides free advice and toolkits for advocates and judges to assist them in cases where witnesses, parties or defendants are vulnerable. [theadvocatesgateway.org](http://theadvocatesgateway.org)

Victim Support: The national charity giving free and confidential help to victims of crime, witnesses, their family, friends and anyone else affected across England and Wales.  
<http://www.victimsupport.org.uk/>



© Crown copyright 2019

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](http://nationalarchives.gov.uk/doc/open-government-licence/version/3)

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

Alternative format versions of this report are available on request from [registered.interme@Justice.gov.uk](mailto:registered.interme@Justice.gov.uk).