

Focus Group 1

July 1, 2024, 10:14AM

1h 12m 31s

● **Researcher** started transcription

Researcher 0:05

I just wondered whether there was anything that you initially wanted to mention before we start watching the video or you're happy to just let that prompt you OK, perfect.

...

[Video plays]

Researcher 3:02

OK, so these are the icons that I'm using in the video to denote the different special measures. Does anybody have any feedback?

P3 3:34

I think because I watched the video yesterday, they make sense once you've watched the video. At this point, people would probably look at them, but not really register them too much. Personally, I'm like see it and OK, it's what it is. And then I would connect the dots later. At this point, I don't, unless someone's been to court before, I don't think that means anything to anyone.

P1 4:00

Yeah, I quite liked how obviously they're in depth, but they're simple they're not overcomplicated images and, having been to court. that like the curtains and the screen they look so different in lots of different places but actually that's quite simple and it gives the idea of what it is.

And I think sort of the video links and things like that, when I started as an ISVA, we didn't even have zoom, so trying to explain to people what video link was was really difficult. It's a lot easier now, but I think just the fact that you can see in the top part

of the screen that they will be able to see them as well and you know really breaks it down to some people that really need the detail. I think, like P3 said, it makes more sense as you go through the video and you see when they're talking through each one in depth.

P2 4:59

My only sort of comment would be and I know there is a slightly later, there is a sort of male appearing claimants or victim-witness, I think maybe here this would be quite nice to introduce, perhaps a male figure, just because people we know already, they are incredibly hard to capture from the get go, to have a bit of diversity and the gender of the victim I think would be quite nice.

Researcher 5:33

So I could probably do that on the witness box icons.

P2 5:37

Yeah, that's what I was thinking. Yeah, cool.

P3 5:39

May maybe swap the gender of the judge and the person giving their evidence...

Researcher 5:55

I was thinking of having more of an introduction here by going through each one and saying the name of each icon referred to. Do you think that would be helpful at this stage?

P3 6:11

Something that I wrote down when I watched it was there's no What is a special measure? I know there is a variety of special measures, but if you if I was to say to my next door neighbour, who hopefully has no idea what they are, do you know what a special measure is, they would have no idea?

So I think that's potentially something potentially missing that special measures are in place for and they, you know, just a bit more of what is a special measure. I don't know actually whether it would be useful to have them listed here cause the video

goes on to obviously explain them very well, doesn't it? So whether that would just be unnecessary front loading of information, and actually they're far more useful as separate, this is what this one is, and this is what this one is. Probably the better way or not too much information and then it comes again later.

P4 7:16

Yeah, I would say I agree, I think, having the background, we know what these icons mean and obviously you go into more detail, but it's finding that sweet spot between bombarding them with too much information very early on. I think the pictures are great. I think pictures work for everyone, and if we're looking at every single type of victim survivor, we wanna kind of move away from too much bombardment of words as well because I think that can be a bit overkill. But yeah, I suppose whether even if it was just sort of maybe one or two words next to each picture, maybe.

But again, how can you convey exactly what this looks like by just doing this one or two words? So I think yeah, it's finding that nice, happy medium and I haven't got an answer for that.

Researcher 8:25

OK

[video continues]

P2 9:27

Can you just stop?

Researcher 9:30

Yeah.

P2 9:31

And I just have some some feedback about that.

Firstly, and most, the vast majority of victims will give their evidence via video recording and will not know that it is even an option to have a written statement.

My only concern is that when are people going to see this video? My second comment is and I understand how complex this may be, but your side of the story is I feel it's slightly uncomfortable, but again, I totally appreciate this is this is hard. I wonder if perhaps just the truth might be utilised.

P3 10:32

It's your account, isn't it? ...looking at it from both perspectives, you know, you could look at this from a defendant or a victim. You know 'this side of the story', the 'story' word takes away maybe the enormity of actually, well, what people are in court for. And so I I completely agree with with P2 on that one. And also from my experience, yes, most people, when they made an allegation to the police, they were like, right, we'll bring you in and you'll do a video recorded interview. You know, they'll be, and I know the forces do it very different. But [name of police force] it was there'll be two officers in the room with you and they talk you through it and that was very much the preference for court, you know with, with court in mind, you know, like, you know, that's the end goal of a video recorded interview cause it's then played it in the court and that kind of thing. And I agree. I was thinking when P2 said it, when is this video intended for? Because if we're thinking retrospectively, when they see this, they will be a number of people who go. Hang on a second. I wasn't ever given a choice, and now because I've done this, this then happens.

P1

I think from a counter kind of point of view, is a lot of the choices around special measures further down the line are declined because of that. So actually this makes that clearer with regards to why it's being declined because of how you initially gave your evidence, not because you can't. Well, it is because you can't have it. But if you've given your evidence in a set way at the start, that can link to and limit your special measures further down the line, so it offers in my head further clarity with regards to why you only have a choice of certain things.

P3 12:35

Yeah.

P1 12:36

I don't know whether the fact that I found when we do the ISVA training, talking about that as an option as in the written statement or the video, that like a lot of ISVAs go 'Oh, I didn't know that was an option', I thought it was automatic and so I think this will open the conversation more with regards to empowering people's options. It is a case of come give your video evidence, they don't even go let's come and take your statement, but hopefully that will be part of the change and sort of empowering people with that knowledge. I think agree from a perspective that some people will hear it and go 'oh, I wasn't given that choice'. I do think that, but I also see that people will see it and go. 'That's why I've not got a choice going forwards in some of my special measures', so it's a catch 22, but I think it's an important aspect for people to start talking about cause special measures are normally talked about from the court perspective, not from the how they give the evidence perspective.

P3 13:29

Yeah.

Yeah.

P1 13:46

And nowhere. I've never seen any other resource that talks about this bit, and I think it's important bit to discuss.

P3 13:51

And I.

P1 13:53

Sorry P3.

P3 13:54

No. I'm just gonna cut you off but the other thing is these resources are invaluable. We can't control how different police forces and different officers communicate that information to them, can we?

P1 14:06No.

P3 14:10

The other thing I was just gonna say, is just as we paused it, is, is it me having lived in a legal world as many years, or would some people not know which side the prosecution is? I just remember when I was an ISVA talking people through and they're like, well, who's barristers who's and is that mine? Who's gonna talk me through things? Whether there is a simple way of explaining who that is.

P1 14:42

And that just reminds me, in British Sign language there just called barristers, they don't break them down into prosecution and defence. That's done through the explanation around it, which I learnt when we had a deaf delegate, because we had to explain it a bit more because actually a lot of people in the courtroom just have the same hand signal/the same word associated with it, so a little bit of a breakdown maybe helpful because I'm presuming that it will have subtitles?

Researcher 15:16

Yes, they'll be closed captions. It would be great to get some more funding to produce it in BSL, but also maybe some different languages. I would really appreciate your input on that in due course, but at the moment it will just have the subtitles. You'll see that later on in the video when I talk about the defence barrister, they'll pop up from a different side. So I've tried to show that they are different, when one is standing up and when one isn't.

Some feedback on some of your other points. I agree with what you're saying about your side of the story. It's really difficult to get that across. The idea was trying to show the two parts to the evidence there without talking about examination in chief and cross examination, but I think you're right. It's too vague. I was just trying to show that this is this is a very different part of giving your evidence to being cross examined because this is the part where you explain what happened to you in positive terms I suppose. In terms of timing, the earlier people see this, the better if they're thinking of reporting. But that's kind of out of my control a little bit apart from it will be on, you know, YouTube and it will be publicly available. So I'm hoping that, this will kind of capture them as early as possible. If I can get the police to use it as a resource, then you know, potentially, they'll be given a link to this at least or a leaflet with a QR code to the video, you know, at the point where they've reported

that would be ideal, really, even before the interview.

Did anybody else want to say anything before we move on?

P2 18:13

No.

P4 18:13

I was. I was just gonna agree from the yeah, the language about your side of the story, I suppose it's sort of what has happened to you. Yeah, your account or something along the lines and I agree about the using the words like the prosecution, the defence barrister. Do you need to use this as a platform to have a brief explanation about what that is or is that kind of adding to the length of the video? Let's talk about what it looks like in a court, what everyone's role is, you know, but then obviously that's a different type of video, but it's all very dependent on again who is showing this video when they are seeing it, because again, ideally this will be used by the police, by ISVAs, by specialist charities and they can use it as part of a conversation. So you've heard them use the word prosecutor? Well, let me tell you a little bit about this. And they've used the word defence. Let me show you who this person is and what it means.

So again, it's finding that happy medium because we don't want to add too much to this video because we want it to be clear, concise, about special measures, but there is going to be confusion in that language.

Researcher 19:24

But that might be something that I can put in the leaflet, or that might be something for, you know, someone else to go through with them because at this stage I'm just trying to explain the pros and cons of witness statements or recording their police interview. So if I go off at a different tangent, I think it kind of loses the thread.

P4 19:46

Right.

Researcher 19:47

It is very difficult because it's such a complicated subject matter. We OK to move on?

P2 19:59

Yeah.

Researcher 19:59

[Video resumes]

Is there any feedback on that section?

P2 20:47

I'm all I would say is in terms of you won't have to repeat your story.

You might have to clarify your story.

Researcher 20:55

Maybe something like you won't normally have to repeat the evidence you've already given because my experience is that, if they needed to provide more evidence in chief, they might just do another ABE, is that your experience?

P2 21:18

Umm, I think I'm. I'm thinking more in terms of the cross examination.

P1 21:24

Yeah, it's generally around clarity, isn't it?

P3 21:27

Yeah, every victim I've supported at court was certainly on the stand or live link for a good couple of hours and they've had their DVD/their video interviews played back to the court and they're still very much required you know for, as you say clarification, I say it like that because it's far from clarification in my experience. So yeah, I think it there needs to be a differentiation between what that video interview is when it's played back, that's you won't necessarily need to repeat or provide that information again, but you may. Again, it's a bit like P4, I don't know what words to give you, but I wouldn't want victims to think brilliant that's gonna be played to the court and that's all my job done because in my experience, certainly not.

P1 22:26

And I think that's what's come from some victims when, after they've done the ABE and the officer kindly and helpfully says, well, that's all your evidence done. They see that as that's everything done and it's just how they've interpreted that sentence and the amount of clients that I've had to go. No, so that was your evidence but you might get questioned on your evidence further down the line.

So yeah, unhelpfully questions, but no answers.

Researcher 22:57

So what about then, something along the lines of, you won't normally have to repeat what you've already told the police in your video interview. If they do record all their evidence, the idea is that they won't be giving evidence at trial and the court will do everything that it can to make sure that they don't have to come and give live evidence.

P2 23:32

I think in terms of the vast majority, like the 99%, permission to do pre-recorded cross examination is very very rare, so most people will be coming to trial. Most people will be cross examined and they will have to.

P1 23:51

I think it's rare cause it's only a new roll out for adults. I think that's why it's still rare. I was involved in some of the pilots for children and young people, many, many moons ago in Section 28 and the resistance was new technology and it's not what we're used to. And I think that's still happening in the courts with regards to it's not being offered because no one wants to press the button and the amount of times I sat in in court with everybody going, what is Section 28? How do you do it? And you know, and it was like, oh, we've got to do this, get the book out again because we don't know what we're doing and I think that's why it's still rare. I'm hoping it will change how it has in other areas so it is more of a realistic option, but I think we need to be careful with regards to this being utilized in the future and where Section 28 might be more utilized more. It was the end of last year when it became nationwide, or January, when it became a nationwide offering. So in the great

scheme of things, it's still very, very new, and I know some courts still don't have the full technology, although they should.

P2 25:10

Umm.

P1 25:19

So I think, yeah, it's rare. But then you don't want this resource to be outdated very quickly as well.

P3 25:29

Can I also ask a question having not done Section 28 stuff at all?

P3 25:34

And it that, you know, like, like with a victim in court, whether physically in court or live link, And they're like, thank you. You are free to go kind of thing. There was always the possibility that they might need to come back again.

P3 25:51

Is that still a thing with Section 28 and would they then be required to attend court or would they do another video interview that's then played in court?

P1 26:09

I was gonna say they can be called back if something else comes apparent during the court and then in the cases where I've been involved in where they're being called back, it's very, very much been judge dependent. But the majority of cases, they've done it via video link.

P3 26:27

So it's live.

P1 26:29

The Section 28 is the video link room with a different computer base and they just record the video link bit.

P3 26:33

Yeah.

P1 26:35

And so yeah, so it's live as such, but they've done it via the link, but they still they can be called back.

P3 26:35

Yeah.

OK.

Yeah.

P1 26:45

So there is that there is still that chance.

Researcher 26:49

So you think it's too risky to say that that one of the advantages of pre-recording your police interview is that you won't normally have to repeat what you've already told the police.

P2 27:17

I personally do. I think it can just lull someone into a false sense of security. I appreciate we're not giving you a, you know, specific kind of dialogue, but I would just explain what it is, that that this is your chief evidence and it will be referred to in court perhaps by both the defence and the prosecutor or something like that. I do think it is a little bit risky though, saying you don't have to repeat yourself.

P1 27:49

With a lot of clients, I generally use clarifying information.

You might ask be asked questions around clarity or, you know, further information to help people understand.

P3 27:55

Yeah, the court will use the video interview to potentially ask further again, you know not that we would say it, but sometimes they're not clarifying questions.

But yeah, I agree with P2 that I think it would be too... erm, yep you won't need to repeat because they'll cling on to anything they possibly can out of fear of going into court.

P2 28:22

Yeah.

P3 28:25

And you know, it's particularly if they haven't got any experience of it.

They've got no idea, I can only imagine imagining the worst, but also can't possibly be imagining what it actually is like, and I think definitely if someone said to me you won't have to, you know, you won't have to repeat that. And then I go into court and experience what we know victims experience. I'd be like you told me, and I definitely agree this is a wording issue rather than a an anything else.

P2 28:50

OK.

Researcher 29:03

Should we move on?

P2 29:05

Yep.

Researcher 29:08

[video plays]

Anybody want to give any feedback on that part.

P1 29:45

I'll be honest, when I initially watched it and it talked about how it's better to be in the court than it is on a video screen type of thing, as an ISVA, that made me go

"Arrrrrgggghhhh, it doesn't make a difference" but actually, because this is a balanced video, this is how some people think. So, I think it might be something that nobody else says, but I think if you get more ISVAs talking to you about this, I will be honest, I go into initial defence mode with "it doesn't make a difference. Look at the research" but actually, it's just acknowledging that that's what some people will think and some people will say. And that is the balance of this like you say, you're not saying this is all perfect and this is the way to go, it's being clearer around all, so it did initially frustrate me and but then I did take a big, deep breath and went. No, it's right that it's there [laughs].

P3 30:51

And maybe again, it's a change of word in that you know, I can't remember the words, but you may feel or some people feel rather than it may be helpful, because I think personally I think someone said to me you might feel this way. I might feel that way. I can say I can kind of absorb that as that's how I might feel. If someone is telling me it might be helpful, I might cling on to that a bit more, but I might be reading far too much into this. But the amount of police, initially, they were like no go into the courtroom. You're real person. You're in front of them, you know, it was very frustrating when you're working really hard to keep them in the process and that, that might be the one thing that keeps them in there that they don't have to physically walk into a courtroom, but equally I very much went, but we're doing all of the options here, so.

Researcher 31:47

I think they do ask police what's preferred and I think they may hear that from police and lawyers as well, but I think it's also fair to say to them that, you know, sometimes that if they were in court and were to see the way their evidence comes across as well, maybe sometimes because the recordings aren't that great quality, they might be quite disappointed in how it looks on screen, which is why I've tried to show it from the opposite end of the courtroom. So they can see, actually, that they'll be quite small on that screen as opposed to how they would appear if they were in court, to take that kind of thing into account because I would hate for them to think that they might have appeared otherwise or that the recording quality, you know, might have been excellent when, at the moment, it's not really there yet.

P2 33:03

Yeah, I actually do think, sort of controversially to my colleagues, I actually do think it is worth saying and it is worth making note that some people may also there is again it's just a mindset and you write the research statistics to back this up but there is an amount of disassociation that the jury can have while watching something on screen, sort of watching it as if it is a drama but there's a balance here between what I think should be said and all the things that may happen, all these unspoken things that could happen and a realistic kind of fully embracing this idea that it shouldn't make a difference and in many ways, it won't make a difference, but there will still be people who will hold those views, who will disassociate, or it may absolutely be bad quality and coming at it from that that angle, to show people what it may look like in the room if it is bad quality, people can't see that well, I believe it is in their best interest to know at least what it would look like for them to do that. So I think there's wording around it and it doesn't necessarily say something like, you know, you have to be in there because you absolutely don't, nor should you because ultimately it's your choice, but an informed choice is important. This is what it looks like in court. If it is bad quality, it might be difficult to read, and the jury may XYZ. But again, there's a balance thing.

P1 34:36

Yeah. And I think that's what's difficult is because research doesn't lean either way. It really is back down in the middle, but I did read something the other day and I can't remember where I read it and that was saying in the current digital world it may start leaning more towards being on a screen is more acceptable because we spend half of our lives on screens now, you know, we have meetings on the screen and it's normal, whereas years ago it wasn't normal.

P1 35:02

So I was like oh actually I hadn't thought of about how that might impact on a jury. Will that disassociation become less because we're used to having big meetings and seeing people on a screen.

Researcher 35:24

I think one of the issues is that research on the impact of video evidence was done

with good quality pre-recorded evidence, as opposed to the varied quality that we have currently. So actually, I think it's very difficult to kind of draw comparisons at the at the moment, but yeah, should we move on?

[video resumes]

P3 36:16.

With the screen, I may have misheard, but it said the barrister and the judge, did it say the jury as well can see you?

Researcher 36:28

It should say the jury as well, yeah, yeah.

P3 36:34

I may have not heard, but I thought I didn't hear them, say jury.

P1 36:40

I didn't hear it, but there is an arrow.

P3 36:42

Yes.

Researcher 36:43

Yeah, I'll make sure I'll make sure it's actually spoken.

P3 36:47

Because that's obviously that, it's like really key who sees who.

Researcher 36:49

Yeah, yeah, definitely.

Researcher 37:02

[video resumes]

Anybody want to mention anything at this point?

P3 38:07

The only thing I was going to say is I think it's again important to, when they're on a screen, whether that's live link or Section 28, that certainly from my experience, everyone in the courtroom can see you on that screen.

So it's the jury.

It's the defendant.

It's the public gallery as well, and the public gallery, or sometimes the one that people worry about.

And that's not mentioned there. That's what I always used to say to the victims I worked with is, you know, that if their priority was 'I don't want certain people to see me' well, your only way of avoiding that unless you've got a judge that will clear the public gallery is a screen, so that I think that's missing from those ones.

Researcher 38:51

Yeah, definitely.

Thank you.

P1 38:53

And, and I can't remember if it's already just been on or it's about to come on, but while we're paused, the thing I like about the Section 28, which has caused a lot of questions and a lot of issues for victims, is the fact that they're not aware that defendant is gonna be there as well. So I like the fact that that's really clear, because actually that's one of the biggest misconceptions is: I go to court. It's just gonna be me on a screen and the barristers. And actually they might. They might see the defendant on the train on the way to the court that day, or stood outside and so that was a really big positive for me. It's the biggest issue that arose during the pilots of the Section 28 that I was involved in, but also when we've been doing Section 28 training and speaking to people, that's a bit of a shock to a lot of people. I really liked that and that clarity aspect.

Researcher 39:50

Thank you.

[video resumes]

Anybody want to say anything about that?

P2 41:53

Yeah, I've just got small bit of feedback for consideration just in terms of using the you know 'the court may allow it'. I think you know it's up to the judge. I think sometimes, umm, victims think that it is the body of the court who are responsible for this decision, where it's, it's the gift of the judge.

Researcher 42:04

No, you're right.

Yeah, that's much clearer.

Thanks, P2

P4 42:23

I was just gonna add, I do actually like the graphic that you use quite a few times of the eye line, so it shows those individuals.

P3 42:28

Right.

P4 42:30

Now again, I know we spoke earlier about bombarding with too much information. And again, I think the way you've laid out the courtroom in those kind of pictographs graphics are very good and it shows who everyone is. But again, if you've never seen a courtroom, do we need maybe at the beginning when you first see that courtroom, just some wording like defendant, jury, public gallery judge, not throughout the whole of it necessarily.

Researcher 42:52

Yeah.

P4 43:00

But again, just a just a thought.

P3 43:04

Yeah.

No, that exactly, P4.

I was going to say that because I don't think again, unless you've seen it in on TV and then there will always be people that will, will know it's not always like it is on TV, but the defendant is in a box whereas you know, depending on what courtroom I went in in [place name], there was a little glass screen or something. In Court One, they had a big glass box and various things. So I think that would be useful, but also just from my experience, I just remember the practicalities of screening off a screen would just not work in some of the courtroom. So I think it's just really key to highlight, like P2, it's the judge's decision, but also may not be something that can be done depend because I've only ever been in [place name] and [place name] courts and then they're hugely different. [Name] Crown Court is lovely and brand new. [Name of court] is the oldest, most useless court ever. Like, the live links rarely worked and all those things, but certainly in [place name] they would not have been able to screen off a screen and they needed to keep them on because of the position of everyone.

P1 44:16

Yeah.

P3 44:20

There was two screens and people the necessary people needed to see them. So just I think it's really important to kind of emphasize that you can't just ask and you get, it's absolutely court or judge discretion and capability as well.

P1 44:42

I've had a defendant once sat in the very, very corner of a box so he couldn't see the screen. If he moves slightly to the right, he will see it, and I like the idea of what P4 was saying around, you know, one of the first pictures [of the courtroom] labelling people.

Researcher 44:51

Umm.

Yeah.

P1 44:59

No, not labelling but so you know, giving them the roles.

Researcher 45:02

Yeah, no. Yeah.

P1 45:03

And because I'm just thinking for you, Researcher, and this resource being utilized by lots of different people, as an ISVA, it's a nice resource to talk through the options, but actually it could be a really good resource with regards to what does a court look like? Who does what, where?

Researcher 45:19

Hmm hmm.

P1 45:20

So you can pause the video and then go. OK, so this person does this and can you see that person does that and that way it can be a resource that's utilized at different points.

Researcher 45:22

Umm yeah, yeah.

P1 45:30

So they're used to see in the video and they understand it and it's more likely to be used by people because it has a couple of different uses.

Researcher 45:33

Umm.

Yeah.

P1 45:38

I'm just thinking just by putting those job titles on as such could really be helpful for and it's a different resource, but in the same thing and, and, I can imagine as an ISVA just pausing it with a client and going OK, let's go.

Researcher 45:46

OK.

P1 45:56

Let's go through who's who here. Yeah.

Researcher 45:57

I think I could do that the very first time, like you mentioned, maybe slow that scene down and have one word above as the name, then introducing the site lines one at a time. So when the voice over says the public, the word 'public' appears above the public, then you see the sight line. I could definitely incorporate that.

It's only one word, isn't it, judge, public, defendant, jury, prosecutor, you know?

So I think I think that's a really good idea. Thanks.

Shall I carry on?

P1 46:38

Yep.

...

Researcher 47:15

OK.

Well, hopefully we'll wrap up in the next 10 minutes or so if that's OK.

All right, so we're just carrying on now with the things to consider.

Can I have someone with me during cross examination?

You can ask for a supporter to be with you, such as an independent sexual violence adviser or ISVA.

[pause video]

Yeah, I'm just going to say here, I'm going to change that. So it doesn't just say cross examination but says 'while I'm giving evidence at court' because obviously you know, some people will be giving all of their evidence in court.

P2 48:19

Yeah.

Researcher 48:22

What do you think?

P2 48:34

Yeah, I think it's definitely worth sort of mentioning an intermediary that it's probably something that I was going to bring up at the end. But I think I know you're not. You've included quite a lot, but perhaps a ground rules hearing, some kind of conversation around that, or even input on that. If people are worried about the cross examination, they could have a ground rules hearing to establish those no-go areas, previous sexual history, that kind of thing. However, that totally depends on time. But yeah, you definitely could include other people.

Researcher 49:20

Thanks, the reason I haven't mentioned ground rules hearings actually is because my research it suggests that not all Section 28 cases involving intimidated complainants actually get a ground rules hearing. So I didn't want to create expectations, though arguably they should be given a ground rules hearing.

P2 49:51

You know, we were saying the kind of things that should be said compared to what can be said, I totally agree with you on that.

Definitely and agree with your rationale as well.

Researcher 50:20

[Video resumes]

But it's easier for them to sit near you in the witness suite than in the witness box.

Is that true?

P3 50:30

I don't know whether I'd say easier. Again, my experience is I wasn't allowed to sit near them in the court. I could be like almost in the public gallery, directly behind them, and I could be in the live link room with them, so I think it's accurate.

It always felt like a fight. You know, ISVAs have a fight to try and be there to support them. So the word easier doesn't feel right. I'm trying to try to think of an alternative for you, and I can't, you know.

Yeah, easy. It's not easy.

Researcher 51:16

What about something like they may be able to sit closer to you in the witness suite. I'm trying to show some of the pros and but equally I could take that out completely and not say that it's easier for them to sit near you.

P1 51:27

Yeah.

P2 51:27

Umm.

P3 51:27

Yeah.

Researcher 51:37

I could just take that out. I tried to make the gap between the victim and the ISVA as as big as I could.

P2 51:42

Yeah.

P3 51:45

Yeah.

P2 51:48

You're like sardines.

P3 51:50

Yeah.

P1 51:52

We've always been told there needs to be a space, but when you put the when they put you in the cupboard, there's no space....

P3 51:59

Yes, we always had to sit behind them but be on camera to make sure they could see us.

Researcher 51:59

Yeah. Umm.

P3 52:07

But we had to be really behind them. I don't know whether it's just me thinking that was not easy. ...actually for the purpose of the video, I don't whether it's an OK word, and I think for some people it is really important that they know that there ISVA or support person, can be near them, in the room..

Researcher 52:44

Umm.

Shall I keep it in or remove it?

Do you think on balance?

P1 52:56

I don't know. I'm similar from P3's perspective, but I don't know if it's an ISVA related issue, not a client related issue, so it is easier to have someone near you, but they're still gonna have to battle to get to that point.

P2 54:03

Yeah, I mean, we, we can and we do very often sit next to or you know, as P3 saying, behind or whatever...

P1 54:25

And that that's why I'd leaned towards I'd keep it in than take it out and.

P2 54:30

Exactly. I agree. I think there's what's difficult for the victim and there's what's difficult for us and I think remove what's difficult for us. That's on us to carry. That's our job. ...let's, let's show them what it should be and what it can be, to championing that, go forward you know, to have this resource showing it and saying it, that, that helps. So I, I personally would keep it in.

Researcher 55:03

OK, moving on then.

What happens if I record both parts of my evidence?

If you pre-recorded your police interview and cross examination, you cannot later change your mind and give live evidence at trial.

You'll finish giving evidence sooner or before trial, but you'll still have to wait until the end of the trial for the outcome.

If the jury can't decide and there's a retrial, you won't normally have to repeat your evidence.

P3 55:38

Sorry, researcher, can I ask a question?

Researcher 55:38

Yes.

P3 55:42

This might be just purely my naivety about Section 28 and, but if someone does a Section 28, then the rest of it happens in a court trial. Does it?

Researcher 55:57

Yes.

P3 55:57

So there is potentially still a possibility that at the Court trial someone/something might happen that means the victim might, might be required. So that statement of that means you'll be finished before the trial starts feels a little, slightly inaccurate, you know, like again, I don't know how you say without scaring the bejesus out of them, but say you know, this should mean, you know, all your evidence is completed prior to trial, unless in a a circumstance where further clarification may be required during the actual trial or something like that, because that's what made me question that. So I'm now coming from this from somebody who doesn't really know the Section 28, and I asked that. Well, does that mean though, you know, like they're literally do the Section 28 and they are done, clear, gone and they're not? You know, there's always that slight possibility. You know, I've had victims called back to court, not often, but this happened, so I just think that's quite [too] clear cut at that point.

P2 57:13

Yeah, I think it might be worth saying something like, ...on the rare occasion that you have to come back to court and to clarify, just, you know, a little asterisk, yes, hopefully it will mean that the majority of your evidence is given. But on the rare exception the jury can't decide, you may be invited back or something, not invited

because you're not really. You can't really decline that invitation, but just a wee proviso I think, that would be good.

Researcher 57:47

I was thinking about inserting a section straight after which says that, like you say, if there is a need to take further evidence from you, that can also be pre-recorded.

P2 57:58

Umm.

Researcher 58:03

As opposed to it *will* be pre-recorded.

P2 58:04

Good.

Researcher 58:07

The issue is here, you know, keeping things as general as possible.

P2 58:16

Yes.

Researcher 58:16

It is difficult because it sounds like everything I'm saying is not very accurate.

P2 58:23

Honestly it doesn't. You know, I I wanted to really mention this.

It's a great resource and there's so many good things about it. These are tweaks from people who are, you know, ready to give it, but also to really emphasize that this is really, really good content and it will be invaluable to people definitely.

P4 58:44

I suppose just to add to that, I suppose it it would be lovely if we could put caveats in about everything, because there's never 100%.

P2 58:49

Huh.

P4 58:51

But then you're going to be an hour-long video, so that's not what the point of this is.

Researcher 58:51

Yeah.

P4 58:55

But I suppose, ...we talk a lot in our training about managing expectations of everyone involved. And I suppose, ...where it could fall down is when you say no, you're done. You're dusted. That's it. What might that do to a victim survivor if you are having to go back, so 99% of times that's what it's gonna look like but I think that's quite an important one, if we're saying you're done your dusted.

Researcher 59:19

Yeah.

P4 59:24

So again, whether there is just a little addendum to that, whatever that looks like, but yeah, otherwise you are gonna have, like, an hour-long video.

Researcher 59:27

Yeah.

P3 59:31

But, but also.

P4 59:35

We can't get everything right, but just to echo what P2 was saying, this is a really, really good video. Obviously, we're just sort of being quite critiquing, which obviously is why we're here, but actually it's a very good video and I really like the

aesthetics of it as well. Is it is very simple to follow, which is really really good.
But yeah, P3

P3 59:51

No, sorry, I just, again, if you're called back, so if this is Section 28 and then the actual court hearing is happening, would it, and they went oh actually that's something we need to speak to the victim about, would that be pre-recorded? Or, like P1 said earlier, would they come in and do it via live link.

Researcher 1:00:14

So I think, there is always the possibility that they will have to do it again, but from my experience, the Court might find alternative ways. So for example, taking a witness statement and the defence accepted it and it was just read out as opposed to making them come back to court for just a few details.

P3 1:00:43

OK.

Right. OK.

Yeah.

Researcher 1:00:51

But if we're talking about the day of the trial, the more likely it is that they will be called to give some kind of live evidence, if they can't prerecord it in time. The idea is that there's provision to prerecord again under Section 28 if supplementary information arises after the Section 28 hearing.

P3 1:01:23

Yeah. I was just thinking with the addendum then, rather than saying, you know, that there might be a requirement for you to do a further pre-record, you know ...just say there might be a situation where you may be required to provide further evidence and not give any stipulation on how that would be provided. ...

Researcher 1:01:59

OK.

P3 1:02:01

...because for me, I'm thinking about my experience of non-Section 28, but when victims are being called back, it's because in the here and now in the trial something has come up and they are required back. So that pre-recorded element isn't an option and so yeah....

Researcher 1:02:25

So I could say something like, there is always a small chance that you may be needed for further evidence.

P3 1:02:45

Personally, I would say leave it at that because there seems to be so many variables that means it might not be able to be pre-recorded. And so I think there's so many possible variables that we would then need about 10 further addendums coming off,you know? So that just that's my personal opinion like.

P2 1:03:10

I agree with you. I agree with you, P3 there.

Researcher 1:03:13

OK,. I'm going to run the video now to the end because there's, there's about 56 seconds left. If there's anything that you think of in the interim, if you just want to jot it down, that would be great.

Ultimately, there are different ways of giving evidence because everyone is different. So think about what might work best for you.

P4 1:04:21

I was just gonna add, it's good to have that kind of wording at the end [end credits], but maybe have someone voicing that over. So if people's ability to read is different. To have someone speaking, that would be a good addition.

Researcher 1:04:31

Yeah, yeah.

P3 1:04:40

I, the only thing I was gonna say is perhaps in the information leaflet you could have almost like a glossary of terms rather than trying adding it all into the text in the leaflet like: prosecutor, defence barrister, you know? Maybe a definition of the jury. And, but yeah, a glossary of terms rather than anything else, because I think that would be a really quick reference point.

And if they, you know, if it's in there, it says in the information leaflet and you know I don't know how you would direct them to it. But I think that could solve the problem of creating an hour-long video?

Researcher 1:05:33

Yeah.

P1 1:05:38

And again, the leaflet then becomes more useful as a different resource with regards to explaining, you know everybody in court. So it's nice to have a resource that's for this, but actually could be utilized for a couple of different things as well because it does make it more user friendly and usable for ISVAs and people and clients as well that are used to these graphics. Oh, I liked that, so it might like this as well.

So it just gives that continuity, I think and slightly different angle Researcher than what you wanted from it. But actually if it can be utilized in multiple different ways, it's more likely to be used then isn't it?

Researcher 1:06:15

Oh yeah, absolutely. The leaflet will use the same icons to match the video, so you'll be able to tell it's the same set of resources and they'll be a QR code that links to the video on the on the leaflet. Is there anything else anybody wants to say before I just tell you what the next steps are?

...

P3 1:09:16

Can I just ask one more question?

I'm sorry to like, you know, keep asking questions, if this is England and Wales, is it gonna be made available in Welsh?

Researcher 1:09:28

I would love it to be made available in Welsh. I'm trying to access a bit more money to try and make it as accessible as possible.

....

P1 1:11:18

Yeah.

Researcher 1:11:19

I'll keep you updated....

P1 1:11:34

Well, I was gonna say, hank you for hosting an inviting us.

It's always nice to be involved in and these aspects of things and discussions as well, and as you can tell, we're all very, very talkative people, ...but I think hopefully useful for you...taking some of this forward. So thank you for for having us as well.

Researcher 1:12:12

Thank you all for your time and your expertise.

It's most appreciated.

● **Researcher** stopped transcription