

NOTE OF MEETING OF VULNERABLE WITNESSES ACT IMPLEMENTATION STEERING GROUP HELD ON FRIDAY 14 MAY 2004

Present

Neil Paterson, Victim Support
Sue Moody, VIA
Ruairaidh MacNiven, Lord President's Private Office
Shona Barrie, COPFS
Gillian Prentice, SCS
Jackie Robeson, SCRA
Sgt. Rosie Porterfield, ACPOS
Philip Shearer, SLAB
Micheline Brannan SEJD (Chair)
Rachael Gwyon, SEED
Diane Janes, SEDD
Paul Smart, SEJD
Bill Moore, SEJD
Wilma Smith, SEJD
Claudine Persaud, SEJD

Apologies

Colin MacKenzie, ADSW
Alistair McKie, ACPOS
Tom Murray, SLAB
Ian Walford, SEJD

ITEM 2 - DRAFT REMIT

1. It was explained that the Steering Group was not a policy making group but existed to supervise the implementation of the policy which was set out in the Act. There was no dissent on the proposed remit.

ITEM 3 - TIMETABLE

2. The timetable proposed was illustrative and it was explained that any transitional arrangements would be set out in a commencement order. This might include where necessary staggering the implementation of some of the special measures.

3. The following action points were agreed:-

- To consider with SCRA whether referrals from Children's Hearings to Sheriff Courts can be brought within phase 1 – Jackie Robeson, Paul Smart, Bill Moore

- Agreed that there had to be a way of capturing robust information on numbers of vulnerable witnesses through electronic data transfer and that there needed to be a mandatory field in the standard police report on vulnerable witnesses though how this would impact on ISCJIS would have to be considered. Action for ACPOS to establish who contacts are in group considering standard police reports.
- Agreed as a priority that a survey should be carried out to establish likely volume of child/ adult vulnerable witnesses going through the system as this would inform implementation issues including timetable. Victims and Witnesses unit to consider contract /secondment for this work. Progress to be reported at next meeting.

ITEM 4 - PHASE 1 IMPLEMENTATION TASKS

4. The following was discussed:-

- Useful paper to be continued in present format with additional boxes on target audience and on objectives, related to the changes that would actually appear on the ground at each stage (see also bullet 4).
- The “Who” boxes will require to be completed in respect of each task.
- Revised and updated version to be issued as paper for next meeting.
- Implementation timetable would have to be fleshed out to say what will be in place by 2005, what others are expected to do in this process and what will change from present position.
- With regard to CCTV and video/DVD recording equipment these were recognised as separate issues. CCTV related to the witness giving live evidence without appearing in court. Video/DVD recording related to a world in which vulnerable witnesses visually record their statements which could then be used as evidence in chief.
- CCTV was in use in courts and equipment is to be installed, during 2004, to enable live CCTV links
- A new challenge introduced by the Act was the decision that any child under 12 would not be required to appear in a court or any part of the court building in certain circumstances. If this excluded also the CCTV suite in another court building other premises would have to be used with a live CCTV link to the court. This had been interpreted by the former Bill Team as meaning CCTV suites in social work departments or in police stations.
- This would mean checking out the exact meaning of the restriction for under 12 children and whether it was desirable or feasible to use premises other than CCTV suites in court, eg at social work departments or police stations or for example in a mobile unit such as a caravan.

- Regarding the use of prior statements as evidence in chief there is no requirement in the Act that these be visually recorded. The sections of the Act relating to this special measure could therefore be implemented as part of the first phase.
- The Act does require that evidence taken on commission shall be video recorded and it was not clear how much could be done to implement this until the outcome of the Crown Office pilots was known. The question of costs of transcription is also a live issue. There may also be implications for Legal Aid costs.
- Need to check out how use of particular forms of technology is working in England (Manchester cited as good example).
- Video/DVD evidence would need to be transcribed. Need to check out position re provision of transcripts for Judges.
- Need to do audit of equipment in police forces, local authority social work departments and court service.
- Need to draw up technical standard for what is required separating out CCTV from DVD or video requirements.
- Frequency of CCTV and video recorded interviews will need to be estimated before investment in equipment
- Investment in equipment would require to be costed and resourced.
- On guidance it was noted that there would be some issues e.g. costs and training around taking evidence on commission which would need to be addressed. It was also noted that on the question of prior statements the Executive was to meet Joyce Plotnikoff with a view to linking the work on Joint Investigative Interviewing with the production of guidance on Prior Statements.
 - It was agreed to review the boxes on guidance and on advice and training in line with need to flesh out paper as a whole.

5. In light of discussion on this Item it was agreed that the timetable for implementation suggested at Item 3 should be reviewed.

ITEM 5 – REFERENCE GROUP

6. It was agreed that if there was to be a reference group its membership should be drawn from people/organisations who had a high need to know and would have a high impact on influencing change and on the effectiveness of implementation. There was a risk of a reference group being composed of representatives who might quite like to know what was going on, and be given the chance to comment, but who could do little themselves to influence outcomes. What such groups required was information rather than regular meetings and this could be provided in other ways.

7. It was therefore agreed that:-

- There was no need for a reference group as such.
- There should be a bilateral approach to the legal fraternity and others in the “high need to know, high impact” category.
- The agreement of Ministers should be sought to consulting a fixed list of people/organisations on draft guidance.
- Provision should also be made on the SE website to enable a wider audience to comment.

ITEM 6 – STRATEGIC RISK ASSESSMENT

8. There was little discussion on this paper other than to note that it was a useful monitoring tool. It was agreed that it would need to be revised in the light of further consideration to be given to the implementation timetable and tasks.

ITEM 7 – FORMATION OF SUB-GROUPS

9. It was agreed that the paper on sub-groups should be reformulated around key implementation tasks once further thought had been given to these.

10. The following was also agreed:-

- There is a need for a sub-group on subordinate legislation.
- There is a need for a sub-group on training, communications and promotion and that this should include guidance in its remit.
- Consideration should be given to seconding someone from the police to assist in drafting standards re equipment.
- Where appropriate the sub-groups should be “virtual” groups.

ITEM 8 - A.O.B.

Criminal Procedure Amendment Bill and Vulnerable Witnesses Act

11. It was noted that there would be a joint launch event of these 2 pieces of legislation on 4 October and that this would be followed by a series of combined road shows. It was suggested that a secondee or contractor might help with the planning of this.

Special Measures Video

12. It had been suggested by the Director of Judicial Studies that it would be useful to have a video for judicial training purposes depicting how the special measures in the VW Act would work and that it might in fact be more useful to have such a video aimed at a wider audience.

13. It was agreed that any video should relate only to special measures that had “gone live”. It would be a useful addition to the training measures available and it was suggested that the Unit consult the Reducing Reoffending Division who had recently made a video to support their consultation.

ITEM 9 – DATE OF NEXT MEETING

14. It was agreed that the next meeting should take place in June (30 June), that the secretariat would arrange this and dates for further meetings up to and including March 2005.

SEJD

May 2004