

SECTION 28 PILOT

Cases Identified

At the time of writing this newsletter 117 eligible s.28 cases had been identified across the three pilot sites. This is slightly above the estimated 17 cases per month originally anticipated across the three pilot sites.

There has been a larger volume of cases identified at Liverpool and Leeds than expected. However, with fewer cases received at Kingston than anticipated, the overall number remains manageable.

We recently revised the pro-forma to capture additional information such as, the total number of cases and the various stages of the s.28 process as they progress through the court. This will provide better information and will assist with any future decision on National Rollout of the s.28 provision. We hope to provide a more detailed breakdown in respect of the numbers reached at each stage of the process e.g. guilty plea or trial etc. in our next newsletter.

IT Update

An internal s.28 workshop took place on 9th June 2014 to discuss current issues with the DVD solution and to explore our requirements for a digital IT process.

A key concern highlighted by all three courts related to the layout of the screen, with the image of the witness and barrister being split. All agreed that for any future rollout the screen should mirror our current video link system with a larger image of the witness and a small image of counsel/judge.



Section 28 Hearing and Trial

On 24 April 2014, the then Justice Minister Damien Green visited Kingston-upon-Thames Crown Court to launch the s.28 Pilot. This included a mock trial experience to observe the enhanced video equipment in operation. The first s.28 recorded cross-examination hearing took place at Liverpool Crown Court on 28th April 2014 and was a success. The first trial also took place at Liverpool CC on 28th May 2014, with the pre-recorded evidence of a child under 16 years played to the jury. Further trials are scheduled across the three courts throughout the year.

Extending the provision

Our last newsletter mentioned that this pilot was scheduled to last for six months with the identification of cases ending in June 2014 and the courtroom provision ending in October. The Minister has, however, decided to extend the pre-recorded cross-examination provision in the Crown Court at Leeds, Liverpool and Kingston-upon-Thames for another six months, to allow witnesses to continue to benefit from the special measure.

This means that although the pilot will formally end 31st October 2014, the provision will continue until April 2015, with cases being identified until 31 December 2014.

Liverpool Witness Room Makeover

When the Court Staff and Judiciary heard that the first s.28 case involved the cross examination of a four year old child, they got together and supported the transformation of a dull clinical looking witness room to a child friendly space. This makeover has aided all young witnesses giving evidence at Liverpool CC, including those benefiting from the s.28 provision.

The team bought books, pencils, magazines, posters and donated furniture and games all inside one week to prepare for the first case.

The child's mother thanked court staff on the day of the cross examination hearing for supporting her child in a safe and comfortable environment. Baroness Newlove, the Victims Commissioner for England & Wales, viewed the room during her visit to the court and was impressed with the initiative the court team had shown to transform the area.



Further Information

Please contact the Victim & Witness Team: victim.witnessbranch@hmcts.gsi.gov.uk

Pilot Evaluation

The pilot evaluation is underway across the three pilot sites. The evaluation aims to help us understand whether the pilot processes are working as intended and to capture learning that will help guide policy decisions on whether/how best to rollout the s.28 provision more widely post pilot. The main strands of the evaluation include:

- Interviews with a sample of witnesses to understand how the process is working from their perspective;
- Interviews with a sample of practitioners to identify practical issues with implementation;
- Analysis of monitoring data collected by the police, the CPS and the Courts with the aim of generating indicative estimates of a) the possible impact on case timeliness of s.28 cases vs. other special measures cases; and b) the potential volume of s.28 cases under any wider roll-out;
- A literature review.

MoJ analysts have also set up an email address that all practitioners involved in the pilot can use to submit feedback on their experiences of implementing s.28. Feedback can be submitted to section28.pilot.feedback@justice.gsi.gov.uk.

We are keen to receive feedback on the following:

- What challenges have you encountered with implementing the s.28 process?
- Do certain cases pose specific challenges?
- How can these challenges be overcome?
- What has worked particularly well?
- Any other comments and suggestions

The first interim evaluation report is expected at the end of December 2014; a further interim report will be provided in early March 2015 and the full report will be available summer 2015.

Notable Dates

- Pilot concludes: 31st October 2014 to allow the evaluation to get underway.
- The provision will continue across the three pilot sites until 30th April 2015
- Police identification will continue until 31st December 2014 – this date is earlier than the Court end date to allow sufficient time for the recorded cross-examination to take place.