

**No Witness, No Justice (NWNJ)
Pilot Evaluation
Final report
29 October 2004**



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1 Executive summary

The aim of this evaluation is to determine the extent to which the No Witness, No Justice (NWNJ) pilots have achieved their objectives and National Rollout is likely to do so. NWNJ's objectives are defined as its ten performance measures and the benefits for the Criminal Justice System (CJS) and wider community, as set out NWNJ's business case. The findings will inform the HM Treasury's decision about the release of Invest to Save Bid (ISB) funding for years 2 and 3 and a decision on whether the initiative should be continued in its current form, altered or expanded, for the purpose of National Rollout.

The "performance dashboard" on the following page summarises this evaluation's findings on NWNJ's impact on its performance measures. In summary, ***NWNJ has proven an effective mechanism for substantially enhancing customer focused witness information and care, increasing witness attendance, improving trial outcomes and increasing witness satisfaction with the WCU (jointly staffed by Police and CPS) and the CPS.*** It is important to recognise that much of the evidence is qualitative, due to difficulties in obtaining reliable data, but this evidence is persuasive. The evaluation team observed that ETMP and Charging support NWNJ but that NWNJ is the main driver of performance improvement for the performance measures which it has been designed to impact. The greatest impact on the performance measures has been achieved by those pilots which are closest to delivering the NWNJ Minimum Requirements. The few adverse mixed results generally reflect wider organisational issues, difficulties in engaging some stakeholders, or the consequences of broader CJS initiatives rather than any weakness with NWNJ.

There is also persuasive evidence that NWNJ has already ***realised wider benefits*** across the CJS, in terms of working practices, economy, efficiency and effectiveness and job satisfaction for staff. It is important to note that the economy savings are more likely to be converted into ***efficiency gains*** (in terms of more cases being processed through the CJS within a given time) than to be realised as cash savings. And, while NWNJ does appear to be playing a role in increasing general witness satisfaction, public confidence in the CJS and in local handling of crime, the causal links are harder to establish.


































The benefits delivered by NWNJ thus far are all the more impressive as none of the pilots are yet meeting all of the Minimum Requirements in all of the cases. This "final" evaluation is more akin to an interim evaluation, and provides an indication of what is achievable within a short period rather than what NWNJ can achieve once embedded. There is ***no evidence to suggest that the benefits delivered by the pilot areas cannot be replicated during National Rollout.*** Indeed, by pre-empting the considerable difficulties faced by the pilots, it is reasonable to expect that the benefits could even be exceeded, and achieved in a shorter period of time, if lessons are learnt from the pilots. However, there are ***considerable risks*** which mean that the benefits might not be realised to this extent, being as follows.

First, replication of benefits is dependent on ***lessons being learnt*** (particularly about resourcing, staffing and management), being shared and areas being supported by the central NWNJ Project Team to ensure the lessons are acted upon effectively. Secondly, there is a risk in relying on Victim Support's ***Witness Service*** for an important part of NWNJ's success. While the Witness Service in pilot areas has been able to respond to the increased workload within existing resources and by recruiting more volunteers, it cannot be assumed that this can be sustained long term or will be possible for every Witness Service.

The findings of the evaluation ***endorse the approach being taken*** to National Rollout. This evaluation also endorses the Minimum Requirements as representing good practice in victim and witness care and recommends that they ***inform any future revision of the National Standards of Witness Care and/or the Victims' Code of Practice.***






No Witness, No Justice (NWNJ) Pilot Evaluation Crown Prosecution Service and ACPO

Figure 1: NWNJ evaluation performance dashboard

Performance Measure	Findings	Pilots				Pilots Crown				Pilots Magistrates				Comment
		Baseline	Current	Change	National Change	Baseline	Current	Change	National Change	Baseline	Current	Change	National Change	
1 Witness attendance rates at court		68.9%	82.2%	 19.4%	n/a	n/a	86.4%	n/a	n/a	n/a	79.6%	n/a	n/a	Good increase. Data source not entirely reliable but results supported by qualitative evidence. No national comparator data available.
2 Ineffective trials due to witness issues		4.5%	3.3%	 -26.8%	 -7.5%	5.0%	3.7%	 -24.5%	 -20.4%	4.3%	3.1%	 -27.6%	 -4.3%	Statistically significant decrease and wide margin between pilots and national. All pilots decreased except Essex Crown (due to significant implementation problems) and North Wales Magistrates (reasons unclear). Excluding Essex, the Crown decrease would be 45.7%.
3 Cracked trials due to witness issues		5.7%	4.8%	 -16.6%	 9.3%	n/a	n/a	n/a	n/a	5.7%	4.8%	 -16.6%	 9.3%	Decrease not statistically significant, but national has increased so result is persuasive of NWNJ impact. All pilots decreased except South Yorkshire (possibly due to strict enforcement of domestic violence policy) and North Wales (reasons unclear).
4 Cracked trials due to late entry of a guilty plea		18.6%	20.6%	 10.5%	 1.8%	25.5%	27.0%	 5.9%	 -3.1%	16.3%	18.5%	 13.3%	 6.2%	Statistically significant increase and reasonable margin between pilots and national. All pilots increased except Essex Crown (implementation problems) and North Wales Magistrates (reasons unclear).
5 Take-up of Victim Personal Statements		2.3%	19.4%	 734.9%										Extremely large increase as a result of an extremely low baseline. Results reasonably consistent across all areas. Small sample but supported by qualitative evidence.
6 Referrals to Victim Support/ Witness Service														Persuasive qualitative evidence that NWNJ has led to substantial increase in referrals, with earlier referrals, in most areas.
7 People receiving Pre-trial Visits														Persuasive qualitative evidence that NWNJ has led to substantial increase in pre trial visits in most areas.
8 Victim and witness satisfaction levels		69%	73%	 5.8%										Strong and increased satisfaction with WCU (80% to 86%), CJS (67% to 72%) and CPS (67% to 75%). Also likely key factors: increased satisfaction with verdict (68% to 70%) and sentence (46% to 49%).
9 Number of witnesses receiving information at point of statement		46%	44%	 -3.6%										Slight decrease apparently due to difficulties engaging frontline police officers in South Yorkshire and West Midlands.
10 Quality of information and support provided to witnesses														Substantial increases , for example in being asked for dates to avoid, information about court, thank you/outcome letters, offered and received support prior to/at/following court.

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Key to performance dashboard

	<ul style="list-style-type: none"> - Persuasive evidence that NWNJ has led to substantial/statistically significant improvements, although ETMP/Charging might play a supporting role. - This improvement is better than any national improvement, where national data is available. - The improvement is evident in all pilots, apart from a few exceptions which can generally be explained by other factors or which are outside NWNJ control. - The data has been corroborated by qualitative evidence.
	<ul style="list-style-type: none"> - Persuasive evidence that NWNJ had led to some improvement, although it might not be statistically significant and ETMP/Charging might play a supporting role. - Any improvement is better than the national improvement, where data is available. - The improvement may not be consistent across all pilots, or there is at least one pilot where negative results cannot be explained by other factors. - The data has been corroborated by qualitative analysis.
	<ul style="list-style-type: none"> - There is no persuasive evidence that NWNJ had led to any consistent performance improvement or any improvement is insignificant compared to national trends. - There is more than one pilot area where measures are moving in the wrong direction and this is neither explained by specific factors nor is outside NWNJ control.
	Measure moving in the desired direction.
	Measure moving counter to the desired direction.

It is important to note the baseline and current periods for the performance measures. Witness attendance (PM 1): baseline period was January to June 2003 and current period was January to June 2004. Trial outcomes (PM 2, 3 and 4): baseline period was January to June 2003 (Crown) and April to June 2003 (Magistrates) and current period for both Crown and Magistrates was January to June 2004.

2 Introduction

2.1 Background

The No Witness, No Justice (NWNJ) project provides an opportunity to test the hypothesis that improving the care of victims and witnesses and enabling them to attend court is an effective means of narrowing the justice gap and increasing public confidence in the criminal justice system (CJS). In March 2003, the Prime Minister and the Attorney General commissioned a partnership of the Prime Minister's Office of Public Services Reform (OPSR), the Home Office, the Crown Prosecution Service (CPS) and the Association of Chief Police Officers (ACPO) to establish five NWNJ pilot areas in England and Wales. The areas selected were Essex, Gwent, North Wales, and parts of South Yorkshire and West Midlands, with pilot Witness Care Units (WCUs) being established between July 2003 and January 2004.

In practice, the "pilots" were more akin to "pathfinders" as each developed their own approach to witness care, based on a few common principles, including the concept of the dedicated unit for witnesses (the WCU), more information for witnesses, an assessment of their needs and support for them to attend court. The emerging good practice informed the development of the NWNJ Minimum Requirements in February 2004.

Based on positive early results, Invest to Save Bid (ISB) funding was secured in February 2004 to rollout NWNJ nationally from April 2004 subject to a satisfactory interim evaluation of the pilots in April 2004. The interim evaluation concluded that pilots were already having a positive impact on the majority of the performance measures and delivering wider benefits for the CJS. This evaluation triggered the release of the year 1 ISB funding. Further releases of the funding were to be subject to a final independent evaluation and the submission of a sustainability plan by the NWNJ Project Team.

The pilots have been moving towards compliance with the Minimum Requirements but, even in August 2004, none of the pilots is adhering to all of the Minimum Requirements for all cases. It is this evolutionary stage of development which has been the subject of this final independent evaluation. It should also be recognised that the delivery of benefits will be influenced by the lead time before process improvements will impact on some of the performance measures, particularly for Crown Court cases which take some months to come to court. For these reasons, this ***"final" evaluation is more akin to an interim evaluation, and provides an indication of what is achievable within a short period rather than what NWNJ can achieve once embedded.***

NWNJ is an integral part of the Criminal Case Management Programme (CCMP), along with the Effective Trial Management Programme (ETMP) and the Charging Initiative. This evaluation highlights the unique impact of NWNJ on performance in the witness-related areas which it targets, but recognises that all three elements of CCMP work together to bring greater benefit to the CJS.

2.2 Overview of WCUs and the NWNJ process

The pilot areas have built their WCUs onto existing Witness Warning Teams in the relevant Trials Unit (TU) (dealing with Crown Court cases) or Criminal Justice Unit (CJU) (dealing with Magistrates Court cases). In Essex and Gwent, Crown cases are handled by CPS managed/staffed WCUs and Magistrates cases by police managed/staffed WCUs. North Wales, South Yorkshire and West Midlands all have mixed staffed WCUs, but in both North Wales and South Yorkshire the WCUs are predominantly staffed by police civilians. Only West Midlands has truly mixed WCUs: all three are CPS managed and two of the three have

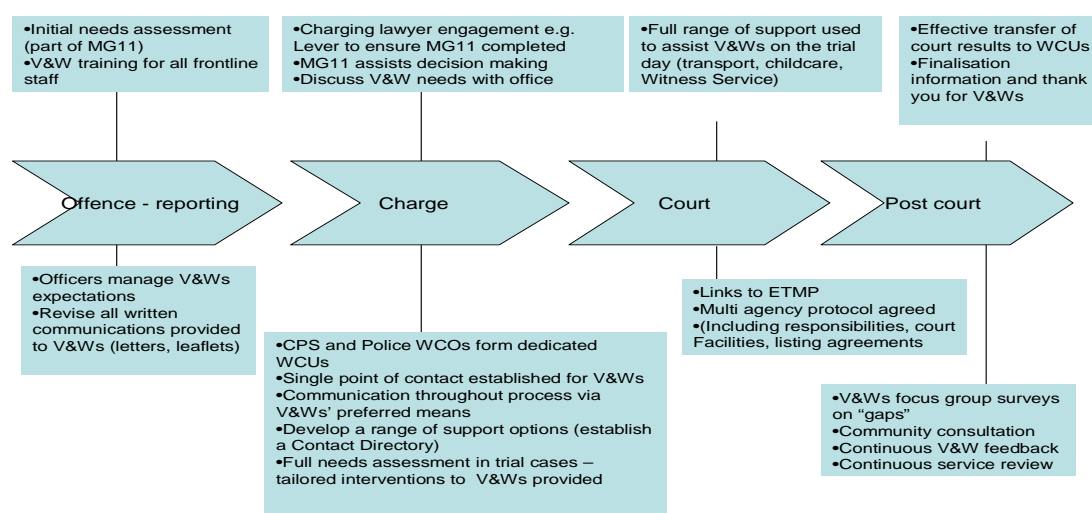
an even balance of CPS and Police staff. **Section 3 provides an overview of each pilot model and the performance of each pilot.**

As they established WCUs prior to the Minimum Requirements, pilot areas have adopted a range of names for the unit to care and support witnesses, including Witness Care Team (Essex), Witness Management Team (Gwent TU), Witness Support Unit (Gwent CJU) and Witness Liaison Units (North Wales). Only West Midlands and South Yorkshire have used the term of WCUs. To avoid confusion, this report adopts the generic term “WCU”. The generic term use for WCU staff is Witness Care Officer (WCO).

The NWNJ process seeks to improve the experience of the witnesses in their priority areas: the CJS being more responsive to their support needs, having a single point of contact before the trial, more regular information before the trial, better identification of dates when witnesses might be available and better support to prevent witness intimidation.¹

As noted, pilot areas are still in the process of moving towards the Minimum Requirements. This notwithstanding, the Minimum Requirements provide the best available summary of the basic NWNJ process piloted, and thus are set out in Figure 3.

Figure 3: Minimum Requirements



Section 4 outlines the lessons learnt and good practice emerging from the pilot areas' witness care processes. Section 5 sets out what has been learned from three other witness care initiatives, in London, West Mercia and Warwickshire.

2.3 Performance measurement framework

Figure 3 on the following page sets out the NWNJ performance measures, noting the section of this report containing the findings and conclusions relating to each measure. **Section 11 assesses the NWNJ performance measurement framework, systems and processes.** For the remainder of this report, the acronym “PM” may be used to denote a performance measure.

¹ The MORI Wave 2 Survey asked victims and witnesses to rate a number of options in terms of importance. Other NWNJ-related priorities were: hearing dates that do not change, more regular updates on the day of court and better facilities at court.

Figure 4: NWNJ performance measurement framework

Ref	Performance Measure	Source of evidence	Desired change	Section reference
PM1	Witness attendance rates at court	WCU Trial Tracker	Increase	Section 6
PM2	Ineffective trials due to witness issues ²	Department for Constitutional Affairs (DCA)	Decrease	Section 7
PM3	Cracked trials due to witness issues ³	DCA (Magistrates Courts only)	Decrease	Section 7
PM4	Cracked trials due to late entry of a guilty plea	DCA	Increase	Section 7
PM5	Take-up of Victim Personal Statements (VPSS)	Review of case files	Increase	Section 8
PM6	Referral Rate to Victim Support and Witness Service	Qualitative assessment	Increase	Section 8
PM7	Number of pre-trial visits of witnesses to courts	Qualitative assessment	Increase	Section 8
PM8	Victim and witness satisfaction levels	MORI survey	Increase	Section 8
PM9	Number of witnesses receiving information at point of statement	MORI survey	Increase	Section 8
PM10	Quality of information and support provided to witnesses	MORI survey	Increase	Section 8

Throughout the report, the performance dashboard format will be used to summarise the impact of NWNJ on the performance measures.

In addition to the ten performance measures, NWNJ also aims to deliver wider benefits. **Section 9 sets out the evaluation's findings with regard to benefits for CJS organisations and staff. Section 10 outlines NWNJ's impact on the wider community.**

2.4 The Criminal Case Management Programme

It is important to understand NWNJ as an integral part of the CCMP which brings together four main elements of CJS reform: NWNJ, ETMP, the Charging Initiative and Criminal Justice IT (CJIT). Charging and ETMP are particularly closely linked to NWNJ, as each contains elements that contribute directly to increasing the likelihood of a successful trial outcome. This evaluation focuses particularly on performance measures that relate to witness issues.

2.4.1 ETMP

The ETMP is aimed at increasing the number of cases brought to justice through improving case preparation. Key innovations include effective first appearances, pre-trial preparation protocols, Case Progression Officers (CPOs) and new listings practices. There is significant

² An ineffective trial is defined as "a trial when it is unable to proceed on the day that it was scheduled to start and is adjourned to be re-listed for trial". A witness issue is defined as non-attendance or retraction of statement.

³ A cracked trial is defined as "a case that is dealt with on the day a trial was scheduled to take place or continue, without the trial needing to go ahead. This includes cases where the defendant changes their plea to guilty, or pleads to a lesser charge on the day of the trial. It does not include cases where the defendant pleaded guilty at an earlier hearing before the court".

scope for these to influence NWNJ's trial outcome performance measures as set out in Figure 5 on the following page.

Figure 5: The potential impact of ETMP on NWNJ performance measures

- Plea and Direction Hearings (PDHs) (Crown) and Pre-Trial Reviews (PTRs) (Magistrates) examine the witness list and remove those surplus to requirements and thus reduce the need for adjournments. It is easier to ensure the attendance of a smaller number of witnesses.
- Formal case progression meetings, and the requirement to sign a Certificate of Trial Readiness, focus all parties on the need to ensure all witnesses can attend and give evidence (i.e. their needs are adequately met).
- The presence of a CPO, particularly in the courts, provides WCUs with a single point of contact where they can keep the court informed of progress on witness issues, and a means by which the court can try to make special provision for witnesses.
- The fixed listings system brings greater certainty in listings. If the trial date does not change at late notice, the witness is more likely to be able to attend.
- By gathering all parties together at an early stage to consider the evidence, and by providing discounts for early guilty pleas, there is increased scope for defence lawyers to advise their clients to enter an early guilty plea. This reduces the scope for late guilty pleas and thus could decrease the rate of cracked trials due to late entry of a guilty plea.

Thus, ETMP could contribute to decreasing the rates of ineffective/cracked trials due to witness issues and both increase and decrease the rates of cracked trials due to late entry of a guilty plea.

2.4.2 Charging Initiative

Under the Charging Initiative, the CPS assumes responsibility from the police for deciding the appropriate charge to bring. Also, the CPS Charging Lawyers now advise the police about additional evidence required before charges can be brought and about which witnesses are required. In most NWNJ pilot areas, Shadow Charging is in place, whereby Charging Lawyers are available to advise the police either in police stations or over the telephone during office hours. In only one of the NWNJ pilot areas, South Yorkshire, has full Statutory Charging been introduced.

Charging aims to strengthen cases, and thus reduce discontinuances and cracked trials due to charges being dismissed. The scope for Charging to influence NWNJ's trial outcome performance measures is set out in Figure 6 below.

Figure 6: The potential impact of Charging on NWNJ performance measures

- Charging could enable a better appreciation of witness issues from the beginning and thus reduce the scope for witness problems and thus ineffective trials due to witness issues.
- Stronger evidence (including sufficient and adequate witnesses) supporting a more appropriate charge might result in fewer cracked trials due to witness issues. It is also possible that witnesses are more likely to attend to give evidence in stronger cases.
- The most likely impact is a decrease in cracked trials due to late entry of a guilty plea. Weaker evidence and charges mean defendants are more likely to maintain their innocence until they see the witness has attended. Under Charging, disclosure to the defence of stronger evidence and more appropriate charges might result in an increase in early guilty pleas, and thus conceivably reduce the scope for cracked trials due to late guilty pleas i.e. the weight of evidence might move to an earlier stage.

Charging Lawyers also have an important role to play in NWNJ. The NWNJ Minimum Requirements envisage their playing a "gatekeeper" role, checking that the Officer in the Case (OIC) has undertaken an initial needs assessment of victims and witnesses and offered victims the opportunity to make a VPS.

2.5 Purpose of the evaluation

The primary purpose of this evaluation is to inform the HM Treasury's decision about the release of ISB funding for years 2 and 3 and a decision on whether the initiative should be continued in its current form, altered or expanded, for the purpose of National Rollout. To provide a proper basis for the funding decision, the evaluation has assessed:

- The operation and effectiveness of each of the five NWNJ pilot areas to determine whether they have met their objectives as set out in the Project Initiation Document and in other key documents. The objectives are understood to relate to the ten performance measures and wider benefits identified in the business case;
- The operation and effectiveness of the overall NWNJ initiative to indicate whether reform of victim and witness care is moving in the right direction. The evaluation will highlight the current and potential impact of NWNJ, including the wider realisation of the project's benefits, subject to the limitations of this analysis, given the large number of central initiatives currently in progress.

Section 12 sets out the evaluation's conclusions and key recommendations. The recommendations cover:

- Areas of best practice to inform the rollout of the Minimum Requirements and the revision of the National Standards of Witness Care and Victims' Code of Practice;
- How to overcome in rollout those practical difficulties which arose during the pilots.

2.6 Evaluation methodology

The evaluation methodology combines quantitative and qualitative analysis to arrive at a conclusion based on the ***persuasiveness of the evidence available***. A number of factors prevent the evaluation from producing conclusive findings, including the complexity of the CJS and the number of factors driving changes (including ETMP and Charging) and inherent weaknesses in the data available to support the performance measures. Those weaknesses that impact the conclusions which can be drawn from the data are explained at the start of the relevant section on each measure.

2.6.1 Quantitative analysis

The quantitative analysis has drawn on the sources of data for each performance measure set out in Figure 3. The data has been analysed from the following perspectives:

- Whether the measure has moved in the desired direction and the size of the percentage change in the measure between the baseline and current periods, compared to national changes over the same period (where data is available);
- The change in percentage points in the measure between the baseline and current periods, and the extent to which this change is statistically significant;
- The extent to which the changes in the measures are consistent across the time period (monthly trend analysis), across the pilots (analysis by Crown and Magistrates for each area) and within each area (analysis by court within each area);
- The extent to which trends are corroborated by qualitative analysis.

The DCA data on trial outcomes (PMs 2, 3 and 4) is considered reliable. However, there were small sample sizes for some witness attendance data (particularly for Essex) (PM 1), VPSs (PM 5) and the three measures using MORI survey data (PM 8, 9 and 10).⁴ The small

⁴ MORI undertook their survey in two waves. Wave 1, the baseline survey, was of 956 witnesses across seven areas over the period December 2003 to April 2004; of these 722 were in the five NWNJ areas. Wave 2 of 419 witnesses

sample of the Wave 2 of the MORI survey means that the results can only be regarded as **statistically significant at the all-pilot level, and not at the level of each area**. However, the results are generally consistent with other quantitative and qualitative evidence from area visits and it is therefore deemed reasonable to refer to them.

The evidence substantiating the impact of NWNJ on referrals and pre-trial visits (PM 6 and 7) is entirely qualitative.

2.6.2 Qualitative analysis

The evaluation team visited eleven of the fourteen pilot WCUs across the five pilot areas. Although the team did not visit Basildon, Southend and Laindon WCUs in Essex, it held a workshop with their representatives to confirm the extent to which the findings of the Colchester CJU applied to them also. Each area visit included the following activities.

- Interviews were held with an average of 30 stakeholders. Approximately half of each visit was spent with the Senior Responsible Officer (SRO), NWNJ Implementation Teams specifically the CPS and Police Champions, and WCU managers and staff. The remainder was spent discussing the impact of NWNJ with stakeholders including: court officials (specifically court listing officers and CPOs), CPS (Charging Lawyers, other CPS lawyers, caseworkers, Business Managers and CPOs), frontline police officers, voluntary sector (specifically Victim Support and Witness Service), and Local Criminal Justice Boards (LCJB) members. A list of all those interviewed is at Appendix 1.
- At the end of each visit, a workshop or feedback session was organised to enable a shared understanding of the effectiveness of the pilot and the key lessons to be learnt from it.
- A sample of approximately 30 case files per pilot area was examined to obtain further information about the operation and effectiveness of the pilot. The review sought evidence of take up of VPSs, timing and quality of needs assessments, levels of support offered and received by victims and witnesses and standard of documentation.

As noted, the evaluation team also undertook visits to other areas (Warwickshire, West Mercia and Metropolitan Police) with witness care initiatives to identify good practice and lessons to be learnt for the purposes of NWNJ.

The following section sets out the findings of the evaluation of each of the pilot areas.

was undertaken over the period June to September 2004 for the same seven areas; of these 351 were in the NWNJ areas.

3 Review of pilot areas

3.1 Key findings and conclusions

The purpose of this section is to assess the operation and effectiveness of each of the five NWNJ pilot areas and to identify practical difficulties that arose during the piloting of the models to inform recommendations on how these might be overcome for the purpose of National Rollout.

The performance dashboards for the individual areas highlight the finding that ***NWNJ has impacted positively on almost all the performance measures in most areas.*** Persuasive evidence gathered in each area indicates that ***ETMP and Charging support NWNJ but NWNJ is the main driver of performance improvement for the measures which it has been designed to impact.***

Evidence from the pilot areas shows that the greatest impact on the performance measures is achieved by those pilots which are closest to delivering the Minimum Requirements. The few cases of adverse results generally reflect wider organisational issues (Essex TU), difficulties in engaging some stakeholders, or the consequences of broader CJS initiatives (such as the Domestic Violence policy in South Yorkshire) rather than any weakness with NWNJ. Essex (Crown) has actually seen deterioration of its performance measures as it was not implementing NWNJ as envisaged. Essex TU has put in place a recovery plan that was re-evaluated after only five weeks and found to be well advanced in transforming the performance of the WCU. North Wales too experienced some difficulties that are being resolved by a new management team.

3.2 Essex

Although all five WCUs in Essex were established by a Local Implementation Team (also implementing ETMP concurrently), the area has represented NWNJ performance at the two extremes. Essex TU has faced considerable difficulties that meant that it was not adhering to core aspects of NWNJ or good management practice. There is persuasive evidence that, as a result, ***performance measures for Crown Court cases during the period January to June 2004 deteriorated substantially, and no wider benefits could be realised.*** The TU responded to the evaluation's initial findings by taking decisive action. Five weeks into the WCU recovery plan, in September 2004, a re-evaluation concluded that the foundation for improved performance is in place and that the unit is on track to deliver improved witness care, service to customers and performance measures in the near future. However, it is important to recognise that the WCU operates in a challenging environment due to wider problems within the TU, court listing policies and a high number of listings per case. The TU will need to address these issues alongside efforts to improve the performance of the WCU itself. There are many lessons to learn for National Rollout from Essex's experience of piloting NWNJ, both from the reasons the WCU was failing and, conversely, from the effectiveness of its recovery plan.

On the hand, NWNJ implementation by the four CJUs handling Magistrates Court cases has been a major success. The WCUs are efficiently operated and provide a high standard of service directly to witnesses, and to other customers such as the Witness Service, lawyers and court listing officers. There is persuasive evidence that ***NWNJ in Magistrates cases has led directly to substantial improvements across all the performance measures and realised wider benefits.***

The Essex performance dashboard is at Figure 8. ***Overall, and with the exception of witness attendance, the strong performance of the CJUs has been sufficient to outweigh the poor performance of the TU, resulting in "green scorings". Witness attendance receives an "amber scoring", both because of incomplete data source and because the increase is not substantial overall.***

3.2.1 Key contextual issues

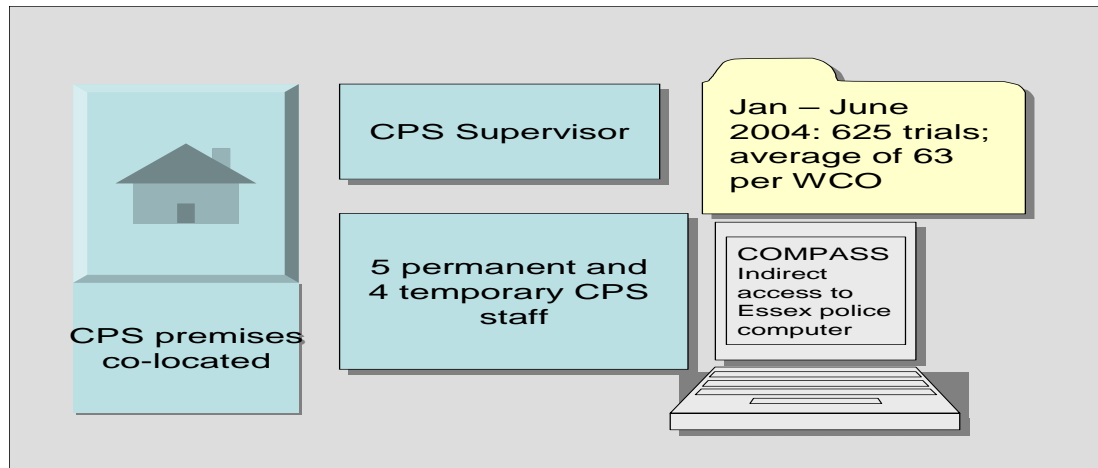
NWNJ was designed and implemented by a CPS and an Essex Police Champion, working together as the NWNJ/ETMP Local Implementation Team. They established the WCUs in the four CJUs between September and November 2003 and in the TU in January 2004. The Champions chair regular area level meetings with representatives from all the WCUs to monitor and discuss progress of NWNJ implementation and identify areas for improvement.

Charging was introduced in February 2002, and ETMP implemented concurrently with NWNJ.

3.2.2 Key features of model piloted and difficulties faced

The TU WCU handling **Crown Court** witnesses is based in CPS premises in Chelmsford, and is managed and staffed by the CPS. Its key features are set out in Figure 7.

Figure 7: Key features of Essex TU WCU



Essex TU WCU was the last of all the pilots to be implemented, but this timing does not explain the poor performance of the WCU during the January to June 2004 period. Rather the causes were weak management and WCOs not understanding the NWNJ process adequately, amidst a highly challenging external environment characterised by the following factors.

- The TU is experiencing significant difficulties in delivering desired levels of performance, which it is seeking to tackle through the “The Way Forward” initiative. The WCU is affected by these both directly (for example, low morale) and indirectly in terms of the performance of others (for example, difficulties in ensuring that caseworkers complete required documentation).
- The TU's caseload has increased by 25% over the past year. This has both a direct impact on workload for the WCU and an indirect impact (for example, the caseworkers are extremely busy which makes communication with them difficult). The average number of cases per WCO, at 63, is higher than the all-pilot average for Crown Court cases of 54.
- The resource allocation formula for staffing the WCU did not take into account the high number of listings for each trial, which creates work for the WCU at each stage.
- Some 65% of Essex Crown Court cases are in the Warned List rather than Fixtures, creating uncertainty about the actual date on which the witness will be required.

The TU responded to the first evaluation's findings by taking the following steps in August 2004 to turn around the WCU's performance:

- Committing a significant amount of the CPS Champion's time to guiding the WCU's performance improvement;
- Assigning a CPS manager with in depth experience in witness warning/care, and strong management skills, to manage the WCU;
- Making available, on a part time basis, another experienced (police) manager within the TU (with prior experience of leading witness warning) to support the WCU manager;

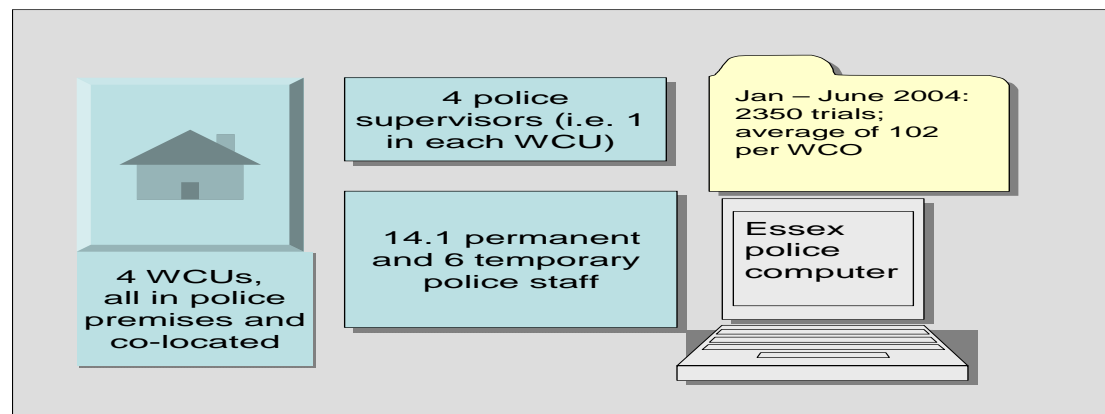
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- Openly discussing with the WCOs the scale of the performance problems and seeking their buy in to improve performance;
- Demonstrating senior management's commitment to resolving the problems faced by the WCU, including by providing additional resources where required;
- Ensuring that the overall TU Change Programme specifically addresses problems caused to the WCU by deficiencies in other functions of the TU.

The evaluation of the TU WCU's strengths and weaknesses will differentiate between the pre-August and post-August 2004 models.

NWNJ established four WCUs to deal with **Magistrates Court** witnesses, one in each of the CJUs based in police stations in Colchester, Laindon, Southend and Basildon. Figure 8 below shows both their key features and the average number of trials per WCO of 102, which is almost exactly the average (101) across the pilots for Magistrates Court cases.⁵

Figure 8: Key features of Essex CJU WCUs



Until August 2004, Colchester and Laindon CJUs handled only 50% of cases, being the more serious and sensitive ones, through NWNJ/ETMP. The CJUs were able to build on a wealth of experience in witness warning and care (particularly in sensitive and road death cases in which they offered an enhanced service). Robust management and a strong working culture helped the CJUs overcome early difficulties due to WCOs knowing little of NWNJ in advance and working under a new WCU manager.

3.2.3 Assessment of model piloted

The following analysis highlights those aspects of the pilot which have proved critical in determining the performance of NWNJ in Essex.

3.2.3.1 Strengths and good practice

The Local Implementation Team has proved effective in engaging frontline officers in undertaking the initial needs assessment and offering VPSs. The "tear off" part of the MG11 provides useful information to witnesses about the criminal justice process from the point of statement. In particular, it helps to dispel the myth that if witnesses provide a statement they will not be required to appear in court. All WCUs have benefited from efforts in these areas.

During January to July 2004, the **TU WCU** management introduced NWNJ processes gradually, hoping to ease implementation. The WCU manager engaged with other stakeholder organisations (notably the Witness Service, NSPCC and CPS CPOs) to identify weaknesses in the process and agree actions. The WCU manager introduced a monthly

⁵ The calculation of trials per WCO includes any managers or supervisors, to enable comparability between WCUs.

analysis of the reasons for ineffective trials, to determine the extent to which the WCU could have prevented this. However, the TU WCU had few other strengths when compared to other pilots. ***In general, until August 2004, the TU WCU was a failing unit.***

The TU WCU recovery plan could be considered good practice: committing senior management and resources, putting in place a fresh but expert management team respected by WCOs, focusing on rapidly upskilling and motivating the WCOs, and implementing “quick win” witness care processes and organisational arrangements. The quick wins included: ***proactive working methods***, all WCOs working towards ***trial readiness*** three weeks before trial (now holding a trial readiness meeting with the Court) and ***reviewing, clearing and allocating all the files*** in the WCU. This exercise uncovered a large number of “timebomb” cases i.e. the witnesses had not been adequately warned and/or availability problems which had not been notified to the caseworkers, so there was a high likelihood of an ineffective/cracked trial. The re-evaluation concluded that, five weeks into the recovery plan, it was already bringing benefits in terms of service to witnesses and CJS stakeholders, although further effort was required.

The ***CJUs WCUs*** generally conform to the NWNJ vision in terms of information provision and witness care. The service provided to, and working relationships with, key stakeholders (in particular lawyers, CPOs, the Witness Service and the courts) appears to be excellent and to have improved substantially as a result of NWNJ. The comments below focus therefore on particular strengths which proved instrumental in delivering benefits.

- Performance management is excellent. WCOs have a clear understanding of the ***expected levels of performance***, at each stage of the process; for example, tasks to be actioned within a specified number of hours of receipt of information or witness attendance to be confirmed two weeks after trial date notified. A robust diary and bring forward system ensures that proactive action is taken in each case and control maintained over the entire process.
- The WCU aims to do the full needs assessment ***within four days*** of the not-guilty plea being entered, allowing sufficient time for needs to be adequately addressed prior to trial.
- WCOs are proactive in taking action on witness issues and ensuring that ***lawyers and CPOs*** receive information in an appropriate manner and timing. This fosters trust and mutual respect in working relationships.
- The WCU has good working relationships with many ***other operational units*** such as the Family Liaison Team and the Domestic Violence Officers. This proves useful in, for example, providing additional support to witnesses in domestic violence cases.
- The WCU appears to provide a reliable service in notifying witnesses of ***court results***, using data from the court computer, LCIS. The WCU provides an enhanced service in ***sensitive and road death cases***, providing additional timely information throughout the process, for example, results on the day by phone.

3.2.3.2 Areas for improvement

The major weaknesses in the pre-August 2004 TU WCU (exacerbated by the external environment as noted above) were as follows.

- ***Weak supervision and management*** of the WCU meant that the basic NWNJ requirements (for example, proactive communications with witnesses at specified periods, the follow up needs assessment, range of support options) were not being complied with, the extent of non-compliance was not known and tools to enable monitoring of performance had not been implemented.
- WCOs had an ***inadequate understanding*** of the NWNJ process and of the “trigger points” so became trapped in a ***vicious cycle***: they were so overwhelmed by the amount

of letters to be issued that they did not communicate proactively with witnesses, caseworkers and the courts. This meant that they identified witness availability problems too late, resulting in ineffective trials, re-listing and thus additional administration.

- The workload pressure on WCOs became so great that their commitment to the job, and willingness to improve their adherence to the NWNJ process, was seriously undermined. The key weakness is that their **concerns about workload were not investigated and addressed** at an earlier stage. In particular, they were not made aware of how a more proactive approach would save them work later on in the process.

As a result, the WCU was unable to provide a reasonable level of support for witnesses to come to court. Furthermore, the WCU was unable to provide information on witness availability on a timely basis to caseworkers/lawyers or the Courts. Finally, the WCOs did not understand the role of the Witness Service sufficiently and thus were neither able to provide witnesses with reliable information about the Witness Service, nor to provide the Witness Service with useful and timely information to enable them to support witnesses.

The recovery plan's success in addressing these weaknesses in its first five weeks has been striking. The three fundamental issues raised above have largely been satisfactorily addressed, as a result of which some CJS stakeholders are already reporting signs of service improvement, although the WCU still has some way to go, particularly to strengthen service to caseworkers/lawyers and the Witness Service. The Crown Court has noted improvements in performance which could already be having a positive impact on trial outcomes.

The areas in which the **CJU WCUs** could still improve relate largely to areas outside their direct control, as follows. While the rate of **the initial needs assessments** by the police officers has increased, their **completeness and quality** is variable. Indeed, some officers are still using the old MG11 forms. The Police Champion is working with the divisions to improve the provision of information from the police at the point of statement. Completion can also be expected to improve over time due to the appointment of specialist "statement takers" in the divisional File Management Units in end August/September 2004.

Arrangements for the protection of **witnesses vulnerable to intimidation** could be strengthened. WCOs would benefit from receiving training on how to advise such witnesses and better links are required with operational functions to ensure that they deal effectively with cases of intimidation. A process for dealing with the retraction of statements would be useful.

3.2.4 Impact on performance measures

The performance dashboard in Figure 9 on the following page highlights the extremes of performance by the TU (Crown Court cases) and CJUs (Magistrates Court cases).

It is important to note the impact on referrals and pre-trial visits in Magistrates cases reported by the Witness Service. It is aiming to recruit one additional full time staff member, should sustainable funding of the post be identified (possibly from the LCJB), who will provide both volunteer training and essential staff cover for managers' absence.

3.2.5 Wider benefits

As one would expect, for the period January to July 2004, NWNJ was not yet delivering wider benefits at the Crown Court level. The only discernable wider benefit since August 2004 has been the increase in job satisfaction of WCOs in the TU WCU, who now understand their roles and are more confident about the future.






























NWNJ in the CJUs has been welcomed by CJS staff and is already delivering wider benefits. NWNJ has clearly strengthened  relationships between the Police WCU, their co-located CPS lawyers, the Witness Service and the courts. The improved trial outcomes necessarily increase the economy, efficiency and effectiveness of the CJS. The improved job satisfaction of WCOs and lawyers is apparent.

Figure 9: Essex NWNJ's impact on the performance measures

	Performance Measure	Conclusion	Essex Total				Essex Crown			Essex Magistrates			Comment
			Baseline	Current	Change	National Change	Baseline	Current	Change	Baseline	Current	Change	
1	Witness attendance rates at court		73.0%	76.3%	 4.5%	n/a	n/a	63.9%	n/a	n/a	79.3%	n/a	While insufficient data was provided for this finding to be conclusive, qualitative evidence supports an increase in Magistrates but none in Crown cases.
2	Ineffective trials due to witness issues		4.5%	3.8%	 -14.7%	 -7.5%	5.4%	6.7%	 25.4%	4.3%	3.0%	 -29.0%	Despite poor performance in Basildon Crown, strong Magistrates performance means overall decrease larger than national decrease.
3	Cracked trials due to witness issues		3.3%	2.0%	 -38.1%	 9.3%	n/a	n/a	n/a	3.3%	2.0%	 -38.1%	Largest decrease of all the areas, as based on Magistrates performance only.
4	Cracked trials due to late entry of a guilty plea		16.9%	17.7%	 4.9%	 1.8%	17.5%	15.2%	 -12.9%	16.8%	18.4%	 9.7%	Despite poor performance in Basildon Crown, strong Magistrates performance means overall decrease larger than national decrease.
5	Take-up of Victim Personal Statements		3.5%	39.3%	 1022%								MORI survey showed increased witnesses offered chance to provide VPS (14% to 31%) which indicates that case file review might have overstated increase.
6	Referrals to Victim Support/ Witness Service												No impact in Crown Court cases. Substantial impact in Magistrates Court, due both to increased number of witnesses and effective referrals by WCUs. Referrals are being made earlier, increasing the extent of pre-trial contact and preparation for each referral. Substantial increase in the number of witnesses identified as vulnerable or intimidated who receive enhanced service. Qualitative evidence only.
7	People receiving Pre-trial Visits												
8	Victim and witness satisfaction levels		69%	79%	 14.5%								Likely major factor is increased satisfaction with verdict (70% to 75%), but also increased satisfaction with WCU (78% to 84%), with CJS (63% to 76%) and with CPS (72% to 74%).
9	Number of witnesses receiving information at point of statement		44%	54%	 22.7%								The increase reflects the Police Champion's efforts to spread the NWNJ message amongst frontline police.
10	Quality of information and support provided to witnesses												Strong increases in support and information e.g. contacted re: special facilities (51% to 71%), receiving VS/WS support (54% to 59%), asked for dates to avoid (75% to 86%), outcome letter (33% to 69%).

3.3 Gwent

Gwent provides a useful case study of how high standards of witness care can realise **substantial improvements from high baseline performance measures in a short period**, even in the absence of ETMP or widespread Charging. The TU WCU is not yet meeting the Minimum Requirements in key areas, yet has achieved positive results in both performance measures and wider benefits due to dedication to witness care, its working culture and highly constructive working relationships with caseworkers/lawyers, the Courts and the Witness Service.

The level of service provided by the CJU exceeds the Minimum Requirements and represents best practice in a number of areas of witness care; the reward has been substantial improvements in trial outcomes. However, significantly improved engagement is required with, and by, CJS stakeholders, specifically the Courts and the Witness Service.

The management and working culture of both WCUs is extremely strong. This apart, there are no other specific factors which mean that the success of Gwent cannot be replicated in other areas.

For all but one performance measure, the strong performance of both WCUs results in “green scorings” in the performance dashboard at Figure 11. The exception is witness satisfaction, which receives an “amber scoring” but it appears likely that other factors (notably dissatisfaction with the verdict in the case) might be causing the decrease in this measure.

3.3.1 Key contextual issues

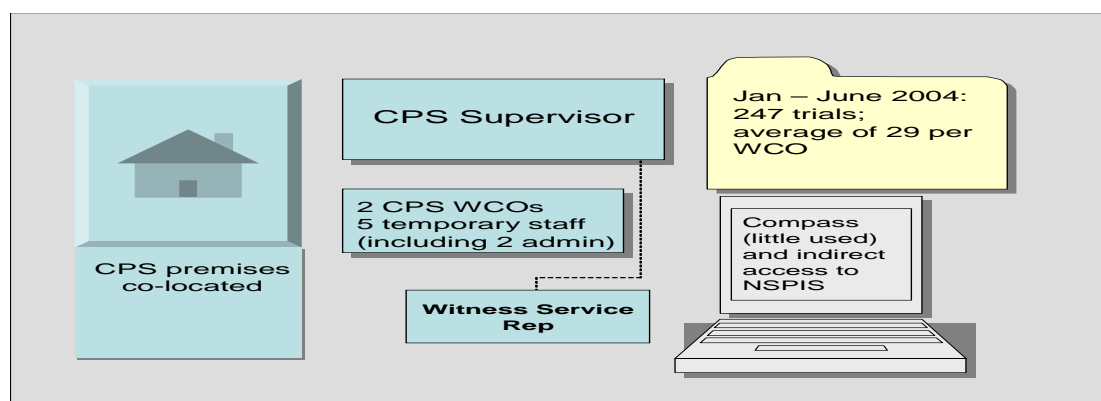
The TU established a WCU to handle Crown Court witnesses in July 2003; the CJU established their WCU, to handle Magistrates Court cases, in October 2003. Each WCU was planned and implemented by the units’ respective management. As a result, the models implemented differ significantly.

Gwent has not yet implemented ETMP, with the only case progression practice being a weekly meeting (attended by the Court listings officer, a representative of the lawyers/caseworkers and of the WCU) to discuss readiness for the following week’s Crown Court’s cases. Gwent has Shadow Charging on a limited scale due to resource constraints.

3.3.2 Key features of model piloted and difficulties faced

The TU WCU, handling **Crown Court cases**, is based in the CPS building in Newport, and is managed and staffed by the CPS; its key features are shown in Figure 10. The average of 29 trials per WCO is low compared to the average of 54 across all Crown Court WCUs.⁶

Figure 10: Key features of Gwent TU WCU



⁶ Note the calculation of the trials per WCO includes the Witness Service representative (as well as the supervisor to enable comparability with other WCUs).

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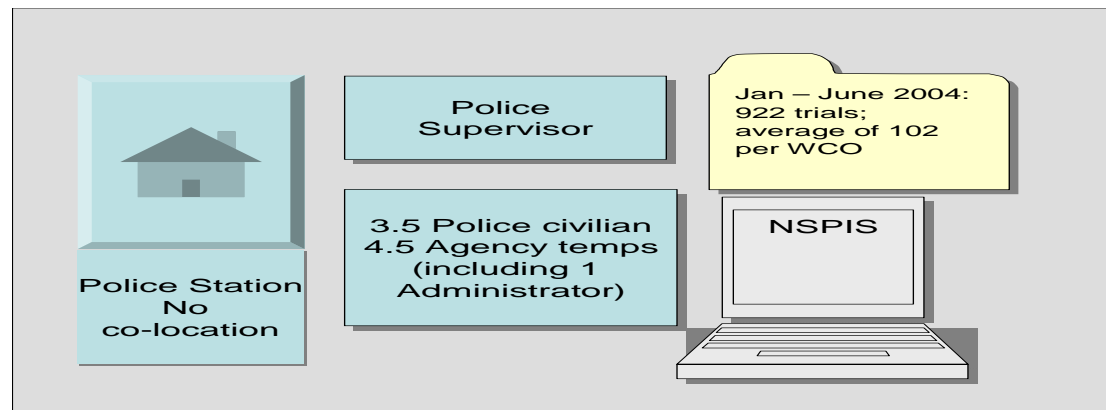
A Witness Service representative is based within the WCU, where she is responsible for undertaking the needs assessments of witnesses. Before she started in February 2004, the assessment was not being done. The WCOs undertake the witness warning role and act as the point of contact for witnesses. This split of responsibilities is counter to the NWNJ concept of a single point of contact for both witness warning and witness care. For the few months, the post was funded by the NWNJ project. When it became apparent that the arrangements were working well, the LCJB agreed to fund the post for a further year.

Implementation was led by the WCU manager, with the support of senior Business Managers. The TU faced some difficulties in implementation being that:

- NWNJ in Crown Court cases was established on the principle of communicating with witnesses at four key junctures, with little else known about NWNJ until the release of the Minimum Requirements;
- The WCU has suffered from significant resource constraints (at times, the team has been as low as two staff);
- The Crown Court listing practices can prove problematic. As Newport/Cardiff/Merthyr courts are considered as one court, court cases can be moved at last minute. This creates difficulties for witnesses in transport and because their pre-trial visit will have been to the wrong court. Such moves undo much of the good work of the WCU in establishing the trust and confidence of witnesses.

The CJU WCU which handles **Magistrates Court cases** is operated by Gwent Police based in Maindee Police Station in Newport; its key features are shown in Figure 11. The number of trials handled by each WCO is close to the all-pilots average of 101 for Magistrates cases.

Figure 11: Key features of Gwent CJU WCU



Compared to many WCUs, the CJU had a relatively smooth implementation, assisted by the three month planning period and the support of both an implementation manager and a Project Manager, both with other senior operational roles within the CJU. The main difficulty faced by the CJU has been the **lack of co-location** with the CPS lawyers and case files at Newport Central, which necessitates daily copying of documents from the main files. Improved access to Compass and an interface between the National Strategy for Police Information Systems (NSPIS) computer and Compass is an obvious solution once Compass is used more consistently by the CPS.

3.3.3 Assessment of models piloted

The following analysis highlights those aspects of the pilot which have proved critical in determining the performance of NWNJ in Gwent.

3.3.3.1 Strengths and good practice

Of all the areas visited, Gwent appears to be particularly aware of the **needs of the Black and Minority Ethnic communities** and uses Language Line to provide three way interpretation where required. The WCUs engaged Equality and Diversity Officers in reviewing communications with these communities.

The major strengths of the TU WCU centre on the organisational culture and relationships with key stakeholders, as follows.

- The WCU displays a high level of **dedication to caring** for witnesses and has a strong witness care process, referring all witnesses to the Witness Service.
- The WCU **working culture** is one of good teamwork, dedication and innovation. This has the advantage that team members are content to pick up the workload of others in the event of colleagues' absence and mitigates the effect of not having a single point of contact for witnesses.
- The WCU has established **good communications** and highly **collaborative relationships** with caseworkers, lawyers, court officials and the Witness Service which enables issues with witnesses to be addressed promptly and efficiently. A representative of the WCU also raises any issues regarding witnesses at the **weekly case progression meeting** with the Crown Court and caseworkers. This meeting is serving as a forerunner to ETMP's structured pre-trial preparation protocols.

The **CJU WCU** operates an extremely robust witness care process, exceeding the Minimum Requirements and representing best practice in several areas. Particular points are as follows.

- **Witnesses to hate crimes are covered from the point of statement rather than charge.**⁷ Establishing early relationships with the witnesses (normally the victims) to such crimes increases the likelihood of attendance at court if the case goes to trial. As early as possible, the WCU is able to inform victims and witnesses that someone has been apprehended and charged and whether they are in custody; knowing their bail conditions reduces their fear of reprisals. The investment of resources is relatively low compared to the benefit to the witnesses and to trial outcomes for hate crimes.
- The WCU is able to check on its database if **new cases involve victims/witnesses from previous cases**, and marry up documentation so that the needs of witnesses are already understood.
- The WCU undertakes a **risk assessment** to determine the risk of court appearance to the witness, and thus the risk of non-attendance. The witnesses' and defendants' histories are checked on the Operation Resources System, and Local Criminal Intelligence systems. This is increasing the proportion of witnesses being identified as vulnerable or intimidated and enabling Special Measures to be provided.
- Having identified a witness as at risk, the WCU uses its **strong operational links**, for example with the Domestic Violence Unit, to enable protection to be provided.
- The WCOs undertake a **detailed and complete follow up needs assessment** at the point of charge rather than not-guilty plea, and is thus exceeding the Minimum

⁷ Hate crimes are defined as domestic violence, racism, homophobia and child abuse cases. The WCU has provided support in approximately 85 cases since the start of NWNJ.

Requirements in this respect. (As noted, this needs assessment is actually being done following statement for the victims of hate crimes.)

- Significant effort has gone into publicising the work of the WCU with both **community groups and the public at large**. Engagement with local businesses such as Gwent Transport has yielded free transport passes for the most needy witnesses.
- Reflecting the CJU's high level of community engagement, its **Contact Directory** is comprehensive and used efficiently i.e. the WCU makes the first contact on behalf of the witness and then enables direct contact between the witness and the organisation.
- The WCU offers a **structured and extended service** between 8am and 6pm on week days, and 9am – 12pm on Saturdays to enable it to reach witnesses outside work hours. This has been achieved through the cooperation and flexibility of staff.
- In particularly **sensitive cases**, the WCU aims to call the Court for a result but will then emphasise to the witness (usually the victim) that this is not the verified official result.
- The WCU aims to provide **"cradle to grave" care for witnesses**, although post court care has only been called for in a handful of cases thus far.

The CJU WCU management has adopted a **robust approach to staffing and performance management**, ensuring that the current team in place are competent and motivated to undertake this critical witness care role. The current team seems to be striking the right balance between being firm (not coercive) and caring.

3.3.4 Areas for improvement

There are five main areas which the TU WCU needs to address.

First, the success of NWNJ in the TU is **excessively reliant on the Witness Service** representative undertaking the needs assessments. LCJB funding for the post has been found until mid 2005, but the sustainability of this arrangement beyond that point is questionable. Furthermore, the arrangement might not be the most cost effective and flexible. In the six month period since the co-location started in February 2004, the Witness Service representative took referrals/undertook assessments for 335 witnesses, at an average rate of 2.5 per day. The Witness Service representative is able to devote considerable time to witnesses' emotional and practical needs, and ensure that the Witness Service at court has complete information about witnesses attending. There is no evidence that this has undermined the WCOs' knowledge of their cases or affected their relationship with witnesses, due to the exceptionally good teamwork. However, there is no conclusive evidence that this co-location is significantly improving witness care and performance measures, relative to the referral arrangement in place in all other areas. Distributing responsibility for needs assessments/arranging support to WCOs would increase the workload of each and is likely to require recruitment of an additional post. However, this would enable more flexibility in resourcing so that, for example, if by any chance there were no needs assessments to be made, the WCO could focus on witness warning tasks. And, the posting of the Witness Service representative raises **line management issues** particularly in relation to performance management. There is no formal protocol in place to govern management, with the current arrangement relying on goodwill.

The other key points are as follows.

- The majority of the team's **processes are manual and therefore time consuming**, with physical copies of CPS files being made to provide the WCU with the information it needs. Compass is not used, as it has not been widely adopted throughout the TU.
- **The rate of completion of the MG11 initial needs assessments** by police officers at the point of statement is low and does not seem to have improved over the period since

NWNJ. This situation means that the WCU is starting “from cold” in approaching the witnesses and undertaking needs assessments.

- **Stronger communications are required with Gwent Police** (OIC, Domestic Violence and Family Liaison Officers). This will not only increase their rate of attendance at court but also enable the sharing of information on witnesses’ circumstances and inform them of the need to take action in cases of witness intimidation.
- WCOs would benefit from more **structured training** programmes, particularly in handling conflict situations with witnesses. Until WCOs have increased skills in these areas they will not feel confident in undertaking the needs assessments themselves.

The priority areas for further improvement by the CJU WCU relate to the **engagement of the Courts and the Witness Service**. In particular, the Courts report that there has been some improvement in their knowing of witness non-availability requiring a vacated trial, but this is often at late notice meaning that the freed up court time often cannot be used. However, more effort needs to be made to ensure that the police or WCU ascertain witness availability at an earlier stage in order to inform the setting of the trial date. The Courts report that they usually receive no replies to their letters to lawyers seven and three days prior to trial to check readiness for trial. It might be useful if the WCU was involved in this process and thus was able to inform of witness availability problems. **It is imperative that the WCU has constructive working relationships with both the Courts and the Witness Service.**

The TU and CJU share two areas in which improvement is required to impact on the performance measures still further. The **Charging Lawyers** are not yet ensuring that the initial needs assessments have been undertaken and that victims are being offered the opportunity to provide a VPS. And, there is a delay of some three to five days before witnesses are provided with verified **results**.

3.3.5 Impact on performance measures

The performance measurement dashboard in Figure 11 on the following page highlights the extremely strong results for Gwent, hence the generally “**green scorings**”. The “**amber**” (rather than red) scoring for the MORI survey’s result on witness satisfaction reflects the fact that it is likely to be other factors (notably dissatisfaction with the verdict and sentence in the case) which might be causing the decrease in this measure. Satisfaction with the WCUs and the CPS has risen substantially, as has the provision of support and information to witnesses.

3.3.6 Wider benefits





























Some of the intangible and wider expected benefits from NWNJ are already evident in Gwent. NWNJ has been welcomed across the CJS, by frontline police officers, specialist units such as the Domestic Violence Unit, lawyers, caseworkers, the Witness Service and Crown Court staff. At both the Crown and Magistrates levels:

- The improved trial outcomes necessarily increase the economy, efficiency and effectiveness of the CJS;
- The improved job satisfaction of WCOs is clear.

However, only in the TU has NWNJ clearly strengthened relationships between the WCU, their co-located caseworkers/lawyers, the Witness Service and the courts. In particular, NWNJ appears to have had no impact on the Magistrates Courts, for example in their listing policies, provision of court facilities for witnesses or provision of court results. Listing officers will benefit from the planned briefing about the role of the WCU.

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Figure 12: Gwent NWNJ's impact on performance measures

			Gwent Total				Gwent Crown			Gwent Magistrates			
	Performance Measure	Conclusion	Baseline	Current	Change	National Change	Baseline	Current	Change	Baseline	Current	Change	Comment
1	Witness attendance rates at court		63.0%	84.0%	 33.3%	n/a	n/a	94.6%	n/a	n/a	78.7%	n/a	Substantial increase, and the greatest increase, in witness attendance of all the areas, largely in the Crown Courts.
2	Ineffective trials due to witness issues		7.9%	5.3%	 -32.5%	 -7.5%	5.0%	4.0%	 -19.4%	8.5%	5.6%	 -33.5%	Non-ETMP pre-trial meetings could be supporting NWNJ in decreasing ineffective trials in Crown.
3	Cracked trials due to witness issues		10.5%	7.0%	 -32.8%	 9.3%	n/a	n/a	n/a	10.5%	7.0%	 -32.8%	Limited coverage of Shadow Charging means that unlikely has played a significant role in the improvement of this measure.
4	Cracked trials due to late entry of a guilty plea		11.1%	17.4%	 55.9%	 1.8%	11.1%	15.8%	 42.8%	11.2%	17.8%	 59.4%	Comment re: Charging as above. Increase is the largest of all the pilot areas.
5	Take-up of Victim Personal Statements		1.5%	8.6%	 471.4%								Also, MORI survey showed increase in witnesses offered chance to provide VPS (7% to 38%).
6	Referrals to Victim Support/ Witness Service												Substantial impact in both Courts, due both to increased number of witnesses and effective referrals by WCUs. Referrals are being made earlier, increasing the extent of pre-trial contact and preparation. Substantial increase in the number of witnesses identified as vulnerable or intimidated who receive enhanced service, often including more than one home visit. Qualitative evidence only.
7	People receiving Pre-trial Visits												
8	Victim and witness satisfaction levels		62.0%	57.0%	 -8.1%								Amber rather than red as likely that decrease not NWNJ-related. Note decreased satisfaction with verdict (63% to 60%), sentence (43% to 31%) and CJS (75% to 69%). Also, inconsistent with increased satisfaction with WCU (77% to 90%) and CPS (66% to 82%).
9	Number of witnesses receiving information at point of statement		36.0%	39.0%	 8.3%								Notably, 100% of witnesses receiving information were satisfied with it, up from 95%.
10	Quality of information and support provided to witnesses												Very strong support e.g. contacted re: special facilities (25% to 46%), support at court (67% to 86%), received support from WS (57% to 71%), post court support (28% to 35%). Increased information e.g. witness warning letter (81% to 94%), asked for dates to avoid (62% to 80%), outcome letter

3.4 North Wales

North Wales presents a complex and mixed picture, and is even more of a “work in progress” than other pilot areas. The area faced considerable difficulties during the early months of implementation and these have delayed the delivery of many of the desired benefits in terms of improved working practices, CJS relationships and job satisfaction. But, already, there is persuasive evidence that NWNJ has directly led to a substantial improvement in witness attendance in both Crown and Magistrates Courts. In **Crown Courts, there is persuasive evidence that this attendance has resulted in an improvement in trial outcomes**, albeit the findings are based on a small number of Crown Court trials, averaging 23 trials per month between July 2003 and June 2004.

In the Magistrates however, difficulties in communications between WCOs, caseworkers/lawyers and the Courts, together with the strict enforcement of the Domestic Violence policy, might have played a role in **reversing the expected trends in trial outcomes**.

Due to the adverse performance in the Magistrates Court cases, North Wales receives “amber scorings” for its three trial outcome measures in the performance dashboard at Figure 13. Across all other performance measures, North Wales receives strong “green scorings”.

Overall, North Wales is not yet deriving any wider benefits. There are encouraging signs that North Wales is now on track to strengthen its working processes and feed through to sustained improved performance measures, particularly as the management and resourcing constraints will be addressed in the near future. The priority for the coming months is to extend the quality of service currently provided in Crown cases to Magistrates cases. There are many lessons to be learnt for National Rollout from North Wales’ experience of piloting NWNJ.

3.4.1 Key contextual issues

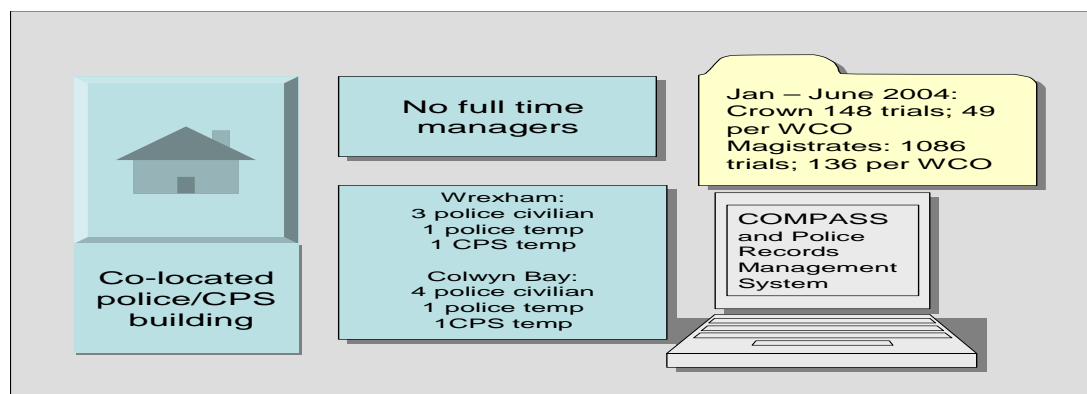
NWNJ was implemented by senior management of the CPS and Police Administration of Justice Department.⁸ Although WCU staff were recruited in August 2003, to supplement the existing Witness Warning team, the official start of NWNJ implementation in North Wales was October 2003.

ETMP started in the Magistrates Court in October 2003 and in the Crown Court in January 2004. However, the Crown Court has had case progression processes for six years, contributing to a relatively low baseline in ineffective trials. The Charging pilot started in the Eastern region of North Wales in February 2002 and was rolled out to the Western and Central regions in January 2003. Shadow Charging was implemented in October 2003.

3.4.2 Key features of model piloted and difficulties faced

WCUs were established in Wrexham and Colwyn Bay, each in co-located premises and handling Crown and Magistrates cases. The units’ key features are shown in Figure 13.

Figure 13: Key features of North Wales WCUs



⁸ North Wales CPS and Police have adopted a Glidewell structure different from other areas.

The 49 Crown Court trials per WCO is just **under** the all-pilots average of 54, while the average in the case of Magistrates is substantially **above** the all-pilot average of 101. The permanent police staff are “staff” managed by police managers; a working arrangement is that the two CPS temporary staff are also managed by the same police managers although a solution will be required as and when the temporary contracts are made permanent.⁹

NWNJ implementation was hindered by serious problems, including the following.

- The WCUs experienced considerable **logistical problems** (lack of computers, desks, phones and access to Compass) at set up and, in some cases, for a considerable period.
- WCOs had little **information, guidance or training** about the objectives, principles and core processes of NWNJ. The WCUs’ processes were developed gradually between October 2003 and February 2004, when the Minimum Requirements became available.
- The WCUs have not had consistent **full time managers**, although between October 2003 to March 2004, the manager of Wrexham’s Victim Information Bureau (VIB) also managed both of the WCUs.
- The WCUs did not have the benefit of stable **senior management** arrangements (three Chief Crown Prosecutors and three Area Business Managers since October 2003).
- Implementation of NWNJ coincided with a period of considerable change, with the **co-location** of the Witness Warning function with CPS and the implementation of **Compass**.
- The WCUs often face difficulties in obtaining the **information and documentation required** (for example the committal bundle, the List of Witnesses Attending Court (LWAC) or correct witness contact details) to enable them to operate effectively (for example, to contact the witnesses in good time).

The release of the Minimum Requirements provided the first clear warning that NWNJ was not achieving its objectives in North Wales. The current **Police and CPS champions** assumed responsibility for NWNJ in March/April 2004 and have sought to implement improvements since that date. Their line positions as AJD Inspector and manager of VIB (and returning from secondment on ETMP implementation) means that they are well placed to turn NWNJ around. The CPS and Police Champions are leading the WCUs through a **structured approach** to improving performance i.e. process mapping, action planning and resource re-allocation.

3.4.3 Assessment of model piloted

The following analysis highlights those aspects of the pilot which have proved critical in determining the performance of NWNJ in North Wales.

3.4.3.1 Strengths and good practice

The key strength of the WCUs is their **quality of service to witnesses and the Witness Service**, despite the fact that they do not yet undertake the full needs assessment for all Magistrates Courts witnesses. However, even the “light touch” assessment appears to be sufficient to identify key needs to be addressed. All seven Witness Service managers (via the Deputy Area Manager) provided exceptionally positive feedback about the significantly improved service provided to witnesses prior to court and to the Witness Service.

An important step was establishing “**file ownership**” (i.e. a single point of contact) between April (Wrexham) and May/June (Colwyn Bay). This has improved the continuity of care for witnesses and increased the accountability and job satisfaction of WCOs. In the short term, the assumption of responsibility for cases by less experienced WCOs may have resulted in a temporary decline in service to caseworkers and lawyers in June 2004.

⁹ “Staff” management includes performance management and leave arrangements but not day to day management. Neither of the Police managers has a role in the operation of the WCUs.

Indeed, the evidence about the WCUs' performance in obtaining information on the availability of witnesses and providing this to caseworkers and lawyers is mixed. Feedback on the performance with regard to **Crown Court** cases in the Wrexham WCU was positive, although co-location was mentioned as a significant factor in the improvement of service. It was specifically noted that caseworkers and lawyers were better able to perform their duties because the WCU was providing good quality information about witness availability issues and needs, including identifying the need for Special Measures. Information is provided on a timely basis meaning that caseworkers are now aware of witness issues some one to two weeks earlier than previously.

All WCOs have visited at least one of the courts so that they are able to **describe court conditions** to witnesses. Notes on all courts are available for WCOs for use when discussing the courts with witnesses.

3.4.3.2 Areas for improvement

There are six main areas for improvement as follows. Many of these can be attributed to the fact the WCU has not had a **full time manager**, for example, to manage WCOs' performance, establish links with CJS internal and external stakeholders, undertake training and provide guidance to staff.

First, the WCUs have focused on processes and service to witnesses, rather than the outputs provided to internal customers (particularly caseworkers/lawyers) and trial outcomes. The CPS and Police Champions have already identified the importance of analysing the **reasons for ineffective and cracked trials on a monthly basis**, and have started accessing this data from the Case Progression Group. Reasons for trial outcomes can be divided into those that the WCUs could have directly, indirectly or not affected. It would also be useful to involve WCOs in this analysis exercise to increase their understanding of the causal links between their work and trial outcomes.

Secondly, the police did not start undertaking initial **needs assessments** or offering (and later obtaining) VPSs at the point of statement until May 2004 (although adherence has improved significantly). The rate of completion of an initial needs assessment can be expected to improve over time due to the Police Champion working with the divisions to improve the provision of information from the police at the point of statement. Charging lawyers are not yet acting as a "gatekeeper" to ensure that the needs assessments are being undertaken.

Thirdly, major improvements are required in the process of **confirming witness availability correctly and promptly and notifying problems efficiently to caseworkers, particularly in Magistrates Court cases**. The warning letters need to be shorter, clearer and more authoritative (with a clearly stated date for response). The WCOs are now aiming to undertake the needs assessments sooner than ten days prior to trial; this needs to be followed by them supplying the MG20s (on availability) to the caseworker/lawyer approximately a week before trial. Police officers not updating their availability is a major problem. Efficient communication relies on WCOs being increasingly proactive in seeking reasons for non-availability, fielding enquiries for the caseworkers/lawyers and resolving a problem with witness availability. WCOs should be acting more as problem solvers rather than message boxes for the caseworkers/lawyers.

Fourthly, WCUs recognise the need to strengthen their provision for **vulnerable or intimidated witnesses**. The Champions recognise the need to improve links with Family Liaison and Domestic Violence Officers. Allied to this is the need to build the buy in of divisions to enable better links between the WCUs and the OIC, the Community Safety function and the Communications Department. Fifthly, there are opportunities for NWNJ to have a **greater influence on which trials** are adjourned or moved due to court time/space reasons, based on their understanding of witnesses' circumstances. Finally, there are a number of other areas in which WCOs need to strengthen their **knowledge and skills**, for example in understanding Special Measures and application procedures, the information

needs of caseworkers and lawyers, court results, approaches to the needs assessments, listings policies and the criminal justice process overall.

Many of these issues had already been recognised by the new Champions prior to the evaluation. They have a comprehensive and appropriate action plan in place to address these issues.

3.4.4 Impact on performance measures

The North Wales performance dashboard is shown in Figure 14 on the following page. The adverse trial outcomes (and hence **amber scorings**) for Magistrates Courts require further explanation and an understanding of the context. There are several aspects to consider.

First, it should be noted that the scale of the adverse trial outcome results is due to **poor results in June (and to some extent May, particularly in Flintshire and Gwynedd)**. Until then, trial outcomes had generally been good and improving in 2004.

Secondly, there is an inconsistency between Crown (improved) and Magistrates results (declined), and between witness attendance (increased) and trial outcomes (overall declined). This indicates that **factors other than NWNJ are likely to be influencing** the trial outcome results in May and June 2004. The stricter enforcement of the Domestic Violence policy since August 2003 has resulted in charges being brought and cases pursued even if the victim wishes to retract his/her statement. This has increased the number of trials for which there is a high risk of witnesses (i.e. the victims) not attending. It is possible that this could have increased ineffective (PM 2) and cracked trials due to witness issues (PM 3), and decreased cracked trials due to late entry of a guilty plea (PM 4), but this is by no means certain.

Thirdly, the adverse trial outcomes should be seen in the context of North Wales' **relatively good record in trial outcomes**. For example, North Wales' baseline ineffective trials due to witness issues was 3.1% compared to a national average of 5.1%, and was the second lowest baseline of the five pilot areas. North Wales' baseline for cracked trials due to late entry of a plea at 20.8% is the highest of the pilots and higher than the baseline national average of 16.5%.

Fourthly, the trial outcome results should also be seen in the context of the **strong increases for all the witness information, support and satisfaction related measures**. These indicate that North Wales is providing a better level of service to witnesses.





























3.4.5 Wider benefits

In general, NWNJ has brought few wider benefits. The adverse trial outcome results mean that the CJS is not yet deriving significant economy, efficiency, and effectiveness benefits. NWNJ does not yet appear to have had a positive impact on the relationships between CPS and Police, and between the WCUs, caseworkers/lawyers and the courts. And, pressure on the WCOs due to the difficulties experienced means that they do not have increased levels of job satisfaction.

The only wider benefit is the improved proactive and cooperative working relationship between the WCUs and the Witness Service, which has been supported by the co-location of the Witness Service Deputy Area Manager with the Colwyn Bay WCU. The Witness Service is considering the need to appoint a further staff member to assist with absence cover and training, although the funding source for this is not known.

No Witness, No Justice (NWNJ) Pilot Evaluation Crown Prosecution Service and ACPO

Figure 14: North Wales' impact on performance measures

	Performance Measure	Conclusion	North Wales Total				North Wales Crown			North Wales Mags			Comment
			Baseline	Current	Change	National Change	Baseline	Current	Change	Baseline	Current	Change	
1	Witness attendance rates at court		68.0%	87.8%	 29.1%	n/a	n/a	94.2%	n/a	n/a	85.5%	n/a	Substantial improvements in witness attendance are not feeding through to improved trial outcomes in Magistrates Court cases.
2	Ineffective trials due to witness issues		3.1%	3.4%	 10.5%	 -7.5%	2.0%	1.4%	 -32.0%	3.2%	3.7%	 14.4%	Trial outcomes counter to those expected in Magistrates (Flintshire and Gwynedd, particularly in June) outweigh good Crown results due to small number of Crown cases. Reason for outcomes in Magistrates unclear as inconsistent with increases in witness attendance and good witness care. One possible reason could be stricter enforcement of domestic violence policy since 2003.
3	Cracked trials due to witness issues		3.6%	3.7%	 3.5%	 9.3%	n/a	n/a	n/a	3.6%	3.7%	 3.5%	
4	Cracked trials due to late entry of a guilty plea		21.6%	20.4%	 -5.3%	 1.8%	27.2%	29.1%	 7.0%	20.8%	19.2%	 -7.7%	
5	Take-up of Victim Personal Statements		2.0%	25.0%	 1150.0%								Case file review supported by MORI survey which showed increase in witnesses offered chance to provide VPS (9% to 24%).
6	Referrals to Victim Support/ Witness Service												Increase not as large as in other areas as baseline was already high (pre-existing Witness Warning Team was proactive in referrals). Referrals are being made earlier, increasing the extent of pre-trial contact and preparation. Increase in the number of witnesses identified as vulnerable or intimidated who receive enhanced service. Qualitative evidence only.
7	People receiving Pre-trial Visits												
8	Victim and witness satisfaction levels		55.0%	77.0%	 40.0%								One factor likely to be increased satisfaction with verdict (65% to 68%). But also, increased satisfaction with WCU (79% to 83%), with CJS (58% to 69%) and with CPS (65% to 74%).
9	Number of witnesses receiving information at point of statement		34.0%	40.0%	 17.6%								Increased satisfaction with information (84% to 96%).
10	Quality of information and support provided to witnesses												Consistently strong in support and information e.g. offered special facilities (32% to 46%), asked for dates to avoid (75% to 81%), outcome letter (26% to 75%). Higher baselines on other questions mean smaller increases than in other areas.

3.5 South Yorkshire

South Yorkshire's WCUs are examples of mixed CPS and Police WCUs which have proved effective. There is persuasive evidence **that their work has led to substantial improvements in witness attendance and two of the three trial outcome performance measures**, although some non-ETMP case progression practices appear to be having an impact on the Crown Court ineffective trials. However, witness attendance was in decline between April and June 2004. And, cracked trials due to witness issues (PM 3) in Magistrates Courts have **increased**, which could be due to the policy of compelling victims of domestic violence to give evidence in court.

The WCUs provide a good standard of witness care, but the organisational model is not yet following the NWNJ vision. Police staff undertake witness warning and care on standard cases, but a CPS Witness Care Coordinator undertakes liaison on their behalf with the CPS, and plays an enhanced role in difficult cases. This model has limitations which will be exacerbated when the WCU moves from CPS to police premises in Autumn 2004. The model may need to be re-examined with emphasis on more detailed needs assessments and developing the WCU staff to take on some of the work which might routinely be forwarded to the Witness Care Coordinator.

South Yorkshire has a mixture of scorings on its performance dashboard at Figure 15. It receives strong "green scorings" for witness attendance, two trial outcome measures, VPSs and the quality of information and support. However, the increase in cracked trials due to witness issues (PM 3) results in an "amber scoring", as does the slight decrease in witness satisfaction (PM 8) which is inconsistent with other evidence about witness satisfaction. The MORI survey shows a decrease in the provision of information at the point of statement (PM 9), and hence this measure has a "red scoring".

3.5.1 Key contextual issues

NWNJ was introduced in Sheffield Crown and Magistrates Courts in November 2003, with the establishment of two WCUs, in the TU and the CJU. NWNJ was implemented by a Local Implementation Team comprising a senior South Yorkshire Police and CPS champion and the respective CPS and police managers of the TU and the CJU. Latterly, the regional co-ordinator of the Witness Service has also joined the Local Implementation Team. The TU and CJU have been co-located in CPS premises for over two years, but the police staff in the TU (i.e. including the WCU) are due to move to a different location in the Autumn of 2004.

The Sheffield WCU covers all cases that go to Sheffield Crown Court that originate in Sheffield. This accounts for approximately half of all cases that go to Sheffield Crown Court. Cases originating in Rotherham and Barnsley were excluded from the original pilot although preparations are well advanced to include them in the roll out. All cases going to Sheffield Magistrates Court are covered by NWNJ.

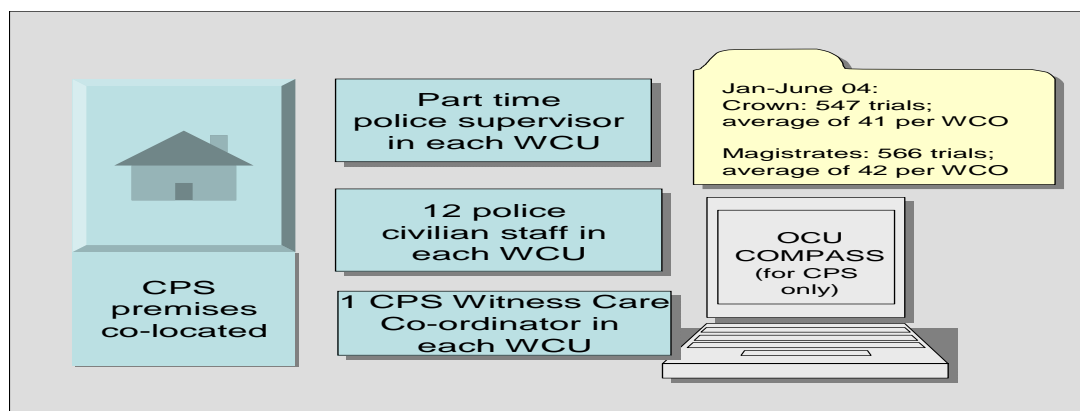
Shadow charging was introduced in December 2003. Statutory charging was introduced to Sheffield in May 2004.

ETMP will be formally launched in South Yorkshire on 15th September 2004. Preparation work has included a review of the links between ETMP and NWNJ and the launch event will highlight the importance of these links. A CPO has been in post at Sheffield Crown Court since March 2004 and one has been appointed, although not yet deployed, at the Magistrates Court. Also, all key criminal justice organisations (CJOs) engage in trial planning meetings which, while currently centred on witness issues, will broaden their scope to cover all aspects of case preparation.

3.5.2 Key features of model piloted and difficulties faced

The two WCUs share a common feature, not shared by other pilot areas. Each WCU has a CPS Witness Care Coordinator who undertakes liaison on the behalf of police WCOs with the CPS, and plays an enhanced role in difficult cases. The other key features of the South Yorkshire WCUs are set out in Figure 14 on the following page.

Figure 15: Key features of South Yorkshire TU and CJU WCUs



It should be noted that the *trials per WCO in both WCUs are considerably lower than the all-pilot averages of 54 (Crown) and 101 (Magistrates)*. The number of cases for the CJU WCU decreased immediately after the introduction of the Charging Initiative but the management believes that this number is beginning to rise again.

The pilots have faced, and will continue to face, a number of challenges being that:

- While the TU as a whole benefits from having a supportive resident judge who is committed to increasing the efficiency of the Crown Court, the speed with which cases reach trial presents a challenge to the WCU in confirming witness availability;
- Police staff in the TU, including the WCU, will be moving to a separate site in late 2004. While plans are in place to adapt processes to cope with the separation from the CPS, this will provide a challenge for developing relationships with the CPS, which have taken some time to cultivate.

Work is going on to prepare both WCUs for further rollout of NWNJ, and the TU is already reorganising to take on the work that will be produced once Doncaster Crown Court becomes part of NWNJ. This will include the introduction of a mixed WCU with both Police and CPS staff carrying out the WCO role.

3.5.3 Assessment of model piloted

The following analysis highlights those aspects of the pilot which have proved critical in determining the performance of NWNJ in South Yorkshire.

3.5.3.1 Strengths and good practice

A particular strength of South Yorkshire has been the strong project management of the implementation by the Project Steering Group. The Group took some time at the beginning of the project to review carefully the “as is” processes. The Group assembled a team in each of the TU and CJU respectively to analyse witness care processes and gaps. As the pilot has proceeded, the Steering Group has taken an active approach to monitoring performance, for example they undertook spot checks over the course of one week of:

- The number of MG11 back pages that police officers were completing. This has enabled the team to analyse which areas are not completing the forms and to communicate with the officers concerned;
- Witness unavailability and found that this was mostly due to the absence of police officers. While good reasons were often given, the team is considering whether police absences should be graded on a scale of importance.

The Group meets regularly to review issues and make changes where required. There are clear channels within the project for escalating issues and sharing information and lessons learned across the area.

The area's other key strengths are as follows.

First, the WCOs are **highly motivated and enthusiastic** about their work. This inevitably increases the quality of the service that they provide.

Secondly, although not strictly speaking NWNJ, the **pre-trial meetings** to discuss witness issues are improving the quality of information on witness availability. The meetings act as an important safety net to ensure that the courts and the Witness Service have the most up to date information on witnesses prior to court. In particular, Court CPOs are updated on CPS progress on issuing summonses for reluctant witnesses and confirmation can be made that special measures and special assistance is in place.

Thirdly, the practice of **contacting every witness the week prior to their attendance at court** to ensure that they have all the information they need and are attending court, helps to highlight any last minute problems that may arise and gives sufficient time to reach a resolution.

Fourthly, the Local Implementation Team has thought very carefully about NWNJ's role in the introduction of other initiatives, particularly ETMP. This will further strengthen relationships with other members of the CJS community.

3.5.3.2 Areas for improvement

There are some key areas of improvement requiring attention to increase performance further.

First, the CJU WCOs do **not undertake a systematic detailed assessment** of witness needs. While there is an assessment sheet, it amounts to little more than half a side and does not cover some of the key questions required by the Minimum Requirements, such as requesting whether a victim of crime has completed a VPS. Reliance is placed upon the experience and knowledge of the WCO to pick up on any key needs to be addressed. The absence of an audit trail could impede performance management.

Secondly, as noted, the WCU model includes a **CPS Witness Care Co-ordinator role**. Thus far, these Co-ordinators have provided a useful single point of contact for WCOs where access to CPS caseworkers/ lawyers can be difficult. However, the model does not appear to represent a cost effective approach to witness care for the following reasons.

- In the CJU, the Witness Care Coordinator (a B1 grade) undertakes the low level administrative tasks of booking travel and accommodation, as budgetary authority lies with the CPS. It would be more cost effective for the WCU to delegate authority to the WCOs (or even better an administrative assistant) to perform these tasks.
- The TU Witness Care Coordinator spends up to an hour and a half a day, most days, at the Crown Court to help with any witness problems that may arise. Given that both caseworkers and the Witness Service are also available, this is an unnecessary duplication of effort.

The Witness Care Coordinators are largely engaged on liaison and case progression work, functions which will become increasingly important as ETMP is introduced, and will form part of the ETMP case progression role. The project team has been asked to consider whether the appointment of fulltime Witness Care Managers, who can both progress cases escalated to them by the WCOs and manage day to day quality, might be a better investment.

There is also a danger that the Witness Care Coordinator, while performing a useful troubleshooting role, is hampering the development of some WCOs' engagement, self-reliance and judgement.

Thirdly, the **rate of initial needs assessments** on MG11s continues to be low. The Project Steering Group went to great lengths at the beginning of the project to undertake a communications programme for frontline police officers; however, there continues to be a low level of awareness of NWNJ in the police.

Rollout discussions which have taken place since the evaluation visit, have concluded that a more mixed approach to staffing the WCUs will be adopted. This will provide a much better knowledge base within the WCUs and make the WCUs less reliant on the Witness Care Coordinator and improve the problem solving ability within the units.

3.5.4 Impact on performance measures

The performance measurement dashboard is at Figure 15 on the following page. Some results merit further explanation.

First, the increase in cracked trials due to witness issues (PM 3) requires an “**amber scoring**”. There is persuasive evidence that this increase is due to the stricter enforcement of the Domestic Violence policy, specifically the low tolerance level of retractions in such cases, as in North Wales. This tendency to bring more domestic violence cases to justice has increased since the introduction of pre-charge advice in December 2003, and looks further set to increase with the introduction of Statutory Charging in May 2004. It should also be noted that South Yorkshire’s baseline figure was particularly low, making any significant improvement a challenge and increasing the likelihood of an increase.

Secondly, although the case file review noted an increase in VPS take up (PM 5), the MORI survey showed a decrease in VPSs being offered. It was noted during the area visit that there was some resistance, particularly in the CJU, to offering VPSs as this was seen to be a drain on police resources. As a result of the evaluation area visit to South Yorkshire, the Local Implementation Team intended to review their approach to offering VPSs.

Thirdly, it is surprising that South Yorkshire records a decrease in witness satisfaction (PM 8), particularly as this is inconsistent with the other major factor which could account for dissatisfaction (i.e. the verdict). The measure receives an “**amber scoring**” as it is inconsistent with other evidence. South Yorkshire can take comfort from the increased satisfaction with the WCUs, the CJS overall and the CPS.

Fourthly, the difficulties with engaging police to adhere to NWNJ at the point of statement are reflected in the MORI survey’s result that the provision of information at the point of statement (PM 9) has actually decreased, from 54% to 40% hence the “**red scoring**”. As a result of the evaluation area visit, South Yorkshire is putting in place plans to improve compliance.

3.5.5 Wider Benefits





























South Yorkshire has realised some wider benefits. The Witness Service welcomes its involvement in the pre-trial planning meetings, which is likely to strengthen CJS working relationships and practices.

Caseworkers and lawyers report that there is generally a better understanding across the CJS community of witness issues.

Court staff report a better understanding of witness issues and changes are being made to their approach. For example, where possible, the Witness Care Coordinator will alert the Magistrates Court to instances where a mixed bench might be preferable in cases where there is a female victim of sexual abuse or domestic violence.

No Witness, No Justice (NWNJ) Pilot Evaluation Crown Prosecution Service and ACPO

Figure 16: South Yorkshire NWNJ's impact on performance measures

	Performance Measure	Conclusion	South Yorks Total			National Change	South Yorks Crown			South Yorks Mags			Comment
			Baseline	Current	Change		Baseline	Current	Change	Baseline	Current	Change	
1	Witness attendance rates at court		72.0%	85.4%	 18.6%	n/a	n/a	90.3%	n/a	n/a	81.9%	n/a	Substantial improvement in witness attendance.
2	Ineffective trials due to witness issues		5.6%	3.6%	 -36.3%	 -7.5%	4.7%	2.2%	 -53.0%	6.7%	4.9%	 -26.4%	Although no ETMP, Crown Court Case Progression Officer and the Pre-Trial Meetings may also contribute to large decrease in Crown.
3	Cracked trials due to witness issues		2.0%	4.1%	 105.6%	 9.3%	n/a	n/a	n/a	2.0%	4.1%	 105.6%	Inconsistency with witness attendance and other evidence which suggests that increase could be due to the strict enforcement of the domestic violence policy.
4	Cracked trials due to late entry of a guilty plea		27.2%	30.5%	 12.4%	 1.8%	35.7%	42.2%	 18.2%	17.8%	19.3%	 8.3%	Consistent increase in both courts.
5	Take-up of Victim Personal Statements		0.0%	16.7%	 from 0								Increase noted in case files supported by qualitative evidence. MORI counter evidence of reduced number of witnesses offered chance to provide VPS (24% to 20%).
6	Referrals to Victim Support/ Witness Service												The Witness Service reports slight increases due to NWNJ, with the Street Crime Initiative playing a more substantial role in increasing referrals and PTVs. The Witness Service is anticipating a greater impact when NWNJ is rolled out across South Yorkshire and this is one of the reasons it is seeking additional resources. Qualitative evidence only.
7	People receiving Pre-trial Visits												
8	Victim and witness satisfaction levels		74.0%	72.0%	 -2.7%								Result inconsistent with increased satisfaction with verdict (71% to 73%), sentence (48% to 61%), WCU (86% to 93%), CJS overall (71% to 76%) and (CPS 70% to 74%).
9	Number of witnesses receiving information at point of statement		54.0%	40.0%	 -25.9%								Reflects WCUs' concerns that frontline police not adhering to NWNJ processes at the point of statement. Increased satisfaction with material (93% to 96%).
10	Quality of information and support provided to witnesses												Increases in support: received support from Victim Support/Witness Service (59% to 69%), asked for dates to avoid (78% to 84%) but witness warning letter down (91% to 88%).

3.6 West Midlands

West Midlands provides a good example of where NWNJ can be effective in areas with diverse urban populations, large number of courts and mixed staffed WCUs where police civilian WCOs are working successfully under the supervision of CPS managers. A great deal of effort has gone into working at the Police/CPS relationship and this is beginning to yield results. Of all the areas, performance in West Midlands has probably been the most consistent, across all courts and over the time period. Furthermore, performance is likely to be further enhanced once former witness warners (based at police stations) are incorporated fully into WCUs. ETMP and Charging have only been partially implemented across the area.

The lessons that West Midlands has learned will put the Local Implementation Team in an advantageous position when it undertakes further rollout within the area. This will be particularly crucial when Birmingham Crown and Magistrates Courts are introduced to NWNJ.

There is persuasive evidence that *NWNJ has led to substantial improvements in all but two of the performance measures, hence it receives largely “green scorings” in the performance dashboard at Figure 18. However, there is a decrease in witness satisfaction (PM 8), which only receives “amber scoring”, as it is inconsistent with other evidence about witness satisfaction. The MORI survey shows a decrease in information provided at the point of statement (PM 9), and hence receives a “red scoring”.*

3.6.1 Key contextual issues

West Midlands has a longer history of witness care than other areas. Some of the West Midlands pilot sites undertook witness care initiatives as far back as November 2002. A protocol was written in January 2003 and of the three future NWNJ pilot sites, two, being Wolverhampton and Coventry, joined at the beginning of the scheme with Walsall following in the summer of 2003. This project temporarily lost some momentum and was re-launched under NWNJ in November 2003.

NWNJ is part of a wider initiative in the West Midlands LCJB, which has a number of projects relating to victims and witnesses. For example, a project on handling victims and witnesses of racially motivated crime is beginning. The NWNJ project will inform these newer projects. Project team members will be able to benefit from lessons learned during NWNJ.

Walsall and Wolverhampton have ETMP. Charging has been implemented in Walsall only. Coventry has neither ETMP nor Charging.

3.6.2 Key features of model piloted and difficulties faced

Wolverhampton and Coventry both have WCUs serving both Crown and Magistrates Courts. Walsall WCU serves Walsall and Aldridge Magistrates Courts only. The West Midlands has piloted three slightly differing structures as set out in Figures 16 and 17 on the following page.

The figures highlight the fact that Wolverhampton's WCOs handle substantially more trials than average across the pilots. During the period January to June 2004, WCOs handled an average each of 137 Crown Court trials (against an all-pilot average of 54) and an average of 159 Magistrates Court trials (all-pilot average of 101 trials). Coventry also handled above average trials, although not to the extent of Wolverhampton. Walsall had the lowest number of trials per WCO of the three WCUs, but, at 110 this is still above the all-pilot average for Magistrates Courts. While witness warners based in OCUs contact witnesses following guilty pleas, this does not remove a significant amount of the WCOs' workload. The WCUs commented on the high workload and raised concerns about resourcing. The high workload per WCO has meant that the WCUs have been unable to undertake all the tasks that it would

¹⁰ Managers/supervisors have been included as WCOs for the purpose of calculating trials per WCO so as to enable comparability between WCUs.

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wish. For example, some WCOs often do not follow up on missing initial assessment forms or VPSs.

Figure 17: Key features of Wolverhampton and Coventry WCUs

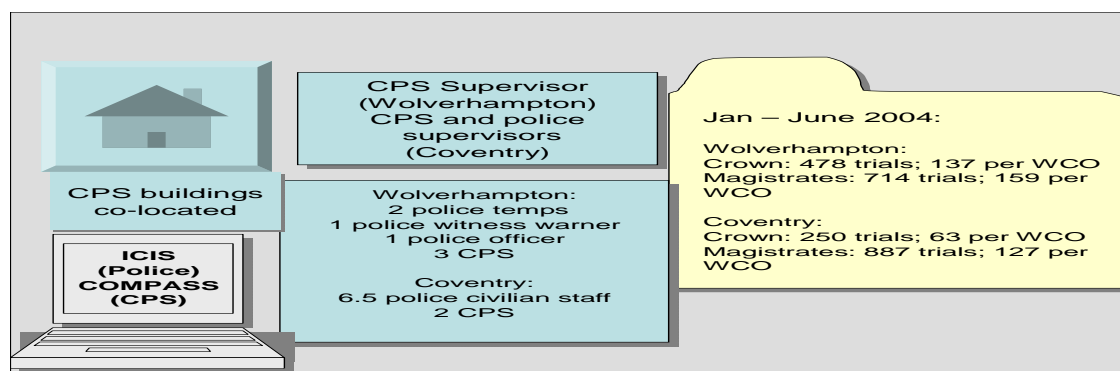
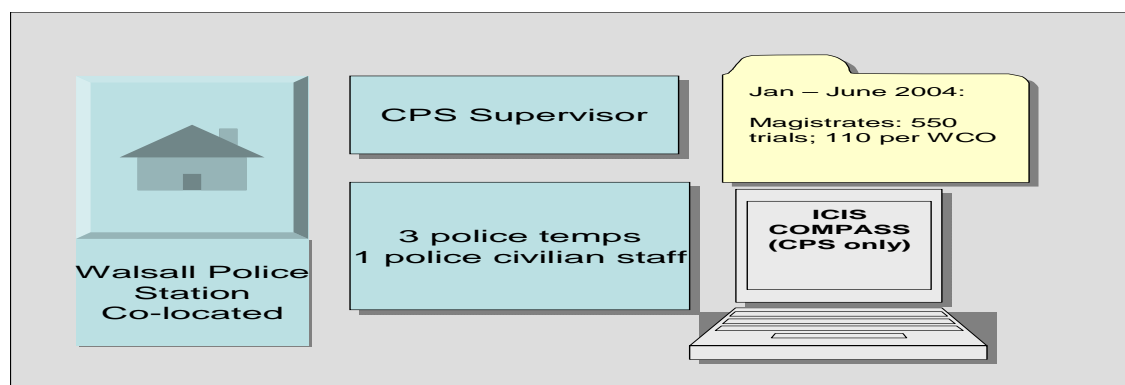


Figure 18: Key features of Walsall WCU



Police WCOs in both Wolverhampton and Walsall appear to understand clearly the difference between their role as part of a CPS managed team and their line management relationship with a supervisor in their own organisation.

Since May 2004, Coventry, WCU has been aligned with the three Police Operational Command Units (OCUs) in Coventry. The idea behind this structure is to encourage the WCOs to become familiar with a particular OCU and the police officers who are working within it. At the time of the evaluation, it was too early to assess whether this particular model, which is different from other pilot areas, was working, however, the idea was well received locally and the teams were working well. The Witness Service has assigned a full time post (filled part time and funded by the Home Office) to the WCU but the officer still undertakes the usual Witness Service referrals rather than becoming involved more widely in witness care.

West Midlands' early introduction to witness care through an earlier project has presented both advantages and challenges, in four different ways.

First, while the area had more experience of witness care even before NWNJ started, WCUs had **little guidance** about how to implement NWNJ initially. Pre-NWNJ changes in the Local Implementation Team (LIT) membership provided a challenge in maintaining momentum for the initial sites and WCUs worked out their own approach with relatively little support. Fortunately, the commitment of local managers has made this a success. The LIT is now

exercising more central control which has been welcomed by local WCU managers and is enabling them to discuss topics of common concern and resolve common issues.

Secondly, there were early difficulties, particularly in Wolverhampton, in **getting police resources and buy in**. This is because the earlier pilot had been perceived as CPS-led in the West Midlands and there remained some confusion that NWNJ too was CPS-led.

Thirdly, the NWNJ pilot sites have also needed to meet the challenge of **incorporating existing police witness warners who were not necessarily based in the WCU** and were continuing to carry out their traditional role.

Finally, sites that had been part of the first initiative found that they were **no longer part of NWNJ**. While much good work has continued in these sites, the relative lack of funding and national interest had proved a challenge both for the sites concerned and for the West Midlands project team. The deciding factor for concentrating on Walsall, Coventry and Wolverhampton was CPS funding that had previously been ring-fenced for these three sites under the earlier project.

3.6.3 Assessment of model piloted

The following analysis highlights those aspects of the pilot which have proved critical in determining the performance of NWNJ in West Midlands.

3.6.3.1 Strengths and good practice

All the WCUs are enthusiastic about NWNJ and this reflects in the performance of the site as a whole. Other factors contributing to this success are the following.

- The WCUs are efficiently managed enabling them to cope with a high workload.
- There is a **strong relationship between the WCUs and caseworkers/lawyers**. Both Wolverhampton and Coventry use a memo system to alert caseworkers to information they need to know and raise issues. Both sides have found this helpful. In Walsall, there is a very close relationship with the CPS CPO who is seen very much as “one of the team”. This is exemplified in a case in Coventry where, for a particularly complex case requiring a number of witnesses, the WCU worked with the case lawyer to organise a pre-trial meeting to explain to witnesses what was likely to happen at the trial.
- The WCUs **work well with other CCMP initiatives**. In Wolverhampton, an ETMP pilot site, caseworkers are kept informed of witness issues at pre-trial meetings. NWNJ is helping ETMP to provide earlier notice of witness availability. In Walsall, where charging advice is being piloted, the WCU alerts lawyers to the need to consider witness issues.
- Many of the WCU members have strong **interpersonal skills** which have been used to persuade reluctant witnesses. Walsall keeps a record on “Good News” cases which shows the results of cases where a WCU has been able to encourage witnesses to attend court. These stories show the importance of working beyond the needs assessment.
- All the WCUs have developed good relations with their respective **Domestic Violence units**. The Wolverhampton WCU manager sits on the Domestic Violence Steering group.
- The WCUs have a close relationship with the **Witness Service**. In Coventry, the Witness Service has a desk for the Witness Service representative which, while only currently filled part time, is proving beneficial. The Witness Service representative is on hand to deal with cases where immediate referral is preferable. The WCU and the Witness Service has also developed a system where, after it has made a pre-trial visit, the Witness Service will provide a written note of any issues that arise. Close relationships exist in the other two units; for example, the Witness Service representative visits the Wolverhampton WCU at least weekly. This relationship helps the smooth passage of

information on witness issues and ensures accurate information on witness attendance is passed.

3.6.3.2 Areas for improvement

There are two main areas for improvement. First, funding and administrative issues has meant that **former police witness warners maintain their traditional roles** which has caused some confusion among the new units and the witnesses themselves. The problem is most acute in Wolverhampton where the OCUs feeding into Wolverhampton Crown Court maintain their witness warners at the OCU site rather than co-locating them in the WCU. As a result, warning letters are sent to witnesses from the OCUs but witness care is issued from the WCU in Wolverhampton; in some cases this has led to a duplication of effort and confusion amongst the witnesses themselves. In Coventry and Walsall, there has been co-location. In Coventry, the team management has made great efforts to integrate the warners into the team but there is still officially a distinction between a witness carer and a witness warner. This distinction also remains in Walsall where the witness warner is looking forward to a resolution so that she can play a fuller part in the team. The West Midlands team is aware of this issue and has taken the decision, agreed by all parties, to incorporate the role of witness warner into the WCUs.

Secondly, there is a need to **clarify the areas of responsibility** of each of the participating agencies in witness care. This is a symptom of the perceived lack of central direction at the start of NWNJ. The continued issue of the witness warners is one result of the lack of clarity. Another example is confusion about when the WCU should hand over witness care in some instances to the Witness Service. While there have been some successful personal face to face interventions between witnesses and WCU members, some care needs to be taken to ensure that staff are properly trained to carry out this task and are not put at risk.

3.6.4 Impact on performance measures

There is **persuasive evidence that NWNJ has led to substantial improvements in most of the key performance measures** as shown in the performance dashboard at Figure 18 on the following page. ETMP and Charging have only been partially implemented across the area but have clearly contributed to the improving trial outcomes but stakeholders from the Witness Service, courts and CPS lawyers are reasonably certain that the improvement in performance measures can mainly be attributed to NWNJ. In reviewing this data, it must be remembered that in all the pilot areas there was some witness care activity during the baseline period. It has not been possible to go back to an earlier baseline period to review the effect of the earlier project; some fluctuations might need to be considered in the context of this longer time span.

The performance improvement in West Midlands has been highly consistent. It is disappointing to note therefore the decreases in:

- witness satisfaction (PM 8) which only receives an **"amber scoring"** (rather than red) because it is inconsistent with other evidence which suggests a good standard of witness care and increased witness satisfaction with the WCU, the CJS and CPS;
- the provision of information at the point of statement (PM 9) which is consistent with qualitative evidence during the evaluation visit and thus receives a **"red scoring"**.





























3.6.5 Wider benefits

NWNJ has served as a useful catalyst for improving working relationships between all the CJOs, smoothing the path for other CCMP initiatives. In particular, NWNJ has enabled the improvement of the relationship between the WCUs and the Witness Service.

The next section following the performance dashboard summarises the key lessons learnt from the pilot areas' experience of implementing NWNJ.

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Figure 19: West Midlands' impact on performance measures

			West Midlands Total				West Mids Crown			West Mids Mags			
	Performance Measure	Conclusion	Baseline	Current	Change	National Change	Baseline	Current	Change	Baseline	Current	Change	Comment
1	Witness attendance rates at court		68.0%	79.9%	 17.4%	n/a	n/a	83.1%	n/a	n/a	76.9%	n/a	The levels of witness attendance are not quite as high as some of the other pilot areas, indicating that West Midlands has not yet peaked
2	Ineffective trials due to witness issues		3.4%	1.7%	 -50.2%	 -7.5%	5.4%	2.7%	 -49.3%	2.5%	1.3%	 -46.8%	Consistent performance across both Crown and Magistrates Courts.
3	Cracked trials due to witness issues		8.5%	7.5%	 -11.8%	 9.3%	n/a	n/a	n/a	8.5%	7.5%	 -11.8%	Not as high as some other pilot areas, due in part to a rise in cracked trials in Coventry Magistrates Court.
4	Cracked trials due to late entry of a guilty plea		18.7%	21.1%	 12.8%	 1.8%	26.6%	29.1%	 9.4%	15.2%	18.4%	 21.0%	Consistent performance across both Crown and Magistrates Courts.
5	Take-up of Victim Personal Statements		4.0%	11.1%	 177.8%								Case file review supported by MORI survey which showed increases in witnesses offered chance to provide VPS (14% to 31%).
6	Referrals to Victim Support/ Witness Service												Substantial increase across the courts. But major benefit is that referrals are more timely and appropriate, enabling Witness Service to provide even better care. More time is now spent with each client. This brings particular benefit for vulnerable and intimidated witnesses. Qualitative evidence only.
7	People receiving Pre-trial Visits												
8	Victim and witness satisfaction levels		79.0%	74.0%	 -6.3%								Decrease inconsistent with increased satisfaction with verdict (68% to 73%), sentence (36% to 55%), WCU (77% to 84%) and CPS (59% to 72%).
9	Number of witnesses receiving information at point of statement		56.0%	45.0%	 -19.6%								Reflects WCUs' concerns that frontline police not adhering to NWNJ processes at the point of statement. Increased satisfaction with material (87% to 98%).
10	Quality of information and support provided to witnesses												Strong increase in support e.g. contacted re: special facilities (27% to 56%), support at court (68% to 75%), received support from VS/WS (51% to 57%). Improved information: e.g. asked for dates to avoid (71% to 81%)

4 NWNJ lessons learnt and good practice

4.1 Key findings and conclusions

This section captures lessons learnt about good practice in implementing NWNJ, with a view to informing National Rollout and the revision of the National Standards of Witness Care and the Victims' Code of Practice.

Approaches to local NWNJ implementation: The cross-agency Local Implementation Team has proved the most effective implementation mechanism, particularly where it has also been responsible for implementing other CCMP initiatives. The Implementation Group planned for National Rollout will enable the cross-agency engagement required, where NWNJ alone is being implemented, and should be responsible for implementation across each entire area. Where several Groups are responsible, they should work closely together. The Implementation Group should comprise "evangelists" - a CPS and Police Champion, a courts representative and the Witness Service. The Implementation Group members should be active in liaising with key stakeholders from their organisations and building buy-in to NWNJ. The Group needs to engage WCOs and other key stakeholders, particularly caseworkers/lawyers and the Witness Service, in joint process/output mapping, training and problem solving sessions. The Implementation Group needs to ensure that the WCUs are adequately resourced, as a prerequisite for their success.

Structures, management and staffing: The evaluation endorses the Minimum Requirements which indicates that the staffing of WCUs should be a local decision but that mixed (CPS, Police) staffing is likely to prove effective. The WCU organisational model should enable access (preferably direct) to information held by, and relationships with, both the Police and CPS. If the mixed staffing issues can be addressed, the mixed staffed WCU has been the optimal model. If this is not possible, co-location is the next preferred option. If a WCU is staffed solely by either CPS or Police, and not co-located with the other, it will need to invest time and effort in strengthening IT and building strong relationships with key stakeholders. The most effective model has been the single point of contact (individual or team of two) with WCOs undertaking witness warning and care, although administrative duties can be delegated. It is cost effective to integrate the VIB into the WCU. Strong, informed and dedicated WCU management is a pre-requisite, without which WCUs are likely to become overwhelmed by the workload which could prevent them from realising the benefits of improved trial outcomes.

Skills and training: Effective WCUs have WCOs with a mix of customer care skills and CJS experience, an enthusiasm for witness care and a proactive, problem solving approach. Formal training (to include case studies and simulations) should be supplemented by visits to courts, shadowing caseworkers/lawyers and briefings by specialist units, such as Domestic Violence units.

NWNJ processes: This evaluation endorses the Minimum Requirements approach to witness care, including the pragmatic approach to caring for witnesses from charge, but welcome their recommendation that, if resources allow, this should be done from point of reporting, certainly in sensitive cases. The evaluation noted particularly critical lessons learnt in three main areas.

First, areas will wish to build on the experience of pilots about the specific timing, form of wording and communication that proves most effective in ensuring witness attendance and how these will need to be tailored to cater for those with limited English reading skills.

Secondly, the performance of the WCU in confirming witness availability to caseworkers/lawyers is a critical success factor required to reduce ineffective and cracked trials. WCUs must maintain a robust diary/chaser system to ensure that they find out witness availability problems and notify caseworkers/lawyers in good time, using an effective means of communication appropriate to the urgency of the matter. This requires WCOs to be proactive and act more as problem solvers, rather than message boxes, for the caseworkers/lawyers. Case progression meetings focus all stakeholders on resolving issues in good time (ideally three weeks) before the trial.

Thirdly, WCUs should be encouraged to use the standard Needs Assessment form by telephone. WCUs may wish to consider undertaking the assessment following the Plea and Directions Hearing (PDH) (and no less than three weeks in advance of the trial) in Crown cases and following the no-guilty plea in Magistrates cases. WCOs need to strengthen their awareness of providing tailored care in a cost effective manner and increasing their provision to support witnesses from minority communities.

IT usage: In most pilot areas, Compass is not being used to its full capacity. Neither Compass nor the police systems are sufficiently user friendly with respect to accessing and displaying witness information. A witness care specific system, based upon an interface with other systems, would increase efficiency and effectiveness. However, despite the difficulties and inefficiencies caused by the current IT, IT did not emerge as a critical success factor. NWNJ can still deliver substantial benefits even without a bespoke witness IT solution and there is still much scope for improving the use of the current systems.

Engagement with NWNJ stakeholders: The first level of NWNJ benefit can be achieved by adhering to the basic NWNJ witness care processes, particularly if communications with caseworkers/lawyers and the Witness Service are improved. However, it is constructive engagement with all stakeholders, including the police, the courts, Charging Lawyers and defence lawyers that enables the next step change in performance. This wider engagement was often the weakest factor across the areas and represents a missed opportunity. The multi-agency protocol will therefore form a critical element of National Rollout.

4.2 Approaches to local NWNJ implementation

National Rollout will provide a significantly increased level of central support than that provided to the pilot areas. This section focuses on the key lessons learnt about local – rather than national – approaches to implementation.

4.2.1 Responsibility for implementation

The **Local Implementation Team**, as adopted by Essex, South Yorkshire and West Midlands, has provided a sound platform for developing cross-agency and agency-specific solutions; for example, the Police Champion is best placed to know how to improve police officers' completion of the needs assessments and offering of VPSs. The Implementation Groups should build on this experience when agreeing their remit and membership.

If, for any reason, it is not feasible to establish one Implementation Group for the entire area, teams should at least engage in regular collaboration during the planning period. The least favourable mechanism is for WCU management to be left to implement NWNJ with minimal guidance or collaboration. This only proved effective in Gwent CJU and Wolverhampton WCU because of the commitment of the WCU management; this should not be taken for granted across all areas.

The selection of the Implementation Group membership is critical as **leadership of implementation by "NWNJ evangelists"** inspires staff and helps to overcome short-term problems as WCOs adapt to the change in workload and working style. They need to have a close working relationship with the LCJB and other CJOs.

The active involvement of **senior management** is required to ensure that NWNJ receives appropriate levels of resources and support, and to resolve internal or inter-agency problems. Some WCUs have experienced problems where senior management has been engaged with other difficulties or projects/initiatives, or where there has been a lack of continuity in senior management staffing.

Adopting an Implementation Group approach and ensuring senior management commitment will help to link NWNJ processes to those being developed by **other projects/initiatives**. Ideally, the Implementation Group would also have responsibilities for implementing ETMP and Charging. There will be synergies in training for example. For example, it would be useful to include in training for Charging Lawyers a module on their NWNJ responsibilities (to check initial needs assessments done and opportunity to make VPS offered).

4.2.2 Planning, design and preparation

Planning, design and preparation is a critical stage; those pilots which have invested time and adopted a methodical approach to this stage have generally been rewarded with a successful implementation. The following lessons can be learnt from the pilots' experience.

4.2.2.1 The extent of planning, design and preparation

The **extent** of planning, design and preparation has varied considerably between areas. At one extreme, due to delays in receiving funding, Gwent CJU used the period July to October 2003 to establish their objectives and plan and design high quality processes. At the other extreme, North Wales decided to run the pilot in July 2003 and recruited its NWNJ staff in August 2003, before there had been time to put in place the appropriate infrastructure or design the processes. The result was that staff became confused and de-motivated, and there was some staff turnover even before NWNJ processes started officially in October 2003. The period required by each area to plan and design NWNJ will differ by area but it should be sufficient to establish the basic infrastructure, processes, staff and key relationships. Documents in the NWNJ starter pack such as the Audit Methodology should assist areas with assessing current processes and planning for the future.

4.2.2.2 Clarifying NWNJ and factors affecting its implementation

The focus of the pilots in planning and implementing NWNJ tends to have been on reviewing, mapping and revising processes. This is a useful and necessary step. However, this should be complemented by an output mapping exercise to identify those key NWNJ outputs which contribute most directly to the desired final outcome and the **causal links** between them. This exercise will necessarily require WCUs to identify their key customers (for example, witnesses, caseworkers/lawyers, the Witness Service) and their key information requirements. Identifying these links has proved to be critical in turning around the performance of the Essex TU WCU, where WCOs were helped to understand why it was important that they undertook a certain task at a specified time.

Successful implementation relies on the provision of **clear and complete information** about NWNJ objectives, processes and the measures/mechanisms that will be used to assess the performance of NWNJ, the WCU and each WCO. Higher performing WCUs have **set clear targets for key tasks**, for example witness attendance to be confirmed two weeks after the trial date is notified.

The performance of WCUs is determined to a large extent by their **prior performance** as Witness Warning Teams, their **prior relationships with stakeholders**, and the **performance of the overall Unit** within which they are located. If there have been significant difficulties in any of these areas, it is unrealistic to believe that NWNJ can bring benefits overnight. The second step in the design and planning of NWNJ (after establishing its objectives) should therefore be to engage staff and key stakeholders in an open and honest assessment of the **Strengths, Weaknesses, Opportunities and Threats (SWOT) facing the unit** as it makes the transition from witness warning to witness care. This SWOT analysis should accompany the Audit of Local Services recommended in the NWNJ Starter Pack.

Different areas are sharing learning between them (reflected by lesson learning visits and open days). It will be equally important that each WCU shares **lessons learnt within the area**, using an area-wide Implementation Group or area-level meetings. One example of this is that all Essex WCUs implemented the alphabetical system of work allocation after this was successfully tested by Laindon CJU. WCUs in each area should also develop **joint approaches** so as to be cost effective. For example, cost/time savings can be derived from sharing the effort in, for example, community outreach, building Contact Directories, agreeing preferred suppliers (for example, for childcare) and developing surveys for witnesses.

4.2.2.3 Engaging WCOs and stakeholders

Engagement of key stakeholders and customers in this planning and design phase is critical. Key stakeholder groups will include caseworkers, lawyers and CPOs, police officers,

the courts, Victim Support and the Witness Service and any other voluntary sector groups. Many of the problems experienced by the pilots could have been avoided if the caseworkers/lawyers and courts had been engaged more effectively at an earlier stage. Engagement will involve briefings, joint training and problem solving sessions.

All WCUs have benefited from **engaging the WCOs** themselves in developing the processes. This has built their enthusiasm and ownership, and enhanced the quality of the process. Managers need to ensure that all WCOs understand, and are comfortable with, the change in role from witness warner to witness carer. This includes ensuring that the staff member is happy with increased telephone contact and working more cooperatively with other CJOs.

In the couple of pilots where there has been **staff resistance** to NWNJ, this has been due to the increased workload that NWNJ brings. This can be overcome by management:

- Undertaking a structured approach to understanding the **drivers of WCOs' workload**. Critically, this should include consideration of the average number of listings per case and problems caused by court listing practices (which might lead to frequent last minute changes for example);
- Applying this approach to **calculate the need for additional resources** and then delivering, or publicising clear plans, to deliver the additional resources;
- Putting in place a mechanism to **monitor the relative workload** of different WCOs/buddy teams so that they can address WCOs' concerns about workload. This could be a batch system or management reviewing incoming correspondence.

A key lesson learnt is that adequate resourcing is a prerequisite for NWNJ success.

Higher performing WCUs have adopted a **robust approach to staffing and performance management**. NWNJ represents a departure from traditional civil service roles and not all staff will be suited to it. Adopting a robust approach to performance management depends on there being, first, clarity about the process and the timing of each task and, secondly, processes in place to enable management to assess the extent to which each WCO has performed these tasks adequately, for example working notes on the file.

4.3 Structures, management and staffing

The structures and staffing of the WCUs present a complex picture, from which it is not possible to draw a direct relationship between structure/staffing and performance. However, the experience of the pilots validates the multi-agency approach favoured by the Minimum Requirements due to its potential for information sharing and continuity of care.

4.3.1 Organisational base and staffing

The evaluation endorses the Minimum Requirements guidance that "the preferred staffing mix of the WCU ... will be a local area decision. However, the emerging pilot findings strongly suggest that a multi-agency approach is preferable." The optimal WCU model allows for either the CPS or the Police to manage the WCU, but the model should enable **access (preferably direct) to information held by, and relationships with, both the Police and CPS**. North Wales and West Midlands address this by having mixed staffed WCUs in co-located premises. Essex, Gwent TU and South Yorkshire have either police or CPS management/staffing but are co-located with the other organisation. Gwent CJU has the only WCU that is staffed by one organisation (Police) and is not co-located with the CPS. Yet, Gwent CJU has performed strongly because it has overcome the split locations (to some extent) by having two WCOs access CPS files on a daily basis. If a WCU:

- Is police run, it will have links with operational police units/officers anyway. It will benefit from co-located access to the caseworkers/lawyers/case files and ideally will need access to Compass (for case and witness details);

- Is CPS run, it will have co-located access to caseworkers/lawyers/Compass/case files anyway. It will need access to the relevant police computer (for police contact details) and will need to build strong relationships with police officers.

Mixed staffed WCUs are good models, but raise particular challenges with regard to line management and parity in pay and grading. These issues have not come to the fore to any great extent yet in either North Wales or West Midlands for the following reasons.

- North Wales: the WCUs have a reasonably strong “police identity” despite the fact that they have been CPS-managed in the past, have one CPS (albeit temporary) WCO and are co-located in CPS premises. Thus far, police supervisors elsewhere in the Administration of Justice Department have handled line management issues (such as leave and performance management) for both the police and the temporary CPS staff. When the CPS temporary contracts are made permanent, an alternative arrangement will be required to provide line management for the CPS staff members. Obviously, if the WCU manager to be appointed was from CPS, this would address this issue. Parity issues have not arisen yet in North Wales.
- West Midlands: the police or mixed staffing under CPS management has not caused any difficulties thus far, but the WCOs have not yet been through a performance appraisal round which might unearth some issues. Parity issues have arisen and are being resolved.

4.3.2 Staff roles

There are three key issues with respect to staff roles being: the split between witness warning and witness care, the delegation of duties to administrative staff and the role of the VIB.

With regard to the first issue, the optimal model is to have **WCOs undertaking both witness warning and witness care**. Only Gwent TU and West Midlands are not adopting this model.

The co-location of the Witness Service representative in-house in Gwent TU is proving beneficial for the WCU, relieving WCOs of responsibility for needs assessments and arranging support. However, having considered the range of models, the evaluation concluded that it cannot consider this good practice as there is no evidence that this allocation of work is significantly improving witness care and performance measures, relative to the referral arrangement in place in all other areas. Furthermore:

- There is considerable merit in assigning all witness warning and care responsibilities to **one single point of contact** (individual or team of two), to provide continuous service to witnesses and caseworkers/lawyers and strengthen the WCOs’ knowledge of, and relationship with, their witnesses.
- It is **not cost effective** to have one team member specialising in one task, which is subject to peaks and troughs. Distributing responsibility for needs assessments/arranging support to WCOs enables more flexibility in resourcing.
- The Witness Service is highly skilled but these **skills can be developed** by WCOs over a period of time, with sufficient training and guidance.
- The posting of a Witness Service representative raises **line management issues** particularly in relation to performance management.
- The allocation of work blurs the line between government and voluntary sector provision of services. Also, the arrangement could be seen to **align the Witness Service excessively with the CPS and Police**, and undermine their perceived independent role and thus provision of service to defence witnesses and their families.

In contrast to Gwent, Coventry WCU has a Witness Service representative co-located but just responsible for referrals or counselling. This model works highly effectively, although it still raises issues about the independence of the Witness Service.

To varying degrees, the West Midlands splits responsibility between witness warning (done by witness warners at police stations) and witness care (by WCOs in the WCU). The result is confusion for witnesses and inefficiency. The Local Implementation Team has recognised the problem caused by this model and is moving towards the integrated WCO role.

With regard to the second staffing issue, it would be cost effective to **delegate routine tasks from WCOs to administrative staff**. Essex TU and Gwent TU and CJU have delegated some routine tasks to administrative staff and report that this is working well, without undermining the single point of contact system. Tasks that could be delegated include: organising court lists; opening and distributing post, and dealing with any routine matters; opening, managing and closing files; sending letters to witnesses; booking accommodation, transport and childcare arrangements; gathering and sending LWACs or other witness attendance information to the Witness Service; finding out results and sending results letters.

Finally, areas might consider bringing the VIB's **resources and workload** into the WCU. This would bring:

- Cost efficiency savings to be derived from operating one system for victims and witnesses;
- Cost savings from not requiring a dedicated manager for the VIB;
- Assist the VIB which, with a staff of one or two, currently experiences difficulty when a staff member is absent. If located within the WCU, WCOs would be available to assist.

4.3.3 Case allocation system

While the Minimum Requirements concede that the WCU is the single point of contact, they also favour a named WCO being the single of contact for each case. **File ownership is a pre-requisite** to enable a single point of contact for witnesses and other stakeholders, and enables the increased accountability of WCU staff. All areas now have file ownership, although some areas work in pairs.

The **alphabetical system of allocating work** to WCOs has emerged as the most efficient, as long as it is monitored periodically to ensure that work is distributed equitably between WCOs. This system would work even better if caseworkers/lawyers were also allocated cases in this way to allow good working relationships to develop with the relevant WCO.

Coventry WCU has recently structured its WCOs into three teams, each one of which handles witness care for an OCU. This has the benefit of building relationships with WCOs and OCU police officers.

4.3.4 Management

It is easy for WCUs to become overwhelmed by the massive number of communications and lose focus on the key drivers and the stakeholder relationships which enable delivery of outcomes. Managers and supervisors should display proven management skills and:

- Be committed to the NWNJ vision and share their enthusiasm with their staff;
- Have a range of CJS experience which provides constructive working relationships with internal and external CJS stakeholders;
- Encourage a strong team working culture in which WCOs are dedicated to witness care;
- Have an excellent understanding of the causal links and trigger points in the witness care process which influence trial outcomes. Almost certainly, this will require them to have worked previously within a witness warning team.

Appointment of a manager with these attributes has proved critical in turning around the performance of Essex TU WCU since August 2004.

Particularly in the early stages of implementation, WCUs will require a dedicated **supervisor/manager** (who might be part time, depending on the size of the unit) to provide guidance and support on an ongoing basis.

4.3.5 Service hours

Each WCU should assess the needs of its customers and determine the most appropriate hours in which to provide a service. It would seem sensible to **arrange staff rotas** to ensure an office presence from 8am to 6pm to increase the chance of speaking to witnesses before and after work, particularly on Friday evenings in preparation for Monday trials. Gwent CJU is even arranging rotas so as to provide cover on a Saturday, but this might not be possible for many areas.

4.4 Skills and training

Common features of more successful WCUs are staff:

- With backgrounds in counselling or customer care who are adept at engaging with, and also disengaging from, witnesses;
- With wider experience of the CJS, so that they understand the CJS process and terminology and can understand the “big picture” of how their work impacts on, for example, trial outcomes. Well performing WCUs have found it particularly useful to recruit from elsewhere within the TU or CJU;
- With problem solving skills and a proactive attitude;
- Who enjoy, and are confident in, engaging with a wide range of people, and have the maturity to deal with difficult witnesses or situations appropriately.

All WCOs would benefit from a “**buddy system**” which teams up an experienced and a less experienced WCO. This system also allows continuity of witness care in the event of the absence of one WCO and enables collegiate support on difficult cases.

Modules on witness care are currently being developed as part of the training programme for future rollout. These should include practical training, using case studies and simulations, for example to build skills in dealing with an aggressive, reluctant or upset witness. The Witness Service have considerable expertise in these areas and might be willing to provide the training. The formal training programme should be supplemented by:

- Each WCO **visiting each court** so that they are able to advise witnesses about arrangements at court. The arrangements should be documented and desk copies provided to all WCOs;
- Each WCO should spend **one day in court with the Witness Service and caseworker/lawyers** with whom they will be working. This will increase their understanding of what caseworkers/lawyers need to know (and when) about witness availability and needs;
- A **joint training session** between WCOs and caseworkers/lawyers/CPOs about how they will work together to maximise the rate of witness attendance and minimise ineffective/cracked trials. This opportunity should be used to establish working protocols, for example how/when WCOs will notify them of witness availability problems in a case two days away as opposed to two weeks away. Good communication and working relationships in this area have proved a critical success factor;
- Briefings from specialist units, such as Family Liaison or the Domestic Violence Unit.

4.5 Witness care processes

The purpose of this section is not to critique the Minimum Requirements as such, but to summarise lessons learnt about the witness care processes piloted and highlight those aspects of good practice which have proved particularly beneficial in the pilots.

4.5.1 Coverage of witnesses

The Minimum Requirements prescribe that witness care should start from charge, although it recognises that ideally, if resources allowed, contact should start from the point of reporting. Of the pilots, only Gwent CJU provides care for some witnesses – being those to hate crimes and thus normally the victims – from the **point of reporting**. **The evaluation team considers that this is moving witness care in the right direction.** Such care could have a significant impact on both narrowing the justice gap (by supporting particularly vulnerable or intimidated witnesses to press charges and attend court to give evidence) and public confidence in the CJS. The investment of resources is not significant but the benefit for the witnesses, the communities they live in and the CJS is likely to be significant. Of course, it will be necessary to liaise with local specialist units (such as Domestic Violence or Family Liaison) to ensure the WCU complements rather than duplicates their work.

The enhanced service offered by Essex CJU WCUs in **sensitive and road death cases**, is also worthwhile, if resources allow.

4.5.2 Providing information to witnesses

4.5.2.1 Communications mechanisms

WCUs must ensure that, in seeking polite and informative communication, letters do not become **excessively casual or long**. This may reduce the likelihood of witnesses reading, understanding and complying with the letter requiring attendance. North Wales is now revising its standard NWNJ letters accordingly. Adopting an appropriately formal court-related logo will also increase the importance attached to the letter by the witness. The NWNJ Project Team may wish to issue a best practice template for letters.

The NWNJ Project Team has issued guidance on ensuring adequate service provision for different sections of the community (see more detail at section 4.7.6). However, with the exception of Gwent, which had engaged with Equality and Diversity Officers, pilots were not generally well equipped to cater to the **needs of members of the Black and Minority Ethnic community with limited English**. Some areas were aware of the availability of standard leaflets in different languages; others were not. A more proactive approach needs to be taken to engage these communities as a whole; in most cases it should be possible to access communities through existing police and other LCJB contacts. Provision should be for both translation and three way interpretation.

4.5.2.2 Initial contact with witnesses

Pilot areas are trying different approaches to dispel the myth that if witnesses have provided a statement they will not be required to appear in court.

- Essex Police provides witnesses with a **“tear off” part of the MG11**, which also provides useful information to the witnesses about the criminal justice process from the point of statement.
- North Wales has included a **leaflet about the CJS process** to be provided with MG11s to witnesses at the point of statement.
- West Midlands has introduced a form of wording for the police on the back of its MG6F (MG11 equivalent) that makes it clear to the witness that his statement will be used to prosecute the case.

However, there is still a change in attitude required among many police officers across all pilot areas to persuade them to convey to witnesses that there is a strong possibility that they will be required to testify in court.

A few pilots are not yet sending out an initial introductory letter, which can cause confusion for witnesses who are first contacted for “dates to avoid” for court. In areas where Magistrates Court and Crown Court cases are handled by different WCUs, and thus where there will be a change in contact for the witnesses when the case is committed for trial at the Crown Court, the two WCUs should be encouraged to develop a protocol to agree **the handover process and enable seamless care for the witnesses**.

4.5.2.3 Provision of trial dates

Across all areas, trial dates are communicated as soon as they are known. Informing **witnesses of last minute changes** can prove a challenge to WCUs. Good practice identified included:

- WCUs calling the court on a daily basis to find out any changes to the following day’s listings. In Gwent TU, when the Crown Court has to change the timing/venue of cases, they will now request advice from the WCU about which changes to which cases would prove least traumatic and inconvenient for witnesses;
- Gwent CJU’s extended office hours enables WCOs to contact witnesses before/after work hours and on Saturdays.

WCUs might also consider establishing a rota system so that at least one WCO is available up until 6pm on a Friday to receive a final list from the Court and notify witnesses due to attend on the Monday of any final changes.

A number of pilots are increasing their efforts to obtain the “batting order” in cases where there are a number of witnesses. This is subject to gaining support from the judiciary to secure the list from the defence.

4.5.2.4 Resulting

The courts’ process of **verifying results** often takes three to five days. The result is that few WCUs are able to provide a verified result to witnesses “by the end of the working day following the relevant court hearing”, as set down by the Minimum Requirements. Most WCUs have two choices: to wait for the verified results, or to supply unverified results quickly but then issue a final results letter when the result is verified. The Magistrates Courts in North Wales are seeking to reduce the time lag to 24 hours by entering information directly into their Magistrates Courts System in court.

The **transfer of the results** to the WCUs is another issue. Several pilots have access either to the court system (for example, Essex CJUs and South Yorkshire) or the police system which downloads the results from the court system (for example, Gwent CJUs).

The way forward for both issues is clearly to **discuss with the courts, at the national and the local levels**, whether the verification and transfer processes can be speeded up.

As noted, Essex CJU WCUs aim to provide results on the day by phone in **sensitive and road death cases** and this is greatly appreciated by victims’ families.

Some areas are seeking to make **result letters more understandable** to witnesses. For example, South Yorkshire provides a useful one page glossary to explain terms such as “conditional discharge” or “bound over”.

4.5.3 Getting/notifying witness availability to caseworkers/lawyers

The performance of the WCU in confirming witness availability to caseworkers/lawyers is a critical success factor required to reduce ineffective and cracked trials. Often, WCOs are disadvantaged by having no “dates to avoid” from the initial needs assessment.

4.5.3.1 *Initial availability*

The revised MG11 form allows police to find out witness availability at the point of statement. Although the rate of completion of MG11s is improving, the WCOs generally have little information about witness availability from the MG11s and need to seek “**dates to avoid**” directly from witnesses. In all cases, especially where there has been a considerable time lapse between statements being taken and charges brought, witness availability should be updated as early as possible and kept up to date throughout the period from point of charge to the trial date being appointed.

Further engagement with the Charging Initiative and with Charging Lawyers is urgently required to encourage them to undertake their “gatekeeper” function, to confirm that the needs assessment has been done, and that “dates to avoid” have been obtained.

4.5.3.2 *Police availability*

Police officers not updating their availability, and thus not being able to attend court, is a major cause of ineffective or cracked trials. Three areas are developing relevant initiatives.

- North Wales is developing an **interface** between the Police Resource Management System and the duty roster to enable access to police rosters for the next twelve months. In the meantime, all emails from the WCU to police contain a reminder from the Superintendent that it is their responsibility to update their availability and that if they do not, they might be called on a rest day. WCOs are also encouraged to be robust with police who have not previously notified their availability.
- Essex TU is seeking a way of accessing information on police rotas from PromiseWeb.
- South Yorkshire CJU uses the Police Command and Control System to alert police to urgent messages about their attendance at court. This has proved effective. South Yorkshire CJU is also developing an approach to **prioritising police time**; for example a training course, which is crucial to continuing operational effectiveness, will take priority over an absence due to a routine meeting.

4.5.3.3 *Confirming and updating availability*

All the well performing WCUs adopt a **proactive approach** to confirming/updating witness availability and maintain a **robust diary, bring forward and chaser system** to enable this. Essex TU has already improved its performance significantly by moving from a reactive to a proactive approach and using such a system. WCUs should be **chasing replies from witnesses approximately two weeks following the dispatch of the witness warning letter** and not wait until the final chaser date (14 days before trial for example) to chase witnesses for the first time.

WCOs and caseworkers/lawyers need to communicate effectively on witness availability issues, by a means appropriate to the urgency of the case. Emailing a caseworker about a problem with a case the following day is a waste of time, as they will have no time to take action. Similarly, inundating a busy caseworker with emails runs the risk of their deleting them and taking no action. WCOs need to:

- Have completed the needs assessment and resolved all witness attendance issues **at least two weeks (preferably three weeks) prior to trial**, and promptly notify caseworkers/lawyers of any issues;

- **Probe witnesses** (police and civilian) about their not being available to attend court, anticipating what questions the caseworkers/lawyers will ask (based on what the courts will require to vacate a trial);
- Be proactive in seeking to resolve a problem with witness availability without involving the caseworker/lawyer. One comment in North Wales was that “WCOs should be acting more as **problem solvers rather than message boxes** for the caseworkers/lawyers”.

Caseworkers/lawyers need to inform WCOs of action they are taking so that the WCOs can keep the witness informed (for example, if they are still required, whether the trial date can be moved, if Special Measures can be obtained).

Where the WCU and CPS are not co-located, they need to reach an agreement about communications. Too many faxes/emails can overwhelm caseworkers/lawyers, making it difficult for them to determine which messages are urgent. But caseworkers/lawyers are often at court. Two possible solutions might be:

- For the caseworkers/lawyers to be allocated cases according to the same system as the WCOs (for example, alphabetical distribution of cases) so that caseworkers/lawyers would become used to working with a small number of WCOs and develop their own understanding about how to communicate effectively;
- The caseworkers/lawyer support function to establish a mailbox for emails from WCOs and ensure the message either reaches the caseworkers/lawyers directly (if urgent) or is placed on the file (not urgent).

4.5.3.4 Changes in trial arrangements

Stronger engagement between Courts and WCUs can minimise disruption to witnesses in the event of listings changing. For example, if Newport Crown Court is unable to proceed with all trials on a certain day, listings officers will consult with the caseworkers/lawyers and WCOs about which changes would cause least disruption/distress to witnesses.

4.5.3.5 Case progression meetings

Areas without ETMP, such as Gwent and South Yorkshire, have benefited from case progression meetings at which witness issues are raised. Essex TU WCU has arranged weekly Trial Readiness Action Meetings (TRAMs) with the Court and CPOs to ensure that witness issues are resolved three weeks before the week of the trial.

4.5.4 Understanding and addressing witnesses’ needs

The ability of WCOs to understand and address witnesses’ needs is the bedrock of NWNJ.

4.5.4.1 Initial Needs Assessment

Significantly more effort is required to ensure the use of the initial needs assessment by frontline police officers. Even where it is being completed, the standard and completeness (for example, of witness contact details) can be low, reducing the usefulness for the WCOs and meaning that WCOs’ assessment of witnesses’ needs is generally starting “from cold”. The most effective interventions with police have been by Police Champions addressing their concerns with senior officers and devising a strategy to spread the message to frontline officers through communications and training, and then putting in place mechanisms to address cases where the assessment is not undertaken. Examples of good practice are:

- North Wales carried out training and awareness sessions with 100 Inspectors and Command teams and course for sergeants included training on NWNJ; each area emailed the Police Champion when revised MG11s came through;
- Gwent CJU undertook personal briefings to every shift on the work of NWNJ and the implications for the frontline police officer;

- Walsall WCU follows up all MG6Fs (MG11 equivalents) which are not correctly completed. This has significantly improved the quality of the MG6Fs.

The WCOs should be using the MG11s to identify those particularly **reluctant witnesses**. Having confirmed that these witnesses will definitely be required, WCOs should target these witnesses for personal attention to ensure that they attend.

More training of, and engagement with, Charging Lawyers is required to ensure they ensure the assessment has been done so that it can inform their charging decision or they can advise that more evidence be sought.

4.5.4.2 Identifying witnesses involved in previous cases

If access to police systems allows, WCUs would benefit from being able to check if **new cases involve victims/witnesses from previous cases**, and marry up documentation so that the needs of witnesses are already understood. Gwent CJU is undertaking this successfully by accessing details from a database they have set up for that purpose.

4.5.4.3 Follow up needs assessment by WCOs

The evaluation has confirmed that the **nature, extent and timing of the follow up needs assessment are critical success factors**. All but two WCUs are doing the assessment by **phone**. Only telephone contact can tease out, and elaborate, any concerns the witness might have, and help the WCO understand how best to support them. Letters presume to understand witnesses' issues, while direct contact responds to their needs. Compared to an exchange of letters, phone contact establishes a sense of accountability on both sides.

The extent of the assessment varies substantially between pilots. **Most WCUs are undertaking the full assessment and use the NWNJ assessment form**. North Wales has been doing the assessment for Crown, but has only recently started to introduce the full assessment in Magistrates Court cases. Gwent (Crown) and South Yorkshire's assessment sheets are less systematic than envisaged by the Minimum Requirements, and rely upon the experience and knowledge of the WCO to pick up on any key needs to be addressed. The absence of an audit trail could impede performance management. The more experienced WCOs are sensibly using the form as an **aide memoire** rather than as a script, but should ensure the assessment is completed to provide an audit trail.

Timing varies also. Gwent CJU undertakes the assessment following the charge in most cases, and following the statement in hate crime cases in order to establish early a close relationship with potentially reluctant or intimidated witnesses. Many WCUs (including Essex CJUs) carry out the assessment as soon as a not-guilty plea is entered, while others wait until the trial date has been set and it can be confirmed which witnesses are required. North Wales (and, until recently West Midlands) undertake the needs assessment just ten days before trial, often providing insufficient time for the needs to be addressed adequately.

WCUs need to strike a balance between ensuring that they have sufficient time to address witnesses' needs and not spending time on addressing the needs of witnesses that will not be required to attend court. Cost effective options would therefore be as follows.

- In Crown Court cases, where there tend to be more witnesses but this number is often reduced at PDH, and where there can be a long period between plea and trial, the assessment should be carried out **immediately after the PDH**, but certainly no less than three weeks before trial to enable the WCU to be trial ready two weeks prior to the trial (ideally this would be three weeks);
- In Magistrates Court cases, where there tend to be fewer witnesses and a short time between plea and trial, WCOs should undertake the assessment **following the not-guilty plea**.

As the Minimum Requirements indicate, it is good practice to undertake the needs assessment **following reporting or prior to the first hearing in sensitive cases**.

4.5.4.4 **Support provided to witnesses**

WCUs need to strike a balance in providing support to witnesses. WCUs should seek to **engage with CPS Finance** to ensure that they provide support to witnesses wherever possible, recognising that many witnesses cannot afford the cost of a journey to court or would not make the journey without it being funded in advance.

However, **cost effectiveness** requires that WCUs take a robust attitude and differentiate between “wish lists” and genuine need. CPS Finance has guidelines on this subject and it is important that WCUs are trained to adhere to these. WCUs must be clear about the rules for expense claims so that they can explain these clearly to witnesses, are aware of Finance’s information requirements and submit appropriate documentation to justify the claim. This helps ensure a good standard of cooperation from Finance. WCUs should be **robust in supplying needs** only to the witness, their carer, guardian or parent unless circumstances are exceptional.

Some WCUs have sought to increase cost effectiveness by **negotiating services** with local suppliers. For example, Gwent CJU has obtained free bus passes from the local bus company. Walsall CJU has arranged for childcare through local social services and Gwent TU is negotiating childcare with a single provider.

There are groups in the community who might need additional support. WCUs seem to be adept at detecting problems witnesses might be having with reading and writing. But, it was disappointing to note that awareness of the particular needs of **Black and Minority Ethnic** communities with regard to language difficulties was generally low in the WCUs. The exception was Gwent. Providing support for such communities goes beyond language issues of course. Only Gwent CJU has engaged in outreach work with the local Asian community to publicise the improved witness care offered by the WCU.

4.5.4.5 **Contact Directory**

Most WCUs have developed a Contact Directory of local services and support agencies and these serve as useful sources of practical information. Gwent CJU’s extensive Contact Directory, which resulted from extensive community consultation, represents good practice.

However, the **use of support groups** should be approached with caution. Witnesses with apparent emotional or mental problems should not be referred to a counsellor without a proper diagnosis of the witness’s condition by an appropriate health professional. WCUs are not qualified to perform this diagnosis.

4.5.4.6 **Vulnerable or intimidated witnesses**

The OIC and **specialist units** have key roles to play in working with WCUs to enable protection and support to vulnerable or intimidated witnesses to enable them to attend court. This arrangement works best either where the WCU is police run (Essex and Gwent CJUs) or where police have been constructively engaged in NWNJ (Walsall and South Yorkshire), particularly by a Police Champion. The relationship is least successful where it is assumed that email contact with officers will trigger action and information sharing (Essex TU and Gwent TU). A range of mechanisms has proved useful, including briefings of senior officers (Gwent CJU), newsletters, reminder letters and inclusion in training (Essex).

Increasingly, WCUs are recognising the importance of undertaking a **structured assessment** of the risk of intimidation. Gwent CJU has developed a useful risk assessment structure.

Some witnesses will need additional support at court, including **Special Measures**. South Yorkshire CJU WCU has been able to negotiate the provision of a mixed bench at the Magistrates Court where the witness is a female victim of sexual assault or domestic violence.

4.5.4.7 Referrals to the Witness Service

It is important that WCOs **understand the difference between their roles** and that of the Witness Service to enable them to refer witnesses in appropriate circumstances and to provide the Witness Service with sufficient and relevant information about the witness and their concerns, particularly if the witness is vulnerable or intimidated. Visits by WCOs to the Witness Service at court will prove highly effective to increase understanding.

The Witness Service needs to receive timely and complete **information about witnesses due to attend court** and any special requirements they might need in sufficient time for the Witness Service to arrange volunteers. Different areas have adopted different approaches in agreement with the local Witness Service. As a minimum, the WCU should send over the LWACs and notify the Witness Service of any witnesses who are later de-warned. Good practice identified, was to send a complete list of witnesses attending the court the following week (Gwent CJU WCU) or even a daily list (some Essex CJU WCUs). A number of areas are trying to establish secure email (Gwent); this will remove the current inconveniences of using less reliable and secure forms of communication (i.e. fax and letter). The NWNJ Project Team and CJIT are currently investigating scope for rolling out secure email across all areas.

There is scope to involve the Witness Service in **pre-trial discussions about witness issues**. South Yorkshire CJU and TU have adopted this approach and found it useful.

4.5.4.8 Disengagement

Most WCUs have developed methods for supporting WCOs in cases where a contact has been emotionally difficult. Gwent CJU's welfare officer provided training to WCOs on disengagement techniques. The witness should be offered the help of Victim Support. It could be helpful if WCUs and Victim Support agree an approach to this situation.

4.6 Usage of IT

4.6.1 Assessment of system usage

All CPS WCU members can now access **Compass**. Compass can be used to track cases, identify the caseworker/lawyer dealing with the case, and transmit memos on specific cases to lawyers. However, there are three weaknesses in Compass and its usage.

- Although Compass contains, and can retrieve, complete information about witnesses, it **cannot present user friendly information "at a glance"** about all the witnesses for any one case or all known details about any one witness. WCOs thus find it simpler to refer to the paper case file or witness file containing documents copied from the case file.
- Compass is **not yet used consistently** to its full potential across the five pilot areas, due to training, change management and some remaining rollout issues, and this limits its usefulness for WCUs. Gwent TU WCU, for example, rarely uses Compass, relying on the manual case files, but this only works effectively because it shares a floor with the caseworkers/lawyers. Walsall CJU's manager uses Compass data as a "safety net" to check that all witnesses have been accounted for 12 days before trial. Even where Compass is used more extensively (in North Wales for example), the input of data by others in the Unit is often not as prompt or complete as is required by WCUs working on tight deadlines.
- In some areas, police WCU members cannot currently **access** Compass. This is said to be due to security protocols, but North Wales has enabled its police staff to access Compass by financing additional licences, so security protocols should not be an impediment for the other areas.

WCOs need to access contact details for police officers from the various **police systems**. Both Essex and Gwent have access to the NSPIS custody system, but only Essex CJU has access to the NSPIS case preparation function that tracks cases from charge to

prosecution.¹¹ Gwent CJU accesses information from its database on defendants and witnesses to inform risk assessments on witnesses and identify those witnesses who have previously been involved in cases. This can be a useful way to exploit the custody system provided there are strict measures in place to ensure that these details are never disclosed inappropriately. Areas with their own systems are North Wales (Records Management System (RMS)), South Yorkshire (Operational Support Unit (OSU) but due to replace with NSPIS in March 2005) and West Midlands (Integrated Custody and Information System (ICIS)). West Midlands believes that ICIS has many features common to Compass, and that running the two systems causes duplication. The aim for ICIS in the future is electronic file handling.

Access protocols prevent CPS users from having direct access to police systems, so they are reliant on co-located police colleagues to access them on their behalf. However, North Wales is arranging for CPS staff to attend a RMS course and then have security access. Access to police computer email is also a problem but, again, North Wales has found a workable solution to this by allowing CPS to have limited access email.

4.6.2 NWNJ future requirements

Across most pilot areas, WCUs expressed frustration with the current IT systems in terms of lack of access to both CPS and police systems, and the slow input, and minimal level, of data on Compass. Most had found ways to work round the issue either by relying on a single system, or by using colleagues in the Police/CPS to access their respective systems. In general, WCUs are not using IT to its full potential, even for file tracking or document production purposes. This is in contrast to other non-NWNJ witness care projects. This could be because there has been insufficient resource or expertise or because there has been no compelling need to develop IT-enabled solutions. These difficulties and inefficiencies notwithstanding, the **state of IT did not emerge as a critical success factor** differentiating the high performing areas from those still struggling with NWNJ implementation.

The evaluation team is aware that the NWNJ team is reviewing the case for a bespoke witness care system that is fully integrated with other CJS systems. A system which compiles and presents all witness-related information in a user friendly fashion, based upon an interface with other systems, would be welcomed by most WCUs. IT has the potential to drive **significant efficiency and effectiveness** improvements in the WCUs, and would thus enhance the long-term sustainability of NWNJ. Savings could also be made in using a single system to generate correspondence, reducing the risk of duplication or inaccuracies arising from double entry.

However, if the organisational arrangements of the pilot areas are taken as typical, **NWNJ can still deliver substantial benefits even without a bespoke witness IT solution and there is still much scope for improving the use of the current systems.** Without further investigation of non-pilot areas, it is not possible to assess the extent of difficulties caused by split locations and thus the extent to which IT would be the only effective solution to sharing information. But it is worth considering that a new systems implementation would require a fundamental review of NWNJ processes and engage staff in a major change when NWNJ itself will be bringing significant change.

There are interim actions that would promote better use of IT. Furthermore, these actions would enhance the IT awareness of WCUs and make them better placed to contribute to the development and implementation of any future system. Interim actions include:

- Resolving security access protocols to ensure that all users in WCUs have access to common systems;

¹¹ NWNJ IT Feasibility Study v1 contains a detailed comparison of the NSPIS case preparation system with Compass.

- Change management and training to ensure that users of existing systems know how, and are required, to exploit systems to their full advantage;
- Improving processes for storing and retrieving data about witnesses;
- Accelerating the interface between Compass and police systems;
- Enhancing Compass to enable more user friendly access to witness information;
- Inexpensive off the shelf packages for improving basic functions such as case allocation, letter production and tracking of progress.

4.7 Engagement with stakeholders

The previous sections have reviewed lessons learnt about engagement with police and caseworkers/lawyers, and the Witness Service. This section will cover only additional lessons learnt about engagement with them, and other stakeholders.

4.7.1 Inter-agency engagement

Areas ought to ensure that they take maximum advantage of the LCJB to **align CJO objectives and priorities** at both the strategic and operational levels. A number of areas have noted the negative impact of police officers focusing on detection of crime or the courts focusing on court time, rather than on the overall Public Service Agreement (PSA) target of narrowing the justice gap.

More effort is also required to work through the LCJB to draw up local **multi-agency protocols** for the role that each CJO can play in supporting NWNJ. Although an important part of the Minimum Requirements these were rarely evident in the pilot areas.

The **LCJB performance officers** are well placed to play a proactive role in facilitating CJS performance improvement, in addition to providing local CJS performance information. The arrangement in North Wales is a good example: the LCJB performance officer is playing a lead role in NWNJ process mapping and action planning. In the West Midlands the CPS NWNJ project lead is also the LCJB performance officer.

Inter-agency working groups can be convened on specific subjects. They often are – but need not necessarily be – sub-groups of the LCJB. The Victim and Witness Groups in Essex and North Wales appear to have been particularly active in supporting NWNJ. A number of areas now have groups which examine the reasons for ineffective trials and facilitate corrective action. WCOs need to be engaged in this activity; Essex TU and South Yorkshire CJU now have a de-brief session to analyse the reasons for ineffective and cracked trials.

4.7.2 CPS caseworkers, lawyers and caseworkers

Essex TU and North Wales have specifically set up a joint working group with caseworkers/lawyers to resolve problems which are having a major impact on their performance. Good practice is that this engagement would result in a **joint protocol** covering areas such as timely provision of case files with complete witness details, speedy and understandable endorsement of results on the case files or input into Compass.

Other examples of good practice come from Gwent TU. Caseworkers have benefited from **workshadowing a WCO** for one day to understand the team's work and the important links with casework. In complex cases involving large numbers of witnesses, caseworkers and WCOs sit and plan the **"strategy" for dealing with the witnesses** and their needs.

4.7.3 Courts

In general, **engagement with, and by, the courts has been poor**. Apart from reliable listing practices and swift verified results, WCUs are dependent on courts for the provision of a **comfortable and safe environment for witnesses**. Protecting witnesses from possible intimidation at court is a critical element of witness care as any problems on the day will undo

all the witness care work undertaken by the WCU. The Magistrates Courts in North Wales have been particularly proactive in this area, but the evaluation team knows of no NWNJ areas which have engaged in formal discussions with courts about how court facilities could be improved. During rollout, more focus is required on engaging with the Courts, both at the national and local levels.

4.7.4 Witness Service

WCUs need to have a sound ***understanding of the role of the Witness Service***. It is useful for the Witness Service to give a briefing to WCUs and provide documentation which can be sent by WCUs to witnesses. Attending court with the Witness Service has also increased WCUs' understanding (North Wales, West Midlands, Essex TU).

4.7.5 Defence lawyers

If solicitors are aware that witnesses are increasingly attending, they may change their advice to their clients, resulting in more early guilty pleas. The Essex Local Implementation Team has sought to inform defence solicitors about NWNJ and its objectives. South Yorkshire will be taking advantage of the launch of ETMP to better inform defence solicitors of NWNJ.

4.7.6 Community consultation

An important part of the NWNJ vision and Minimum Requirements is ongoing community consultation to assess the provision of the witness care service, particularly to sections of the community with distinct needs.¹² The CPS Equality and Diversity Unit (EDU), undertook a community consultation exercise in the pilot areas during September and October 2003, and made recommendations about both community consultation processes and service provision.

Few pilot areas have engaged in the envisaged community consultation. As a result, although WCUs might receive feedback in specific cases, they have no overall sense of the extent to which their "tailored" service provision meets the needs of the community they serve. Furthermore, the evaluation found that WCUs' approach to meeting needs was generally reactive rather than proactive. In particular, WCUs seemed relatively unaware of the potential needs of Black and Minority Ethnic witnesses, and how best to address them. Only Gwent had engaged CPS Equality and Diversity Officers to ensure its service adequately caters for special requirements.

NWNJ could also consider the case for engaging in ***outreach work*** (as part of the community consultation) to increase the number of people who might be prepared to be witnesses.

The lessons have already been learnt in this respect, with the NWNJ Project Team issuing more detailed community consultation guidance in July 2004, providing an excellent framework for the exercise. Furthermore, the Minimum Requirements place community consultation within the heart of the overall implementation approach, so that it will receive a higher prioritisation from areas in Rollout.

The following section reflects on the lessons learnt from a review of non-NWNJ witness care initiatives.

¹² For example, Black and Minority Ethnic, vulnerable and intimidated, rural, physically/mentally disabled, victims/witness who know the offenders, Lesbian/Gay/Bi-sexual/Transsexual and domestic violence.

5 Review of non-NWNJ victim and witness care initiatives

5.1 Key findings and conclusions

This section highlights the key findings and conclusions of a review of three non-NWNJ witness care initiatives. The purpose of the reviews was to highlight good practice and lessons to be learnt for NWNJ, specifically to inform the implementation of the Minimum Requirements. Further detail on these non-NWNJ witness initiatives and lessons learnt for NWNJ can be found at appendix 2.

- The Metropolitan Police Service (MPS) Victim and Witness Support Project (under Operation Emerald, the Justice for London Project) supports actions that improve attendance at court, but does not adopt a multi-agency approach.
- West Mercia's One Stop Shop enhances information to witnesses, but does not undertake a needs assessment and thus does not deliver support to witnesses to attend court. The Reluctant Witness (React) project researched on reluctant witnesses.
- Warwickshire's "Victim and Witness Information Partnership" is a joint project between Warwickshire CJOs. The scheme's focus is on improving interaction with victims and witnesses through providing a single point of contact in the same way as NWNJ and a "drop in centre". The VIP does assess witness needs and assesses their vulnerability, however current resourcing issues has meant that the unit has reverted to witness warning.

While all three initiatives have originated from different starting points, they all mirror NWNJ in their objectives and basic approach to witnesses. There are some points of interest to note in these non-NWNJ initiatives. In conceptual terms, Warwickshire and West Mercia are interesting. West Mercia is seeking to increase the willingness of witnesses even to make a statement (increasing engagement) and to reduce the disengagement of witnesses. Warwickshire's focus is on supporting victims beyond the trial, through building into the witness care programme organisations involved in restorative justice and seeking victims' views on parole. The Warwickshire and MPS projects provide some useful lessons learnt about service to witnesses and using IT to increase efficiency in providing that service.

The following three sections set out the impact of NWNJ on its performance measures, starting with witness attendance.

6 Impact on witness attendance (PM 1)

6.1 Key findings and conclusions

Witness attendance is a key performance measure as it drives changes in ineffective and cracked trials, and is an important indicator of the quality of information and support being provided to witnesses that enables their attendance. This section presents the changes in civilian prosecution witness attendance over the period of the NWNJ pilots, and summarises the evidence that NWNJ has been responsible for the improved attendance.

The average baseline attendance was 68.9% and average current attendance is 82.2%; thus, on average across the pilots, **witness attendance has increased by 19.4% or 13.3 percentage points**, which is statistically significant. The data source for these attendance figures is not entirely reliable and, in any case, the correlation between NWNJ and witness attendance cannot be established quantitatively due to different data sources. Furthermore, there is no comparative national data on witness attendance to indicate to what extent national trends might have been responsible for the increase. These factors notwithstanding, there is persuasive evidence that there have been significant increases in witness attendance and that it is **NWNJ that has led directly to these increases** by improving the quality and frequency of information, and the level of support, provided to witnesses.

The increases in witness attendance were consistent across all pilots, with the exception of Essex (Crown Courts), where the reasons for poor performance and **decreased** witness attendance are known.

ETMP and Charging may have supported NWNJ in increasing witness attendance, but no other factors were identified which could have had a significant impact on witness attendance across the board (for example, such as a change in the expenses policy, or practice on witness summons).

The increases in witness attendance are all the more impressive as **none of the pilots are yet meeting all of the Minimum Requirements in all of the cases**. Only when an area has implemented all the Minimum Requirements for all cases, can the full impact of NWNJ processes on witness attendance be determined conclusively. In many ways, this **“final” evaluation is more akin to an interim evaluation**, and provides an indication of what is achievable within a short period than what NWNJ can achieve once embedded. There is no evidence to doubt that the increases in attendance observed in pilot areas can be replicated. Indeed, by pre-empting the considerable difficulties faced during the pilots (as outlined at section 3), it is reasonable to expect that **attendance increases can be not only replicated but exceeded during National Rollout**, and that this can be achieved in a shorter period of time. However, this is dependent on a number of risks being tackled, including that lessons being learnt from the pilot, are shared across all areas and are acted upon effectively. The risks are discussed further at section 12.1.

In conclusion, NWNJ supports substantial increases in witness attendance. As a result, witness attendance receives a “green scoring” in the all-pilots performance measurement dashboard at Figure 1.

6.2 Performance measurement issues

There are three issues to consider with relation to witness attendance data.

First, the baseline witness attendance data, supplied by the NWNJ Project Team, is **not disaggregated between Crown and Magistrates** Court cases. The baseline for witness attendance was established for the Interim Evaluation Report using a sample of 150 – 250 trial cases in each area over the period January to June 2003. Although this baseline data has not been validated, it is consistent with stakeholder feedback in the pilot areas.

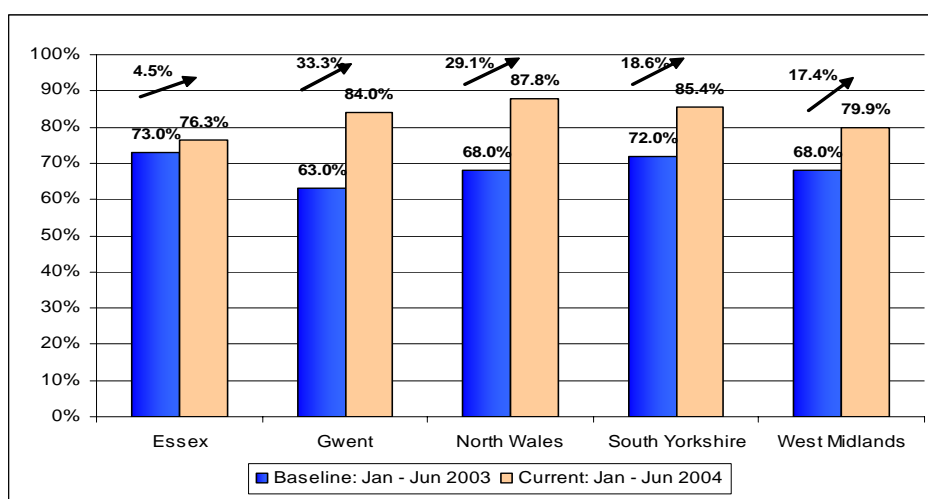
Secondly, there are **weaknesses in the current data** on witness attendance, which have necessitated a “data cleaning” exercise. WCUs capture data on witness attendance in the spreadsheet-based “Trial Tracker”. The data for the current period was derived from the Trial Tracker for trials taking place over the period January to June 2004. However, the Trial Tracker is not a complete record of trials and therefore of witness attendance. This partly reflects the focus of NWNJ, for example the Trial Tracker does not record trials which had

only police witnesses. In many cases however, the Trial Tracker is not completed due to lack of information about the number of witnesses who attended. Even with the data cleaning exercise undertaken by the NWNJ Project Team, the Trial Tracker captures only a sample of trials: the average sample size is 50% of Crown Court trials and 43% of Magistrates Court trials. (Currently, the Essex data cannot be relied upon as it covers only 7% and 10% of Crown and Magistrates trials.) There is no indication that WCUs have been selectively recording trials with high witness attendance rates. Thirdly, there is **no national comparator** data.

6.3 Current impact of NWNJ

The increase in the average witness attendance rate in each area (i.e. combining Crown and Magistrates Courts) between the baseline and current periods is shown in Figure 20 below.

Figure 20: Witness attendance by area



The increases in witness attendance largely reflect the assessment of the pilot areas i.e. areas with robust processes deliver better increases in witness attendance. There is a marked difference in witness attendance rates between Crown and Magistrates Courts, as shown in Figure 21 below. Witnesses appear to be more aware of the authority of the Court, and the importance of giving evidence, in the more serious cases heard at Crown Court.

Figure 21: Baseline to current changes in witness attendance

Area	Baseline (combined courts for April – June 2003)	Current for Crown Courts (January to June 2004)	Current for Magistrates Courts January to June 2004)
Essex	73%	64%	79%
Gwent	63%	95%	79%
North Wales	68%	94%	86%
South Yorkshire	72%	90%	82%
West Midlands	68%	83%	77%
Average	69%	86%	80%

It should be noted that the low (and possibly reduced) witness attendance in Essex Crown Courts has had an impact on the average witness attendance; excluding it increases the average across the remaining four pilot areas to 87% for Crown Courts and 83% for all courts (i.e. compared to the actual current average across all five areas of 82%). This exclusion is valid as Essex TU has experienced particular problems with the implementation of NWNJ as set out at section 3.2.

6.4 Causal links

Stakeholders consulted in the pilots uniformly credited NWNJ with increasing witness attendance rates. The only other factors which could have played an indirect role are:

- ETMP which can reduce the number of witnesses required (through PDHs/PTRs), introduces more certainty to trial dates (through fixed listing systems) and enhances trial preparedness (pre-trial meetings). However, analysis of the relative performance of ETMP (Essex, North Wales, West Midlands) and non-ETMP (Gwent, South Yorkshire) areas in increasing witness attendance indicates that ETMP, although supportive of NWNJ, is not the main driver of the increased attendance;
- Charging which, by weeding out the weaker cases where witnesses were less likely to attend, could mean that those cases going to trial are more likely to be ones where witnesses are likely to attend. However, there is no evidence that Charging is playing more than a supporting role on improving the NWNJ performance measures. There is no evidence that Charging Lawyers are deciding on charges based on the likelihood of witnesses attending.

Although the evaluation identified local factors which could have impacted on witness attendance rates on a month by month basis, no other factors were identified which could be attributed with having a significant impact on witness attendance across the board (for example, a change in the expenses policy or practice on witness summons).

Even the apparent decline in Essex TU's witness attendance highlights the causal link between the work of the WCU and witness attendance i.e. the Unit was not adhering to NWNJ processes and therefore failed to deliver the desired increases in attendance.

The key causal link between NWNJ and witness attendance is clearly established in a qualitative sense. The WCUs, both directly and via the Witness Service, are addressing the practical needs and emotional concerns of witnesses about attending court. The key reasons for witnesses' reluctance to attend court appear to be:

- Practical difficulties, particularly transport in the more rural areas of Gwent and North Wales;
- Non-availability, for example due to holiday. Most of the pilots are resolving this by seeking "dates to avoid" in advance of the trial date being set;
- Trepidation about the court process, which can be addressed by some extent by a Pre-Trial Visit organised by the Witness Service, to whom the witnesses are increasingly referred by the WCUs;
- Fear of facing the defendant in court, which can be addressed to some extent by the court providing Special Measures, such as screens and videolinks. The needs assessments increasingly identify the need for Special Measures and the WCUs tend to facilitate application for such Measures via the police and lawyers on the case;
- The **fear** of reprisals or intimidation by the defendants and their families. The extent to which the WCUs are **actually able** to address this fear depends on the strength of communications with the police, and the police's ability to intervene. The absence of witness facilities in all courts means that witnesses still risk facing defendants and their

families in the court buildings. However, it appears that WCUs are increasingly reassuring witnesses sufficiently to persuade all but the most intimidated to attend court.

It should be noted that WCUs also appear to be improving the rate of police officer attendance at court.

However, the correlation between NWNJ and witness attendance cannot be established quantitatively. The evaluation team has looked for evidence that the input measures (for example, VPSs) are having a positive affect on the output measures (for example, witness attendance). However, this is extremely difficult each of the measures has been obtained from different data sources as follows:

- Referrals to Victim Support/Witness Service from Victim Support data;
- VPSs from case file review;
- Witness attendance from the Trial Tracker.

Although some of the input measures are captured on the Trial Tracker, cleaning the entire set of data to enable a correlation with witness attendance would be a massive exercise. The different sources mean that the measures cannot be matched to each other at the level of individual trials. This means that in the cases where the input measures and output measures do not seem to have an obvious relationship, it is not possible to **drill-down** to understand what is happening at a trial level, and to **measure the correlation co-efficient** between the measures.

6.5 Potential future impact

While a month by month analysis of witness attendance over the period January to June 2004 does not reveal a significant upward trend, there are indications that there is yet more scope for NWNJ to increase witness attendance in the pilot areas, for the following reasons.

- As noted, the pilot areas started NWNJ at different times between October 2003 and August 2004. Even pilot areas which have implemented NWNJ might not have implemented all aspects of NWNJ which have proved to be key drivers for witness attendance, for example, North Wales is only in August 2004 undertaking needs assessments of witnesses in Magistrates Court cases.
- The lead time between the first contact with a witness and trial is, approximately and on average, two months for Magistrates cases and five months for Crown cases. Thus, care provided to witnesses might not result in improved attendance figures for several months.
- The WCUs are currently reliant on temporary staff. Confirmed funding for years 2 and 3 will enable WCUs to create the opportunity for recruitment to permanent posts. This is likely to reduce staff turnover and to make investment in training of WCOs increasingly worthwhile, thus improving the standard of care provided still further.
- NWNJ processes do not exist in isolation; in particular, they are reliant on strong communication with caseworkers/lawyers who use the information on witness availability and needs to make decisions about, for example, applying for a vacated trial when the WCU notifies them of witness non-availability for trial. Such processes will take a considerable period of time to embed.

Also, as noted, there is no evidence to suggest that NWNJ's impact on witness attendance cannot be replicated in National Rollout.

The following section outlines the evidence that NWNJ has impacted positively on the trial outcome performance measures.

7 Impact on trial outcomes (PMs 2, 3 and 4)

7.1 Key findings and conclusions

Improving trial outcomes is at the heart of NWNJ, since improvements will help the CJS to realise economy, efficiency and effectiveness benefits, specifically narrowing the justice gap. This section sets out the evidence regarding NWNJ's impact on trial outcomes. The impact of NWNJ on the three trial outcome performance measures is extremely complex. In overview, there is **persuasive quantitative and qualitative evidence that NWNJ has resulted in significantly improved trial outcomes**.

Ineffective trials due to witness issues (PM 2) have decreased by a statistically significant amount from 4.5% to 3.3%, with a wide margin between the decrease in the pilot areas (26.8%) and decrease nationally (7.5%). Only Essex (Crown) and North Wales (Magistrates) had **increases** (opposite to that expected). Of all the trial outcome measures, this measure at Crown is the least conclusive as the margin between the pilots and nationally is narrow. However, if Essex Crown is (validly) excluded, there is a sufficiently wide margin to provide persuasive evidence of the positive impact of NWNJ on Crown cases also. Even including the adverse results, the margin between pilot and national changes is sufficient for this measure to receive a **“green scoring”** in the all-pilots performance dashboard at Figure 1.

Cracked trials due to witness issues (PM 3) have decreased substantially from 5.7% to 4.8%. While the percentage point decrease is not statistically significant, the pilots have decreased 16.6% while nationally the measure has increased 9.3%. South Yorkshire and North Wales Magistrates Courts have seen **increases** (opposite to that expected) in such cracked trials, possibly due to stricter enforcement of domestic violence policies seeking to compel victims to attend court. Despite these mixed results, the fact that the pilots have decreased while the national measure has increased is persuasive of NWNJ's impact, hence this measure receives a **“green scoring”**.

Cracked trials due to late entry of a guilty plea (PM 4) have increased (as intended by NWNJ) from 18.6% to 20.6%. The percentage point increase is statistically significant and there is a reasonable margin between the pilots' increase (10.5%) and that nationally (1.8%). The results are consistent except for Essex (Crown) and North Wales (Magistrates) which had **decreases** (opposite to that expected). As the reasons for the adverse results in these areas are known, this measure receives a **“green scoring”**.

At an all-pilot level, the pilots have performed substantially better than the national trend on all three trial outcome measures. Indeed, as noted, the pilots are reversing the national trend towards increased cracked trials due to witness issues.

The results are reasonably consistent at the level of each pilot also. In all but one case where a pilot area has recorded an improvement, the improvement has either been greater than that in the national comparator, or has improved where the national comparator has declined. The adverse results for Essex (Crown), North Wales (Magistrates) and South Yorkshire (Magistrates) are explained in their relevant sections in section 3. The particular difficulties experienced by Essex (Crown) and North Wales in implementing NWNJ only serve to highlight the importance of ensuring clear guidance and strong management for areas implementing NWNJ.

The evaluation has attempted to **assess the relationship between witness attendance and trial outcomes subjectively**, as it is impossible to establish it quantitatively due to different data sources. However, no clear patterns emerge. In all but four cases (three involving North Wales), witness attendance and trial outcomes move in the expected directions, but the pilots vary widely in the degree of relationship. For example, South Yorkshire and West Midlands have the lowest increase in witness attendance (excluding Essex) yet have the largest decreases in ineffective trials due to witness issues.

It is clear that **ETMP supports trial readiness and thus helps to derive the full benefit of NWNJ. Charging also supports NWNJ by strengthening the cases coming to court and reducing discontinuances. However, it is also clear that NWNJ is the main driver of performance improvement for the performance measures which it is designed to impact.**

Therefore, changes in witness attendance appear to be the best available leading indicator of changes in trial outcomes. The additional key causal links are:

- The WCUs highlight problems with witness availability in sufficient time with caseworkers/lawyers/CPOs to enable them to apply for a vacated trial rather than becoming ineffective or cracked;
- The WCUs provide more complete information about witnesses (status, relationship to defendant and needs) to the Witness Service in good time to enable them to support witnesses at court and minimise risk of retraction or departure from court without giving evidence;
- Defendants are proving more likely to plead guilty at a late stage when witnesses attend;
- Defence solicitors are already advising their clients to plead guilty earlier, in anticipation of witnesses attending and testifying;
- Witnesses are better informed about the court and its procedures which might mean that they are less likely to retract their statement or leave court without giving evidence.

As noted in section 6.5, there is scope for some further increases in witness attendance in some of the pilot areas. Some further **improvement is therefore possible for trial outcomes in the pilot areas**, although clearly this will be easier for pilot areas with higher current rates than for those who have already brought their rates to low levels. There is a level below which it will become more difficult to improve trial outcomes. The most reluctant witnesses and intractable cases may remain.

There is no evidence to suggest that the results produced in the pilot areas are not **replicable**. While critical success factors were noted in the pilots, none of these was particular to that area. Indeed, as noted at section 3, a number of the difficulties faced by the pilot areas could be avoided during National Rollout, thereby increasing the likelihood of NWNJ success and positive impact on trial outcomes.

The following sections analyse the results by type of court and by area.

7.2 Performance measurement issues

There are four key issues to consider when interpreting the DCA data on trial outcomes. First, the **baseline for data differs by court**. For the Crown Courts, the baseline used is January – June 2003. For the Magistrates Court, the baseline used is only April – June 2003, because of the lack of national consolidated Magistrates Court information prior to April 2003. The current period for both Crown and Magistrates is January to June 2004.

Secondly, the confidence that can be derived from the data depends on the **size of the population** (i.e. number of cases heard by each areas' courts). North Wales, in particular has a small sample size for Crown Court cases. The Magistrates Courts data has had a greater impact on the overall results as more cases are heard by Magistrates Courts than Crown Courts i.e. 7,075 compared to 2,295 over the period January to June 2004.

Thirdly, the **accuracy relating to trial outcomes can be variable**, and the process has changed. Inconsistent categorisation of reasons for trial outcomes between areas could in part explain the substantially different rates across areas (for example, Gwent has high baselines and current rates). The process for Crown Courts changed in October 2003 between the baseline and current periods to match that in the Magistrates.¹³ The evaluation team has no information or evidence to indicate the extent to which the change in process might have impacted on the performance measures.

Fourthly, it is **impossible to establish quantitatively the degree of relationship between witness attendance and ineffective trials**. This is partly because the baseline data on witness attendance is not disaggregated between Crown and Magistrates Courts, but also data on witness attendance and trials are extracted from different data sources and so the measures cannot be matched to each other at the level of individual trials. This means that in the cases where the input measures and output measures do not seem to have an obvious relationship, it is not possible to drill-down to understand what is happening at a trial level, and to measure the correlation co-efficient between the measures.

¹³ The Court Clerk in both Crown and Magistrates Courts is now responsible for recording the reason that the trial does not proceed and arranging to have that countersigned by both the defence and the prosecution.

7.3 Ineffective trials due to witness issues (PM 2)

7.3.1 Key findings and conclusions

As noted, of all the trial outcome results, the ***most mixed are ineffective trials due to witness issues in the Crown Courts***. Across all pilot areas, the evaluation has been unable to establish quantitatively that NWNJ has led to significant reductions in ineffective trials due to witness issues because:

- The decrease in ineffective trials due to witness issues in pilot areas from 5.0% to 3.7% is not statistically significant;
- The margin between the pilot decrease (24.5%) and national decrease (20.4%) is narrow indicating that there are strong national trends towards ineffective trials due to witness issues;
- Towards the end of the current period the rate nationally (4.0%) is actually lower than in the pilot areas (5.7%).

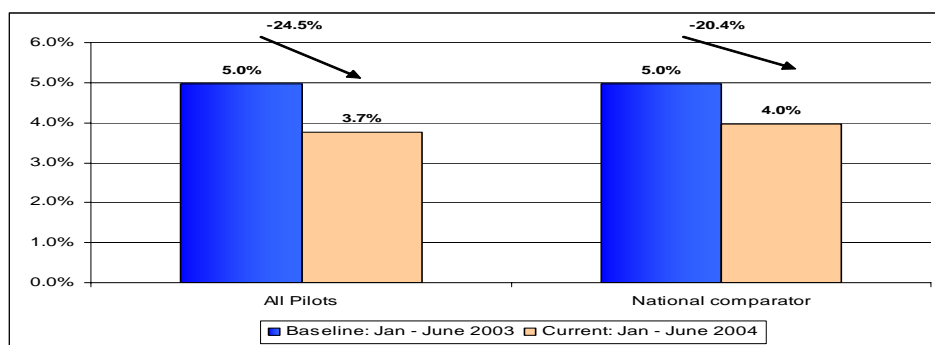
However, ***the mixed results (including at the end of the current period) are due almost exclusively to the poor performance of Essex***, which has had a disproportionate impact due to its high caseload (27% of trials in pilot areas during the current period). ***If Essex Crown is (validly) excluded, ineffective trials due to witness issues in the Crown Courts decreased by 45.7%, which constitutes persuasive evidence of the positive impact of NWNJ.***

There is also persuasive evidence that NWNJ has resulted in ***significant decreases in ineffective trials due to witness issues in Magistrates Courts***. The decrease in pilot areas from 4.3% to 3.1% is statistically significant. Although the national trend was also downwards, there is a wide margin between the rates of pilot decrease (27.6%) and national decrease (4.3%).

7.3.2 Crown Courts ineffective trials due to witness issues: baseline to current

Figure 21 shows the ***narrow margin*** noted above between the change in this measure for the pilots compared to nationally.

Figure 22: Percentage of Crown Court trials ineffective due witness issues



The 20.4% decrease in national ineffective trials due to witness issues merits more explanation. DCA accounts for the national decrease as follows.¹⁴

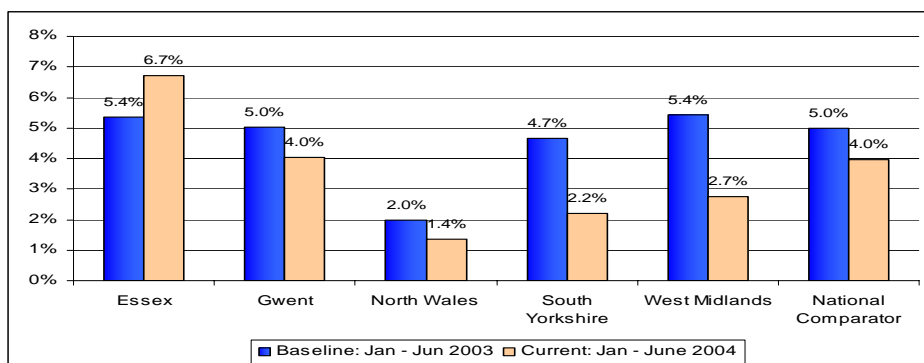
- LCJBs are taking responsibility for tackling high rates of ineffective trials, for example establishing sub-groups to tackle the problem.
- A number of areas have developed inter-agency protocols on listings which, for example, have enabled North Yorkshire to reduce its ineffective trial rate from 7.8% in May to July 2003 to 0% in May to July 2004;
- The embedding of the joint PSA target on narrowing the justice gap is influencing court listings policies.

¹⁴ Conversation with the Head of the DCA Criminal Justice Delivery Unit, 20 August 2004.

Future evaluations of the impact of NWNJ on trial outcomes in Magistrates Courts might wish to consider the equivalent impact that DCA might have on their trials following the unification of courts administration in April 2005.

The role that Essex's poor results have played in the narrow margin between pilot and national results is clear in Figure 22 below. As noted, *if Essex Crown is (validly) excluded, the measure across the other four pilot areas at Crown has decreased by 45.7%.*

Figure 23: Percentage of Crown Court trials ineffective due to witness issues



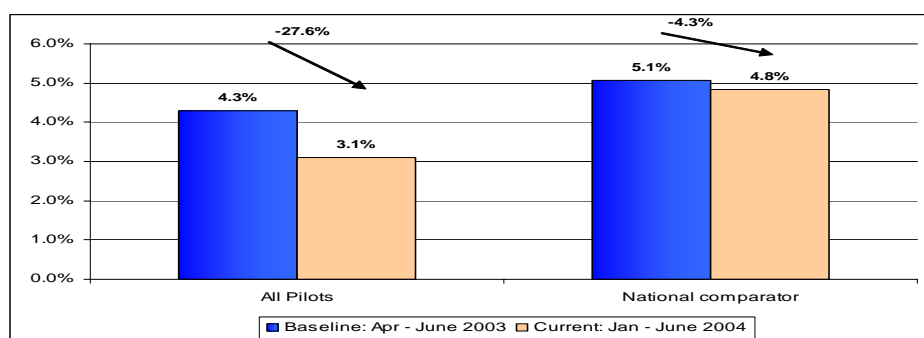
Key points to note are:

- Three of the pilot areas (North Wales, South Yorkshire and West Midlands) have achieved decreases greater than the 20.4% (from 5% to 4%) achieved nationally. Gwent only missed this by a small margin, attaining a 19.4% decrease. South Yorkshire and West Midlands have particularly large decreases, with 53.0% and 49.3% decreases.
- In the high performing areas (in Coventry, Wolverhampton and Sheffield Crown Courts), the reduction in ineffective trials were all of a similar magnitude, being an average 50% lower than the baseline figure. The results for South Yorkshire are particularly notable, given that only approximately 50% of Sheffield Crown Court cases are part of the NWNJ project. The courts are among the larger Crown Courts in the pilot areas, so they have a relatively large impact on the overall pilot results.
- Apart from Basildon (Essex), Caernarfon (North Wales) and Chester (North Wales, which saw no change), the seven other Crown Courts (with sufficient trials to assess and a baseline) saw decreases between the baseline and current periods, with West Midlands showing the most consistent results across its Crown Courts.

7.3.3 Magistrates Courts ineffective trials due to witness issues: baseline to current

Figure 23 sets out the *wide margin* between changes in ineffective trials due to witness issues in the pilots compared to nationally for the Magistrates Courts.

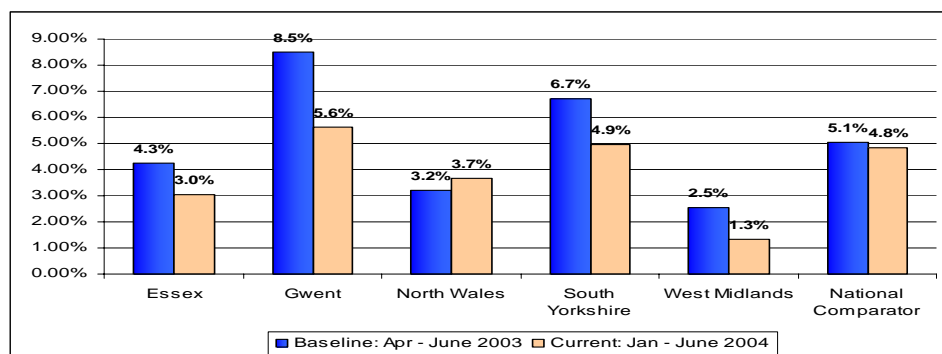
Figure 24: Percentage of trials ineffective due witness issues in the Magistrates Courts



No Witness, No Justice (NWNJ) Pilot Evaluation Crown Prosecution Service and ACPO

Performance against this measure differs markedly across the pilot areas, as shown by Figure 24. In the case of the Magistrates Courts, it is North Wales which is producing adverse results.

Figure 25: Percentage of trials ineffective due to witness issues in Magistrates Courts



Key points to note are:

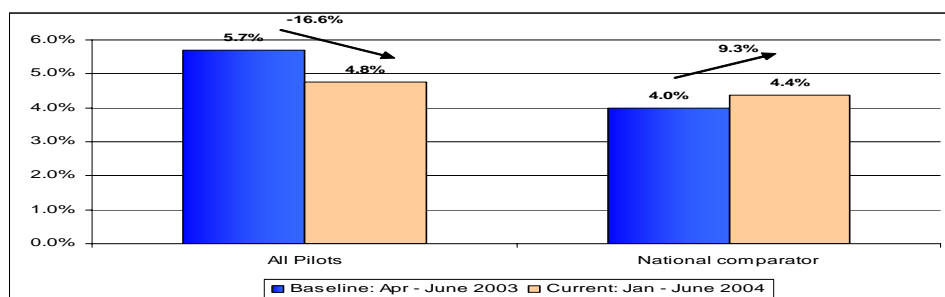
- All the pilot areas with the exception of North Wales have achieved decreases substantially greater than the 4.3% (from 5.1% to 4.8%) achieved nationally, with decreases varying from 26.4% in South Yorkshire to 46.3% in West Midlands.
- It should be noted that the 29.0% reduction for Essex is all the more impressive given that Colchester and Laindon CJUs implemented NWNJ for only 50% of cases during the period evaluated.
- It is notable that Gwent had the highest baseline figure of the pilot areas, and still has a higher current rate than both the other pilot areas and the national comparator. There does not seem to be a conclusive set of reasons for the high baseline. On the one hand, the high baselines provide good scope for reductions; on the other hand, the highest baselines could indicate that Gwent faces relatively more entrenched reasons for ineffective trials and witness issues than other areas.
- The North Wales **increase** of 14.4% from 3.2% to 3.7% is due to results for two court areas in June 2004 and, as noted, could possibly be due to strict enforcement of the domestic violence policy but the reasons have not yet been confirmed.
- Results have been relatively consistent across the Magistrates Court areas. Of the 22 court areas (with sufficient trials and baseline data) to assess, 16 recorded decreases in ineffective trials between the baseline and current periods. Three of the six courts recording increases were in North Wales.

7.4 Cracked trials due to witness issues (PM 3)

7.4.1 Key findings and conclusions

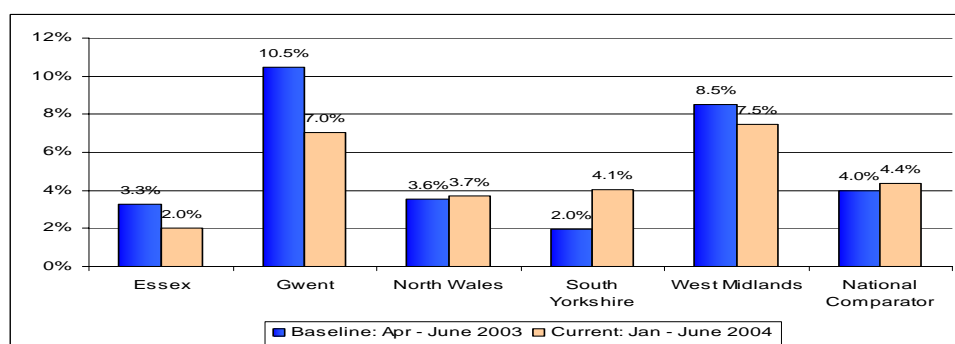
There is persuasive evidence that **NWNJ has resulted in the decreases in cracked trials due to witness issues in Magistrates Courts** as while the decrease from 5.7% to 4.8% is not statistically significant, the pilots have decreased by 16.6% while national has *increased* by 9.3% as set out in Figure 25 on the following page.

Figure 26: Percentage of trials cracked due witness issues in the Magistrates Courts



Results for each pilot area are set out in Figure 26 below. This shows that South Yorkshire and North Wales are producing results counter to the objectives of NWNJ.

Figure 27: Percentage of trials cracked due to witness issues in Magistrates Courts



Key points to note are:

- Essex, Gwent and West Midlands all recorded decreasing rates of cracked trials due to witness issues, the first two areas decreasing by 38.1% and 32.8% respectively. Once again, the decrease in Essex (of 38.1%) is impressive as they have implemented NWNJ for only a proportion of cases.
- Once again, Gwent had the highest baseline figure of the pilot areas, and still has a higher current rate than most other pilot areas (except West Midlands) and the national comparator. The reasons for these high rates have been investigated but there does not seem to be a conclusive set of reasons.
- The 105.6% **increase** in South Yorkshire is particularly striking and, as noted, is likely to have been due to the strict enforcement of the domestic violence policy. The same pattern in North Wales could possibly explain the 3.5% increase for North Wales.
- Results have not been particularly consistent across the Magistrates Courts. Of the 22 courts (with sufficient trials to assess and baseline data), 13 recorded decreases in cracked trial rates between the baseline and current periods; one had no change and the remaining eight saw increases.

7.5 Cracked trials due to late entry of a guilty plea (PM 4)

7.5.1 Key findings and conclusions

There is persuasive evidence that **NWNJ has resulted in increases in cracked trials due to late entry of a guilty plea in Crown Courts** as, while the increase from 25.5% to 27.0% is not statistically significant, the pilots have increased by 5.9% while the national rate has **decreased** by 3.1%. **If Essex is (validly) excluded, the results are even more persuasive: the pilots would increase by 13.2%**

from 27.8% to 31.4%. Furthermore, there appears to be a reasonably strong relationship between the increases in witness attendance and the increases in cracked trials due to late entry of guilty pleas.

There is also persuasive evidence that **NWNJ has resulted in substantial increases in cracked trials due to late entry of guilty pleas in Magistrates Courts.** The increase from 16.3% to 18.5% is statistically significant. Although the national trend was also upwards, there is a reasonable margin between the rates of pilot increase (13.3%) and national increase (6.2%).

The increase in trials cracked due to the late entry of a guilty plea is a mixed blessing. Ideally, the rate should increase initially as defendants plead guilty when they see the witnesses have attended court. Over time, NWNJ envisages this measure decreasing as a culture of “witness will attend” begins to prevail and defendants plead guilty at an earlier stage, thus saving the cost of case preparation and the engagement of the Witness Service. In time, the effect of Charging and ETMP should also reduce late entry guilty pleas, as charges are more accurate and cases are better prepared, defendants will be persuaded to enter an earlier guilty plea.

7.5.2 Crown Courts cracked trials due to late entry of guilty plea: baseline to current

Figure 28 below sets out how Crown Court cracked trials due to late entry of a guilty plea have **increased** while nationally this measure has *decreased*.

Figure 28: Percentage of trials cracked due to late guilty plea in Crown Courts

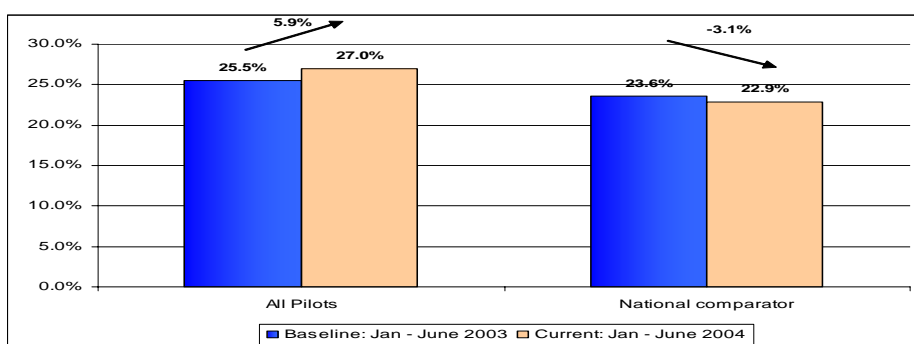
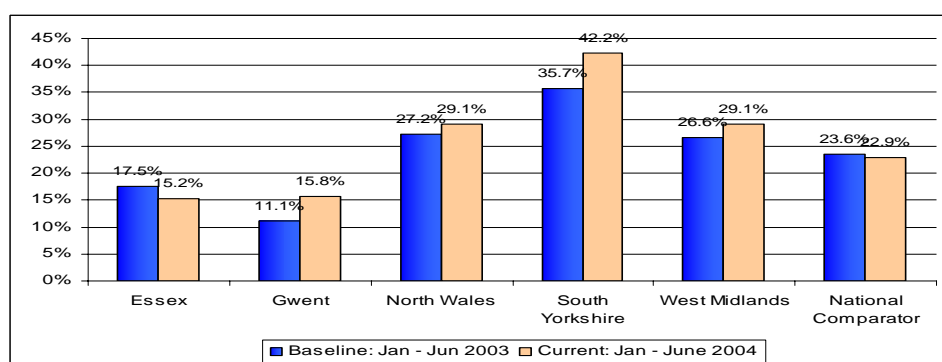


Figure 28 below sets out the area-level results.

Figure 29: Percentage of trials cracked due to late entry of a guilty plea in Crown Courts



Key points to note are:

- Four of the pilot areas (i.e. excluding Essex for the reasons noted) have increased their rates of cracked trials due to late entry of guilty pleas. The greatest increase was achieved by Gwent. This current figure still brings Gwent below the national comparator.
- Performance against other trial outcome measures does not necessarily provide a good indicator of performance against cracked trials due to late entry of a guilty plea. South

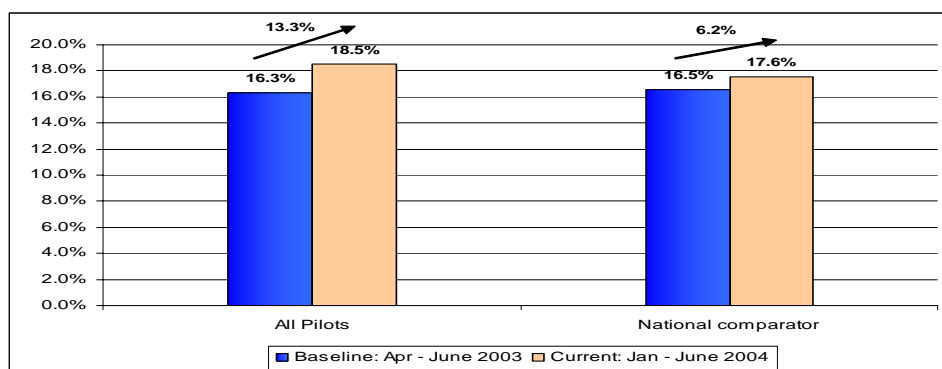
Yorkshire and West Midlands both recorded high decreases against ineffective trials due to witness issues, but modest increases on cracked trials due to late entry of guilty pleas. This could be because both areas have relatively high baselines.

- Of the ten courts with sufficient trials to assess, eight had increases. The exceptions were Basildon (Essex) and Mold (North Wales). As with ineffective trials due to witness issues, West Midlands showed the most consistent increases across its Crown Courts.

7.5.3 Magistrates baseline to current cracked trials due to late entry of guilty plea

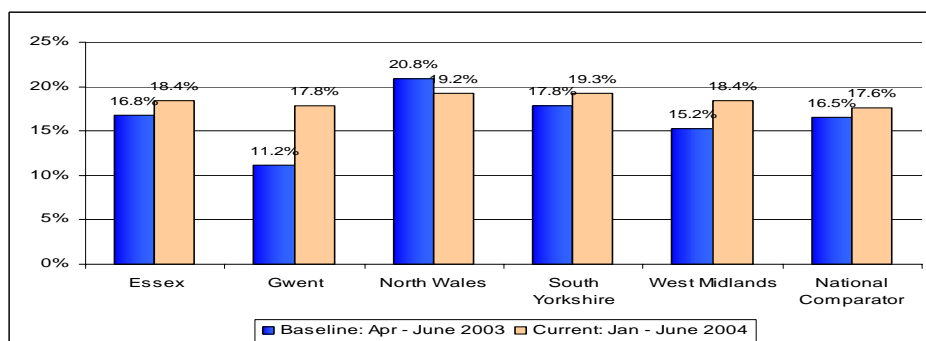
Figure 29 shows the *reasonable margin* between the pilots' and national results.

Figure 30: Percentage of trials cracked due to late guilty plea in Magistrates Courts



The pattern of results across the pilot areas is set out in Figure 30 below.

Figure 31: Percentage of trials cracked due to late entry of a guilty plea



- Four of the pilot areas (i.e. excluding North Wales) have increased their rates of cracked trials due to late entry of guilty pleas, while the national rate also increased by 6.2% over the same period. The greatest increase was achieved by Gwent, at 59.4%.
- North Wales saw a 7.7% **decrease** from 20.8% to 19.2% due to the performance of all court areas during June 2004, possibly due to the previously noted issue with domestic violence. Note also however that North Wales had the highest level of such trials amongst the pilots, both during the baseline and current periods.
- Results have been reasonably consistent across the Courts. Of the 24 courts (with sufficient trials to assess and baseline data), 17 recorded increases. Those with decreases tend to be the same as those recording increases for ineffective and cracked trials due to witness issues.

The following section analyses NWNJ's impact on the remaining six performance measures, all relating to the care provided to witnesses by WCUs.

8 Impact on victims and witnesses (PM 5–10)

8.1 Key findings and conclusions

NWNJ aims to deliver a more customer focused service to victims and witnesses and increase satisfaction. The purpose of this section is to assess the current and potential future impact of NWNJ on victims and witnesses. The section will draw heavily on the MORI Waves 1 and 2 surveys of victims and witnesses. As noted at section 2.6.1, the survey's results can only be regarded as statistically significant at the all-pilot level. As a rule of thumb, a difference of around 5 percentage points between the Wave 1 and Wave 2 surveys is required to regard any increase as statistically significant. In general, the area level results of the MORI survey were consistent with other quantitative and qualitative evidence and so area-level results are shown.

There have been **increases across most of the measures reflecting the improved level of information and care provided to witnesses (including VPSs, referrals to Witness Service and pre-trial visits). There is persuasive evidence that NWNJ is responsible for these and hence they receive "green scorings"** in the all-pilots performance dashboard at Figure 1. Furthermore, NWNJ is enabling the Witness Service to provide a **better quality of care**, through having earlier referrals and more information about witnesses. The Witness Service is playing a critical role in NWNJ's success.

However, the **evidence on witness satisfaction is mixed**. There have been strong increases in satisfaction with the WCUs, the CPS, the Witness Service and the CJS overall. But, while there has also been an increase in overall witness satisfaction from 69% to 73%, the extent to which this can be attributed to NWNJ is far from clear, as satisfaction with other influential factors (the verdicts, sentences and court facilities) has also increased. The increase in witness satisfaction, along with all but one of the other measures, records a **"green scoring"** in the all-pilot performance dashboard. The increases in satisfaction are not leading to any increases in the percentage of witnesses who would be either happy or likely to attend as a witness in any future criminal trial.

The only NWNJ performance measure with a **"red scoring"** in the all-pilot dashboard is **witnesses receiving information from the police at the point of statement (PM 9), down from 46% to 44%**. This decrease, although slight, and not statistically significant, reflects problems NWNJ faces in seeking compliance from stakeholders outside the immediate remit of the WCUs.

In general, NWNJ **establishes the foundation** for the vision set out in the business case, being that victims and witnesses will:

- Experience a CJS that understands and takes account of their needs and circumstances and puts them at the heart of service delivery and design;
- Be supported at each stage of the process through a single point of contact that keeps them informed on progress in their case;
- Be supported wherever possible so they have the opportunity to give their best evidence at trial;
- Feel satisfied and confident in the service provided to them by the CJS.

It is reasonable to assume that the results of the pilots will be replicated, and even exceeded, during National Rollout if the lessons learnt by the pilots about caring for witnesses are shared and acted upon. However, the **Witness Service's key role in enabling NWNJ's success poses a risk for NWNJ** as Victim Support is a voluntary organisation with limited resources. While the Witness Service in pilot areas has been able to respond to the increased workload within existing resources and by recruiting more volunteers, it cannot be assumed that this can be sustained long term or will be possible for each area Witness Service. In particular, those areas without specific additional Victim and Intimidated Witnesses (VIW) funding may struggle to offer the enhanced service to the increased number of vulnerable or intimidated witnesses which WCUs start to identify through their needs assessments.¹⁵

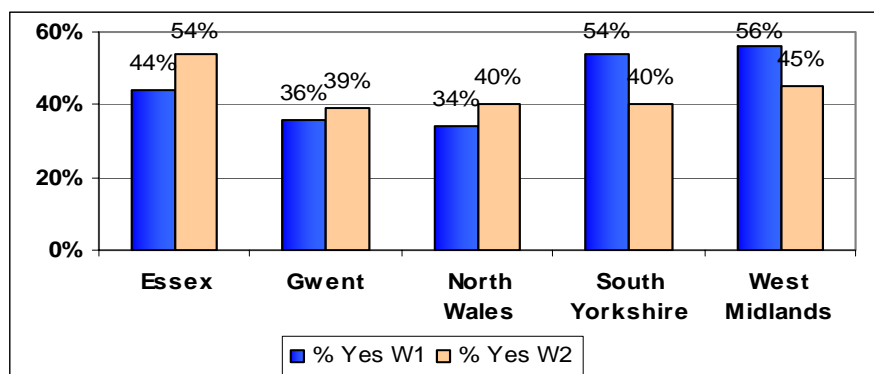
The following sections provide more detail on the impact of NWNJ on each of the victim/witness-related measures, set out in the order that the victims/witnesses interact with the CJS.

¹⁵ All areas receive some funding to cater to vulnerable or intimidated witnesses as part of their block grant. Of 81 areas/London boroughs, 22 have received **specific additional** VIW funding to enable them to provide an enhanced service. Gwent, North Wales, South Yorkshire and West Midlands have this additional VIW funding. Essex provides an enhanced service despite not having received this VIW funding.

8.2 Witnesses receiving information at point of statement (PM 9)

The MORI survey shows a slight **decrease** in witnesses receiving information at the point of statement from 46% to 44%. As Figure 31 shows, the overall decrease is due to trends in South Yorkshire and West Midlands.

Figure 32: Percentage of people receiving information at point of statement



The results for South Yorkshire and West Midlands are not surprising since WCUs expressed concern about the low rate of completion of the initial needs assessments, which indicates that frontline police officers are not implementing NWNJ rigorously. As a result of the evaluation area visit, both areas are putting in place plans to improve compliance. The 10 percentage point increase in Essex reflects the robust approach taken by the Police Champion to compliance with NWNJ by frontline officers. Across all areas, of the witnesses who did receive written material at this point, there was an increase in witnesses receiving a copy of their statement (up from 3% to 8%) but a decrease from 67% to 57% in those receiving a leaflet. The rate at which other material was handed out had not changed much.

8.3 Take up of Victim Personal Statements (PM 5)

A key standard in the 1996 Victims' Charter was that victims of crime should be given the opportunity to express how the crime had affected them. Since the introduction of VPSs in 2001, take up has been low. NWNJ aims to increase take up by requiring frontline officers to offer victims the opportunity to provide a VPS, the Charging Lawyer to check the offer has been made/taken up and the WCO to confirm when speaking to the victim that they understand the purpose of the VPS and make one if they wish to.

8.3.1 Performance measurement issues

The NWNJ Project Team established the baseline for VPS take up by examining 150 – 250 case files in each area for the period January to June 2003. The NWNJ Evaluation Team established the current data by examining 134 files across the five pilot areas.

There are three key issues to note with regard to the VPS take up data. First, the sample size is small and thus the results should be interpreted with some degree of caution. Secondly, where the file noted that plans had been made to obtain a VPS, it has been assumed that the VPS will be taken up. Thirdly, there is no national comparator data to reveal the extent to which the take up of VPSs has increased nationally.

8.3.2 Current impact

The review of the sample of case files revealed take up of VPSs has **increased from a baseline of 2.3% to 19.4%** across all pilot areas, as shown in Figure 32 on the following page. Stakeholders in the areas attributed the increases directly to NWNJ's efforts to engage

No Witness, No Justice (NWNJ) Pilot Evaluation Crown Prosecution Service and ACPO

with frontline officers, but noted that more effort was required to increase the offering of VPSs and to encourage Charging Lawyers to ensure that VPSs have been taken up where appropriate.

Figure 33: Baseline and current take up of VPSs across all pilot areas

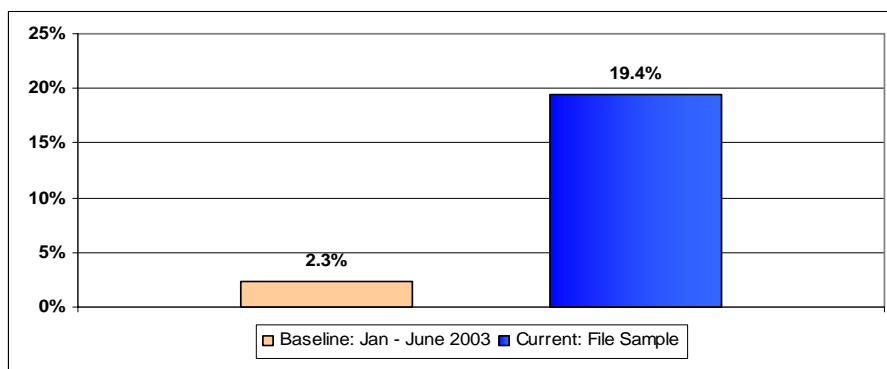
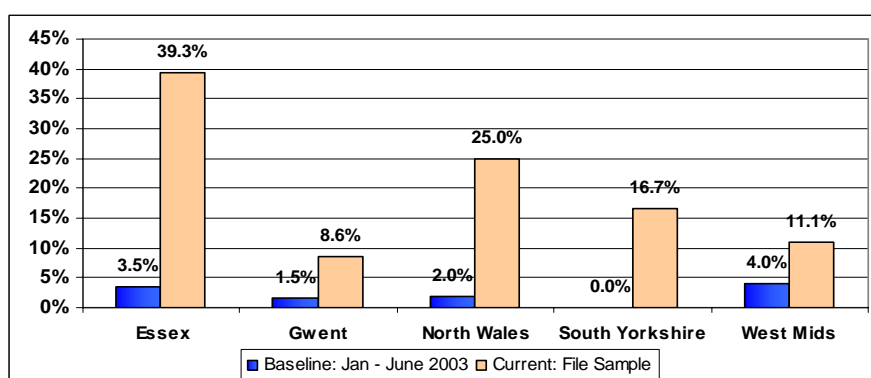


Figure 34 shows the extent to which the rate of take up has increased across the five areas, with Essex's efforts in engaging with frontline officers being particularly well rewarded.

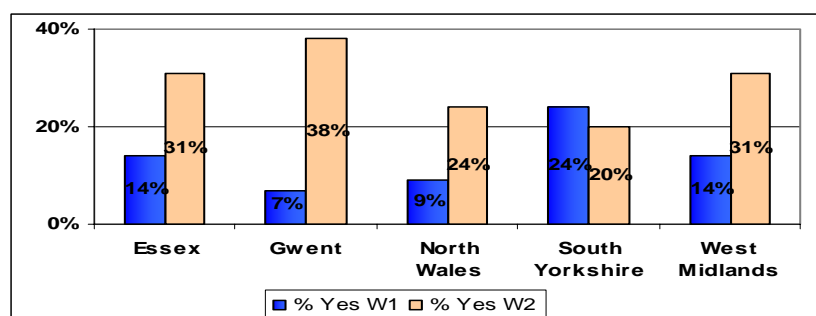
Figure 34: Baseline and current take up of VPSs in each of the five pilot areas



The results for Essex and South Yorkshire are reasonably consistent with feedback from stakeholders in those areas. The rates for Gwent and West Midlands might have been expected to be somewhat higher, and for North Wales somewhat lower as the effort towards offering the opportunity to provide a VPS only intensified in May 2004.

The MORI survey gives an insight into the percentage of victims who are **offered** the opportunity to provide a VPS. The percentage of victims surveyed who had been offered this increased from 15% to 29%, but this result should be treated with caution as it is based on the responses of only 293 victims in Wave 1 and 153 victims in Wave 2. Figure 34 on the following page shows the MORI results at the area level, with rather different results from VPSs actually obtained in each area. The figure shows the substantial increases expected for Gwent and West Midlands. As noted during the area evaluation, the decrease in VPSs being offered in South Yorkshire is likely to be due to some resistance, particularly in the CJU, to offering VPSs as this was seen to be a drain on police resources.

Figure 35: Percentage of victims asked whether they wanted to make a VPS



8.4 Referrals to, and pre-trial visits by, the Witness Service (PMs 6 and 7)

The levels of referrals to, and pre-trial visits arranged by, the Witness Service are some important indicators of the quality of support provided to witnesses. The evaluation of the impact of NWNJ on the level of referrals and pre-trial visits is largely based on **qualitative evidence**. While Victim Support does collect data on referrals and pre-trial visits at a national level, this has not been used, as the data is structured to fit Victim Support's performance management purposes rather than the **exact requirements of the NWNJ performance measures** and the latest complete data set is for the quarter ended March 2004. This is **too soon after the implementation** of most NWNJ pilots to reflect the impact of NWNJ. Further detail on Victim Support performance measurement issues is at Appendix 3.

All national and local Victim Support and Witness Service stakeholders interviewed expressed enthusiasm for NWNJ and stated that this is shared by colleagues across the courts (i.e. other managers and volunteers). They believe that NWNJ is moving victim and witness care in the right direction and that the WCUs are providing a good level of care for witnesses. If there is a concern, it is about the Witness Service's ability to cope with the increased workload that they believe NWNJ brings.

NWNJ is enabling the Witness Service both to provide its service to **more witnesses** and to provide an even **better level of care** as it has more timely information from WCUs about witnesses' circumstances, fears and concerns. The evidence comes from a variety of sources and covers different aspects of the support provided.

First, the MORI survey reveals that the number of **witnesses receiving support** from Victim Support or the Witness Service in the pilot areas increased from 57% to 63%. However, this increase could partly be due to the fact that the Witness Service is only in its third year of operation in the Magistrates Court and thus expanding its coverage of witnesses.

Secondly, NWNJ has increased **the number of witnesses with whom the WCU has contact**, probably in line with the increased number of witnesses who eventually attend (increased by 19.4%). It would be very surprising if these increases did not feed through to increased referrals prior to the trial date.

Thirdly, the increase in referrals may be greater than the increase in the number of witnesses due to the **detailed telephone needs assessment**. WCOs use this opportunity to find out witnesses' fears and concerns, and explain the benefits of a referral to the Witness Service. Accurate descriptions of the service offered by Victim Support and the Witness Service are likely to be a crucial factor in determining the level of take up. WCUs with a better appreciation of the role of the Witness Service, and a greater dedication to doing the needs assessment by phone, are generally seeing the greatest increases in referrals. This highlights the importance of police and WCU staff being adequately trained on the services offered by Victim Support and the Witness Service and the benefits of referrals for witnesses.

Fourthly, the Witness Service in each pilot area reports that NWNJ has resulted in **increases in the number of referrals and pre-trial visits**, with the impact being more substantial in some areas, particularly Essex (Magistrates) and Gwent, than in others, such as South Yorkshire where the impact appears to have been slight. The approximate scale of this increase in each pilot area is supported by other area-level qualitative and quantitative evidence. Both the Witness Service and the WCUs report that the increased number of earlier referrals is enabling them to increasingly identify witnesses as vulnerable and intimidated before the day of the trial. It is particularly important that the WCUs identify vulnerable or intimidated witnesses as such well before the day of the trial so that applications for special measures can be made early.

Fifthly, the MORI survey shows an **increased percentage of witnesses are being offered pre-trial visits, up from 55% to 70%**. However, the area level patterns in offers made are not very consistent with qualitative evidence about pre-trial visits being *taken up*. The MORI survey also highlighted that there was an increase, from 30% to 37%, in those who did *not* take up the offer, and a decrease, from 64% to 58%, in the percentage of witnesses who found the pre-trial visit a useful exercise. This could indicate that the Witness Service was already making pre-trial visits to those who would benefit most from them.

Critically, NWNJ enhances the quality of support that the Witness Service can offer witnesses, in three key ways. Firstly, the telephone contact between the WCOs and the witnesses improves the quantity and quality of the information they are able to obtain and pass to the Witness Service. They, in turn, are better able to provide a **tailored service** to witnesses.

Secondly, the referrals are being made earlier than they were, enabling **more pre-trial contact and preparation**. In this respect, any data on referrals and pre-trial visits would not accurately reflect the impact of NWNJ on the workload of the Witness Service.

Thirdly, NWNJ's focus on identifying vulnerable or intimidated witnesses in advance of the trial means that the Witness Service is better able to offer an **enhanced service to more vulnerable or intimidated witnesses where it has funding for this service**. The enhanced service usually involves the following variations on the core service. The Witness Service makes earlier contact with vulnerable or intimidated witnesses, and then provides them with a more tailored service in response to their needs. Vulnerable or intimidated witnesses are more likely to receive preparation at home or other locations away from the court (for example, at their school). The Witness Service would undertake a higher level of liaison with other agencies or individuals such as an intermediary or the witness's carer. Such witnesses often receive more than one pre-trial visit to familiarise them with the court or, for example, the videolink facility. The Witness Service will often accompany the witness into court or a videolink room in the case of Special Measures. In some cases, the Witness Service will undertake a follow up visit to the witness after the court attendance.

It should be noted that all areas receive a block grant and it is their responsibility to determine how much to allocate to offering a core service to vulnerable or intimidated witnesses. However, only 22 of the 81 Victim Support areas receive specific additional VIW funding, as part of an initiative entirely separate from NWNJ, to enable them to offer the enhanced service to vulnerable or intimidated witnesses. Gwent, North Wales, South Yorkshire and West Midlands receive this additional funding. Although it has not received the additional funding, Essex has been able to offer, in part, an enhanced service by way of more support in court to vulnerable or intimidated witnesses and supporting young witnesses at a greater level in the Magistrates Court. However, the area manager does not believe this can be sustained without additional funding.

The MORI survey lends further weight to the improved quality of service indicated above: **satisfaction with the support provided by Victim Support and the Witness Service has increased from 91% to 97%**.

It is outside the scope of this evaluation to determine the impact of NWNJ on the Witness Service and thus no detailed review or quantitative assessment has been undertaken of this issue. The observations below follow from the overall qualitative assessment (including consultation with Witness Service and other stakeholders) and reasonable assumptions about the impact of improvements in trial outcomes. It is also important to recognise that NWNJ has been evaluated before its medium to long term impact, including on the Witness Service, can be determined with any certainty. For all these reasons, the observations should be regarded as interim findings and persuasive rather than conclusive.

First, NWNJ has necessarily impacted on the **workload** of the Witness Service.¹⁶ As indicated above, in many respects NWNJ has increased workload. The WCUs are in contact with an increased number of witnesses and are thus referring more witnesses to the Witness Service; this is at an earlier stage, enabling them to spend more time supporting each witness prior to trial. Witness attendance at court is increasing, requiring the Witness Service to provide support at court to more witnesses. And, as the number of ineffective and cracked trials due to witness issues decreases, the Witness Service will also be supporting more witnesses through trials that proceed on *the initial court date*. Furthermore, the increases in witnesses identified as vulnerable or intimidated means that the Witness Service invests more resources in providing an enhanced service for such witnesses.

On the other hand, some aspects of NWNJ are likely to be driving reductions in the Witness Service's workload. It is reasonable to assume that the Witness Service now spends less time in seeking out basic information about witnesses as this is now provided to them by the WCUs. Furthermore, the improvement in trial outcomes will also be reducing workload: any decrease in ineffective trials will remove the need for the Witness Service to support witnesses before and during *trials which would have been re-listed i.e. on separate occasions*. Any increase in cracked trials due to late entry of a guilty plea should reduce the amount of time spent supporting witnesses through trials. Indeed, the earlier the guilty pleas, the less support the Witness Service will need to provide to witnesses in those cases. It is hoped that, over time, NWNJ will lead to a "culture of witness attendance" which will encourage earlier guilty pleas, and necessarily reduce work for the Witness Service.

It is difficult to assess the net impact of these NWNJ factors on the Witness Service's workload, but there is ***persuasive evidence that, at this interim stage, it is a net increase***. There is persuasive evidence that managers are generally working harder within the standard hours to provide better care to more witnesses and that increased workload has required managers to recruit more volunteers to assist. The Witness Service also reports that **some** Witness Service managers have been required to work longer hours. The Witness Service may increasingly experience problems covering for managers when they are absent, particularly as some may take time off in lieu of extra hours worked. Any increase in workload and responsibility will make it difficult to expect volunteers to cover for them.

Secondly, the Witness Service needs to increase its **training provision** for the increased number of volunteers, specifically in specialist areas such as supporting vulnerable or intimidated witnesses.

Thirdly, while no pilots were able to provide data on the **financial** impact of NWNJ, the increased number of witnesses and increased use of volunteers will inevitably increase the cost of both administration and of recruiting, supervising and paying the expenses of volunteers. It is possible that the cost of training will also increase, although this depends on the approach to training i.e. the cost of running a training course for five volunteers, as opposed to two, is marginal.

¹⁶ Other CJS initiatives (specifically ETMP, Charging and changes to sentencing policies) may also impact on the Witness Service's workload. However, these are outside the scope of this evaluation.

Some areas are considering recruiting an additional full time staff member to provide cover for managers at court, and to improve the provision of training to volunteers. The increased workload as a result of NWNJ appears to be a major factor in this consideration. In many cases, LCJB funding is being sought for these posts.

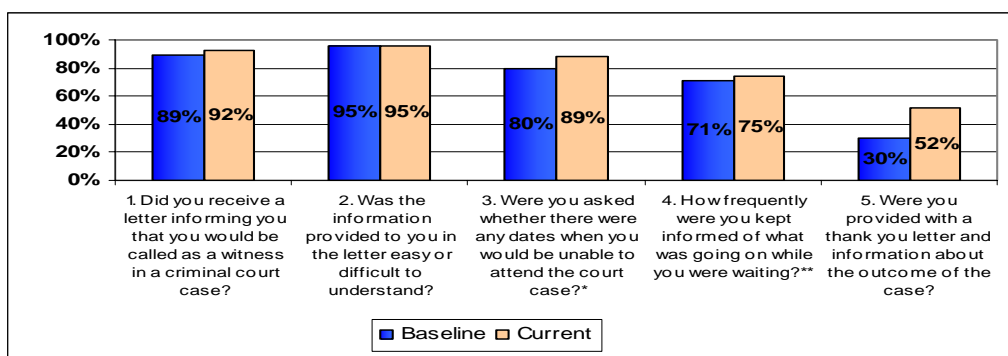
8.5 Quality of information and support (PM 10)

The performance measure reflecting the “quality of information and support provided to witnesses” draws on a number of the questions asked of witnesses in the MORI survey.

8.5.1 Quality of information

The MORI survey, in common with similar surveys, highlights that the provision of quality and timely information is key to improving the experiences of victims and witnesses in court. The results for those key questions relating to information are set out in Figure 35 below.

Figure 36: Quality of information provided to witnesses¹⁷



There have been **increases in all the measures**, except that reflecting how easy it was to understand the witness warning letter which remains high but unchanged at 95%. The two questions with the largest increases (questions 3 and 5) reflect a particular focus introduced by NWNJ.

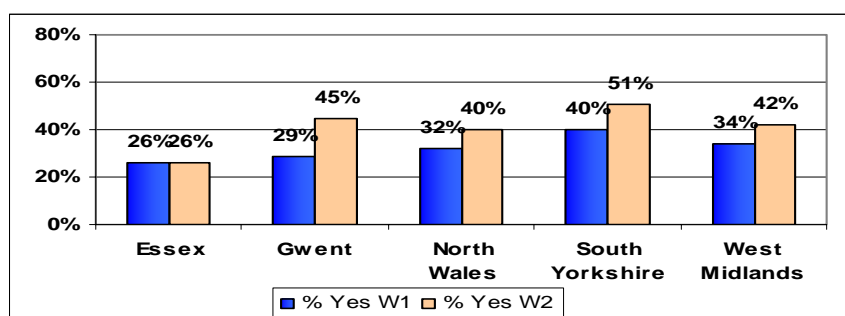
Being asked for dates when they are unavailable is extremely important to witnesses. The increase in this is very encouraging, as is the fact that witnesses are being asked for their availability further in advance – of the witnesses who were asked for “dates to avoid”, 86%, up from 82%, were asked for these more than three weeks in advance. Furthermore, of those witnesses who received a witness warning letter, 88%, up from 82%, received it more than a week before the trial. These increases are likely to have played an important role in increasing witness attendance. There was no change in the number who received the warning the day before (1%) or two to three days before (4%), but this can probably be attributed to late notification of listings by the courts.

The survey also reveals that there has been a **general improvement in the provision of useful information**. There was an increase in witnesses having received information on: support available at court (up from 63% to 77%), how to get to court (up from 63% to 74%), what time to arrive at court (up from 91% to 92%), what to do upon arrival at court (up from 66% to 74%), what happens at court (68% to 75%), and how long they would spend at court (33% to 41%). The last of these is particular important to witnesses. As shown in Figure 36 on the following page, all areas except Essex showed a substantial improvement in providing this measure. This is somewhat surprising considering the strong results of Essex CJU WCU.

¹⁷ * Positive responses = “Yes - when I gave my statement” + “Yes when I was notified of the court case” + “Yes - Other”

** Positive responses = “At least once an hour” + “Once an hour” + “Not waiting long enough”

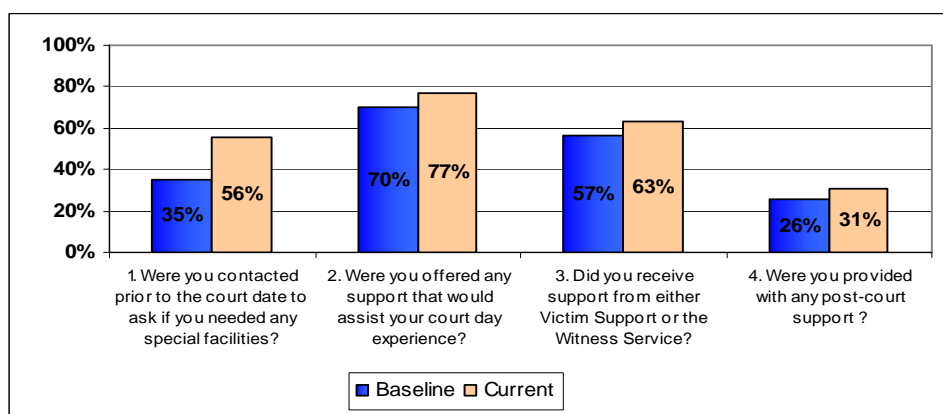
Figure 37: Percentage given information on how long they would spend at court



8.5.2 Quality of support

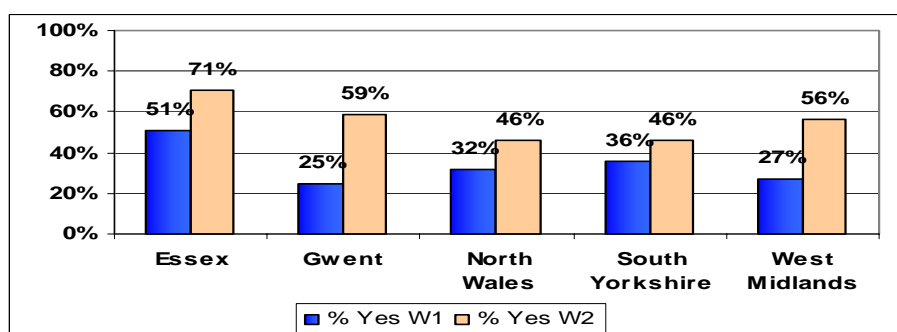
Providing support to witnesses to enable them to attend court is the foundation of NWNJ, and the improvements in the levels of support, both directly (questions 1 and 2) and indirectly (questions 3 and 4) are reflected in Figure 37 below. ***All these measures have seen improvements which can be attributed to NWNJ.***

Figure 38: Quality of support offered and provided to witnesses



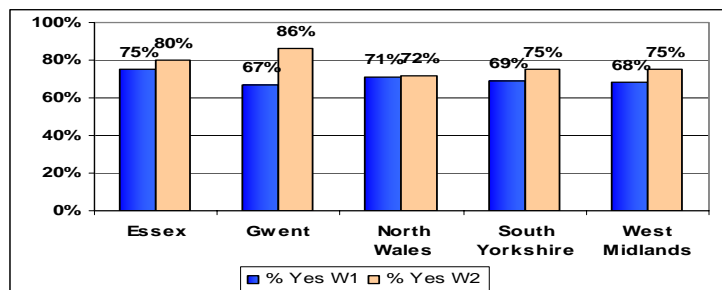
The increase from 35% to 56% (question 1) is positive, although perhaps not as high as one might expect as the WCUs aim to carry out a needs assessment of all witnesses due to give evidence at trial. (The special facilities in this instance refers to, for example, disabled access and facilities and translation services.) As shown in Figure 39 below, the ***results at an area level are reasonably consistent with the evaluation of the WCU's witness care processes***, with Essex, Gwent and West Midlands scoring particularly high increases.

Figure 39: Percentage of people contacted to see if they needed special facilities



The percentage of witnesses offered support that would assist their court day (question 2) have higher baselines, but a lower percentage point increase, from 70% to 77%. (The support that would assist the court day experience includes help with travel expenses and arrangements in advance, travel assistance on the day, crèche facilities and carer support.) Figure 40 below shows increases across all pilot areas, with Gwent seeing the largest increase from its relatively low baseline.

Figure 40: Percentage of people offered support that would assist their court day



The high baselines and relatively small increases for Essex and North Wales reflect the fact that they were already offering some level of assistance even before NWNJ. As in Wave 1, approximately a third actually take up the offer, with travel assistance and expenses being the most common support taken up. The most striking increase is in the percentage of witnesses in North Wales taking up travel assistance/expenses, from 31% to 47%, which highlights the benefits of supporting witnesses in rural areas to attend court.

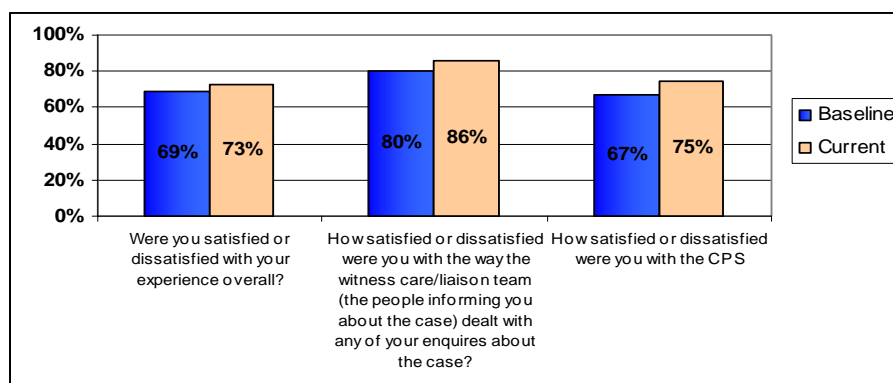
There has been a slight increase in the sense of intimidation by the court process/environment from 17% to 18%. However, of those witnesses who did feel intimidated by the court process/environment, there have been **substantial decreases in the percentage of witnesses feeling intimidated by factors which NWNJ could have influenced**. For example, the percentage feeling intimidated due to a general anxiety about being there fell from 43% to 34% and due to not having been briefed on what to expect in court fell from 18% to 5%. And, there was a slight decrease in intimidation due to no support/direction whilst at/when arrived at court (from 6% to 5%). These results support qualitative evidence that WCUs' and the Witness Service's increased level, and quality, of support for witnesses better prepares them for court. It is reasonable to assume that, if fewer witnesses are intimidated by such factors, they are more likely to prove competent witnesses.

There has also been a slight increase in the percentage of witnesses feeling intimidated by an individual (up from 27% to 28%). Of those who did feel intimidated in this way, there has been a shift away from telling the police (down from 28% to 15%) to telling Court staff (up from 15% to 23%), the Witness Service (up from 31% to 38%) and the CPS/lawyer (up from 15% to 17%). It is difficult to link these changes with NWNJ, but it is very possible that NWNJ is **enabling improved relationships with the Witness Service and CPS which encourage witnesses to raise their fears**. (However, the various CJOs should also note that the percentage of witnesses who felt that the report of feeling of intimidation was dealt with effectively fell from 59% to 54%.)

8.6 Victim/witness satisfaction (PM 8)

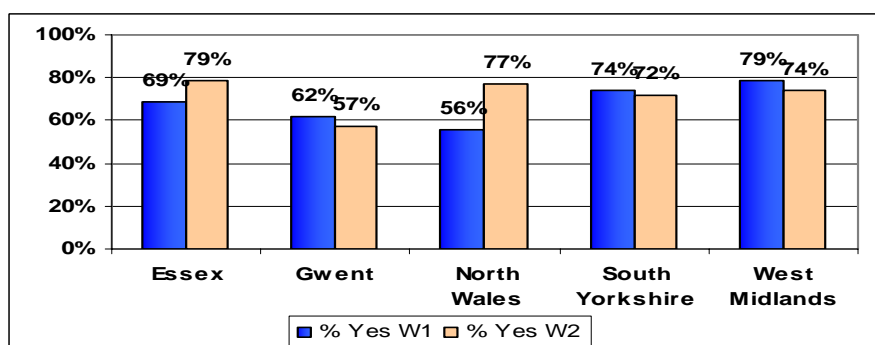
The performance measure reflecting victim and witness satisfaction has been drawn from the three most relevant questions asked of witnesses in the MORI survey. The results for these are set out in Figure 40 on the following page.

Figure 41: Three key aspects of victim/witness satisfaction



The **extent to which the increase in overall witness satisfaction from 69% to 73% can be attributed to NWNJ is far from clear** as the MORI survey also reveals increased witness satisfaction in three other important, non-NWNJ, related areas. These are the percentage of witnesses who thought the verdict was fair (68% to 70%), the sentence was fair (46% to 49%) and were satisfied with the facilities at court (75% to 79%). Any one of these, or indeed any other non-NWNJ factor, could be playing a role in the overall increased satisfaction of witnesses. Furthermore, as Figure 41 below shows, there does not appear to be a clear relationship between the NWNJ performance and witness satisfaction at the area level.

Figure 42: Percentage of people satisfied with their experience overall

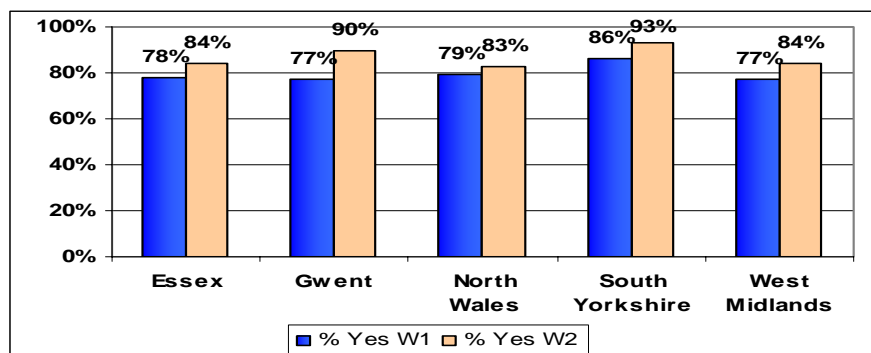


The high performing areas of Gwent, South Yorkshire and West Midlands record decreases, while North Wales records a substantial increase from 56% to 77%. This supports the theory that NWNJ is **only one of many factors which influence witness satisfaction**.

It is reasonable to assume that the **increase in satisfaction with the Witness Care/Liaison team (i.e. the WCU)** is directly related to NWNJ. The increases are not only consistent across the five areas (see Figure 42 on the following page) but are **highly consistent with the results of the evaluations of the witness care processes of the WCUs**. Gwent, South Yorkshire and West Midlands have the largest increases, as they all benefit from having good performance from WCUs supporting both Crown and Magistrates cases, in contrast to Essex and North Wales which are providing better care to witnesses in one type of court (Essex in Magistrates and North Wales in the Crown).

Gwent also records the greatest increase in the percentage of witnesses who are “very satisfied”, from 47% to 57% and the greatest decrease in the percentage who are “very dissatisfied”, from 11% to 2%. North Wales and West Midlands will be concerned to note that they still have a relatively high percentage of witnesses who are “very dissatisfied”, at 8%.

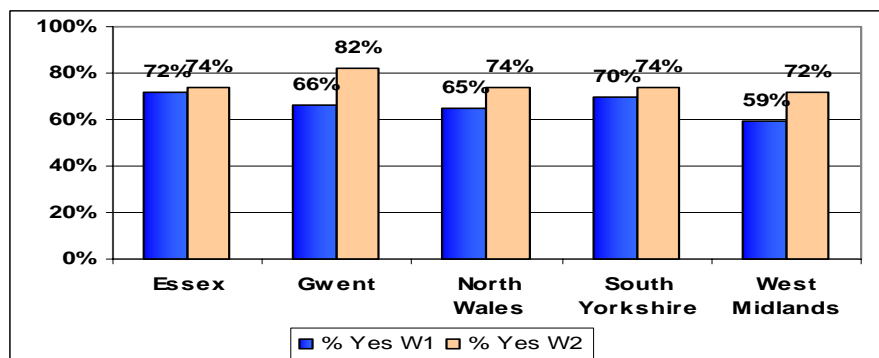
Figure 43: Percentage of people satisfied with the Witness Care/Liaison Team



The MORI survey highlights levels of satisfaction with the staff of the various CJOs with whom the witnesses came into contact. The overall satisfaction with CJS increased from 67% to 72%. With the exception of the police (with whom satisfaction fell slightly from 78% to 77%) satisfaction with each of the CJOs also increased. The **largest increases were for the CPS (67% to 75%) and the Witness Service (76% to 83%)**. (Note that satisfaction with the support provided with the Witness Service rose though, from 91% to 97%.) **It is important to note the important contribution that the police has made to the increased satisfaction with the CJS and other CJOs, through the strong performance of many of the police-run WCUs.**

Figure 43 shows that satisfaction with the CPS has increased across the five pilot areas.

Figure 45: Percentage of people satisfied with the CPS



There are a number of factors which could influence the increased satisfaction with the CPS. Qualitative evidence suggests that a major reason is that likely to be that there is now less "crisis management" at court, as the WCUs have generally taken care of witnesses' issues in advance. **Caseworkers/lawyers are thus better able to attend to their duties, including greeting witnesses and keeping them notified of progress.** The percentage of witnesses greeted by the CPS lawyer on the day of the court case has increased from 60% to 67%. And, the percentage of witnesses who were informed of what was going on a regular basis (at least once an hour) increased from 71% to 75%.

The percentage of witnesses who felt they had made a valuable contribution to the system rose from 74% to 77%; those who felt their contribution was appreciated rose from 70% to 76%. However, these general increases are **not improving the levels of witnesses who would be either happy (unchanged at 64%) or likely (down from 76% to 72%) to agree to be a witness in a criminal trial again.** However, since this is counter to qualitative evidence, and is based on a small sample size, this should not be taken as conclusive.

9 Impact on CJS organisations and staff

9.1 Key findings and conclusions

The purpose of this section is to set out the current and potential future impact of NWNJ on CJS staff and organisations. The evidence is qualitative in nature. In many cases, benefits flow directly and necessarily from trial outcomes (for which there is reliable quantitative evidence).

Where NWNJ is working well, it improves CJS **working practices and inter-agency working**; these combine with increased witness attendance to **improve trial outcomes**; in turn, these all (but particularly the trial outcomes) increase **the economy, efficiency and effectiveness** of the CJS. All of these benefits have the knock-on benefit of improving **job satisfaction** for some CJS staff, reducing staff turnover and potentially increasing staff efficiency. NWNJ has the potential therefore to set in motion **a virtuous circle** in the CJS.

There is **persuasive evidence that, albeit to varying extents, these benefits are already being realised across the CJS**. Each trial outcome improvement has a different impact on the economy, efficiency and effectiveness of the CJS, as follows:

- Any reduction in ineffective trials due to witness issues reduces resources wasted on the listing and preparation for re-listing, and increases the likelihood of offences being brought to justice;
- Any reduction in cracked trials due to witness issues **increases** the resources spent on proceeding with trials which otherwise would have cracked, but the benefit will be an increased likelihood of offences being brought to justice;
- Any increase in cracked trials due to late entry of guilty pleas narrows the justice gap whilst also saving the resources which would otherwise have been used to proceed with a trial.

The **net economic impact of achievement of the desired changes in the performance measures can be expected to be positive**. Of the three trial outcome measures, the reduction in ineffective trials due to witness issues has the greatest impact in bringing benefits. And, the economy savings will be even greater if defence solicitors are made aware of NWNJ's impact on witness attendance and advise their client to enter an early guilty plea. The economy benefits (for example, agent and counsel fees), and to some extent effectiveness (for example, narrowing the justice gap) will generally be realised as soon as trial outcomes improve. The efficiency benefits and job satisfaction may take longer to accumulate and become noticeable to staff. **It is important to note that the economy savings are more likely to be converted into efficiency gains (by enabling more cases to be processed through the CJS within a given time) than to be realised as cash savings.**

There is **no evidence to suggest that the benefits derived during the pilots cannot be replicated** during rollout, as many of the benefits flow naturally from the establishment of the WCUs and improved trial outcomes enabled by NWNJ.

9.2 CJS working practices and inter-agency working

Where NWNJ is working well, it improves CJS working practices and inter-agency working. Specific examples of improved CJS working practices and inter-agency working are:

- Closer collaboration between caseworkers/lawyers, WCUs and police (both OIC and specialist units) in facilitating improved support for vulnerable or intimidated witnesses due to attend court;
- Improved communication between caseworkers/lawyers, WCUs and courts about problems with witness availability and needs to be addressed;
- A better shared understanding between all CJOs of the role of witness care in effecting a successful trial outcome;
- Better communication about witnesses attending court and their needs between WCUs and the Witness Service.

In a virtuous circle, these improvements then enable NWNJ further to deliver its objectives, particularly in terms of trial outcomes. However, rollout areas will wish to note the following.

First, there are several areas in which **NWNJ has not embedded** to improve working practices or interagency working. Charging Lawyers are not generally performing their “gatekeeper” role. And, although in a number of areas the relationship between the CPS/Police and the courts is already reasonably cooperative, there was no evidence (except in Gwent (Crown) and South Yorkshire), that improved communications is yet leading to significant improvements in working relationships between these CJOs with knock on benefits for witnesses.

Secondly, improved working in specific cases is not necessarily enabling significantly improved relationships overall. Indeed, in the **short term NWNJ can prove a challenge for inter-agency relationships**. CJOs are likely to see themselves as more overburdened: police by the need to complete additional paperwork, caseworkers/lawyers by additional contact with WCOs, and courts by additional requests for Special Measures and facilities. (Only the Witness Service reported an immediate enthusiasm for NWNJ.) If this perception of additional burden is not rapidly outweighed by improved trial outcomes, NWNJ can lead to a deterioration of relationships. To varying extents, Essex (Crown) and North Wales have not moved beyond this stage.

Thirdly, even where there are improvements in inter-agency working, there is still clearly some **considerable way to go** to increase trust and understanding between the CJOs (particularly between the CPS and Police) and to improve communications and co-ordination on witness care issues. The LCJBs and their sub-groups are likely to prove the most effective mechanism for improvements in this area.

Finally, realisation of these benefits is not **necessarily directly related to an area’s general performance**, as the causal links operate in a complex fashion. Dedication to witness care without improving relationships with CJS stakeholders can still increase witness attendance and deliver improved trial outcomes. But NWNJ is likely to deliver its maximum benefits when all CJOs work effectively together.

9.3 Economy, efficiency and effectiveness of the CJS

The following section sets out the extent to which NWNJ has realised benefits in economy, efficiency and effectiveness.

9.3.1 CJS in narrowing the justice gap

Decreases in ineffective/cracked trials due to witness issues **increase the likelihood of offences** being brought to justice at that trial listing. And, increases in late guilty pleas **necessarily increase the numbers of offences being brought to justice**.

As noted at section 8.6, there is no conclusive quantitative evidence that NWNJ will increase the numbers of witnesses who would be willing to attend trials in the future, and therefore contribute to future narrowing of the justice gap.

9.3.2 CPS

NWNJ has the potential to deliver a range of benefits for the CPS; most of these have been realised to some extent.

There is **no evidence to suggest that NWNJ has led to a significant improvement in charging decisions** although it clearly has the potential to do so once the police undertake more initial needs assessments and Charging Lawyers perform their “gatekeeper” function more effectively.

Caseworkers/lawyers now have better information about any problems witnesses might experience in attending and any special needs. This **improves the quality of their decision making** prior to trial about, for example, whether to release that witness, apply for a vacated trial or apply for Special Measures. This decision making is a key causal link to improve

witness care and trial outcomes, increase witnesses' ability to give evidence calmly and be satisfied with the CJS.

Improved trial outcomes lead to the ***improved use of caseworkers/lawyers time***:

- As the rate of ineffective trials due to witness issues decreases, they spend less time attending such trials and pre-trial hearings required for the re-listed trial;
- As the rate of cracked trials due to witness issues decreases, they spend more time attending trials which are now proceeding, but these at least stand a chance of narrowing the justice gap;
- As cracked trials due to late entry of guilty pleas increase, they are not now spending the time attending the trial. The increased availability of CPS lawyer time could reduce the need to use agents to prosecute cases.

Similarly, improved trial outcomes mean that ***WCOs waste less time*** on repeatedly warning and supporting witnesses to attend a re-listed trial. Potential time and cash savings for caseworkers, lawyers and WCOs will only become realisable if increased efficiency means that fewer staff have to be recruited to manage the caseload; increased efficiency is more likely than economy cash savings.

As the rate of ineffective trials due to witness issues decreases and rate of cracked trials due to late entry of guilty pleas increases, the CPS ***will save the cost for those trials of agents and counsel costs, and witness and jury expenses***. This should also reduce the administrative burden of processing payments, and potentially increase the CPS's ability to make payments within their target deadlines. However, the response of the CJS to improved trial outcomes is likely to be to process other cases through the courts. In this case, few of the economy savings will become realisable as the additional cases will incur more costs of this kind.

It should be noted that a Home Office survey in 1999 estimated that the savings of a guilty plea finalisation (instead of a trial finalisation) are £14,950 in Crown Court cases and £1,492 in Magistrates Court cases. The evaluation team has not verified these figures, but they do indicate the significant potential cost saving to the CPS just of an increase in late guilty pleas.

There are early indications that, in a number of cases, defence solicitors are already advising their clients to plead guilty, in anticipation of witnesses being increasingly likely to attend and testify. An ***increase in early guilty pleas saves the CPS the cost of preparing and prosecuting the case (economy); increases the throughput of trials, reducing the waiting times for trials (efficiency); and narrows the justice gap (effectiveness)***. If a culture of witness attendance could be established, this could ***increase the deterrent effect*** on offences. The extent to which this benefit will accrue during rollout depends on how well WCUs can embed and publicise the "culture of witness attendance", specifically to defence solicitors.

Weighed against these economy benefits is the (lower) ***additional cost of witness expenses as witness attendance increases and cost of proceeding with trials*** that might otherwise have cracked due to witness issues.

9.3.3 Police

NWNJ ***frees up police time*** as WCUs relieve the police of the responsibility for assisting with witness warning and witness care and enable them to spend their time on other duties. Moreover, WCUs increase the effectiveness of, and relieve the burden on, specialist units, such as Domestic Violence Units.

If WCUs improve their processes for confirming police availability, this could **reduce the incidence of police officers attending court on their rest days**, and thus reduce the cost to the police of paying officers at a double rate for this.¹⁸

Reduced ineffective trials and increased cracked trials due to late entry of a guilty plea **reduce the time spent by the police attending court and undertaking administrative tasks in preparation for any re-listing**, enabling them to use their time more productively and reduce the cost of paying police officers to attend court on their rest days. In other ways however, NWNJ increases police time spent on witness issues and at court. They are required to undertake the initial needs assessment. WCUs are alerting them to more cases of witness intimidation on which to take action. And, any decrease in cracked trials due to witness issues will increase the amount of time police spend at court on trials which now go ahead.

As with the other economy savings above, these benefits are more likely to be realisable as efficiency gains.

9.3.4 Courts

NWNJ **increases the efficiency and effectiveness of the courts** in most pilots where it is improving trial outcomes, for the following reasons.

- Improved information on a more timely basis (possibly with one to two weeks additional notice) about witness availability, improves the **Court's ability to, first, vacate trials and re-use the Court time and, secondly, to list cases with greater certainty**. (It should be noted that a National Audit Office report has shown that the delay caused by ineffective trials was 16 days. The evaluation team has not verified this data.)
- Improved information on a more timely basis (possibly with one to two weeks additional notice) about witness needs, enhances the Court's ability to make **adequate provision** for witnesses.
- Courts (including judges and magistrates, but specifically listings officers and Court CPOs) are **generally more aware** of the needs and concerns of victims and witnesses.

Only Essex (Crown), Gwent (Magistrates) and North Wales (Magistrates) Courts could not identify any benefits accruing from NWNJ. In Essex and North Wales, this is because there had been no improvement in trial outcomes as yet. While trial outcomes have improved in Gwent, the courts have not been sufficiently engaged with NWNJ to identify any improvement. Furthermore, the extent to which courts identify benefits also depends as much on their listing practices i.e. whether they can use any freed up court time.

Only Gwent Crown stated that NWNJ had had a direct impact on the way that cases were listed. However, the courts are one step removed from NWNJ and are subject to so many different factors, that they may have difficulty in tracing anything back specifically to NWNJ.

To maximise these benefits, areas must engage constructively with the courts (at all levels of seniority) at the start of NWNJ and on an ongoing basis.

9.3.5 Legal Services Commission

The evaluation team has not consulted with the Legal Services Commission. However, it can be reasonably assumed that the improved trial outcomes result in a **net reduction in legal aid and defence counsel costs, defence administrative support costs and defence witness expense costs**. An indirect result of this reduction in costs could be a lower risk of adverse publicity about the burden on the taxpayer of bringing cases to trial and, specifically, of legal aid to defendants, and thus increased public confidence in the CJS.

¹⁸ Crown Courts do not generally take police rest days into account when listing trials, while Magistrates Courts often do.

However, in practice, once again, other cases will replace those which now go through first time. These replacement cases will result in additional costs to the Legal Services Commission, as a result of which the economy savings from the trial outcomes are unlikely to be realisable.

9.3.6 Correctional Services

The evaluation team has not consulted with Correctional Services. However, it can reasonably be assumed that improved trial outcomes will result in some **net economic and efficiency savings**, being:

- Savings in the cost of transporting defendants from custody to court;
- Fewer opportunities for defendants to abscond during transfer to court (or, indeed from court) with the resulting adverse publicity;
- Reductions in probation and prison officers attending court.

However, these economic savings are unlikely to be realisable for the reasons stated throughout this section, that other cases will replace those now going through first time. Furthermore, through narrowing the justice gap NWNJ is likely to lead to an increase in convictions and cost of imprisonment.

9.4 CJS staff job satisfaction

Where NWNJ has been working well (i.e. in all pilot areas except Essex Crown and North Wales) it has already delivered substantial improvements in job satisfaction for some CJS staff. It is reasonable to expect that increased job satisfaction will reduce staff turnover (and associated costs) and increase staff efficiency.

9.4.1 WCOs

In general, NWNJ is responsible for a **significant increase in WCOs' job satisfaction, empowerment, and a sense of achievement and contribution to society**. The change in perception is particularly marked for those WCOs who were previously witness warners, many of whom recalled a permanent state of crisis management as they tried to contact witnesses and never knew on the day of the trial whether the witness would attend. An indication of the appeal of NWNJ is that temporary staff appear to be as dedicated as one would expect from permanent staff members.

The exceptions are Essex TU and North Wales where WCOs feel overwhelmed by the administrative burden and stress, and this is increasing staff turnover. Lessons learnt from these areas are the importance of having clear and accurate **job descriptions** so that potential recruits are clear of the role they are stepping into. Also, WCUs need to be adequately **resourced and managed, with WCOs being guided and motivated through the initial stages** of NWNJ set up.

9.4.2 Police

While all police officers interviewed were positive about NWNJ, there is **no evidence to suggest that NWNJ has embedded sufficiently to have had a wide scale impact** on police job satisfaction. However, there are indications that the following benefits will be realised (in the order in which the benefits can be expected to be realised).

- WCUs will immediately relieve police of some of the responsibility for witness warning and witness care. This is likely to increase their job satisfaction because they can spend their time on other operational duties. Some officers reported that they approved of NWNJ as they felt that witness care was now being accorded attention it deserved. Specialist units

under significant pressure, such as Domestic Violence Units, value the fact that the WCUs assume some of the burden for caring for vulnerable witnesses.

- WCUs are strengthening their processes for confirming police availability, reducing the likelihood of police being called to court on a rest day (or even holiday).
- Improved trial outcomes mean less frustration at spending time at court on trials which prove ineffective or crack (without a guilty plea).

These benefits have to be weighed against the additional administrative burden upon the police of undertaking an initial needs assessment and offering victims the opportunity to make a VPS.

9.4.3 CPS caseworkers/lawyers

Where NWNJ is working well, feedback from caseworkers/lawyers/CPOs has been uniformly **extremely positive**. NWNJ is increasing caseworkers/lawyers' workload at the early stages of case preparation, but this is outweighed by the benefit of less "crisis management" and stress on the day and the case being heard first time. Caseworkers/lawyers believe that NWNJ **helps them to do their job better**, and therefore improves their job satisfaction. Even in Essex Crown and North Wales, the common view was that NWNJ would deliver significant benefits once WCOs had received more training and adopted a more problem solving approach, and NWNJ had had a chance to embed in the CJS working processes.

9.4.4 Court officials

There is **no evidence to suggest that NWNJ is having a significant impact on the job satisfaction of court officials**, but they are seeing some of the benefits for example: decreases in ineffective trials means less work in re-listing trials; the Witness Service has received information about witnesses attending and is not seeking this information from court officials; and less crisis management on the day of court as witness needs have generally been met.

The following section sets out NWNJ's impact on the wider community.

10 Impact on the wider community

10.1 Key findings and conclusions

The purpose of this section is to set out the current and potential future impact of NWNJ on the wider community. Once again, the evidence is qualitative in nature. In many cases, benefits flow directly from trial outcomes and thus no data has been gathered to substantiate the qualitative evidence.

NWNJ has the potential to increase public confidence and reduce fear of crime, through three main routes: first, by improving trial outcomes and thus increasing the number of offences brought to justice; secondly, by increasing witness attendance, enabling more witnesses to see justice being done; and thirdly, by enhancing the treatment witnesses receive and thus improving their confidence that other parts of the CJS work as well.

However, there are so many factors influencing public confidence and fear of crime that it is **difficult to see how the improved trial outcomes could have a significant impact**. The easier link to substantiate is through the witnesses themselves. The MORI survey signals a **positive shift in victims' and witnesses confidence** in various aspects of the CJS across the pilot areas, which can in part be attributed to their experiences in court and thus to NWNJ. Any change in confidence levels is likely to have a **knock on impact on the fear of crime**. The impact of NWNJ will thus rely on the extent to which any improved confidence can ripple throughout communities over time.

The case for NWNJ **reducing the economic cost of crime** is clearer. Through improving trial outcomes, NWNJ reduces the loss of earnings of witnesses and pre-empts any consequences of defendants being released on bail due to ineffective trials. Narrowing the justice gap reduces the direct cost of crime and the impact on health and support services of caring for victims.

Once again, there is no evidence to suggest that the benefits derived during the pilots cannot be replicated during rollout, as the benefits flow naturally from the improved trial outcomes enabled by NWNJ.

10.2 Public confidence and fear of crime

Theoretically, narrowing of the justice gap increases public confidence and decreases fear of crime if the CJS manages to disseminate the good news to the public. In practice, public confidence and fear of crime is based on an individual's own experience, the experience of those close to them, and what they learn from the media. The narrowed justice gap would have to lead to substantial decreases in crime for the impact to be felt. There are so many factors at play in this scenario that it is **difficult to see how the improved trial outcomes could have a significant impact on public confidence and fear of crime**.

The easier link to substantiate is through the witnesses themselves. The MORI survey signals a **positive shift in victims' and witnesses' confidence** in various aspects of the CJS across the pilot areas. The MORI survey asked witnesses about their confidence in the way the CJS handled six different issues, from dealing with cases promptly to bringing offences to justice. The Wave 2 survey saw increases across all of these issues compared to Wave 1, apart from how the CJS treats those accused of crime. Three answers recorded particularly large increases overall, being the percentage of witnesses who were confident that:

- the CJS meets the needs of victims of crime, increased from 47% to 55%. Particularly large increases were recorded for Essex (44% to 59%) and West Midlands (46% to 61%);
- the CJS is effective in reducing crime, increased from 41% to 51%. Essex recorded the greatest increase, from 36% to 53%;
- the CJS is effective in dealing with young people accused of crime, up from 38% to 46%, with West Midlands recording an increase from 33% to 48%.

Any increase in confidence levels on the latter two issues is likely to reduce fear of crime. The MORI survey does not deal directly with fear of crime but it does show that just over **half (53%) of witnesses are now confident in the way crime is dealt with in their area – up from 46%** in Wave 1. The increase is marked for Essex, South Yorkshire and West Midlands, but confidence in Gwent and North Wales have both declined, albeit only by one percentage point each. It is notable that the Wave 2 confidence levels in these two areas are some 15 to 19 percentage points lower than in Essex and South Yorkshire, indicating that there are major public confidence issues to address. Overall, **confidence in the national picture has lifted slightly** (but not significantly), from 39% to 41%.

10.3 Economic cost of crime

Improved trial outcomes will:

- Reduce the loss of **witnesses' earnings and national productivity** through unnecessary attendance at court;
- **Reduce the likelihood of a defendant being released on bail** whilst waiting for a subsequent trial date. This avoids the risk of re-offending, witness intimidation, the fear and anxiety of witnesses "going through the process" again, the implications for health services (as a result of a re-offence or witness stress for example) and the impact on support services.

Narrowing the justice gap **increases convictions and decreases the potential for re-offending**. This will directly reduce the economic cost of crime and bring savings to health care providers, in terms of the physical and psychological impact of crime.

Any reduction in the fear of crime will also bring savings in terms of improved psychological health and mobility.

The following section summarises the evaluation's findings on the NWNJ performance measurement framework.

11 Performance measurement

11.1 Key findings and conclusions

The purpose of this section is to summarise the evaluation's findings with regard to NWNJ's performance measurement framework. This section draws on preliminary proposals by the NWNJ Project Team for reforming the performance measurement framework. Further detail of the evaluation's findings on NWNJ's performance measurement framework can be found at appendix 3.

The NWNJ performance framework consists of two types of measures:

- Primary measures which directly illustrate NWNJ's impact and which link to the delivery of the PSAs for the Criminal Justice System, for example trial outcomes (PMs 2, 3 and 4);
- Secondary measures of activities or outputs, for example witness attendance (PM 1), referrals to the Witness Service (PM 6) or quality of information provided to witnesses (PM 10).

To assess the extent to which NWNJ had achieved its objectives, this evaluation has drawn on a number of disparate data sources, in what has proved to be an extremely time consuming exercise. Trial Tracker data on witness attendance was incomplete, DCA data on trial outcomes was not held in a consolidated form at the required level of detail, the levels of VPSs had to be assessed by case file review, Victim Support data did not capture the required information over the necessary time period and MORI survey was based on small sample sizes and was significantly delayed. It is impossible to establish a statistical correlation between two sets of data from different sources (for example, witness attendance and trial outcomes) as there is no ability to drill-down to understand what is happening at the level of each trial. If not resolved, the difficulties experienced will serve as a disincentive to future performance measurement exercises. ***It is a priority that NWNJ defines the data source for each performance measure, and strengthens and streamlines the data collection and reporting process.***

The NWNJ team may also wish to consider the following issues when designing a revised performance measurement framework:

- Aligning NWNJ performance measurement with that for CCMP as a whole, with the Project Board monitoring primary measures collected from national sources (DCA, Joint Performance Information Tool (JPIT)), together with the justice gap and the total of effective trials and "good" cracked trials;
- Assigning clear responsibility for monitoring area performance in terms of primary and secondary measures to LCJBs and their sub-groups (the latter to include WCU managers and CPS/Police Champions);
- Re-designing the Trial Tracker as a useful management tool for WCOs' everyday use, in which they capture secondary measures, and involving them in regular exercises to analyse the reasons why trials prove ineffective or crack. This will increase their ownership of secondary measures and focus their energies on the key causal links to primary measures;
- Setting targets in terms of a challenging but achievable desired result (adjusted for specific local circumstances) as opposed to percentage improvement and setting targets over a rolling three month period.

12 Conclusions and recommendations

The purpose of this section is to summarise the conclusions and recommendations arising from the evaluation of NWNJ.

NWNJ has proved to be an **effective mechanism** for improving its performance measures and delivering wider benefits across the CJS. Even in the pilot areas, there is still scope for further improvements in performance measures and wider benefits. There is no evidence to doubt that the benefits delivered by the pilot areas **can be replicated** during National Rollout, but this is reliant on **key risks** being addressed.

The recommendations with regard to National Rollout do not attempt to “reinvent the wheel” as the evaluation **endorses the approach being taken** to National Rollout. The recommendations in this section aim to emphasise those aspects of National Rollout which are likely to prove particularly useful for areas implementing NWNJ and avoid difficulties faced by the pilot areas.

This evaluation endorses the Minimum Requirements as representing good practice in victim and witness care and makes some recommendations to inform the review of the Minimum Requirements in 2006. The **overarching recommendation is that the Minimum Requirements should inform the revision of the National Standards of Witness Care and the Victims’ Code of Practice.**

12.1 Conclusions

There is persuasive evidence that **NWNJ substantially enhances witness information and care, increases witness attendance, improves trial outcomes and increases witness satisfaction** with the WCU (jointly staffed by Police and CPS) and the CPS. The evaluation team observed that ETMP supports trial readiness and thus helps to derive the full benefit of NWNJ. Charging also supports NWNJ by strengthening the cases coming to court and reducing discontinuances. However, it is clear that **NWNJ is the main driver of performance improvement for the performance measures which it tries to impact.**

The greatest impact on the performance measures has been achieved by those pilots which are **closest to delivering the Minimum Requirements.** The few cases of adverse results generally reflect broader CJS initiatives (such as the Domestic Violence policy), wider organisational issues or difficulties in engaging some stakeholders, rather than any weakness with NWNJ as such.

Furthermore, there is persuasive evidence that NWNJ has already **realised wider benefits across the CJS**, in terms of working practices, economy, efficiency and effectiveness and job satisfaction for WCU staff and caseworkers/lawyers. It is important to note that the **economy savings are more likely to be converted into efficiency gains (in terms of more cases being processed through the CJS within a given time) than to be realised as cash savings.** And, while NWNJ does appear to be playing a role in increasing general witness satisfaction, public confidence in the CJS and in local handling of crime, the link is harder to establish.

The benefits delivered by NWNJ thus far are all the more impressive as **none of the pilots are yet meeting all of the Minimum Requirements in all of the cases.** And, the beneficial impact of NWNJ has been almost exclusively due to WCUs’ communications with, and care for, witnesses and their improved engagement with caseworkers/lawyers and the Witness Service. In general, frontline police officers, Charging Lawyers and the courts are not sufficiently engaged with NWNJ and therefore have not contributed significantly to the achievement of NWNJ’s objectives to date.

Even in the pilot areas therefore, there is still scope for further improvements in performance measures and wider benefits as they move towards the Minimum Requirements and changes have an opportunity to embed. Only when an area has implemented all the Minimum Requirements for all cases, and stakeholders are adequately engaged, can the full impact of NWNJ be determined conclusively. As noted, this “final”

evaluation is more akin to an interim evaluation, and provides an indication of what is achievable within a short period rather than what NWNJ can achieve once embedded. Clearly, achieving further improvements will be easier for pilot areas with higher current rates than for those who have already brought their rates to low levels. In particular, there may be a level below which it will become more difficult to improve trial outcomes, as the most reluctant witnesses and intractable cases will remain.

There is **no evidence to doubt that the benefits delivered by the pilot areas can be replicated during National Rollout**. Indeed, by pre-empting the considerable difficulties faced during the pilots, it is reasonable to expect that the benefits can be not only replicated but exceeded, and that this can be achieved in a shorter period of time than in the pilots. However, there are **considerable risks** which mean that the benefits might not be realised. The key risks are as follows.

First, replication of benefits is dependent on **lessons being learnt** from the pilots, shared across all areas and areas being supported by the central NWNJ Project Team to ensure the lessons are acted upon effectively. **The key lessons to be learnt relate to the planning, design and preparation of NWNJ and then the resourcing, staffing and management of the WCUs**. Specifically, there is a risk that areas become overwhelmed by NWNJ and fail to implement it as envisaged, as in Essex (Crown). Essex also provides an excellent case study for how to turn around the performance of a failing WCU within a short period of time by implementing the letter and spirit of NWNJ under strong management.

Secondly, there is a risk in relying on Victim Support's **Witness Service** for an important part of NWNJ's success as Victim Support is a voluntary organisation with limited resources. While the Witness Service in pilot areas has been able to respond to the increased workload within existing resources and by recruiting more volunteers, **and achieved very high user satisfaction rates**, it cannot be assumed that this can be sustained long term or will be possible for every Witness Service. A particular difficulty is that not all areas have specific VIW funding to enable them to offer the enhanced service to such witnesses which has proved so useful for NWNJ. The evaluation team recommends that the NWNJ Project and the Office for Criminal Justice Reform (OCJR) engage Victim Support in discussions about the impact of National Rollout on the Witness Service.

Thirdly, there is a risk that all areas in National Rollout do not benefit from the national **attention enjoyed by the pilots** and are not motivated to achieve success as the pilots were. The evaluation team recommends that the NWNJ Project Team devises mechanisms for comparing the performance of areas, celebrating good performance, sharing good practice and evaluating the extent to which areas deliver the Minimum Requirements.

12.2 Recommendations on the National Rollout of NWNJ

The key recommendations for National Rollout are set out in Figure 48 below.

Figure 48: Recommendations on National Rollout

Reference	Recommendation	Cost implication
Approaches to NWNJ implementation		
Funding of implementation		
	Seek funding from regional assemblies for relevant WCUs or NWNJ-related activities, such as community consultation or awareness campaign	Additional funding
Section 4.2.1 Responsibility for implementation		
4.2.1	Wherever possible and appropriate, one Implementation Group should oversee the implementation of both NWNJ and other CCMP initiatives in each area . At the very least, the Groups implementing different parts of CCMP (or in different parts of each area) should work closely together. This enables sharing of the cost of Project Managers/Champions.	VFM opportunity

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Reference	Recommendation	Cost implication
4.2.1	Selection for membership of the Implementation Group should depend on vision and commitment to NWNJ, and relationship with CJS stakeholders , as much as on technical expertise or seniority.	Cost impact will depend on local circumstances
4.2.1	Implementation Groups should identify opportunities actively to engage area senior management in the NWNJ implementation effort.	Minimal cost impact
Section 4.2.2 Planning, design and preparation		
4.2.2.1	The period required by each area to plan and design NWNJ will differ by area but it should be sufficient to establish the basic infrastructure, processes, staff and key relationships.	Cost impact will depend on local circumstances
4.2.2.2	Each area should engage WCOs in an output mapping exercise to identify key NWNJ outputs and understand the key causal links which enable improvement of the NWNJ performance measures.	Nil cost impact
4.2.2.2	Implementation Groups should issue clear and complete guidance to WCOs about NWNJ objectives, processes and the measures/mechanisms that will be used to assess the performance of NWNJ, the WCU and each WCO. The level of performance at each stage of the NWNJ process (e.g. when to chase responses from witnesses, timing of follow up needs assessment) should be clearly laid down.	Minimal cost impact
4.2.2.2	Areas should engage stakeholders in an open and honest SWOT analysis of the prior performance of Witness Warning Teams, their prior relationships with stakeholders, and the performance of the overall Unit within which the WCU are located. This analysis should be used to inform NWNJ implementation.	Minimal cost impact
4.2.2.2	Mechanisms should be established to enable sharing of learning and development of joint approaches (for example to community consultation) within areas.	Minimal cost impact
4.2.2.3	Early and continuous engagement of key stakeholders in joint process development, training and problem solving sessions as implementation progresses.	Minimal cost impact
4.2.2.3	Early and continuous engagement of WCOs in developing the processes.	Minimal cost impact
4.2.2.3	Management should pre-empt and manage WCOs' concerns about workload by understanding the drivers of workload (e.g. number of listings per case), deploying a structured approach to calculate the need for additional resources and then delivering, or publicising clear plans to deliver, the additional resources and establishing a mechanism to monitor the relative workload of WCOs.	Cost impact will depend on local circumstances
4.2.2.3	WCU should adopt a robust approach to performance management and establish processes in place to enable management to assess the extent to which each WCO has performed tasks adequately, for example working notes on the file.	Minimal cost impact
Section 4.3 Structures, staffing and management		
4.3.1	The optimal model for a WCU is mixed staffing provided parity and line management issues can be addressed. Co-location is the next preferred option. However, the preferred staffing mix should be a local area decision based on local circumstances.	Potential for significant cost impact depending on existing pay and conditions
4.3.2	The optimal model is for WCOs to undertake both witness warning and witness care , as envisaged by the Minimum Requirements, although it is useful to have a Witness Service representative co-located if the workload would sustain this role.	Nil cost impact for CPS/Police

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Reference	Recommendation	Cost implication
4.3.2	Routine tasks , such as organising court lists, opening post and filing, could be delegated by WCOs to administrative staff.	VFM opportunity
4.3.2	The work of the VIB could usefully be integrated into the WCU. This could save the cost of a VIB manager and possibly other VIB staff costs.	VFM opportunity
4.3.3	WCUs should operate a " file ownership " system where cases are allocated to a designated WCO, or team of two WCOs. The alphabetical system has proved effective in pilot areas, but each area might wish to determine the appropriate method of case allocation. The team of two will reduce the need for temporary cover.	VFM opportunity
4.3.4	Managers and supervisors should be appointed based on their proven management skills, expertise in witness warning/care and should then encourage a strong team working culture in which WCOs are dedicated to witness care, but understand the overall aim is to ensure witness attendance and improve trial outcomes.	Cost impact will depend on local circumstances
4.3.4	The WCU requires a dedicated supervisor/manager (who might be part time depending on the size of the unit) to provide guidance and support, and to keep WCOs focused.	Cost impact will depend on local circumstances but could be VFM opportunity.
4.3.5 and 15.1.3	Each WCU should structure its service hours around the needs of its customers, for example arrange staff rotas to ensure an office presence from 8am to 6pm to increase the chance of speaking to witnesses before and after work, particularly in Friday evenings in preparation for Monday trials.	Cost impact will depend on local circumstances
Section 4.4 Skills and training		
4.4	WCOs to have a range of CJS and customer care competencies. When recruiting new staff, areas will wish to recognise that witness care is a new role for many staff and not everyone is suited to it.	Cost impact will depend on local circumstances
4.4	WCUs may wish to adopt a " buddy/mentoring system " which teams up an experienced and a less experienced WCO to allow continuity of witness care and enables collegiate support on difficult cases.	Nil cost impact
4.4	NWNJ training should be supplemented by shadowing other CJS stakeholders (Witness Service and caseworkers/lawyers at court) and practical training using simulations.	Some initial design costs but minimal cost thereafter
4.4	WCUs should arrange joint training session between WCOs and caseworkers/lawyers/CPOs about how they will work together to maximise the rate of witness attendance and minimise ineffective/cracked trials.	Minimal cost impact
4.4	WCUs should arrange briefings from specialist units, such as Family Liaison and the Domestic Violence Unit.	Minimal cost impact
Section 4.6 Usage of IT		
4.6.2	NWNJ should consider some interim actions prior to introduction of any NWNJ system , including: <ul style="list-style-type: none"> Resolving security access protocols to ensure that all users in the WCUs have access to common systems; Change management and training to ensure that all users of existing systems know how to use them to their full advantage; Improving processes for storing and retrieving data on witnesses; Accelerating the interface between Compass and police systems. 	Significant cost upfront, but minimal relative to investment in bespoke system.

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Reference	Recommendation	Cost implication
4.6.2, 15.1.3 and 15.3.2	WCUs should use inexpensive off the shelf packages for improving basic functions such as case allocation, email/letter production, diary, bring forward, chaser and tracking of progress.	Upfront costs but VFM opportunity.
14.1.3	WCUs should use a tasking tool to provide electronic audit and record of contact to reduce manually entering progress on working notes	VFM opportunity
4.5.4.7	Secure email with Witness Service and courts to reduce postage and phone costs.	Upfront costs but then VFM opportunity
Section 4.7 Engagement with CJS stakeholders		
4.7.1	Inter-agency engagement: areas should ensure that they take maximum advantage of: <ul style="list-style-type: none"> the LCJB to align CJO objectives and priorities at both the strategic and operational levels; local multi-agency protocols envisaged by the Minimum Requirements; the LCJB performance officers to assist in implementing NWNJ; inter-agency working groups convened on victim and witness care or ineffective trials; inter-agency trial readiness meetings. 	Minimal cost impact
4.7.2	Caseworkers/lawyers and WCUs can: <ul style="list-style-type: none"> develop a joint protocol covering areas of mutual dependency and communications; arrange for caseworkers to work-shadow WCOs for one day better to understand their role; in complex cases involving large numbers of witnesses, plan the "strategy" for dealing with the witnesses and their needs. 	Nil cost impact
4.7.3 and 15.2.2	Courts: engagement will be necessary to enable more certain listing practices, a swift and reliable results service and a comfortable and safe environment for witnesses. The best forms of engagement are for a representative of the Courts to sit on the Implementation Group and attend Trial Readiness meetings. NWNJ should engage with the Court Service nationally to ensure that there is better understanding among the Judiciary and Magistrates of the purpose of NWNJ and its fit with other CCMP initiatives.	Nil cost impact
4.7.4 and 15.1.3	Witness Service: WCUs benefit from the Witness Service: <ul style="list-style-type: none"> Providing training to WCOs on handling witnesses sensitively and effectively; Giving a talk to WCOs about their role, and WCOs attending court with the Witness Service; Providing them with an information pack about the Witness Service which WCOs can send out with the first witness warning letter; Engaging in regular meetings to resolve problems with witnesses and the WCU's provision of service to the Witness Service. 	Minimal cost impact
4.7.5	Defence solicitors: the Implementation Group may wish to inform defence solicitors about NWNJ and its objectives. If solicitors are aware that witnesses are increasingly attending, they may change their advice to their clients, resulting in more early guilty pleas.	Minimal cost impact
15.2.2	NWNJ could consider the case for engaging in outreach work (as part of the community consultation) to increase the number of people who might be prepared to be witnesses.	Cost impact unknown
Sections 12 and 14 Performance Measurement		
12.1	Define the data source for each measure and strengthen and streamline	Cost impact

Reference	Recommendation	Cost implication
	the data collection and reporting processes.	unknown
12.1	The current performance measurement framework would be usefully supplemented by the number of offences brought to justice , being the PSA target and thus the ultimate objective, and the total of effective trials and “good” cracked trials.	Minimal cost impact
12.1	At a national level , performance measurement arrangements should be aligned with the governance arrangements planned for rollout (i.e. Project Board) and with the performance measurement frameworks of ETMP and Charging.	Cost impact unknown
12.1	At an area level, responsibility for performance measurement should be clearly assigned to the LCJB, and its sub-groups, such as those focusing on victims/witnesses and ineffective trials.	Minimal cost impact
12.1	At the level of each WCU , the responsibility of the WCU manager for ensuring the adequate capture of performance measurement data should be established. And, engagement of WCOs is required in an “output mapping” exercise and monthly reviews of ineffective and cracked trials. This will increase their ownership of secondary measures and focus their energies on the key causal links to trial outcomes.	Minimal cost impact
15.2	Set targets for areas in terms of a challenging but achievable desired result as opposed to percentage improvement; on a monthly basis for secondary input measures (as leading indicators) and quarterly basis for trial outcomes and review targets on a period.	Cost impact unknown
15.3.1	To convert the Trial Tracker into a reliable source of performance measurement information, the following steps will be required: <ul style="list-style-type: none"> • effective system of incentives and compliance mechanisms to enforce completion; • encourage WCOs to use the Trial Tracker as a management tool (thus not requiring it to be completed by separate administrative assistant); • a decision to use Access or Excel (Access is recommended); • consultation with a representative sample of WCOs on the format of the Trial Tracker. 	Initial cost but then VFM opportunity
15.3.2	Review the potential for using JPIT as a source for data on trial outcomes, witness attendance and the number of offences brought to justice.	Minimal cost impact
15.3.3	NWNJ in consultation with OCJR might wish to develop its own process for recording its rate of referrals to the Witness Service and pre-trial visits , presumably on the Trial Tracker.	Minimal cost impact

12.3 Recommendations on victim and witness care

When the National Standards of Witness Care in the CJS and/or the Victims' Code of Practice are revised, the revisions should reflect the Minimum Requirements, with the overall implication being:

- A **shift in the responsibility** for dealing with witness enquiries and information from the police to a WCU;
- Information currently provided only to victims to be **provided to all witnesses** in the future, for example on trial outcomes;
- An **increase in the information** provided to both victims and witnesses, for example on significant changes to bail conditions;

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- The extension of witness information into **witness care and support**, with a tailor made approach for each witness, reflecting the nature of case and the circumstances of the witness.

The recommendations in Figure 49 on victim and witness care address only those issues that supplement the Minimum Requirements and therefore the National Standards of Witness Care and/or the Victims' Code of Practice.

Figure 49: Recommendations on victim and witness care

Reference	Recommendation	Cost implication
4.5.1 Coverage of witnesses		
4.5.1	If resources allow, and adequate institutional arrangements are not already in place, WCUs should seek to offer witness care from the point of reporting and offer an enhanced service in sensitive cases .	Cost impact would differ by WCU, but a Cost Benefit Analysis is required.
15.2.2.	Consider the case for training police officers to locate disengaged witnesses through intelligence sources.	Cost impact would differ by WCU, but a Cost Benefit Analysis is required.
4.5.2 Providing information to witnesses		
4.5.2.1	NWNJ Project Team to develop best practice template letters (concise, polite and informative) which the areas might wish to tailor based on local circumstances.	Minimal cost impact
4.5.2.1	Areas to improve arrangements for communicating with members of Black and Minority Ethnic communities with limited English (and indeed, to consider how better to cater generally for the needs of these communities). This will include provision for translation of letters and three way interpretation to enable needs assessment of the witness.	Minimal cost impact
4.5.2.2	Minimum Requirements to prescribe the information to be provided. about the CJS process and their role as a witness (and recommend formats e.g. tear off slip) to witnesses at the point of reporting .	Minimal cost impact
4.5.2.2	Where two different WCUs are handling Magistrates and Crown Court cases, they should develop a protocol to ensure the smooth handover of witnesses from the Magistrates WCU to the Crown WCU.	Nil cost impact
4.5.2.3	WCUs should communicate with courts on a daily basis to understand any changes to listings to enable them to notify witnesses. If possible, WCUs could influence courts on which cases should be moved if need be, to minimise inconvenience to witnesses.	Minimal cost impact
4.5.2.3	WCUs should structure WCOs' shifts to enable them to reach witnesses before/after work hours and specifically to inform witnesses of last minute changes in advance of a Monday morning start.	Nil cost impact
4.5.2.3	WCUs should try to determine the "batting order" in cases where there are a number of witnesses and notify witnesses accordingly.	Nil cost impact
4.5.2.4	NWNJ to engage with the Court Service to seek a nationwide improvement to the resulting process to enable WCUs to notify witnesses of the verified result on a timely basis.	Engagement cost impact; implementation cost impact not

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Reference	Recommendation	Cost implication
		known
4.5.2.4	Where resources allow, results in sensitive cases should be notified to the victim/victim's family on the day of the trial by phone.	Minimal cost impact
4.5.2.4	Result letters should provide an explanation of terms which might be used in the final verdict, e.g. "conditional discharge" and "bound over".	Nil cost impact
14.3.2	In sensitive cases , WCUs should consider establishing a code word or phrase to confirm the identity of the person to who they are speaking	Nil cost impact
4.5.3 Getting/notifying witness availability		
4.5.3.1	NWNJ Project Team to discuss with the National Charging Initiative team how best to enforce the "gatekeeper" function of Charging Lawyers .	Minimal cost impact
4.5.3.2	Each area Implementation Group to discuss with police how to enable WCUs to gain access to police rotas held on police systems	Cost impact not known
4.5.3.2	Each area Implementation Group to agree protocol with Chief Constable about appearance of police officers at court e.g. to cover relative priorities of operational duties vs training vs court appearance.	Implementation cost impact not known
4.5.3.3	WCUs should adopt a proactive approach and operate a robust diary, bring forward and chaser system to ensure that all witnesses have given notice of their availability, and that this is notified to caseworkers/lawyers, in time.	Nil cost impact
4.5.3.3 and 4.5.3.5	WCOs to be trial ready at two (ideally three) weeks prior to trial and to use a meeting with relevant stakeholders (Court, caseworkers) as the safety net to ensure all witness issues are resolved by this time.	Nil cost impact
4.5.3.3	WCOs to be trained and encouraged to be problem solvers rather than message boxes for the caseworkers/lawyers.	Nil cost impact
4.5.3.3	Caseworkers/lawyers and WCOs to agree a protocol about communications between them on issues of witness availability	Nil cost impact
4.5.3.4	Implementation Group to engage with Courts to seek greater certainty in listing policies .	Implementation cost impact not known
4.5.4 Understanding and addressing witnesses' needs		
4.5.4.1	Police champions to promote the completion of the initial needs assessment with frontline officers and design appropriate compliance mechanisms.	Minimal cost impact
4.5.4.1	WCOs to receive specific training on how to identify particularly reluctant witnesses and useful techniques to handle them.	Minimal cost impact
4.5.4.2	WCUs could develop a method for checking if new cases involve victims/witnesses from previous cases and marry up documentation, for example about witness needs.	Cost impact now known.
4.5.4.3	WCOs to receive specific training on how to conduct the follow up needs assessment in a cost effective manner , using the Needs Assessment form as an aide memoire but to document answers/issues carefully.	Minimal cost impact
4.5.4.3	WCOs to undertake the follow up needs assessment: In Crown Court cases, as soon as possible after PDH (i.e. on receipt of the fully bound list) but no less than three weeks before the trial; Magistrates Court, as	Nil cost impact

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Reference	Recommendation	Cost implication
	soon as possible <i>after the not-guilty plea.</i>	
4.5.4.3	Where resources allow (and as the Minimum Requirements indicate), WCOs to undertake the follow up needs assessment <i>following reporting or prior to the first hearing in sensitive cases</i> where the witness is likely to need additional support.	Nil cost impact
4.5.4.4	WCUs to <i>engage with CPS Finance</i> to ensure that they understand the aims of NWNJ and provide support to witnesses wherever possible, and to ensure that they understand Finance rules for witness expenses.	Nil cost impact
4.5.4.4	WCOs should be <i>robust in supplying needs</i> only to the witness, their carer, guardian or parent unless circumstances are exceptional.	Nil cost impact
4.5.4.4	Each area should <i>combine efforts to obtain services from a single provider</i> for the sake of cost effectiveness.	VFM opportunity
4.5.4.5	WCOs should not refer witnesses to <i>counselling services</i> without a proper diagnosis of the witness's condition by an appropriate health professional.	Nil cost impact
4.5.4.6	WCUs to work closely with OICs and specialist units to develop effective <i>processes for dealing with vulnerable and intimidated witnesses.</i>	Minimal cost impact
4.5.4.6	WCOs to receive specific training on handling <i>vulnerable and intimidated witnesses</i> , including the use of Special Measures, undertaking a structured risk assessment and liaison with the OIC and specialist units.	Minimal cost impact
4.5.4.7	All WCOs to <i>visit the Witness Service at court</i> to ensure that they understand the role of the Witness Service and the information required by them.	Minimal cost impact
4.5.4.7	Each WCU to consult with the Witness Service and agree the <i>nature/amount/format/timing of information</i> to be sent over about witnesses, within the limitations of the Data Protection Act.	Nil impact
4.5.4.8	WCUs to develop methods for supporting WCOs to develop effective <i>disengagement techniques.</i>	Nil impact

13 Appendix 1: Stakeholders interviewed

The evaluation consulted with the key stakeholders detailed in Figure 46 below.

Figure 50: Key stakeholders consulted

Name	Parent organisation
Central Stakeholders	
Arwa Abdulla	ETMP Programme Manager DCA
John Broughton	ACPO and Assistant Chief Constable of Essex
Henry Cohen	CJS Reform programme manager
Peter Dunn	Victim Support
Helen Earner	OPSR
Frances Flaxington	Head of the Victims Unit, CJPD
Richard Foster	CPS Chief Executive
Catherine Lee	Head of the Justice & Witness Unit, CJPD
Peter Lewis	CPS Director Business Development
Jay Modhwadia	CPS Equality & Diversity Unit
Dame Helen Reeves	Victim Support
Robert Stevenson	Charging Programme Manager
Seamus Taylor	CPS Equality & Diversity Unit
NWNJ Essex	
Paula Abrahams	CPS Champion
Emma Appleby	Crown Courts CPO
John Bell	Chief Crown Prosecutor
Anne Birrell	TU WCO
Sarah Blackman	TU WCO
Trish Brennan	Police Champion
Amy Bridges	TU WCO
Carolyn Dines	CJU WCO
Tom Elliott	Victim Support
Mike Frost	TU Manager
Maggie Goodchild	CJU Head
Ian Guilder	TU WCO
Julie High	TU WCU manager
Denise Holland	TU Business manager
Fran Kramer	Witness Service
Mark Ladd	TU WCO
Caroline Manning	TU WCO
Kathy Matthews	Head of TU Case Progression Team
Christian Mieckle	CJU Lawyer
Sharon Milburn	TU WCU Manager
Diane Milburn	TU Caseworker
Rachel Moore	TU WCO
Matthew Pascoe	TU Caseworker
Steve Pay	TU Caseworker
Jenny Portway	TU lawyer and lead of Charging Initiative
Chris Sapsford	TU WCO
Francis Sharp	Witness Service
Emma Spearman	TU WCO

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Name	Parent organisation
Louise Simpson	CJU WCU Manager
Susan Stovell	CPS Area Business Manager
Gillian Tong	Head of TU Casebuilding Team
Diane Turner	Witness Service
Claire Whalley	Listing Officer Chelmsford Magistrates Court
NWNJ Gwent	
Ceri Barry	WCO TU
Julia Burt	WCO TU
Supt Simon Deacy	Project Manager CJU
Tony Dicken	CPS Lawyer CJU
Katy Francis	WCO CJU
Jane Gough	Witness Service within TU
Suzanne Hereford	WCM Manager TU
Laura Hodges	Magistrates Court Cwmbran
Lee Kingdon	CPO Crown Court
Julie McAlast	Magistrates Court Cwmbran
Nina Murdoch	WCO CJU
Clive Parrish	Business Unit Manager TU
Annette Parry	WCO CJU
Helen Phillips	Area Business Manager
Sue Plank	Magistrates Court Cwmbran
PC Darren Pole	Police Officer
Jonathan Porch	Caseworker
Brian Redwood	Implementation Manager CJU
Danielle Sloman	Caseworker
DC Shelly Smith	Domestic Violence Unit
Vivienne Walker	WCO CJU
David Watts	Lawyer TU
NWNJ North Wales	
Lorraine Barma	Head of Finance and Facilities Management, Cardiff Service Centre
Matthew Ellis	Caseworker Wrexham
Sandy Evans	Crown Court
Wray Ferguson	CPS Area Business Manager
Insp Sacha Hatchett	Police Champion
Geri Hayes	WCO Wrexham
Janet Hussey	Head of Victim Information Bureau
Geraldine Jones	WCO Wrexham
Julie Jones	Lawyer
Rebecca Jones	Caseworker
Joan Morris	Head of TU Wrexham
Sarah Newman	WCO Colwyn Bay
Nia Philips	WCO Wrexham
Lesley Rafferty	Witness Service
Jacque Roberts	WCO Colwyn Bay
Tracy Roberts	Court Administration Manager for Magistrates
Iolo Thomas	Clerk to the Justice
Anne Williams	WCO Wrexham
Cheryl Williams	CPS Champion
Geraint Williams	Business Manager
Supt Michelle Williams	Head of Administration Justice Department

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Name	Parent organisation
NWNJ South Yorkshire	
Paul Brown	Senior Responsible Owner
Chris Buckland	TU Witness Liaison Officer
Josephine Chambers	CPS Witness Care Coordinator
Lyn Davies	Police Sheffield CJU Manager
Sgt Jackie Early	Police Officer Attercliffe Police Station
Christine Empson	Victim Support Area Coordinator
Janet Folan	CPOs Sheffield Crown Court
Annette Freeman	TU Witness Liaison Officer
Tony Greenwood	CPS Witness Care Coordinator TU
Vicki Lawrence	CPS CJU Manager
Andrea Marshall	CPS TU Business Manager
Joanne Lewis-Crookes	TU Caseworker
Chris Ridley	TU Lawyer
Sam Thompson	CJU Lawyer
Nicola Turtle	Court Listings Officer Sheffield Magistrates Court
Judith Walker	Chief Crown Prosecutor
Lynne Walker	Police TU Manager
CI Nick Whitehouse	Police Champion
John Whittaker	CPS NWNJ Champion
Karen Wragg	Witness Liaison Officer
NWNJ West Midlands	
John Bartlett	Lawyer Coventry CJU
Helen Bounds	Lawyer Wolverhampton TU
David Blundell	CCP SRO
Caroline Burden	WCO Coventry
Mark Cooper	WCU Manager Walsall
Oliver Davies	WCO Walsall
Cath Gettleovog	Witness Service Coventry
Helena Goode	WCO Coventry
Paul Hartland	Local Implementation Team
Sgt Nick Hughes	Local Implementation Team
Avril Lote	WCO Walsall (witness warner)
Bryn Meredith	WCO Coventry
Supt Paddy Mulligan	Local Implementation Team
Paul Reid	Lawyer Walsall CJU
Charlotte Rose	WCO Walsall
Polly Sidhu	WCO Wolverhampton
Sarah Shropshire	CPO Coventry CPS
Debbie White	Coventry Crown Court CPO
Andrea Whittingham	Wolverhampton WCU Manager
Metropolitan Police Service	
Hywell Elsworth	Charging Lawyer Haringey
Jay Gilleran	WCM Haringey
Gareth Harris	WCM Lambeth
Jean Jones	WCO Lambeth
Pam Morton	WCO Lambeth
Pat Neill	WCO Haringey
Graham Partridge	Charging Lawyer Lambeth
Chief Insp Ian Strachan	Head of CJU Haringey
Chief Insp Suzanne Wallace	Head of CJU Lambeth

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Warwickshire	
Wendy Charles	Victim Support
Insp Peter Blackburn	VIP Police Champion
Indu Kahn	National Probation Service
Jan Kilgallon	VIP Project Manager
Alan May	Youth Offending Team
Jennifer Thompson	WCO
West Mercia	
Denise Bastable	CJSU (team supervisor)
DC Sarah Cooper	Family Protection Officer
Jackie Gallagher	CJSU caseworker
Diane Johnstone	CJSU
Maria Keeling	CJSU (team supervisor)
Andrew McIvenny	Witness Service
Chris Norfolk	Victim Support
PC Rob Piper	Prosecution Coordinator

14 Appendix 2: Review of non-NWNJ victim and witness care initiatives

14.1 Metropolitan Police Service Operation Emerald

The MPS initiative focuses primarily on providing information to witnesses to enable them to attend court, rather than on providing care. Although the Unit does undertake an informal needs assessment, the units rely on the Witness Service to provide the support. The initiative does not adopt a multi-agency approach. The extent to which the scheme is resulting in increased attendance rates and improved trial outcomes is unclear. However, useful lessons can be learnt from the MPS initiative, particularly about extending the hours of service to witnesses, the effective use of IT to reduce the administrative burden of communications with witnesses and drawing on Witness Service expertise.

14.1.1 Key contextual issues

As part of Operation Emerald, the MPS started to establish a Victim and Witness Support Unit in each London borough in October 2002. The evaluation team visited two borough WCUs, Lambeth (established October 2002) and Haringey (February 2003). The Support Units have not been established in collaboration with other CJOs, although there is a close relationship with Victim Support and the Witness Service. Both Lambeth and Haringey Care Units handle all cases in the Crown and Magistrates Courts, with the exception of youth crime cases.

Both Lambeth and Haringey have shadow charging. ETMP has not yet been rolled out.

14.1.2 Key features of model piloted

The Victim and Witness Care Units are structured along the lines of NWNJ WCUs, with a manager and a team of WCOs. Haringey intends to assign a specialist WCO to deal with Operation Sapphire (sexual assault) cases. Haringey has also assigned one officer to warning Police witnesses only.

The focus of the MPS model is to provide better information to witnesses and ensure that they are aware of the services that can be provided by Victim Support and the Witness Service. This includes explaining court processes and sentencing. The Units set great store by providing timely information to witnesses and have arranged work patterns so that there is always someone available the evening before a trial, to alert witnesses to last minute changes.

The units visited do not undertake a formal written needs assessment but rely on experience of asking the right questions to understand why a witness is reluctant to come to court. The project adopts a single point of contact, but for support it refers all witnesses to the Witness Service as a matter of course. The units themselves provide no direct care, as there is no budget available. Witnesses are referred either to the Witness Service or CPS for expenses.

With the introduction of ETMP, Lambeth is reviewing whether the case progression role should belong in the unit. This is currently thought to be seen as a good fit.

14.1.3 Lessons learnt

There are four lessons learnt for NWNJ, as follows. The potential transferability is noted in *italics*.

First, both units operate a **shift system** to enable service to be provided from 7am to 7pm, rather than normal office hours when witnesses are often unavailable. The shift system enables efficient and rapid processing of all cases that have arrived in the CJU overnight and enables early contact with witnesses. The early shift is also able to provide the court with the most up to date list possible of witnesses first thing each morning. The later shift concentrates on informing witnesses attending court the following day of any last minute changes. *The*

shift system is one which would enhance the service offered by, and increase the effectiveness of, NWNJ areas in communicating with witnesses.

Secondly, both units make constructive use of **standard IT packages** to monitor progress and speed up the allocation of tasks from the manager to the WCOs. For example, Lambeth has developed a Microsoft Task tool which helps with allocation of work and provides a snapshot of outstanding tasks. The use of this system has been rolled out to other boroughs including Haringey, and although some further enhancements are needed, it is proving a useful tool and enables the WCM to have an instant understanding of progress on cases. *This system could replace the manual diary, bring forward and chaser systems used by WCUs. The package reduces the need for large paper files and filing time.*

Thirdly, Haringey has adapted a **court warning package** to enable automatic letter generation. The system extracts the relevant details (including those of the case, the witness, the court, the OIC and the WCO) from a spreadsheet, and generates emails to Police officers and letters to witnesses, for example about an upcoming court appearance and includes all relevant information for a specific court, such as directions and a map. Letters can be produced in seconds rather than minutes. *This initiative would represent a significant saving in administrative support for WCUs.*

Fourthly, Operation Emerald has drawn on the **expertise of Victim Support and the Witness Service to strengthen the witness care skills of Unit staff**. Victim Support and the Witness Service held a three day course for new members of the Victim and Witness Care Project across London which covered key skills, such as listening and communication. *The WCUs would benefit from this training by the Witness Service.*

14.2 West Mercia One Stop Shop/Reluctant Witness Project

West Mercia Constabulary has six Criminal Justice Support Units (CJSUs), as well as a separate TU, which undertake witness liaison.¹⁹ West Mercia has undertaken two witness-related initiatives over the past year, being:

- The CJSUs have extended to witnesses a One Stop Shop service which has been offered to victims of more serious and sensitive crimes since 1995.²⁰ The service aims to provide an improved standard and frequency of information;
- A research project called REACT, a review of the reasons for witness reluctance to attend court, has made useful recommendations to reduce the numbers of “unengaged witnesses” and re-locate “disengaged witnesses”, although none have been implemented as yet.

No significant improvements in trial outcomes are expected until West Mercia introduces formal witness care.

14.2.1 One Stop Shop

Caseworkers in all CJSUs offer the One Stop Shop service. Caseworker supervisors estimate that up to 70% of the caseworkers’ time is spent on witness issues, with the remainder on conventional casework. Caseworkers are assigned cases and, as with NWNJ, this engenders a sense of ownership for, and relationship with, the witnesses.

The One Stop Shop service asks witnesses whether they want the service which keeps them informed of progress of the case, and informs them each time there is a development in the case. This updating is undertaken in addition to the usual witness warning role.

¹⁹ The evaluation was of the Kidderminster CJSU which, with Redditch, covers North Worcestershire.

²⁰ Such cases are defined as: domestic burglary, physical assaults, sexual assaults, criminal damage over £5000 and arson, hate crime, domestic violence, attempting or conspiring to commit any of these offences and all special measures victims and witnesses.

There are no formalised arrangements for witness care, for example there is no needs assessment and no clear arrangement for referrals to Victim Support or Witness Service. However, through a sense of ownership, caseworkers often unofficially extend their role to care and support, for example to enable reluctant or intimidated witnesses to use a different entrance at the court. The caseworkers also become involved in requesting assistance from the CPS for accommodation and transport.

14.2.2 React

The REACT review focused on reluctant witnesses. It concluded that there are two types of reluctant witness: unengaged witnesses, who fail to report a crime and disengaged witnesses, who become disengaged from the CJS after reporting a crime.

Based on findings gathered through focus groups comprising witnesses, potential witnesses and professionals, the study came up with eighteen main recommendations. Most of these are already addressed by NWNJ. Four recommendations which could prove useful for national witness care are:

- The introduction of trained enquiry officers who can **locate disengaged witnesses** through local intelligence sources, with a view to re-engaging them. *The cost effectiveness of this could be explored for national witness care;*
- Police could usefully undertake **outreach work** in some communities to reduce the problem of “unengaged witnesses” and of undertaking some tasks at the point of report to minimise later “disengagement” by witnesses from the CJS. *The cost effectiveness of this could be reviewed;*
- Improved explanations to witnesses of the **response time of officers** to complete a witness statement. Calls are graded in priority terms. It is explained to witnesses that an officer may not be able to respond immediately but will respond in up to four days. *This might increase the satisfaction of witnesses with the Police;*
- Better design of **witness waiting areas in courts** with comfort and relaxation in mind. *This is consistent with the findings of this evaluation that improved witness facilities are required in many courts.*

West Mercia is reviewing the recommendations in the light of the upcoming NWNJ Rollout.

14.3 Warwickshire Victim and Witness Information Partnership (VIP)

Warwickshire’s close involvement with NWNJ has meant that many of the features of the VIP are consistent with NWNJ. The scheme’s focus is on improving interaction with victims and witnesses through providing a single point of contact from point of change and a “drop in centre”. The VIP has a representative of the Witness Service co-located to ease the process of referrals.

There are three features of the Warwickshire model that are of potential interest. A fundamental feature is the engagement of the victims beyond the trial of the defendant, in restorative justice and parole decisions. The other two features involve the efficient use of IT and a password system with witnesses.

14.3.1 Key contextual Issues

The objective of the Warwickshire VIP is to provide witness warning, assess witness needs and provide support. The focus is temporarily on warning, due to staff shortages. The VIP, although a Police initiative, has representatives from a number of CJS agencies, namely: the Police, the CPS, Victim Support, National Probation Service (NPS) and the Youth Offending Team (YOT). It is useful that the VIP project manager comes from the Court Service and is able to integrate the courts’ perspective to the VIP. The VIP is part of a wider Police initiative to improve contact with the public through process improvement, co-location, combined IT and better customer service.

The VIP should be reviewed in the context of a county-wide initiative to establish two criminal justice centres, one in Nuneaton and one in Leamington Spa. Each centre will co-locate the CPS, Warwickshire Police, courts and other agencies such as the NPS.

14.3.2 Key features of model piloted and assessment of transferability to NWNJ

The three notable features of interest to NWNJ are as follows.

Firstly, central to the concept behind VIP is ***involving other CJOs***, other than those traditionally involved in witness warning and trial preparation, in a partnership to strengthen ***victim care from the point of charge to beyond the trial***. The YOT involves the offender and victim in restorative justice projects. The NPS involves the victims in discussions about parole conditions for offences serving more than 12 months in prison. In theory, the NPS and YOT can obtain victim information through the WCU information systems, but in practice the NPS and YOT representatives in the unit do not yet have access. The effectiveness of this joint working concept still has to be tested and cannot be fully assessed until the agencies have been together on a permanent basis for longer or until they have access to the shared system, which should happen in October 2004. *However, the concept of involving these agencies may be useful should NWNJ decide to widen the scope of witness care.*

Secondly, the VIP team accesses ***NSPIS and EQUIS*** (the Magistrate Courts system) through a portal. The VIP also uses software developed by CJIT for tracking progress on a case. These systems have proved the backbone of the case allocation system within the VIP and have enabled the VIP team to have online access to witness details and Magistrate Courts results. This software is enhancing the efficiency of the VIP team, by reducing the need to open files. Everything is done electronically until a LWAC arrives, at which point the file is opened and a manual record kept. There is a moratorium on further enhancements pending a decision on the NWNJ IT solution. *This is another example of where NWNJ could benefit from better use of IT.*

Thirdly, VIP uses a ***pre-arranged password*** to contact witnesses by telephone. *This could be of use particularly in cases where a witness is feeling intimidated or where others have access to the same phone.*

15 Appendix 3: Performance measurement

15.1 Institutional arrangements and processes

There are three key issues to consider in relation to institutional arrangements for NWNJ performance measures at the national, area and WCU levels.

First, at a **national** level, performance measurement arrangements should be aligned with the governance arrangements planned for rollout (i.e. Project Board) and with the performance measurement frameworks of ETMP and Charging, to increase the strategic value of measurement and reduce duplication of effort.

Secondly, at an **area** level, responsibility for performance measurement should be clearly assigned to the LCJB, and its sub-groups, such as those focusing on victims/witnesses and ineffective trials.

Thirdly, at the level of each **WCU**, the responsibility of the WCU manager for ensuring the adequate capture of performance measurement data should be established. And, engagement of WCOs is required in:

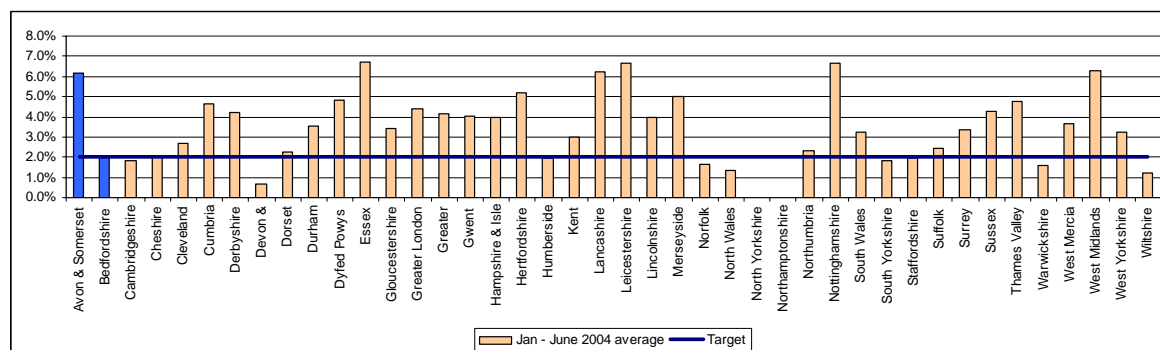
- An “output mapping” exercise to highlight how their work (including the secondary measures) triggers changes in the primary measures. This “bigger picture” is not always well understood by WCOs. In particular, this exercise should help WCOs to focus on the service provided to the caseworkers/lawyers and the Witness Service and improve the provision of availability information to them;
- Monthly reviews of ineffective and cracked trials, segregating them into those which the WCU could have had a direct impact (for example, done the needs assessment sooner), an indirect impact (for example, could have put more effort into facilitating support from the OIC to an intimidated witness) or where the final outcome was outside the control of the WCU. Clearly, this could only lead to WCO accountability and performance improvement if there is file ownership within the WCU.

15.2 Target setting

The performance measurement framework sets out whether each measure should increase or decrease, but does not currently incorporate specific targets for the change in each measure. As NWNJ moves forward into rollout, target setting will assume greater importance, both as a motivational and a performance monitoring tool. There are three issues NWNJ will wish to consider in target setting.

- **The level of the target for each area.** Targets are normally better set in terms of a challenging but achievable desired result (for example, 2% ineffective trials benchmark as in Figure 47 on the following page) as opposed to percentage improvement (for example, 67% reduction from 6% to 2% for Avon and Somerset). A target result set in this way will mean that poorly performing areas have a higher percentage change to achieve than better performing areas, so the target result might need to be adjusted to reflect what is achievable in each area due to factors such as levels of witness intimidation or mobility of the population. Some areas (such as Bedfordshire below) will require stretch targets below 2%. There is also no reason why the target result should not exceed the average result achieved by the pilots, as the pilots have not yet achieved their full potential and the rollout areas will benefit from more support and guidance than the pilots.

Figure 51: Benchmarking areas



- **The period of the targets.** In terms of trial outcomes, monthly targets are unlikely to be meaningful, particularly in areas with a small number of trials. A three-month rolling average may be more appropriate. However, NWNJ may wish to introduce monthly monitoring of the secondary input measures, as these will serve as leading indicators of trends in trial outcomes. For example, if referrals to the Witness Service fall in June, this could indicate that witness attendance in June and July will fall, and have an adverse impact on trial outcomes. Monitoring leading indicators would enable management to identify (and rectify) problems in the NWNJ process before they had an impact on trial outcomes. (It should be noted that ineffective and cracked trials should still be reviewed on a monthly basis while the causes can still be recalled.)
- **Iterative target setting.** Targets should be reviewed on a periodic basis. Areas which had an initial adjustment for poor performance should have their targets revised and increased. Some targets could be linked performance measures for senior management.

15.3 Data sources and systems

The final evaluation has drawn on a number of data sources to validate NWNJ's performance measures. The disparate number of sources has an adverse effect on performance measurement in two ways:

- Data gathering and consolidation is a hugely resource intensive task and this will serve as a disincentive for future performance measurement exercises;
- It is impossible to establish a statistical correlation between two sets of data from different sources (for example, witness attendance and trial outcomes) as there is no ability to drill-down to understand what is happening at the level of each trial.

The following sections set out the key issues to be addressed.

15.3.1 Trial Tracker data (PM 1)

The spreadsheet-based Trial Tracker was used as the source for **witness attendance**. In general however, it is not currently serving as an effective performance measurement tool for WCUs for five reasons:

- WCUs rely on the submission of data by lawyers for whom this is not a high priority on returning from court;
- The Trial Tracker is not used as a management tool by WCOs to help them keep track of the status of their cases, but rather as an administrative necessity;

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- The Trial Tracker is, reportedly, not sufficiently user friendly and aims to capture excessive amounts of information;
- Between them, the five pilot areas maintain 27 trackers which are not consolidated or validated at an area level, and undertaking this process is highly time consuming;
- The Trial Tracker does not record trials which have only police or other professional witnesses, as NWNJ focuses on civilian witnesses.

As a result, the Trial Tracker does not provide a complete set of data about trials. Even following a data cleaning exercise by the NWNJ team, the Trial Tracker was able to provide data only about witness attendance, and this was for a sample of trials. The NWNJ Team is currently re-designing the Trial Tracker and will wish to bear in mind the following issues.

First, an effective system of **incentives and compliance** mechanisms will be required to enforce completion. The performance management framework document helpfully identifies three levers: funding, monitoring and usefulness to WCU management/WCOs. The latter two appear to be the most feasible and resonate with two findings of the evaluation that:

- WCUs would benefit from more engagement in performance measurement and **monitoring** so that WCOs better understand the outcomes they are contributing to;
- A critical success factor for a WCU is a robust diary and “brought forward” system to enable WCOs to keep track of the large numbers of witnesses, hearings and communications, and managers to monitor WCOs’ performance. The Trial Tracker could be converted into a **useful** tool to suit both these purposes if, as proposed by the performance measurement paper, it captures information by witness as well as by trial.

Secondly, a key decision will be whether to use **Microsoft Access or Excel** for the Trial Tracker. A Microsoft Access solution has clear benefits over an Excel solution, in that it has multi-user read and write access which means that each unit will have a single consolidated data source. This will also facilitate monitoring of the trackers at a national level. If, however, Microsoft Excel is deemed to be the best option, each area should consolidate their trackers locally before sending to the NWNJ Project Team.

Thirdly, a **representative sample of WCOs** should be consulted on the format of the Trial Tracker, to increase its user friendliness and to secure their future ownership of it as a management tool.

If the Trial Tracker were to become a more useful and reliable tool, it could be used to capture data about other secondary measures, such as VPSs.

15.3.2 DCA data (PMs 2, 3 and 4)

Data to substantiate the trial outcome measures were sourced from the DCA, another resource-intensive exercise involving the consolidation of 88 files. In the future, data on trial outcomes could be sourced from JPIT. However, there is a delay in entering trial outcome data on JPIT and JPIT does not capture trial outcomes at the level of Magistrates Courts. In the future, JPIT could also prove a useful source of data for witness attendance and the number of offences brought to justice.

A more fundamental issue relates to the process followed by courts to categorise trial outcomes. As noted by the Interim Evaluation Report, the **accuracy relating to trial outcomes can be variable**, and the process has changed. Inconsistent categorisation of reasons between areas could in part explain the substantially different rates across areas (for example, Gwent has high baselines and current rates compared to other areas). The process for Crown Courts changed in October 2003 between the baseline and current periods

to match that in the Magistrates Courts.²¹ The Court Clerk in both Crown and Magistrates Courts is now responsible for recording the primary reason that the trial does not proceed and arranging to have that countersigned by both the defence and the prosecution. There is no information or evidence to indicate the extent to which the change in process might have impacted on the performance measures.

15.3.3 Victim Support Data (PMs 6 and 7)

Victim Support data was identified as the source for data on numbers of referrals to, and pre-trial visits undertaken by, the Witness Service. While Victim Support does collect data on referrals and pre-trial visits in performance returns from their local offices and re-enter the data on its Access database “Victory”, this has not been used, for the following reasons.

First, the data is structured to fit Victim Support’s performance management purposes rather than the **exact requirements of the NWNJ performance measures**. Victim Support only became aware of the inclusion of referrals and pre-trial visits as NWNJ performance measures after the start of the pilots, so it was not possible to put in place additional monitoring processes to capture the impact of NWNJ. As a result:

- Victim Support captures data on the number of people referred from each source of referrals (i.e. the Police, Victim Support, CPS or self), rather than by WCU. “CPS” will not automatically represent “WCU”. The extent to which NWNJ has driven any changes in the data will thus be unclear;
- The types of support offered (including number of pre-trial visits) is not shown against the source of referral, so it is not possible to assess the number of people receiving pre-trial visits as a result of a referral from a WCU. (In practice, the majority of pre-trial visits are by prosecution witnesses.)

Secondly, the latest complete data set is for the quarter ended March 2004. This is **too soon after the implementation** of most NWNJ pilots to reflect the impact of NWNJ.

Thirdly, the data does not adequately reflect the impact of NWNJ on the Witness Service’s **workload**. This is because the data captures the *number of people* receiving support, as opposed to the *nature and volume* of support they received. This is significant as one specific impact of NWNJ has been earlier referrals to the Witness Service which, in turn, has led to more contact between witnesses and the Witness Service, with the Witness Service spending more time preparing care for witnesses.

Fourthly, the approach taken to estimating data in the event of missing returns from the areas will necessarily **understate** the number of referrals or pre-trial visits.²²

This indicates that NWNJ, in consultation with OCJR, might wish to develop its own process for recording its rate of referrals and pre-trial visits, presumably on the Trial Tracker, or liaise with Victim Support to agree an approach to collecting and reporting the data required.

15.3.4 MORI data (PMs 8, 9 and 10)

Data to measure the service provided to victims and witnesses and their satisfaction is drawn from the MORI survey. MORI experienced considerable difficulty in obtaining a sufficient number of leads to make their analysis statistically significant in Wave 2. WAVES will need to address this issue well in advance.

²¹ See interim evaluation report, section 6.3.

²² Victim Support’s approach to estimation is to estimate a missing month by taking an average of the other months in the six month block within which it falls. Some of the six month block is likely to pre-date NWNJ, and therefore be lower than the actual. The missing returns are usually due to the fact that returns are submitted by post.