

Process Evaluation of the Witness Intermediary Scheme Pilot in Tasmania

Report prepared for Sprout Labs
& WISP, Department of Justice, Tasmania
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Contents

1.0 Introduction	3
2.0 Methods	4
Limitations	6
3.0 Evaluation Findings	6
3.1 Attitudes about WISP	9
a) The characteristics of the witness	12
b) The role of the WI in relation to existing roles and functions	14
3.2 Referral Processes	18
3.3 WI Skills and Communication Assessment Strategies	19
3.4 Communication Recommendations and Reports	23
3.5 Attending Court	29
3.6 Resourcing and Administrative Issues	30
3.7 Going Forward	34
4.0 Conclusion	35
Appendix	37

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1.0 Introduction

The Witness Intermediary Scheme Pilot (WISP) is a Tasmanian Government initiative that aims to ensure that children and vulnerable witnesses are supported to effectively participate in the criminal justice system. WISP was established in response to Recommendations 59 and 60 from the Royal Commission into Institutional Responses to Child Sexual Abuse (outlined below).

The Scheme commenced in March 2021 as a three-year pilot program, and is modelled on similar witness intermediary schemes operating interstate and overseas. WISP makes Witness Intermediaries (WIs) available to eligible witnesses in matters relating to sexual offences and homicide. Eligible witnesses include children and adults with communication needs as defined by the Evidence (Children and Special Witnesses) Act 2001 (Tas).

A WI is a trained professional with specialist skills in communication. WIs are required to act impartially and assist with communication between vulnerable witnesses and courts, lawyers and police. WIs taking part in the pilot have professional backgrounds in areas such as psychology, speech pathology, occupational therapy and mental health nursing, as well as in working with vulnerable adults and children.

This report outlines the findings of a process evaluation of WISP after approximately 12-18 months of implementation.

The Royal Commission into Institutional Responses to Child Sexual Abuse

(https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_recommendations.pdf)

Recommendation 59

State and territory governments should establish intermediary schemes similar to the Registered Intermediary Scheme in England and Wales which are available to any prosecution witness with a communication difficulty in a child sexual abuse prosecution. Governments should ensure that the scheme:

- a. requires intermediaries to have relevant professional qualifications to assist in communicating with vulnerable witnesses
- b. provides intermediaries with training on their role and in understanding that their duty is to assist the court to communicate with the witness and to be impartial

c. makes intermediaries available at both the police interview stage and trial stage

d. enables intermediaries to provide recommendations to police and the court on how best to communicate with the witness and to intervene in an interview or examination where they observe a communication breakdown.

Recommendation 60

State and territory governments should work with their courts administration to ensure that ground rules hearings are able to be held – and are in fact held – in child sexual abuse prosecutions to discuss the questioning of prosecution witnesses with specific communication needs, whether the questioning is to take place via a pre-recorded hearing or during the trial. This should be essential where a witness intermediary scheme is in place and should allow, at a minimum, a report from an intermediary to be considered.

2.0 Methods

The evaluation was focused predominantly on process measures related to the activity and quality of the implementation of the WISP. This was not an impact or outcome evaluation and witnesses did not participate in the evaluation. The evaluation approach was a post-test design, with the view that learnings to date can be incorporated into the remainder of the pilot phase. The evaluation involved collecting and analysing both quantitative and qualitative data. Participation in the evaluation by stakeholders was voluntary.

Deidentified details about witness referrals—including the date of referral, characteristics of the witness and the matched WI, geographical location, police interview and court details—for the period 1 March 2021 to 21 April 2022 were provided to the evaluator by the Intermediary Liaison Team, from the Tasmania Department of Justice, in a password protected Excel document.

Online questionnaires were developed in consultation with the Intermediary Liaison Team. Some of the questions were adapted from a draft evaluation of the Queensland Intermediary Scheme (QIS) Pilot Program. All questionnaires are provided in this report's Appendix.

The evaluator worked with the Intermediary Liaison Team to identify relevant stakeholders to participate in the evaluation. The number of stakeholders per group who were invited to participate in the evaluation and the respective response rates are outlined in **Table 1**.

Table 1: Number of stakeholders invited to participate in evaluation and response rates

Stakeholder group	No. of participants invited	Response rate
Witness Intermediaries	21	43%
Police Officers	60	20%
Judicial Officers	12	8%
Prosecutors	14	29%
Defence Lawyers	23	9%
Witness Assistance Officers	8	13%
Intermediary Liaison Team	4	75%

The questionnaires were tailored to each stakeholder group and were hosted on a Sprout Labs online platform. Stakeholders were provided with an information sheet about the evaluation and a password protected link to the respective questionnaire. The questionnaires were open to stakeholders for a period of one month commencing in October 2022, with several reminders sent to participants via email and text message. All responses were anonymous and included any relevant experiences since the commencement of the pilot up till that point in time.

All stakeholders were also invited to participate in an interview or focus group with the evaluator to gain further insight into their perspectives. Interviews and focus groups were conducted in November 2022 via telephone or video conference, and were voice recorded with the permission of participants. Interview participants were assured about confidentiality. De-identified, verbatim quotes have been included in this report.

The number of data sources included in the evaluation are outlined in **Table 2**.

Table 2: Evaluation data sources

Data Sources	Details
Quantitative data reporting period	1 March 2021 – 21 April 2022
Number of referrals	469
Number of questionnaires completed by stakeholders	30

	<i>Witness Intermediaries: 9</i> <i>Police Officers: 12</i> <i>Prosecutors and Defence Lawyers: 6</i> <i>Others: 3</i>
Number of interviews	12 <i>Witness Intermediaries: 2</i> <i>Police Officers: 6</i> <i>Prosecutors and Defence Lawyers: 3</i> <i>Others: 1</i>
Number of focus groups	1 <i>WISP Project Staff: 3</i>

Limitations

This evaluation was undertaken with limited resources. Further resourcing could lead to more participants being involved in the evaluation. It is uncertain at this stage whether data saturation has occurred. It would be valuable to seek further feedback from particular stakeholder groups, including judicial officers. In addition, the exclusion of witnesses from the evaluation leaves a gap in fully understanding the activity and quality of implementation of the WISP. Further evaluation activity should involve seeking ethics approval from a relevant ethics committee, particularly if witnesses are involved in the evaluation.

3.0 Evaluation Findings

Table 3 outlines the nature of the cases that were part of the WISP from 1 March 2021 to 21 April 2022. Most referrals came from police officers in the north-west and south of Tasmania. Over 90% of witnesses were children, 78% were female and 79% were complainants. Most cases involved sexual offences, with other cases including the Hillcrest Primary School tragedy. There were a small number of referrals involving defendants arising from judicial officers who exercised inherent jurisdiction.

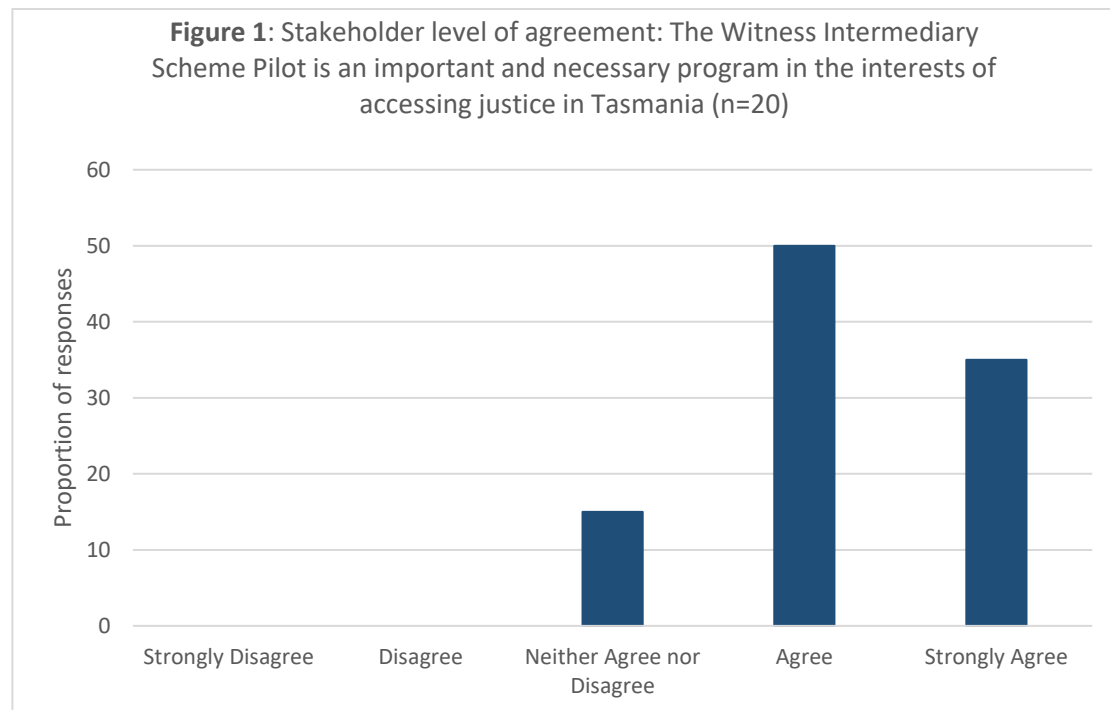
Table 3: Summary statistics WISP (1 March 2021 to 21 April 2022)

Referrals	Total referrals: 469
Profile of witnesses (n=469)	<p>Child: 92% (432)</p> <p>Adult: 8% (37)</p> <p>Female: 78% (368)</p> <p>Male: 19% (91)</p> <p>Other or not stated: 2% (10)</p> <p><i>Witness role:</i></p> <p>Complainant: 79% (372)</p> <p>Witness: 20% (93)</p> <p>Outside of pilot: 1% (4)</p>
Type of crime (n=469)	<p>Sexual offence: 89% (419)</p> <p>Homicide: 1% (5)</p> <p>Other: 8% (36)</p> <p>Outside of pilot: 2% (9)</p>
Police or court referral (n=469)	<p>Police: 87% (406)</p> <p>Court: 13% (62)</p> <p>Col: <1% (1)</p>
Matching (n=469)	<p>Overall referrals matched: 420 (90%)</p> <p>Overall referrals not matched: 49 (10%)</p> <p>Police referrals matched: 88% (357)</p> <p>Court referrals matched: 100% (62)</p> <p>Number of WIs involved cases: 23</p> <p>Average number of referrals per WI: 6 (range 1-78, Mode: 7)</p>
Police investigations (n=406+1 Col)	<p>Number of police stations making referrals: 9</p> <p><i>Region:</i></p>

	<p>North: 15% (63)</p> <p>North-west: 45% (183)</p> <p>South: 40% (161)</p> <p><i>Length of time to match:</i></p> <p>Mean: 3.2 days, Mode: 1 day</p>
Court cases (n=62)	<p><i>Number of cases by court:</i></p> <p>Burnie Supreme Court: 19% (12)</p> <p>Burnie Magistrates Court: 8% (5)</p> <p>Hobart Supreme Court: 27% (17)</p> <p>Hobart Magistrates Court: 27% (17)</p> <p>Launceston Supreme Court: 11% (7)</p> <p>Launceston Magistrates Court: 6% (4)</p> <p><i>Length of time for WI report preparation (n=46):</i></p> <p>Mean: 40 days; Mode: 54 days</p> <p>Number of judicial officers who made referrals: 15</p> <p>Number of cases where WI recommended & appointed: 66% (41)</p> <p>Number of cases where WI recommended & not appointed: 3% (2)</p> <p>Number of cases where WI not recommended: 2% (1)</p> <p>Other outcomes: 31%, including referral discontinued: 6; matter resolved by guilty plea: 3; no contact with witness: 2; no consent from witness: 1; pending: 6; other: 1</p> <p>Number cases involving ground rules hearings: 37</p> <p>WI participation at hearings: 29</p>

3.1 Attitudes about WISP

Stakeholders expressed largely positive attitudes about the intentions of WISP and the involvement of WIs in the Tasmanian judicial system. Most stakeholders (including police officers, judicial officers prosecutors, defence lawyers and Witness Assistance Officers) agreed or strongly agreed that the WISP was an important and necessary program in the interests of accessing justice in Tasmania (Figure 1).



Qualitative feedback provided further insight into positive opinions:

"I cannot speak more highly of the value of Witness Intermediaries during interviews with children/vulnerable persons. The assistance that they are able to provide the vulnerable person and police interviewers has been extremely valuable."

"I think it's a great scheme. I think that it's innovative justice, it's smart justice < > I think it should just be available to <all> vulnerable people <who come into contact with the criminal justice system>."

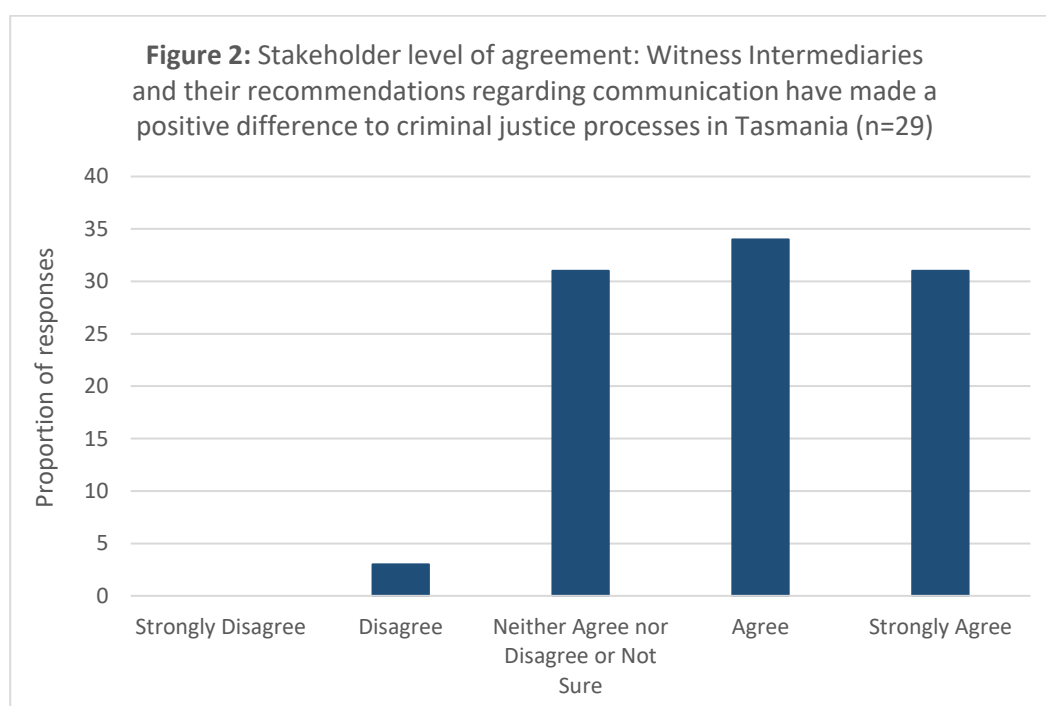
"Just having them (WIs) there, their presence, it just 'de-polices' the whole process, so it makes younger children < > more comfortable. I've got nothing but praise for the system."

“The way some of the WIs have been able to bring that witness into the interview and be prepared and ready, with that pre-interview talk they have with them, has been amazing.”

Some stakeholders admitted to having a change in attitude about the scheme as it had progressed throughout the pilot phase:

“I must admit I was sceptical to start < > because I’ve been doing it (interviewing witnesses) for very long now and I kind of felt like they were taking over what we had already been doing but it’s not. What they are doing is different and < > I’m not to their level of expertise in those areas.”

More than half of respondents (including police officers, judicial officers, prosecutors, defence lawyers, WIs and Witness Assistance Officers) agreed or strongly agreed that WIs and the recommendations they made had contributed positively to criminal justice processes in Tasmania (**Figure 2**).



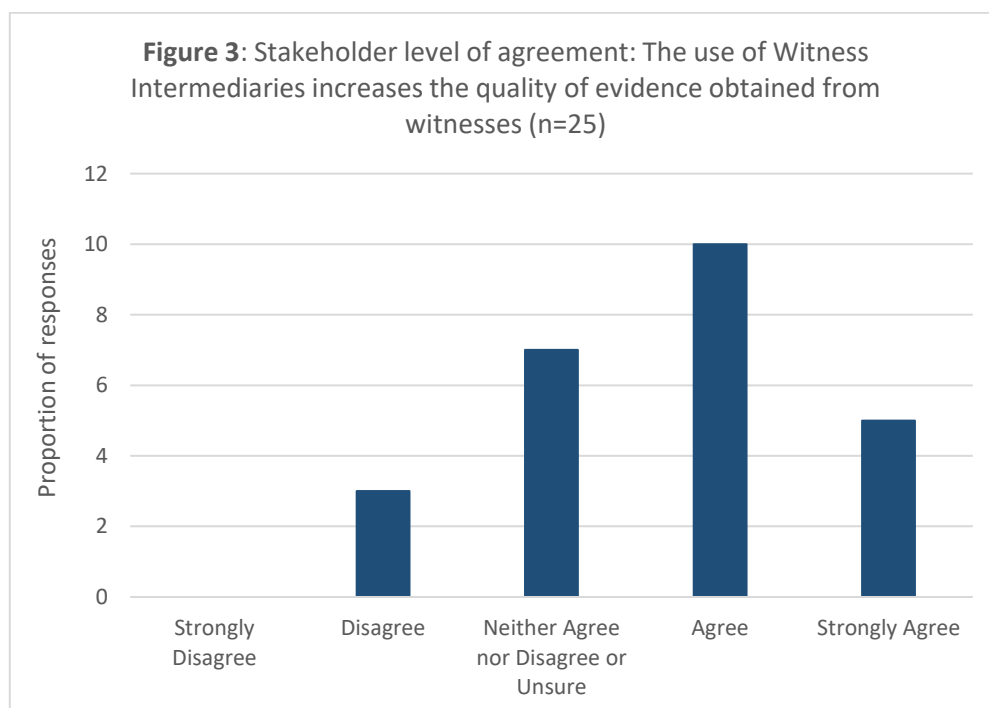
Most evaluation participants believed that the WISP had impacted on the quality of evidence obtained from witnesses (**Figure 3**), however these results should be interpreted with caution as it

includes the perspectives of WIs themselves, who may not be best placed to gauge this outcome. Having said this, other stakeholders (not WIs) reported that they would not have been able to engage with a witness and obtain evidence to the same extent had a WI not provided communication recommendations for how to progress with an interview or questioning a witness:

“That was a case where without an Intermediary, this poor bloke would have probably been pretty confused and a defence lawyer would have been able to trip him up < >. There’s no doubt that his story, his narrative was improved. Not unfairly, in my view. < > He was able to articulate what happened to him. It was comprehensive. There was no sense that it was rehearsed. Without an Intermediary that wouldn’t have happened.”

“We had no luck at all after three or four attempts with a victim. <Then a WI became involved> and the DPP came back with sufficient evidence to charge.”

“<Based on> my experiences alone, there has been occasions where without the WI there we would not have got those disclosures just because just the way the WI did the introduction process and gave them techniques and introduced us (police) in that introduction format.”



Despite such examples, other stakeholders were more cautious in their views:

"I don't know that it has made any real difference. Maybe it does afterwards, but I don't see that part."

"I think it's early days, especially in a system which seems set in its ways and has been for a very long time. I have seen some small positive changes myself, but I think it will take a lot longer to see any larger scale or widespread changes."

Interviews with stakeholders provided further insight into some caveats to the positive responses to questions about the WISP's intent (Figures 1, 2 and 3), as well as reasons why some stakeholders were neutral or undecided in their opinions. These related mainly to the characteristics (age and communication capability) of witnesses and the clarity of the role of WIs in relation to existing roles and functions. These points are discussed below.

a) The characteristics of the witness

The evaluation found that a large number of stakeholders expressed a positive view about the use of WIs with children and people with communication needs, but survey respondents were divided on the need for the involvement of WIs in cases involving teenagers with 'good communication capability'. Below are some examples of quotes from evaluation participants, which illustrate these opposing views:

"I think they (WIs) are invaluable with teenagers < >. You might get to a stage where you've got to ask some really personal questions."

"I know that some people think they (WIs) are a waste of time with adolescents. I disagree with that. An adolescent, particularly one who's been traumatised is going to present sometimes as oppositional, dysregulated and their language impairment is often much more subtle. So, you do have to use a different skill set. < > I've seen it's useful even if it's not obvious to <other stakeholders."

“(WIs are needed) only for young children and for teenagers only where there is a recognised disability.”

“There has been some benefit gained by the imposition of the scheme, but my view is that the scheme, in its current form, is too broad. It is not necessary for the scheme to be mandatory for older children.”

“With the older children, I find it frustrating that we have to call them <WIs> in when there aren’t any obvious issues.”

“It’s a heap more valuable <for children than teenagers> because a lot of time, with the young ones we don’t pick up on some things that a trained person would. Even if its just small things that a Speech Pathologist < > would pick up on. With teenagers, it stifles the interview a little bit especially when it’s not needed.”

“My firm view is that, if the scheme is to continue, the appointment of an Intermediary for a child aged between 12 and 17 should be discretionary. Resource use and delay is incurred if we use Intermediaries in every matter. There are frequently teenagers who are very capable of giving evidence to the standard of an adult. < > I do not consider it necessary for us to appoint an Intermediary in every case involving an eligible child witness. It would be more beneficial if we were to have it be compulsory for children under 12, and then discretionary for teenagers and adults with communication needs.”

“The program should be focus on whether there is a specific communication need. Not, ‘there is a child, we need one’.”

Some WIs themselves agreed that they had engaged with witnesses who required limited input to support their communication needs:

“< > To be fair, many of the police referrals I've been involved in have been automatic referrals due to the witness's age, rather than due to suspected communication difficulties. Thus, when communication issues have been identified they have tended to be very mild. In these instances, police feel competent to interview without assistance.”

Several stakeholders reported their preference for a flexible approach to determining the need to involve a WI but it was unclear who or how this determination would be made. In addition, as one interviewee stated, it can be challenging to gauge the need for WI involvement up-front, stating that, *“you may get halfway through an interview and then realise a WI might have been beneficial.”*

In considering this feedback, it should be noted that at the time of this evaluation, more than 90% of cases involved children, not adults, and in conducting interviews with stakeholders, most of the reported experiences were with children, not teenagers or adults.

Box A

The role of a Witness Intermediary is to:

1. assess the witness’s communication and other related needs and to prepare and provide an assessment report about those communication and other related needs; and
2. provide recommendations during a specified proceeding to the judge, and any lawyer appearing in the proceeding, as to adjustments to be made in the proceeding to enable the most effective communication with the witness; and
3. otherwise provide assistance during a specified proceeding to the judge, and any lawyer appearing in the proceeding, in relation to communication with the witness; and
4. perform any other function that a judge in a specified proceeding considers is in the interests of justice.

Source: Witness Intermediary Scheme Pilot training website:

<https://tas.intermediaries.com.au/>

b) The role of the WI in relation to existing roles and functions

The evaluation found that the WISP had resulted in some disruption to the current state of play, which required stakeholders to reflect on their roles and functions, and in some cases, adjust to the involvement of communication specialists in policing and judicial processes. There were differing reactions to the introduction of WISP, which ranged from perceptions of intrusion to those who embraced the involvement of WIs.

There was significant concern expressed by evaluation participants about the lack of clarity in relation to the role of WIs in the context of the roles and functions of other stakeholders. While the roles of the various stakeholders may be clearly articulated on paper, in practice, WISP stakeholders identified that boundaries can become blurred, leading to perceptions of role creep. For example,

“Intermediary staff need to work within and understand their role more clearly.”

“It appears that training of Intermediaries in court processes and their role could be improved. Intermediaries sometimes seem confused as to court processes and often stray into a support role.”

The blurring of boundaries was also recognised as a challenge experienced by WIs themselves. One WI pointed out that it was important for WIs to be reflexive and have the ability to “*think on your feet*” so as to recognise the impact of their role on the various stakeholders involved in each case.

“The boundaries of the Intermediary role can still be difficult to define, and it can be challenging at times to know how to be supportive and provide assistance, without stepping into a more therapeutic role. The training made it clear that we (WIs) are to be impartial, but didn't really build a shared understanding of what this means in a practical sense or what it looks like.”

“We (WIs) need to stay in our lane as far as our role, that's critical. But we need to constantly be aware of whatever we are doing, what that looks like and what effect it can have on everyone from the judge to the witness to the jury.”

There was also an example provided by an evaluation participant which suggested that role creep may be more than merely a perception. The role of WIs is outlined in **Box A**. WISP training program states:

“They (WIs) cannot give an opinion on the accuracy of witness's evidence, they cannot give an opinion on the accuracy of witness's recall of the facts, they cannot give an opinion on a witness's competency to give evidence, nor can they give an opinion on whether a witness is telling the truth in their evidence.”

Source: Witness Intermediary Scheme Pilot training website:

<https://tas.intermediaries.com.au/>

Despite this clarity, in one sexual assault case, police reported debriefing with a WI about the likelihood of existence of fact:

"We <WI and police> can debrief afterwards and we can arrive at the same conclusion. We were positive in this case that there had been no assault committed upon the <children>. < > This is what the WI was useful for < > we were all quite confident that they weren't directly assaulted by the same person. It was also managing the emotions too."

Other stakeholders noted that the role of the WI impinges on existing roles and functions throughout the justice system, for example:

"I think it is a matter for a Judicial Officer to conduct the proceedings fairly and to assess a witness' evidence taking account of any communication difficulties... I disagree with interfering with the Judicial Officer's assessment of the witness including any communication difficulties."

Some stakeholders said the role of the WI encroached on the time they would otherwise have available to build rapport with a witness:

"<Prior to WISP> I would have spent that time myself getting to know the child, whether it be colouring in and chatting and doing things like that. So what I have found is that that has now been taken away < > because that is something that a WI <now> does. < > In my opinion, when they play all those games, that's time I originally would have spent to have the child engaged with me."

There was some concern expressed that the time taken to "play games" potentially took time away from the function of evidence collection. One participant stated that game play with young children should not exceed 10 minutes, in the interest of maintaining the child's attention span to gather evidence.

"We were always told, you've got a certain amount of time with that child. Now these games can take some time, especially if the child wants to play again < > rather than do what they are there to do. By the time they've had the game, they're just about done."

"With young kids you have their concentration span for such a short period of time and I have on occasion said <to the WI>, 'we need to start now'."

Other evaluation participants saw the role of the WIs as a duplication of skills, including copying particular police resources that had been part of practice for some time. Some examples are provided below.

"< > a lot of what they would than tell us <in their recommendations>, I feel, we would have been able to recognise ourselves. Like if someone has special needs, I'm able to pick that up. I believe most of us through our training would recognise that."

"We've been trained to do this sort of thing, so it's interesting that the training is just put to the side for someone else to come in."

"Most of the strategies they are doing are strategies that most of us would recognise would engage a child. < > They're not doing anything that I would haven't have otherwise done."

"Personally, I prefer to approach the individual witness in a manner learnt from previous training. This provides for me a constant approach that can be adjusted and changed for each individual."

Some stakeholders were worried that the role of the WI created confusion for child witnesses in relation to 'who they should look to' when they are telling their story.

"All I can see is that the focus becomes on the WI instead of the police."

Others cautioned about involving "too many" people in police interviews and the unintended consequences that might arise. This view was also expressed by a stakeholder in the court setting, who said that adding people and processes can cause "more to stress rather than relieves it." There was specific mention of the perceived unnecessary intrusion of members of the Intermediary Liaison Team into the witness engagement space, which led to "undue exposure to strangers." It is noted that members of the Intermediary Liaison Team may need to be present to ensure that WIs are not left alone with witnesses.

The remainder of this report outlines the evaluation findings in relation to key process issues of the implementation of the WISP.

3.2 Referral Processes

During the evaluation reporting period 90% of referrals were matched with a WI and most matches took place within a 24-hour period (**Table 3**).

Ninety-two percent of police officers who participated in the evaluation agreed or strongly agreed that the process of contacting the Intermediary Liaison Team and matching a child or vulnerable person to a WI was appropriate and effective. Other stakeholders also provided mostly positive feedback about the match between a WI and a witness in court settings, although one stakeholder said,

"I cannot comment on the process of matching a child or vulnerable person to a particular Intermediary, except to say that some of the Intermediaries have been more effective than others."

Incorporating WISP into existing processes was generally not considered onerous by stakeholders and the resulting additional time was thought to be acceptable.

WIs also reported being largely satisfied with the referral processes, with eight out of nine participants stating they were 'very satisfied' or 'satisfied'.

Stakeholders noted that staff at particular police stations more than others were proactive in prioritising referrals. Some police officers reported that they arranged interview times around the availability of a WI because they believed their involvement was invaluable:

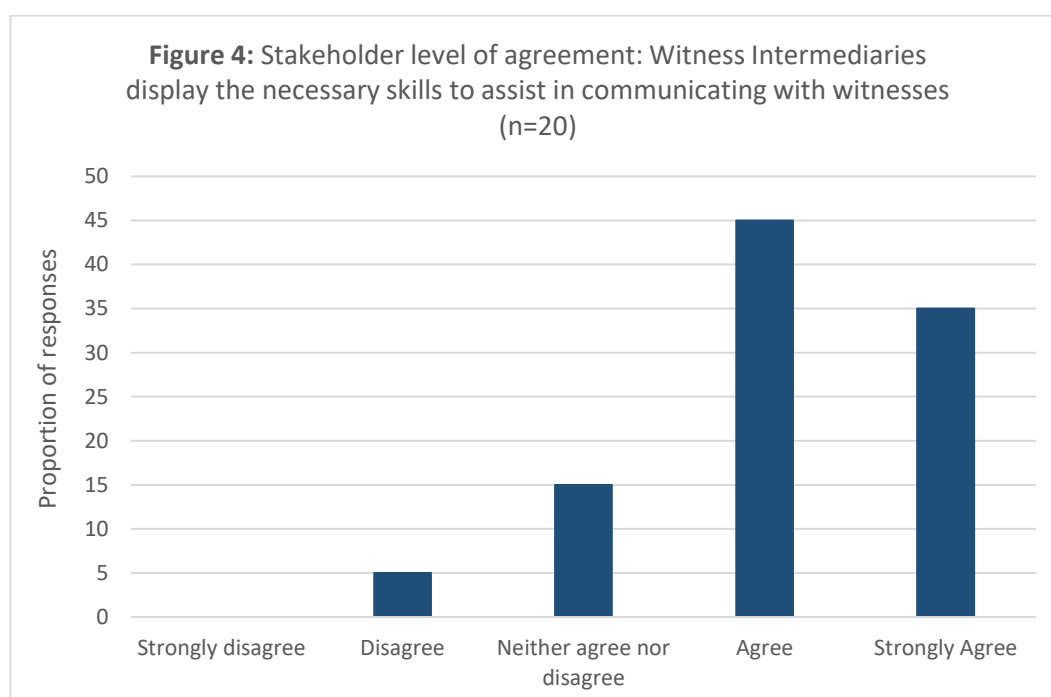
"If we couldn't arrange a WI, we could proceed without them. But our view in that office was that they were more benefit than not so we were making a fit around the availability of the WI."

When a WI was not available, a number of police officers reported that they had sought guidance from the Intermediary Liaison Team by phone. Evaluation participants reported that in all cases they

had been satisfied with this approach. Some concern however was expressed in relation to the availability of WIs on the NW coast and going forward, particularly if the program were to expand its scope to include other cohorts.

3.3 WI Skills and Communication Assessment Strategies

Sixty-two percent of stakeholders (n=13) agreed or strongly agreed that WIs contribute important skills that other stakeholders do not generally have, that allow for more effective questioning techniques of vulnerable witnesses (15% disagreed and 23% were neutral—neither agreed nor disagreed). Most stakeholders agree or strongly agreed that WIs displayed the necessary skills to assist stakeholders to communicate effectively with witnesses (**Figure 4**).



As noted in section 2 (b) above relating to the role of WIs, some stakeholder (police, defence lawyers, prosecutors, judicial officers) believed they had the necessary skills to assess vulnerable witnesses and downplayed the need for WI involvement. One interviewee (not a WI) explicitly disagreed, stating that for stakeholders (police, lawyers, judicial officers) to believe they have the necessary skills to assess communication capability was a “*self-serving statement*”; this interviewee went on to say that:

"I don't feel sometimes I can get onto the level of being able to affectively ask people questions. < > If I had to cross examine <a witness> without the benefit of an WI report which was giving me pointers, I think I would have been really struggling. I would have got monosyllabic answers, I think <the witness> would have been agitated. I would have got a bit frustrated because you're not getting the answers you want. I don't agree with that. I don't think lawyers are trained <in this>."

Others agreed, for example:

"We've (police) had no training on this (communication capability assessment), so we are relying on our individual perceptions or assessment of the witness."

Despite some evaluation participants downplaying the need for communication specialists in the justice system, most evaluation participants recognised that WIs bring unique insights and strategies to police and court processes. The skills and strategies most commonly valued by evaluation participants related to particular engagement and communication techniques, identifying ways to question a witness so as to obtain detailed and categorised evidence, regulating a witness throughout an interview and contributing to the overall level of calm in challenging circumstances. For example:

"Some of the games they use with children test terms like IN, ON TOP... those type of things that are really relevant to sexual assault when we need to talk later about things like OVER CLOTHING, UNDER CLOTHING."

"One of the areas I've found it most helpful with younger children is having that assistance with time and frequency concepts."

"The methods have appeared to be very helpful for the vulnerable witness. The games in particular have been very useful to assist in rapport building and subsequent willingness for the child to talk to police."

"They provide alternate ideas for communicating with witnesses and facilitating the giving of their evidence including ways in which breaks can be incorporated (without disrupting the flow of evidence) and by shortening sentence length and referencing single issues in each question. Further I

have utilised the signposting methods as a good tool for navigating the witness through their testimony.”

“She (the WI) had a way of communicating with <the witness> that made the lawyers, made me, feel more comfortable with him and representing his views. So it was helpful to me as well.”

“<The witness intermediary?> was fantastic. She was very helpful in dealing with the problems we were having in getting this witness to concentrate and give evidence.”

Evaluation participants were particularly commending of WIs that took a team approach and involved other stakeholders in their assessment processes.

“A lot of the games they’re bringing along involve the investigator as well < > There was one <WI> who excluded the investigator and we had a little chat afterwards to say it would be better if we were all involved.”

Evaluation participants said they valued the diversity of skills that they had observed among WIs from varying health backgrounds. The skills of those with training in mental health and trauma were specifically noted.

Evaluation participants commented that the involvement of WIs in the justice system had a capacity building impact. One WI said this was one of the reasons she had applied to be involved in WISP:

“I was attracted to the (WI) role not just to facilitate communication for young people but upskilling and supporting workers in the system < > to model ideas and ways of working in real time for a really practical and important purpose, and keeping a young person at the centre of it.”

Police officers, prosecutors and defence lawyers reported that they had learnt new techniques, and that they had observed changes among other stakeholders (including in court settings).

“Having seen how they (WIs) do things, I would use those strategies myself now but it would not have occurred to me to use them before.”

"It's changed the way I interview children. < > I tend to use post-it-notes a lot more. I like to draw and I write things down a lot more, <I draw> timelines, diagrams, letting them get involved. It's a different way of communicating that I hadn't delved into much before."

"I've done a couple of interviews with autistic children. <I've learnt> ways that they will respond to different types of questions and approaches. I've got a lot out of it."

WIs underwent two days of face-to-face training in addition to online training as part of their induction into WISP, and were offered two paid supervision sessions with interstate WIs. WIs said they were largely satisfied with the training they had received in preparing to take on their roles—all survey respondents agreed or strongly agreed that the training they had received enabled them to impartially support investigations by police and court proceedings within the scope of their role.

Some WIs had not previously worked within the context of the justice system. WIs said they enjoyed the challenges of their role and had gained new knowledge and insights. WIs also expressed a keen desire for ongoing skill development, mentoring and professional supervision going forward.

While many positive comments were captured during the evaluation, there were also stakeholders who expressed unease about the approaches taken by some WIs. These concerns related both to the overall demeanour of the WI as well as the specific strategies that they utilised. Stakeholders said some of the games used at the police assessment stage had a 'brain-draining effect', while others were apprehensive about the use of violence-related terms such as 'rape' and 'swords' during assessment processes. Although these techniques may be warranted, there was a lack of understanding among stakeholders as to their intended value.

"There's a number games < > that really stressed my witnesses and I really don't like that at all. < > It doesn't build any rapport and the kids feel like they are being tested. A lot of the kids are academically-tested and it raises the anxiety in that room. When we've got <the WI> out of the room, we go 'oh we can all relax now' and then we have to start the rapport building again."

"I have had some issues with intermediaries using verbal or numerical recall testing to evaluate witnesses which makes witnesses very uncomfortable and damages the ability to build rapport."

Assessing communication capability, within the defined scope of the WI role, when a witness is distressed may be a challenging undertaking. However as outlined in the Witness Intermediary Manual:

Witness intermediaries must always interact with witnesses in a manner that seeks to minimise the potential re-traumatisation of a witness and do no further harm. (p. 5)

Some stakeholders involved in the evaluation expressed their concern about certain aspects of WIs interactions with witnesses, which they believed may be causing distress. Below are some further comments about evaluation participants' observations to demonstrate such concerns:

"<In commenting on the skills of WIs, the respondent said:> It very much depends on the WI. They have different backgrounds, qualifications and people skills. Some were officious and did not put the child/witness at ease whereas others were warm and easy-going. The WI needs to put the child/witness at ease if they are going to assist police with communication - in at least one case the WI did the opposite, having the opposite effect."

"I had a negative experience with an Intermediary who used a very formal process to conduct her assessment... I believe <the> assessment was not well suited to achieving the aims of assessing the cognitive ability of the witness and placed her under stress... The witness was seen to breath a sign of relief when the intermediary left the room and police with the assistance of her mother attempted to bring her stress level down prior to commencing the interview."

"There should be more consistency with the way WIs do their initial assessments of a witness. I have seen very varied approaches, some WI requiring the witness to undergo a tedious cognitive test and the signing of a consent form, which is unnecessarily formal and potentially intimidating for a child and ultimately does not assist the police objectives (a major one being rapport-building). WIs should be carefully selected into the WISP, with importance placed on their personality and their ability to walk into a room and put a person at ease. While a WI may have a degree in ... psychology, it does not mean that they necessarily have the people skills required for the WI role."

3.4 Communication Recommendations and Reports

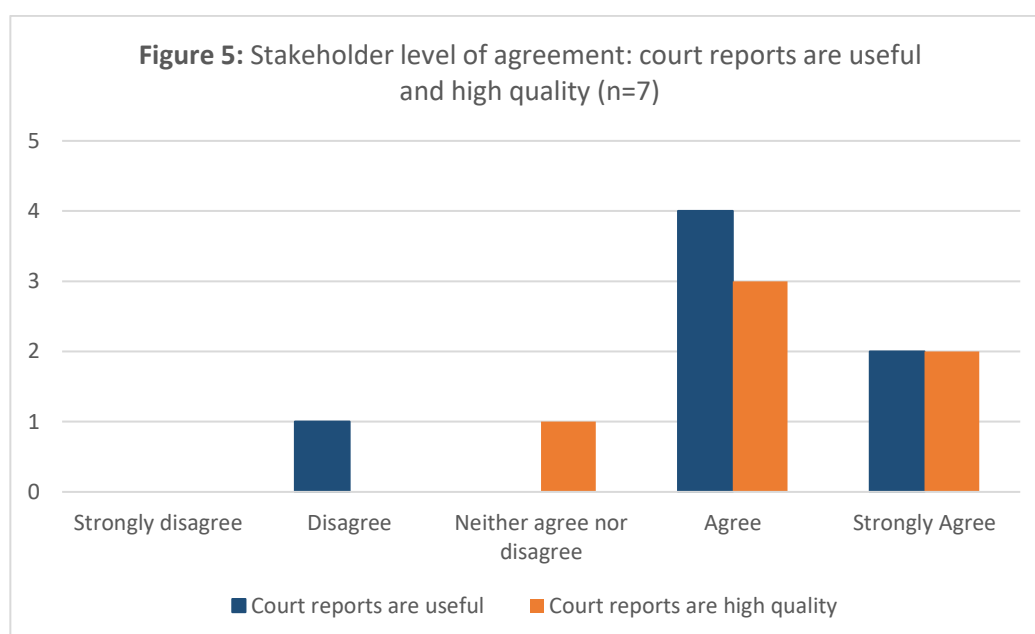
Sixty-seven percent of police (n=12) agreed or strongly agreed that the communication recommendations made by WIs in their verbal assessment reports have been appropriate and 92%

said they were satisfied with the quality of recommendations provided by WIs and that verbal recommendations were adequately explained. When asked whether there were any cases where they disagreed with the recommendations made by WIs, three out of seven evaluation participants said ‘not at all’, two said ‘very few’ and a further two said ‘some’.

Writing court reports was identified as one of the main challenges WIs had encountered during the pilot phase. However, stakeholders said the court reports prepared by WIs were useful and of high quality, and WIs reported receiving direct positive feedback from stakeholders (**Figure 5**).

“My experience is that the reports are very well written so I don’t really need to clarify terribly much.”

“The defence lawyers repeatedly expressed how helpful the report was, and this led them to request additional assistance with aspects of the legal proceedings outside of the court room.”



Some evaluation participants felt that the recommendations in court reports were too general and did not demonstrate specialist knowledge specific to the witness:

“You already tailor how you cross examine for a child witness. Not only because it’s going to help you elicit the information that you might need but it also will look better in front of a jury if you are not bullying a kid. So a lot of the recommendations we are getting are just what we would do anyway.”

What would be more beneficial is why is this kid needing a particular way in which I might ask a question < > With any person over the age of 18 I don't need to be told to ask questions that aren't double barrelled and to give them flag posts about where I'm going. < > That's my issue, a lot of the recommendations have been the same."

Evaluation participants expressed concern that some WIs' recommendations excluded support staff normally provided to witnesses, as illustrated in the following quote:

"Several recent reports recommended that the witnesses support person < > be removed from the room and only the Intermediary remain. This was of significant concern given that it was essentially recommending that a witness's support person be removed from them whilst giving evidence."

Specific concern was raised by evaluation participants about a common recommendation that questions be made available in advance:

"It shows a misunderstanding of what I do as a cross-examiner. < > A good cross-examiner does not have questions written out < >. <Evidence should be> a free-flowing narrative. If I provide evidence – am I not to go off script? Confidentiality is also an issue."

Others disagreed that providing questions in advance is problematic, and provided an example where this approach had been effective:

"Lawyers have been asked to submit by a judicial officer to submit the questions before hand. It's not about the content, it's just how it's asked and what order < > As a result, questioning of the witness went so much better and the <lawyers> cottoned on to how effective it was."

Once again there were some comments that reflected the perception that court stakeholders are already adequately trained and experienced in appropriately questioning vulnerable witnesses:

"For the most part, the recommendations are things that any defence counsel with experience should and would know."

"I would always question witnesses differently depending on their situation. Not only to make them comfortable but it doesn't help a defendant to have their lawyer bullying a child or witness with communication issues."

"I don't think pandering to every little thing suggested to be done to increase a witness's level of comfort is helpful. It makes the witness look like they are getting special treatment and I don't think that helps a jury believe they are credible."

WIs noted their observations in response to these types of claims:

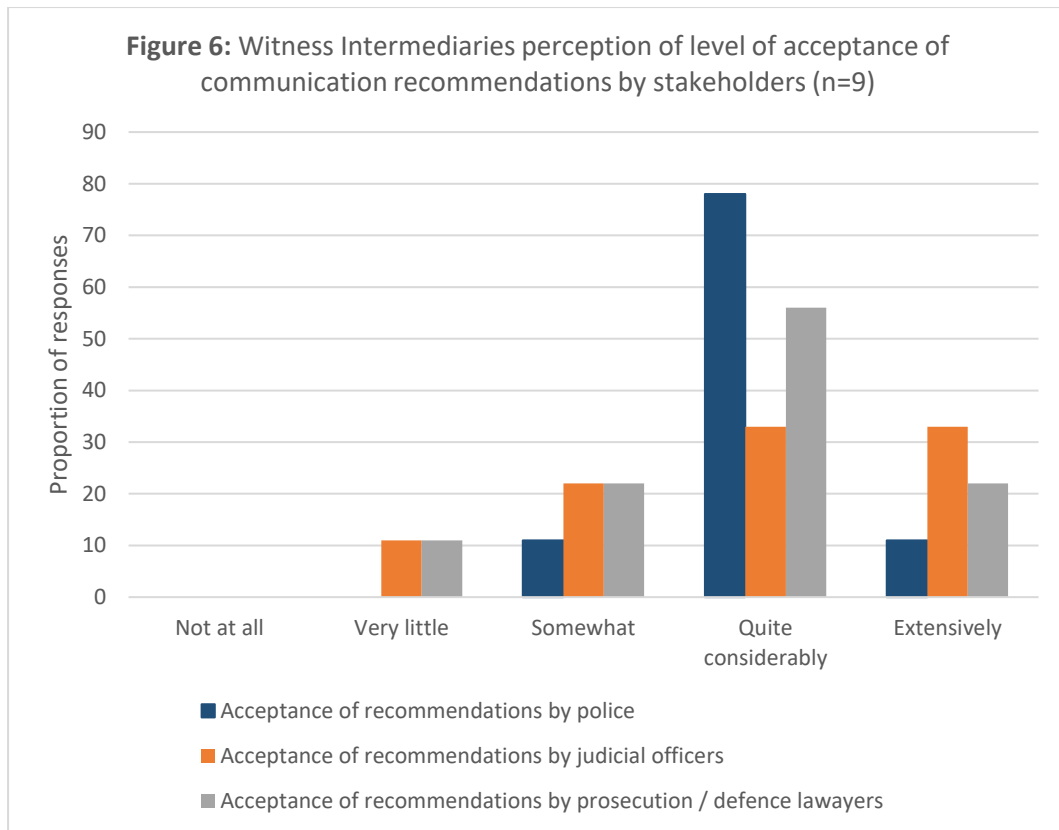
"A defence lawyer < > had a flick through (the WI recommendations) during the ground rules hearing and came up to me and said, 'basically everything that's in there is common sense stuff that I would do anyway.' But then when it came to the Witness giving their evidence < > he could not for the life of him word a question in a way that made sense to the witness. < > it dragged out the process for that witness < > the lawyer had not read the recommendations and did not try to word anything in a way that would make sense to a child."

Some of the feedback provided by evaluation participants in relation to communication recommendations may reflect the pilot nature of the WISP, as stakeholders adapt to this new way of working. For example,

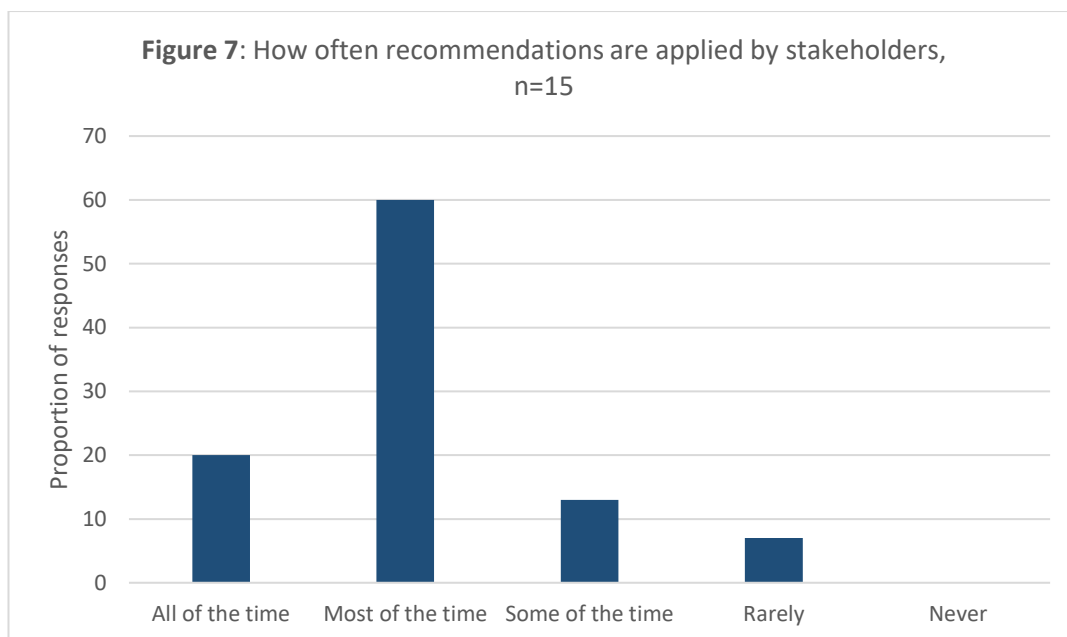
"Police have so far seemed to accept my recommendations. Sometimes it's very clear that they try to accept and follow recommendations, sometimes they accept and then aren't always sure how to follow them, or they aren't fully aware that they aren't following them."

"I don't know if officers/lawyers forget recommendations between the ground rules and trial, or are just not used to following them. I found I had to continually intervene as a reminder to them more than anything, particularly at the start of questioning the witness."

This is further reflected in **Figure 6**, which illustrates the variability of WIs perceptions of the level of acceptance of recommendations by police, judicial officers, defence lawyers and prosecutors.



Similar findings are shown in **Figure 7**, which illustrates that while most stakeholders said that the recommendations made by WIs were applied all of the time or most of the time, there were still a portion who only applied the recommendations some of the time or rarely. Judicial officers, prosecutors and defence lawyers were asked to what degree they thought WIs reports/communication recommendations supported them to assist witnesses to best communicate their evidence. Responses were mixed with four out of seven saying 'somewhat', two saying 'quite extensively' and another one saying 'extensively'.



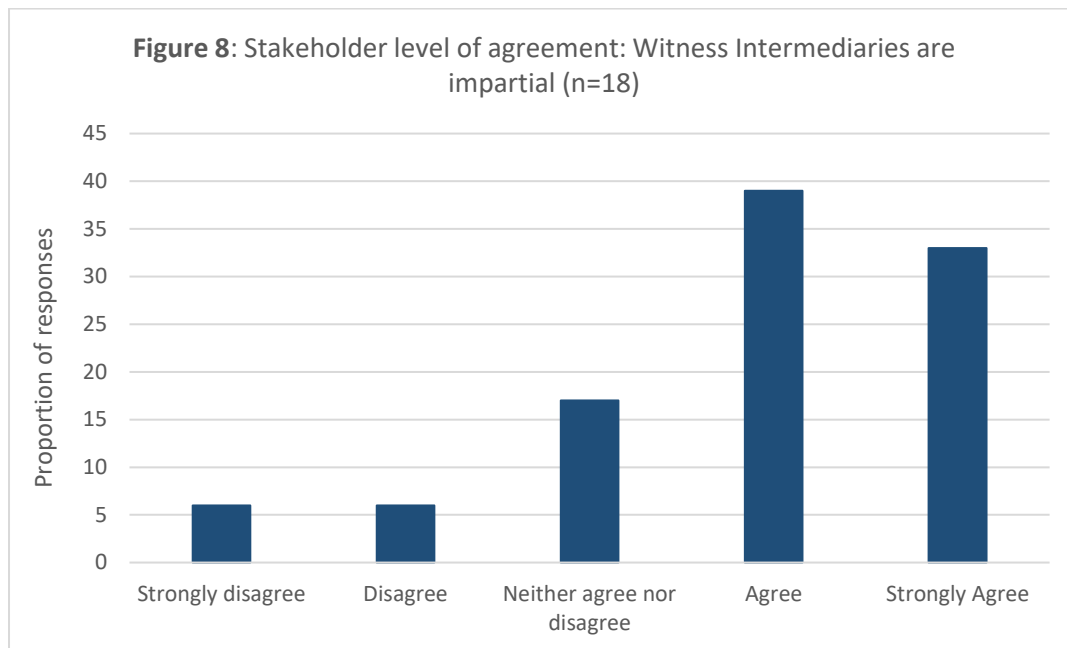
This variability is described below by one WI who experienced two very different situations in court settings:

"<In one case> the report was really well taken up by both sides of the legal team and there were some good discussions about that. I was able to attend a lot of the meetings between the defendant and the lawyer to help explain concepts and help write summaries to help reinforce what I was talking about < > Everyone really respected my opinion and I was able to give a lot of input. < > The judge and the lawyers on both sides seemed to have really thoroughly read the report and asked lots of really good questions and really tried to implement the recommendations. <In another case> The judge, during the ground rules hearing, said that <they> didn't believe in having too many rules from the intermediary report < > he wasn't going to put as rules any of my recommendations. < > It made my job a lot harder because there were times when the lawyers would do things very much in contradiction to my recommendations but I couldn't intervene until it became a clear problem with communication < > until there was a communication breakdown."

Some WIs reported that alleged inappropriate conduct by other WIs (e.g. intervening in court proceedings at times deemed 'unacceptable' by judicial officers) had tarnished early impressions of WISP, making it more difficult for subsequent WIs to have their recommendations accepted.

3.5 Attending Court

Evaluation participants (other than WIs) were asked to rate their observations of WIs undertaking their role in court settings. **Figure 8** illustrates that most stakeholders believed that WIs had the necessary skills to perform their role in impartially assisting judicial processes.



However, 28% strongly disagreed, disagreed or were neutral when asked whether WIs were able to fulfill their duties in an impartial manner. Some stakeholders expressed unease about the apparent lack of knowledge of court processes displayed by WIs. A number of WIs agreed that appropriate conduct in the court setting had been a steep learning curve for them.

“Being in court <has been the most challenging aspect of the program>. It can be very stressful, as I am not familiar with the processes. This makes is very hard to prepare, as I am never sure if I will be addressed and I am always worried about saying or doing the wrong thing and it adversely impacting proceedings.”

Stakeholders said that WIs who proactively sought to educate themselves about court processes were able to gain confidence more rapidly:

“WIs who did the best were <those> who were able to recognise and acknowledge that this is new but have a very professional manner and stand by their recommendations and engage in conversations with legal professionals rather than being a bit more stand-offish. That really helped the trust building process between the professionals and the WIs. < > and those that could put their anxieties aside in the interest of justice.”

Stakeholders working in court settings raised specific concerns about WIs sitting too close to witnesses, creating distractions during questioning times, being too interventionist with a witness and intervening at ‘inappropriate’ times. For example,

“For instance, where witnesses have become emotional when giving evidence. So rather than communication being impacted they’ve become emotional which is relatively normal when talking about distressing concepts and the flow of the evidence has been really quite interrupted by the request for breaks at those points and the request being made by the Intermediary rather than by the witness. < > and this really did impact the way the evidence was able to come out < > and how it was conveyed to the jury. It seemed to have the opposite effect.”

“The only difficulties that have arisen are Intermediaries who are too interventionist with witnesses displaying emotion. While it's clear that emotion might impact communication, there is a falsity in stopping the proceedings each time a witness displays emotion (the jury are deprived of the opportunity to assess the witness's true emotional responses to questions).”

3.6 Resourcing and Administrative Issues

WISP operates on limited resources and there is a relatively high level of demand for WI services. Although a comprehensive cost-benefit assessment of the WISP is beyond the scope of this evaluation, it is worth highlighting that during the specified reporting period a total of 469 referrals were received (**Table 3**). The number of referrals matched to each WI ranged from one to 78 cases, with an average of six cases per WI. There were 21 active WIs at the time of writing this evaluation report.

In addition to the WIs, a part-time manager, and two legal officers have worked on the WISP, with one legal officer more recently being replaced by an inhouse WI. Staff are required to be on-call 24/7. Legal officers were identified as being valuable for supporting WIs to better understand the judicial system.

Specific concerns were raised about the overall shortage of suitably qualified practitioners in Tasmania who may be able to take on the role of a WI, the high demand for WI services particularly in the north-west of Tasmania and the added challenges created during the pilot phase by COVID-19. Recruitment for more WIs in the north-west remained ongoing at the time of this evaluation. The goal is to recruit enough WIs to meet demand but not so many that they became idle, as this would undermine capacity building by actively practicing the role. There was also a specific focus on building a mental health expertise workforce.

Stakeholders involved in this evaluation raised the following key issues related to resourcing and administration:

- a) **Remuneration and working conditions:** While most WI evaluation participants said they were satisfied with the level of remuneration for providing WI services, some said that the level of remuneration for court report writing and travel was inadequate. WI's said that they often spent long periods of time writing lengthy reports.

"There is a lot of pressure < > about how long to spend on reports and how many hours to claim for. < > I would like it if that was something they could reconsider. < > It's medically legal <the assessments are> so it is super high risk of us, professionally, it has to go to court, into a ground rules hearing and be defensible."

WIs working for the Tasmanian Health Service said that it had taken some time for an agreement between the Department of Justice and the Tasmanian Health Service to be established, which resulted in lack of clarity about remuneration and payment delays. Other WIs said they were working under private arrangements. There was some unease about equitable working conditions and pay across the WI team. WIs expressed confusion about the appointment of a WI directly by the Department of Justice, and some expressed disappointment at the lack of transparency and equity in opportunity.

- b) **Time management:** WIs generally have other work responsibilities and said that juggling their various roles was among the most challenging aspect of being part of WISP. They also expressed concern about short deadlines, adjournment of ground rules hearings at short notice and incorrect court report due date notifications, as these instances created further challenges for time management.

"The biggest challenge is < > I enjoy the work and can see the benefits but it's all about how you fit this in with your regular roles. < > You can't say yes to everything. The police interviews are short notice < > I end up say 'no' more than I can say 'yes'."

- c) **Peer support and professional supervision:** WIs expressed a strong desire for peer sharing, mentoring and professional supervision. Other stakeholders, including police and lawyers also recognised the need for WIs to share experiences with their peers.

"A lot of people are crying out for that < > We need that validation of what we are doing is ok or where something is not working, how do we problem solve it to try and fix it."

"The liaison team have been supportive and have provided excellent guidance and follow up after interviews is available via phone. However this guidance is generally operational supervision rather than clinical. It would be beneficial if we could have the opportunity to connect informally with other Witness Intermediaries."

WIs raised some concerns about varying skill levels within the WI team and expressed a desire to share knowledge and skills, and problem solve as a collective. WIs said they needed further skills training, with some specifically noting that the most challenging aspect of their involvement in the pilot had been understanding court processes.

"I am also a bit concerned about the validity of some assessments."

"Everyone is doing something very subjective, and we have not had any opportunities to liaise with each other and discuss what we are doing or seek supervision."

The Intermediary Liaison Team offer ongoing support for WIs and a number of professional development sessions have been provided. Despite this some WIs said they felt isolated, while others had pursued their own support mechanisms outside of program, with some reporting that they were *“very much running their own ship”*. WIs reported catching up *“over a wine”* with other WIs to debrief. There was a strong desire expressed by WIs for the Intermediary Liaison Team to establish a formal platform for sharing experiences and learnings, as well as ongoing professional supervision. Some WIs said they were *“not heard”* as part of current feedback processes and that they would benefit from professional supervision to validate their actions. Others said that communication from the Intermediary Liaison Team had declined in more recent times and that this was of concern, particularly because of the variability in level of experience among the Intermediary Liaison Team.

“I didn’t feel heard < > It made me question whether I wanted to continue to do the work.”

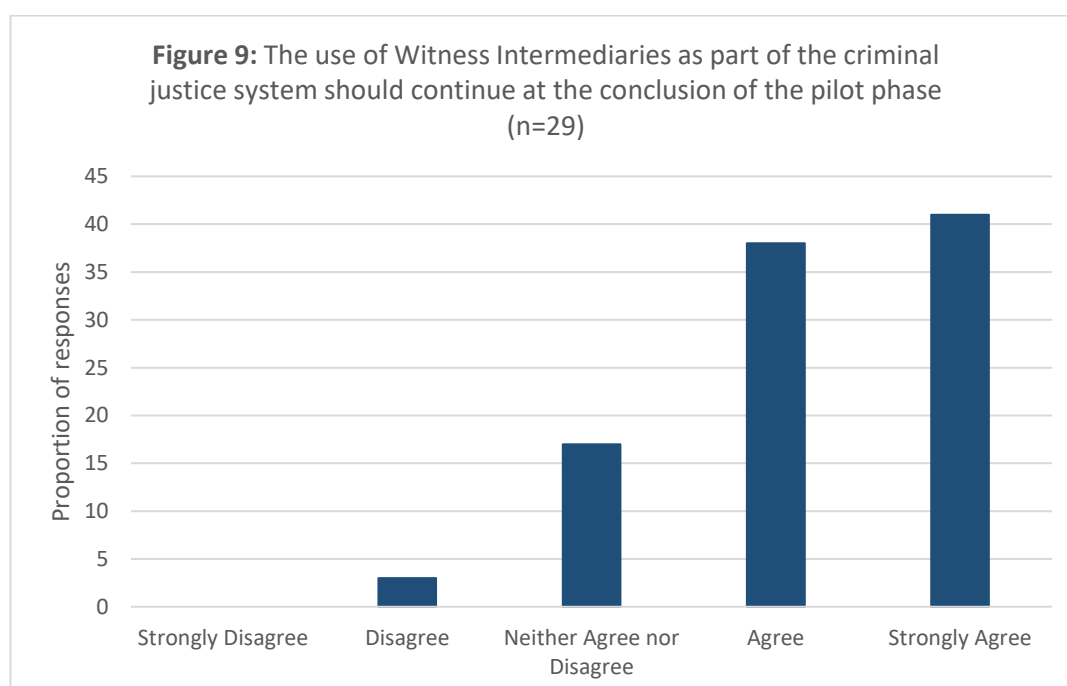
WIs said they felt there was hesitancy to provide peer support and professional supervision mechanism on the part of the Intermediary Liaison Team and there was a perception that this may be because of concern about WIs sharing ‘inappropriate conduct’. However, this had resulted in confusion about whether WIs were expected to make their own arrangements for peer support. WIs identified that there were risks with the current lack of structural support for the WI team:

<There is a risk of> burnout, un-professionalism. < > A few WIs ?? have been held via <the internet>. <There have been> no informal come together and share ideas about the practical side and what works, what doesn’t, how you deal with your own vicarious trauma < > I think that it should be happening. < > We’ve had very limited, compared to other states, peer supervision. < > Different people have been able to access different types of supervision. We’ve been offered two supervision sessions with someone interstate. I was expected to pay for additional supervision <while> some have been given more free supervision. < > There has been a rotation of young legal officers, but they are not clinical supervisors. You need to be able to off-load...not to your husband...but someone.”

- d) **Feedback:** Stakeholders other than WIs said that on occasion they had expressed concern or sought feedback on particular cases and that no response had been forthcoming from the Intermediary Liaison Team. Stakeholders said they valued the intent of the program but that they would like to be able to provide feedback to help strengthen WISP.

3.7 Going Forward

Seventy-nine percent of evaluation participants (n=29) said that the WISP should continue beyond the pilot phase (**Figure 9**). Several of those who had criticized aspects of the scheme, were eager to point out that they did value the program's intent and that while, *"it's not a perfect system < > it has value and should continue."*



In addition, a number of evaluation participants could foresee the benefit of the scheme for other cohort groups. Groups specifically named included accused persons, people from culturally and linguistically diverse backgrounds, prisoners, people engaging in other legal/court settings (e.g. family court), family violence victims, accused persons with mental illness or acquired brain injury, and those on remand, particularly young people (who were identified as frequently experiencing literacy or communication challenges, and often *"very frightened"*). One stakeholder said that lack of

resourcing for defendants, had contributed to a decline in the number of experienced defence lawyers, which has had an impact on the quality of defence representation in the Tasmanian criminal justice system.

“We could use the WI in any offences. If someone has a communication difficulty, we could extend that to any child or adult with a communication issue.”

“From a defence perspective, so much money is being spent on the other side of the coin. It’s not wrong to help complainants. It’s not wrong to provide funding to the DPP but it seems there’s so much more funding for the DPP for these kind of programs that help prosecution.”

“It shouldn’t matter whether they’ve got a brain injury or not – they need help to navigate the court process...defence or prosecution.”

4.0 Conclusion

This evaluation found that there is widespread support for the objectives of WISP. Given the contextual setting for the implementation of WISP, including the involvement of stakeholders from diverse areas of practice, it may take some time for the WISP to be fully embedded and embraced. Ongoing evaluation of the program to help identify opportunities to refine and improve the quality of implementation would be worthwhile. It is recommended that, going forward, efforts are directed at strengthening collaborations across stakeholder groups so as to continue to build a culture that values the nuanced benefits that WISP could contribute to the Tasmanian justice system.

The key findings of this evaluation are:

- There is a high level of support for the purpose of WISP among evaluation participants and its potential to contribute positively to criminal justice processes in Tasmania.
- Most WISP activity involved child witnesses, with far fewer cases involving adults with communication needs.
- WIs are generally considered essential for child witnesses. Stakeholders are divided on the need to involve WIs when interviewing/questioning teenagers with good communication capabilities, however the best way to determine this eligibility is unclear.

- In practice, the role and functions of WIs in the context of the roles of other stakeholders (including police, Witness Assistance Officers, lawyers, prosecutors and judicial officers) requires further clarify and adherence.
- Stakeholders were largely satisfied with referral and matching processes.
- The expertise of WIs is valued, however there are some stakeholders who believe that the justice system already adequately caters to meeting the communication needs of vulnerable witnesses.
- Further stakeholder engagement and marketing of WISP among stakeholders is required to clarify the unique role and functions of WIs and how all stakeholders can collaborate most effectively around vulnerable witnesses.
- The marrying of health and legal expertise in the criminal justice system has resulted in both positive and challenging experiences for stakeholders and requires further refinement in relation to communication assessments, recommendations, reports and court attendance.
- Training of WIs appears to be effective, however additional confidence building for working in court settings may be useful.
- WIs are eager for structured peer support, mentoring and professional supervision.
- There are some concerns related to the administration of WISP covering areas of remuneration and working conditions, time management, opportunities for WIs and feedback mechanisms.
- There is widespread support for considering the use of WIs with other vulnerable groups.

Appendix

Evaluation Questionnaires

Witness Intermediaries	Prompts
What is your professional qualification?	<p>Speech pathologist</p> <p>OT</p> <p>Psychologist</p> <p>Social Worker</p> <p>Other (please specify):</p> <p>Prefer not to say</p>
In what region/s do you provide the WI service?	S, N, NW, W, E
Which WI service/s have you undertaken so far?	<p>Police witness communication assessment</p> <p>Provided verbal communication recommendations to police on how best to communicate with a witness</p> <p>Sitting in on a police interview</p> <p>Court witness communication assessment and court report</p> <p>Attending a ground rules hearing</p> <p>Attending a pre-recorded evidence hearing in the remote witness room (before the trial)</p> <p>Attending a pre-recorded evidence hearing from the court room</p> <p>Attending a trial from the remote witness room (with the jury empanelled)</p> <p>Attending a trial from the court room (with a jury empanelled)</p> <p>Other (please specify)</p>
The training I received enables me to impartially support investigations by police and court proceedings within the scope of the intermediary role.	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p>

	Neither agree nor disagree Agree Strongly agree Not sure
Comments	
How satisfied are you with the referral process to engage you to undertake work as a Witness Intermediary?	Very satisfied Satisfied Neither satisfied nor dissatisfied Dissatisfied (please comment) Very dissatisfied (please comment)
Comments	
To what degree have your communication recommendations been accepted by police?	Not at all (please comment) Very little (please comment) Somewhat (please comment) Quite considerably Extensively
Comments	
To what degree have police engaged with you during breaks or during the police interview concerning communication recommendations you made.	Not at all Very little Somewhat (please comment) Quite considerably (please comment) Extensively (please comment)
To what degree have the communication recommendations in your court reports been accepted by judicial officers?	Not at all (please comment) Very little (please comment) Somewhat (please comment) Quite considerably Extensively
Comments	
To what degree have the communication recommendations in your court reports been	Not at all (please comment)

accepted by prosecution and/or defence lawyers?	<p>Very little (please comment)</p> <p>Somewhat (please comment)</p> <p>Quite considerably</p> <p>Extensively</p>
To what degree have you had to intervene during court proceedings to support judicial officers/prosecution/defence lawyers to adhere to any agreed communication recommendations that you made.	<p>Not at all</p> <p>Very little</p> <p>Somewhat (please comment)</p> <p>Quite considerably (please comment)</p> <p>Extensively (please comment)</p>
I believe the use of my services as a Witness Intermediary increased the quality of communicated evidence obtained from the witness.	<p>Strongly disagree</p> <p>Disagree</p> <p>Neither agree nor disagree</p> <p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
I believe witness Intermediaries and their recommendations regarding communication have made a positive difference to criminal justice processes in Tasmania.	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p> <p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
Comments	
The use of Witness Intermediaries as part of the criminal justice system should continue at the conclusion of the pilot phase.	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p> <p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>

Comments	
I am satisfied with the remuneration for performing the Witness Intermediary services.	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p> <p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
Comments	
What is the most challenging aspect about providing the Witness Intermediary service?	
Would you like to provide any other feedback (positive or negative) about the Witness Intermediary Scheme Pilot, including recommendations for how the program can be improved?	
Would you be willing to participate in an interview to expand on your feedback?	Y N <Please provide your name, phone number, email>

Police	Prompts
Your role and time employed with Tasmania Police	
Your location/station with Tasmania Police	
I am aware of and have had contact with the Witness Intermediary Scheme Pilot (either direct contact for referral or been part of investigations involving a Witness Intermediary)	<p>Yes</p> <p>No – please do not continue the survey</p>
The Witness Intermediary Scheme Pilot is an important and necessary program in the interests of access to justice in Tasmania.	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p> <p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
Comments	
Which of the following service/s have you requested Witness Intermediaries provide (tick all that apply)?	A witness intermediary conducting a witness communication assessment

	<p>A witness intermediary conducting a rapid communication assessment and providing advice to you (police) about how to communicate with the witness</p> <p>A witness intermediary observing the police interview in the interview room or other location.</p> <p>Other (please specify)</p>
Comments	
Based on my interactions and/or observations, the process of contacting the Witness Intermediary Liaison Team and matching a child or vulnerable person to a Witness Intermediary is appropriate and effective.	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p> <p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
Comments	
Witness Intermediaries display the required level of skill to assist police to communicate with witnesses appropriately and effectively.	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p> <p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
Comments	
The communication recommendations made by Witness Intermediaries in their verbal assessment reports have been appropriate.	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p> <p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
Comments	
I am satisfied with the quality of recommendations provided by Witness Intermediaries and verbal recommendations are adequately explained to me.	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p>

	<p>Neither agree nor disagree</p> <p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
Comments	
The communication recommendations provided by the Witness Intermediaries have been applied during police interviews and any other discussions held with the witness.	<p>All of the time</p> <p>Most of the time</p> <p>Some of the time (please comment)</p> <p>Rarely (please comment)</p> <p>None of the time (please comment)</p>
Have you tried any of the following new methods in an interview with a witness based on the advice of a witness intermediary?	<p>Using communication tools (such as fidget toys, weighted blankets etc.) ... please comment</p> <p>Using visual aids (such as a timeline), sticky notes or whiteboard.... please comment</p> <p>Using games to build rapport ... please comment</p> <p>Other methods ... please comment.</p>
Comments	
In undertaking their role, Witness Intermediaries have been impartial and not interfered in police investigations.	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p> <p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
Comments	
The use of Witness Intermediaries has been challenging to incorporate into the investigative stage of the criminal justice process.	<p>Strongly disagree</p> <p>Disagree</p> <p>Neither agree nor disagree</p> <p>Agree (please comment)</p>

	Strongly agree (please comment)
	Not sure
Comments	
Engaging Witness Intermediaries delays police investigation processes.	Strongly disagree Disagree Neither agree nor disagree Agree (please comment) Strongly agree (please comment) Not sure
Comments	
Witness Intermediaries contribute important skills that police may not generally have, that allow for more effective questioning techniques for vulnerable witnesses.	Strongly disagree (please comment) Disagree (please comment) Neither agree nor disagree Agree Strongly agree Not sure
Do you feel equipped to identify if an adult has a communication need that would benefit from the assistance of a Witness Intermediary?	Strongly disagree (please comment) Disagree (please comment) Neither agree nor disagree Agree Strongly agree Not sure
Comments	
The use of Witness Intermediaries increases the quality of evidence obtained from witnesses.	Strongly disagree (please comment) Disagree (please comment) Neither agree nor disagree Agree Strongly agree Not sure

Comments	
Witness Intermediaries and their recommendations regarding communication have made a positive difference to criminal justice processes in Tasmania.	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p> <p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
Comments	
The use of Witness Intermediaries as part of the criminal justice system should continue at the conclusion of the pilot phase.	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p> <p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
Comments	
Would you like to provide any other feedback (positive or negative) about the Witness Intermediary Scheme Pilot, including recommendations for how the program can be improved?	
Would you be willing to participate in an interview to expand on your feedback?	Y N <Please provide your name, phone number, email>

Questions – Judicial Officers	Prompts
	<p>Judge</p> <p>Magistrate</p>
I am aware of and have had contact with Witness Intermediaries (either direct contact or as part of court proceedings involving a Witness Intermediary)	<p>Yes</p> <p>No – please do not continue the survey</p>
The Witness Intermediary Scheme Pilot is an important and necessary program in the interests of accessing justice in Tasmania.	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p>

	<p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
Comments	
Witness Intermediaries and their recommendations regarding communication have made a positive difference to criminal justice processes in Tasmania.	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p> <p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
Comments	
Witness Intermediaries display the required level of skill and expertise to perform their role in impartially assisting court proceedings.	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p> <p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
Comments	
Witness Intermediaries display the required professionalism to perform their role in impartially assisting court proceedings.	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p> <p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
Comments	
The engagement of Witness Intermediaries has caused delays to court processes.	<p>Strongly disagree</p> <p>Disagree</p> <p>Neither agree nor disagree</p> <p>Agree (please comment)</p>

	Strongly agree (please comment)
	Not sure
Comments	
The court reports provided by Witness Intermediaries have been useful.	Strongly disagree (please comment) Disagree (please comment) Neither agree nor disagree Agree Strongly agree Not sure
Comments	
The court reports supplied by Witness Intermediaries have been of high quality.	Strongly disagree (please comment) Disagree (please comment) Neither agree nor disagree Agree Strongly agree Not sure
Comments	
To what degree do you think Witness Intermediaries' reports/communication recommendations support judicial officers and lawyers to assist the witness to communicate their best evidence.	Not at all (please comment) Very little (please comment) Somewhat (please comment) Quite considerably Extensively Not sure
Ground rules hearings are an effective method of determining how the witness's communication needs will be best supported before the witness gives evidence.	Strongly disagree (please comment) Disagree (please comment) Neither agree nor disagree Agree Strongly agree Not sure

I have observed lawyers implement the recommendations of Witness Intermediaries that have been adopted in court proceedings when the witness is giving evidence.	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p> <p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
Comments	
Based on your experiences to date, have there been many cases when you disagreed with the communication recommendations made by Witness Intermediaries?	<p>Not at all</p> <p>Very few</p> <p>Some (please comment)</p> <p>Quite considerable (please comment)</p> <p>Extensive (please comment)</p>
Witness intermediaries have demonstrated impartiality in court proceedings.	<p>Not at all (please comment)</p> <p>Very little (please comment)</p> <p>Somewhat (please comment)</p> <p>Quite considerably</p> <p>Extensively</p> <p>Not sure</p>
Comments	
The use of Witness Intermediaries has increased the quality of evidence obtained from witnesses.	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p> <p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
Witness intermediaries have appropriately intervened in proceedings when a witness's communication need has arisen	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p>

	<p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
Comments	
The use of Witness Intermediaries as part of the criminal justice system should continue at the conclusion of the pilot phase.	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p> <p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
Would you like to provide any other feedback (positive or negative) about the Witness Intermediary Scheme, including recommendations for how the program can be improved?	
Would you be willing to participate in an interview to expand on your feedback?	Y N <Please provide your name, phone number, email>

Questions – Judicial Officers	Prompts
I am aware of and have had contact with Witness Intermediaries (either direct contact or as part of court proceedings involving a Witness Intermediary)	<p>Yes</p> <p>No – please do not continue the survey</p>
The Witness Intermediary Scheme Pilot is an important and necessary program in the interests of accessing justice in Tasmania.	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p> <p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
Comments	
Witness Intermediaries and their recommendations regarding communication have made a positive difference to criminal justice processes in Tasmania.	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p>

	<p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
Comments	
Witness Intermediaries display the required level of skill and expertise to perform their role in impartially assisting court proceedings.	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p> <p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
Comments	
Witness Intermediaries display the required professionalism to perform their role in impartially assisting court proceedings.	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p> <p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
Comments	
The engagement of Witness Intermediaries has caused delays to court processes.	<p>Strongly disagree</p> <p>Disagree</p> <p>Neither agree nor disagree</p> <p>Agree (please comment)</p> <p>Strongly agree (please comment)</p> <p>Not sure</p>
Comments	
The court reports provided by Witness Intermediaries have been useful.	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p> <p>Agree</p>

	Strongly agree
	Not sure
Comments	
The court reports supplied by Witness Intermediaries have been of high quality.	Strongly disagree (please comment)
	Disagree (please comment)
	Neither agree nor disagree
	Agree
	Strongly agree
	Not sure
Comments	
To what degree do you think Witness Intermediaries' reports/communication recommendations support judicial officers and lawyers to assist the witness to communicate their best evidence.	Not at all (please comment)
	Very little (please comment)
	Somewhat (please comment)
	Quite considerably
	Extensively
	Not sure
Ground rules hearings are an effective method of determining how the witness's communication needs will be best supported before the witness gives evidence.	Strongly disagree (please comment)
	Disagree (please comment)
	Neither agree nor disagree
	Agree
	Strongly agree
	Not sure
I have observed lawyers implement the recommendations of Witness Intermediaries that have been adopted in court proceedings when the witness is giving evidence.	Strongly disagree (please comment)
	Disagree (please comment)
	Neither agree nor disagree
	Agree
	Strongly agree
	Not sure
Comments	

Based on your experiences to date, have there been many cases when you disagreed with the communication recommendations made by Witness Intermediaries?	<p>Not at all</p> <p>Very few</p> <p>Some (please comment)</p> <p>Quite considerable (please comment)</p> <p>Extensive (please comment)</p>
Witness intermediaries have demonstrated impartiality in court proceedings.	<p>Not at all (please comment)</p> <p>Very little (please comment)</p> <p>Somewhat (please comment)</p> <p>Quite considerably</p> <p>Extensively</p> <p>Not sure</p>
Comments	
The use of Witness Intermediaries has increased the quality of evidence obtained from witnesses.	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p> <p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
Witness intermediaries have appropriately intervened in proceedings when a witness's communication need has arisen	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p> <p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
Comments	
The use of Witness Intermediaries as part of the criminal justice system should continue at the conclusion of the pilot phase.	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p>

	<p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
Would you like to provide any other feedback (positive or negative) about the Witness Intermediary Scheme, including recommendations for how the program can be improved?	
Would you be willing to participate in an interview to expand on your feedback?	Y N <Please provide your name, phone number, email>

Questions – DPP & PP	Prompts
I am aware of and have had contact with Witness Intermediaries (either direct contact or as part of court proceedings involving a Witness Intermediary)	<p>Yes</p> <p>No – please do not continue the survey</p>
The Witness Intermediary Scheme Pilot is an important and necessary program in the interests of access to justice in Tasmania.	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p> <p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
Comments	
Based on my interactions and/or observations, the process of contacting the Witness Intermediary Liaison Team and matching a child or vulnerable person to Witness Intermediary is appropriate and effective.	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p> <p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
Comments	
Witness Intermediaries display the required level of skill to assist in communicating with witnesses appropriately and effectively.	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p>

	<p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
Comments	
Witness Intermediaries demonstrate adequate training to support them in fulfilling their duty to impartially assist the court.	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p> <p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
Comments	
The engagement of Witness Intermediaries has caused delays to DPP/PP and/or court processes.	<p>Strongly disagree</p> <p>Disagree</p> <p>Neither agree nor disagree</p> <p>Agree (please comment)</p> <p>Strongly agree (please comment)</p> <p>Not sure</p>
Comments	
The court reports provided by Witness Intermediaries have been useful.	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p> <p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
Comments	
The court reports supplied by Witness Intermediaries have been of high quality.	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p> <p>Agree</p>

	Strongly agree
	Not sure
Comments	
I have applied the communication recommendations provided by the Witness Intermediaries when questioning witnesses.	All of the time Most of the time Some of the time (please comment) Rarely (please comment) None of the time (please comment)
Comments	
Based on your experiences to date, have there been many cases when you disagreed with the communication recommendations provided by Witness Intermediaries?	Not at all Very few Some (please comment) Quite considerable (please comment) Extensive (please comment)
Comments	
To what degree do you think Witness Intermediaries' reports/communication recommendations support you to assist witnesses to best communicate their evidence.	Not at all (please comment) Very little (please comment) Somewhat (please comment) Quite considerably Extensively
Comments	
Based on your experiences to date, have there been many cases when you disagreed with the communication strategies recommended by Witness Intermediaries?	Not at all Very few cases Some cases (please comment) Quite considerable number of cases (please comment) Extensive number of cases (please comment)
Comments	
The use of Witness Intermediaries has increased the quality of evidence obtained from witnesses.	Strongly disagree (please comment) Disagree (please comment)

	Neither agree nor disagree Agree Strongly agree Not sure
Comments	
Witness Intermediaries and their recommendations regarding communication have made a positive difference to criminal justice processes in Tasmania.	Strongly disagree (please comment) Disagree (please comment) Neither agree nor disagree Agree Strongly agree Not sure
Comments	
The use of Witness Intermediaries as part of the criminal justice system should continue at the conclusion of the pilot phase.	Strongly disagree (please comment) Disagree (please comment) Neither agree nor disagree Agree Strongly agree Not sure
Would you like to provide any other feedback (positive or negative) about the Witness Intermediary Scheme Pilot, including recommendations for how the program can be improved?	
Would you be willing to participate in an interview to expand on your feedback?	Y N <Please provide your name, phone number, email>

Questions – Defence Lawyers	Prompts
I am aware of and have had contact with Witness Intermediaries (either direct contact or as part of court proceedings involving a Witness Intermediary)	Yes No – please do not continue the survey
The Witness Intermediary Scheme Pilot is an important and necessary program in the interests of access to justice in Tasmania.	Strongly disagree (please comment) Disagree (please comment)

	<p>Neither agree nor disagree</p> <p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
Comments	
Which part of the criminal justice process caused you to engage with WISP and/or a Witness Intermediary?	<p>Receipt of an intermediary assessment court report (containing details of the witness communication assessment and any recommendations or strategies for communication with a witness)</p> <p>Attendance at a ground rules hearing</p> <p>Attendance at an evidence hearing (or affected child witness hearing)</p> <p>Attendance at a trial</p> <p>As part of the Witness Intermediary reviewing defence questions for the witness</p> <p>Other (please comment)</p>
Comments	
Witness Intermediaries display the required level of skill to assist in communicating with witnesses appropriately and effectively.	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p> <p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
Comments	
Witness Intermediaries display adequate training to support them in their duty to impartially assist the court.	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p> <p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
Comments	

<p>The engagement of Witness Intermediaries has caused delays to defence counsel and/or court processes.</p>	<p>Strongly disagree</p> <p>Disagree</p> <p>Neither agree nor disagree</p> <p>Agree (please comment)</p> <p>Strongly agree (please comment)</p> <p>Not sure</p>
<p>Comments</p>	
<p>The court reports provided by Witness Intermediaries have been useful.</p>	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p> <p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
<p>Comments</p>	
<p>The court reports supplied by Witness Intermediaries have been of high quality.</p>	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p> <p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
<p>Comments</p>	
<p>To what degree do you think Witness Intermediaries' reports/communication recommendations support you as part of your interactions with witnesses?</p>	<p>Not at all (please comment)</p> <p>Very little (please comment)</p> <p>Somewhat (please comment)</p> <p>Quite considerably</p> <p>Extensively</p>
<p>Comments</p>	
<p>Based on your experiences to date, have there been many communication strategies recommended by Witness Intermediaries that you disagreed with?</p>	<p>Not at all</p> <p>Very few</p>

	<p>Some (please comment)</p> <p>Quite a lot (please comment)</p> <p>All of them (please comment)</p>
Comments	
Have there been any issues or disadvantages experienced by your clients resulting from the involvement of Witness Intermediaries?	
The use of Witness Intermediaries has increased the quality of evidence obtained from witnesses.	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p> <p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
Comments	
Witness Intermediaries and their recommendations regarding communication have made a positive difference to criminal justice processes in Tasmania.	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p> <p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
Comments	
The use of Witness Intermediaries as part of the criminal justice system should continue at the conclusion of the pilot phase.	<p>Strongly disagree (please comment)</p> <p>Disagree (please comment)</p> <p>Neither agree nor disagree</p> <p>Agree</p> <p>Strongly agree</p> <p>Not sure</p>
Would you like to provide any other feedback (positive or negative) about the Witness Intermediary Scheme, including recommendations for how the program can be improved?	

Would you be willing to participate in an interview to expand on your feedback?	Y N <Please provide your name, phone number, email>
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Questions – WASO	Prompts
I am aware of and have had contact with Witness Intermediaries (either direct contact or as part of court proceedings involving a Witness Intermediary)	Yes No – please do not continue the survey
The Witness Intermediary Scheme Pilot is an important and necessary program in the interests of access to justice in Tasmania.	Strongly disagree (please comment) Disagree (please comment) Neither agree nor disagree Agree Strongly agree Not sure
Comments	
Witness Intermediaries display the required level of skill to assist in communicating with witnesses appropriately and effectively.	Strongly disagree (please comment) Disagree (please comment) Neither agree nor disagree Agree Strongly agree Not sure
Comments	
The skills and role of the Witness Intermediaries is unique and complements the role of Witness Assistance Officers	Strongly disagree (please comment) Disagree (please comment) Neither agree nor disagree Agree Strongly agree Not sure
Comments	
Witness Intermediaries contribute important skills that other stakeholders (e.g. police, witness assistance service officers, lawyers etc) do not generally have, that allow for more effective questioning techniques in child sexual	Strongly disagree (please comment) Disagree (please comment) Neither agree nor disagree

abuse offences and for other vulnerable witnesses.	Agree Strongly agree Not sure
Comments	
Witness Intermediaries and their recommendations regarding communication have made a positive difference to criminal justice processes in Tasmania.	Strongly disagree (please comment) Disagree (please comment) Neither agree nor disagree Agree Strongly agree Not sure
Comments	
The use of Witness Intermediaries as part of the criminal justice system should continue at the conclusion of the pilot phase.	Strongly disagree (please comment) Disagree (please comment) Neither agree nor disagree Agree Strongly agree Not sure
Would you like to provide any other feedback (positive or negative) about the Witness Intermediary Scheme, including recommendations for how the program can be improved?	
Would you be willing to participate in an interview to expand on your feedback?	Y N <Please provide your name, phone number, email>