

**Bedford Borough Safeguarding Children Board &  
Central Bedfordshire Safeguarding Children Board  
Working together to safeguard children**

# **Practice Guidance on Investigative interviews with children and young People**

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## **Glossary of terms**

<b>ABE</b>	<b>Achieving Best Evidence</b>
<b>BBSCB</b>	<b>Bedford Borough Safeguarding Children Board</b>
<b>CBSCB</b>	<b>Central Bedfordshire Safeguarding Children Board</b>
<b>CPS</b>	<b>Crown prosecution Service</b>
<b>LSCB</b>	<b>Local Safeguarding Children Board</b>
<b>CRB</b>	<b>Criminal Records Bureau</b>
<b>YJCE</b>	<b>Youth Justice and Criminal Evidence Act 1999</b>

## 1. General Principles

- 1.1 The principles of Achieving Best Evidence (ABE) are set out in the Youth Justice and Criminal Evidence Act 1999 (YJCE). The starting point is that all witnesses are competent to give their evidence in criminal proceedings, unless even with the use of 'special measures', they are still unable to understand the questions asked of them, and to give their reply.
- 1.2 'Special Measures' include the use of screens; giving of evidence by live link; the giving of evidence in private; the removal of wigs and gowns; the showing of video recorded evidence in chief, cross examination and re-examination, and the use of intermediaries and aids to communication.
- 1.3 This Act was preceded by the 'Memorandum of Good Practice on Video Recorded Interviews for Child Witnesses in Criminal Proceedings' published by the Government in 1992, and 'Speaking Up For Justice,' the report of an Interdepartmental Working Group on the treatment of all vulnerable or intimidated witnesses, including children, in the criminal justice system, published by the Home Office in 1998.

## 2. Introduction

- 2.1 The two primary purposes for visually recorded interviews are:
  - Evidence gathering for use in criminal proceedings
  - The examination in chief of the child witness
- 2.2 In addition, any relevant information gained during the interview can also be used to inform child protection enquiries under Section 47 of the Children Act 1989 and any subsequent actions, including care proceedings, to safeguard and promote the child's welfare, and in some cases, the welfare of other children.

## 3. Planning for the ABE Interview

- 3.1 At a minimum, such as cases where the child has experienced no previous contact with Children Social Care other public services regarding child protection matters, the investigating team should include representatives from both police and children's social care. In some cases, after joint consultation, the interview itself may be conducted by the police alone. It may also be important to involve primary health care or educational professionals who know the child. The need for an intermediary or interpreter should also be considered. Wherever possible, and where practicable, older children and young people in particular should be consulted about matters appropriate to their age and understanding, and contribute to the planning and preparation for interview (e.g. when and where the interview takes place, who is present). Reasons for the strategy agreed for interviewing a given child should be noted in writing by the investigators and preserved for possible usage in any subsequent legal proceedings.
- 3.2 In planning the interview the following are considered as relevant and should be recorded on the **Record of ABE Interview Plan (see Appendix 1 page 12)**:
  - Child's age

- Child's race, culture, ethnicity and first language
- Child's religion
- Child's gender and sexuality
- Any physical needs;
- Any specialist health and/or mental health needs
- Child's cognitive abilities (e.g. memory, attention)
- Child's linguistic abilities (eg how well do they understand the spoken language and how well do they use it?)
- Child's current emotional state and range of behaviours
- Is the child on any medication? (If so what effect does this have on the child?)
- Child's family members/carer/advocates and nature of relationship;
- Child's overall sexual education, knowledge and experiences
- Any significant stress(es) recently experienced by the child and/or family (e.g. bereavement, sickness, domestic violence, job loss, moving house, divorce, etc.)
- Bathing, toileting and bedtime routines
- Sleeping arrangements (Where are they staying/safety issues)
- Requirement for support during the ABE Interview

**3.3 In addition, the interviewer must also consider the possible impact on the child of:**

- Child abuse and neglect
- Racism
- Discrimination based on impairments
- Domestic violence
- Intimidation

Research suggests that sexual offences, assaults, and those offences where the victim knew the offender are particularly likely to lead to intimidation of witnesses.

- 3.4 A portable video facility is available through the Police Child Abuse Investigation Unit for those witnesses who are unable to attend one of the Police Stations, e.g., when a child is in hospital, or has other very specific special needs. In these cases issues such as suitability of the environment of the chosen locations should be considered.

**4. Who should lead the interview – factors for consideration?**

- 4.1 The investigating team should consider who is best qualified to lead the interview, and whether there should be consideration to a second interviewer/observer present to support that interview, if so then their role should be clearly defined. Their range of tasks could be:

- To ensure that the child's needs are kept paramount
- To have an oversight of safeguarding and promoting the child's welfare
- To have oversight of issues relating to the criminal investigation

- To identify gaps in the child's account
- To identify interviewer errors and apparent confusion
- To operate the recording equipment
- Reflect back to the planning discussions

#### 4.2 **Choice of lead interviewer should take into account:**

- The preference of the child
- Any strong gender or ethnic preferences of the child
- Ability to establish rapport with the child
- Ability to communicate effectively with the child, either directly or through an intermediary
- Knowledge of the rules of evidence and points to prove.

### **5. Planning for immediately after the interview**

5.1 Planning discussions should cover the different possible outcomes and consider the implications for the child and family, taking account of knowledge about the child's circumstances and previous or current involvement with social or other public services. Early consideration by the wider professional team may alleviate some of the child's and carer's anxieties. For each possible outcome, interviewers should prepare explanations of what may happen next for the child and their carer(s).

### **6. Conducting Interviews with Children**

6.1 The basic goal of an interview with a witness of any age is to obtain an accurate and reliable account in a way that is fair, in the witness's interests and acceptable to the court. This can be achieved by a phased approach to interviews. The time taken for each phase of the interview can be dependent on the age and/or development of the child. Interviews normally consist of the following phases:

- Establishing rapport
- Asking for free narrative recall
- Asking questions
- Closing the Interview
- The phases can involve separate DVD's.

6.2 Time should be taken to prepare the child for interview, at a level appropriate to the age and understanding of the child. The child should be informed of:

- The purpose of the visually recorded interview
- Who will be present?
- When/where it will happen?
- Roughly how long the interview will last?
- The benefits/disadvantages of a visually recorded interview
- Who may see the visually recorded interview (including the alleged abuser at court)?

- The different purposes to which a visually recorded interview may be put (e.g. if it appears the recording may be useful in disciplinary proceedings against a member of staff who is suspected of abusing a child in their care).

### 6.3 General factors to be explored prior to interview;

- The child's preferred name/mode of address
- The child's ability and willingness to talk within a formal interview setting to a police officer, social worker or other trained interviewer
- An explanation to the child of the reason for the interview
- The ground rules for the interview
- The opportunity to practise answering open questions
- The child's cognitive, social and emotional development. Does the child appear 'street-wise' yet in reality have limited understanding?
- The child's use of language and understanding of relevant concepts such as time and age. Does the child appear clear yet actually has confused and limited thinking?
- The child's attention span and need for any breaks
- Any special requirements the child may have. Does s/he suffer from separation anxiety or have an impairment? Is s/he known to have suffered past abuse, or to have previously undergone an investigative interview?
- Any apparent clinical or psychiatric problems (e.g. panic attacks, depression) which may impact upon the interview, and for which the child may require referral
- An assessment of the child's competency to give consent to interview and medical examination
- Interviewers should only use toys/interview aids if it will make the child's experience more positive (e.g. in rapport) and/or toys help the child to give their account more effectively. Interviewers should be alert to the possibility that toys/interview aids will distract a restless or young child, and ensure they are age/developmentally appropriate for an older child
- Consideration should also be given as to what information can be shared with the child's non-abusing parents/carer and any other relevant professionals.
- Written consent to the visual recording is not necessary from the child, but it is unlikely to be practicable or desirable to visually record an interview with a reluctant or hostile child, unless this behaviour is an intrinsic part of their special needs.

## 7. Establishing Rapport

7.1 All interviewers should have a Rapport Phase. It gives the interviewer the opportunity to:

- build on their knowledge of the child, which they will have gathered at the planning stage
- learn more about the child's communication skills and degree of understanding and vocabulary and ensure appropriate communication systems are available
- set the tone and style of questions to be used for the main part of the interview

Rapport should normally encompass the following:

- discussing neutral topics and, where appropriate, playing with toys, reassuring the child they have done nothing wrong
- explaining the ground rules
- exploring the child's understanding of truth and lies; establishing the purpose of the interview
- supplementing the interviewer's knowledge of the child's social, emotional and cognitive development

Initial discussions should focus on events and interests not related to the investigation.

7.2 **Ground rules** - Children, especially young children, may perceive interviewers as figures of authority. Interviewers should use the Rapport Phase to combat any answers from the child, which reflect on eagerness to please. This can be done by stating the following:

- the interviewer was not present when the events under investigation allegedly took place and that he/she is relying on the child's account
- the interviewer asks a question the child doesn't understand, the child should feel free to say so
- if the interviewer asks a question to which the child does not know the answer, the child should say 'I don't know'
- if the interviewer misunderstands what the child has said or summarises what has been said incorrectly, then the child should point this out

7.3 **Truth and lies** -Towards the end of the Rapport Phase, the interviewer should advise the child to give a truthful and accurate account of any incident they describe. The interviewer should ask the child to judge from suitable examples appropriate to the child's age. If a child shows no proper appreciation of the distinction between truth and lies, their account should be obtained and consideration for the child to be further assessed.

7.4 The reason for the interview needs to be explained in a way that makes the focus of the interview clear, but does not specify the nature of the offence. It is also important to stress that what the interviewer wants to discuss with the child is their memory of the incident(s) that gave rise to the complaint, not the complaint itself. It is important that the child is encouraged in the Rapport Phase to talk freely through the extensive use of open-ended questions. **Questions requiring a 'yes' or 'no' answer should be avoided.**

## 8. Asking for Free Narrative Recall

8.1 A witness interview requires that information flows from the witness to the interviewer. Only the most general, open ended questions should be asked in the free narrative phase as guidance to the witness concerning the general area of life experience relevant to the investigation. If a witness responds to questions such as 'do you know why you are here today?'; 'is there anything you would like to tell me?' in a positive way the interviewer should encourage the witness to give a free narrative account. Questions such as 'tell me all you know about.....' 'Did anything else happen?'

8.2 The prompts used at this stage should not include information known to the interviewer concerning relevant events that have not yet been communicated by the witness. Interviewers should take care not to prematurely get to the heart of the

matter and allow the witness to proceed at their own pace and be tolerant of what may appear to be undue pauses, silences, repetitions and irrelevant information. If, during this stage, the witness has communicated nothing of relevance regarding the purpose of the interview the interviewer should consider whether to proceed to the questioning phase. Exceptionally consideration may be given to moving indirectly to the closure phase.

## **9. Asking Questions**

9.1 Children vary in how much relevant information they provide in free narrative. In nearly all cases it will be necessary to expand on the child's initial account through questions.

9.2 Different types of questions provide varying amounts of information and accuracy. The four most important types of questions are:

- Open-ended
- Specific
- Closed
- Leading

During the questioning phase it is important to:

- Consider the use of toys being mindful they may cause a distraction
- Move sequentially through the types of questioning appropriate to the child's response, returning to open-ended/specific questions (avoid leading questions)
- Ask one question at a time (particularly when using an interpreter)
- Give time to respond, but remember too long can be oppressive
- Do not interrupt
- Questions should not be repeated in the same form when the first answer is deemed unsatisfactory (child may then answer to please the interviewer)
- Where children have specific communication needs, assistance should be made available. Drawings, pictures & photographs will need to be prepared to facilitate questioning

If at any point during questioning the child becomes distressed it may be necessary to move back to the Rapport Phase.

9.3 The construction of questions and information requested should always take account of:

- The child's stage of development (language, cognition, impairments)
- Experience of prior interviews where questioning is more directive
- Feelings and attitude of the child (they may have been threatened)
- When working with an interpreter, consider before and during the interview how accurately some questions can be interpreted or whether there are cultural implications that could impact on the understanding and responsiveness of the child (particularly in sexual abuse work)

9.4 Questions should be kept short and simple in construction especially with younger children. Avoid:

- Double negatives e.g. 'Did John not say later that he had not meant to hurt you?'

- Double questions e.g. 'Did you go next door and was Jim waiting for you?'
- Words should be used that are familiar to a child.
- Asking a child if they understand a word may not be enough, it may be necessary to check out their understanding.
- Does a young child understand words that denote location ('behind', 'in front of', 'beneath', 'above'). It may be necessary to ask the child to demonstrate what they mean (use box or table/drawer).
- Children may use 'family' terms for parts of the body e.g. 'front bottom'. These terms are vague and the interviewer needs to ascertain meaning, the use of a doll or diagram is preferable to the child referring to their own body.
- When children use adult terminology its meaning should also be checked.
- Give consideration to the cultural impact of particular terminology, especially regarding sexual abuse.

9.5 Concepts in adult conversation are taken for granted, children acquire them gradually. There are techniques for addressing some difficult areas. For example:

- Dates and times (refer to child's life, festivals, holidays, birthdays, 'how many sleeps ago', class at school)
- Length and frequency of events (refer to child's routine, TV programmes)
- Height, weight and age (specify, relative to another person known to the child)

## 10. Open-Ended Questions

10.1 An open-ended question is one that is worded in such a way as to enable the child to provide more information about an event which is not leading, suggestive or putting the witness under pressure. For example Tell me, Explain to me, should be used with the interviewers concentrating on the Tell me questions. It is important that the questioning phase begins with open-ended questions and this type of question should be widely used throughout the interview. Open-ended questions allow the child to expand on what has already been said: 'So, you said that Daddy hit you, tell me some more about that' it is rarely possible to use only open-ended questions with children, particularly if they have been threatened or sworn to secrecy. Specific questions may be necessary to obtain evidence to proffer detailed charges. Young children and those with learning difficulties/disabilities may find open-ended questions do not prompt recall.

## 11. Closed Specific Questions

11.1 Specific questions serve to ask in a non-suggestive way for extension and clarification of information previously supplied by the witness. Specific questions vary in their degree of explicitness. e.g.

- A child tells you that a named man climbed into her bed.

*Follow up question:*

- Specific non-leading -'What clothes was he wearing at the time?'
- Explicit specific -'Was he wearing any clothes?'
- For a young child 'What did his trousers look like?' (risk suggestive response).

It is best to begin with the least explicit.

Examples of closed specific questions are the 'wh-' questions, Who, What, Where, When and Why?

- Why questions should be avoided as they can imply blame.
- Where a child may have experienced repeated abuse and has difficulty isolating particular events and giving more detail the interviewer could:
- Ask if there were any times that were particularly memorable or exceptional
- Ask if they remember the first or last time
- Finish questioning on one event before moving to the next
- Specific questions can explore whether a child is giving their account for the first time. This is important for establishing consistency of statements.

## 12. Closed Questions

12.1 A closed question is one that poses fixed alternatives and the child is invited to choose. 'Were you in the bedroom or the living room when this happened?'

12.2 **Children** may respond without enlarging the answer and if they can't remember may guess.

12.3 Closed questions should never be used for probing central events in the child's account, which are likely to be disputed at court.

## 13. Leading Questions

13.1 A Leading Question is one which implies the answer or assumes facts which are likely to be in dispute. Examples of leading questions: "Things haven't been very good at home recently have they?"; "You know when you were talking earlier to Sue about what Daddy did to you, can you tell me again now?"

13.2 A leading question could be challenged by opposing counsel or edited out of a visual recording. The recording could be deemed inadmissible.

13.3 Research indicates that interviewees' responses to leading questions tend to be determined by the manner of questioning than by valid remembering.

13.4 The use of leading questions in the Rapport Phase risks inhibiting the child and producing nonsensical and inconsistent replies which may damage the child's credibility as a witness.

13.5 On occasions, a leading question can produce relevant information which has not been led by the question. *If this does occur interviewers should revert to open or specific questions.*

13.6 Good interviewing practice should discourage leading questions with all but the youngest or most reticent witnesses.

## 14. Closing the Interview

14.1 The interviewer should check with the child that the evidentially important parts (if any) of the account have been correctly understood. This should be done using what the child has communicated, not a summary provided by the interviewer. Care should be taken not to convey disbelief.

14.2 Every interview must have a closing phase, and, regardless of the outcome of the interview, every effort should be made to ensure that the witness is not distressed but is in a positive frame of mind. Even if little or no information has been provided the witness should not be made to feel that he/she has failed or disappointed the

interviewer. Although praise or congratulations for the providing of information should **not** be given, the witness should leave with a positive state of mind.

- 14.3 The child should be thanked for his/her time and effort, and asked if there is anything more he/she wishes to communicate. An explanation should be provided about what, if anything happens next, but no promises should be made about future developments. The child should be asked if he/she has any further questions, and these answered as appropriately as possible. When closing interviews of disabled children, it would be helpful to acknowledge again the additional barriers to communication when discussing sensitive issues such as abuse.
- 14.4 Throughout the interview, and particularly when closing, the interviewer must be prepared to assist the child to cope with the effects upon her/himself of giving an account of what may have been greatly distressing events, and about which the witness may feel some guilt.
- 14.5 The child (or, if more appropriate, an accompanying person) should be given a contact name and telephone number in case the witness later decides she/he has further matters to discuss with the interviewer.

## **15. Witness Support and the court process**

- 15.1 The Witness Service provides support to a child throughout the court process. The support can only be offered if the Witness Service has been fully informed of the child and their needs.
- 15.2 Once a police officer/other professional are aware a case is going to court they should contact the Witness Service. This is vital so children can have the opportunity to have a court familiarisation visit through the Witness Service.
- 15.3 All children attending court for a Pre-Court Familiarisation will receive a copy of the 'Tell Me More about Court' booklet, or 'Let's Get Ready for Court' booklet depending upon the age of the child. There is also a booklet (produced by the NSPCC) available from the Witness Service for carers or parents of children attending court.
- 15.4 Police officers/other professionals can find out the current status of a case by contacting the Witness Service, who will endeavour to locate up to date information.
- 15.5 Generally only after the investigation is completed and social work involvement has ended can support be offered. However the welfare of the child is paramount and early therapeutic work can be commenced at any time if it is deemed in the best interests of the child.

**The full Achieving Best Evidence document can be accessed at [http://www.cps.gov.uk/publications/docs/achieving\\_best\\_evidence\\_final.pdf](http://www.cps.gov.uk/publications/docs/achieving_best_evidence_final.pdf)**

Appendix 1

RESTRICTED WHEN COMPLETE



## RECORD OF ABE INTERVIEW PLAN

Interviewee:.....

Interviewer:.....

OIC:.....

DVD Ref:.....

DVD Storage:.....

# BEDFORDSHIRE POLICE

## PLANNING FOR INTERVIEWEE ASSESSMENT

Date of discussion/meeting.....

Persons Present at planning discussion/meeting.....

### **Consideration of Witness for Interview**

Checklists of factors: Consider all that are relevant, and indicate by ticking appropriate. Comment as necessary on Page 3.

- Witness's age:
- Witness's race, culture, ethnicity and first language:
- Witness's religion;
- Witness's gender and sexuality;
- Any physical needs:
- Any specialist health and/or mental health needs:
- Witness's cognitive abilities (eg memory, attention span):
- Witness's linguistic abilities (eg how well do they understand spoken language and how well do they use it?):
- Witness's current emotional state and range of behaviours:
- Is the witness on any medication? (If so what effect does this have on the witness?)
- Witness's family members/carers/advocates and nature of relationships:
- Witness's overall sexual education, knowledge and experiences:
- Any significant stresses recently experienced by the witness and/or family (eg bereavement, sickness, domestic violence, divorce, job loss, etc):
- Bathing, toileting and bedtime routines:
- Sleeping arrangements (Where are they staying/safety issues):
- Requirement for support during ABE interview:

**Proposed Lead Interviewer:**.....**Signature:**.....

**Co-interviewer:**.....**Signature:**.....













### **Court Issues**

- |  |  |
|--|--|
| <input type="checkbox"/> Pre Trial visit<br><input type="checkbox"/> Witness Support Service<br><input type="checkbox"/> Victim Support Service<br><input type="checkbox"/> Pre Trial Witness Interviews | <input type="checkbox"/> Any Issues – Transport / childcare<br>Healthcare / disability / language / visually<br>impaired / restricted mobility or other<br>concerns?<br><input type="checkbox"/> Previous character issues |
|--|--|

Tick boxes to indicate issue discussed and note as appropriate

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### **Special Measures initial Assessment**

<u>Special Measures</u>	<u>Provisions within YJCE Act 1999</u>
<input type="checkbox"/> <i>Section 23:</i> Screens  <input type="checkbox"/> <i>Section 24:</i> The live link  <input type="checkbox"/> <i>Section 25:</i> Evidence given in private  <input type="checkbox"/> <i>Section 26:</i> Removal of wigs and gowns.  <input type="checkbox"/> <i>Section 27:</i> A video recorded interview  <input type="checkbox"/> <i>Section 28:</i> Video recorded cross-examination  <input type="checkbox"/> <i>Section 29:</i> Examination of the witness through an intermediary.  <input type="checkbox"/> <i>Section 30:</i> Aids to communication.	<input type="checkbox"/> <i>Sections 34 &amp; 35:</i> Mandatory protection of witness from cross-examination by the accused in person.(cases involving sexual offences)  <input type="checkbox"/> <i>Section 36:</i> Discretionary protection of witness from cross-examination by the accused in person (other types of offence)  <input type="checkbox"/> <i>Section 41:</i> Restrictions on evidence and questions about complainant’s sexual behaviour.  <input type="checkbox"/> <i>Sections 44 to 46:</i> Reporting restrictions  Vulnerable or intimidated witnesses can also receive social support at all stages of the investigation. Three distinct roles for witness support have been identified and it is unlikely to be appropriate for the same person to be involved in all three. They are: <input type="checkbox"/> Interview support – provided by someone independent of the Police  <input type="checkbox"/> Pre-trial support  <input type="checkbox"/> Court witness support

Tick boxes to indicate if any measure or provision discussed

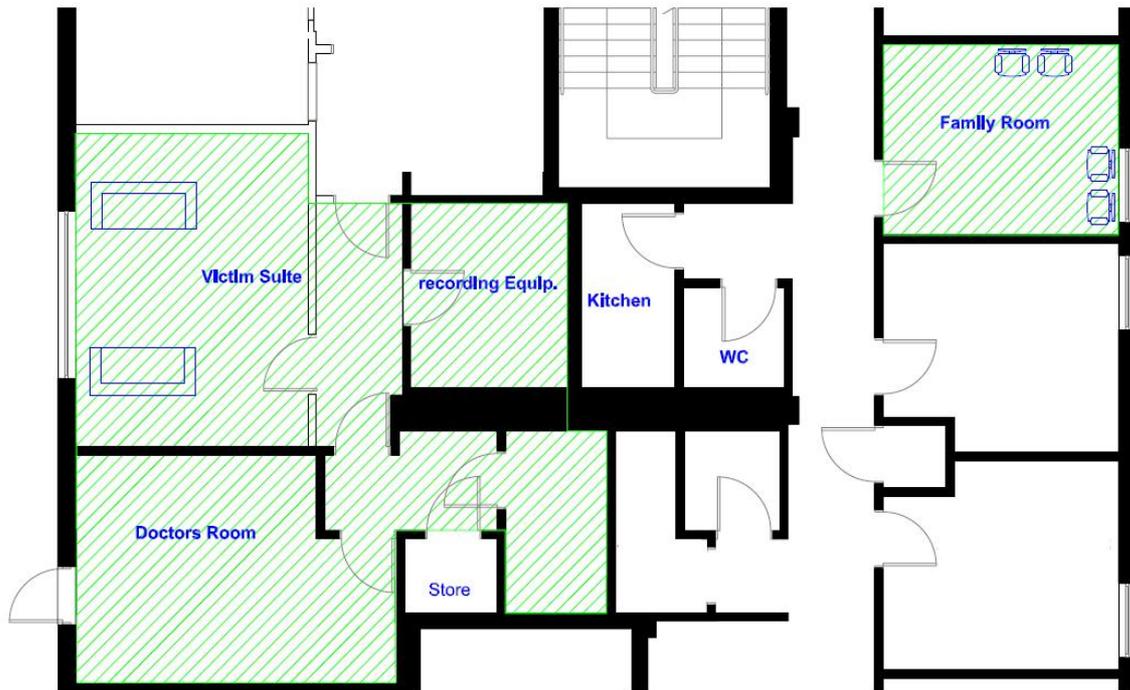
# Bedfordshire Police Headquarters (Kempston) ABE Suites

Interview Room 1

Interview Room 2



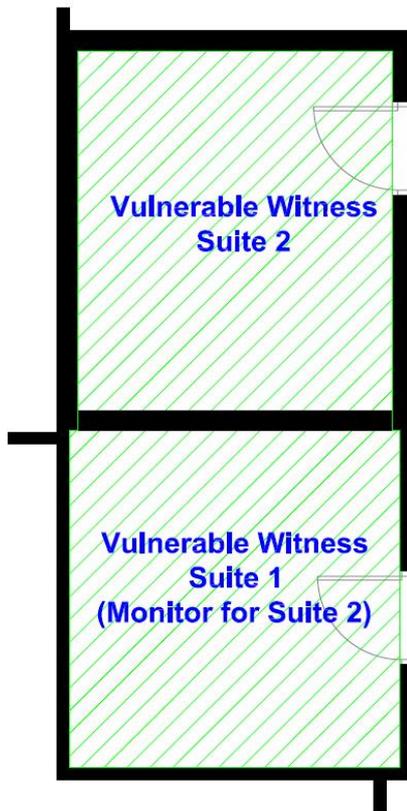
**Luton ABE Suite**



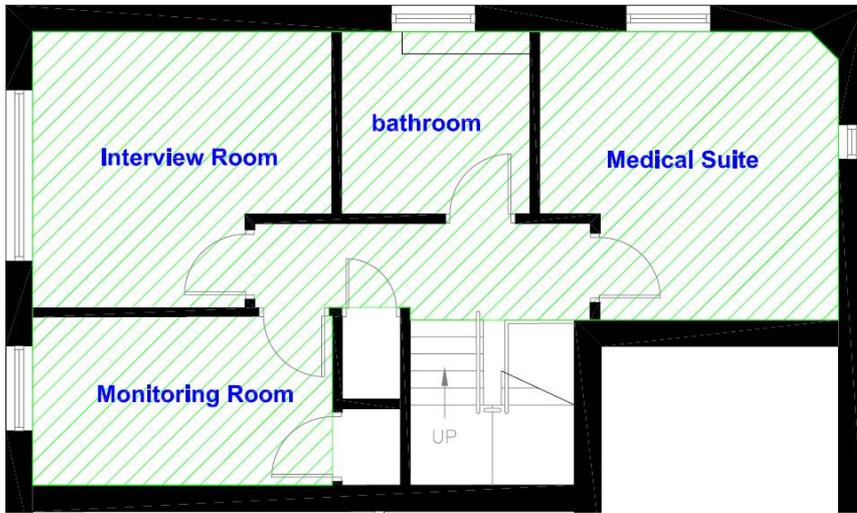
**Luton Vulnerable Interview Suites**

**Witness Suite 1**

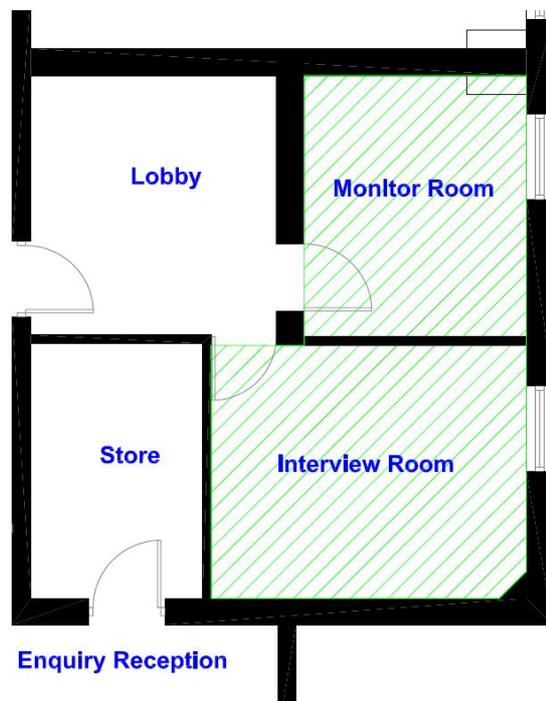
**Witness Suite 2**



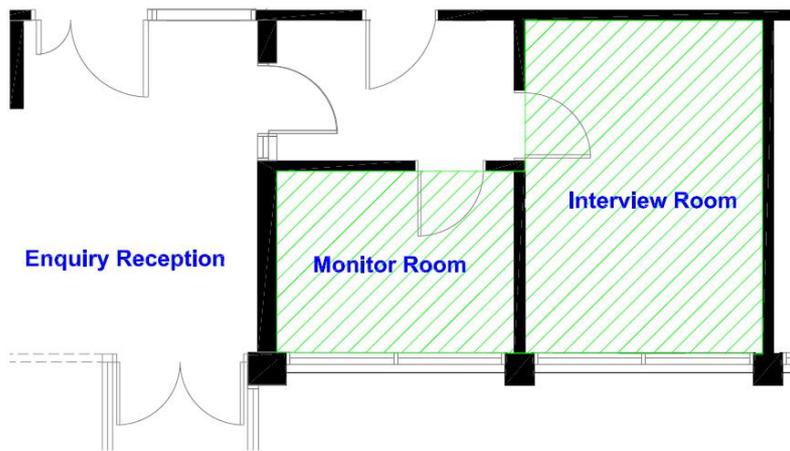
**Dunstable ABE Suite**



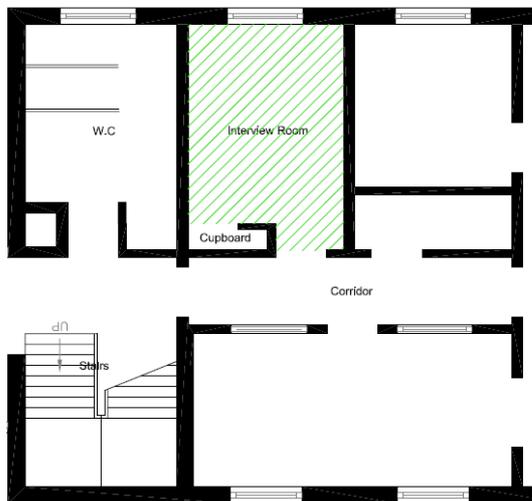
**Dunstable Vulnerable Interview suite**



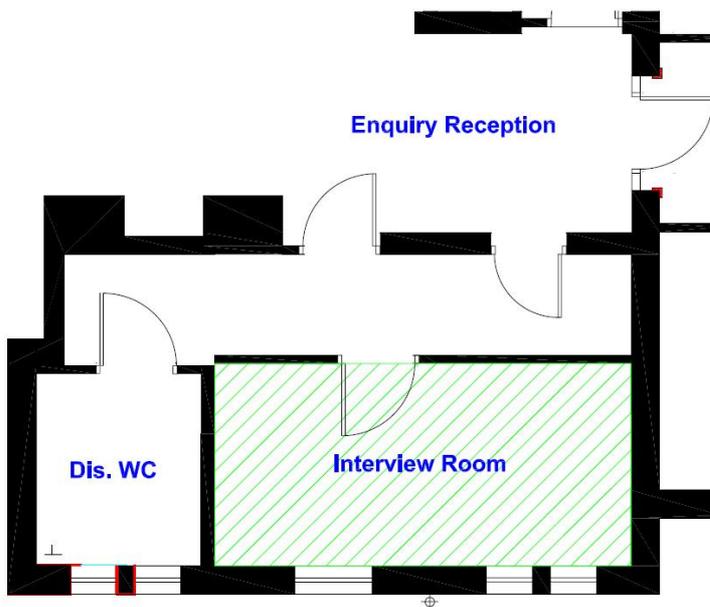
### Bedford Vulnerable Interview Suite



### Amphill Vulnerable Interview Suite



### Leighton Buzzard Vulnerable Interview Suite







# ABE PLANNING

Time: .....

Date:.....

Location:.....

- Introductions
- Truth and Lies     N/A
- Breaks
- Equipment

- Use of words
- Understanding
- Not in trouble
- If you don't know the answer to a question or do not understand it let me know.

## Topics

Rapport

## Officers Notes

Tell me everything you can about why you are here today.....

-----

Important  
Investigative  
Information

V.P.S

Inconsistencies



