

1 Wednesday, 22 November 2017
2 (10.00 am)
3 Welcome by THE CHAIR
4 THE CHAIR: Good morning, and welcome to everyone here.
5 This is, as you know, the second day of our seminar:
6 understanding how the criminal justice system handles
7 child sexual abuse cases. For the benefit of those who
8 were not here yesterday, I am Alexis Jay. As you know,
9 I'm the chair of the Independent Inquiry into Child
10 Sexual Abuse. Also present are the other panel members:
11 Ivor Frank, Professor Sir Malcolm Evans and
12 Drusilla Sharpling.
13 I am very pleased to welcome again those of you here
14 who have agreed to take part to assist us and to see as
15 many people in the public gallery yet again, some
16 returners and some new faces, so welcome to you all.
17 I'm not going to repeat my opening remarks of
18 yesterday. A transcript is available on the inquiry
19 website, as is a video of yesterday's proceedings.
20 Yesterday's discussions were very helpful and
21 constructive, and we are all looking forward to
22 continuing it today as our focus moves on to the
23 perspectives of criminal justice system practitioners
24 and institutions.
25 The seminar again will be facilitated by Mr Matthew

Page 1

1 Hill, who is one of the inquiry's counsel team. It will
2 be live streamed over the internet with a short delay so
3 that those who are unable to attend in person may follow
4 the proceedings. So thanks again to everyone in advance
5 for your participation and I will hand over to Mr Hill.
6 Thank you.
7 Opening remarks by MR HILL
8 MR HILL: Thank you very much. Those who were here
9 yesterday will know that I am a barrister instructed by
10 the inquiry, but my role today is not to cross-examine
11 anybody, not to make any legal submissions, but just to
12 facilitate the seminar and give everybody an opportunity
13 to speak and bring their expertise to bear.
14 I should also say that I don't practise in criminal
15 law, I have no personal experience or prejudice to bring
16 to this discussion, and approach it from a position of
17 independence. The chair and the panel are going to wish
18 to hear from you, and not from me.
19 To my right is Grace Forbes, who is also a barrister
20 instructed by the inquiry, and she does practise in
21 criminal law.
22 We have a lot of ground to cover today and some very
23 broad topics. I thought it helpful to set out for those
24 here today and who weren't here yesterday the approach
25 that we are going to take.

Page 2

1 We have designed the seminars on a broadly
2 chronological basis, following the journey of someone
3 who has reported child sexual abuse or exploitation
4 through the criminal justice system.
5 Yesterday, we heard from six people who have
6 experience of that journey. We also heard from those
7 representing organisations that assist complainants,
8 victims and survivors who are involved in the criminal
9 justice system. We heard from the Victims'
10 Commissioner and from others who have provided support
11 services or who have studied this area .
12 Today we are going to hear from those who work with
13 or within the criminal justice system.
14 Session 3: Reporting/Identification and
15 Initial Investigation: Criminal Justice System Response
16 MR HILL: I will now ask those who have joined us this
17 morning to introduce themselves and to state briefly the
18 role of their organisation and their role within it. If
19 I could start with you, please, Emma.
20 MS BARNETT: Good morning. I am Emma Barnett. I'm
21 assistant chief constable at Staffordshire police and
22 I'm the National Police Chiefs' Council lead for victims
23 and witnesses. That's part of the criminal justice
24 coordinating committee.
25 MR TUCKER: Hello. I'm Dave Tucker. I'm the head of crime

Page 3

1 and criminal justice at the College of Policing and our
2 role is to set standards in policing and essentially
3 bridge from policy that might arise out of changes in
4 legislation and in reports and try and put that into
5 operational practice.
6 MR TAN: Hello. I'm Hong Tan, I'm from NHS England. I'm
7 the national lead for Sexual Assault Referral Centres
8 and Partnership Working. NHS England from April '13
9 commissions healthcare in health and justice settings,
10 including mental health and police custody, but also
11 sexual assault referral centres, the 47 in England.
12 MS EVANS: Hi, I'm Rhiannon Evans. I'm the director of
13 services at Supporting Justice. We are a community
14 interest company working with organisations, usually
15 third sector, to improve the quality of services
16 provided to victims and witnesses, and particularly
17 relevant for today is that one of our largest clients
18 that we work with is the witness service provided by
19 Citizens Advice.
20 MS EGAN: Good morning. I'm Rebecca Egan from the
21 Home Office. My role there is the head of
22 the safeguarding unit. My team at the Home Office
23 oversee the government response to child sexual abuse
24 policy, but the Home Office also has a role in
25 supporting the police in their role in protecting the

Page 4

<p>1 public and investigating crime.</p> <p>2 MR COOK: Good morning. My name is Tony Cook. I'm from the</p> <p>3 National Crime Agency, from the CEOP command. My role</p> <p>4 is head of investigations and we primarily investigate</p> <p>5 child sexual abuse which is committed online.</p> <p>6 MS HINWOOD: Good morning. My name is Catherine Hinwood.</p> <p>7 I am a deputy director of family and criminal justice</p> <p>8 policy at the Ministry of Justice. I head up the team</p> <p>9 that is responsible for victims' policy and policy for</p> <p>10 witnesses to crime. I look after the budget that</p> <p>11 provides victim support services, so that money goes to</p> <p>12 Police and Crime Commissioners and also directly to</p> <p>13 nationally commissioned victim support services as well</p> <p>14 as the policy arm of victim support.</p> <p>15 MR MOORE: Good morning. I am Neil Moore. For the last</p> <p>16 three years, I have worked for the Crown Prosecution</p> <p>17 Service as the director's legal adviser. Before that,</p> <p>18 for almost 30 years, I was at the independent bar</p> <p>19 practising in a variety of different criminal offences,</p> <p>20 including serious sexual crime. Most notably perhaps</p> <p>21 for today's purposes I was prosecuting counsel in</p> <p>22 Operation Bullfinch, which was the Oxford CSE, child</p> <p>23 sexual exploitation, case tried at the Old Bailey in</p> <p>24 2014.</p> <p>25 DAME VERA BAIRD: Good morning. I'm Vera Baird, I'm the</p> <p style="text-align: center;">Page 5</p>	<p>1 and Wales discharge their responsibilities to protect</p> <p>2 the public. My role within the organisation is to lead</p> <p>3 our child protection inspections, both single agency</p> <p>4 inspections of the police only but also the joint</p> <p>5 inspections that we conduct with Ofsted, the Care</p> <p>6 Quality Commission and Her Majesty's Inspectorate of</p> <p>7 Probation.</p> <p>8 MR WEBB: Good morning. My name is Andrew Webb. I'm</p> <p>9 representing the Association of Directors of Children's</p> <p>10 Services. I'm a former president of the association and</p> <p>11 currently the director of services for adults and</p> <p>12 children in Stockport Council and have, therefore,</p> <p>13 oversight of a range of statutory duties, from the</p> <p>14 earliest identification through to support following</p> <p>15 a prosecution of vulnerable children and adults in the</p> <p>16 care system.</p> <p>17 MS ROWE: Good morning. My name is Amanda Rowe. I'm the</p> <p>18 acting director of major investigations for the</p> <p>19 Independent Police Complaints Commission. The</p> <p>20 directorate that I have responsibility for is conducting</p> <p>21 currently independent investigations that involve</p> <p>22 allegations of child sexual abuse, and the purpose of</p> <p>23 our organisation is to provide independent oversight of</p> <p>24 complaints, allegations and incidents in order to</p> <p>25 improve public confidence in the police complaints</p> <p style="text-align: center;">Page 7</p>
<p>1 police and crime commissioner for Northumbria and the</p> <p>2 victims head of the Association of Police and Crime</p> <p>3 Commissioners. We have a statutory obligation to</p> <p>4 produce an efficient and effective criminal justice</p> <p>5 system in our areas, as well as an efficient and</p> <p>6 effective police force, and we were, from 2015, made</p> <p>7 responsible for most victims' services. In Northumbria</p> <p>8 we have recently experienced a boyfriend grooming type</p> <p>9 operation called Sanctuary and much of what I say will</p> <p>10 be based on my oversight of that, of police operations.</p> <p>11 Thank you.</p> <p>12 MS O'NEILL: Good morning. I am Catherine O'Neill. I'm</p> <p>13 from Intermediaries for Justice. I'm a registered</p> <p>14 intermediary under the MoJ scheme. I also work with</p> <p>15 vulnerable defendants, which is not under the scheme.</p> <p>16 I will explain that later, if the discussion goes that</p> <p>17 way.</p> <p>18 My background is I am a speech and language</p> <p>19 therapist and I am a psychological therapist, and I have</p> <p>20 worked on hundreds of cases involving sexual abuse of</p> <p>21 vulnerable people.</p> <p>22 MR CARROLL: Good morning. My name is John Carroll. I'm</p> <p>23 from Her Majesty's Inspectorate of Constabulary. The</p> <p>24 purpose of our organisation is to assess and inspect how</p> <p>25 effectively the police forces and services in England</p> <p style="text-align: center;">Page 6</p>	<p>1 system.</p> <p>2 MR HILL: Thank you all very much. I think we have had</p> <p>3 a late substitution for NHS England. If I could just</p> <p>4 ask you to introduce yourself, please.</p> <p>5 MR HUNT: Apologies for being late. My name is Andy Hunt.</p> <p>6 I work in NHS England as the national lead for sexual</p> <p>7 assault for all centres since 2013, and formerly I spent</p> <p>8 30 years as a police officer.</p> <p>9 MR HILL: Thank you very much. We will be joined by some</p> <p>10 others for this afternoon's session, and I note at this</p> <p>11 point that one of our panel members, Drusilla Sharpling,</p> <p>12 holds a position within Her Majesty's Inspectorate of</p> <p>13 Constabulary and Her Majesty's Inspectorate of Fire and</p> <p>14 Rescue Services, as is set out on the inquiry's website.</p> <p>15 I should also point out that the inquiry has</p> <p>16 approached a number of other individuals and groups with</p> <p>17 invitations to attend, including those holding judicial</p> <p>18 offices and those practising at the criminal bar,</p> <p>19 particularly as defence counsel. For various reasons,</p> <p>20 these people were unable to attend or chose not to do</p> <p>21 so.</p> <p>22 You will also see from some of the participant lists</p> <p>23 that have been circulated that a representative from</p> <p>24 The Children's Society was due to attend today.</p> <p>25 Unfortunately, for operational reasons, that person</p> <p style="text-align: center;">Page 8</p>

<p>1 cannot attend and has sent apologies. 2 A number of themes emerged from yesterday's 3 discussion. I hope that we will address some of these 4 today. Those attending will not be able to and will not 5 be invited to address individual cases. However, I will 6 be putting to them some of the issues that came up in 7 the discussion and asking for their observations and 8 their comments. 9 These may include comments on the following: first, 10 the importance of accurate and effective communication. 11 We heard yesterday examples of the disparity between 12 what the Victims' Code and other sources of guidance 13 says should happen and what is actually happening on the 14 ground. 15 There was an emphasis placed, as one of our 16 contributors put it, on "doing the basic things right", 17 particularly in respect of communication. 18 We were told about the equivalence of a lack of 19 knowledge and a lack of control and the serious 20 potential for new trauma that that generates within the 21 criminal justice system. We were given some examples of 22 the devastating effect, even many years later, of 23 learning that something that you were told previously 24 was inaccurate and the lack of recompense that you can 25 get for that further down the line.</p> <p style="text-align: center;">Page 9</p>	<p>1 of continuity and the importance of a single point of 2 contact, particularly in navigating a world which is 3 full of different organisations, different guidance, 4 different roles. As well as the good practice that was 5 highlighted to us, there were also problems raised: the 6 limited availability, particularly of supporters who are 7 male and who are older; structural concerns about the 8 way that funding is provided and about the way in which 9 it will continue to be provided and the 10 short-term nature of some of that funding; and concerns 11 raised about a lack of consistency and the lack of 12 central oversight in the services provided in support. 13 The issue of intermediaries was raised in this 14 connection as well, and, as it was put to us by one of 15 the contributors, the potential for crisis within that 16 service, given the greater demand and the limited 17 funding that is available. 18 There were also concerns raised about the attitude 19 of some courts to those who are providing the support 20 services, the ISVAs and other supporters who attend 21 court and who may or may not be allowed to sit with the 22 victim during that court process. 23 Negative experiences were summed up by one of our 24 contributors as feeling continually like a case number, 25 being passed around the system rather than being treated</p> <p style="text-align: center;">Page 11</p>
<p>1 A second key theme that emerged was that of delay: 2 delay between the report of child sexual abuse and 3 trial; delay within the trial process itself; delays in 4 decision making all the way along the line. 5 The problem of attrition was raised, those dropping 6 out of the criminal justice system because they simply 7 cannot continue going forward and feel it is better for 8 them to cease. 9 These two issues, communication and delay, we were 10 told interact were closely. 11 A third theme that was mentioned was the importance 12 of providing the type of support that each individual 13 needs. This is, while not necessarily within the 14 criminal justice system, very much related to it and 15 related to an individual's experience of going through 16 that system. We were given some examples of good 17 practice: support from ISVAs, independent sexual 18 violence advisers, and other counsellors who have helped 19 people through the system. We were told very 20 graphically about how in certain individual's cases they 21 would not have been able to get through the system and 22 would not have been able to attend this seminar and 23 would not have been able to get on with their lives if 24 it hadn't been for that kind of assistance. 25 Points that were stressed to us were the importance</p> <p style="text-align: center;">Page 10</p>	<p>1 as a person throughout it. 2 A fourth issue, and again related, is the overlap 3 between mental health services, mental health provision, 4 and the criminal justice system. We were given examples 5 of people who have ceased to have therapy or not started 6 therapy as a result of advice they have received in 7 respect of the case that they were part of in the 8 criminal justice system. Again, a disparity noted 9 between what the guidance says and what is actually 10 being done on the ground, and the importance of training 11 for those who are providing services so that they have 12 both the skills and the confidence to say what can and 13 can't be done at particular stages. 14 Another issue raised was that of mental health 15 records being used in effect against victims in 16 cross-examination and during the decision-making 17 processes in the criminal justice system. 18 A fifth area concerned directly the problems of 19 giving evidence about what has happened to you. 20 Aggressive cross-examination within an adversarial 21 system, a longstanding point, but one that was raised 22 again with force yesterday. 23 The process of achieving best evidence interviews 24 and video interviews. Again, some positive experiences 25 mentioned during yesterday's discussion, but also some</p> <p style="text-align: center;">Page 12</p>

<p>1 reflections on, again, this point about getting basic 2 things right, so unpleasant locations or locations which 3 didn't feel conducive to being able to share the 4 experiences that you had had; a questioning process that 5 was of variable quality at points and the question of 6 how you achieve best practice across the board. 7 We also had one of our contributors talking about 8 the need for her to give repeated achieving best 9 evidence interviews because of multiple defendants and 10 a defendant dying and the process having to be 11 restarted; the difficulty she found with that personally 12 and also later on evidentially when slight discrepancies 13 between her accounts were seized upon by the defence. 14 Again, this point about registered intermediaries 15 and their role and how that role is to develop going 16 forward. 17 Finally, and something that overlay all of 18 the discussion, was the fundamental importance of 19 obtaining and maintaining trust: trust that it is 20 a process that is worth pursuing; trust that you will be 21 treated humanely through it; and trust that you can give 22 these intimate details of your life to those who will 23 then handle them properly. Again, an example of doing 24 the basic things right, issues of getting names wrong 25 during initial interviews or material of a highly</p> <p style="text-align: center;">Page 13</p>	<p>1 end of that process. There will be opportunities 2 outside of the seminar to make points and to raise 3 evidence. I would ask that is kept in mind both by the 4 contributors and the public gallery. 5 Thirdly, the intention of the discussion is not to 6 put anybody on the spot or to force them to justify 7 a position that they or their organisation have taken. 8 There may come a time when the inquiry wishes to test 9 certain ideas, certain attitudes and certain approaches, 10 but that is further down the line. For now, we are just 11 trying to understand the parameters of the topics that 12 we are discussing, the range of existing practices and 13 the breadths of views about them. 14 We can only do this if everybody is given an 15 opportunity to speak openly and freely, and, again, I am 16 sure that everybody here will share the desire for this 17 to be both a frank and a respectful discussion. 18 Fourth, we are joined by some representatives of 19 government departments today. They can assist with 20 current practice, and we welcome any contribution that 21 they can make to the debate that we are having. They 22 are not, however, in a position to discuss future policy 23 or to discuss ongoing discussions about such policy. 24 I would ask that all respect that. 25 Following the discussion amongst our invited</p> <p style="text-align: center;">Page 15</p>
<p>1 sensitive nature being sent by post to the wrong 2 address. 3 So those are some of the general themes that emerged 4 from yesterday. There are many other more specific 5 points which I hope to pick up on as we go along, but 6 one point that I would ask that everybody keeps in mind 7 is the different challenges and the different needs of 8 children going through this system and adults going 9 through the system whilst both dealing with child sexual 10 abuse that happened to them. 11 While it is important to seek to address these 12 matters in light of the discussion yesterday, those 13 attending today will no doubt wish to raise other issues 14 and make other contributions to this debate, and I would 15 invite to them to do so. 16 Before we move to that discussion, it may be helpful 17 for me just to make a few points. The first is that 18 these are of course extremely broad topics, and we have 19 limited time and a number of contributors so I would ask 20 that you all bear that in mind when making your 21 contributions and also bear with me when I try to guide 22 us along. 23 Second and related, the discussion is to help inform 24 the inquiry's work, and we hope to inform the public 25 debate. It is part of a wider process. It is not the</p> <p style="text-align: center;">Page 14</p>	<p>1 participants, I will invite some observations from the 2 public gallery on the issues arising from the topics 3 that have been discussed. As the chair has said, 4 because of the sensitive matters we are dealing with, we 5 have a five-minute delay on the public feed of 6 the broadcast. If anything does come up that I consider 7 to be sensitive, I will pause and I will ask the chair 8 to address it. 9 Finally, the inquiry team are very conscious that we 10 will be discussing difficult topics that many will find 11 distressing. If at any time and for any reason anyone 12 here feels the need to leave the room, please feel 13 entirely free to do so. There are counsellors who can 14 offer support and if you think this would help you, then 15 please let us know. 16 I would like to begin the discussion by really going 17 back to basics and asking about the fundamental purpose 18 of the criminal justice system, what it is and what it 19 is there for. If I could turn to Neil and put him on 20 the spot to answer that rather broad question. 21 MR MOORE: Thanks, Matthew. It is rather a broad question, 22 but I confess you did give me notice of it, so I have 23 had an opportunity to have a think about it. In 24 a sentence, the objective of the criminal justice system 25 is to deliver justice on behalf of the public at large</p> <p style="text-align: center;">Page 16</p>

<p>1 and in the interests of the public at large, and in 2 order to go that, there are obviously various rules, 3 laws and regulations which apply. The basic one, which 4 everyone will no doubt be familiar with, is that anyone 5 accused of a crime is innocent until proven guilty, and 6 in order to be found guilty, the tribunal of fact, be 7 that a district judge, magistrate or a jury, has to be 8 satisfied, as it used to be called, beyond reasonable 9 doubt. These days, juries are directed that they have 10 to be sure of guilt before they can convict. So juries 11 are told, if they are less than sure, they must acquit; 12 only if they are sure can they convict.</p> <p>13 Within the criminal justice system, there is a whole 14 panoply of different rules of evidence and procedure 15 which govern how the proceedings take place, what 16 evidence is admissible, most importantly, how victims 17 and witnesses are treated in the system, which of course 18 I am happy to go into any particular aspect of if you 19 wish me to. That is, of course, as far as the Crown 20 Prosecution Service is concerned. We apply different 21 tests in order to bring someone before the court. We 22 have to decide whether there is a realistic prospect of 23 conviction, first of all. That means that, on an 24 objective analysis of all the material and evidence, we 25 come to the conclusion that a tribunal of fact properly</p> <p style="text-align: center;">Page 17</p>	<p>1 justice system is about finding guilt and innocence. 2 From a policing point of view, it is much more nuanced 3 than that, and the process begins at the point an 4 allegation is made or a crime becomes apparent, and the 5 way in which we treat, the police treat that going 6 forward is really important, a part of the criminal 7 justice process, and a majority of those cases will not 8 end up in court. So there are other things that go on 9 there about how victims are supported and treated 10 through a process which may not end up in that forensic 11 deconstruction. That is really important to recognise.</p> <p>12 But in relation to particularly the types of 13 offences that we look at here, the reaching that 14 evidential threshold is very, very tricky. Emma is much 15 more able to comment on that from an operational point 16 of view. And the college position and role is to try 17 and assist and support policing to be able to do that so 18 that the rules are understood and put into practice and 19 the way that victims are supported is in accordance with 20 the law, but also supports victims and witnesses to give 21 their evidence in the best way they possibly can.</p> <p>22 MR HILL: If I could turn to you, Emma, and ask about some 23 of those operational difficulties in these kind of 24 cases?</p> <p>25 MS BARNETT: Yes. I mean, I think David's put very</p> <p style="text-align: center;">Page 19</p>
<p>1 directed and acting in accordance with the law are more 2 likely than not to convict. If we are satisfied of that 3 test, we go on to consider a second stage, which is 4 whether it is in the public interest to prosecute, which 5 takes into account a whole range of factors, including 6 the harm done to the victim or the community and the 7 circumstances of the victim, as well of course as the 8 seriousness of the offence.</p> <p>9 If we have satisfied both stages of those code -- 10 what we call the prosecutor's code test is met, then we 11 will charge someone with a criminal offence, and then it 12 is a matter for the tribunal of fact to decide whether 13 they are sure of guilt.</p> <p>14 MR HILL: Thank you very much. I would like to pick up on 15 two of the points you raised there. The first is these 16 dual underpinning features: the presumption of innocence 17 and the standard of proof being sure of guilt.</p> <p>18 If I could turn to some of our police 19 representatives, perhaps you, David, the short and long 20 of it is that that makes it very hard to achieve 21 a successful prosecution.</p> <p>22 MR TUCKER: It does, and I would -- obviously my role is not 23 operational, but I would make a point about where the 24 criminal justice system begins and ends. So what we 25 have is a very forensic presentation that the criminal</p> <p style="text-align: center;">Page 18</p>	<p>1 succinctly, really, around what the role of the police 2 is, and it does go much more broadly than the criminal 3 justice system, as described by Neil. It does have that 4 starting point, from the moment someone walks through 5 the door of a police station or picks up the phone or 6 speaks to an officer or member of staff to report 7 something that has happened to them, and it is at that 8 starting point that we then will listen and we will 9 commence an investigation.</p> <p>10 We will start by looking at what is being reported 11 to us, and then we will make no judgment around that, 12 other than our role is then to look at an investigation, 13 to gather and collect evidence, to then consider the 14 direction that that investigation goes in, to the point 15 that it may then reach that stage that we are consulting 16 with our colleagues at the Crown Prosecution Service 17 over the weight of evidence and that assessment of 18 the code test.</p> <p>19 But, clearly, as part of that evidence collation, we 20 work very closely with victims, we will be considering 21 the support that they need to assist in getting the best 22 evidence possible, and, clearly, that will then stray 23 into how we conduct interviews, the other opportunities 24 for evidence that we will get.</p> <p>25 Of course, as part of that investigation, we do that</p> <p style="text-align: center;">Page 20</p>

1 without fear or favour, and we will go where the
2 evidence takes us, which is, some may say, a cliché, but
3 it is how we operate, to ensure that we are being fair
4 to those people who come to us to report the crimes that
5 they have suffered.

6 MR HILL: Thank you. I think Andrew wanted to come in on
7 the point.

8 MR WEBB: Yes, thank you very much. There are two formal
9 filters in the process that I think we could do with
10 exploring. The first is the decision by the police to
11 discuss the case with the CPS; the second is the
12 decision by the CPS to go forward to trial. The trial
13 itself I won't concentrate on, but from talking to
14 multi-disciplinary teams around the country, the
15 standards being used in those two formal filters,
16 notwithstanding decisions that have taken much earlier
17 than that to pursue lines of enquiry or not to pursue
18 lines of enquiry, the standards being used are not
19 consistent, would be our view.

20 Personal judgments are required of senior police
21 officers and prosecutors within a code, but the judgment
22 is a personal judgment and it can be challenged, but our
23 experience is that in different parts of the country and
24 within the same police areas with different teams, we
25 will see different results, and there is a consistency

Page 21

1 issue there I would like to raise.

2 MR HILL: If I could turn to Dame Vera, who I think is
3 wanting to raise a point. I will come back to you,
4 Neil, I think, if you want to come back on that.

5 DAME VERA BAIRD: I just wanted to add this: I think that in
6 the context in which we are speaking now the criminal
7 justice system, in a broader sense than that the police
8 have set out, is also to be seen, in my view, as an
9 opportunity to get support and help to somebody who is
10 making a complaint about sexual abuse irrespective of
11 what happens next. That is not an opportunity that
12 ought to be missed, and it is an inherent part, in my
13 view, of the criminal justice system, that when somebody
14 speaks, they should be looked after from the start with
15 their welfare in mind, irrespective of the outcome.

16 I just wanted to add that, since we are seeking
17 a more comprehensive definition, and, not surprisingly,
18 Neil started at the core.

19 But I also would like to just mention one more
20 thing. The question, isn't it very hard to attain this
21 standard of proof? Clearly, it is a very high standard
22 of proof, and absolutely rightly so, but how hard it is
23 to attain depends very much on the quality of the police
24 investigation and it depends hugely on the support
25 that's given to victims so that they are capable of

Page 22

1 sustaining their complaints, and that really does have
2 to start from day one and it has to be absolutely
3 wrap-around and it has to be delivered not merely by
4 police and criminal justice staff, but also by the third
5 sector, and I think our experience is that you have to
6 have the third sector in straight away to help and
7 support, and I worry that taking it almost as read that
8 it is very hard to get that standard of proof in this
9 kind of case is a belief that has dogged the pursuit of
10 this kind of case historically. There is an assumption
11 that it is hard, especially hard, to get a conviction in
12 this kind of case, and that sort of slightly fatalistic
13 view is quite capable of feeding back into the quality
14 of the investigation, where people think, "Well, this
15 one probably won't stand up. It is a very vulnerable
16 victim. How will they cope with cross-examination?
17 Furthermore, I have lost this kind of case before so how
18 hard am I going to try?"

19 I think it is very important to realise, of course,
20 standard of proof, very, very important to see it as
21 a challenge and not as a barrier.

22 MR HILL: Thank you. We are going to come back to the issue
23 of support shortly, but I noted Catherine Hinwood wanted
24 to come in.

25 MS HINWOOD: In terms of context setting, I wanted to take

Page 23

1 it a little bit wider and remind everyone that of course
2 under the Victims' Code you are entitled to a needs
3 assessment and support even if you haven't reported
4 a crime. When considering the issues today I wanted to
5 take it even further back. I understand we want to look
6 a little bit more about barriers to reporting, but of
7 course things don't start when you report the crime, it
8 is when the incident takes place.

9 MR HILL: Thank you. We will come on to that in a second.
10 I just wonder if Neil wanted to say anything more at
11 this stage?

12 MR MOORE: Matthew, only to address Andrew's point about
13 inconsistency, if I may. I think it is right to say
14 that decisions in these sorts of cases are some of
15 the most difficult decisions that I think prosecutors
16 have to make. Unlike, for example, a case of organised
17 crime where you might have cell site evidence or expert
18 evidence or scientific evidence, very often it does
19 involve making a judgment on the evidence where
20 a complainant gives one version of events, the suspect
21 gives another and there is very little evidence
22 supporting one or the other.

23 So they are difficult decisions, but inevitably it
24 will involve making a personal judgment. A prosecutor
25 has to make a personal judgment about these things.

Page 24

1 That said, they do so with, I hope, the assistance
 2 of a whole range of policy and guidance that we issue.
 3 These decisions are made, as I am sure everyone knows,
 4 by specialist prosecutors who are specially trained in
 5 rape and serious sexual offence units -- RASSO units, as
 6 we call them -- who are specifically taught, for
 7 example, to deal with Dame Vera's points, not to deploy
 8 myths and stereotypes in their decision making, to make
 9 sure they look at the case on the merits and nothing
 10 else.

11 Also, I have recently been around the country
 12 visiting all CPS areas with the director of legal
 13 services delivering some training to RASSO units. One
 14 of the things that came across is that very often they
 15 adopt a collaborative approach to decision making. In
 16 one area in all serious sexual cases a lawyer makes
 17 a decision and then they discuss it amongst the whole
 18 unit. That is very much more becoming commonplace,
 19 which will of course assist in making sure the decision
 20 is correct.

21 So all those measures and others we put in place to
 22 ensure the right decision is made. But ultimately
 23 I think we have to say it is ultimately a difficult
 24 decision made by a particular prosecutor.

25 MR HILL: Emma, yes, please.

Page 25

1 MS BARNETT: I just wanted to emphasise, and picking up
 2 something that Dame Vera said, for officers and staff
 3 now this is very much -- the focus has to be on victims
 4 as individuals, and cases as individuals. Much of
 5 the work and the emphasis of policing now is around that
 6 quality of the investigation that takes place. We have
 7 training, and I am sure we will come on to the sort of
 8 training and specialist work that takes place, but at
 9 the heart of this, this is around police officers and
 10 police staff who are involved in this area of business
 11 being sensitive and being able to build that trust that
 12 you spoke about with victims that come forward, but
 13 recognising that there are individual needs and actually
 14 making sure that those previous experiences of officers
 15 and investigators do not come into the cases that they
 16 are dealing with at a given time.

17 I think the other point I would just pick up on, if
 18 I may, is around developing a close working relationship
 19 with the Crown Prosecution Service, so that we
 20 understand the decisions that are made and we can learn
 21 from them, and we do work closely with specialist
 22 lawyers, particularly around understanding the rates of
 23 attrition, for example, but also to understand where we
 24 may have evidential deficiencies and what we can do to
 25 take that forward in the future to improve our evidence

Page 26

1 collection.

2 MR HILL: Thank you. Sorry, yes, Catherine.

3 MS O'NEILL: You just mentioned training. I think this is
 4 a very important issue. A lot of police forces are
 5 aware of intermediaries and our clinical background and
 6 our ability to assist in ABEs, but many are not, and we
 7 try and spread ourselves around to do training, but we
 8 are not often involved with the ABE training itself,
 9 which I think is a bit strange when really we could
 10 offer quite a lot.

11 Likewise, with the CPS. I have written in my court
 12 reports that I would be happy to discuss my findings
 13 with them, but as yet I haven't been taken up. I think
 14 it would be very good to have more joined-up thinking.

15 MR HILL: Just before we go further on that, I'm conscious
 16 that everybody around the table will know exactly what
 17 we are talking about with intermediaries and ABEs. If
 18 I could just ask you to explain briefly what an
 19 intermediary does and the role that an intermediary can
 20 play throughout the criminal justice process.

21 MS O'NEILL: I will be as brief as I can. We are
 22 communication specialists. My background, as
 23 I mentioned before, is I am a speech and language
 24 therapist, but I am also a psychological therapist, and
 25 I have had many years of clinical experience which

Page 27

1 I bring to the role, and I have been trained, very
 2 briefly, in aspects of law by the MoJ.

3 When a police officer is concerned about a person
 4 having some vulnerability, and that is anyone under 18,
 5 anyone that has a physical disability, for example,
 6 cerebral palsy, stroke, motor neurone disease,
 7 et cetera, they would be entitled to an intermediary.
 8 People with mental health difficulties would be entitled
 9 to an intermediary, and people with learning
 10 disabilities. So that is the main core group.

11 It is dependent on the police officer thinking,
 12 "Maybe this person needs help. Maybe they have had
 13 special education". But there is one big area which
 14 I am particularly interested in, which is trauma. Of
 15 course, with sexual abuse, trauma can be very hidden.
 16 That takes a great deal of training to understand that
 17 and to actually spot it, and therefore recognise that
 18 this person may need specialist help.

19 After the police officer has actually spotted that,
 20 they would then make a referral to the National Crime
 21 Agency, and my name, for example, as the other I think
 22 it is 180 of us in the country -- not many -- is on
 23 a register with my specialism, my special skills, and so
 24 they match the case and then I would work with the
 25 police officer, I would meet the person and maybe I need

Page 28

1 quite a lot of rapport-building sessions to help someone
 2 form a level of trust, and I would also be assessing the
 3 best way that they can communicate their evidence.
 4 Now, that might be through using symbols, because
 5 sometimes you just cannot say, you have to show, you
 6 have to write down, you have to draw, or use figurines.
 7 It might be -- well, I could go on for a long time, but
 8 I won't.
 9 So there are many ways that we could help the
 10 officer and the vulnerable person give best evidence, to
 11 say what has happened. After that, we write a long
 12 report for the court, for the CPS, and then if it goes
 13 to court we call a ground rules hearing with the judge
 14 and the barristers in the case and talk about the best
 15 way that this person can be handled and that they may
 16 manage their anxiety levels in order to participate
 17 effectively, so they can join in and have an effective
 18 role in their own trial, or in giving evidence.
 19 So that is it briefly. I am sure I have missed out
 20 some major parts, but I am willing to expand.
 21 With the defendant, it is slightly different, but
 22 I am not sure if we are talking about that today, but
 23 I would be very willing to expand on that too.
 24 MR HILL: I think this afternoon we will be talking a lot
 25 more about what goes on in court, and we will be joined

Page 29

1 by Dame Joyce Plotnikoff, who has done a lot of work in
 2 this area. We will park that part of the discussion
 3 there.
 4 I would like to pick up on something you said about
 5 your initial involvement, and that requires a police
 6 officer to contact you and to have spotted the need for
 7 an intermediary in the first place.
 8 MS O'NEILL: To make a request for our service, yes. It
 9 does require the police officer -- they often have to
 10 ask their sergeant for permission to make that referral.
 11 MR HILL: If I could turn to Emma about how police officers
 12 are trained to do that, to get the intermediary involved
 13 in the first place?
 14 MS BARNETT: Yes. I take the point around the joint
 15 training. I think that would be really welcome.
 16 I think locally some of that may go on. I would have to
 17 double-check that.
 18 But, clearly, when our officers are first engaging
 19 with a victim who has come forward, they will be doing
 20 that initial needs assessment, and part of this is
 21 around, as they move towards the achieving best evidence
 22 and how best to get that evidence, consideration will be
 23 given to the use of a registered intermediary.
 24 It is part of the training that our officers would
 25 go through in terms of the investigation and the

Page 30

1 interviewing courses that are delivered.
 2 I think it is worth pointing out that the demand for
 3 registered intermediaries has been on a very steep
 4 incline over the last couple of years. We now run at
 5 between 450/550 requests cases per month, and I think
 6 that the numbers that Catherine mentioned around 180 --
 7 I think it is 183 -- there is an issue around meeting
 8 the demand for registered intermediaries, which is done
 9 through that matching service provided by the National
 10 Crime Agency, but clearly there are some delays now
 11 built into that system because we do need more
 12 registered intermediaries.
 13 MR HILL: Just to recap on those figures, there are between
 14 450 and 550 requests per month being made of the 183
 15 intermediaries in the country?
 16 MS BARNETT: Yes, that's correct.
 17 MR HILL: I will come to Rhiannon in a second, if I could go
 18 back to Catherine on that point?
 19 MS O'NEILL: I do have some figures from the NCA which might
 20 be useful. Between 2011 to 2017, there have been 25,439
 21 referrals to the NCA for an intermediary. 16,723 of
 22 those are for sexual offences. This year, the busiest
 23 months have been March, where they received 621
 24 referrals; October, 610; and August, 591. This November
 25 is very, very busy, it is going to be above those

Page 31

1 figures. That's a huge amount for us to deal with. We
 2 say 180, but at times you have to come off the register.
 3 I am currently off the register because I'm overloaded.
 4 MR HILL: The idea, as I understand it as well, is an
 5 intermediary will be assigned to that case and will
 6 remain with that case throughout the whole process?
 7 MS O'NEILL: That's right. And we go into the court, into
 8 the live link room, into the witness box. We go
 9 throughout the whole process.
 10 MR HILL: So that intermediary has to be available at each
 11 stage of the process, and it is not a case that somebody
 12 else can cover?
 13 MS O'NEILL: No. And that makes diaries very difficult with
 14 new cases.
 15 MR HILL: That number of about 183 registered
 16 intermediaries, is that a number that has been going up
 17 in recent years or has it plateaued?
 18 MS O'NEILL: It has been going up, but there hasn't been
 19 recruitment for I think three years. We are in a very
 20 strange situation where I know at the MoJ there was
 21 a waiting list of people who had expressed interest.
 22 Last time I asked, it was 600 people on that list
 23 wanting to be trained as an intermediary, but there has
 24 been no training.
 25 MR HILL: Catherine, I think you wanted to come in on the

Page 32

1 point there. Rhiannon, I will come to you after that.
 2 MS HINWOOD: I am pleased to say we are about to kick off
 3 a recruitment round for intermediaries imminently.
 4 I think it was two years ago, the last round,
 5 unfortunately, but, yes, that is due to start imminently
 6 and will continue throughout the new year with different
 7 regional focuses.
 8 MS O'NEILL: I know there had been discussion about who was
 9 going to actually run this new training, there had been
 10 an ongoing discussion for the last year.
 11 MS HINWOOD: I think the recruitment is different to
 12 training.
 13 MS O'NEILL: No, the recruitment training. So people are
 14 recruited and then they have to be trained. I think
 15 there had been discussion -- because now there are 183
 16 of us in the country. We are hoping that intermediaries
 17 will be involved with the training.
 18 MS HINWOOD: Yes, but I think they are two separate issues.
 19 So there is a training piece of work going on and there
 20 is a separate recruitment piece of work going on, so
 21 there will be announcements imminently.
 22 MS O'NEILL: I see. So that when the people are recruited,
 23 then they will be trained?
 24 MS HINWOOD: I believe that's the plan.
 25 MS O'NEILL: I hope so.

Page 33

1 MR HILL: Just before we leave this topic, where are you
 2 recruiting from?
 3 MS HINWOOD: So I believe that the areas with the most
 4 unmatched cases at the moment are in the East Midlands,
 5 and so that's the top priority area.
 6 MR HILL: I meant more generally, where are you getting the
 7 people from in terms of practice areas?
 8 MS HINWOOD: I'm sorry, I'm not quite sure.
 9 MR HILL: Thank you. I should say, this isn't intended to
 10 give everybody an oral examination. Not everybody can
 11 have all of the information at their fingertips. So
 12 please do feel free to come back to us with answers
 13 later. Rhiannon, if I could turn to you now.
 14 MS EVANS: I just wanted to come back on a point Emma made,
 15 really, which was around the requests. I don't know the
 16 answer to this, but I would be interested to know.
 17 I would suspect that it is a well-known fact that there
 18 is a small number of intermediaries, and I think that
 19 that well-known fact might actually prevent some police
 20 officers identifying the fact that there is a need
 21 there.
 22 As Catherine mentioned, the levels of trauma that
 23 people have make you imagine that a lot of victims would
 24 require an intermediary, and if we can look at the
 25 numbers of people that are going through the criminal

Page 34

1 justice system for these types of offences and then the
 2 levels of request, they are quite at odds with each
 3 other. I wonder whether the fact that it is a known
 4 issue that there aren't enough intermediaries actually
 5 prevents some additional requests so we are not quite
 6 seeing really what the demand is. I think that's
 7 unfortunate because it means that even with recruitment
 8 we won't actually address the resource issue that might
 9 actually be there.
 10 MR HILL: Emma, if I could ask you to come back on that?
 11 MS BARNETT: Yes, I don't think we have any evidence,
 12 really, to confirm that. If you -- I have the graph
 13 here. The graph literally goes like that (indicating)
 14 in terms of the requests coming in, which I think
 15 suggests to me that officers and staff are making those
 16 requests. Clearly, there are delays built into the
 17 system and we have to be cognisant then around the
 18 impact that those delays may have. You are able, if
 19 I have got this correct, to perhaps use someone who
 20 isn't on the scheme, but clearly there are some issues
 21 around their use because they are not on the actual
 22 witness intermediary scheme, and we have got other
 23 opportunities to use family members or other supporters
 24 who may be able to assist with some of that initial
 25 communication.

Page 35

1 I would be reticent to suggest that because we know
 2 we can't get one we would not be asking, because I think
 3 actually we are keen to make sure that if someone has
 4 a need, we do everything we can to get that support for
 5 them, because ultimately it is better for them and, you
 6 know, if we are true about putting victims at the heart
 7 of what we do, then we should be making those requests.
 8 MR HILL: David, I think you wanted to come in? If I can
 9 ask you to address in particular how to embed in the
 10 training of police officers the ability to spot the need
 11 for an intermediary, and I stress again both in respect
 12 of children and in respect of adults who are going
 13 through the system about the abuse that they suffered
 14 before.
 15 MR TUCKER: As has been said, if you are a child, you are
 16 automatically entitled to be considered for that, in any
 17 event. I think there is just a danger of going down
 18 intermediaries as the sole way in which communication
 19 and support can be given.
 20 People who investigate these very -- the most
 21 serious types of offences, most will have done -- and
 22 I have to look down because this is an acronym and I'm
 23 going to avoid it -- the Specialist Child Abuse
 24 Investigator Development Programme, which is called
 25 SCAIDP. They would undertake that and as part of that

Page 36

<p>1 training there is a very, very strong focus on 2 multi-agency collaboration around how you take an 3 investigation forward, because in a lot of child abuse 4 cases the issues won't be limited to an investigation, 5 but you will have safeguarding issues as well, and that 6 needs to be taken into account and policing needs to 7 work with our local authority partners in particular to 8 cover that.</p> <p>9 But moving on from that, then, we would do the 10 achieving best evidence training, so that's the ABE 11 training. That, again, is really focused on how you get 12 evidence from particularly vulnerable people, make the 13 best evidence to give them the best opportunity, and 14 disclosure is often not a "yes/no" but a process, so 15 that ABE for some people will require repeated visiting 16 because that's the best way to support and to give the 17 evidence.</p> <p>18 One of the things that we became aware of around the 19 SCAIDP training, it is delivered locally by forces. So 20 the college sets the curriculum and forces deliver 21 either for themselves or in collaboration with other 22 forces. They really struggled to get engagement from 23 non-policing organisations to support that development 24 of the multi-agency aspect of it, so we are now 25 developing, with money from the police transformation</p> <p style="text-align: center;">Page 37</p>	<p>1 the complexity, the nuance and the challenge of 2 recognising, responding and prioritising -- sorry, 3 prioritising and then responding to risks that are 4 identified by children and adults.</p> <p>5 That being said, one of the things that I think 6 forces recognise they need to do more of is to test, and 7 senior leaders need to enable themselves to test, the 8 nature and quality of the decisions that are made about 9 children on a daily basis.</p> <p>10 One of the things that we often find is that that 11 strategic intent to improve is not consistently 12 reflected and is not consistently leading to improved 13 practice at the frontline in the way that senior leaders 14 absolutely want it to be.</p> <p>15 One of the things that we are doing to complement 16 and to support forces that are being inspected but also 17 those forces who want to improve is developing 18 a programme of learning and support events for forces 19 and engagements with forces to support their improvement 20 journeys, both once they have been inspected and those 21 who have yet to be inspected.</p> <p>22 But a second point, and it is a point that Emma 23 made, is that when a child or an adult comes to the 24 police with a disclosure about a vulnerability or 25 potential abuse, the assessment of how to proceed may or</p> <p style="text-align: center;">Page 39</p>
<p>1 fund awarded to us by the Home Office last year, a new 2 module for that course which is based around an 3 interactive exercise run through a computer-based event, 4 it is called Hydra, and it allows people to develop 5 their skills, and it can involve people from outside of 6 policing, but it doesn't need to because we have got the 7 content within that to allow that multi-agency 8 collaboration to take place.</p> <p>9 So it is embedded. It is a key part of everything 10 we do. For policing, particularly around safeguarding 11 issues, it cannot be done without the involvement of 12 people outside of policing.</p> <p>13 MR HILL: If I could turn to John from HMIC at the end. 14 MR CARROLL: Thank you, Matthew. I just wanted to pick up 15 on a point that David made and that Emma made earlier as 16 well, and expand upon what we are finding in police 17 services and forces around the country.</p> <p>18 In terms of what Emma described, we are very clear 19 that we see a universal and unambiguous commitment by 20 senior leaders in police services to improving the 21 outcomes and the quality of service provided to those 22 children and adults who have experienced abuse or 23 exploitation or are vulnerable to that.</p> <p>24 I think certainly what we are seeing in our 25 inspections of forces is an increasing understanding of</p> <p style="text-align: center;">Page 38</p>	<p>1 may not end up in a criminal prosecution or 2 investigation, as we have established, but what it 3 should also result in -- and Dave mentioned this -- is 4 a referral into the local safeguarding partnership and 5 arrangements, and certainly from our perspective and the 6 work that we have done with Ofsted and our colleagues 7 from the other inspectorates is the critical importance 8 of those local partnership arrangements to the support 9 and the improvement in the outcomes for children who 10 have experienced or may be vulnerable to abuse, not only 11 to develop an appropriate protective plan in the short 12 term but also to provide that longer-term support to 13 assist recovery in those who have experienced abuse.</p> <p>14 But also where we have seen police forces and 15 partnerships that are mature and stronger, we see that 16 that engagement builds trust and confidence with the 17 victims and survivors of abuse, which may lead to 18 disclosures because of the nature of the relationships 19 that are developed, and so I think we have talked about 20 the importance of the victims' codes of practice, and 21 they are absolutely essential, but the critical 22 importance of the Working Together guidance and the 23 engagement from police forces within those statutory 24 arrangements, and the engagement with the training 25 provision provided by local authorities and LSCBs is</p> <p style="text-align: center;">Page 40</p>

<p>1 absolutely fundamental to the protection of those who 2 are vulnerable. 3 MR HILL: How is best practice in a particular area where 4 that multi-agency approach is working, how is that 5 communicated and embedded elsewhere? Who has 6 responsibility? 7 MR CARROLL: We have recognised I think we have an 8 opportunity and responsibility to disseminate best 9 practice, and that's some of what our new 10 learning-focused approach is about. The joint targeted 11 area inspections which we launched in 2016 with 12 colleagues from Ofsted, Care Quality Commission and HMI 13 Probation, each cohort of those inspections draws 14 together at the conclusion and publication of the report 15 a thematic inspection which describes best practice and 16 areas for improvement, and the inspectorate have worked 17 with stakeholders and partners to understand how these 18 thematic findings and how the learning from these 19 inspections can be used to support continual 20 improvements. 21 I know it is off topic, but we recently held 22 a round-table discussion because we published the 23 domestic abuse thematic inspection and we are working 24 with stakeholders and government departments to look at 25 how the learning from those inspections can be used to</p> <p style="text-align: center;">Page 41</p>	<p>1 work collectively, and we have been able to correlate 2 a direct improvement to the outcomes for vulnerable 3 children as a consequence. 4 MR HILL: Thank you. I think Andrew wanted to come in on 5 that? 6 MR WEBB: Yes, thanks. We have moved rather a long way from 7 the original topic here, but the prosecution of crime in 8 this instance sits within the safeguarding system, by 9 and large, and the safeguarding system is multi-agency. 10 Local authorities have the statutory duty to lead. The 11 government's just announced -- we think of local 12 safeguarding boards which are required to oversee 13 multi-agency arrangements. The inspectorates do come in 14 and inspect and publish their views, and those are 15 widely shared, but the responsibility for getting things 16 right first time sits with the agencies at a local 17 level, and as we go into new arrangements, police, 18 health and local authorities will have to make sure they 19 have adequate arrangements for multi-agency working. 20 That's a slight move away from a much more rule-bound 21 local safeguarding board as currently exists. 22 So the answer to your question is, it will sit with 23 these three statutory bodies at a local level, and 24 across the country we have many different ways of 25 learning from each other, not just the lessons from</p> <p style="text-align: center;">Page 43</p>
<p>1 support and drive continual improvement. 2 I think the development of that process, that 3 collaborative, multi-inspectorate process, arose from 4 the Munro review in 2011. Professor Munro was very 5 clear that the professionals and the inspectorates that 6 hold them to account had created a situation where 7 professionals were overly preoccupied with doing things 8 right and had lost focus on doing the right thing. 9 These inspections had evolved to -- and they were very 10 deliberately -- we select areas in order to identify 11 stronger practice, as well as areas for improvement, 12 because we want to support the organisations that are 13 protecting children and those who are vulnerable to 14 think of the process, the "doing things right" bit as 15 the beginning of good practice, not its limit. We don't 16 have graded judgments in our inspections, for example, 17 "good", "inadequate", in the way some other inspections 18 do. We provide a qualitative narrative that looks at 19 the nature and the quality of decision making in order 20 to support and empower organisations to make more mature 21 decisions and make decisions that are the right ones for 22 those children. 23 What we have seen as a result of that process is 24 local partnerships making very, very meaningful, 25 tangible but timely changes to the way in which they</p> <p style="text-align: center;">Page 42</p>	<p>1 inspection but peer-led reviews. Greater Manchester, 2 for example, 10 local authorities, one police force, 3 30-something health providers carry out a whole range of 4 peer reviews of the quality of work around sexual abuse 5 and sexual exploitation and support of children and 6 young people and vulnerable families. So that 7 responsibility is held at a local practice level. 8 Rather than being seen as belonging to nobody, it is 9 owned by the local bodies. 10 It is very rare, when we think of the bit of 11 the inquiry's remit which is around sexual abuse, it is 12 very rare that the vulnerability of the victim -- 13 a decision about that would ever sit solely with 14 a police officer. It may be if an adult walked into 15 a police station and discloses something that might have 16 happened 30 years ago there is a different set of 17 judgments being made, and historically that was 18 definitely the case, but now it would be almost unheard 19 of for an enquiry at any level to go ahead without 20 a strategy discussion. Part of that discussion would 21 include police and local social workers, and often 22 collocated nurses, making a decision about how 23 vulnerable -- how able to give evidence the young person 24 is, what support they might need and how they might need 25 to be taken through that enquiry process, which you</p> <p style="text-align: center;">Page 44</p>

<p>1 might have to take several bites at to get the evidence 2 that's required to decide whether or not to move on in 3 the prosecution. 4 There comes a point where the joint responsibility, 5 the multi-agency responsibility, flips into police 6 responsibility for a decision about prosecution, and 7 then it moves on down the line. 8 I think, again, from talking to multi-disciplinary 9 teams, we lose something in the oversight of 10 the prosecution. The collection of evidence -- we will 11 probably look at this in much more detail -- is often 12 very multi-disciplinary, and that can create problems 13 and different types of records become the subject of 14 dispute in trials, but what we see is a move away from 15 a collaborative approach to a single agency approach; 16 the police have to decide that CPS then have to move on. 17 Whilst I acknowledge there are lots of debates about 18 whether cases should move on or not and the risks 19 associated with taking a case, for the person who is the 20 victim to lose a case has a traumatic effect on them, 21 and that's a consideration that has to be taken into 22 account. 23 But I think, as we go down that process, we could 24 probably think of different ways of making sure 25 a holistic view was taken rather than a simple, "Is this</p> <p style="text-align: center;">Page 45</p>	<p>1 not quite as it seems, and we want to encourage 2 professional curiosity so you ask more about the 3 situation that is being presented so that you understand 4 more about the journey that a person has been on to get 5 to the position where they are, because it is only by 6 understanding all of their vulnerability beforehand that 7 you can make an effective intervention. So that is how 8 we are trying to push things forward, and that is 9 building on, particularly frontline officers, a greater 10 recognition of their need to understand more about the 11 situation and that will equip them to make more 12 effective decisions and how they then safeguard people, 13 and that is children and adults. So there is a real 14 ambition in policing to create a much more comprehensive 15 approach and a network of support for people and a great 16 recognition that, for the vast majority of 17 the safeguarding needs of people, whether they are 18 adults or children, policing cannot do it on its own, we 19 have to -- you know, we deal with an incident, recognise 20 what's caused that, and then very often we will be 21 signposting to other areas, and child sexual abuse, 22 whether that is recent or non-recent allegations, falls 23 within that. There is a very well-defined, 24 well-developed referral system. 25 MR HILL: If I could turn to Andy Hunt.</p> <p style="text-align: center;">Page 47</p>
<p>1 going to get there in terms of a prosecution?", and that 2 would build on the multi-disciplinary work done at 3 a much earlier level. 4 Practitioners -- I was talking to a police sergeant 5 earlier this week -- feel disempowered by some aspects 6 of the process. I understand why the process is as it 7 is but there might be an opportunity to make some of 8 those decisions more inclusive than they currently are. 9 MR HILL: Before I come to that, and I am going to turn to 10 Neil on that point in a second, but obviously you are 11 coming from the perspective of the director of 12 children's services, and we are talking about the 13 holistic approach that is taken there. Is a solicitor 14 approach taken to adults who have potential trauma 15 underlying the disclosure they are making? David, 16 I turn to you. 17 MR TUCKER: The legislative position is slightly different 18 but the considerations are the same. The police service 19 has for a long time -- there are 13 strands of public 20 protection which in a lot of ways is unhelpful. So you 21 would have mental ill health as one strand, domestic 22 abuse as another strand. What we are trying to do is to 23 construct -- is to look at what are the similarities 24 behind those things and equip, particularly frontline 25 officers, so that they can recognise when something is</p> <p style="text-align: center;">Page 46</p>	<p>1 MR HUNT: Yes. You make the points well. I think there is 2 a further demarcation between the recent and non-recent 3 inasmuch as recent cases will often go to a sexual 4 assault referral centre, and be supported there by 5 forensic clinicians and Rape Crisis workers, and a whole 6 interagency team that can support identification of 7 vulnerabilities and the development of care pathways for 8 longer-term therapeutic care. I'm conscious that this 9 is around the criminal justice system and not the latter 10 part of it. 11 NHS England are now developing an assault and abuse 12 strategy with survivors that we are hoping to publish 13 very, very soon that talks about NHS England's lead 14 role, particularly with Clinical Commissioning Groups, 15 and about how to get them to understand the 16 commissioning of mental health services in the community 17 and how that can support particularly survivors, be they 18 adult or children, who are struggling to come to terms 19 with what's happened to them. 20 So I think that's a really important demarcation 21 between an acute process and a non-acute process about 22 the access and availability of the sexual assault 23 referral centre. 24 MR HILL: The new policy is designed to capture as well 25 those non-recent abuse?</p> <p style="text-align: center;">Page 48</p>

1 MR HUNT: Correct. The idea is that we define the pathways
2 more clearly and better; we are reliant in the NHS in
3 terms of both the commissioning work that Health and
4 Justice do in relation to sexual assault referral
5 centres, but also the wider commissioning and how
6 NHS England influence Clinical Commissioning Groups to
7 make good decisions around the commissioning of
8 therapeutic support, and particularly the use of
9 voluntary sector organisations to do so.

10 MR HILL: Thank you. Finally for this session -- Neil,
11 I will come back to you after the break, if I may, on
12 the point that the other Andy raised, but Dame Vera,
13 I think you wanted to make a point?

14 DAME VERA BAIRD: I wanted to add on the same point that
15 Dave was making, I think the police are well aware,
16 mainly, if I may say so, because of the Rotherham
17 report, that there was an absence of support for adult
18 victims there, so they are very apprised of the need for
19 that. I think in Operation Sanctuary what Northumbria
20 police appreciated was that the key component to
21 a victim was vulnerability. Sometimes -- quite often --
22 it was through age, but it could also be through earlier
23 abuse, through self-medication from that or from
24 learning disabilities. So it was important to have
25 support for all of them.

Page 49

1 So they identified -- we had unbadged core locations
2 which were not official-looking in any way which had
3 social worker -- senior social work practitioners,
4 social workers who were sometimes already working with
5 victims who might have come along together, but I think
6 it is very important not to forget the role of
7 the voluntary and community sector.

8 We have, for instance, The Children's Society, who
9 have a very successful project in Newcastle about
10 returning runaways and how to deal with them. We have
11 Changing Lives to try to help people who are having what
12 I think is called survival sex, of which there are quite
13 a lot involved; Barnardo's, who gave family therapists;
14 and a very nice local organisation called Bright
15 Futures, who were very proactive about educating around
16 future exploitation and coercion and how to identify
17 what was going on.

18 Can I just say, I think there was a particular
19 importance here about the involvement of, in particular,
20 the third sector. I think there was a time when -- this
21 is obviously not a criticism of anyone -- people were
22 trying to get evidence together from vulnerable
23 complainants, when it almost began to replicate the
24 grooming process, because somebody was being asked to
25 help with the process of going to court, help make

Page 50

1 a statement, do that for a day or so, be really
2 congratulated and rewarded, as it were, and dealt with
3 well, and then come back and do some more, and there did
4 begin to be amongst some of the complainants some
5 resistance to that or some unhappiness with that, and so
6 the focus changed completely back, and this was very
7 much the input of social services helping to guide this,
8 the focus turned back to putting their welfare first,
9 even if in fact they fell out of the process.

10 But in fact they didn't, in most cases. The shift
11 of focus made a key distinction to their willingness to
12 carry on.

13 MR HILL: Thank you. I am now going to turn to the public
14 galleries. First, I would like to begin with those who
15 attended yesterday. I will invite those who have
16 attended over there to make some observations. I would
17 ask that -- there is going to be a repeated opportunity
18 throughout the day, so if we could focus at the present
19 time on the issues that have been raised this morning,
20 specifically about those early stages of involvement
21 with the criminal justice system and the referral
22 between the criminal justice system and other agencies.

23 If I could begin by -- I can see two hands up.
24
25

Page 51

1 Observations from THE PUBLIC GALLERY

2 PUBLIC GALLERY: Hi. My name is Chris Tuck. I have an
3 ongoing police investigation at the moment so obviously
4 I can't speak about that but there are issues around
5 that. I just wish that what you all say around the
6 table was actually happening because in my opinion it is
7 not because I have had different experiences. I think,
8 as institutions all yourselves, you need to be brave
9 enough to put on the table the true challenges that you
10 are facing rather than lip service, and again this is my
11 opinion. For example, I have had a meeting with the
12 chief superintendent who was in charge of child sexual
13 abuse in London, and he promised to align service and
14 service delivery to be victim focused and then he
15 disbanded the CAIU team recently, and I have been part
16 of those conversations with actual police officers, and
17 now the specialist teams for CAIU and SOIT officers,
18 they are now being put in with general officers and so
19 that speciality is now gone or is going.

20 I have been lucky enough to keep my police officer,
21 but I don't know for how long. The cuts that the
22 government are making are really impacting services. We
23 all know that across the board. The manpower, some
24 police officers are being drafted into teams and these
25 police officers do not want to be doing child

Page 52

1 protection, and I know that for a fact because I have
 2 spoken to some officers.
 3 I'm married to a police officer as well, so I'm not
 4 anti-police, I'm pro-police for those who do a good job.
 5 As for ISVAs, Andy, you know I have been in lots of
 6 meetings with yourself and Hong Tan. I currently cannot
 7 get access to an ISVA, my family cannot get access to an
 8 ISVA because they don't exist. They do in Surrey and
 9 they do in Essex, but they are not nationwide. Again,
 10 I spoke to this chief superintendent about this and he
 11 promised to look into it.
 12 You all recognise the trauma around the table. If
 13 we are not getting access to these people, even
 14 intermediaries, we are not going to see through the
 15 court process, because two of my siblings want to drop
 16 out already because of the trauma because it's been
 17 ongoing for nearly two years.
 18 ABEs. My siblings were asked to attend an ABE
 19 appointment at the same time as the alleged
 20 perpetrators. Why? I know you can't comment on
 21 individual cases, but this is happening. This is
 22 current stuff.
 23 One alleged perpetrator was asked -- who was
 24 a vulnerable adult, was asked informally about the
 25 allegations made in front of the perpetrator, which shut

Page 53

1 her down.
 2 Everyday commonsense things are happening and it
 3 causes great trauma to everybody. When you haven't got
 4 access to ISVAs or intermediaries, it just adds to the
 5 trauma pile.
 6 PUBLIC GALLERY: My name is Daniel. I would just like --
 7 a few observations. I'm hearing a lot of stuff here,
 8 particularly sort of coming from this side, which sounds
 9 like a lot of the wish list stuff, to be honest with
 10 you. It's like another kind of sort of job to think,
 11 those people who are at the top, you know, who are like
 12 sort of at policy level and stuff, you know, think that
 13 all this stuff is going on, but actually on the ground
 14 it ain't going on, and I'm sure you're all intelligent
 15 enough to recognise that, because it happens in other
 16 fields as well.
 17 From what I see, you know, we are talking about the
 18 police force and stuff, and, you know, from what I see,
 19 the system is buckling. I personally don't think it is
 20 fit for purpose at the moment, because, like sort of
 21 post-Savile, the amount of people that you have had
 22 coming forward, you know, I've trained over 600 police
 23 officers across Greater Manchester Police, I know they
 24 are not coping, I know they have not got the staff from
 25 what they say to me. Particularly now with all these

Page 54

1 hunter groups coming up on the internet, loads more
 2 current stuff that's going on, I don't know how you can
 3 sit there and sort of pretend everything is hunky-dory,
 4 like tiptoeing through the tulips. All this stuff you
 5 are talking about isn't being implemented in my view and
 6 what I see with the lads I'm working with.
 7 The final point I want to finish on as well is a
 8 total lack of trauma-informed approach that the police
 9 adopt and the CPS adopt as well. I don't know when the
 10 police officers are going to be up to speed to deal with
 11 stuff, but the thing that is coming back time and time
 12 again, and using myself as an example, just a little
 13 example, lads that I work with and my own kind of sort
 14 of personal background from being young and being abused
 15 when I was young, I went off the rails. I was running
 16 away from home and stuff, being naughty at school, all
 17 that kind of stuff, and when my case went to CPS, the
 18 CPS decided -- the police officer spoke to my school and
 19 he said, because Daniel was a delinquent when he was
 20 a child and moved so many schools and was running away
 21 from home and being naughty, he is not a credible
 22 witness. I got myself to a point in life -- so I run an
 23 organisation, I'm a member of the VSCP as well -- I got
 24 myself to a credible place in life where I thought,
 25 right, maybe somebody is going to listen to me now. For

Page 55

1 the police and the CPS to tell me that I'm not
 2 a credible witness, what have you got to do? Surely if
 3 somebody had a trauma-informed approach they would be
 4 able to see, "Hang on a minute", surely this ain't
 5 rocket science, "This kid doesn't want to go home. He's
 6 running away, he's being naughty. He is not just a bad
 7 kid", you know, that label that kind of got put on me,
 8 "Maybe" -- surely it don't take a scientist to work out
 9 something was going on at home. I just ask you to
 10 consider these things and not pretend that everything is
 11 all right, because surely behind closed doors, if I was
 12 you lot, I'd be banging my head against the wall. It is
 13 like, what you're kind of doing at the moment, what
 14 I see with the criminal justice system, it's like
 15 a milkman going to work without a milk float and he's
 16 carrying all these milk bottles, he's dropping bottles,
 17 they are smashing everywhere, they are not being
 18 delivered on time, the milk is going off. That's how it
 19 seems at the moment.
 20 MR HILL: I should have asked if there were contributors
 21 from the core participant groups who would like to say
 22 anything.
 23 PUBLIC GALLERY: I'm F21, Forde Park Survivor Group. There
 24 are three small issues I would like to talk about.
 25 The first one was where the assistant chief

Page 56

<p>1 constable mentioned that all cases should be dealt with 2 on an individual level. Our case, everything I refer to 3 is going back to the late '90s, so we are talking quite 4 a long time ago, so things were different. However, we 5 were not treated on an individual level, especially by 6 the legal teams that we had representing us. There were 7 80 of us bringing the complaint. We were all bound 8 together by a generic certificate. Not one of us could 9 leave that practice of law and seek -- whether we were 10 happy or satisfied with that practice, we were told we 11 could not leave.</p> <p>12 So, yes, I think, on an individual basis by the 13 police and their legal representatives as well.</p> <p>14 I'd like to reiterate on some of the other 15 Forde Park Survivors Groups comments yesterday as far as 16 police interviews were concerned. In my own particular 17 case, they came to my house. The detective sat at my 18 table in my kitchen, opened his book and told me what 19 happened. At that I told him to close his book, leave 20 my house and send somebody around who was qualified to 21 talk. It was almost with a flippant attitude.</p> <p>22 Another thing I would like to throw up in the air is 23 the intimidation that we experienced, and this was 24 public intimidation by the police.</p> <p>25 When we attended the first remand hearing at Newton</p> <p style="text-align: center;">Page 57</p>	<p>1 very important points and they are important points that 2 will come up in the investigative strand in which you 3 are a core participant, but we would seek to ask people 4 to focus on the matters that are being discussed in the 5 seminar today.</p> <p>6 PUBLIC GALLERY: I think that is a very important point in 7 this room because this is talking about how the criminal 8 justice system deals with those cases, and that last 9 issue there, 30 police officers, you know, it was -- 10 again, we saw it as an intimidation tactic. I think 11 that's important.</p> <p>12 MR HILL: It is something that we will be talking about 13 later this afternoon as well, the atmosphere within 14 courts and the approach taken to victims in courts.</p> <p>15 PUBLIC GALLERY: Good morning, Nigel O'Mara from 16 East Midlands Survivors.</p> <p>17 There are a couple of things I would like to bring 18 up. First of all, there has been a lot of talk about 19 the frontline police people being trained, et cetera. 20 What we haven't heard is the people who are more likely 21 to come in contact with people involved in child sexual 22 exploitation, the PCSOs and the people around the police 23 and how their training is configured. Do they get any 24 training in the same way that the regular police force 25 do?</p> <p style="text-align: center;">Page 59</p>
<p>1 Abbot magistrates for one of our perpetrators, who was 2 a police officer himself, they marched 30 body-armoured 3 clad police officers down the hill towards the court in 4 a very small town like that, so it was a noticeable 5 event, surrounded the court, they were stood there, arms 6 crossed, stab jackets, dark glasses, it was a very 7 intimidating scene. We have our own personal video of 8 that, we have the BBC coverage of that and we also have 9 the ITV coverage of it, you know. They said that none 10 of us from the survivors group would be able to go into 11 that court that day. However, we argued with the court 12 officials for nearly an hour, and they allowed three of 13 us in there.</p> <p>14 When we asked why they wouldn't allow us in 15 initially and sent all those police officers down, they 16 told us that they'd heard that a certain group from the 17 BNP were going to attend that hearing, and at that we 18 thought -- that wasn't the reason. The reason why they 19 did it, in our mind, was because they had one of their 20 own in the dock and they didn't want us jumping up and 21 down on the chap, which was not our intention.</p> <p>22 That's basically it. That's all I've got to say.</p> <p>23 MR HILL: I would ask that we try to keep the comments 24 directed towards the matters that are being discussed at 25 the seminar this morning. I understand that those are</p> <p style="text-align: center;">Page 58</p>	<p>1 My second point was to the gentleman from the HMIC. 2 I am one of those few people who read avidly the HMIC 3 reports for my area. Distressingly, I have watched 4 during the life of this inquiry as the service for 5 victims of sexual abuse has gone down in quality 6 throughout over the last four or five years and nobody 7 seems to be actually acting on the outcomes of those 8 reports. They seem to be write-only material, nobody 9 seems to be reading them and acting on them.</p> <p>10 PUBLIC GALLERY: Hi, I am Peter Hall, St Aidan's. I'm 11 a victim and a survivor.</p> <p>12 I'm hearing over yesterday and today that "We are 13 doing this, we are doing that". You are doing that now 14 for what's going on now, but I'd like to say, the people 15 who have been victims from the '70s, '80s and '90s, we 16 have nothing, and we are being told it's two/three years 17 before we can get support.</p> <p>18 Myself, I'm not getting any younger, my health is 19 not getting any better. Am I going to be here then in 20 two or three years' time? You know, I need help now, 21 not two or three years down the line. It is great that 22 we are getting what we are getting now for today, but 23 what about from the past? We do need support.</p> <p>24 MR HILL: Thank you. We are coming up to the time for the 25 break. I think there is one more observation now.</p> <p style="text-align: center;">Page 60</p>

<p>1 There will be an opportunity later as well. 2 PUBLIC GALLERY: A lot of what I hear today being 3 highlighted as issues, I spent almost a year helping 4 write some guidelines with Guido Liguori from the IPCC 5 regarding vulnerable victims and engagement by the 6 police, and it was released in April of this year. 7 A great deal of time and effort and involvement with 8 myself in the investigation and other agencies to write 9 these was given. 10 They were released, we gave an interview with Adrian 11 Chiles, and the hope was that this would spark 12 conversations within police forces. On the day we both 13 gave our interviews, the same police force, which is 14 Gloucestershire police, re-employed one of the officers 15 who was found to have a case to answer for gross 16 misconduct and the whole of the interview was overtaken 17 with that discussion and it was lost. And if anybody is 18 interested, Guido has written these recommendations with 19 good thought, good process, to help vulnerable victims, 20 and also to help police officers to recognise and give 21 a trauma-informed approach. All of the things I hear 22 you highlighting actually are being discussed behind 23 closed doors and you need to look at your own 24 professionals who are having these conversations with 25 victims throughout the process and they are learning in</p> <p style="text-align: center;">Page 61</p>	<p>1 Thank you very much. 2 (11.40 am) 3 (A short break) 4 (12.01 pm) 5 Session 3 (continued) 6 MR HILL: Thank you. If I could begin by picking up on some 7 of the points that were raised from the public gallery. 8 Something that was raised today and came up repeatedly 9 yesterday is the lack of availability of independent 10 sexual violence advisers and the patchy nature 11 geographically of where such services are provided. 12 Catherine, if I could turn to you first, and 13 Rhiannon, if I could also come to you to speak from your 14 own personal experience of that kind of work and that 15 kind of support. But Catherine first, please? 16 MS HINWOOD: It might help if I explain a little about how 17 victim services funding works. As Vera said earlier, 18 a lot of victims' services, the majority of 19 victim support services, in fact the responsibility for 20 that has been devolved to Police and Crime 21 Commissioners, so the large majority of my budget goes 22 to Police and Crime Commissioners to spend as they will 23 to meet local needs for victim support services, and 24 then there are a couple of key areas that remain 25 commissioned on a national basis. One of those areas is</p> <p style="text-align: center;">Page 63</p>
<p>1 the journey and it is not being shared and the 2 conversations and findings and the knowledge needs to be 3 shared. 4 I would encourage anyone to look up the interview 5 and at the very least listen to the section where 6 Commissioner Liguori gives his opinion of the process 7 and the learning that needs to occur. 8 MR HILL: Thank you. We are going to take our break now. 9 When we come back, just so there is a little advance 10 notice, I would like to pick up some of those points, 11 particularly with David and Emma, discussing the child 12 sexual exploitation training that is or is not in place, 13 and the difficulty identified there and indeed yesterday 14 of those who approach the police who do have what 15 lawyers would term "credibility issues" and how police 16 are trained to deal with those who disclose with such 17 issues. 18 I would also like to pick up on the question of 19 the inconsistency of the provision of support services 20 such as ISVAs, and I would turn in particular to Rebecca 21 and to Catherine on those points. 22 Then I will turn to Neil on the issue that was 23 raised previously by Andrew about how decisions are 24 made, who inputs into those decisions and the more 25 holistic way of approaching them that he was suggesting.</p> <p style="text-align: center;">Page 62</p>	<p>1 rape support centres. 2 So the funding that goes into support for victims of 3 sexual abuse, child sexual abuse, comes from two 4 different sources: one is the Police and Crime 5 Commissioners victims' budget and the other is my 6 national commissioned rape support fund. We at the MoJ 7 through my budget give £7.2 million to rape support -- 8 the rape support fund, which was commissioned in 2014 9 and we have just extended again for the next financial 10 year, but then PCCs have reported spending an extra 11 £8.7 million of their own money on rape support 12 services, and in particular on child sexual abuse 13 services, £6.2 million. So it is quite a complex 14 picture in terms of the way in which sexual abuse/sexual 15 violence services are commissioned and funded. 16 So we don't directly fund any ISVAs themselves, so 17 you will have rape support centres, you will have Police 18 and Crime Commissioners, sometimes you will have sexual 19 assault referral centres that Andy talked about that the 20 NHS part fund, all of them commissioning locally 21 independent sexual advisers. 22 So ISVAs don't receive any direct central government 23 funding other than I think there is a special part in 24 the VAWG transformation fund that comes from Rebecca's 25 area in the Home Office where some Police and Crime</p> <p style="text-align: center;">Page 64</p>

<p>1 Commission areas applied for particular funding for some 2 projects around ISVAs, but there is no direct funding 3 that comes from us in terms of ISVAs. 4 What you do get I think is probably right, some 5 areas where you have had those local commissioning 6 arrangements where you have got some very well-funded 7 and supported ISVA services, but some areas where it 8 isn't as good as others. 9 So my team has been doing some work on a landscape 10 review of rape support funding over the past few months, 11 and we are looking at the provision of services not just 12 funded by the Ministry of Justice and Police and Crime 13 Commissioners but across the board, to try to map out 14 where you have got areas of good practice and good local 15 funding and where there are gaps. One of the areas we 16 know in particular there are gaps which was raised 17 earlier I think, and yesterday, was in relation to male 18 survivors. We know there are very limited male-specific 19 services and male-specific ISVAs and we have been 20 working, and I know the Home Office has been working 21 very closely, with LimeCulture, an organisation to try 22 and bring about -- there was revised guidance released 23 by the Home Office that LimeCulture helped to develop 24 last month. 25 We at the Ministry of Justice have been working with</p> <p style="text-align: center;">Page 65</p>	<p>1 their whole area, and they have to balance the needs 2 across that area and sexual violence is only one pocket 3 of that. 4 But the reason it is so complicated is that local 5 authorities provide a significant amount of services for 6 vulnerable people as well, and as do health, as do 7 education, in some respects, more on the preventative 8 side. So actually we have lots of different people 9 funding different things, which means that often you 10 will have one service provided by a local authority, and 11 it might be a PCC is providing community safety funding 12 to a local authority, who then commission a service, but 13 because they are only funding a specific service then 14 the PCC ends up having to do a wrap-around service 15 around the service they funded. So it is really 16 complicated. So that's a couple of points I wanted to 17 make. 18 MR HILL: Just on that point about complexity, is there 19 any -- I appreciate the government departments can't 20 discuss future policy, but those outside can. Is there 21 any push to try to cut through some of this complexity? 22 Any suggestions that are being made about better ways of 23 achieve a more universal service? 24 MS EVANS: I think there certainly is definitely a will for 25 more multi-agency working, but it would probably be more</p> <p style="text-align: center;">Page 67</p>
<p>1 Survivors UK, which is a male survivors umbrella group 2 to try to map out whether or not this financial year 3 there is any extra funding we might be able to give them 4 to try to meet some of the huge increase in demand that 5 we know has happened for male survivors and trying to 6 see if there is anything we can do to help increase the 7 number of male ISVAs in particular. 8 MR HILL: If I could turn to Rhiannon -- I will come to 9 Dame Vera in a second -- that's the high-end 10 governmental department view. How does it play out on 11 the ground? 12 MS EVANS: I think Catherine is right, it is really complex. 13 I think that is really complex for victims to 14 understand. If I just take -- I did a really quick 15 search in the break. We have a website which lists all 16 of the different agencies available for victims. I put 17 in Bristol as an area and there are 17 different 18 services that cover sexual assault remit of some 19 description. That's just one town, with 17 different 20 services that will provide something to a victim in 21 Bristol. 22 I'm sure Vera Baird will go on to talk about the 23 fact that actually most Police and Crime Commissioners 24 tend to when they start a commissioning process look at 25 a strategic needs assessment about what the needs are of</p> <p style="text-align: center;">Page 66</p>	<p>1 beneficial for someone like Vera to comment, or Rebecca, 2 on how it is working in terms of bringing those agencies 3 together, because I wouldn't know about those 4 conversations. 5 MR HILL: Before I turn to them, I interrupted you -- 6 MS EVANS: The other two points I was going to make is 7 around the fact that ISVAs generally -- because they are 8 funded by different people they will often have very 9 different remits. They will be funded for a specific 10 thing. So some ISVAs are very much working with 11 criminal justice type cases, so those who are going 12 through the criminal justice system. There will be 13 others who will be working alongside A&E units, so they 14 will be very much working -- taking their referrals from 15 that group. Because of that, you often get a lot of 16 gaps because they will be very focused on a particular 17 area. I think that's where people find -- picking up on 18 the comment you made about people seeing themselves as 19 case numbers, not people, these are people and they do 20 fall through the gaps of that commissioning landscape 21 because they won't fit into the pot of what the 22 organisation is trying to deliver. 23 From an organisation's point of view, and most of 24 these organisations are third sector organisations, they 25 are charities, they are funded to do certain things, and</p> <p style="text-align: center;">Page 68</p>

1 actually they all have a will to want to support
 2 everybody, but in reality they will only have a limited
 3 number of resources and so they will have to try to
 4 stick to what they have been funded to deliver, which
 5 creates a problem.

6 The last point I just wanted to pick up was around
 7 the male thing that Catherine mentioned, which is that
 8 traditionally male survivors are the group that has
 9 significantly lost out. The majority of organisations
 10 that deliver a sexual violence sort of service tend to
 11 be very female centred and it has been quite a shift for
 12 the voluntary sector to move into the sort of male arena
 13 in terms of victims. That in some areas has worked
 14 brilliantly and in other areas hasn't worked as well.
 15 So I think there is lots more to do in that area, and
 16 particularly as male victims are probably the largest
 17 portion coming forward now, and there is a massive gap
 18 there, really.

19 MR HILL: Thank you. If I could turn firstly to Dame Vera
 20 and then come back to Rebecca.

21 DAME VERA BAIRD: The complexity is without doubt. The
 22 government does keep as a central nationally
 23 commissioned service rape support centres and sometimes
 24 there are ISVAs involved there. Then Police and Crime
 25 Commissioners will map need in their local area, map

Page 69

1 what's available and try to fill in the gaps with their
 2 limited availability.

3 The fact is I have a population of roughly
 4 1.2 million and I have a budget for victims' services of
 5 1.4 million a year, which is just one year, and then the
 6 next year and then the next year, and it hasn't gone up
 7 for three years.

8 About 700K of that goes on the victims' hub, which
 9 is the place of first recourse, and then the rest is
 10 across a whole range. I think about 50-odd per cent of
 11 the vulnerable people who go to our hub are victims of
 12 domestic abuse or sexual abuse, so we put a big premium
 13 obviously on coping with that. The next large
 14 vulnerable sector are young people for all manner of
 15 things, not necessarily sexual abuse but other kinds of
 16 abuse, so clearly we try to cater for that.

17 But we currently have four ISVAs, two directly
 18 funded -- and in the victims' hub -- by me, one joint
 19 with one of the local authorities, one funded wholly by
 20 the local authorities, and we do have a male IDVA/ISVA
 21 who works for Northumbria Domestic Abuse Services, so we
 22 are fortunate. That's partly funded by me.

23 During Operation Sanctuary they featured very little
 24 in the support because they were already overrun, and so
 25 the resource that was used was the third sector

Page 70

1 organisations I have talked about -- social services,
 2 social workers -- and we did get some funding from the
 3 Home Office, from the police transformation -- it was
 4 then the police innovation fund in those days -- to add
 5 social workers into the hub. So we were able to
 6 resource some of that.

7 But it was a very clear and very noticeable issue
 8 that ISVAs were not very involved because they were
 9 already -- had case loads that were far too high for
 10 what they should have.

11 Could I just mention, because I think it was alluded
 12 to earlier, the sort of way in which the ISVA status is
 13 not appreciated by the criminal justice system? I think
 14 that's very variable, but we did a report which I would
 15 like to send to you, if I may, which was "Observations
 16 over 30 adult rape trials in Newcastle Crown Court" from
 17 the beginning of 2015 to the middle of 2016. We found
 18 that ISVAs were not acknowledged at all by the
 19 court-based witness service, by the bar and by the
 20 judiciary. In fact, we stopped our observations and
 21 went to the judiciary and the CPS to say "Why is this
 22 happening?" I watched the first case, the only one
 23 I watched, and as I watched the complainant give
 24 evidence from the remote evidence centre, she had an
 25 usher, a male usher, with her as her companion, and

Page 71

1 sitting beside me, as I subsequently found out, was the
 2 ISVA, who had come to court with her; she had been taken
 3 away from the ISVA and put into the remote evidence
 4 centre and the ISVA didn't have any leverage to use to
 5 say that isn't what should happen. The judiciary once
 6 they realised that and the local CPS were excellent and
 7 appreciated they need to ask if there is an ISVA and can
 8 she be with the complainant.

9 I know that in Lincolnshire in particular, where
 10 I am going to go shortly to see, they are absolutely
 11 acknowledged as appropriate professionals to be
 12 involved. So that too varies a lot from place to place.
 13 But it seems absolutely imperative that it is understood
 14 that ISVAs play a very important role. I think there is
 15 some new research that is going to be published
 16 presently. We just got a taste of it at a recent round
 17 table from Marianne Hester in Bristol, who has found
 18 a link between when somebody from rape crisis, to use
 19 that term more generically than necessarily an ISVA, is
 20 involved with a sexual abuse complainant, there is far
 21 more likely to be a conviction.

22 MR HILL: It is an issue I am going to come back to, not
 23 least because the example that you just gave of somebody
 24 going to the court with their ISVA, only to be separated
 25 from them at court, is identical to an example that was

Page 72

<p>1 given yesterday and perhaps reflects a wider practice. 2 We will come back to that particularly when we are 3 talking about the court setting. 4 Rebecca, if I could turn to you, then. 5 MS EGAN: Very briefly, I just wanted to explain some work 6 that the Home Office is doing. We recognise back in 7 I think 2015 we devolved the victim funding to PCCs to 8 deliver -- 2014, thanks, Catherine. 9 Because we recognised that central government had 10 all these funding contracts without the knowledge of 11 what was needed in the local area. So placing that 12 funding within the responsibility of the PCC was 13 important in ensuring that funding was delivered in the 14 areas of greatest need. 15 What that then leads you to is a situation in which 16 there are many, many different commissioners. Andrew 17 mentioned the Greater Manchester Police example where 18 you have one police force, is it 11 local authorities 19 and 33 Clinical Commissioning Groups. So you have lots 20 of actors then at a local level who are all wanting to 21 contribute and to promote the welfare of victims and 22 survivors of child sexual abuse. 23 So what we are doing is, we have commissioned the 24 Centre of Expertise, which is a consortium of expert 25 organisations in child sexual abuse, to go in and look</p> <p style="text-align: center;">Page 73</p>	<p>1 means there's more child sexual abuse happening at all. 2 We think it means victims and survivors are becoming 3 more confident to come forward because they feel that 4 they recognise their experience as abuse and that they 5 are more confident in the response they are going to 6 get, but also our police officers and other agencies are 7 becoming better at acknowledging abuse. 8 The police and others have failed victims and 9 survivors in the past. That's absolutely clear from the 10 evidence that we have seen from many different incidents 11 of child sexual abuse across the country and something 12 that we recognised when we published as a government our 13 "Tackling child sexual abuse" action plan in 2015. 14 Since then in the Home Office we have invested 15 28 million in the police response to child sexual abuse. 16 We have made sure that child sexual abuse is one of 17 the national threats that's included in our strategic 18 policing requirement. There are only six of those: so 19 it is child sexual abuse, counter-terrorism and some 20 other really important issues. 21 We have made sure that we acknowledge the need for 22 specialism within the police and ensure that the sexual 23 offences specialist guidance and training that David was 24 referring to earlier is delivered, and we are piloting 25 a licence to practice so that actually you can only lead</p> <p style="text-align: center;">Page 75</p>
<p>1 at what guidance commissioners need to help them 2 construct an effective funding strategy locally, and we 3 will be developing a framework on the back of that to 4 help commissioners. 5 Now, ISVAs play a really important role in that but 6 so does therapeutic care. So health are really 7 important in ensuring that commissioning framework 8 covers the needs of victims and survivors from before, 9 way before the court process, through the court process 10 to beyond the court process. 11 I recognise that we have 400 ISVAs, independent 12 sexual violence advisers, in England and Wales. That's 13 just probably not enough and that's in part why in 2015 14 we allocated another £7 million a year on top of 15 the 14 million already being spent by PCCs to go into 16 the sector and to ensure that there was more support for 17 the incredible demand that there is on these services. 18 MR HILL: Just on that question of demand, it is anecdotal 19 evidence that there is an increasing demand, increasing 20 number of disclosures and increasing number of 21 investigations. Is that backed up by the statistics as 22 well? 23 MS EGAN: It absolutely is. For the police, since 2013, we 24 have seen an increase in reporting of 164 per cent. 25 That's not that long a time period. We don't think that</p> <p style="text-align: center;">Page 74</p>	<p>1 an investigation if you have passed some sort of 2 assessment of your ability to do so. But, again, 3 supporting what David was saying, we know that all 4 officers come into contact with victims and survivors, 5 and particularly the point that was made about 6 neighbourhood policing officers and people who are in 7 the community and so have supported, in part through 8 that investment, the College of Policing to develop some 9 training on how officers identify and respond to 10 vulnerability and are professionally curious, so you're 11 not waiting for the disclosure but you're looking for it 12 in behaviours that you see in the very vulnerable 13 children and adults that the police are there to 14 protect. 15 I'm not suggesting that all of that means that today 16 you are going to get a brilliant service wherever you 17 are across the country, because I hear some of the cases 18 that are being described to us, but we do really want to 19 ensure that we continue to improve, and with the work of 20 the inspectorate and the college and others we are 21 really, really trying to ensure that that consistency in 22 response is delivered across all forces. 23 MR HILL: If I could just turn to Andy on the support 24 services. After that -- I am aware it is a critical 25 area, and we could spend the whole of the rest of</p> <p style="text-align: center;">Page 76</p>

<p>1 the day discussing it -- I am going to have to move on 2 after this, but where it is relevant to the later 3 discussion, please bring it back in. 4 MR HUNT: Two points from my perspective. Firstly, when 5 NHS England Health and Justice picked up the 6 commissioning responsibility for this as part of the NHS 7 review in 2013, we were given £10 million, which was 8 roughly the investment that primary care trusts used to 9 put into SARC services. That is now standing at £27 10 million this year, with a focus predominantly on 11 paediatric services and therapeutic support. That's the 12 first point which matches what other agencies are 13 saying. 14 The more overriding issue, the challenge being 15 what's not going well around the inconsistency of 16 support services, is, as described by everybody else 17 here, the really complicated relationship between 18 commissioning bodies and almost too many commissioning 19 bodies in this field: local authorities, CCGs, PCCs, 20 NHS England, MoJ. I'm sure there are plenty I have 21 missed. That makes making local decisions 22 extraordinarily hard. 23 MR HILL: To finish on that local level, Rhiannon? 24 MS EVANS: I just wanted to say, that's a really important 25 point about that complication that commissioners are</p> <p style="text-align: center;">Page 77</p>	<p>1 MS BARNETT: Thank you for letting me come in there because 2 I do want to just touch on what was spoken about before. 3 Clearly I can't go into individual cases, but I have to 4 say, it makes me feel very uncomfortable to sit here and 5 listen to those experiences that you did share before 6 the break. I know I will talk about what we are doing 7 and what I believe we are doing across our forces, and 8 clearly, you know, we are 43 forces of England and 9 Wales, so there will always be a sort of inconsistent 10 picture. 11 But I would say that I think there has been a sea 12 change in our approach in policing over the last few 13 years. 24 years' service I have and policing is very 14 different. The things we prioritise and the approach we 15 take now is very, very different. That emphasis around 16 vulnerability, that emphasis on quality of service, as 17 opposed to just the pure gathering of evidence and law 18 enforcement. Policing I would say is quite 19 unrecognisable to some of those experiences of many 20 years ago. 21 What I would also say is I recognise we are not 22 perfect. We are human beings and we make mistakes, and 23 we have made mistakes, clearly, in the past. The 24 important thing for us is that we learn. 25 We have a commitment across the forces, at chief</p> <p style="text-align: center;">Page 79</p>
<p>1 finding. Actually that plays out on the ground. These 2 providers are having to write bids, et cetera, funding 3 bids, and spend a significant proportion of their time 4 doing year-on-year funding when actually all they care 5 about -- the reason they are putting the bid in is 6 because they want to support victims and witnesses of 7 these types of offence and they spend a significant 8 proportion actually trying to get the money and 9 demonstrating why they should have the money in order to 10 do that. So that complexity for commissioners actually 11 plays out on the people who would like to deliver the 12 services but spend too much time bidding for the money 13 to do that. 14 MR HILL: I am going to have to move on from that at this 15 moment, but we will touch upon support services in the 16 court environment later. As I say, please do bring them 17 up where you think they are relevant. 18 I do want to turn to some of the other issues that 19 were raised, particularly the question that came up both 20 today and indeed yesterday about those who come to the 21 police to disclose sexual abuse who have a past history 22 of criminal convictions. How do the police now go about 23 dealing with those kind of complainants and where has it 24 gone wrong in the past and is it working effectively 25 now?</p> <p style="text-align: center;">Page 78</p>	<p>1 officer level right down to our officers on the 2 frontline, and our police staff as well, so PCSOs, our 3 core handlers, the whole police family, around doing our 4 very best to identify vulnerability and to put the time 5 and effort into our victims in order that we can achieve 6 justice for them, but also that we also support them. 7 I think that is very different to what we have done 8 in the past. 9 Having said that, I take absolutely nothing away 10 from those individual experiences that you shared 11 earlier, and, as I say, I felt very uncomfortable 12 listening to those, but that is part of the role and 13 responsibility I have. 14 I would just make the point around accountability 15 and the role of Police and Crime Commissioners on behalf 16 of communities, on behalf of victims. I would suggest, 17 although I can't say hand on heart, that most forces, if 18 not all forces, have a recognition around the service 19 that they provide to victims and witnesses. The way 20 that they address threats and tackle issues of child 21 sexual abuse and other vulnerabilities will be at the 22 top of agendas around policing plans and the priorities 23 that are set by commissioners and are also set by chief 24 constables, and there is that accountability mechanism. 25 But one of the things that I think is really</p> <p style="text-align: center;">Page 80</p>

1 important, and some work that I am really keen to
 2 progress with in my portfolio now, is around how we
 3 truly understand the impact of our service, the impact
 4 of our actions, the impact of our interactions with
 5 victims and with witnesses, whether that is through
 6 surveys, but also listening and hearing from victims who
 7 come to us and report crimes to us and go on that
 8 journey through the criminal justice system or don't go
 9 through the criminal justice system.

10 Again, we have a patchwork of approach at the
 11 moment, so that we do -- some forces will do surveys,
 12 some forces will have measures in place to understand
 13 what that quality of service is, and I think that's
 14 something -- hearing from survivors, hearing from
 15 victims is really profoundly impactful for frontline
 16 officers and staff because it makes them -- it helps
 17 them to understand why it is so important that we do
 18 this and it isn't actually just a directive from the
 19 assistant chief constable that you go out and do this.
 20 It makes it real. And you will hear that many forces
 21 now have words such as "care and compassion" within
 22 values and mission statements and purpose, and I think
 23 this is part of that sea change of approach and the
 24 change in culture.

25 On to the specific question you asked around how we

Page 81

1 then deal with people who come to us and report to us,
 2 I almost want to say that what has gone on in the past
 3 in terms of somebody's behaviour or their position
 4 within society, who they are, what they have done, is an
 5 irrelevance. It is what we are listening, what we are
 6 hearing somebody reporting to us. Again, I do caveat
 7 that. We won't necessarily always get this right. But
 8 what has happened, whether somebody has been a previous
 9 offender or there are issues of credibility somewhere
 10 down the line, that should not matter when you walk
 11 through the door of a police station or you speak to
 12 a police officer. We are interested in what you have to
 13 say. We then want to identify how best we can truly
 14 understand what's happened to you. If a crime has been
 15 committed, we will record that and then we will make the
 16 investigation. Of course that investigation can take
 17 many different forms and it will very many different
 18 aspects, from the interview and how we do that -- we
 19 have already touched on issues such as intermediaries,
 20 special measures and so on -- but also what else is
 21 available to us in terms of whether that is around
 22 forensic retrieval, the digital world, which is clearly
 23 something that is quite significant now in many current
 24 issues around child abuse, particularly online.

25 Wherever that evidence goes, as I said earlier,

Page 82

1 that's where we will follow, and we will build a case or
 2 we will investigate so that we can try to understand
 3 what's happened.

4 Clearly, things in the past will have to form part
 5 potentially of disclosure moving forward, and that's
 6 then when we start to get into the prosecution around --
 7 those issues around credibility will start to be
 8 explored. But in terms of when you come and report, or
 9 when victims come and report to the police, I would like
 10 to feel confident that you should have confidence to
 11 report. We will develop trust. We will have the
 12 confidence to deal with what you are telling us. And we
 13 will work with you to get the best support for you in
 14 order that we can get the best evidence to truly
 15 understand what has happened and how best you can be
 16 supported moving forward.

17 I clearly would say, however, that what has happened
 18 in the past and issues that may get raised around
 19 credibility, we can't ignore those and we then need to
 20 work together with the Prosecution Service as well to
 21 understand what impact that may have, both in terms of
 22 the prosecution and the criminal justice, but also the
 23 impact on individuals and their well-being moving
 24 forward.

25 MR HILL: I will turn to Neil in a second to ask for the

Page 83

1 CPS' view on that, but before I do, perhaps David, if
 2 I could ask you, these are fine ideals about how we
 3 approach it. How do you ensure they are actually
 4 followed on the ground?

5 MR TUCKER: The concept of what is referred to these days as
 6 evidence-led prosecution is not new. So the CPS
 7 guidance, which I'm sure Neil will refer to, and the way
 8 that policing is taught around investigation is not,
 9 particularly in these cases, not to concentrate on the
 10 credibility of the victim but look at all of the avenues
 11 for evidence.

12 With recent cases, as Emma has indicated, where you
 13 will find a digital footprint around things, evidence
 14 gathering is more simple. When we look back at old
 15 cases, it becomes very, very difficult because the
 16 forensic retrieval is more difficult. So there has to
 17 be a realism about that.

18 In relation to embedding how we change attitudes and
 19 how we take this more open approach to looking for
 20 evidence -- don't forget, the criminal justice process
 21 from a policing point of view is about gathering
 22 evidence on both sides to present the evidence to the
 23 CPS -- the College of Policing creates the training.
 24 Most of that is delivered by police forces. In this
 25 area, there are broadly three levels.

Page 84

<p>1 When somebody joins the police service, they 2 undertake their initial training. That's currently the 3 Initial Police Learning and Development Programme, and 4 that's going to change soon into three different 5 pathways into policing. That is the initial learning 6 and the content of that is mandated by the College of 7 Policing. That includes a focus on public protection 8 learning. So the vulnerability stuff that I talked 9 about earlier, the vulnerability training, that idea 10 about trying to understand what's happened before, 11 professional curiosity, that's coming into initial 12 training now and will inform and be part of the new 13 pathways when they come in in the very near future. 14 Then you have what we would call level 2 training, 15 which is people going into their first investigative 16 role in the CID, and there are modules around that that 17 focus on public protection and child sexual exploitation 18 is specific module within that that forces can deliver 19 to their detectives. 20 Then the level 3 is that specialist level where you 21 would have the most challenging investigations 22 undertaken by specialist officers -- that's SCAIDP, the 23 Specialist Child Abuse Development Programme. Those 24 officers will have a very, very high degree of training, 25 very demanding ongoing development through the following</p> <p style="text-align: center;">Page 85</p>	<p>1 to equip them to understand what they don't know, 2 almost, so they can then seek the advice that they need, 3 and that's where our vulnerability training goes. So it 4 is for everybody in the frontline. It is not just 5 related to officers, it is available across all those 6 roles. We want our people who receive allegations, who 7 are interacting with the public, to recognise that there 8 is more to a thing that they are dealing with than meets 9 the eye and understand when they don't quite understand 10 so they can seek the advice and seek the support they 11 need to deal effectively with that individual. 12 MR HILL: Thank you. If I can turn, then, to Neil on this 13 question of credibility and the involvement of the CPS. 14 As we learnt yesterday, as you go along through the 15 process, decisions will have to be made and ultimately 16 a decision will have to be made on charging. How does 17 the CPS approach these issues of credibility? 18 MR MOORE: Thanks, Matthew. Yes, I want -- thank you for 19 giving me the opportunity. I want to address a point 20 made by Daniel particularly before the break, if I may. 21 Obviously I can only speak of what prosecutors are 22 told to do now and what they are trained to do now. For 23 some time, prosecutors have been trained to concentrate 24 on the credibility of the allegation and focus on that 25 and not focus on the credibility of the complainant. So</p> <p style="text-align: center;">Page 87</p>
<p>1 year, and then become part -- are then entered onto 2 a register of people who hold this skill. 3 As Rebecca referred to earlier, we are also 4 trialling an approach around introducing a licence to 5 practice. We are just piloting that at the moment in 6 three police force areas. That is aiming at looking at 7 the decision -- some key decision points, so that you 8 make sure the first decision point is when an allegation 9 is made, who should be investigating that. Is it, on 10 the scale of seriousness, down towards something where 11 a CID officer could deal with it or, because it is 12 a really serious investigation, does it need the full 13 specialist skill? We need people to understand what the 14 risks and liabilities are in making that decision. So 15 the licence to practice, as I say, is a trial, a pilot, 16 that will run for six months to try to see how improving 17 the decision making can make a difference to how 18 policing is taken forward. 19 I think one thing to talk about training is that you 20 can't train everybody in everything to the extent that 21 you would want. So we have to find a way of enabling 22 particularly those who deal with the full range of 23 policing, who will be your neighbourhood officers, your 24 PCSOs and core handlers and front office staff, they 25 cannot be experts on everything. So we have to be able</p> <p style="text-align: center;">Page 86</p>	<p>1 things which might historically, perhaps even in 2 Daniel's case, have been considered as being affecting 3 credibility, such as, for example, non-reporting or 4 inconsistencies or perhaps mental health issues or bad 5 character, may actually now be more likely to be seen as 6 signs of abuse, and rather than them undermining the 7 prosecution case, can in certain circumstances be seen 8 as actually part of the narrative of abuse in support of 9 a prosecution. 10 So, for example, our legal guidance for child sexual 11 offences expressly requires prosecutors, in the case of 12 previous convictions, to scrutinise and assess the 13 circumstances and relevance carefully. Are they, for 14 example, survival crimes, what are sometimes called 15 survival crimes, crimes committed only to enable 16 a victim to survive? Are they caused or result from 17 the suffering caused by the abuse? Or are they as 18 a result of coercion or exploitation from those who 19 perpetrated the abuse? 20 So we look beyond the mere fact of, for instance, 21 a previous conviction and assess it in that way. As 22 I say, in certain cases, if these previous convictions 23 are admitted during the course of the trial, rather than 24 undermining the case they can very often be turned into 25 features which support the case.</p> <p style="text-align: center;">Page 88</p>

1 Just to give, if I may, one further example, in the
 2 case of child sex exploitation, I don't think I have
 3 ever come across a victim of child sexual exploitation
 4 who hasn't had a difficult and chaotic upbringing, but
 5 that's because, as we know, those who perpetrate
 6 exploitation target such people because, of course, they
 7 perceive them, that is, the perpetrators, to be more
 8 susceptible to their exploitation, it is less likely
 9 anyone will notice they are being exploited, it is less
 10 likely they will have the fortitude and courage to
 11 report it, and less likely, if they do report it,
 12 whether it be to their parents, police or eventually to
 13 a court, that they will be believed.

14 So prosecutors now understand that's why, of course,
 15 those who exploit young children target people with
 16 chaotic backgrounds, and far from it being a factor
 17 which undermines the case, we very much weave that into
 18 the narrative of our case in child sexual exploitation
 19 cases. That's what we did in Operation Bullfinch.

20 So the defence can cross-examine, if it is admitted,
 21 witnesses on their bad character as much as they want.
 22 It actually feeds into the narrative of the prosecution
 23 case. And juries, with appropriate directions, in my
 24 experience, recognise that and convict.

25 MR HILL: Thank you. In terms of this question of how the

Page 89

1 ideals and the policies at a high level are implemented
 2 on the ground, I would like to turn to those who have
 3 the role of monitoring and dealing with the occasions
 4 when they don't go well. Amanda from the IPCC, are you
 5 seeing complaints coming from victims of child sexual
 6 abuse about how they have been handled and is there
 7 a theme to how those complaints are developing and
 8 indeed how over time they have changed?

9 MS ROWE: Yes, we are seeing a pattern. The majority of
 10 the cases that fall under my directorate of major
 11 investigations are of non-recent abuse. Not all of
 12 them; obviously there are some that are more recent.
 13 So, yes, absolutely, in those cases we are seeing
 14 a pattern of allegations, and the complaints are around
 15 how they were dealt with at that time.

16 Part of that is about the force or individual police
 17 officers actually not recognising what was happening,
 18 particularly those who were victims or survivors of
 19 child sexual exploitation, for example, so actually the
 20 force not recognising that that was what was happening
 21 at the time. And then we have seen actually a change,
 22 we would say, in more recent cases. So I think some
 23 colleagues have actually talked about how policies have
 24 changed.

25 I think what we are identifying is that the right

Page 90

1 policies and procedures were not in place at the time,
 2 and therefore those complaints are around those, and
 3 although we are seeing a shift now in cases where there
 4 are still allegations where actually people haven't been
 5 dealt with appropriately by forces, we are seeing that
 6 there is an improvement in the way that people are being
 7 dealt with.

8 However, there are still pockets of complaints where
 9 actually officers potentially are not following the
 10 policies and procedures that are in place and that have
 11 been put in place for the very reasons that we have
 12 talked about today.

13 MR HILL: Is there any pattern to those areas, those problem
 14 areas, that are currently being identified to you?

15 MS ROWE: Of more recent cases?

16 MR HILL: More recent, yes.

17 MS ROWE: We certainly had -- I can't go into, obviously --

18 MR HILL: You can't go into details, I recognise that.

19 MS ROWE: But we have had individual cases where perhaps it
 20 has been a particular unit that weren't operating in the
 21 right way, were not following policies and procedures.
 22 Some of the officers may say actually they didn't feel
 23 that they had the resources to follow the procedures and
 24 policies that were in place. So that's one example of
 25 more recent cases, actually, where allegations of child

Page 91

1 sexual abuse weren't dealt with appropriately.

2 MR HILL: Thank you. Catherine, if I could bring in your
 3 perspective as somebody who works with but is not of
 4 the police.

5 MS O'NEILL: Yes, exactly. I do work in a position of
 6 neutrality, and I wanted to pick up on some of
 7 the points you made earlier and perhaps the frustration
 8 that things were being painted in a very rosy way.

9 I think for most people, and particularly for
 10 survivors, there is nothing worse than not being
 11 believed and to feel that they are not being heard.

12 I am in a fortunate position to make a comment about
 13 what I experience working assisting the police. I have
 14 worked in clinics and hospitals for many years. I have
 15 had nothing to do with the police before or the criminal
 16 justice system prior to eight years ago when I started.

17 I have to say, there are cases I can remember where
 18 I have come away and felt very disappointed about an
 19 ABE, but generally I feel the police who call
 20 intermediaries in really want to help. They need the
 21 help and they are very good to work with. That has been
 22 a revelation to me, I will put it bluntly. I didn't
 23 know that this is how it would be.

24 I think they can almost be the last bastion of help
 25 for some people. Some of the other agencies, very

Page 92

<p>1 sadly, have shut down a little bit because they are 2 burnt out, they are overloaded. I think all the good 3 things being discussed here today are true, but I think 4 it is the funding and the resources and the amount that, 5 as an intermediary, and I can speak for many of us, we 6 are overworked and we would like to do more. I'm sure 7 the ISVA project is just the same.</p> <p>8 I just really wanted to reassure people that I can 9 hear what you are saying and it is very, very valuable, 10 but my experience as a person in a position of 11 neutrality is things are slowly changing. They are 12 changing in the courts too. The barristers now give 13 their questions in advance to the intermediary to look 14 through. I look at the language -- but we will talk 15 about that this afternoon, I think, when we are talking 16 about courts, I won't go into that now. But, yes, 17 a little bit of hope there.</p> <p>18 MR HILL: If I could turn to Andrew, I think he wanted to 19 come in on this one?</p> <p>20 MR WEBB: Yes, thanks very much. I wanted to respond to 21 some points made by Chris, Peter and Daniel, because 22 they sort of interlink.</p> <p>23 Chris opened with a really good point about reality 24 not resembling what she'd been listening to, and I think 25 as public bodies we need to be really honest with</p> <p style="text-align: center;">Page 93</p>	<p>1 terrorist attack at London Bridge, just up the road from 2 here, public bodies in Greater Manchester got 3 together -- I was part of the steering group that looked 4 at the psychological impact of that. We got experts to 5 talk through the best evidence there was about dealing 6 with trauma, the speed you need to respond with types of 7 resources, the delays you want to build in to let people 8 recover and then provide specialist report. What struck 9 me was there was a really professional, really 10 well-organised response -- and the commitment was not 11 just to the people locally, because people who attended 12 the Manchester concert came from all over Britain; but 13 a system which was capable of reaching out to them as 14 effectively in the north-east as locally or the 15 north-west, and the contrast between that and the 16 stories you have given about the resources that are 17 available for you as victims of trauma.</p> <p>18 We should learn, I think, from that rapid response, 19 evidence-led policy development that I have just seen 20 that's good, and apply it more broadly.</p> <p>21 It managed to cut through the waiting times for 22 psychological therapies and CAMHS referrals. Not 23 totally, but it cut through them a bit. What we can't 24 do is simply keep putting back on to individual 25 practitioners to make judgments about which clinical</p> <p style="text-align: center;">Page 95</p>
<p>1 ourselves. There are three broad reasons that we fail 2 to deliver: sometimes we don't invest enough in those 3 areas that need it, and if that's a public policy that's 4 following a debate, conscious choice, then that's fine, 5 we have to live with that, but sometimes we just move 6 money around collectively, and I'm speaking as someone 7 who moves a lot of money around, hoping I can spot the 8 consequences but not always getting it right.</p> <p>9 Sometimes we develop policies which just aren't fit 10 for purpose and then we follow them slavishly, and there 11 is a group there I'm going to refer to a little bit, and 12 sometimes our staff just don't do what they are supposed 13 to do and we need to be on top of that. That is the 14 responsibility of frontline agencies. It is nobody 15 else. It is not an inspectorate responsibility. It is 16 my job, as a director of children's services, to make 17 sure my staff have the right tools to do the job and 18 they do it.</p> <p>19 On behalf of public bodies, I hope we are getting 20 better at realising, for people who have had a raw deal, 21 that they are our responsibilities.</p> <p>22 So on: do we put enough money in, I think there's 23 Peter's point about needing resources, I was really 24 struck by the contrast with -- following the bombing of 25 the Manchester Arena, and very soon after it the</p> <p style="text-align: center;">Page 94</p>	<p>1 need is greater. You know, if a psychiatrist has 16 2 referrals and only eight appointments, it shouldn't be 3 just the job of that psychiatrist to make the decision 4 about who to work with. As a system, I think we can 5 learn from what we do well and apply it more carefully.</p> <p>6 On: do we do the right thing, I am struck by the 7 fact that although we have made some really great 8 strides in supporting witnesses who have got difficult 9 histories and don't look very credible to the average 10 jury, we haven't really gone far enough. We still have 11 systems that are sort of built on the principle of: 12 which mistake do we most want to avoid? So you're 13 thinking about, should you give counselling to a victim 14 or should you wait, and we have got some guidance on 15 this but I know it is not followed properly. Should you 16 worry more about whether you could be seen to have been 17 coaching the victim before they become a credible 18 witness or should you attend to their personal needs? 19 We are still making the decision that says, "We won't 20 put anything in just yet because we don't want to be 21 seen to be coaching the victim", and we have got to get 22 better at that. That's been part of our default for 23 10 years at least now, and we are still making calls 24 that you could have made the other way.</p> <p>25 Then there's the, you know, how much about</p> <p style="text-align: center;">Page 96</p>

<p>1 a person's history should you be prepared to disclose, 2 and I think Neil's points are really well made, and we 3 do see some really outstanding practice now where people 4 are sensitive about the nature of the impact of abuse, 5 but we are still not doing enough to enable, 6 particularly young people who I have seen and I have 7 worked with recently, to enable them to have the 8 strength and stand up and say, "Yes, I did that, but 9 that's not nothing to do with the offence". 10 There are many ways we could empower people to 11 improve their ability to look credible, to be credible, 12 to a jury, because that is what we are talking about, 13 juries needing to see in the round some events that were 14 done to somebody and some events they did for 15 themselves, and not link the two. 16 So I think we do need to invest more in finding ways 17 of ensuring we tune in to people's assets, their 18 strengths, and work on them, rather than our system 19 simply saying, "You know what, this is going to be such 20 a difficult trial, we are not going to go near it", or, 21 "You know what, this witness is just going to shoot 22 themselves in the foot and then feel even worse about 23 themselves at the end of the process". 24 So I think that ability to bring together 25 therapeutic input, not just when you are ready for CAMHS</p> <p style="text-align: center;">Page 97</p>	<p>1 alongside our investigations team, and at the very core 2 of all our planning of operations, we make sure that 3 everyone is very, very victim centric, which is an 4 important step forward for us in terms of making sure we 5 have got the wrap-around services for victims. 6 We have a slight advantage in the nature of 7 the evidence that we deal with, because, unlike contact 8 offending, in the digital world offenders leave a lot of 9 evidence. So technical advances and technical 10 capabilities have been really very important for us in 11 terms of catching offenders. 12 The big challenge for us now is that a lot of 13 the more high-end of -- high-harm offenders have gone 14 onto the hidden services, onto the dark web. They are 15 operating in areas where they can conceal their 16 identities and use encryption. But that is the 17 challenge for us and we are moving into working with 18 a lot of partners and a lot of overseas agencies as 19 well, because these are offences that are committed on 20 a global scale, so it is not just UK affected. 21 But thanks to some funding we have had from the 22 government, in CEOP, which is our online investigations, 23 we have increased our capacity and resources to set up 24 a lot more investigation teams tackling online 25 paedophiles with quite a really good rate of success.</p> <p style="text-align: center;">Page 99</p>
<p>1 and you are in a stable placement and all that stuff, we 2 actually have to have more ability to support alongside 3 our victims so that they can stand up and be credible, 4 and lifting their credibility is something I'm sure we 5 can do, because juries, by and large, desperately want 6 to do the right thing and see the truth. I will leave 7 that there. 8 MR HILL: Thank you. We are going to come back to some of 9 those points this afternoon. 10 I am also going to turn to the public gallery in 11 a second, but before I do, Tony Cook from the National 12 Crime Agency isn't going to be with us this afternoon, 13 so I do want to ask him specifically about the 14 challenges in dealing with the rise, as seems to be 15 universally accepted, in the amount of online offending 16 and the specific difficulties, challenges and practices 17 that are involved in dealing with that. 18 MR COOK: Thank you. The challenge, really, is the 19 increased opportunity the internet has given paedophiles 20 to get access to indecent images and share them on 21 a global scale. 22 I think one of the areas where we have been 23 successful is that my investigators work alongside child 24 protection advisers, so we have a dedicated team of 25 qualified and experienced social workers who work</p> <p style="text-align: center;">Page 98</p>	<p>1 MR HILL: When you referred earlier to working with the 2 social workers, are these social workers whose sole 3 dedicated role is to work with your officers on that, 4 with the victims that arise from online crimes? 5 MR COOK: Yes. We have what are called child protection 6 advisers. They are full-time staff embedded in our 7 operations team. They are involved in the planning of 8 all our operations, right from the very start. They 9 work alongside investigating officers. 10 So every operation that is planned is structured 11 around making sure we have the right approach to not 12 only identifying child victims but giving them support 13 right from the very outset, and every operational 14 decision we make is always to the advantage of 15 the victim to make sure we have got the right support in 16 place, and having them available -- I appreciate our 17 colleagues in the policing world haven't got this 18 resource, not as readily available as we have, but we 19 have specialist advice instantly available 24 hours 20 a day before we mount an operation to make sure that we 21 get the right policy and the right operational structure 22 in place before we even send our officers out on the 23 ground. 24 MR HILL: Thank you. I am going to turn now to the public 25 gallery before we go for our break. If I could start</p> <p style="text-align: center;">Page 100</p>

1 with those who are core participants, and, again,
 2 I would ask to focus on the discussions that we have
 3 been having in this session about in many cases points
 4 that arose during the last session of questions from the
 5 public gallery.
 6 Observations from THE PUBLIC GALLERY
 7 PUBLIC GALLERY: Hello, I'm Peter. I'm a core participant
 8 from the Stanhope group -- F34, I think. Thanks for
 9 having us. We really appreciate the invitation.
 10 I don't want to sound critical in any way. I know,
 11 Matthew, you have got a very difficult job to do, you
 12 know. It is a tight ship, you haven't got a lot of time
 13 and you have so much to get through. Could I just
 14 remind you, please, that some of us have been waiting
 15 20, 30, 40, 50 years to have our voice heard. This is
 16 the first chance we have. I know some of us go a little
 17 bit off course and we rant a little bit. I'm sure you
 18 can understand why.
 19 Don't interrupt when people are talking. You made
 20 your point at the beginning: keep it to the point. But
 21 just try and bear in mind that it ain't easy for us, but
 22 we are trying to do our best. Thank you.
 23 PUBLIC GALLERY: My name is Tom, from the Stanhope group.
 24 I spent many, many, many years in care, and I think
 25 I speak for everybody in this room. Most of us were

Page 101

1 from council estates and council housing. The many
 2 years that I spent in care, I never ever seen a child
 3 from a privileged background brutalised the way we were.
 4 In fact, I never seen a privileged child -- I'm not
 5 being biased or anything. I won't name any names, but
 6 there was a teacher who had two young children around my
 7 age, maybe a couple of years younger than me, and I used
 8 to look at him and look at his children and I used to
 9 say to myself, "Does he hit them and brutalise them the
 10 way he hits me?" Thank you.
 11 PUBLIC GALLERY: I'm Ian from -- I went to Stanhope.
 12 About a year ago, one of my abusers was found and my
 13 interview was made by Durham CID. It took a year --
 14 mine and one other made an interview. It took a year
 15 through the process of things. There was about half
 16 a dozen others I know of that wanted to give interviews
 17 against this person, and every time they phoned to talk
 18 to the person that was running the investigation, that
 19 person was not available, and that person would have got
 20 back to them, but that person never did.
 21 Over that whole year, that person had many
 22 opportunities to get back to these people who never got
 23 the chance to give their interview.
 24 At the end of it, after a year, out of just the two
 25 interviews that person received, the Crown Prosecution

Page 102

1 couldn't take it no further due to the lack of evidence.
 2 The only evidence I've got is scars on my body. What
 3 evidence can you get after 42 years? Nothing.
 4 MR HILL: Just on that point, I would like to come back
 5 after lunch to this question of communication. It arose
 6 there and it arose yesterday as well, the idea of doing
 7 these basic things right: returning calls, staying in
 8 contact through the process. It is something to discuss
 9 when we come back.
 10 PUBLIC GALLERY: Chris Tuck again. So the terminology or
 11 language, so "sexual violence". The government or the
 12 funding people, they like to just really work with the
 13 latest hot potato. So it might be "FGM" or "domestic
 14 violence" or "male survivors", but now the funding has
 15 been devolved -- so I'm just trying to sum up, really.
 16 So now the funding has been devolved to local, we
 17 have to make sure the funding doesn't just follow the
 18 latest hot potato because we know that child sexual
 19 abuse is the cancer in society today that's not being
 20 spoken about and needs investment. So that's investment
 21 in the police services, instead of cutting -- you know,
 22 we have lots of cuts coming our way.
 23 The fact that online sexual abuse is on the increase
 24 and it is too much for even you guys to deal with at the
 25 moment, it is out of control. The fact that it is being

Page 103

1 termed "child porn" and not what it is, which is rape
 2 and sexual assault of children.
 3 Simon Bailey actually was in the media recently
 4 saying that not all cases are going to be followed up
 5 because the funding is not there, so they can't
 6 prosecute, you know, all of the cases because it is
 7 outrunning what we can deal with.
 8 In my mind, the police are there to investigate, so
 9 they shouldn't be the support service to victims and
 10 survivors.
 11 To maximise the resilience and reduce the attrition
 12 rates, the victim/survivors do need the trauma-informed
 13 support from disclosure to the end of the service to
 14 post service, and the court process, which we are going
 15 to go on to later on, does need to be shortened to
 16 reduce the trauma that we all go through, but more
 17 importantly, it is the culture from the top down.
 18 So whoever is sitting up in the top realms of
 19 police, or you guys sitting around the table, there
 20 needs to be that training and commitment downwards to
 21 help the police that are on the ground level doing the
 22 job, because all the police that I have spoken to across
 23 many forces now over the last couple of years, they are
 24 all saying that they are not doing the job that they are
 25 paid to do, which is to investigate; they are more of

Page 104

<p>1 a baby-sitting service now. And that ain't right for 2 them and their morale, and it ain't right for us in the 3 end that are wanting this service from them. 4 PUBLIC GALLERY: I'm trying to take in what's been said. 5 I'm hearing a lot of change talk from you all, which is 6 very positive, and Dame Vera, my opinion has changed of 7 you, to be honest with you. I think you're very kind of 8 sort of informed and sort of know what you are doing, to 9 be honest with you. 10 I find that quite refreshing, to be honest with you, 11 I really do. It is quite easy for me to get stuck in 12 the mindset of hating the police, to be honest with you, 13 because I mop up after the police day in, day out with 14 people whose cases haven't been dealt with properly. 15 I really kind of liked what you said at the end. 16 I liked it and I didn't like it. But I thought it was 17 very true when you said about if somebody had have had 18 an ISVA, maybe the result would have been different. 19 And I want to acknowledge your insight, or whatever the 20 word is, on that and I think it's really true what you 21 are saying. 22 What saddens me about that is, I think we have to 23 recognise the past and deal with the past to move 24 forward to the future and stuff, but because this stuff 25 is still happening today and it is still current people</p> <p style="text-align: center;">Page 105</p>	<p>1 away day and stuff, that the most that I can hope for, 2 which I would be happy with, is a culture change. You 3 know, people need bringing to their knees in shame for 4 flipping -- I think for things to happen and for things 5 to change, and stuff, and that's very sad, and it might 6 sound a bit callous and stuff, but, you know, someone 7 needs a slap across the face with a wet fish, as in 8 society, to say, "Whoa, look what's happened, we have 9 millions of children being flipping raped". You know 10 what I mean. You know, kids that are coming in today, 11 similar to the sort of child immigration stuff, the kids 12 that are coming here, coming in now from other countries 13 and just flipping disappearing and being sexually 14 exploited and being trafficked and stuff. 15 So there is a massive responsibility for you lot at 16 the top of your game to flipping implement some changes. 17 I am being hopeful of that. So thank you. 18 MR HILL: Thank you. We will come back to some of those 19 points later, particularly this idea of change happening 20 now, and those who are still affected by what has 21 happened in the past and almost a generational shift and 22 making sure that they are not left out. 23 If we could return at 2 o'clock? 24 THE CHAIR: Yes. 25 (1.10 pm)</p> <p style="text-align: center;">Page 107</p>
<p>1 being failed, I think what we need to accept or what 2 I need to accept is that people who have been failed and 3 are failed today and recently, still nothing is going to 4 be done about it. So I have to live in a place of hope 5 that what you're all saying is going to be implemented, 6 but there is going to be a lot of carnage along the way 7 and a lot of people still failed and nothing is ever 8 going to be done about it. 9 What I see as like sort of justice is, like, heaven 10 forbid something happened to one of my children, you 11 know, that it would be dealt with sort of properly. So 12 we are coming from a sort of hope -- we are coming from 13 a place of sort of hope for the future, and I need to 14 have a reality check that you're not going to sort 15 things flipping straight away, that ain't going to 16 happen, you know what I mean, which is dead sad because 17 it means, like I said, a lot of failures along the way, 18 and stuff, but that's how it is. So a bit of what I'm 19 hearing -- I know you're not saying that, but what 20 I'm hearing is, like, sort of "Suck it up, basically, 21 until things change", and I think that's the reality of 22 the situation. 23 Going back to what Alexis -- sorry to throw it on 24 your toes, Alexis, but what we were, like, sort of 25 talking about the other day and stuff when we had the</p> <p style="text-align: center;">Page 106</p>	<p>1 (The short adjournment) 2 (2.00 pm) 3 Session 4: The Court Process: 4 Criminal Justice System Response 5 MR HILL: Thank you very much. We are joined by three 6 additional contributors around the table. I would ask, 7 first of all, that they introduce themselves and just 8 give us a brief introduction as to who they are and what 9 they do and what their organisations do. Thank you. 10 Richard, if I could start with you. 11 MR ATKINSON: Richard Atkinson, I am co-chair of 12 the Law Society's criminal law committee. I'm a defence 13 practitioner based in Kent. 14 MS ROSE: Sarah Rose, deputy director for crime in HMCTS, 15 Her Majesty's Courts and Tribunals Service. My team 16 have operational policy for the criminal courts. 17 DAME JOYCE PLOTNIKOFF: Joyce Plotnikoff, researcher. I'm 18 chair of a small research company called Lexicon Limited 19 and I do research on young witnesses and intermediaries, 20 and I am still actively involved with the intermediary 21 scheme, having evaluated it back in 2004. 22 MR HILL: Thank you all for joining us. We are going to 23 move on to the court process, both leading up to it and 24 then at court itself. 25 Picking up on some of the themes that emerged this</p> <p style="text-align: center;">Page 108</p>

<p>1 morning and relate to that, I would like to begin by 2 turning back to Neil and asking him about the 3 decision-making process of going to court and taking the 4 case forward to charge and who is involved in that 5 decision making, who is not involved, why that is and 6 who can be told what about it. 7 MR MOORE: I'm not going to repeat myself. Obviously, we 8 apply the two-stage test in the Code for Crown 9 Prosecutors. All these cases of child sexual abuse are 10 dealt with by our RASSO teams, all of them now all with 11 specialist trained prosecutors. 12 I can go into the detail if you want me to, but in 13 short a case is allocated to a particular lawyer and it 14 is that lawyer who makes the decision whether to 15 prosecute or not. In order to make that decision, 16 obviously the prosecutor has a file of evidence prepared 17 by the police. That will include the evidence in the 18 case. It should also include the unused material, the 19 third party material, in order that the prosecutor can 20 make an informed decision about whether the code tests 21 are met. 22 So, essentially, it is the judgment of an individual 23 prosecutor who makes that decision on information 24 provided to him or her by the police, and, as I say, 25 that information doesn't just include the evidence, it</p> <p style="text-align: center;">Page 109</p>	<p>1 they are supposed to be -- they should provide as much 2 information as possible and should do so in 3 a sympathetic, empathetic way, and explain it in 4 language that is not legal language, which is understood 5 by the complainant. 6 I should also say -- I didn't mention this earlier, 7 of course -- if a complainant wants to effectively 8 appeal the decision, we have an established Victims' 9 Right to Review scheme which enables a complainant to 10 invite reconsideration of the case. First of all -- 11 there are different levels. The first level is 12 reconsideration by a different lawyer within the same 13 area, and if the complainant is still not happy with 14 that decision it can be referred to the appeals and 15 review unit, which is essentially based in headquarters 16 in London, where again an appropriately qualified lawyer 17 will consider whether the decision not to prosecute was 18 right or wrong. 19 MR HILL: Before lunch, Andrew raised some issues about who 20 could potentially be involved in that decision-making 21 process, or the steps leading up to it. I wonder if you 22 have had any reflections on that? 23 MR MOORE: Yes, I have actually had an opportunity to speak 24 to Andrew about this. 25 We need to know and want to know information from</p> <p style="text-align: center;">Page 111</p>
<p>1 should include unused material and third party material. 2 MR HILL: By "unused material", you mean material that 3 isn't -- it isn't proposed by the prosecution to put 4 before the court, but material which has been found as 5 part of that investigation? 6 MR MOORE: Yes. Material which would not be used in support 7 of the prosecution but which has been generated as 8 a result of the investigation, which of course needs to 9 be considered for disclosure purposes to see whether 10 there is anything in it which assists the defence or 11 undermines the prosecution which needs to be disclosed 12 to the defence if there is a prosecution. 13 MR HILL: If a decision is taken not to prosecute, how is 14 that decision communicated to the complainant and what 15 can they be told, what can't they be told? 16 MR MOORE: That is communicated to the complainant by 17 letter, written by the reviewing lawyer, which should 18 include an explanation in as full terms as possible as 19 to the reasons why the case isn't being prosecuted. 20 Obviously, if there is anything sensitive which has 21 arisen, that can't be conveyed in the letter, but 22 generally speaking, now -- again, there have been 23 improvements, I would like to say, in the quality of 24 letters, which hasn't always been the case, but there 25 has been improvement in the quality of the letters --</p> <p style="text-align: center;">Page 110</p>	<p>1 other agencies in the manner that Andrew was referring 2 to, but what we can't do, I'm afraid, is to all sit 3 around the table with everybody taking part in 4 a discussion. 5 I suspect the objection to that would be it might be 6 seen as some sort of indication that we are not taking 7 an independent and objective view, but we hear that 8 information through the police file, effectively. The 9 police, who are a party to this information, should be 10 feeding through to us the information which is important 11 to make our decision from other agencies. Although, as 12 I say, I have been speaking to Andrew about potential 13 ways we could improve that in a particular area, but 14 that's essentially how it happens at the moment. 15 MR HILL: Is this in part a reflection of the fact that it 16 is the state that is bringing this case; it is not the 17 complainant? There is a distinction between that 18 process and a process in civil litigation? 19 MR MOORE: Yes. Very often, what I hear from witnesses and 20 victims when I meet them is, "Why has the defendant or 21 suspect been spending all this time with his barrister 22 talking about the issues in the case? Why can't I spend 23 the same amount of time with my barrister, the 24 prosecution barrister?" And I can completely understand 25 why that is said and why that is considered to be</p> <p style="text-align: center;">Page 112</p>

<p>1 inappropriate. But we are independent. We are 2 representing the state, we are the Crown Prosecution 3 Service. We don't directly represent the victims of 4 crimes. 5 That doesn't mean to say we have no engagement with 6 them. I would like to think, particularly in recent 7 times, there has been considerable improvements on the 8 level of engagement we have with victims and witnesses, 9 most notably a couple of years ago we introduced our 10 "Speaking to witnesses at court" guidance, which made it 11 mandatory for the prosecutor to introduce him or herself 12 to witnesses and victims and to explain the procedure, 13 and also, if appropriate, to highlight the issues that 14 are likely to arise in the case. 15 But the fact is that we are a state prosecution 16 service and we are not there as the complainants' or 17 victims' individual barristers or solicitors or 18 advocates. 19 MR HILL: An issue which has come up, and I think I will 20 turn to Sarah first on this, but I'm sure others will 21 have a view as well, is just the sheer length of time 22 that it takes to firstly have a decision made and then 23 get from the decision to charge to trial. Is there any 24 straightforward explanation as to why it takes so long 25 to get your case to trial?</p> <p style="text-align: center;">Page 113</p>	<p>1 there may need to be a ground rules hearing where we 2 will bring together the prosecution, the defence 3 representatives for a discussion with the judge about 4 what will be appropriate throughout the course of 5 the trial, so what sorts of examination and 6 cross-examination may be appropriate. 7 At the same time, there will be stages that will be 8 going on within the other agencies, of course, which the 9 court process is dependent on having completed before us 10 being able to move to trial. 11 The one thing the judiciary will have regard to is 12 having judges that are ticketed, who have the 13 appropriate -- I'm trying to think of another way to 14 describe a ticket. 15 MR HILL: Suitably trained. 16 MS ROSE: Suitably trained and experienced to carry out that 17 work, and also regard to judicial welfare. We don't 18 have an unlimited number of those judges and it is 19 important we have regard to their welfare as well in 20 terms of listing those cases before them. So there is 21 a variety of factors, I suppose, that will lead into the 22 decision about when a case will be listed. 23 MR HILL: Richard, if I could turn to you on that point, 24 please? 25 MR ATKINSON: Thank you. Clearly, there are two</p> <p style="text-align: center;">Page 115</p>
<p>1 MS ROSE: I think others, as you say, will have something to 2 contribute on that. I think once the case is received 3 within HMCTS, within the court service, there are 4 obviously stages that have to be gone through. A case 5 has to appear at the magistrate's court and a decision 6 made about the appropriate jurisdiction of that case to 7 be heard and whether they need to proceed to the Crown 8 Court for listing to appear in the Crown Court. 9 We tend to in almost all of these cases look for 10 what we call a fixture. So we look for a fixed listing 11 date. That's considered to be very important in terms 12 of the certainty that it gives to victims and witnesses 13 of those crimes, of the date at which that will happen. 14 The way that work can proceed in the Crown Court, we 15 do have cases that will obviously crack before trial and 16 we have cases that will not proceed for a number of 17 other reasons. So some other types of work we may list 18 as more of a floating case, so something that can be 19 brought forward into a list and heard. We don't believe 20 that's appropriate in the judiciary for cases of this 21 nature, so we will tend to look for a fixed date. That 22 can sometimes be further in the future than it would be 23 if it was something around which you were able to be 24 more flexible. 25 The process that will happen within the Crown Court,</p> <p style="text-align: center;">Page 114</p>	<p>1 identifiable stages that you have mentioned, that's 2 before charge and after charge. It is certainly the 3 case that the focus on reform seems to be around the 4 post-charge period of time. It is measured in a number 5 of ways in the criminal justice system. It is measured 6 in relation to transforming summary justice with summary 7 cases, it is measured as targets in relation to Crown 8 Court listings. It is measurable, it is reported on, it 9 is very important. 10 But my experience is that by far the longest delay 11 happens before charge, and we have obviously had the 12 whole issue around bail, the changes to bail, because of 13 the delay, but just by one tiny example, I represented 14 a young defendant who was 16 years old. The 15 investigation lasted two years before he was charged, 16 and the matter got to court. So the focus on court -- 17 it is quite right that matters should be proceeded with 18 as quickly and efficiently as possible, but I think 19 there is great deal more focus that can be made on the 20 investigation stage, where there is a far greater delay 21 which impacts not only on complainants and victims but 22 also upon those who are being investigated, who may not 23 even be charged at the end of the day. So I think there 24 is a really important area that needs far greater focus 25 and measurement and rarely is measured in the statistics</p> <p style="text-align: center;">Page 116</p>

1 that are produced.

2 As far as the court process itself is concerned, in

3 relation to summary matters, most of these will not of

4 course find themselves dealt with in the magistrates'

5 court, save for young offenders, where even serious

6 offences are being dealt with in the youth court. So

7 there is a summary jurisdiction for such matters, but it

8 tends to be around young offenders rather than adult

9 offenders, and there are clear timetables and timelines

10 set and efforts made to get matters dealt with as

11 quickly as possible.

12 In the Crown Court, and forgive me for not knowing

13 the correct name, I think it is something like the

14 "young witnesses protocol", there is a protocol where

15 witnesses -- I think it is under the age of 10, it could

16 be -- it is 10. Cases are given an expedited timetable

17 that is very tight. They are highly prioritised cases

18 within the Crown Court and are dealt with within a very

19 short space of time.

20 When that is fitted into the totality of the period

21 from complaint to conclusion, that is very much the tip

22 of the iceberg as far as the time that has been taken.

23 So I think the court process is very aware of

24 the need to make progress, but there are problems in it.

25 There are problems in that in many court centres there

Page 117

1 is just a huge amount of work of all descriptions, and

2 one can only deal with cases sequentially. You can't

3 deal with them at the same time. It depends on the

4 judges' availability, courtroom availability and with

5 limited resources that is always going to be a problem,

6 and we are seeing very much a change of case mix at the

7 moment in cases, so that figures that I hear, it is

8 somewhere between 40 and 50 per cent of Crown Court

9 cases are sexual offence cases, which obviously, as you

10 have already been told, impacts on the number of judges

11 because you have to have ticketed judges who can hear

12 them. You don't want, although it happens, judges

13 hearing back-to-back-to-back cases of this sort. They

14 are very demanding and wearing on all the individuals

15 involved.

16 So there is an issue around resources, but I think

17 the court process is very acutely aware of the need to

18 make progress, and certainly in my experience the court

19 process has tightened up a great deal, especially with

20 regard to very young witnesses.

21 The pre-charge process is where I think there is

22 room for considerable focus if you are going to shorten

23 the period of time from complaint to conclusion.

24 MR HILL: Thank you. I think that Catherine wanted to come

25 back on exactly that point.

Page 118

1 MS HINWOOD: Thank you. I actually do have some statistics

2 around this which might be helpful in framing some of

3 the discussion. In terms of timeliness, it is something

4 that the government has been looking at and trying to

5 get better data on where in the court process is taking

6 longest. So you talked about, is it from the time the

7 offence is recorded to charge, charge to first

8 magistrate's appearance, the first hearing in the Crown

9 Court to completion? So we actually do have statistics

10 that we publish now that breaks it down into all of

11 those areas, so you can find them. They are called the

12 "quarterly Crown Court statistics". So we do break

13 those figures down into quite some detail now.

14 One of the things that has been impacting on the

15 timeliness figures for child sexual abuse cases is the

16 increase in the number of non-recent offences. So one

17 of the ways in which we measure offence to completion is

18 if the offence has taken place, you know, 20 or 30 years

19 or so ago, that goes into your offence to completion

20 statistics. So the fact that you have got so many

21 non-recent cases -- and I think the national crime

22 survey that was released a couple of months ago said

23 that in the last recorded year there are now 25 per cent

24 of CSA cases are non-recent and they had increased by

25 18 per cent in the last year. So it is quite a massive

Page 119

1 increase in non-recent cases that criminal justice

2 agencies and the system are dealing with.

3 So in terms of the median length of time from

4 offence to completion, the most recent full-year

5 statistics is 2016 and that's 598 days. Again, one of

6 the reasons it is so disproportionate to other types of

7 offences is because you have so many non-recent cases,

8 so the offence took place some time before most other

9 offences that are reported. That was 598 days in 2016.

10 It was 593 days in 2015 and 566 days in 2014. So it has

11 been steadily climbing, but one of the reasons for

12 that -- steadily and slowly climbing -- is because of

13 the massive increase in the number of non-recent cases.

14 But what we can see is that at the court stage, so

15 from first listing in the Crown Court to completion,

16 2016 it was 126 days. In 2015, it was 157. And 2016

17 was the lowest by some margin since we started trying to

18 record these figures in 2011.

19 So the things that Sarah has talked about in terms

20 of trying to impact on the time between the first

21 listing to completion has had some impact, but we know

22 because there are so many complexities, particularly to

23 non-recent cases, and there are so many agencies that

24 need to play a part in trying to reduce the timeliness,

25 we haven't been able to make the progress I think we

Page 120

1 would like to have made.
 2 Just two more things I wanted to add into that.
 3 First of all, section 28, which I hope we will come to
 4 talk to at some point, which is the pre-recording of
 5 cross-examination for vulnerable and intimidated
 6 victims, and that will include victims of sexual
 7 offences. That should, we think, bring down some of
 8 the times, particularly in relation to first listing and
 9 completion.
 10 And the young witness protocol that was mentioned,
 11 so that's an agreement between HMCTS, the CPS and the
 12 police to make sure that these cases are expedited, and
 13 we are currently reviewing its practice at the moment to
 14 check to see whether or not it is working, and if not,
 15 why not.
 16 MR HILL: Thank you. We are going to come back to
 17 section 28 later.
 18 Rhiannon, I think you wanted to add something?
 19 MS EVANS: I wanted to check something. You know those
 20 figures around the 126 days, is that 126 calendar days
 21 or are they working days? I'm just trying to work out
 22 is --
 23 MS HINWOOD: I don't know, but I can have a look.
 24 MS EVANS: 126 days -- I was just trying to think of what
 25 that means to people. Obviously 126 days when you add

Page 121

1 in weekends is almost like a year.
 2 MS HINWOOD: I can check that.
 3 MS EVANS: It would be just helpful.
 4 MR HILL: Thank you very much. In the pre-charge stage --
 5 Emma, if I turn to you -- clearly, the statistics, as
 6 Catherine has carefully said, aren't particularly
 7 helpful in that respect because of the length of time
 8 between the abuse and the report potentially. But why
 9 is it taking so long to get to a charging decision?
 10 MS BARNETT: I think there's a couple of stages within the
 11 stage that is the pre-charge, of course, which is,
 12 firstly, the investigation, but, secondly, also then the
 13 file being in for a decision and consideration of
 14 whether to charge or not by the Crown Prosecution
 15 Service. So even within the pre-charge piece there is
 16 potentially two stages, and sometimes obviously files
 17 can come back and forth as more information is requested
 18 by the CPS.
 19 I think there's a couple of issues which add to some
 20 of those delays. Firstly, around the complexity of
 21 the investigation. It may be -- this isn't an exclusive
 22 list, but it may be around the number of different
 23 witnesses, availability, the time that is required in
 24 order to conduct the ABEs. But also it may be,
 25 particularly in the recent cases and current cases, the

Page 122

1 amount of material that needs examination through
 2 forensic examination, particularly in the digital world,
 3 particularly those offences occurring online.
 4 This does take some time, and there is unfortunately
 5 a lot of crime in today's society committed in and
 6 around digital devices, over the internet, social media.
 7 So we have an awful lot of digital analysis that is
 8 ongoing, and it may be that some of that is not only
 9 within these cases but also is within the capacity
 10 around that analysis that has to take place, and so on.
 11 There clearly will be discussions ongoing around the
 12 investigation that needs to take place and the quality
 13 of that investigation, and we do have a focus on
 14 timeliness. We are keen, because we know the impact
 15 when delays take place, but some of these investigations
 16 by their very nature are time consuming and it is
 17 something that we have to do our very best with, but the
 18 main thing is that we are keeping victims informed why
 19 there are delays and we are looking at ways to minimise
 20 those delays wherever possible.
 21 MR HILL: We will come back to the communication point in
 22 a second, but I think Andrew wanted to come in and
 23 Dame Joyce as well.
 24 MR WEBB: Thanks. I just wanted to add on the point of
 25 complexity, particularly where it is a recent or current

Page 123

1 offence, young people who our local multi-disciplinary
 2 teams are working with begin to trust them, particularly
 3 if they have been taken out of very stressful or abusive
 4 settings and made safe, and they do then, as they trust
 5 the people who are with them more, disclose more and
 6 create whole new lines of enquiry. So in order to get
 7 the best possible case, there is an inevitability, the
 8 more you invest in the relationship between the support
 9 team, whether it is police or independent or social
 10 workers, the more likely you are to get more information
 11 which needs to be pursued.
 12 The point about young people living their lives
 13 electronically as well. In some cases, simply to get
 14 the corroboration through phone records, whatever, it
 15 takes months to get downloads from young people's
 16 personal devices. I can't understand how that can take
 17 months, but there is always a big queue for the one
 18 person who knows how to do it, maybe.
 19 So there are clear operational issues which make the
 20 search for the best quality case possible take longer,
 21 but the delays are inordinate. Two years for
 22 a 16-year-old is more than 10 per cent of their lives by
 23 the time something gets resolved. I think, if
 24 I understood right, that's a defendant. That's an
 25 intolerable weight to be hanging over someone.

Page 124

<p>1 But delay is one of the biggest causes of attrition. 2 Young people who disclose and then see nothing happening 3 or are just waiting for something, a file is in a queue, 4 a phone is in a queue, particularly if they are in 5 less-than-ideal home circumstances, their behaviour 6 deteriorates, they drink, they take more drugs, they 7 disengage, they walk away, and we see that a lot. We 8 lose good cases simply because of delay, because timing 9 is everything for a young person who it takes so much to 10 screw up their courage to come forward in the first 11 place. In many cases there is fear because the offences 12 relate to drug trafficking or other organised crime; you 13 just cannot keep a teenager on the boil for that long. 14 They blow a fuse and go. 15 MR HILL: Andrew obviously is speaking from his own 16 perspective as director of children's services, but it 17 was a point that was made yesterday by adults within the 18 system as well, that the attrition may work in 19 a slightly different way for an adult but it is still 20 a very important factor in delay. 21 Dame Joyce, I think you wanted to say something? 22 DAME JOYCE PLOTNIKOFF: It was an observation from the 23 research end. It's been policy to give young witness 24 cases priority in listing at trial since 1988, but it 25 has never been monitored, and it is fertile ground for</p> <p style="text-align: center;">Page 125</p>	<p>1 your case heard during that time, so you clear your 2 diary as a witness or as an intermediary involved in 3 that case and you may be told at short notice that 4 actually it is not going to happen then and the process 5 will potentially repeat at a later stage. 6 DAME JOYCE PLOTNIKOFF: Our understanding is that cases can 7 be relisted -- two or three times is not terribly 8 unusual. 9 MR HILL: On that point I can see Catherine nodding and 10 Rhiannon nodding. Are both of you nodding from personal 11 experience of that being something that you are aware of 12 happening? 13 MS O'NEILL: Yes, quite definitely, and certain courts more 14 than others, interestingly enough. I very often talk to 15 the listing office and try and make cases fixed or get 16 it arranged and so does the CPS, but it is very 17 difficult. 18 MR HILL: Is there anyone to turn to to say, "This is 19 happening contrary to your policy"? Who can fix it and 20 who can monitor it? 21 MS O'NEILL: I think that's a very good point. Very often 22 we feel there is no-one to turn to. We have experiences 23 in court -- I turn to Joyce, as do all of 24 the intermediaries in the country. Poor Joyce is 25 bombarded. But very often we have difficult experiences</p> <p style="text-align: center;">Page 127</p>
<p>1 researchers. Every project that we have done on young 2 witnesses has demonstrated that cases involving children 3 take longer than the national average, despite the 4 policy. I am very welcoming of the under-10s policy and 5 I am glad to know it is being looked at, but I don't 6 know if it is actively being monitored to see how 7 effective it is. 8 I would certainly have some concerns about the 9 policy on fixtures, because I am aware of cases that are 10 warned or indeed floated with young witnesses, and 11 I know that because intermediaries tell me. 12 It is a terrible waste of an intermediary's time 13 when they are asked to hold two or three weeks in their 14 diary because the case has been warned. But it is awful 15 for witnesses because they don't know when they are 16 going to give evidence. I don't know how frequent that 17 is, but it certainly happens. 18 I just wanted to point that out, that we are very 19 good on the policies, but the actual implementation 20 there is often a gap. 21 MR HILL: Just so that everybody is clear about the 22 terminology, a case that is warned or a case that 23 floats, this is what Sarah was saying earlier about 24 those that are listed for a certain period of time, 25 perhaps a two-week window, and you may or may not have</p> <p style="text-align: center;">Page 126</p>	<p>1 in court, perhaps sometimes with judges who don't 2 understand intermediaries, or -- many, many ways. But 3 judges are understanding us more and more. 4 But we have nowhere really to go when we see that 5 policies are not being adhered to. 6 MR HILL: Thank you. I think Rhiannon wanted to come in as 7 well. 8 MS EVANS: Yes. I can't speak on behalf of Citizens Advice 9 Witness Service, but I work really closely with them and 10 I can tell you that there are a significant amount of 11 adjournments that affect cases and, as -- in the same 12 way as Joyce has said, absolutely cases including 13 vulnerable witnesses aren't always listed as fixed 14 trials, they are listed as floated trials. Even those 15 that are fixed there is still an issue with the fact 16 that the witness might not know when they are attending. 17 A recent example, I supported someone in July for 18 a case. It was a child -- she's an adult but it was an 19 historic sexual abuse case and she had -- she knew when 20 it was going to happen but she didn't know when she 21 would be required because of how the case went on, so 22 she wasn't required on the first day, for example. So 23 that's still, even in fixed trials, that still creates 24 the uncertainty for people who have to wait. But 25 certainly adjournments are a big problem.</p> <p style="text-align: center;">Page 128</p>

1 In terms of the monitoring, and what to do about
2 delays, I think it is surprising that actually there
3 isn't always as much data as we think there is. I know
4 that the witness service holds a massive amount of data
5 in terms of the number of witnesses who actually come
6 into court. They see 99 per cent of all witnesses
7 coming through. There are some, rare, that don't come
8 to access the service, but generally they see most
9 witnesses.

10 Those witnesses -- they obviously have numbers of
11 those witnesses, but the level of knowledge around the
12 number of witnesses for a prosecution and defence, the
13 knowledge around whether they are under 10 or not --
14 there isn't sort of a central place where that is kept.

15 Waiting time data about how long people wait while
16 they are in court, that's gathered through HMCTS on
17 a bi-yearly basis through a dip sampling approach, but
18 in terms of the amount of data about those sorts of
19 things and the number of adjournments, certainly,
20 doesn't always come through as a very clear picture. So
21 it tends to be from anecdotal information, like from
22 intermediaries, et cetera, that you get that picture.

23 MR HILL: Richard, yes, please.

24 MR ATKINSON: Thank you. Just a few points there. One, on
25 terminology, which may help. We have talked about

Page 129

1 floating and warned lists. They are different matters.
2 A warn list is where you have exactly what you have
3 described. Your case you are told could be called
4 within a two-week period and you are notified the
5 evening before, which obviously causes uncertainty.

6 Floating trials are actually listed on that day.
7 All the participants attend, but there is no court
8 allocated to them. It is on the basis that it is
9 expected that probably -- I think it is about as high as
10 that -- a case will finish, in which case a court will
11 take that hearing. So it is quite possible that they
12 can -- that floating cases can be sitting around until
13 3.30 pm and get called on, or possibly sitting around
14 all day, but they have been listed for that day. So
15 then the court has to decide whether to relist them for
16 the following day and everyone turns up, or relist them
17 for another date. So they are slightly different
18 concepts, but they are important because they have
19 differing problems.

20 As far as warned lists are concerned, my
21 understanding, because we have looked at this quite
22 a lot because we have an interest in it as well, it is
23 only in London and the south-east that you have warned
24 lists. The rest of the country operates on fixtures
25 only. So it is clearly possible, although I understand

Page 130

1 that some of those fixtures-only courts do include
2 floating fixtures. So you do get some floating cases,
3 but they are all given fixed dates, and obviously there
4 is a limited number that are floating. Some courts
5 I think operate purely on fixed cases, and listing, as
6 we are often told, is a judicial function.

7 So who to complain to? I don't know, but I merely
8 put out there that we are told that listing is
9 a judicial function, which may assist you as to where
10 you might like to go.

11 As far as one other point that I mentioned about the
12 iceberg and the concentration on timing with the court
13 process, what I found interesting -- I'm sorry, I missed
14 my colleague's name who mentioned the statistics -- was
15 that the statistic was from the date of the offence,
16 which is almost meaningless.

17 Why does it matter when the offence is committed,
18 that we measure that? We can do nothing about the delay
19 between commission of the offence and report. There
20 could be any number of reasons, particularly in regard
21 to sexual offences. But what we can do something about
22 is when the case enters the process.

23 So the measurement is from complaint to charge and
24 then from charge to disposal, and the lack of
25 statistical evidence around that first period is one

Page 131

1 that concerns me because the focus, particularly with
2 transforming summary justice, is that you look at the
3 data, you look at the timeliness and you try to improve
4 it.

5 If you haven't got the data, how on earth can you
6 start to improve it?

7 So I think that that's a real area of start, to say,
8 actually, let's start measuring from complaint to charge
9 and then we get some measure of the scale of
10 the problem. It may be measured somewhere, but in all
11 the discussions that I have had over a number of years,
12 I have never had anyone rush forward to me with that
13 information.

14 MR HILL: I'm just going to turn to Sarah first, but I think
15 Neil wants to come back on that point.

16 MS ROSE: Richard is absolutely right, of course, listing is
17 a judicial function, and the way those cases are
18 allocated and listed is a matter for the judiciary.

19 Just to pick up on the point about adjournments and
20 cases being relisted, of course there will be what --
21 when we look at our statistics around effective trial
22 rates for these types of cases when they do go ahead
23 actually that effective trial rate is quite high, and
24 higher than we see in other cases. So we do think that
25 that policy of using fixtures as much as we can, and it

Page 132

<p>1 should be in every case involving young witnesses, 2 really is having an impact in terms of the effectiveness 3 when those trials do go ahead. Of course adjournments 4 and cases needing to be relisted, that is often without 5 the control of the court or the judiciary in that 6 matter, and it may be a case of one party or other, 7 whether that is the defence or the prosecution, not 8 being ready to go ahead on that day. So, again, that is 9 just another -- I wanted to point out that complexity 10 that goes into that adjournment. 11 MR HILL: Thank you. Neil, did you have a point that you 12 wanted to raise about the statistics? 13 MR MOORE: I just wanted to say that since January 2016, we 14 do monitor in our RASSO units the length of time between 15 receipt of the full file from the police and a charging 16 decision. In May 2017, we issued service standards 17 which reinforces our intention to make a charging 18 decision within 28 days. I don't know whether people 19 are really interested in the statistics or not, but 20 in January 2016, there were 526 cases between when we 21 had the papers from between 28 days and three months. 22 Last month that was down to 153. 23 For cases which have been with us for more than 24 three months, it was 20 in January 2016, it is 1 now. 25 So we do keep those statistics as far as the time it</p> <p style="text-align: center;">Page 133</p>	<p>1 MR HILL: So resources plus a deadline has worked? 2 MR MOORE: It is working. Definitely working, yes. 3 MR HILL: Just so that we are clear on the terminology, 4 RASSO, rape and -- 5 MR MOORE: Rape and serious sexual offence units. They are 6 the units that deal exclusively with sexual offences. 7 Although it is called rape and serious sexual offences, 8 they deal with all sexual offences. 9 MR HILL: I will turn to Andrew and then to Emma, please. 10 MR WEBB: It struck me that we could learn from some of 11 the changes in the family justice system. Sir David 12 Norgrove carried out a review and described the family 13 justice system as being very far from a system. What we 14 have just heard about is a whole series of processes 15 that link to each other but involve handoffs from one 16 person to another. There is no overarching view of 17 the system, the criminal justice system, as it applies 18 to victims of sexual abuse. 19 In the family justice system, nationally -- well, in 20 England and Wales, we brought the average time from 21 issuing care proceedings to completion from somewhere 22 around two years down to six months. It involved 23 primary legislation. We were almost as a nation at the 24 six-month point before the legislation came in, 25 operating as a system. So looking at the indicators</p> <p style="text-align: center;">Page 135</p>
<p>1 takes us to make our charging decisions in bail cases. 2 MR HILL: Why is there that decline? 3 MR MOORE: First of all, we have increased resources in our 4 RASSO units by 43 per cent. So we have 43 per cent 5 extra prosecutors than we had just a few years ago. 6 Secondly, because we have been implementing, for 7 instance, service standards which impose on us 8 effectively obligation to ensure we meet with the time 9 limits set out, and the time limit is we should have 10 a charging decision within 28 days, and if not, we have 11 implemented an escalation system whereby the matters can 12 be escalated through various degrees of prosecutors 13 right up to the chief crown prosecutor if there has been 14 an excessive delay. 15 It really reflects the level of work we receive. So 16 obviously although the number of cases we prosecute is 17 actually going down, the number of sexual cases we 18 prosecute is going up. Again, if you are interested in 19 the statistics, in the case of child sexual abuse 20 offence prosecutions, it has gone up from the previous 21 year, just 6,200 to 7,100. So it has gone up nearly 22 1,000 cases in the last year. So obviously we have 23 responded to that by putting in place better resources 24 and the provision of better service standards to ensure 25 we deal with these cases as quickly as possible.</p> <p style="text-align: center;">Page 134</p>	<p>1 that would make sense, so rather than the crime to final 2 disposal, looking at those bits of processes which need 3 to be joined to each other and having some sort of 4 dialogue nationally in a multi-disciplinary way 5 interagency, the way the family justice system did, 6 might well help us move some of this on so that there is 7 a sense of ownership of the journey of the victim, 8 because that is what made the difference for a child. 9 We said: what is in the child's timeline, what is in the 10 best interests of the child, if you have a view of 11 the timeline within which things should be completed, 12 and whether you are a young person who has been sexually 13 abused or an adult who was sexually abused as a child, 14 I think that would be a good way of starting to think 15 about how you drive speed into the system without losing 16 quality. 17 MR HILL: Thank you. Emma? 18 MS BARNETT: It is a very similar point, actually. I think 19 this issue is highlighting where perhaps we are not 20 working as well as we might as a seamless system for the 21 victim. So, for example, I have just been reflecting on 22 what do we have in terms of statistics around 23 timeliness, and I don't have any to share, I'm afraid. 24 But I would be of the opinion that all forces would be 25 monitoring the timeliness of investigations across the</p> <p style="text-align: center;">Page 136</p>

<p>1 spectrum of crime to understand that level of service 2 that is being provided. 3 Clearly the changes to bail. Part of the rationale 4 around the changes that were made was around people 5 spending inordinate amount of time on bail as enquiries 6 are continuing. Clearly the bail changes have taken 7 place and, you know, the impact is being looked at, and 8 it is still relatively early days, but clearly the 9 investigations are still taking place with or without 10 bail now being in place. 11 So the point, I guess, I am trying to make is that 12 there will be factors that are affecting ourselves 13 within policing to get us to a position where we then 14 need the decision from the Crown Prosecution Service and 15 we then get into a position that we are then going to 16 court. 17 If we are not careful and not working more closely 18 together as a whole, then changes that may be made 19 within the CPS may then have a direct impact around the 20 amount of work that we may have to do in terms of 21 preparing for those changes in standards, particularly 22 around issues around disclosure and third party 23 material. 24 So if we are not careful, we will focus on our own 25 bits of the process at the expense of the totality of</p> <p style="text-align: center;">Page 137</p>	<p>1 individuals who will have differing needs around how 2 they wish to be kept informed, for example; by what 3 method; how regularly. 4 Certainly we will -- we have obligations and 5 entitlements clearly under the victims' code of 6 practice, but one of the key things that we will do 7 within forces is that we will look closely at how we are 8 delivering that sense of responsibility. 9 So, for example, victims' contracts. We will set 10 out with a victim of crime when they want to be updated, 11 how they want to be updated. 12 What you will also then find, however, is that as 13 somebody moves through the process, there will be other 14 people who will become part of that sort of informing 15 stage, so through our witness care unit and then 16 obviously into the criminal justice world as well. 17 So we have two challenges and two risks here: one is 18 that we don't keep our promises and we don't abide by 19 our contracts that we have done; or, actually, we end up 20 sometimes with a set of circumstances that we are doing 21 too much, there are too many people speaking to victims. 22 I know that might sound slightly strange, but that can 23 just -- sometimes that can be just as bad as perhaps 24 nobody keeping to their promise. 25 We will monitor that, and we do that in different</p> <p style="text-align: center;">Page 139</p>
<p>1 the system and the impact on the overall victim. 2 MR HILL: Thank you. I am going to move on from delay after 3 this final point. We heard yesterday very vividly from 4 some people whose cases were delayed about the lack of 5 communication. 6 Now, we all know and we heard the victims' charter 7 gives certain rights to a victim to have communication, 8 be informed of what is going on, but we have also heard 9 repeatedly that it is not happening on the ground. 10 If you have somebody who is in the system, either 11 waiting pre-charge or post-charge, or even, as we heard 12 yesterday, a case being adjourned and having to come 13 back some 38 weeks later, in that situation, who has the 14 responsibility for keeping the victim informed of what 15 is going on? 16 MS BARNETT: I think that's potentially part of the issue, 17 that at different points there will be different 18 responsibilities. But I think if I just focus on the 19 police aspect, if I may. 20 This is something that is absolutely indicative and 21 at the heart of what we always intend to do, which is 22 around keeping people informed of what's happening once 23 they have reported something to us, and this may be -- 24 again, it comes back to something I mentioned this 25 morning around understanding victims of crime as</p> <p style="text-align: center;">Page 138</p>	<p>1 ways across different forces, but we do understand that 2 by keeping a promise and keeping people informed, it is 3 a way that we are staying engaged with victims, and 4 hopefully they retain that confidence in us. And 5 actually it is better to be informed around something 6 that is taking longer than we would have liked. I think 7 that is far more important than, you know, trying to 8 speed through an investigation just for the sake of it. 9 MR HILL: Rhiannon, yes? 10 MS EVANS: I think that question is, as Emma said, 11 a difficult one to answer, who should be doing it. It 12 would be my understanding that sort of under the 13 victims' code, pre-charge it sits very much with the 14 police and the investigation side of things, and 15 post-charge it sits with the prosecuting authority, 16 which in these situations is obviously the Crown 17 Prosecution Service, but it is the team that is set up 18 on behalf of the CPS to keep them engaged. There was 19 a report a long time ago now called "No witness, no 20 justice" and the themes of that report are as important 21 today as they were back then; the fact that if you don't 22 keep your witnesses or your victim engaged, then 23 potentially you can't get that justice. 24 With Police and Crime Commissioners coming in, and 25 I'm sure Dame Vera can comment on this, a lot of those</p> <p style="text-align: center;">Page 140</p>

1 sort of witness care units have changed in how they
 2 look, so from police force to police force they will
 3 look very different about who is in charge of
 4 the communication, and as Emma has alluded to, different
 5 organisations almost discharge the duty to inform the --
 6 keep the victim informed to different people. So it is
 7 very complicated.

8 It is slightly easier when you are completely in one
 9 area. So if you are just in a particular -- so if you
 10 are in West Midlands and the offence happened in
 11 West Midlands, West Midlands witness care unit is
 12 dealing with it, it all works out very well. But as we
 13 know with a lot of these cases, particularly child
 14 sexual abuse, the offence where it happened and where
 15 you might report it are very different later on,
 16 30 years after an incident has happened. I think there
 17 is quite a lot of complexity about who keeps people
 18 informed when there isn't really one standard nationally
 19 and you might be dealing with a number of different
 20 police forces investigating things.

21 So I think that's an additional complexity that is
 22 for this particular offence group.

23 MR HILL: Thank you. I think Catherine wanted to say
 24 something.

25 MS HINWOOD: Thank you. Just looking at the entitlement

Page 141

1 able to be used across the entire victims' journey. It
 2 is made a little bit more difficult by the fact that
 3 most criminal justice agencies and indeed a lot of
 4 police forces are on different platforms and different
 5 servers. The common platform that HMCTS colleagues are
 6 leading on to try to have a common platform across the
 7 criminal justice system is something we would look to to
 8 provide us with a platform to be able to improve that
 9 kind of seamless information provision for a victim in
 10 their end-to-end journey.

11 One of the things that my team is also doing is
 12 there is a government commitment to a cross-government
 13 victim strategy to be published early next year. We are
 14 looking at what rights and entitlements are most
 15 important to the victims, but also how we might be able
 16 to monitor agencies' compliance with the rights that
 17 they need to provide victims. So there's work going on
 18 at the moment that's examining this very issue, but it
 19 is really clear to us that the provision of information
 20 is the thing that victims most care about.

21 MR HILL: I'm going to ask for one final comment from
 22 Dame Vera on this. We are then going to go to the
 23 public gallery, and then we will have a break and move
 24 finally onto the session of the taking of evidence,
 25 particularly in the court setting.

Page 143

1 under the victims' code, so all victims are entitled to
 2 be informed, if they need to give evidence in court,
 3 what to expect and discuss what help and support they
 4 might need with the witness care unit. So that's where
 5 technically the responsibility lies, but I accept
 6 absolutely in practice it is quite difficult, and
 7 particularly for victims of child sexual abuse and
 8 non-recent sexual abuse, to perhaps have that work in
 9 practice.

10 There are a couple of things that we have done on
 11 a national level to try to make this a bit easier, but
 12 what's really clear from not just the evidence you have
 13 heard but from all of the research that we have done
 14 with victims of crime is the number one thing they most
 15 want is to be informed about their case, to understand
 16 what is going on, and why. One of the things that we
 17 developed was an app called "Track my crime", which
 18 a number of police forces across the country use, and
 19 that enables victims to have contact with police on
 20 a digital basis, so you don't have that kind of phone
 21 tag that sometimes you can get trying to contact the
 22 police at a time that might be convenient for a victim
 23 but not so much for an officer. You have got a digital
 24 record of the conversations that have gone on as well.

25 Our vision would be for something like that to be

Page 142

1 DAME VERA BAIRD: Thank you, and apologies for coming back
 2 late. What we have done -- because I think Rhiannon
 3 makes a very good point about too many contacts, which
 4 means there is no single one you can rely on -- so we
 5 brought our witness care unit into Victims First, which
 6 is our victims' support hub, so they sit side by side.
 7 What we have found in a lot of cases, particularly
 8 domestic abuse, people would say, yes, they are happy to
 9 come to court, and I guess the same in this kind of
 10 case, and then when they're summonsed, as it were, the
 11 notice, you know, it is not "sometime in the future", it
 12 is "this Thursday at 10 o'clock", that's when they start
 13 to be less sure that they want to. So Victims First
 14 will up the support around the individual at the time
 15 when this drops, in the hope of being able to hold on to
 16 them.

17 It does mean that we narrow down the range of people
 18 who have contact, hopefully to just the officer in the
 19 case and the victims' care coordinator.

20 MR HILL: Thank you. I am going to turn now to the public
 21 gallery. If we could start with any core participants
 22 who wish to make a point on the matters that we have
 23 heard this afternoon, specifically these issues about
 24 delay and about the decision-making processes before you
 25 actually get to court.

Page 144

<p>1 Observations from THE PUBLIC GALLERY</p> <p>2 PUBLIC GALLERY: Neil, I was very interested in you saying</p> <p>3 about the 28-day charging decision because our case has</p> <p>4 been with the CPS for four months now, and I know lots</p> <p>5 of other victims/survivors' cases have been with you for</p> <p>6 a lot longer than that as well. So it would be great if</p> <p>7 it was 28 days.</p> <p>8 What happened was that the police sent the case to</p> <p>9 the CPS, but we had to wait for a lawyer to have a slot</p> <p>10 in his diary before he could actually look at it.</p> <p>11 That's what we got told. That is what I was led to</p> <p>12 believe was the system. So it was great for you to say</p> <p>13 that, but that's not what's happened. So my question</p> <p>14 was to you: is there enough manpower? But you said</p> <p>15 there is. You said it's increased by 43 per cent, so</p> <p>16 I will have to take you on your word.</p> <p>17 Another question for later that I just want people</p> <p>18 to think about in the break if they could is the jury.</p> <p>19 I believe that the jury need to have knowledge about</p> <p>20 trauma and victim and survivors' behaviours so that they</p> <p>21 can make more informed decisions about a guilty or</p> <p>22 innocent verdict, and have any of you got any thoughts</p> <p>23 about that?</p> <p>24 MR HILL: Thank you. A point that was raised as well</p> <p>25 yesterday by one of the victims and survivors who spoke</p> <p style="text-align: center;">Page 145</p>	<p>1 them again.</p> <p>2 I think you really need to understand what it does</p> <p>3 to that trust and also, as a victim, to be the one</p> <p>4 almost having to drive the request that's coming</p> <p>5 forward. There was a lot of evidence found within my</p> <p>6 investigation, and the IPCC made a request that there</p> <p>7 was a further one. So there are now delays -- I'm four</p> <p>8 years in and currently Wiltshire police have been</p> <p>9 directed by the IPCC to do another investigation and</p> <p>10 Gloucestershire are considering another investigation</p> <p>11 now, and that delay is now four years, and one year</p> <p>12 I have to share was lost because there was a potential</p> <p>13 leak in the enquiry and we lost a year while the IPCC</p> <p>14 had to check that their investigation was not</p> <p>15 compromised.</p> <p>16 So I think you just need an understanding of what</p> <p>17 that can look like for victims. That's what I wanted to</p> <p>18 share.</p> <p>19 MR HILL: Just following on from that, for the</p> <p>20 representatives of the different organisations around</p> <p>21 the table, do you have sessions where victims can come</p> <p>22 in and talk to those whom you employ in order to</p> <p>23 understand or try to understand better their</p> <p>24 perspective? If I work down the table from Neil</p> <p>25 downwards?</p> <p style="text-align: center;">Page 147</p>
<p>1 to us then. I would like to come back to that in the</p> <p>2 next session.</p> <p>3 PUBLIC GALLERY: I would like to talk about a different type</p> <p>4 of delay that can occur in the criminal justice system,</p> <p>5 and it is when you go through the complaints system and</p> <p>6 then you flip in and out of the criminal system because</p> <p>7 you have gone through different investigations that then</p> <p>8 lead to another investigation.</p> <p>9 It was interesting when I heard some of the evidence</p> <p>10 before the break. One of the things that was discussed</p> <p>11 was about pockets of, you know, we are making</p> <p>12 improvements, things are getting better, there are</p> <p>13 pockets of things not going adequately right. I wanted</p> <p>14 to just say this: I wanted to share what it is like to</p> <p>15 be in one of those pockets.</p> <p>16 For me, it certainly feels like an abyss. I have</p> <p>17 done all the things that have been talked about. I have</p> <p>18 trusted when I was afraid and feeling vulnerable; I have</p> <p>19 shared the most intimate and horrific detail I have gone</p> <p>20 through; and today I have been part of five</p> <p>21 investigations, one independent inquiry with the IPCC</p> <p>22 with one officer found guilty of misconduct, one allowed</p> <p>23 to retire and found guilty of gross misconduct and then</p> <p>24 re-employed, and the same force having to now open</p> <p>25 another investigation, and I am being asked to trust</p> <p style="text-align: center;">Page 146</p>	<p>1 MR MOORE: Yes, we do. We have meetings to explain our</p> <p>2 charging or non-charging decisions or decisions we make.</p> <p>3 I won't go into the details, but yes, that's under the</p> <p>4 victims' code. In fact, there is a right for victims to</p> <p>5 have a personal explanation.</p> <p>6 We also, of course, have wider community-based</p> <p>7 groups which help us inform our policy and guidance.</p> <p>8 Probably that's not what you were asking about, but more</p> <p>9 general community accountability forums, where</p> <p>10 interested parties on a particular issue will come and</p> <p>11 tell us their experiences to inform our policy.</p> <p>12 MR HILL: That's at a policy level. What about at the</p> <p>13 operational level, the individuals who are working</p> <p>14 within the CPS. Are they hearing from victims and</p> <p>15 hearing the types of experiences that have just been</p> <p>16 shared with us?</p> <p>17 MR MOORE: The process of explaining our decisions. Well,</p> <p>18 it is fair to say that a lot of chief crown prosecutors</p> <p>19 and deputies, indeed myself and the director, often</p> <p>20 speak to witnesses in a whole range of different</p> <p>21 situations. Sometimes the director meets them and</p> <p>22 I meet them if they write to her and complain or have</p> <p>23 a concern, or we go to other events where we -- it is</p> <p>24 very important for us to hear of experiences.</p> <p>25 Particularly, if I may say so, when I was at the</p> <p style="text-align: center;">Page 148</p>

<p>1 bar, I spoke to witnesses and victims every day of my 2 life, and so I have learnt, very quickly learnt, that it 3 is an enormous value, an enormous tool you can use, you 4 must use, to hear what victims and complainants say. 5 So I have tried to carry on and do that as much as 6 possible, I know the director does and I know other 7 senior leaders in the CPS try to do that as much as 8 possible. 9 MR HILL: Thank you. Moving down the table, if anybody else 10 would like to say what they do. Catherine and then 11 Sarah and then Emma. 12 MS HINWOOD: Sure. My team provides grant funding to 13 support services. So much of my team's time is spent 14 meeting those people that run the support services, so, 15 for example, rape support centres or Survivors UK, and 16 I go at least once a month with members of my team to go 17 to meet those ourselves, but to meet with victims 18 directly as well. I think it is incredibly important, 19 if I am trying to design support services, fund support 20 services, consider what victims' policy should look 21 like, that I am speaking directly to victims. My 22 Victims Minister, Dr Lee, chairs a victims panel that is 23 made up of victims of crime. We meet on a quarterly 24 basis. We met very recently. I just a couple of weeks 25 ago had a meeting with a victim of grooming who asked to</p> <p style="text-align: center;">Page 149</p>	<p>1 us both learning from the experiences of our court staff 2 and the things they feed back to us that help us improve 3 what we need to do. 4 On an operational level, one of the things that we 5 are looking at at the moment -- I'm sure a number of you 6 will have heard of HMCTS reforms. We are looking at 7 reform of the court service. We have a significant 8 amount of funding from Treasury, and we have been very 9 clear from the very beginning of that programme that 10 actually this is a transformation that is intended to 11 meet the needs of our users, so we have a significantly 12 strengthened customer directorate now within HMCTS, 13 which is doing that user experience, that is going out 14 talking to victims and witnesses and feeding all of that 15 information and evidence into the design of our 16 services, into the transformation of service. So that 17 will have a genuine and direct impact on the service as 18 we transform over the next five years. 19 MR HILL: Finally, Emma. 20 MS BARNETT: Thank you. I think in a word, absolutely 21 yes -- which is actually two words, sorry. But, yes, it 22 is hugely impactful. We are so grateful for victims who 23 do give up their time because they absolutely want us to 24 learn and do a better job. 25 Just in the last six months, I have hosted two</p> <p style="text-align: center;">Page 151</p>
<p>1 see me to talk about policy changes that they wanted. 2 My entire directorate, the family and criminal justice 3 policy directorate, had an away day recently where we 4 brought a number of victims to speak to the team about 5 some of their experiences. 6 The victims' strategy that my team is developing, we 7 make sure that we are consulting with academics and with 8 victims themselves, stakeholders, and I work really 9 closely with the London victims commissioner and the 10 victims commissioner, who are both victims themselves -- 11 I'm meeting them tomorrow. But I can't overstate the 12 importance of these kinds of things. I have to say, I'm 13 incredibly grateful that this session has actually 14 proper contributions from victims and I wanted to thank 15 you for sharing your stories, thank you, and your 16 thoughts because it is very, very helpful. 17 MR HILL: Sarah, I think you wanted to say something? 18 MS ROSE: Yes. From a court service perspective, to touch 19 on what we do by way of interaction with victims and 20 witnesses on that operational level, it is our court 21 staff who are on a daily basis having those 22 interactions. Of course those people are directly 23 supported by the witness service and other people. But 24 our courts are reacting around that to facilitate that 25 process and make that as smooth as possible. It is for</p> <p style="text-align: center;">Page 150</p>	<p>1 conferences within Staffordshire specifically around 2 victims and witnesses. The second one was around rape 3 and serious sexual offence, and it just adds such 4 a personal, powerful testimony. 5 If all officers and staff really understand the 6 impact of their actions and why this is so important 7 that they build that trust, then I think it is such 8 a worthwhile thing to do. 9 It is also to see it from a different perspective. 10 So at my one conference, a lady who had had a journey 11 through the criminal justice process in Staffordshire, 12 we would have all said it was a great result for her, 13 a victim of rape, seven-year sentence, a tremendous 14 result, but her experience of the criminal justice 15 service and all the things that happened to her actually 16 meant that her experience was really poor. It is really 17 understanding and having the opportunity to listen and 18 hear that and understand that, and that stays in the 19 minds of officers and staff. 20 So it really is a very valuable thing that we can do 21 and, you know, we would want to do much more of it as 22 well. 23 MR HILL: Thank you. I think Heidi wanted to come back on 24 that. 25 PUBLIC GALLERY: I just wanted to say, really, that what</p> <p style="text-align: center;">Page 152</p>

<p>1 I was trying to say was, almost the police are the 2 gatekeepers, and if you are still reaching barriers when 3 you have been four years through the system and you are 4 being asked to go back into it, you are dealing with 5 those same individuals. And I have to say, there are 6 five victims within the case. None of us have an ISVA, 7 and I am having to deal with officers who -- I had 8 a meeting a couple of weeks ago with the deputy chief 9 constable, and I am pleading for them to do a risk 10 assessment for what has come out of the IPCC 11 investigation.</p> <p>12 The IPCC themselves have made requests, and I am 13 having to go back and deal with police officers who 14 promoted a senior officer who compared my childhood CSA 15 to police officers visiting prostitutes, and they 16 promoted him after he said that in my interview. Yet 17 I still go back to trust because I am invested in the 18 process of you saving and looking at other victims and 19 other children, and it is just not filtering down.</p> <p>20 I understand I may be incredibly unlucky with the 21 forces that I'm dealing with, but you cannot set 22 a standard and then say, "If you are in that pocket, it 23 is tough luck".</p> <p>24 MR HILL: Thank you. We will take our break now and return 25 at 3.30 pm for the final session. Thank you.</p> <p style="text-align: center;">Page 153</p>	<p>1 Special measures are intended to improve the quality 2 of evidence, and quality is defined in terms of 3 completeness, coherence and accuracy, with my emphasis 4 on accuracy. The intermediaries' code of practice says 5 their primary responsibility is to enable complete, 6 coherent and accurate communication between the witness 7 and a court. So if a question is unlikely to produce 8 a reliable answer, as is the case very often when 9 intermediaries assess witnesses, that a leading question 10 is likely to produce an unreliable answer, the 11 intermediary can recommend these shouldn't be asked.</p> <p>12 They are helping rewrite the rules of 13 cross-examination. They are an untold good news story 14 with an enormous impact beyond their limited numbers, 15 but they don't appear to have a ministerial champion in 16 the Ministry of Justice.</p> <p>17 Yesterday, I heard evidence being given here that 18 you may encounter children who are so young they can't 19 give a clear disclosure, but intermediaries work 20 routinely with 3- and 4-year-olds and even some as young 21 as 2. There was a recently reported case with 22 a 2-year-old where sufficient time was given for the 23 officer and the intermediary to work with that child to 24 establish her communication. She gave a reliable 25 account and within weeks the suspect had entered a plea</p> <p style="text-align: center;">Page 155</p>
<p>1 (3.12 pm) 2 (A short break) 3 (3.34 pm) 4 Session 4 (continued)</p> <p>5 MR HILL: Thank you. I would like to spend almost all of 6 this session talking about the process of giving 7 evidence, particularly at court, but in preparation for 8 going to court as well. I would like to begin by 9 turning to Dame Joyce and asking for her views on what 10 she has found to be effective and what she has found not 11 to be effective in this area, both in terms of theory 12 and of practice.</p> <p>13 DAME JOYCE PLOTNIKOFF: Over a series of research studies 14 when we have been interviewing children, half of 15 the children have said that they didn't understand some 16 of the questions they were asked at court, and those are 17 just the ones who could identify that they didn't 18 understand something.</p> <p>19 If you ask the under-10s, the figure goes up to 20 90 per cent. So there is a real problem. There is 21 a fundamental, simple issue, that witnesses need to be 22 able to understand the questions they are asked, and 23 they need to be able to give the answers they want to 24 give. For me, a large part of that is being delivered 25 by the intermediary service.</p> <p style="text-align: center;">Page 154</p>	<p>1 of guilty, something that would have been completely 2 unthinkable before the days of intermediaries.</p> <p>3 Two-thirds of the judges that we interviewed for our 4 book in 2015 said they changed their practice as 5 a result of working with an intermediary.</p> <p>6 So it is a mystery to me why intermediaries are not 7 seen as part of the £1 billion court reform programme. 8 There is a poster in the Ministry of Justice that says 9 "We are transforming the way we deliver justice because 10 justice matters. We are trying to build better access 11 to justice", and intermediaries are a proven mechanism 12 for providing access to justice.</p> <p>13 I know you have already heard that the demand for 14 them is increasing. The National Crime Agency matching 15 service does a great job under pressure, but there is 16 concern about the number of unmatched cases and the 17 difficulty of providing an intermediary quickly.</p> <p>18 Recruitment hasn't kept pace with demand. Turnover 19 is very high. The number of intermediaries on the 20 register is declining. They are not well supported. 21 Use around the country remains very uneven, with some 22 small police force areas using more intermediaries than 23 some large ones.</p> <p>24 We estimate, and it is only an estimate, because the 25 figures aren't available, that intermediaries'</p> <p style="text-align: center;">Page 156</p>

1 appointments account for only 4 per cent of young
2 witnesses attending court. So we believe there is
3 a huge potential to improve practice, not just for
4 children, but for vulnerable adults, and it is a point
5 in terms of the introduction and rollout of section 28.
6 Intermediaries were used in only a handful of cases for
7 the pilots. It wasn't actually even counted in the
8 evaluation. But we know from the intermediaries they
9 were not much used. I fear for the success of
10 the national rollout programme because there are not
11 enough intermediaries to help with the number of
12 children and vulnerable adults that there are.
13 MR HILL: Just on section 28, this is, so that everybody is
14 clear, the system whereby you can pre-record the
15 cross-examination of a witness, section 27 of the same
16 Act being the recorded evidence-in-chief.
17 Section 28 we heard yesterday is a recent pilot
18 scheme which has now concluded and a national rollout to
19 follow, but whereas the pilot scheme concentrated on
20 young witnesses, the national rollout will cover all to
21 whom section 27 applies. I am getting some quizzical
22 looks. Catherine?
23 MS HINWOOD: The national rollout for vulnerable -- let's
24 talk about vulnerable and intimidated, that's the types
25 of witnesses that section 28 applies to. So vulnerable

Page 157

1 witnesses are defined in the relevant legislation as
2 being children under 18 or people who have a mental or
3 physical incapacity that will affect the way in which
4 they give evidence.
5 So the pilot that was undertaken in Leeds, Liverpool
6 and Kingston was for children under 16 initially and
7 then it was expanded in January this year, so it now is
8 business as usual in Leeds, Liverpool and Kingston
9 courts for vulnerable witnesses.
10 The rollout of that will happen over the coming year
11 or so, but what will be new is that it will be expanded
12 to intimidated witnesses, and it is a specific category
13 of intimidated witnesses, and they are victims of sexual
14 offences or modern day slavery offences. So section 28
15 will commence for those victims/witnesses in those same
16 three courts: Leeds, Liverpool and Kingston.
17 MR HILL: Thank you. In terms of section 28 and the role of
18 intermediaries more generally, I would like to turn to
19 Richard with his defence hat on. It seems both from the
20 reaction we got yesterday and from the nodding around
21 the table here that intermediaries are very much
22 welcomed by those who are present from the side of
23 the police and prosecuting authorities. How do defence
24 lawyers look on intermediaries?
25 MR ATKINSON: Again, as is my wont, if I can split it into

Page 158

1 two, perhaps, to give myself some breathing space.
2 You have intermediaries in relation to prosecution
3 witnesses and in relation to defendants, and
4 I appreciate defendants are slightly outside the remit,
5 but if you are asking as to our attitude to
6 intermediaries, then it is clearly relevant because we
7 deal with defendants all the time.
8 Defendants aren't entitled in the same way as
9 witnesses are to the services of an intermediary, but
10 whenever we get the opportunity, we will use them. We
11 find intermediaries are extremely helpful in being able
12 to cause effective communication in a trial or, to use
13 a judicial phrase, to effectively participate in the
14 trial process.
15 That, of course, fits both sides of the coin. If
16 I am talking from my primary experience in relation to
17 defendants being able to effectively participate through
18 the use of an intermediary, that is so much equally the
19 case for any prosecution witness. So the defence do
20 recognise and welcome the work of intermediaries. It
21 is -- danger of going off on a political point --
22 undoubtedly the case that our criminal justice system is
23 dramatically starved of resources. It is underfunded to
24 an incredible extent and it is starting to cause cracks
25 across the system, and those cracks are very deep indeed

Page 159

1 and the future is extremely worrying for the progress of
2 our criminal justice system.
3 One cannot hide from the fact that resources are
4 fundamental to being able to properly run a criminal
5 justice system. Sufficient resources that -- I don't
6 want to take us back too far, but when we talk about
7 delay, because there are -- police have to wait because
8 they haven't got sufficient forensic examiners to be
9 able to look at digital material, that's a resource
10 issue about delay.
11 When it is around intermediaries not being available
12 because there aren't enough and they are not being used
13 enough, they are not being used enough for two reasons:
14 firstly, people don't want to pay; secondly, there
15 aren't those there because they are not being paid
16 anyway. So it is a resource issue. It is the same on
17 the defence side: with cuts to legal aid there are
18 cracks appearing all the time.
19 We cannot pretend any longer that our criminal
20 justice system is at the edge to be envied around the
21 world. It is a criminal justice system in real trouble
22 and it is in real trouble because it is being starved of
23 resources, and everything we read going forward is that
24 that is only going to continue and get worse from the
25 cuts that there are to the MoJ's budget going forward

Page 160

<p>1 into it.</p> <p>2 So, yes, we are in favour of intermediaries, yes,</p> <p>3 they are a valuable resource, but we have real, real</p> <p>4 problems in the criminal justice system. I'm sorry,</p> <p>5 I hopped on to that but I will hop off quickly or</p> <p>6 I could be here for some while.</p> <p>7 MR HILL: Thank you. I am going to ask Catherine O'Neill,</p> <p>8 because I think she wants to come in on that.</p> <p>9 MS O'NEILL: I totally agree with everything you have just</p> <p>10 said. I could go on for a very long time about it too.</p> <p>11 I feel that I have seen a decline in the last eight</p> <p>12 years working as an intermediary in the conditions and</p> <p>13 the stress that people are under.</p> <p>14 Having said that, I would just like to make it</p> <p>15 clear, I don't work for prosecution or defence, I work</p> <p>16 in a position of neutrality to assist the vulnerable.</p> <p>17 I personally have made a decision that I will work with</p> <p>18 defendants because I am not comfortable with what I view</p> <p>19 as the unequal playing field at the moment.</p> <p>20 I feel that has expanded my ability to work with</p> <p>21 vulnerable people in the system.</p> <p>22 When we work with defence lawyers and barristers, we</p> <p>23 work very closely together. We review questions and</p> <p>24 generally that is really welcomed because it assists</p> <p>25 people to actually put their case, but in a way where</p> <p style="text-align: center;">Page 161</p>	<p>1 being extremely traumatised. But also -- and the effect</p> <p>2 that that has on communication, or if there is someone</p> <p>3 with learning disability, the way that they can</p> <p>4 communicate, using props, et cetera.</p> <p>5 So at the ground rules hearing, that would be</p> <p>6 discussed.</p> <p>7 In terms of the questions, I might -- it is quite</p> <p>8 complex, but I might be explaining to counsel that it is</p> <p>9 best to use "what", "where", "who" and "when" questions,</p> <p>10 rather than making a statement with a tagged question on</p> <p>11 the end, which for most people, but particularly</p> <p>12 vulnerable people, is very difficult to know exactly</p> <p>13 what bit of the question really is the question and if</p> <p>14 it is multi-pointed, many points in the question. If</p> <p>15 they have processing difficulties, auditory, working</p> <p>16 memory difficulties, they will find it very difficult to</p> <p>17 retain that information and process their response. So</p> <p>18 I would be working very carefully to help counsel adapt</p> <p>19 what they put in their questions and how they formulate</p> <p>20 their questions, and occasionally -- it is a difficult</p> <p>21 situation, but if there are triggers which will</p> <p>22 emotionally affect someone, to the point where they will</p> <p>23 not be able to communicate and stay within the trial,</p> <p>24 then I would be able to point that out and discuss,</p> <p>25 "Now, where are you going with this? Do you realise</p> <p style="text-align: center;">Page 163</p>
<p>1 people can effectively participate. When I work with</p> <p>2 a defendant, hopefully I am appointed for the whole</p> <p>3 trial, which I really advocate and agree with, and I can</p> <p>4 simplify the proceedings that are going on around them.</p> <p>5 So when they give their evidence, they have actually</p> <p>6 understood what has been said in court.</p> <p>7 I just really would like to stress that</p> <p>8 intermediaries should not be seen on one side or the</p> <p>9 other, and we work very happily with prosecution and</p> <p>10 defence and the police.</p> <p>11 MR HILL: In terms of, as Dame Joyce put it, rewriting the</p> <p>12 rules of cross-examination, could you just give us some</p> <p>13 concrete examples of what an intermediary does, how that</p> <p>14 works? Then if I could come back to Dame Joyce and ask</p> <p>15 for the role of the ground rules hearing in this and</p> <p>16 whether or not even without an intermediary, there is</p> <p>17 a role for a ground rules hearing in these kinds of</p> <p>18 cases where you are dealing with people who have</p> <p>19 suffered trauma? Catherine, if I could start with you.</p> <p>20 MS O'NEILL: Going back to this morning, I explained the</p> <p>21 process with the police investigation up until court,</p> <p>22 where I would write a detailed report with</p> <p>23 recommendations, and those recommendations would be</p> <p>24 looking at ways of helping someone remain regulated in</p> <p>25 cases of trauma where people might cut off because of</p> <p style="text-align: center;">Page 162</p>	<p>1 that this may happen?", et cetera.</p> <p>2 MR HILL: Dame Joyce, if I could ask you about ground rules</p> <p>3 hearings and their use outside of the use of</p> <p>4 intermediaries as well as with them?</p> <p>5 DAME JOYCE PLOTNIKOFF: The origin of ground rules hearings</p> <p>6 came from the California Young Witness Bench Book, where</p> <p>7 judges acknowledged that it is actually very difficult</p> <p>8 for a judge to intervene in cross-examination and it is</p> <p>9 much better if they set out what the expectations are of</p> <p>10 the lawyers ahead of time, and that concept was</p> <p>11 introduced when intermediaries began here. But it has</p> <p>12 spread. There is an expectation in the Criminal</p> <p>13 Practice Directions that there will be a ground rules</p> <p>14 hearing whenever there is a vulnerable person, whether</p> <p>15 it is a child or a vulnerable adult or a vulnerable</p> <p>16 defendant.</p> <p>17 Again, I think we don't know how widely that is</p> <p>18 being used, but the idea of the ground rules hearing is</p> <p>19 to plan everything around that person's participation,</p> <p>20 very much focused on effective participation. So it</p> <p>21 will obviously look at questioning, but it may look at</p> <p>22 the arrangements for bringing the person in and out of</p> <p>23 the building, about refreshing their memory, whether</p> <p>24 they are going to have a supporter with them; all of</p> <p>25 those things. Because it looks at communication in the</p> <p style="text-align: center;">Page 164</p>

1 wider sense, it is important that it happens before the
2 day of the person's evidence, if it is a witness. That
3 is a key part of section 28, that section 28 says, "The
4 ground rules hearing should take place around a week
5 before the section 28 recording".
6 Now, section 28 I think in the pilots has been very
7 successful because it was run by very case management
8 minded judges who controlled how that worked. I see
9 already some dilution of that in plans for rollout where
10 some courts are saying, "Well, we will just have the
11 ground rules hearing on the morning of the vulnerable
12 witness's evidence", and that will lose a lot of
13 the impact, if the planning meeting is literally only
14 half an hour before you are waiting for somebody to give
15 evidence, because the whole bit about preparing
16 questions and being able to plan for that person's
17 participation will lose its impact.
18 MR HILL: Catherine, I think you wanted to come in,
19 Catherine Hinwood?
20 MS HINWOOD: The former Lord Chief Justice has prepared
21 a practice direction to facilitate section 28 hearings,
22 and there is a pre-trial preparation hearing that has to
23 take place to be able to set the ground rules for any
24 section 28 recordings. So you will have that pre-trial
25 hearing where it is discussed -- well, in effect, the

Page 165

1 ground rules are discussed, whether or not you have an
2 intermediary, and the timetable for the recording of
3 the cross-examination will be set. It would generally
4 be about a couple of weeks after the pre-trial
5 preparation hearing takes place and probably six to nine
6 months before the actual trial. That's the estimate.
7 I thought it might be worth actually going back to
8 what the pilot showed in terms of the impact of
9 section 28 so that it is appreciated one of the reasons
10 why we have focused so much on the rollout and the
11 benefits of section 28 for vulnerable and intimidated
12 victims and witnesses.
13 We know that early guilty pleas, so that is a guilty
14 plea by a defendant, in child sexual abuse cases and
15 sexual abuse cases are generally very much lower than in
16 any other type of case, and that is because of
17 the concerns that we have heard earlier this morning
18 about evidence gathering. It can be "He said, she said,
19 she said, he said, he said". It is quite often
20 incredibly difficult to evidence. You have
21 a perpetrator defendant who takes their luck to see
22 whether or not the victim/witness is going to show up on
23 the day to give their evidence.
24 So in the pilots that we undertook for section 28
25 hearings, we compared cases where there was a section 28

Page 166

1 pre-recording of the cross-examination and comparable
2 cases where there wasn't a section 28 recording, and we
3 found that in the cases where there was no section 28
4 only 9 per cent of those cases had an early guilty plea,
5 whereas in the section 28 cases, 48 per cent of
6 the cases had an early guilty plea.
7 So the massive impact that it has on whether or not
8 a trial goes ahead is something we think is quite game
9 changing, because what you want is for a victim to be
10 spared the trauma of actually having to go to court.
11 So if we have a measure that helps to increase the
12 number of early guilty pleas, that is certainly
13 something that we want to make sure is rolled out as
14 effectively as possible.
15 One of the other things that we found during the
16 section 28 pilot was that you also have quite a high
17 rate of cracked trials in sex cases, where the trial is
18 ineffective. So you had 27 per cent of cases in the
19 comparator group were cracked, whereas only 8 per cent
20 of cases in the section 28 pilot group.
21 So there were some really fantastic results. Of
22 course it was a small sample size, but we have continued
23 to see these types of cases have real benefits in terms
24 of outcomes for victims as well as the victim
25 experience, which is one of the reasons that we are so

Page 167

1 incredibly focused on making sure that as many victims
2 as possible will be able to benefit from it.
3 MR HILL: I want to come back in a second to the question of
4 how to ensure a rollout is as successful as a pilot, and
5 that the pilot isn't doomed to success in the way that
6 Dame Joyce mentioned. But before I do, a point that was
7 raised with us yesterday by one of the survivors who
8 spoke was that, while she may have benefited from the
9 pre-recording of her evidence-in-chief, she wanted to
10 attend court, she didn't want to have a pre-examined
11 cross-examination. Is there still scope for an
12 individual choice, and if that individual takes the
13 choice not to have the section 28 pre-recording, will
14 they still be able to benefit from ground rules hearings
15 and other such matters?
16 MS HINWOOD: Absolutely. It is their choice as to whether
17 or not they want to have a pre-recording. It is not an
18 automatic special measure, in that you -- if you have
19 a section 27 ABE interview and you fall within the
20 statutory definition you therefore must have
21 a pre-recording of your cross-examination as well; there
22 is judicial discretion and there is also victim choice
23 in that. So there shouldn't be any consequences at all
24 if someone doesn't want to have their cross-examination
25 pre-recorded.

Page 168

<p>1 DAME JOYCE PLOTNIKOFF: Just to add to that, I think it will 2 require very careful explanations of the process, 3 because I'm aware that in some of the pilot areas it was 4 being treated as an automatic thing, and some of 5 the witnesses I think were actually unaware of what the 6 consequences were, and I think for a very small number 7 of people, section 28 is not the right answer, just 8 exactly as you identified from the person that spoke. 9 There will be circumstances where people do need to be 10 able to make an informed choice and not wanting to be 11 filmed is part of that. 12 So I hope that there will be very good guidance for 13 the police in explaining the distinction and what the 14 options are. At the moment, for example, section 28 is 15 not, I believe, technically available if you want to 16 give evidence from a remote link. 17 There has been a wonderful ad hoc arrangement in 18 Liverpool where the police filmed the cross-examination 19 at a nursing home. So effectively they did do 20 a section 28 remote link cross-examination, but that 21 was, as I say, an ad hoc process. We don't yet I think 22 have equipment set up in remote sites to do it. 23 MR HILL: So that I'm clear in my mind, if a victim decides 24 that he or she wants to attend court, so doesn't want 25 the pre-recording, will there still be or can there</p> <p style="text-align: center;">Page 169</p>	<p>1 Now, we have heard this afternoon about the length 2 of delay, so you know that I am not talking about 3 a couple of weeks later we get the material, we are 4 talking months and months later in some instances, and 5 we are at the trial and we get served with that 6 material. 7 Now, if that is going to happen and the pre-recorded 8 cross-examination happened six weeks before, then 9 clearly there are going to be issues raised, and 10 a concern, not just in relation to defendants but also 11 those complainants who have gone through it, is that 12 there will then be requests for further 13 cross-examination because now new material has become 14 available that wasn't available at the time. 15 I'm aware of the theory, and I am aware of my 16 experience, and I have concerns that the theory may not 17 match the experience going forward and that therefore 18 there will be real issues, and that will lead to 19 dilemmas for judges as to when there are requests for 20 further cross-examination as to whether it is in the 21 interest of justice to do that. Obviously from 22 a defence perspective, there will be real concerns if 23 there were to ever be a curtailing of the opportunity to 24 ask relevant questions for material that's only just 25 come into our possession because of concerns about</p> <p style="text-align: center;">Page 171</p>
<p>1 still be a ground rules hearing? 2 DAME JOYCE PLOTNIKOFF: Yes, absolutely. 3 MR HILL: If I could turn to Richard at this stage, and, 4 again, the same kind of question I posed to you as 5 defence counsel, with your defence counsel hat on, in 6 terms of prerecording of cross-examination and/or ground 7 rules hearings, are there any concerns about the erosion 8 of the ability to put forward a defence or has the 9 matter been broadly welcomed? I appreciate you cannot 10 speak for all of your colleagues on this. 11 MR ATKINSON: I'm grateful for that caveat. There are 12 concerns, and concerns are -- my understanding of 13 the pilots is limited, but pilots, as you say, are 14 sometimes doomed to success because all the focus is on 15 them. The real concern is that the scheduling of 16 the pre-recorded cross-examination is, as you have 17 heard, very tight, as far as with its proximity to the 18 beginning of proceedings. The real concern is that the 19 issue around disclosure will not have been fully 20 completed in sufficient time as to allow all of 21 the information to be made available to the defence to 22 allow an effective cross-examination. 23 We know that it is regular practice that it is just 24 before or even during the trial that we get third party 25 material and unused material served upon us.</p> <p style="text-align: center;">Page 170</p>	<p>1 further appearances for complainants. 2 So, yes, there are concerns about the section 28 3 process as it is rolled out. They may be unfounded in 4 due course, but we shall see. So, yes, we have 5 concerns. 6 Ground rule hearings. Of themselves, no, not 7 particularly concerning, other than these are additional 8 hearings that have to be met that aren't necessarily -- 9 that won't be paid for additionally; that therefore come 10 from existing fees. They require the trial advocate to 11 be present at the ground rules hearing, the trial 12 advocate to be present at the pre-recorded 13 cross-examination, and the trial advocate present at the 14 trial itself. That has whole issues around diaries, 15 timetabling, requirements for preparation and for 16 attendance. There is no suggestion that any of this 17 extra work is going to resolve an extra payment and that 18 obviously is a real concern as well as to how that is 19 going to impact. 20 I suspect also that as it is rolled out, and I have 21 heard some court centres already mentioning this, that 22 there are worries that with lists so heavy, which leads 23 to delays, adding in extra hearings -- the 24 cross-examination hearings and the need for them to be 25 accommodated -- is going to cause additional burdens on</p> <p style="text-align: center;">Page 172</p>

<p>1 lists.</p> <p>2 Now, if everyone suddenly pleads guilty, as is</p> <p>3 potentially being suggested, then that won't be</p> <p>4 a problem, but if trials stand up and if this continues,</p> <p>5 then it is going to add to the listing burden of Crown</p> <p>6 Courts.</p> <p>7 So there are a number of issues that need to be</p> <p>8 looked at. That, of course, is a resources issue, but</p> <p>9 I think I have covered that. Those are my comments.</p> <p>10 MR HILL: From what you are saying, the concerns are the</p> <p>11 practical ones, the resource ones, the question of court</p> <p>12 facilities, court time, counsel facilities, counsel</p> <p>13 time; it is not an objection in principle, it is just,</p> <p>14 how are you going to make this work effectively to allow</p> <p>15 the defendant a fair trial?</p> <p>16 MR ATKINSON: Absolutely.</p> <p>17 MR HILL: Rhiannon, I think you wanted to come in as well.</p> <p>18 MS EVANS: Yes. Slightly moving on to a different point</p> <p>19 which Catherine raised around the word "choice", which</p> <p>20 I think is an important one. It was about choice and</p> <p>21 judicial discretion, which is easy to talk about when</p> <p>22 the judiciary aren't around the table. As Joyce alluded</p> <p>23 to as well, people are meant to make informed decisions</p> <p>24 about the support they want to take and section 28 is</p> <p>25 just one of those special measures. Actually, in terms</p> <p style="text-align: center;">Page 173</p>	<p>1 statements. The Victims' Code says a victim can read</p> <p>2 their victim personal statement, but actually if the</p> <p>3 judge decides he doesn't want them to read their</p> <p>4 personal statement, then they won't read their personal</p> <p>5 statement because that's their decision.</p> <p>6 So that makes it like a choice they are given but it</p> <p>7 can be taken away, which I know yesterday I heard a lot</p> <p>8 about the use of the word "control" and having control</p> <p>9 taken away and it is a way that doesn't really give</p> <p>10 victims much control.</p> <p>11 MS HINWOOD: Just very quickly I wanted to clarify, the</p> <p>12 testing of section 28 for adult victims, victims of</p> <p>13 sexual offences and modern day slavery offences is going</p> <p>14 to be incredibly carefully monitored. So absolutely we</p> <p>15 hear the concerns that have been raised that are</p> <p>16 logistical, perhaps around resource, listing, whether or</p> <p>17 not there might be an issue with a need to re-examine</p> <p>18 some of the witnesses. So before taking any further</p> <p>19 decisions, there is quite robust testing to make sure</p> <p>20 that any of those issues are identified and fully</p> <p>21 considered. I didn't want to suggest that the pilot</p> <p>22 results that related to children were directly</p> <p>23 transferable to adults, because they are certainly not.</p> <p>24 MR HILL: I'm sure you will agree it is quite a challenge</p> <p>25 that awaits you, in terms of all the points about</p> <p style="text-align: center;">Page 175</p>
<p>1 of all the special measures available to vulnerable</p> <p>2 witnesses, they should have a choice about what type of</p> <p>3 special measures they have. But making that choice</p> <p>4 involves them really understanding that. I think</p> <p>5 something that does happen is often people aren't given</p> <p>6 that choice properly. It is not that they are not given</p> <p>7 an informed choice, they don't understand the choice</p> <p>8 they are making, there is obviously a lot of pressure</p> <p>9 sometimes about thinking what victims should decide,</p> <p>10 other people taking those choices. So a victim should</p> <p>11 give their evidence via a section 28 because that seems</p> <p>12 the best thing for them, rather than giving them that</p> <p>13 choice. I heard yesterday someone saying that the</p> <p>14 police officer had suggested that they give their</p> <p>15 evidence via screens rather than the TV link, the live</p> <p>16 link, because it would be better for the judiciary to</p> <p>17 see them in person giving their evidence. And the word</p> <p>18 "choice" is used a lot about giving people choice, but</p> <p>19 it doesn't always happen in practice because there are</p> <p>20 a lot of people thinking that they should give their</p> <p>21 evidence in a certain way.</p> <p>22 In addition to that, it is quite difficult sometimes</p> <p>23 explaining to witnesses that they have a choice but then</p> <p>24 because of judicial discretion that choice can get taken</p> <p>25 away. An obvious example is with victim personal</p> <p style="text-align: center;">Page 174</p>	<p>1 timetables, court resources and facilities. Those of us</p> <p>2 who work within the court system are not always</p> <p>3 impressed by the electronic facilities that are on</p> <p>4 offer.</p> <p>5 Just before I come to a final point, which is the</p> <p>6 one about juries and how they can be informed or whether</p> <p>7 they should be informed about certain behaviours, I just</p> <p>8 want to go back to Dame Joyce and ask about judges.</p> <p>9 Obviously central to the process. How receptive</p> <p>10 have you found judges to be to this new approach to</p> <p>11 cross-examination and indeed this new approach to</p> <p>12 running a trial and to everything that we as barristers</p> <p>13 have been trained to do in the past?</p> <p>14 DAME JOYCE PLOTNIKOFF: How long have you got? We have been</p> <p>15 very fortunate in this country to have clear judicial</p> <p>16 leadership from the very top and the senior judiciary</p> <p>17 making it very -- as I said before about expectations,</p> <p>18 the expectations on the judiciary are very clear, set</p> <p>19 out in Criminal Procedure Rules that they are expected</p> <p>20 to take every reasonable step to facilitate</p> <p>21 participation; Criminal Practice Directions go into</p> <p>22 a great deal of detail; Igor Judge when he was Lord</p> <p>23 Chief Justice put in place a year of training for the</p> <p>24 judiciary on dealing with children and vulnerability.</p> <p>25 So the mechanisms are there, the controls are there</p> <p style="text-align: center;">Page 176</p>

<p>1 to be exercised. Practice remains uneven across the 2 country.</p> <p>3 I would say, in terms of advocacy and judicial 4 control, we are now in a very uncomfortable position of 5 practice being superb at one end, better than it has 6 ever been, but with the gap with poor practice being 7 wider than it ever has been. Standards are improving 8 but it is still very uneven.</p> <p>9 I think a lot of judges are very receptive, some are 10 not. I think the new advocacy training package which 11 has -- a great deal of thought has gone into the 12 development of it, is going to be very influential, but 13 it will be as good as the people delivering it, because 14 I have seen at both the judicial level and across 15 advocates, if the trainers are not committed to the 16 changes, then the messages don't get delivered.</p> <p>17 MR HILL: I see Neil nodding behind you on that. I wonder 18 if you could give us your perspective from the CPS?</p> <p>19 MR MOORE: Yes. I was going to mention, if I may, what Dame 20 Joyce has just mentioned and that's the advocacy and the 21 vulnerable training, which coincidentally is being 22 rolled out, as it happens, at the same time as 23 section 28. So this stems from a government commitment 24 to vulnerable witnesses issued in a paper in July 2015. 25 It is aimed -- a great deal of thought has gone into the</p> <p style="text-align: center;">Page 177</p>	<p>1 few questions as possible, depending on the 2 communication needs of the vulnerable witness. But it 3 is such a radical change from what advocates have been 4 used to that I think there is -- certainly when I -- 5 because I'm rolling this training out to CPS advocates, 6 there is a little bit of -- not resistance, but it is 7 such a different way of dealing with things that people 8 are going to have to get used to the fact it isn't 9 tinkering around the edges, this is a radical change and 10 it needs to be embraced.</p> <p>11 Certainly the judges in the pilot schemes have been 12 embracing it. For instance, Her Honour Judge Sally 13 Cahill at Leeds enforces it rigorously, and she trains 14 judges, she has trained judges to enforce it rigorously.</p> <p>15 But I agree with Dame Joyce, it remains to be seen 16 whether this will be embraced as it should be.</p> <p>17 Can I say this: there are a number of people I have 18 spoken to who have been using this procedure and they 19 say it has revolutionised their approach to questioning 20 witnesses, not just vulnerable witnesses but in all 21 cases. For example, Kama Melly QC is a leading silk in 22 Leeds. It has changed the way she cross-examines all 23 witnesses by asking short, directed, concentrated 24 questions without any flamboyance, without any drama. 25 She said the results are amazing because it is a great</p> <p style="text-align: center;">Page 179</p>
<p>1 structure of the training. It's is being rolled out to 2 all advocates by the end of 2018. The government were 3 threatening or suggesting they were going to make it 4 mandatory, and we are expecting them to make it 5 mandatory, but at the moment it is not. Because of that 6 fact I'm afraid that's affected the takeup. People are 7 saying, "If I'm not going to lose my practising 8 certificate, if I can still prosecute these cases or 9 defend these cases, why do I have to go through the 10 training?" Unfortunately the takeup, as I understand 11 it, from being on the working group that rolls this out, 12 has been somewhat patchy with certain providers. But as 13 far as the CPS is concerned, we are rolling it out at 14 the moment, and because it is such a radical change to 15 what advocates are used to -- so it involves advocates 16 having to write out their questions in advance, put 17 before the judge for the judge, together with the 18 intermediary, if there is one, to approve, ultimately 19 the judge to approve. It involves concentrating on the 20 issues, asking short, directed questions. Matters such 21 as matters which may crop up in third party material or 22 inconsistencies or previous inconsistent statements are 23 meant to be dealt with external to the 24 cross-examination, so witnesses shouldn't be asked about 25 that. It involves cutting down the questioning to as</p> <p style="text-align: center;">Page 178</p>	<p>1 tool.</p> <p>2 Likewise, one of my fellow lead facilitators who 3 works in an organised crime division is using the same 4 techniques when he is cross-examining organised 5 criminals and he says it works more effectively. So 6 although we have an adversarial system which is 7 essentially a system of challenge, the way we challenge 8 witnesses is changing, and in my view should continue to 9 change, not just for vulnerable witnesses but for all 10 witnesses.</p> <p>11 MR HILL: Just a final short question on that, really 12 a yes/no question: would you support making the training 13 mandatory for all of those involved in cases of this 14 nature?</p> <p>15 MR MOORE: The answer from a personal perspective is yes, 16 but of course I have a captive audience, in the sense of 17 CPS prosecutors. We can identify them and we are 18 requiring them to go through the training, so we are 19 considering it mandatory.</p> <p>20 Of course there are all sorts of issues if you try 21 and make it mandatory to all solicitors and all members 22 of the external bar because there are so many of them.</p> <p>23 But yes, I mean, from what I -- my experience of 24 receiving the training and delivering the training and 25 hearing about the results is that it is transforming the</p> <p style="text-align: center;">Page 180</p>

<p>1 way witnesses are treated and justice is being dealt 2 with more effectively. 3 MR HILL: Sarah, yes? 4 MS ROSE: Just a couple of points there. One, it was 5 interesting to hear the talk about radically changing 6 the way in which cross-examination happens. That's the 7 very words that are used in the practice direction, 8 where it talks about, in relation to young people, "This 9 may mean departing radically from traditional 10 cross-examination". That will vary from case to case, 11 but certainly looking at moving away from the 12 traditional putting of the case for young people, the 13 use of body maps and other tools and so on which may be 14 appropriate to use for young people. 15 Interesting to hear talk of Kama Melly, who sits on 16 our project board for the rollout of section 28 and 17 certainly has been very supportive of the work we are 18 doing there. Just recognising some of the points, 19 Richard, that you raised around timing and protocol, 20 certainly in relation to young people, what we have 21 found is in fact the proximity of that pre-recording of 22 the cross-examination does help agencies, police and CPS 23 and so on, to focus on preparing for that 24 cross-examination at that point, which I think has been 25 a benefit as well.</p> <p style="text-align: center;">Page 181</p>	<p>1 expert. 2 MR HILL: After saying who I was going to go to, I see Neil 3 and Catherine at the end both wanted to come in on that 4 as well. 5 MR MOORE: I was simply going to say I'm afraid evidence in 6 this jurisdiction is inadmissible. But having said 7 that, for instance, His Honour Judge Rook QC, now 8 retired, began a process of giving his judicial 9 directions about myths and stereotypes at the start. 10 Before any advocate has said a thing to the jury, the 11 judge is telling the jury very much the same things as 12 Dame Joyce has mentioned might be susceptible to expert 13 evidence, so that an inconsistent account doesn't 14 necessarily mean the complainant is lying, late 15 reporting, all these things. 16 I think he tried to sort of, before he retired, get 17 other judges to deploy it, because I think there is, in 18 my view, an impact in the jury hearing that right at the 19 very beginning from the judge, before an advocate has 20 said a word. 21 MR HILL: Catherine? 22 MS O'NEILL: Yes. I recall one case in Judge Rook's court 23 in the Old Bailey, the person was highly traumatised, 24 actually a defendant, highly, highly traumatised, and 25 Judge Rook did explain about this person's behaviour.</p> <p style="text-align: center;">Page 183</p>
<p>1 MR HILL: I'm going to finish on one final point, which has 2 been raised yesterday and today, and it is about juries 3 and the extent to which juries should be informed of 4 the way in which survivors and victims of child sexual 5 abuse may behave; things which may seem beyond the norm 6 to the jury member but -- and may influence their view 7 of the case in front of them, but which there is a firm 8 evidence base to support. 9 I wonder if I could turn to Dame Joyce and then to 10 Andrew for their thoughts on that and then finally to 11 Richard again with the defendant hat on about what 12 should and should not be allowed in terms of providing 13 that kind of material in evidence to juries. 14 DAME JOYCE PLOTNIKOFF: You may want to look at the 15 experience in New Zealand, which regularly allows expert 16 opinion evidence, not specific to the complainant, whom 17 the expert doesn't meet, but tailored to address issues 18 arising in the proceedings, and they call this 19 counterintuitive evidence. It addresses matters such as 20 piecemeal disclosure or the continuing relationship with 21 the alleged offender, so the kinds of things I think 22 that the concerns were that were being raised, in order 23 to dispense with assumptions on the part of the jury. 24 And critically, it is always the first thing the jury 25 hears: before hearing any witnesses they start with the</p> <p style="text-align: center;">Page 182</p>	<p>1 I very often put in my report that it would be helpful 2 to make known to the court some behaviours that might 3 be seen -- for example, laughing, which is a defence 4 mechanism. It is one of our many defence mechanisms. 5 Or a blank face, or looking disinterested or disengaged. 6 Particularly with people on the autistic spectrum as 7 well. 8 So it really is important that the judge does help 9 the jury understand these behaviours so they don't 10 get the wrong impression. 11 MR HILL: Richard, again, apologies, you are not speaking 12 for the entirety of the defence lawyers across the 13 country, but your views on these kind of ideas? 14 MR ATKINSON: We already have directions, we have heard some 15 given in advance, but judicial directions around 16 understanding certain behaviours and misconceptions, but 17 I would have -- if we are talking about the more 18 hypothetical position about whether we introduce this, 19 at the moment quite rightly it is inadmissible, but 20 I would have real concerns about this, because it is 21 very easy to talk about expert evidence and agreed 22 positions. You don't have to go very far in any area of 23 expertise to see how changes over time will show that 24 what is definitely the case now actually wasn't right 25 and isn't correct.</p> <p style="text-align: center;">Page 184</p>

<p>1 What we are talking about is influencing the jury's 2 fundamental point about assessing the case and the 3 evidence. If you take some of that, particularly around 4 behavioural sciences and sociology, and start saying 5 that this is science and we can explain some of these 6 points, that may actually not be right and may be 7 pertinent to the case as to why a complainant hasn't 8 complained or why they have behaved in a certain way, if 9 you are going to introduce that as evidence, you are 10 going to have to, to be fair, have to allow counter 11 evidence from the defence and you are going to get into, 12 again, territory of expert dispute, which is going to 13 detract from the real issue, because you are going to 14 have a fight over peripherals, really, around these 15 matters. 16 So a limited degree of direction from the judge is 17 one thing; moving to giving evidence in the trial is 18 quite another. I would be very opposed to the idea that 19 we move to any evidence. There is no suggestion that we 20 are going to, but if there was, I would oppose that. 21 Around judicial directions, we have to be careful 22 what is said so that it is balanced, so that it is not 23 suggesting that it is supportive one way or the other of 24 an account that is given. The idea that it is given in 25 advance of any witnesses giving evidence I think is</p> <p style="text-align: center;">Page 185</p>	<p>1 carried out. So let's make better use of technology to 2 make sure effective participation is achieved by putting 3 young people at their ease. 4 Young people share a lot of information with each 5 other on social media. Children who have been subject 6 to complex abuse investigations, children in care, talk 7 to each other, they have friends who talk to other 8 friends. So there is a lot of information being shared 9 by the group that I was getting messages back from. 10 And they are very frightened of juries; that was 11 a point they made. They spend most of their teenage 12 life being judged by adults, rather unjustly and 13 unfairly -- that's part of the teenage condition -- and 14 to have their evidence judged by a group they don't 15 trust was something they thought should be addressed. 16 I think this idea of creating the context for 17 a jury, something to do with neuroscience and the 18 development of the human brain, you know, what does an 19 adolescent understand by consequences, is really 20 important for a jury to understand. 21 But much more importantly are some of the stories we 22 have heard of the impact that abuse has on you and your 23 ability to behave in a setting like a court and recall 24 accurately in sequence, control your facial ticks and 25 smiles, all those sorts of things. Young people shared</p> <p style="text-align: center;">Page 187</p>
<p>1 a very good one, because you can deal with some common 2 misconceptions and some common errors that may or may 3 not come up in this trial, and that can be given and it 4 is not seen as being supportive one way or the other of 5 those who have given, if it is given afterwards, their 6 evidence; whereas when it is given afterwards, it may 7 impinge upon the way in which the evidence is given and 8 it is, "Well, you may have heard from this person, but 9 don't forget this ..." 10 So I think the idea of a judicial direction and 11 a judicial direction in advance is a very good one and 12 deals with some of these issues; dealing with the 13 judicial direction later I think is not as good; and 14 giving evidence is absolutely a bad thing. 15 MR HILL: Thank you. The final word from the contributors 16 today, to Andrew? 17 MR WEBB: Thank you very much. I found myself agreeing with 18 quite a lot of the points being made then, having not 19 done extensive research but asked the multi-disciplinary 20 safeguarding team what young people thought about being 21 in court, and they said a number of things. 22 First, they would rather not go to court. They 23 would rather give evidence from a safe place, was 24 a theme that came out. A safe place, for example, being 25 the sort of suite where the best evidence interview was</p> <p style="text-align: center;">Page 186</p>	<p>1 their views about how damaging that could be, and 2 a number of them expressed fear of being in front of 3 a jury. Therefore, they were not given an opportunity 4 to participate effectively in that process. 5 MR HILL: Thank you. I am now going to turn to the public 6 gallery. 7 Observations from THE PUBLIC GALLERY 8 PUBLIC GALLERY: Hi, I'm Karen McLachlan. I apologise now 9 if I show myself up. I just don't know if I would be 10 able to leave today and be happy if I didn't say 11 something. 12 I would first like to reply to Rhiannon. You said 13 about yesterday with the comment about the police 14 officer suggesting to go in with screens instead of 15 doing it by videolink. I didn't mean to come across as 16 in she kind of persuaded us. She explained it more 17 in-depth, which I don't think is done a lot, as in how 18 you come across over the screens, about the verbal 19 communication, things like that. I didn't mean to come 20 across as saying she forced me into it. 21 I'm trying to keep this down. Sorry, it's two 22 pages. 23 I think yesterday and today there have been some 24 really valuable points. However, I do feel there's been 25 a considerable amount of time that has, in my opinion,</p> <p style="text-align: center;">Page 188</p>

<p>1 got nothing to do with the CJ system. I do think we 2 need to realise that we are all in this room for the 3 same reason, and, again, I feel that this has got lost 4 along the way.</p> <p>5 This may be in my ignorance, but I presumed that 6 this seminar would be about the CJ system and how it 7 works and how it doesn't work, and I was hoping that 8 people would come together to say what works, what 9 doesn't work, and where it doesn't work what we are 10 going to do about it. Again, in my opinion, I don't see 11 how this has happened over the last two days.</p> <p>12 I was really interested this morning hearing the 13 money side of it. Obviously I'm not 100 per cent 14 knowledgeable about this, but I'm guessing what is going 15 into the system isn't enough. However, I was wondering 16 if an independent audit could be done or has ever been 17 done to see how and where these millions of pounds are 18 actually going, because they are clearly coming in at 19 the top, but they're not reaching the bottom, where it's 20 needed.</p> <p>21 I would also like to add that I don't understand why 22 we have 43 police forces, however they don't seem to be 23 cooperating. A really, really silly example for me to 24 explain would be the shop Aldi: it doesn't matter where 25 you go in the country, you walk into this shop, and from</p> <p style="text-align: center;">Page 189</p>	<p>1 and the fact that there aren't many middle-aged male 2 ISVAs. Maybe the reason for that is because they don't 3 get funded. I know this because I have spoken to the 4 very organisations you mentioned: LimeCulture and 5 Survivors Trust are the other big provider of that sort 6 of service. I have spoken to them. They have told me 7 there is no funding. There is no funding for males to 8 get into that service.</p> <p>9 I have got experience. I set up the organisation 10 Survivors UK in 1986. It is not as if it is something 11 that's new to me. I have been providing this service 12 for survivors of abuse for over 30 years, but I still 13 can't get funding. If I can't get funding into it, how 14 much more difficult is it for somebody who's not used to 15 those systems and who hasn't got the contacts?</p> <p>16 I have contacts with my Police and Crimes 17 Commissioner, with the adult and child protection 18 services locally, with the NHS locally. We have 19 bi-monthly meetings with the councils and everybody. 20 But if I can't still access the funding to get that sort 21 of training and to get that certificate to do the job 22 that I have already been doing for 30 years, by the way, 23 then you're not going to get people to come into that 24 service.</p> <p>25 The other thing I just wanted to quickly mention is,</p> <p style="text-align: center;">Page 191</p>
<p>1 the front door to the exit, it's exactly the same. If 2 a shop can do it, why can't the police force do the same 3 amount of training across the board? This to me would 4 stop different things from being said and the wrong 5 information getting out, if they all were taught the 6 same; they can pass the same out. The same for the CPS.</p> <p>7 Again, this morning it was mentioned that all police 8 officers are going to be trained, specially trained, to 9 deal with victims/survivors. Chris mentioned that she 10 personally knows that some police officers don't want 11 this, so you're not even listening to your own team.</p> <p>12 Again, I don't understand why specialist units can't 13 be brought in to the 43 forces: just one clear-cut 14 service to provide. Surely this would bring down the 15 amount of money that would be spent, instead of putting 16 it across the whole board, and I think it would save 17 a lot of time as well.</p> <p>18 I'm really sorry to be dragging this out. I think 19 that's it. Thank you.</p> <p>20 MR HILL: Thank you. If we could go to the other end of 21 the room.</p> <p>22 PUBLIC GALLERY: Nigel O'Mara from East Midlands Survivors. 23 There are a couple of things over the last couple of 24 days.</p> <p>25 The mention of ISVAs has been brought up quite a lot</p> <p style="text-align: center;">Page 190</p>	<p>1 you will see that our numbers have diminished quite 2 considerably this afternoon. I just wanted to point 3 out, a lot of people have come from a long way to come 4 here. There were people here from Devon, from 5 Middlesbrough, from Durham who have come here and it is 6 a long journey they still have to do, and that's why 7 they are not here, not from any lack of interest.</p> <p>8 PUBLIC GALLERY: I'm quite tired now, so a lot of stuff has 9 gone over my head, even though I try to take it all on 10 board.</p> <p>11 The vulnerable adult. Surely any victim/survivor 12 that's gone through trauma is vulnerable, in my opinion. 13 So I'm not quite sure where the cut-off is there and 14 whether every victim and survivor should be considerable 15 vulnerable; even though we are strong, when we are 16 traumatised we react differently and we come across 17 differently.</p> <p>18 MR HILL: Chris, sorry, could I just ask Dame Joyce to 19 respond directly to that question?</p> <p>20 DAME JOYCE PLOTNIKOFF: We are stuck with the unsatisfactory 21 position of "vulnerability" being defined in the 22 legislation. But the point you are making is a good 23 one. I think perhaps you would like to say something in 24 terms of the "intimidated" definition, the fact that we 25 will be looking at sexual offence victims.</p> <p style="text-align: center;">Page 192</p>

<p>1 MS HINWOOD: Yes. It is unfortunate language, I agree, and 2 it is a statutory definition, but by virtue of this 3 piece of legislation, it says that if you are a victim 4 of a sexual offence, you therefore become "intimidated" 5 and so you get the same kinds of rights under the 6 legislation if you are "vulnerable" or "intimidated". 7 It is about semantics. I completely take your point. 8 PUBLIC GALLERY: This is just a statement, because I don't 9 know who is in agreement and who is not, sorry: I can't 10 see how a judiciary system can be fair if there is no 11 mandatory training and an understanding around trauma 12 and its impact, because this is new to a lot of people, 13 this is new learning for a lot of people, not for people 14 that are in it and victim/survivors that are suffering 15 from it. 16 Victim/survivors have told me who have gone through 17 court cases that the prosecution can be very aggressive 18 and it can be very triggering for a victim/survivor, and 19 the way they act and speak up in court can be really 20 affected by that. 21 So I think if the prosecution, for example, from 22 a victim/survivors' point of view, are aggressive and 23 they don't have that understanding of the way they are 24 acting, then the victim/survivor, it can silence them 25 and they might not be able to verbalise what is going on</p> <p style="text-align: center;">Page 193</p>	<p>1 system, there is not enough time for reflection, and to 2 change, we need to reflect. But everyone is under huge 3 demands. 4 I would say that, yes, it is changing and that's 5 really wonderful that it is changing, but we can't rest 6 on our laurels, we have a huge amount of learning which 7 is about neuroscience and that needs to be taken into 8 the court system. 9 PUBLIC GALLERY: I actually came up with an idea while 10 listening to you talk about trauma, and I was very 11 interested in the concept that you sit in a place of 12 neutrality, and when the conversations were going on 13 about judges giving context at the beginning to a jury, 14 I thought, if you are the person who has another 15 position of neutrality, and you have the knowledge of 16 trauma, then perhaps judges could have the process of 17 asking you for your opinion for them to then de-cipher, 18 and if they do intend to give a context of trauma to 19 explain to the jury, then you could be part of that 20 process. 21 MS SMITH: Well, I am not an expert witness in this role. 22 I can talk about communication and the best way that 23 a person can participate, but I can't make up the rules. 24 PUBLIC GALLERY: No, no, no, it just was an observation 25 because you were a neutral person in the room, and of</p> <p style="text-align: center;">Page 195</p>
<p>1 for them. So I think the mandatory training should be 2 there for everybody involved in this process. 3 MR HILL: I think Catherine just wanted to come back on that 4 point. 5 MS O'NEILL: I just want to totally agree with you about 6 trauma. It is something that we have understood more 7 lately, with the advent of and the understanding of 8 neuroscience and imaging and the fact that the language 9 centre actually shuts down and people go into their 10 sensory body and to their limbic system and fright and 11 flight. I do believe that everyone in the system needs 12 to totally understand trauma. I totally agree with you. 13 MR HILL: Sorry, just because you are here and you have 14 perhaps more direct experience than anybody else around 15 the table of these kind of cases, are you seeing an 16 improvement in practice, both of advocates and judges, 17 as a result of the changes that Dame Joyce and Neil have 18 been talking about? 19 MS O'NEILL: There's definitely an improvement in some areas 20 and, as Joyce was mentioning, it is not an equal 21 improvement everywhere. 22 I think that when I talk to the police about trauma, 23 they want to learn about it; when I talk to barristers 24 about trauma, they really want to -- they want the 25 information. But I do feel it is a very reactive</p> <p style="text-align: center;">Page 194</p>	<p>1 course with you having a lot of skill with the language 2 that would be used, it would be a good process for 3 juries, who don't have the same type of understanding. 4 So maybe not lead them in any way, but to give them 5 a little bit of a base to work from. It was just an 6 idea. 7 MS SMITH: I think we have gone in leaps and bounds about 8 language in court and with the rollout of the training, 9 but communication is not just about language, it is many 10 levels, and we are expecting people to communicate in 11 court and communication is content, form and use of 12 language, so it is much more complex and we have a way 13 to go. 14 MR HILL: Thank you all very much. With apologies for 15 overrunning, I will hand back to the chair. 16 Closing remarks from THE CHAIR 17 THE CHAIR: Thank you very much, Matthew. Thank you again 18 to everyone here, to all of the participants for their 19 contributions. It has been a very interesting two days. 20 We will all carefully consider what we have heard. 21 A full transcript of today's seminar will be 22 available on the inquiry website this evening, and 23 a video of the broadcast will also be available in a few 24 days' time on the website, and finally a report 25 summarising the discussion today will be posted on the</p> <p style="text-align: center;">Page 196</p>

<p>1 website in the coming weeks. 2 I would like to thank Matthew for his forbearance 3 and his excellent facilitation today and yesterday. It 4 wasn't an easy task. 5 I would also like to thank the inquiry's research 6 team for all the work they did in the planning and 7 preparation for the seminar, and also to the inquiry's 8 Victims and Survivors' Consultative Panel. Chris and 9 Daniel who was here earlier are both members of that and 10 they gave us good advice throughout the planning 11 process. 12 Finally, once again, thanks to everybody in the 13 public gallery, and we are very well aware from the past 14 that people have travelled a long way and we recognise 15 and appreciate the commitment that they demonstrate in 16 doing that. So thank you very much for your attendance 17 and to everyone for taking the trouble to be here. 18 Thank you. 19 (4.41 pm) 20 (The hearing concluded) 21 22 I N D E X 23 24 Welcome by THE CHAIR1 25</p> <p style="text-align: center;">Page 197</p>	
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<p>1 Opening remarks by MR HILL2 2 3 Session 3: Reporting/Identification3 4 and Initial Investigation: 5 Criminal Justice System 6 Response 7 8 Observations from THE PUBLIC GALLERY52 9 10 Session 3 (continued)63 11 12 Observations from THE PUBLIC GALLERY101 13 14 Session 4: The Court Process:108 15 Criminal Justice System 16 Response 17 18 Observations from THE PUBLIC GALLERY145 19 20 Session 4 (continued)154 21 22 Observations from THE PUBLIC GALLERY188 23 24 Closing remarks from THE CHAIR196 25</p> <p style="text-align: center;">Page 198</p>	
---	--

A				
A&E 68:13	46:22 47:21 48:11	achieve 13:6 18:20	adequate 43:19	advocacy 177:3,10
Abbot 58:1	48:25 49:23 52:13	67:23 80:5	adequately 146:13	177:20
ABE 27:8 37:10,15	60:5 64:3,3,12	achieved 187:2	adhered 128:5	advocate 162:3
53:18 92:19	70:12,12,15,16,21	achieving 12:23	adjourned 138:12	172:10,12,13
168:19	72:20 73:22,25	13:8 30:21 37:10	adjournment 108:1	183:10,19
ABEs 27:6,17	75:1,4,7,11,13,15	acknowledge 45:17	133:10	advocates 113:18
53:18 122:24	75:16,19 78:21	75:21 105:19	adjournments	177:15 178:2,15
abide 139:18	80:21 82:24 85:23	acknowledged	128:11,25 129:19	178:15 179:3,5
ability 27:6 36:10	88:6,8,17,19 90:6	71:18 72:11 164:7	132:19 133:3	194:16
76:2 97:11,24	90:11 92:1 97:4	acknowledging	admissible 17:16	affect 128:11 158:3
98:2 161:20 170:8	103:19,23 109:9	75:7	admitted 88:23	163:22
187:23	119:15 122:8	acquit 17:11	89:20	afraid 112:2 136:23
able 9:4 10:21,22	128:19 134:19	acronym 36:22	adolescent 187:19	146:18 178:6
10:23 13:3 19:15	135:18 141:14	act 157:16 193:19	adopt 25:15 55:9,9	183:5
19:17 26:11 35:18	142:7,8 144:8	acting 7:18 18:1	Adrian 61:10	afternoon 29:24
35:24 43:1 44:23	166:14,15 182:5	60:7,9 193:24	adult 39:23 44:14	59:13 93:15 98:9
56:4 58:10 66:3	187:6,22 191:12	action 75:13	48:18 49:17 53:24	98:12 144:23
71:5 86:25 114:23	abuse/sexual 64:14	actions 81:4 152:6	71:16 117:8	171:1 192:2
115:10 120:25	abused 55:14	actively 108:20	125:19 128:18	afternoon's 8:10
143:1,8,15 144:15	136:13,13	126:6	136:13 164:15	age 49:22 102:7
154:22,23 159:11	abusers 102:12	actors 73:20	175:12 191:17	117:15
159:17 160:4,9	abusive 124:3	actual 35:21 52:16	192:11	agencies 43:16
163:23,24 165:16	abyss 146:16	126:19 166:6	adults 7:11,15 14:8	51:22 61:8 66:16
165:23 168:2,14	academics 150:7	acute 48:21	36:12 38:22 39:4	68:2 75:6 77:12
169:10 188:10	accept 106:1,2	acutely 118:17	46:14 47:13,18	92:25 94:14 99:18
193:25	142:5	ad 169:17,21	76:13 125:17	112:1,11 115:8
absence 49:17	accepted 98:15	adapt 163:18	157:4,12 175:23	120:2,23 143:3
absolutely 22:22	access 48:22 53:7,7	add 22:5,16 49:14	187:12	181:22
23:2 39:14 40:21	53:13 54:4 98:20	71:4 121:2,18,25	advance 2:4 62:9	agencies' 143:16
41:1 72:10,13	129:8 156:10,12	122:19 123:24	93:13 178:16	agency 5:3 7:3
74:23 75:9 80:9	191:20	169:1 173:5	184:15 185:25	28:21 31:10 45:15
90:13 128:12	accommodated	189:21	186:11	98:12 156:14
132:16 138:20	172:25	adding 172:23	advances 99:9	agendas 80:22
142:6 151:20,23	account 18:5 37:6	addition 174:22	advantage 99:6	aggressive 12:20
168:16 170:2	42:6 45:22 155:25	additional 35:5	100:14	193:17,22
173:16 175:14	157:1 183:13	108:6 141:21	advent 194:7	ago 33:4 44:16 57:4
186:14	185:24	172:7,25	adversarial 12:20	79:20 92:16
abuse 1:7,10 3:3	accountability	additionally 172:9	180:6	102:12 113:9
4:23 5:5 6:20	80:14,24 148:9	address 9:3,5 14:2	advice 4:19 12:6	119:19,22 134:5
7:22 10:2 14:10	accounts 13:13	14:11 16:8 24:12	87:2,10 100:19	140:19 149:25
22:10 28:15 36:13	accuracy 155:3,4	35:8 36:9 80:20	128:8 197:10	153:8
36:23 37:3 38:22	accurate 9:10	87:19 182:17	adviser 5:17	agree 161:9 162:3
39:25 40:10,13,17	155:6	addressed 187:15	advisers 10:18	175:24 179:15
41:23 44:4,11	accurately 187:24	addresses 182:19	63:10 64:21 74:12	193:1 194:5,12
	accused 17:5	adds 54:4 152:3	98:24 100:6	agreed 1:14 184:21

agreeing 186:17	112:23 118:1	appearance 119:8	69:15,25 73:11	82:18
agreement 121:11	123:1 128:10	appearances 172:1	76:25 84:25	assault 4:7,11 8:7
193:9	129:4,18 137:5,20	appearing 160:18	111:13 112:13	48:4,11,22 49:4
ahead 44:19 132:22	151:8 188:25	applied 65:1	116:24 132:7	64:19 66:18 104:2
133:3,8 164:10	190:3,15 195:6	applies 135:17	141:9 154:11	assess 6:24 88:12
167:8	analysis 17:24	157:21,25	184:22	88:21 155:9
aid 160:17	123:7,10	apply 17:3,20	areas 6:5 21:24	assessing 29:2
Aidan's 60:10	and/or 170:6	95:20 96:5 109:8	25:12 34:3,7	185:2
aimed 177:25	Andrew 7:8 21:6	appointed 162:2	41:16 42:10,11	assessment 20:17
aiming 86:6	43:4 62:23 73:16	appointment 53:19	47:21 63:24,25	24:3 30:20 39:25
ain't 54:14 56:4	93:18 111:19,24	appointments 96:2	65:1,5,7,14,15	66:25 76:2 153:10
101:21 105:1,2	112:1,12 123:22	157:1	69:13,14 73:14	assets 97:17
106:15	125:15 135:9	appreciate 67:19	86:6 91:13,14	assigned 32:5
air 57:22	182:10 186:16	100:16 101:9	94:3 98:22 99:15	assist 1:14 3:7
Aldi 189:24	Andrew's 24:12	159:4 170:9	119:11 156:22	15:19 19:17 20:21
Alexis 1:8 106:23	Andy 8:5 47:25	197:15	169:3 194:19	25:19 27:6 35:24
106:24	49:12 53:5 64:19	appreciated 49:20	arena 69:12 94:25	40:13 131:9
align 52:13	76:23	71:13 72:7 166:9	argued 58:11	161:16
allegation 19:4	anecdotal 74:18	apprised 49:18	arisen 110:21	assistance 10:24
86:8 87:24	129:21	approach 2:16,24	arising 16:2 182:18	25:1
allegations 7:22,24	announced 43:11	25:15 41:4,10	arm 5:14	assistant 3:21
47:22 53:25 87:6	announcements	45:15,15 46:13,14	arms 58:5	56:25 81:19
90:14 91:4,25	33:21	47:15 55:8 56:3	arose 42:3 101:4	assisting 92:13
alleged 53:19,23	answer 16:20 34:16	59:14 61:21 62:14	103:5,6	assists 110:10
182:21	43:22 61:15	79:12,14 81:10,23	arranged 127:16	161:24
allocated 74:14	140:11 155:8,10	84:3,19 86:4	arrangement	associated 45:19
109:13 130:8	169:7 180:15	87:17 100:11	169:17	association 6:2 7:9
132:18	answers 34:12	129:17 176:10,11	arrangements 40:5	7:10
allow 38:7 58:14	154:23	179:19	40:8,24 43:13,17	assumption 23:10
170:20,22 173:14	anti-police 53:4	approached 8:16	43:19 65:6 164:22	assumptions
185:10	anxiety 29:16	approaches 15:9	asked 32:22 50:24	182:23
allowed 11:21	anybody 2:11 15:6	approaching 62:25	53:18,23,24 56:20	Atkinson 108:11,11
58:12 146:22	61:17 149:9	appropriate 40:11	58:14 81:25	115:25 129:24
182:12	194:14	72:11 89:23	126:13 146:25	158:25 170:11
allows 38:4 182:15	anyway 160:16	113:13 114:6,20	149:25 153:4	173:16 184:14
alluded 71:11	apologies 8:5 9:1	115:4,6,13 181:14	154:16,22 155:11	atmosphere 59:13
141:4 173:22	144:1 184:11	appropriately 91:5	178:24 186:19	attack 95:1
alongside 68:13	196:14	92:1 111:16	asking 9:7 16:17	attain 22:20,23
98:2,23 99:1	apologise 188:8	approve 178:18,19	36:2 109:2 148:8	attend 2:3 8:17,20
100:9	app 142:17	April 4:8 61:6	154:9 159:5	8:24 9:1 10:22
Amanda 7:17 90:4	apparent 19:4	area 3:11 12:18	178:20 179:23	11:20 53:18 58:17
amazing 179:25	appeal 111:8	25:16 26:10 28:13	195:17	96:18 130:7
ambition 47:14	appeals 111:14	30:2 34:5 41:3,11	aspect 17:18 37:24	168:10 169:24
amount 32:1 54:21	appear 114:5,8	60:3 64:25 66:17	138:19	attendance 172:16
67:5 93:4 98:15	155:15	67:1,2 68:17	aspects 28:2 46:5	197:16

attended 51:15,16 57:25 95:11	aware 27:5 37:18 49:15 76:24 117:23 118:17 126:9 127:11 169:3 171:15,15 197:13	183:23	71:17 101:20 151:9 170:18 183:19 195:13	better 10:7 36:5 49:2 60:19 67:22 75:7 94:20 96:22 119:5 134:23,24 140:5 146:12 147:23 151:24 156:10 164:9 174:16 177:5 187:1
attending 9:4 14:13 128:16 157:2	awful 123:7 126:14	Baird 5:25,25 22:5 49:14 66:22 69:21 144:1	begins 18:24 19:3 behalf 16:25 80:15 80:16 94:19 128:8 140:18	beyond 17:8 74:10 88:20 155:14 182:5
attitude 11:18 57:21 159:5		balance 67:1	behave 182:5 187:23	bi-monthly 191:19
attitudes 15:9 84:18	B	balanced 185:22	behaved 185:8	bi-yearly 129:17
attrition 10:5 26:23 104:11 125:1,18	baby-sitting 105:1	banging 56:12	behaviour 82:3 125:5 183:25	biased 102:5
audience 180:16	back 16:17 22:3,4 23:13,22 24:5 31:18 34:12,14 35:10 49:11 51:3 51:6,8 55:11 57:3 62:9 69:20 72:22 73:2,6 74:3 77:3 84:14 95:24 98:8 102:20,22 103:4,9 106:23 107:18 108:21 109:2 118:25 121:16 122:17 123:21 132:15 138:13,24 140:21 144:1 146:1 151:2 152:23 153:4,13 153:17 160:6 162:14,20 166:7 168:3 176:8 187:9 194:3 196:15	bar 5:18 8:18 71:19 149:1 180:22	behaviourisms 185:4 184:2,9	bid 78:5
audit 189:16	back-to-back-to-... 118:13	Barnardo's 50:13	behaviours 76:12 145:20 176:7 184:16	bidding 78:12
auditory 163:15	backed 74:21	Barnett 3:20,20 19:25 26:1 30:14 31:16 35:11 79:1 122:10 136:18 138:16 151:20	beings 79:22	bids 78:2,3
August 31:24	background 6:18 27:5,22 55:14 102:3	barrier 23:21	belief 23:9	big 28:13 70:12 99:12 124:17 128:25 191:5
authorities 40:25 43:10,18 44:2 67:5 70:19,20 73:18 77:19 158:23	backgrounds 89:16	barrister 2:9,19 112:21,23,24	believe 33:24 34:3 79:7 114:19 145:12,19 157:2 169:15 194:11	biggest 125:1
authority 37:7 67:10,12 140:15	bad 56:6 88:4 89:21 139:23 186:14	barristers 29:14 93:12 113:17 161:22 176:12 194:23	believed 89:13 92:11	billion 156:7
autistic 184:6	bail 116:12,12 134:1 137:3,5,6 137:10	base 182:8 196:5	belonging 44:8	bit 24:1,6 27:9 42:14 44:10 93:1 93:17 94:11 95:23 101:17,17 106:18 107:6 142:11 143:2 163:13 165:15 179:6 196:5
automatic 168:18 169:4	Bailey 5:23 104:3	based 6:10 38:2 108:13 111:15	Bench 164:6	bites 45:1
automatically 36:16		basic 9:16 13:1,24 17:3 103:7	beneficial 68:1	bits 136:2 137:25
availability 11:6 48:22 63:9 70:2 118:4,4 122:23		basically 58:22 106:20	benefit 1:7 168:2 168:14 181:25	blank 184:5
available 1:18 11:17 32:10 66:16 70:1 82:21 87:5 95:17 100:16,18 100:19 102:19 156:25 160:11 169:15 170:21 171:14,14 174:1 196:22,23		basics 16:17	benefited 168:8	blow 125:14
avenues 84:10		basis 3:2 39:9 57:12 63:25 129:17 130:8 142:20 149:24 150:21	benefits 166:11 167:23	bluntly 92:22
average 96:9 126:3 135:20		bastion 92:24	best 12:23 13:6,8 19:21 20:21 29:3 29:10,14 30:21,22 37:10,13,13,16 41:3,8,15 80:4 82:13 83:13,14,15 95:5 101:22 123:17 124:7,20 136:10 163:9 174:12 186:25 195:22	BNP 58:17
avidly 60:2		BBC 58:8		board 13:6 43:21 52:23 65:13 181:16 190:3,16 192:10
avoid 36:23 96:12		bear 2:13 14:20,21 101:21		boards 43:12
awaits 175:25		becoming 25:18 75:2,7		bodies 43:23 44:9 77:18,19 93:25 94:19 95:2
awarded 38:1		began 50:23 164:11 183:8		
		beginning 42:15		

body 103:2 181:13 194:10	16:20,21 94:1	130:3,13 135:7	110:19,24 111:10	133:20,23 134:1
body-armoured 58:2	broadcast 16:6 196:23	140:19 142:17	112:16,22 113:14	134:16,17,22,25
boil 125:13	broader 22:7	callous 107:6	113:25 114:2,4,6	138:4 141:13
bombarded 127:25	broadly 3:1 20:2	calls 96:23 103:7	114:18 115:22	144:7 145:5
bombing 94:24	84:25 95:20 170:9	CAMHS 95:22 97:25	116:3 118:6 124:7	156:16 157:6
book 57:18,19 156:4 164:6	brought 114:19 135:20 144:5	cancer 103:19	124:20 126:14,22	162:18,25 166:14
bottles 56:16,16	150:4 190:13,25	capabilities 99:10	126:22 127:1,3	166:15,25 167:2,3
bottom 189:19	brutalise 102:9	capable 22:25 23:13 95:13	128:18,19,21	167:4,5,6,17,18
bound 57:7	brutalised 102:3	capacity 99:23 123:9	130:3,10,10	167:20,23 178:8,9
bounds 196:7	buckling 54:19	captive 180:16	131:22 133:1,6	179:21 180:13
box 32:8	budget 5:10 63:21 64:5,7 70:4	capture 48:24	134:19 138:12	193:17 194:15
boyfriend 6:8	160:25	care 7:5,16 41:12	142:15 144:10,19	catching 99:11
brain 187:18	build 26:11 46:2 83:1 95:7 152:7	capture 48:24	145:3,8 153:6	category 158:12
brave 52:8	156:10	care 7:5,16 41:12	155:8,21 159:19	cat 70:16
breadths 15:13	building 47:9 164:23	48:7,8 74:6 77:8	159:22 161:25	Catherine 5:6 6:12
break 49:11 60:25 62:8 63:3 66:15	builds 40:16	78:4 81:21 101:24	165:7 166:16	23:23 27:2 31:6
79:6 87:20 100:25	built 31:11 35:16 96:11	102:2 135:21	181:10,10,12	31:18 32:25 34:22
119:12 143:23	Bullfinch 5:22 89:19	139:15 141:1,11	182:7 183:22	62:21 63:12,15
145:18 146:10	burden 173:5	142:4 143:20	184:24 185:2,7	66:12 69:7 73:8
153:24 154:2	burdens 172:25	144:5,19 187:6	cases 1:7 6:20 9:5	92:2 118:24 122:6
breaks 119:10	burnt 93:2	careful 137:17,24 169:2 185:21	10:20 19:7,24	127:9 141:23
breathing 159:1	busiest 31:22	carefully 88:13 96:5 122:6 163:18	24:14 25:16 26:4	149:10 157:22
bridge 4:3 95:1	business 26:10 158:8	175:14 196:20	26:15 31:5 32:14	161:7 162:19
brief 27:21 108:8	busy 31:25	carnage 106:6	34:4 37:4 45:18	165:18,19 173:19
briefly 3:17 27:18 28:2 29:19 73:5		carried 135:12 187:1	48:3 51:10 53:21	183:3,21 194:3
Bright 50:14	C	Carroll 6:22,22 38:14 41:7	57:1 59:8 68:11	cause 159:12,24 172:25
brilliant 76:16	Cahill 179:13	carry 44:3 51:12 115:16 149:5	76:17 79:3 84:9	caused 47:20 88:16 88:17
brilliantly 69:14	CAIU 52:15,17	carrying 56:16	84:12,15 88:22	causes 54:3 125:1 130:5
bring 2:13,15 17:21 28:1 59:17 65:22	calendar 121:20	case 5:23 11:24 12:7 21:11 23:9	89:19 90:10,13,22	caveat 82:6 170:11
77:3 78:16 92:2	California 164:6	23:10,12,17 24:16	91:3,15,19,25	CCGs 77:19
97:24 115:2 121:7 190:14	call 18:10 25:6 29:13 85:14 92:19	25:9 28:24 29:14	92:17 101:3 104:4	cease 10:8
bringing 57:7 68:2 107:3 112:16	114:10 182:18	32:5,6,11 44:18	104:6 105:14	ceased 12:5
164:22	called 6:9 17:8 36:24 38:4 50:12	45:19,20 55:17	109:9 114:9,15,16	cell 24:17
Bristol 66:17,21 72:17	50:14 88:14 100:5	57:2,17 61:15	114:20 115:20	cent 70:10 74:24
Britain 95:12	108:18 119:11	68:19 71:9,22	116:7 117:16,17	118:8 119:23,25
broad 2:23 14:18		83:1 88:2,7,11,24	118:2,7,9,9,13	124:22 129:6
		88:25 89:2,17,18	119:15,21,24	134:4,4 145:15
		89:23 109:4,13,18	120:1,7,13,23	154:20 157:1
			121:12 122:25,25	167:4,5,18,19
			123:9 124:13	189:13
			125:8,11,24 126:2	central 11:12 64:22 69:22 73:9 129:14
			126:9 127:6,15	
			128:11,12 130:12	
			131:2,5 132:17,20	
			132:22,24 133:4	

176:9 centre 48:4,23 71:24 72:4 73:24 194:9 centred 69:11 centres 4:7,11 8:7 49:5 64:1,17,19 69:23 117:25 149:15 172:21 centric 99:3 CEOP 5:3 99:22 cerebral 28:6 certain 10:20 15:9 15:9,9 58:16 68:25 88:7,22 126:24 127:13 138:7 174:21 176:7 178:12 184:16 185:8 certainly 38:24 40:5 67:24 91:17 116:2 118:18 126:8,17 128:25 129:19 139:4 146:16 167:12 175:23 179:4,11 181:11,17,20 certainty 114:12 certificate 57:8 178:8 191:21 cetera 28:7 59:19 78:2 129:22 163:4 164:1 chair 1:3,4,9 2:17 16:3,7 107:24 108:18 196:15,16 196:17 197:24 198:24 chairs 149:22 challenge 23:21 39:1 77:14 98:18 99:12,17 175:24 180:7,7 challenged 21:22 challenges 14:7	52:9 98:14,16 139:17 challenging 85:21 champion 155:15 chance 101:16 102:23 change 79:12 81:23 81:24 84:18 85:4 90:21 105:5 106:21 107:2,5,19 118:6 178:14 179:3,9 180:9 195:2 changed 51:6 90:8 90:24 105:6 141:1 156:4 179:22 changes 4:3 42:25 107:16 116:12 135:11 137:3,4,6 137:18,21 150:1 177:16 184:23 194:17 changing 50:11 93:11,12 167:9 180:8 181:5 195:4 195:5 chaotic 89:4,16 chap 58:21 character 88:5 89:21 charge 18:11 52:12 109:4 113:23 116:2,2,11 119:7 119:7 122:14 131:23,24 132:8 141:3 charged 116:15,23 charging 87:16 122:9 133:15,17 134:1,10 145:3 148:2 charities 68:25 charter 138:6 check 106:14 121:14,19 122:2	147:14 chief 3:21 52:12 53:10 56:25 79:25 80:23 81:19 134:13 148:18 153:8 165:20 176:23 Chiefs' 3:22 child 1:7,9 3:3 4:23 5:5,22 7:3,22 10:2 14:9 36:15,23 37:3 39:23 47:21 52:12,25 55:20 59:21 62:11 64:3 64:12 73:22,25 75:1,11,13,15,16 75:19 80:20 82:24 85:17,23 88:10 89:2,3,18 90:5,19 91:25 98:23 100:5 100:12 102:2,4 103:18 104:1 107:11 109:9 119:15 128:18 134:19 136:8,10 136:13 141:13 142:7 155:23 164:15 166:14 182:4 191:17 child's 136:9 childhood 153:14 children 7:12,15 14:8 36:12 38:22 39:4,9 40:9 42:13 42:22 43:3 44:5 47:13,18 48:18 76:13 89:15 102:6 102:8 104:2 106:10 107:9 126:2 153:19 154:14,15 155:18 157:4,12 158:2,6 175:22 176:24 187:5,6 children's 7:9 8:24	46:12 50:8 94:16 125:16 Chiles 61:11 choice 94:4 168:12 168:13,16,22 169:10 173:19,20 174:2,3,6,7,7,13 174:18,18,23,24 175:6 choices 174:10 chose 8:20 Chris 52:2 93:21 93:23 103:10 190:9 192:18 197:8 chronological 3:2 CID 85:16 86:11 102:13 circulated 8:23 circumstances 18:7 88:7,13 125:5 139:20 169:9 Citizens 4:19 128:8 civil 112:18 CJ 189:1,6 clad 58:3 clarify 175:11 clear 38:18 42:5 71:7 75:9 117:9 124:19 126:21 127:1 129:20 135:3 142:12 143:19 151:9 155:19 157:14 161:15 169:23 176:15,18 clear-cut 190:13 clearly 20:19,22 22:21 30:18 31:10 35:16,20 49:2 70:16 79:3,8,23 82:22 83:4,17 115:25 122:5 123:11 130:25 137:3,6,8 139:5	159:6 171:9 189:18 cliche 21:2 clients 4:17 climbing 120:11,12 clinical 27:5,25 48:14 49:6 73:19 95:25 clinicians 48:5 clinics 92:14 close 26:18 57:19 closed 56:11 61:23 closely 10:10 20:20 26:21 65:21 128:9 137:17 139:7 150:9 161:23 Closing 196:16 198:24 co-chair 108:11 coaching 96:17,21 code 9:12 18:9,10 20:18 21:21 24:2 109:8,20 139:5 140:13 142:1 148:4 155:4 175:1 codes 40:20 coercion 50:16 88:18 cognisant 35:17 coherence 155:3 coherent 155:6 cohort 41:13 coin 159:15 coincidentally 177:21 collaboration 37:2 37:21 38:8 collaborative 25:15 42:3 45:15 collation 20:19 colleague's 131:14 colleagues 20:16 40:6 41:12 90:23 100:17 143:5 170:10
--	--	--	---	---

collect 20:13	138:24	177:23 197:15	112:17 182:16	22:17 47:14
collection 27:1 45:10	comfortable 161:18	committed 5:5 82:15 88:15 99:19	183:14 185:7	compromised 147:15
collectively 43:1 94:6	coming 35:14 46:11 54:8,22 55:1,11 60:24 69:17 85:11	123:5 131:17 177:15	complainants 3:7 50:23 51:4 78:23 116:21 149:4 171:11 172:1	computer-based 38:3
college 4:1 19:16 37:20 76:8,20 84:23 85:6	90:5 103:22 106:12,12 107:10 107:12,12 129:7 140:24 144:1 147:4 158:10 189:18 197:1	committee 3:24 108:12	complainants' 113:16	conceal 99:15
collocated 44:22	command 5:3	common 143:5,6 186:1,2	complained 185:8	concentrate 21:13 84:9 87:23
come 15:8 16:6 17:25 21:4,6 22:3 22:4 23:22,24 24:9 26:7,12,15 30:19 31:17 32:2 32:25 33:1 34:12 34:14 35:10 36:8 43:4,13 46:9 48:18 49:11 50:5 51:3 59:2,21 62:9 63:13 66:8 69:20 72:2,22 73:2 75:3 76:4 78:20 79:1 81:7 82:1 83:8,9 85:13 89:3 92:18 93:19 98:8 103:4 103:9 107:18 113:19 118:24 121:3,16 122:17 123:21,22 125:10 128:6 129:5,7,20 132:15 138:12 144:9 146:1 147:21 148:10 152:23 153:10 161:8 162:14 165:18 168:3 171:25 172:9 173:17 176:5 183:3 186:3 188:15,18,19 189:8 191:23 192:3,3,5,16 194:3	commence 20:9 158:15	commonsense 54:2	complaint 22:10 57:7 117:21 118:23 131:23 132:8	concentrated 157:19 179:23
comes 39:23 45:4 64:3,24 65:3	comment 19:15 53:20 68:1,18 92:12 140:25 143:21 188:13	communicate 29:3 163:4,23 196:10	complaints 7:19,24 7:25 23:1 90:5,7 90:14 91:2,8 146:5	concentrating 178:19
	comments 9:8,9 57:15 58:23 173:9	communicated 41:5 110:14,16	complement 39:15	concentration 131:12
	commission 7:6,19 41:12 65:1 67:12 131:19	communication 9:10,17 10:9 27:22 35:25 36:18 103:5 123:21 138:5,7 141:4 155:6,24 159:12 163:2 164:25 179:2 188:19 195:22 196:9,11	completed 115:9 136:11 170:20	concept 84:5 164:10 195:11
	commissioned 5:13 63:25 64:6,8,15 69:23 73:23	communities 80:16	completely 51:6 112:24 141:8 156:1 193:7	concepts 130:18
	commissioner 3:10 6:1 62:6 150:9,10 191:17	community 4:13 18:6 48:16 50:7 67:11 76:7 148:9	completeness 155:3	concern 148:23 156:16 170:15,18 171:10 172:18
	commissioners 5:12 6:3 63:21,22 64:5,18 65:13 66:23 69:25 73:16 74:1,4 77:25 78:10 80:15,23 140:24	community-based 148:6	completion 119:9 119:17,19 120:4 120:15,21 121:9 135:21	concerned 12:18 17:20 28:3 57:16 117:2 130:20 178:13
	commissioning 48:14,16 49:3,5,6 49:7 64:20 65:5 66:24 68:20 73:19 74:7 77:6,18,18	companion 71:25	complex 64:13 66:12,13 163:8 187:6 196:12	concerning 172:7
	commissions 4:9	company 4:14 108:18	complexities 120:22	concerns 11:7,10 11:18 126:8 132:1 166:17 170:7,12 170:12 171:16,22 171:25 172:2,5 173:10 175:15 182:22 184:20
	commitment 38:19 79:25 95:10 104:20 143:12	comparable 167:1	complexity 39:1 67:18,21 69:21 78:10 122:20 123:25 133:9 141:17,21	concert 95:12
		comparator 167:19	compliance 143:16	concluded 157:18 197:20
		compared 153:14 166:25	complicated 67:4 67:16 77:17 141:7	conclusion 17:25 41:14 117:21 118:23
		compassion 81:21	complication 77:25	concrete 162:13
		complain 131:7 148:22	component 49:20	condition 187:13
		complainant 24:20 71:23 72:8,20 87:25 110:14,16 111:5,7,9,13	comprehensive	conditions 161:12
				conductive 13:3
				conduct 7:5 20:23 122:24
				conducting 7:20

<p>conference 152:10 conferences 152:1 confess 16:22 confidence 7:25 12:12 40:16 83:10 83:12 140:4 confident 75:3,5 83:10 configured 59:23 confirm 35:12 congratulated 51:2 connection 11:14 conscious 16:9 27:15 48:8 94:4 consequence 43:3 consequences 94:8 168:23 169:6 187:19 consider 16:6 18:3 20:13 56:10 111:17 149:20 196:20 considerable 113:7 118:22 188:25 192:14 considerably 192:2 consideration 30:22 45:21 122:13 considerations 46:18 considered 36:16 88:2 110:9 112:25 114:11 175:21 considering 20:20 24:4 147:10 180:19 consistency 11:11 21:25 76:21 consistent 21:19 consistently 39:11 39:12 consortium 73:24 constable 3:21 57:1 81:19 153:9</p>	<p>constables 80:24 Constabulary 6:23 8:13 construct 46:23 74:2 constructive 1:21 Consultative 197:8 consulting 20:15 150:7 consuming 123:16 contact 11:2 30:6 59:21 76:4 99:7 103:8 142:19,21 144:18 contacts 144:3 191:15,16 content 38:7 85:6 196:11 context 22:6 23:25 187:16 195:13,18 continual 41:19 42:1 continually 11:24 continue 10:7 11:9 33:6 76:19 160:24 180:8 continued 63:5 154:4 167:22 198:10,20 continues 173:4 continuing 1:22 137:6 182:20 continuity 11:1 contracts 73:10 139:9,19 contrary 127:19 contrast 94:24 95:15 contribute 73:21 114:2 contribution 15:20 contributions 14:14,21 150:14 196:19 contributors 9:16</p>	<p>11:15,24 13:7 14:19 15:4 56:20 108:6 186:15 control 9:19 103:25 133:5 175:8,8,10 177:4 187:24 controlled 165:8 controls 176:25 convenient 142:22 conversations 52:16 61:12,24 62:2 68:4 142:24 195:12 conveyed 110:21 convict 17:10,12 18:2 89:24 conviction 17:23 23:11 72:21 88:21 convictions 78:22 88:12,22 Cook 5:2,2 98:11 98:18 100:5 cooperating 189:23 coordinating 3:24 coordinator 144:19 cope 23:16 coping 54:24 70:13 core 22:18 28:10 50:1 56:21 59:3 80:3 86:24 99:1 101:1,7 144:21 correct 25:20 31:16 35:19 49:1 117:13 184:25 correlate 43:1 corroboration 124:14 council 3:22 7:12 102:1,1 councils 191:19 counsel 2:1 5:21 8:19 163:8,18 170:5,5 173:12,12 counselling 96:13 counsellors 10:18</p>	<p>16:13 counted 157:7 counter 185:10 counter-terrorism 75:19 counterintuitive 182:19 countries 107:12 country 21:14,23 25:11 28:22 31:15 33:16 38:17 43:24 75:11 76:17 127:24 130:24 142:18 156:21 176:15 177:2 184:13 189:25 couple 31:4 59:17 63:24 67:16 102:7 104:23 113:9 119:22 122:10,19 142:10 149:24 153:8 166:4 171:3 181:4 190:23,23 courage 89:10 125:10 course 14:18 17:17 17:19 18:7 20:25 23:19 24:1,7 25:19 28:15 38:2 82:16 88:23 89:6 89:14 101:17 110:8 111:7 115:4 115:8 117:4 122:11 132:16,20 133:3 148:6 150:22 159:15 167:22 172:4 173:8 180:16,20 196:1 courses 31:1 court 11:21,22 17:21 19:8 27:11 29:12,13,25 32:7 50:25 53:15 58:3 58:5,11,11 71:16</p>	<p>72:2,24,25 73:3 74:9,9,10 78:16 89:13 104:14 108:3,23,24 109:3 110:4 113:10 114:3,5,8,8,14,25 115:9 116:8,16,16 117:2,5,6,12,18 117:23,25 118:8 118:17,18 119:5,9 119:12 120:14,15 127:23 128:1 129:6,16 130:7,10 130:15 131:12 133:5 137:16 142:2 143:25 144:9,25 150:18 150:20 151:1,7 154:7,8,16 155:7 156:7 157:2 162:6 162:21 167:10 168:10 169:24 172:21 173:11,12 176:1,2 183:22 184:2 186:21,22 187:23 193:17,19 195:8 196:8,11 198:14 court-based 71:19 courtroom 118:4 courts 11:19 59:14 59:14 93:12,16 108:15,16 127:13 131:1,4 150:24 158:9,16 165:10 173:6 cover 2:22 32:12 37:8 66:18 157:20 coverage 58:8,9 covered 173:9 covers 74:8 CPS 21:11,12 25:12 27:11 29:12 45:16 55:9,17,18 56:1 71:21 72:6</p>
--	--	---	--	--

84:6,23 87:13,17 121:11 122:18 127:16 137:19 140:18 145:4,9 148:14 149:7 177:18 178:13 179:5 180:17 181:22 190:6 CPS' 84:1 crack 114:15 cracked 167:17,19 cracks 159:24,25 160:18 create 45:12 47:14 124:6 created 42:6 creates 69:5 84:23 128:23 creating 187:16 credibility 62:15 82:9 83:7,19 84:10 87:13,17,24 87:25 88:3 98:4 credible 55:21,24 56:2 96:9,17 97:11,11 98:3 crime 3:25 5:1,3,10 5:12,20 6:1,2 17:5 19:4 24:4,7,17 28:20 31:10 43:7 63:20,22 64:4,18 64:25 65:12 66:23 69:24 80:15 82:14 98:12 108:14 119:21 123:5 125:12 136:1 137:1 138:25 139:10 140:24 142:14,17 149:23 156:14 180:3 crimes 21:4 81:7 88:14,15,15 100:4 113:4 114:13 191:16 criminal 1:6,23	2:14,21 3:4,8,13 3:15,23 4:1 5:7,19 6:4 8:18 9:21 10:6,14 12:4,8,17 16:18,24 17:13 18:11,24,25 19:6 20:2 22:6,13 23:4 27:20 34:25 40:1 48:9 51:21,22 56:14 59:7 68:11 68:12 71:13 78:22 81:8,9 83:22 84:20 92:15 108:4 108:12,16 116:5 120:1 135:17 139:16 143:3,7 146:4,6 150:2 152:11,14 159:22 160:2,4,19,21 161:4 164:12 176:19,21 198:5 198:15 criminals 180:5 crisis 11:15 48:5 72:18 critical 40:7,21 76:24 101:10 critically 182:24 criticism 50:21 crop 178:21 cross-examination 12:16,20 23:16 115:6 121:5 155:13 157:15 162:12 164:8 166:3 167:1 168:11,21,24 169:18,20 170:6 170:16,22 171:8 171:13,20 172:13 172:24 176:11 178:24 181:6,10 181:22,24 cross-examine 2:10 89:20	cross-examines 179:22 cross-examining 180:4 cross-government 143:12 crossed 58:6 crowd 5:16 17:19 20:16 26:19 71:16 102:25 109:8 113:2 114:7,8,14 114:25 116:7 117:12,18 118:8 119:8,12 120:15 122:14 134:13 137:14 140:16 148:18 173:5 CSA 119:24 153:14 CSE 5:22 culture 81:24 104:17 107:2 curiosity 47:2 85:11 curious 76:10 current 15:20 53:22 55:2 82:23 105:25 122:25 123:25 currently 7:11,21 32:3 43:21 46:8 53:6 70:17 85:2 91:14 121:13 147:8 curriculum 37:20 curtailing 171:23 custody 4:10 customer 151:12 cut 67:21 95:21,23 162:25 cut-off 192:13 cuts 52:21 103:22 160:17,25 cutting 103:21 178:25	D D 197:22 daily 39:9 150:21 damaging 188:1 Dame 5:25 22:2,5 25:7 26:2 30:1 49:12,14 66:9 69:19,21 105:6 108:17 123:23 125:21,22 127:6 140:25 143:22 144:1 154:9,13 162:11,14 164:2,5 168:6 169:1 170:2 176:8,14 177:19 179:15 182:9,14 183:12 192:18,20 194:17 danger 36:17 159:21 Daniel 54:6 55:19 87:20 93:21 197:9 Daniel's 88:2 dark 58:6 99:14 data 119:5 129:3,4 129:15,18 132:3,5 date 114:11,13,21 130:17 131:15 dates 131:3 Dave 3:25 40:3 49:15 David 18:19 36:8 38:15 46:15 62:11 75:23 76:3 84:1 135:11 David's 19:25 day 1:5 23:2 51:1 51:18 58:11 61:12 77:1 100:20 105:13,13 106:25 107:1 116:23 128:22 130:6,14 130:14,16 133:8 149:1 150:3 158:14 165:2	166:23 175:13 days 17:9 71:4 84:5 120:5,9,10,10,16 121:20,20,21,24 121:25 133:18,21 134:10 137:8 145:7 156:2 189:11 190:24 196:19 days' 196:24 de-cipher 195:17 dead 106:16 deadline 135:1 deal 25:7 28:16 32:1 47:19 50:10 55:10 61:7 62:16 82:1 83:12 86:11 86:22 87:11 94:20 99:7 103:24 104:7 105:23 116:19 118:2,3,19 134:25 135:6,8 153:7,13 159:7 176:22 177:11,25 186:1 190:9 dealing 14:9 16:4 26:16 78:23 87:8 90:3 95:5 98:14 98:17 120:2 141:12,19 153:4 153:21 162:18 176:24 179:7 186:12 deals 59:8 186:12 dealt 51:2 57:1 90:15 91:5,7 92:1 105:14 106:11 109:10 117:4,6,10 117:18 178:23 181:1 debate 14:14,25 15:21 94:4 debates 45:17 decide 17:22 18:12 45:2,16 130:15
---	--	---	--	---

174:9	162:10 170:5,5,8	68:22 69:4,10	descriptions 118:1	21:25 29:21 33:6
decided 55:18	170:21 171:22	73:8 78:11 85:18	design 149:19	33:11 43:24 44:16
decides 169:23	184:3,4,12 185:11	94:2 156:9	151:15	45:13,24 46:17
175:3	defend 178:9	delivered 23:3 31:1	designed 3:1 48:24	52:7 57:4 64:4
decision 10:4 21:10	defendant 13:10	37:19 56:18 73:13	desire 15:16	66:16,17,19 67:8
21:12 25:8,15,17	29:21 112:20	75:24 76:22 84:24	desperately 98:5	67:9 68:8,9 73:16
25:19,22,24 42:19	116:14 124:24	154:24 177:16	despite 126:3	75:10 79:14,15
44:13,22 45:6	162:2 164:16	delivering 25:13	detail 45:11 109:12	80:7 82:17,17
86:7,7,8,14,17	166:14,21 173:15	139:8 177:13	119:13 146:19	85:4 105:18
87:16 96:3,19	182:11 183:24	180:24	176:22	111:11,12 122:22
100:14 109:5,14	defendants 6:15	delivery 52:14	detailed 162:22	125:19 130:1,17
109:15,20,23	13:9 159:3,4,7,8	demand 11:16 31:2	details 13:22 91:18	138:17,17 139:25
110:13,14 111:8	159:17 161:18	31:8 35:6 66:4	148:3	140:1 141:3,4,6
111:14,17 112:11	171:10	74:17,18,19	detective 57:17	141:15,19 143:4,4
113:22,23 114:5	deficiencies 26:24	156:13,18	detectives 85:19	146:3,7 147:20
115:22 122:9,13	define 49:1	demanding 85:25	deteriorates 125:6	148:20 152:9
133:16,18 134:10	defined 155:2	118:14	detract 185:13	173:18 179:7
137:14 145:3	158:1 192:21	demands 195:3	devastating 9:22	190:4
161:17 175:5	definitely 44:18	demarcation 48:2	develop 13:15 38:4	differently 192:16
decision-making	67:24 127:13	48:20	40:11 65:23 76:8	192:17
12:16 109:3	135:2 184:24	demonstrate	83:11 94:9	differing 130:19
111:20 144:24	194:19	197:15	developed 40:19	139:1
decisions 21:16	definition 22:17	demonstrated	142:17	difficult 16:10
24:14,15,23 25:3	168:20 192:24	126:2	developing 26:18	24:15,23 25:23
26:20 39:8 42:21	193:2	demonstrating	37:25 39:17 48:11	32:13 84:15,16
42:21 46:8 47:12	degree 85:24	78:9	74:3 90:7 150:6	89:4 96:8 97:20
49:7 62:23,24	185:16	departing 181:9	development 36:24	101:11 127:17,25
77:21 87:15 134:1	degrees 134:12	department 66:10	37:23 42:2 48:7	140:11 142:6
145:21 148:2,2,17	delay 2:2 10:1,2,3,9	departments 15:19	85:3,23,25 95:19	143:2 163:12,16
173:23 175:19	16:5 116:10,13,20	41:24 67:19	177:12 187:18	163:20 164:7
decline 134:2	125:1,8,20 131:18	dependent 28:11	devices 123:6	166:20 174:22
161:11	134:14 138:2	115:9	124:16	191:14
declining 156:20	144:24 146:4	depending 179:1	devolved 63:20	difficulties 19:23
deconstruction	147:11 160:7,10	depends 22:23,24	73:7 103:15,16	28:8 98:16 163:15
19:11	171:2	118:3	Devon 192:4	163:16
dedicated 98:24	delayed 138:4	deploy 25:7 183:17	dialogue 136:4	difficulty 13:11
100:3	delays 10:3 31:10	deputies 148:19	diaries 32:13	62:13 156:17
deep 159:25	35:16,18 95:7	deputy 5:7 108:14	172:14	digital 82:22 84:13
default 96:22	122:20 123:15,19	153:8	diary 126:14 127:2	99:8 123:2,6,7
defence 8:19 13:13	123:20 124:21	describe 115:14	145:10	142:20,23 160:9
89:20 108:12	129:2 147:7	described 20:3	difference 86:17	dilemmas 171:19
110:10,12 115:2	172:23	38:18 76:18 77:16	136:8	dilution 165:9
129:12 133:7	deliberately 42:10	130:3 135:12	different 5:19 11:3	diminished 192:1
158:19,23 159:19	delinquent 55:19	describes 41:15	11:3,4 14:7,7	dip 129:17
160:17 161:15,22	deliver 16:25 37:20	description 66:19	17:14,20 21:23,24	direct 43:2 64:22

65:2 137:19 151:17 194:14 directed 17:9 18:1 58:24 147:9 178:20 179:23 direction 20:14 165:21 181:7 185:16 186:10,11 186:13 directions 89:23 164:13 176:21 183:9 184:14,15 185:21 directive 81:18 directly 5:12 12:18 64:16 70:17 113:3 149:18,21 150:22 175:22 192:19 director 4:12 5:7 7:11,18 25:12 46:11 94:16 108:14 125:16 148:19,21 149:6 director's 5:17 directorate 7:20 90:10 150:2,3 151:12 Directors 7:9 disabilities 28:10 49:24 disability 28:5 163:3 disappearing 107:13 disappointed 92:18 disbanded 52:15 discharge 7:1 141:5 disclose 62:16 78:21 97:1 124:5 125:2 disclosed 110:11 discloses 44:15 disclosure 37:14 39:24 46:15 76:11 83:5 104:13 110:9	137:22 155:19 170:19 182:20 disclosures 40:18 74:20 discrepancies 13:12 discretion 168:22 173:21 174:24 discuss 15:22,23 21:11 25:17 27:12 67:20 103:8 142:3 163:24 discussed 16:3 58:24 59:4 61:22 93:3 146:10 163:6 165:25 166:1 discussing 15:12 16:10 62:11 77:1 discussion 2:16 6:16 9:3,7 12:25 13:18 14:12,16,23 15:5,17,25 16:16 30:2 33:8,10,15 41:22 44:20,20 61:17 77:3 112:4 115:3 119:3 196:25 discussions 1:20 15:23 101:2 123:11 132:11 disease 28:6 disempowered 46:5 disengage 125:7 disengaged 184:5 disinterested 184:5 disparity 9:11 12:8 dispense 182:23 disposal 131:24 136:2 disproportionate 120:6 dispute 45:14 185:12 disseminate 41:8	distinction 51:11 112:17 169:13 distressing 16:11 Distressingly 60:3 district 17:7 division 180:3 dock 58:20 dogged 23:9 doing 9:16 13:23 30:19 39:15 42:7 42:8,14 52:25 56:13 60:13,13,13 65:9 73:6,23 78:4 79:6,7 80:3 97:5 103:6 104:21,24 105:8 139:20 140:11 143:11 151:13 181:18 188:15 191:22 197:16 domestic 41:23 46:21 70:12,21 103:13 144:8 doomed 168:5 170:14 door 20:5 82:11 190:1 doors 56:11 61:23 double-check 30:17 doubt 14:13 17:4,9 69:21 downloads 124:15 downwards 104:20 147:25 dozen 102:16 Dr 149:22 drafted 52:24 dragging 190:18 drama 179:24 dramatically 159:23 draw 29:6 draws 41:13 drink 125:6	drive 42:1 136:15 147:4 drop 53:15 dropping 10:5 56:16 drops 144:15 drug 125:12 drugs 125:6 Drusilla 1:12 8:11 dual 18:16 due 8:24 33:5 103:1 172:4 Durham 102:13 192:5 duties 7:13 duty 43:10 141:5 dying 13:10 <hr/> E <hr/> E 197:22 earlier 21:16 38:15 46:3,5 49:22 63:17 65:17 71:12 75:24 80:11 82:25 85:9 86:3 92:7 100:1 111:6 126:23 166:17 197:9 earliest 7:14 early 51:20 137:8 143:13 166:13 167:4,6,12 earth 132:5 ease 187:3 easier 141:8 142:11 East 34:4 59:16 190:22 easy 101:21 105:11 173:21 184:21 197:4 edge 160:20 edges 179:9 educating 50:15 education 28:13 67:7	effect 9:22 12:15 45:20 163:1 165:25 effective 6:4,6 9:10 29:17 47:7,12 74:2 126:7 132:21 132:23 154:10,11 159:12 164:20 170:22 187:2 effectively 6:25 29:17 78:24 87:11 95:14 111:7 112:8 134:8 159:13,17 162:1 167:14 169:19 173:14 180:5 181:2 188:4 effectiveness 133:2 efficient 6:4,5 efficiently 116:18 effort 61:7 80:5 efforts 117:10 Egan 4:20,20 73:5 74:23 eight 92:16 96:2 161:11 either 37:21 138:10 electronic 176:3 electronically 124:13 embed 36:9 embedded 38:9 41:5 100:6 embedding 84:18 embraced 179:10 179:16 embracing 179:12 emerged 9:2 10:1 14:3 108:25 Emma 3:19,20 19:14,22 25:25 30:11 34:14 35:10 38:15,18 39:22 62:11 84:12 122:5 135:9 136:17 140:10 141:4
---	--	--	---	---

149:11 151:19 emotionally 163:22 empathetic 111:3 emphasis 9:15 26:5 79:15,16 155:3 emphasise 26:1 employ 147:22 empower 42:20 97:10 enable 39:7 88:15 97:5,7 155:5 enables 111:9 142:19 enabling 86:21 encounter 155:18 encourage 47:1 62:4 encryption 99:16 end-to-end 143:10 ends 18:24 67:14 enforce 179:14 enforcement 79:18 enforces 179:13 engaged 140:3,18 140:22 engagement 37:22 40:16,23,24 61:5 113:5,8 engagements 39:19 engaging 30:18 England 4:6,8,11 6:25 8:3,6 48:11 49:6 74:12 77:5 77:20 79:8 135:20 England's 48:13 enormous 149:3,3 155:14 enquiries 137:5 enquiry 21:17,18 44:19,25 124:6 147:13 ensure 21:3 25:22 74:16 75:22 76:19 76:21 84:3 134:8 134:24 168:4	ensuring 73:13 74:7 97:17 entered 86:1 155:25 enters 131:22 entire 143:1 150:2 entirely 16:13 entirety 184:12 entitled 24:2 28:7,8 36:16 142:1 159:8 entitlement 141:25 entitlements 139:5 143:14 envied 160:20 environment 78:16 equal 194:20 equally 159:18 equip 46:24 47:11 87:1 equipment 169:22 equivalence 9:18 erosion 170:7 errors 186:2 escalated 134:12 escalation 134:11 especially 23:11 57:5 118:19 essential 40:21 essentially 4:2 109:22 111:15 112:14 180:7 Essex 53:9 establish 155:24 established 40:2 111:8 estates 102:1 estimate 156:24,24 166:6 et 28:7 59:19 78:2 129:22 163:4 164:1 evaluated 108:21 evaluation 157:8 Evans 1:11 4:12,12 34:14 66:12 67:24	68:6 77:24 121:19 121:24 122:3 128:8 140:10 173:18 evening 130:5 196:22 event 36:17 38:3 58:5 events 24:20 39:18 97:13,14 148:23 eventually 89:12 everybody 2:12 14:6 15:14,16 27:16 34:10,10 54:3 69:2 77:16 86:20 87:4 101:25 112:3 126:21 157:13 191:19 194:2 197:12 Everyday 54:2 evidence 12:19,23 13:9 15:3 17:14 17:16,24 19:21 20:13,17,19,22,24 21:2 24:17,18,18 24:19,21 26:25 29:3,10,18 30:21 30:22 35:11 37:10 37:12,13,17 44:23 45:1,10 50:22 71:24,24 72:3 74:19 75:10 79:17 82:25 83:14 84:11 84:13,20,22,22 95:5 99:7,9 103:1 103:2,3 109:16,17 109:25 126:16 131:25 142:2,12 143:24 146:9 147:5 151:15 154:7 155:2,17 158:4 162:5 165:2 165:12,15 166:18 166:20,23 169:16 174:11,15,17,21	182:8,13,16,19 183:5,13 184:21 185:3,9,11,17,19 185:25 186:6,7,14 186:23,25 187:14 evidence-in-chief 157:16 168:9 evidence-led 84:6 95:19 evidential 19:14 26:24 evidentially 13:12 evolved 42:9 exactly 27:16 92:5 118:25 130:2 163:12 169:8 190:1 examination 34:10 115:5 123:1,2 examiners 160:8 examining 143:18 example 13:23 24:16 25:7 26:23 28:5,21 42:16 44:2 52:11 55:12 55:13 72:23,25 73:17 88:3,10,14 89:1 90:19 91:24 116:13 128:17,22 136:21 139:2,9 149:15 169:14 174:25 179:21 184:3 186:24 189:23 193:21 examples 9:11,21 10:16 12:4 162:13 excellent 72:6 197:3 excessive 134:14 exclusive 122:21 exclusively 135:6 exercise 38:3 exercised 177:1 exist 53:8 existing 15:12	172:10 exists 43:21 exit 190:1 expand 29:20,23 38:16 expanded 158:7,11 161:20 expect 142:3 expectation 164:12 expectations 164:9 176:17,18 expected 130:9 176:19 expecting 178:4 196:10 expedited 117:16 121:12 expense 137:25 experience 2:15 3:6 10:15 21:23 23:5 27:25 63:14 75:4 89:24 92:13 93:10 116:10 118:18 127:11 151:13 152:14,16 159:16 167:25 171:16,17 180:23 182:15 191:9 194:14 experienced 6:8 38:22 40:10,13 57:23 98:25 115:16 experiences 11:23 12:24 13:4 26:14 52:7 79:5,19 80:10 127:22,25 148:11,15,24 150:5 151:1 expert 24:17 73:24 182:15,17 183:1 183:12 184:21 185:12 195:21 expertise 2:13 73:24 184:23 experts 86:25 95:4
--	---	--	---	---

explain 6:16 27:18 63:16 73:5 111:3 113:12 148:1 183:25 185:5 189:24 195:19	face 107:7 184:5 faces 1:16 facial 187:24 facilitate 2:12 150:24 165:21 176:20	far 17:19 57:15 71:9 72:20 89:16 96:10 116:10,20 116:24 117:2,22 130:20 131:11 133:25 135:13 140:7 160:6 170:17 178:13 184:22	121:20 156:25 figurines 29:6 file 109:16 112:8 122:13 125:3 133:15 files 122:16 fill 70:1 filmed 169:11,18 filtering 153:19 filters 21:9,15 final 55:7 136:1 138:3 143:21 153:25 176:5 180:11 182:1 186:15 finally 13:17 16:9 49:10 143:24 151:19 182:10 196:24 197:12	121:3,8 125:10 128:22 131:25 132:14 134:3 144:5,13 182:24 186:22 188:12 firstly 69:19 77:4 113:22 122:12,20 160:14 fish 107:7 fit 54:20 68:21 94:9 fits 159:15 fitted 117:20 five 60:6 146:20 151:18 153:6 five-minute 16:5 fix 127:19 fixed 114:10,21 127:15 128:13,15 128:23 131:3,5 fixture 114:10 fixtures 126:9 130:24 131:2 132:25 fixtures-only 131:1 flamboyance 179:24 flexible 114:24 flight 194:11 flip 146:6 flippant 57:21 flipping 106:15 107:4,9,13,16 flips 45:5 float 56:15 floated 126:10 128:14 floating 114:18 130:1,6,12 131:2 131:2,4 floats 126:23 focus 1:22 26:3 37:1 42:8 51:6,8 51:11,18 59:4 77:10 85:7,17 87:24,25 101:2
explained 162:20 188:16 explaining 148:17 163:8 169:13 174:23 explanation 110:18 113:24 148:5 explanations 169:2 exploit 89:15 exploitation 3:3 5:23 38:23 44:5 50:16 59:22 62:12 85:17 88:18 89:2 89:3,6,8,18 90:19 exploited 89:9 107:14 explored 83:8 exploring 21:10 expressed 32:21 188:2 expressly 88:11 extended 64:9 extensive 186:19 extent 86:20 159:24 182:3 external 178:23 180:22 extra 64:10 66:3 134:5 172:17,17 172:23 extraordinarily 77:22 extremely 14:18 159:11 160:1 163:1 eye 87:9	facilitated 1:25 facilitation 197:3 facilitators 180:2 facilities 173:12,12 176:1,3 facing 52:10 fact 17:6,25 18:12 34:17,19,20 35:3 51:9,10 53:1 63:19 66:23 68:7 70:3 71:20 88:20 96:7 102:4 103:23 103:25 112:15 113:15 119:20 128:15 140:21 143:2 148:4 160:3 178:6 179:8 181:21 191:1 192:24 194:8 factor 89:16 125:20 factors 18:5 115:21 137:12 fail 94:1 failed 75:8 106:1,2 106:3,7 failures 106:17 fair 21:3 148:18 173:15 185:10 193:10 fall 68:20 90:10 168:19 falls 47:22 familiar 17:4 families 44:6 family 5:7 35:23 50:13 53:7 80:3 135:11,12,19 136:5 150:2 fantastic 167:21	fatalistic 23:12 favour 21:1 161:2 fear 21:1 125:11 157:9 188:2 featured 70:23 features 18:16 88:25 feed 16:5 151:2 feeding 23:13 112:10 151:14 feeds 89:22 feel 10:7 13:3 16:12 34:12 46:5 75:3 79:4 83:10 91:22 92:11,19 97:22 127:22 161:11,20 188:24 189:3 194:25 feeling 11:24 146:18 feels 16:12 146:16 fees 172:10 fell 51:9 fellow 180:2 felt 80:11 92:18 female 69:11 fertile 125:25 FGM 103:13 field 77:19 161:19 fields 54:16 fifth 12:18 fight 185:14 figure 154:19 figures 31:13,19 32:1 118:7 119:13 119:15 120:18	find 16:10 39:10 68:17 84:13 86:21 105:10 117:4 119:11 139:12 159:11 163:16 finding 19:1 38:16 78:1 97:16 findings 27:12 41:18 62:2 fine 84:2 94:4 fingertips 34:11 finish 55:7 77:23 130:10 182:1 Fire 8:13 firm 182:7 first 9:9 14:17 17:23 18:15 21:10 30:7,13,18 43:16 51:8,14 56:25 57:25 59:18 63:12 63:15 70:9 71:22 77:12 85:15 86:8 101:16 108:7 111:10,11 113:20 119:7,8 120:15,20	
F				
F21 56:23 F34 101:8				

116:3,16,19,24 118:22 123:13 132:1 137:24 138:18 170:14 181:23 focused 37:11 52:14 68:16 164:20 166:10 168:1 focuses 33:7 follow 2:3 83:1 91:23 94:10 103:17 157:19 followed 84:4 96:15 104:4 following 3:2 7:14 9:9 15:25 85:25 91:9,21 94:4,24 130:16 147:19 foot 97:22 footprint 84:13 forbearance 197:2 Forbes 2:19 forbid 106:10 force 6:6 12:22 15:6 44:2 54:18 59:24 61:13 73:18 86:6 90:16,20 141:2,2 146:24 156:22 190:2 forced 188:20 forces 6:25 27:4 37:19,20,22 38:17 38:25 39:6,16,17 39:18,19 40:14,23 61:12 76:22 79:7 79:8,25 80:17,18 81:11,12,20 84:24 85:18 91:5 104:23 136:24 139:7 140:1 141:20 142:18 143:4 153:21 189:22 190:13 Forde 56:23 57:15	forensic 18:25 19:10 48:5 82:22 84:16 123:2 160:8 forget 50:6 84:20 186:9 forgive 117:12 form 29:2 83:4 196:11 formal 21:8,15 former 7:10 165:20 formerly 8:7 forms 82:17 formulate 163:19 forth 122:17 fortitude 89:10 fortunate 70:22 92:12 176:15 forums 148:9 forward 1:21 10:7 13:16 19:6 21:12 26:12,25 30:19 37:3 47:8 54:22 69:17 75:3 83:5 83:16,24 86:18 99:4 105:24 109:4 114:19 125:10 132:12 147:5 160:23,25 170:8 171:17 found 13:11 17:6 61:15 71:17 72:1 72:17 102:12 110:4 131:13 144:7 146:22,23 147:5 154:10,10 167:3,15 176:10 181:21 186:17 four 60:6 70:17 145:4 147:7,11 153:3 fourth 12:2 15:18 framework 74:3,7 framing 119:2 frank 1:11 15:17 free 16:13 34:12	freely 15:15 frequent 126:16 friends 187:7,8 fright 194:10 frightened 187:10 front 53:25 86:24 182:7 188:2 190:1 frontline 39:13 46:24 47:9 59:19 80:2 81:15 87:4 94:14 frustration 92:7 full 11:3 86:12,22 110:18 133:15 196:21 full-time 100:6 full-year 120:4 fully 170:19 175:20 function 131:6,9 132:17 fund 38:1 64:6,8,16 64:20,24 71:4 149:19 fundamental 13:18 16:17 41:1 154:21 160:4 185:2 funded 64:15 65:12 67:15 68:8,9,25 69:4 70:18,19,22 191:3 funding 11:8,10,17 63:17 64:2,23 65:1,2,10,15 66:3 67:9,11,13 71:2 73:7,10,12,13 74:2 78:2,4 93:4 99:21 103:12,14 103:16,17 104:5 149:12 151:8 191:7,7,13,13,20 further 9:25 15:10 24:5 27:15 48:2 89:1 103:1 114:22 147:7 171:12,20 172:1 175:18	Furthermore 23:17 fuse 125:14 future 15:22 26:25 50:16 67:20 85:13 105:24 106:13 114:22 144:11 160:1 Futures 50:15 <hr/> G <hr/> galleries 51:14 gallery 1:15 15:4 16:2 52:1,2 54:6 56:23 59:6,15 60:10 61:2 63:7 98:10 100:25 101:5,6,7,23 102:11 103:10 105:4 143:23 144:21 145:1,2 146:3 152:25 188:6,7,8 190:22 192:8 193:8 195:9 195:24 197:13 198:8,12,18,22 game 107:16 167:8 gap 69:17 126:20 177:6 gaps 65:15,16 68:16,20 70:1 gatekeepers 153:2 gather 20:13 gathered 129:16 gathering 79:17 84:14,21 166:18 general 14:3 52:18 148:9 generally 34:6 68:7 92:19 110:22 129:8 158:18 161:24 166:3,15 generated 110:7 generates 9:20 generational 107:21	generic 57:8 generically 72:19 gentleman 60:1 genuine 151:17 geographically 63:11 getting 13:1,24 20:21 34:6 43:15 53:13 60:18,19,22 60:22 94:8,19 146:12 157:21 187:9 190:5 give 2:12 13:8,21 16:22 19:20 29:10 34:10 37:13,16 44:23 61:20 64:7 66:3 71:23 89:1 93:12 96:13 102:16,23 108:8 125:23 126:16 142:2 151:23 154:23,24 155:19 158:4 159:1 162:5 162:12 165:14 166:23 169:16 174:11,14,20 175:9 177:18 186:23 195:18 196:4 given 9:21 10:16 11:16 12:4 15:14 22:25 26:16 30:23 36:19 61:9 73:1 77:7 95:16 98:19 117:16 131:3 155:17,22 174:5,6 175:6 184:15 185:24,24 186:3,5 186:5,6,7 188:3 gives 24:20,21 62:6 114:12 138:7 giving 12:19 29:18 87:19 100:12 154:6 174:12,17 174:18 183:8
---	---	---	---	---

185:17,25 186:14 195:13 glad 126:5 glasses 58:6 global 98:21 99:20 Gloucestershire 61:14 147:10 go 14:5 17:2,18 18:3 19:8 20:2 21:1,12 27:15 29:7 30:16,25 31:17 32:7,8 43:17 44:19 45:23 48:3 56:5 58:10 66:22 70:11 72:10 73:25 74:15 78:22 79:3 81:7,8,19 87:14 90:4 91:17 91:18 93:16 97:20 100:25 101:16 104:15,16 109:12 125:14 128:4 131:10 132:22 133:3,8 143:22 146:5 148:3,23 149:16,16 153:4 153:13,17 161:10 167:10 176:8,21 178:9 180:18 183:2 184:22 186:22 188:14 189:25 190:20 194:9 196:13 goes 5:11 6:16 20:14 29:12,25 35:13 63:21 64:2 70:8 82:25 87:3 119:19 133:10 154:19 167:8 going 1:17 2:17,25 3:12 10:7,15 13:15 14:8,8 16:16 19:5 23:18 23:22 31:25 32:16 32:18 33:9,19,20	34:25 36:12,17,23 46:1,9 50:17,25 51:13,17 52:19 53:14 54:13,14 55:2,10,25 56:9 56:15,18 57:3 58:17 60:14,19 62:8 68:6,11 72:10,15,22,24 75:5 76:16 77:1 77:15 78:14 85:4 85:15 94:11 97:19 97:20,21 98:8,10 98:12 100:24 104:4,14 106:3,5 106:6,8,14,15,23 108:22 109:3,7 115:8 118:5,22 121:16 126:16 127:4 128:20 132:14 134:17,18 137:15 138:2,8,15 142:16 143:17,21 143:22 144:20 146:13 151:13 154:8 159:21 160:23,24,25 161:7 162:4,20 163:25 164:24 166:7,22 171:7,9 171:17 172:17,19 172:25 173:5,14 175:13 177:12,19 178:3,7 179:8 182:1 183:2,5 185:9,10,11,12,13 185:20 188:5 189:10,14,18 190:8 191:23 193:25 195:12 good 1:4 3:20 4:20 5:2,6,15,25 6:12 6:22 7:8,17 10:16 11:4 27:14 42:15 42:17 49:7 53:4	59:15 61:19,19 65:8,14,14 92:21 93:2,23 95:20 99:25 125:8 126:19 127:21 136:14 144:3 155:13 169:12 177:13 186:1,11 186:13 192:22 196:2 197:10 govern 17:15 government 4:23 15:19 41:24 52:22 64:22 67:19 69:22 73:9 75:12 99:22 103:11 119:4 143:12 177:23 178:2 government's 43:11 governmental 66:10 Grace 2:19 graded 42:16 grant 149:12 graph 35:12,13 graphically 10:20 grateful 150:13 151:22 170:11 great 28:16 47:15 54:3 60:21 61:7 96:7 116:19 118:19 145:6,12 152:12 156:15 176:22 177:11,25 179:25 greater 11:16 44:1 47:9 54:23 73:17 95:2 96:1 116:20 116:24 greatest 73:14 grooming 6:8 50:24 149:25 gross 61:15 146:23 ground 2:22 9:14	12:10 29:13 54:13 66:11 78:1 84:4 90:2 100:23 104:21 115:1 125:25 138:9 162:15,17 163:5 164:2,5,13,18 165:4,11,23 166:1 168:14 170:1,6 172:6,11 group 28:10 56:23 58:10,16 66:1 68:15 69:8 94:11 95:3 101:8,23 141:22 167:19,20 178:11 187:9,14 groups 8:16 48:14 49:6 55:1 56:21 57:15 73:19 148:7 guess 137:11 144:9 guessing 189:14 guidance 9:12 11:3 12:9 25:2 40:22 65:22 74:1 75:23 84:7 88:10 96:14 113:10 148:7 169:12 guide 14:21 51:7 guidelines 61:4 Guido 61:4,18 guilt 17:10 18:13 18:17 19:1 guilty 17:5,6 145:21 146:22,23 156:1 166:13,13 167:4,6,12 173:2 guys 103:24 104:19	handle 13:23 handled 29:15 90:6 handlers 80:3 86:24 handles 1:6 handoffs 135:15 hands 51:23 Hang 56:4 hanging 124:25 happen 9:13 72:5 106:16 107:4 114:13,25 127:4 128:20 158:10 164:1 171:7 174:5 174:19 happened 12:19 14:10 20:7 29:11 44:16 48:19 57:19 66:5 82:8,14 83:3 83:15,17 85:10 106:10 107:8,21 141:10,14,16 145:8,13 152:15 171:8 189:11 happening 9:13 52:6 53:21 54:2 71:22 75:1 90:17 90:20 105:25 107:19 125:2 127:12,19 138:9 138:22 happens 22:11 54:15 112:14 116:11 118:12 126:17 165:1 177:22 181:6 happily 162:9 happy 17:18 27:12 57:10 107:2 111:13 144:8 188:10 hard 18:20 22:20 22:22 23:8,11,11 23:18 77:22 harm 18:6
H				
half 102:15 154:14 165:14 Hall 60:10 hand 2:5 80:17 196:15 handful 157:6				

hat 158:19 170:5 182:11	166:5 170:1 172:11 180:25	high-end 66:9 99:13	145:24 147:19 148:12 149:9	62:25
hating 105:12	182:25 183:18	high-harm 99:13	150:17 151:19	home 4:21,22,24
head 3:25 4:21 5:4 5:8 6:2 56:12	189:12 197:20	higher 132:24	152:23 153:24	38:1 55:16,21
192:9	hearings 164:3,5	highlight 113:13	154:5 157:13	56:5,9 64:25
headquarters	165:21 166:25	highlighted 11:5	158:17 161:7	65:20,23 71:3
111:15	168:14 170:7	61:3	162:11 164:2	73:6 75:14 125:5
health 4:9,10 12:3	172:6,8,23,24	highlighting 61:22	165:18 168:3	169:19
12:3,14 28:8	hears 182:25	136:19	169:23 170:3	honest 54:9 93:25
43:18 44:3 46:21	heart 26:9 36:6	highly 13:25	173:10,17 175:24	105:7,9,10,12
48:16 49:3 60:18	80:17 138:21	117:17 183:23,24	177:17 180:11	Hong 4:6 53:6
67:6 74:6 77:5	heaven 106:9	183:24	181:3 182:1 183:2	Honour 179:12
88:4	heavy 172:22	hill 2:1,5,7,8 3:16	183:21 184:11	183:7
healthcare 4:9	Heidi 152:23	8:2,9 18:14 19:22	186:15 188:5	hop 161:5
hear 2:18 3:12 61:2	held 41:21 44:7	21:6 22:2 23:22	190:20 192:18	hope 9:3 14:5,24
61:21 76:17 81:20	Hello 3:25 4:6	24:9 25:25 27:2	194:3,13 196:14	25:1 33:25 61:11
93:9 112:7,19	101:7	27:15 29:24 30:11	198:1	93:17 94:19 106:4
118:7,11 148:24	help 14:23 16:14	31:13,17 32:4,10	Hinwood 5:6,6	106:12,13 107:1
149:4 152:18	22:9 23:6 28:12	32:15,25 34:1,6,9	23:23,25 33:2,11	121:3 144:15
175:15 181:5,15	28:18 29:1,9	35:10 36:8 38:13	33:18,24 34:3,8	169:12
heard 3:5,6,9 9:11	50:11,25,25 60:20	41:3 43:4 46:9	63:16 119:1	hopeful 107:17
58:16 59:20 92:11	61:19,20 63:16	47:25 48:24 49:10	121:23 122:2	hopefully 140:4
101:15 114:7,19	66:6 74:1,4 92:20	51:13 56:20 58:3	141:25 149:12	144:18 162:2
127:1 135:14	92:21,24 104:21	58:23 59:12 60:24	157:23 165:19,20	hoping 33:16 48:12
138:3,6,8,11	129:25 136:6	62:8 63:6 66:8	168:16 175:11	94:7 189:7
142:13 144:23	142:3 148:7 151:2	67:18 68:5 69:19	193:1	hopped 161:5
146:9 151:6	157:11 163:18	72:22 74:18 76:23	historic 128:19	horrific 146:19
155:17 156:13	181:22 184:8	77:23 78:14 83:25	historically 23:10	hospitals 92:14
157:17 166:17	helped 10:18 65:23	87:12 89:25 91:13	44:17 88:1	hosted 151:25
170:17 171:1	helpful 1:20 2:23	91:16,18 92:2	histories 96:9	hot 103:13,18
172:21 174:13	14:16 119:2 122:3	93:18 98:8 100:1	history 78:21 97:1	hour 58:12 165:14
175:7 184:14	122:7 150:16	100:24 103:4	hit 102:9	hours 100:19
186:8 187:22	159:11 184:1	107:18 108:5,22	hits 102:10	house 57:17,20
196:20	helping 51:7 61:3	110:2,13 111:19	HMCTS 108:14	housing 102:1
hearing 29:13 54:7	155:12 162:24	112:15 113:19	114:3 121:11	hub 70:8,11,18
57:25 58:17 60:12	helps 81:16 167:11	115:15,23 118:24	129:16 143:5	71:5 144:6
81:6,14,14 82:6	Hester 72:17	121:16 122:4	151:6,12	hugely 22:24
105:5 106:19,20	Hi 4:12 52:2 60:10	123:21 125:15	HMI 41:12	151:22
115:1 118:13	188:8	126:21 127:9,18	HMIC 38:13 60:1,2	human 79:22
119:8 130:11	hidden 28:15 99:14	128:6 129:23	hoc 169:17,21	187:18
148:14,15 162:15	hide 160:3	132:14 133:11	hold 42:6 86:2	humanely 13:21
162:17 163:5	high 22:21 71:9	134:2 135:1,3,9	126:13 144:15	hundreds 6:20
164:14,18 165:4	85:24 90:1 130:9	136:17 138:2	holding 8:17	hunky-dory 55:3
165:11,22,25	132:23 156:19	140:9 141:23	holds 8:12 129:4	
	167:16	143:21 144:20	holistic 45:25 46:13	

Hunt 8:5,5 47:25 48:1 49:1 77:4	81:3,4 83:21,23 95:4 97:4 120:20 120:21 123:14 133:2 137:7,19 138:1 151:17 152:6 155:14 165:13,17 166:8 167:7 172:19 183:18 187:22 193:12	importantly 17:16 104:17 187:21	inconsistencies 88:4 178:22	26:4,4 83:23 118:14 139:1 148:13 153:5
hunter 55:1		impose 134:7	inconsistency 24:13 62:19 77:15	ineffective 167:18
Hydra 38:4		impressed 176:3	inconsistent 79:9 178:22 183:13	inevitability 124:7
hypothetical 184:18		improve 4:15 7:25 26:25 39:11,17 76:19 97:11 112:13 132:3,6 143:8 151:2 155:1 157:3	increase 66:4,6 74:24 103:23 119:16 120:1,13 167:11	inevitably 24:23
I		improved 39:12	increased 98:19 99:23 119:24 134:3 145:15	influence 49:6 182:6
Ian 102:11		improvement 39:19 40:9 41:16 42:1,11 43:2 91:6 110:25 194:16,19 194:21	increasing 38:25 74:19,19,20 156:14	influencing 185:1
iceberg 117:22 131:12	impacting 52:22 119:14	improvements 41:20 110:23 113:7 146:12	incredible 74:17 159:24	influential 177:12
idea 32:4 49:1 85:9 103:6 107:19 164:18 185:18,24 186:10 187:16 195:9 196:6	impactive 81:15 151:22	improving 38:20 86:16 177:7	incredibly 149:18 150:13 153:20 166:20 168:1 175:14	inform 14:23,24 85:12 141:5 148:7 148:11
ideals 84:2 90:1	impacts 116:21 118:10	in-depth 188:17	indecent 98:20	informally 53:24
ideas 15:9 184:13	imperative 72:13	inaccurate 9:24	independence 2:17	information 34:11 109:23,25 111:2 111:25 112:8,9,10 122:17 124:10 129:21 132:13 143:9,19 151:15 163:17 170:21 187:4,8 190:5 194:25
identical 72:25	impinge 186:7	inadequate 42:17	independent 1:9 5:18 7:19,21,23 10:17 63:9 64:21 74:11 112:7 113:1 124:9 146:21 189:16	informed 105:8 109:20 123:18 138:8,14,22 139:2 140:2,5 141:6,18 142:2,15 145:21 169:10 173:23 174:7 176:6,7 182:3
identifiable 116:1	implement 107:16	inadmissible 183:6 184:19	indicating 84:12 35:13	inherent 22:12
identification 7:14 48:6	implementation 126:19	inappropriate 113:1	indication 112:6	initial 3:15 13:25 30:5,20 35:24 85:2,3,5,11 198:4
identified 39:4 50:1 62:13 91:14 169:8 175:20	implemented 55:5 90:1 106:5 134:11	inasmuch 48:3	indicative 138:20	initially 58:15 158:6
identify 42:10 50:16 76:9 80:4 82:13 154:17 180:17	importance 9:10 10:11,25 11:1 12:10 13:18 40:7 40:20,22 50:19 150:12	incapacity 158:3	indicators 135:25	innocence 18:16 19:1
identifying 34:20 90:25 100:12	important 14:11 19:6,11 23:19,20 27:4 48:20 49:24 50:6 59:1,1,6,11 72:14 73:13 74:5 74:7 75:20 77:24 79:24 81:1,17 99:4,10 112:10 114:11 115:19 116:9,24 125:20 130:18 140:7,20 143:15 148:24 149:18 152:6 165:1 173:20 184:8 187:20	incident 24:8 47:19 141:16	individual 9:5 10:12 26:13 53:21 57:2,5,12 79:3 80:10 87:11 90:16 91:19 95:24 109:22 113:17 144:14 168:12,12	innocent 17:5 145:22
identities 99:16		incidents 7:24 75:10	individual's 10:15 10:20	inordinate 124:21 137:5
IDVA/ISVA 70:20		incline 31:4	individuals 8:16	
ignorance 189:5		include 9:9 44:21 109:17,18,25 110:1,18 121:6 131:1		
ignore 83:19		included 75:17		
Igor 176:22		includes 85:7		
ill 46:21		including 4:10 5:20 8:17 18:5 128:12		
images 98:20		inclusive 46:8		
imagine 34:23				
imaging 194:8				
immigration 107:11				
imminently 33:3,5 33:21				
impact 35:18 81:3				

input 51:7 97:25	interagency 48:6	161:12 162:13,16	104:25	127:2 135:22
inputs 62:24	136:5	166:2 178:18	investigated 116:22	180:13 194:2
inquiry 1:9,18 2:10	interest 4:14 18:4	intermediary's	investigating 5:1	involvement 30:5
2:20 8:15 15:8	32:21 130:22	126:12	86:9 100:9 141:20	38:11 50:19 51:20
16:9 60:4 146:21	171:21 192:7	internet 2:2 55:1	investigation 3:15	61:7 87:13
196:22	interested 28:14	98:19 123:6	20:9,12,14,25	involves 174:4
inquiry's 2:1 8:14	34:16 61:18 82:12	interrupt 101:19	22:24 23:14 26:6	178:15,19,25
14:24 44:11 197:5	133:19 134:18	interrupted 68:5	30:25 37:3,4 40:2	involving 6:20
197:7	145:2 148:10	intervene 164:8	52:3 61:8 76:1	126:2 133:1
insight 105:19	189:12 195:11	intervention 47:7	82:16,16 84:8	IPCC 61:4 90:4
inspect 6:24 43:14	interesting 131:13	interview 61:10,16	86:12 99:24	146:21 147:6,9,13
inspected 39:16,20	146:9 181:5,15	62:4 82:18 102:13	102:18 110:5,8	153:10,12
39:21	196:19	102:14,23 153:16	116:15,20 122:12	irrelevance 82:5
inspection 41:15,23	interestingly	168:19 186:25	122:21 123:12,13	irrespective 22:10
44:1	127:14	interviewed 156:3	140:8,14 146:8,25	22:15
inspections 7:3,4,5	interests 17:1	interviewing 31:1	147:6,9,10,14	issue 11:13 12:2,14
38:25 41:11,13,19	136:10	154:14	153:11 162:21	22:1 23:22 25:2
41:25 42:9,16,17	interlink 93:22	interviews 12:23,24	198:4	27:4 31:7 35:4,8
inspectorate 6:23	intermediaries	13:9,25 20:23	investigations 5:4	59:9 62:22 71:7
7:6 8:12,13 41:16	6:13 11:13 13:14	57:16 61:13	7:18,21 74:21	72:22 77:14
76:20 94:15	27:5,17 31:3,8,12	102:16,25	85:21 90:11 99:1	113:19 116:12
inspectorates 40:7	31:15 32:16 33:3	intimate 13:22	99:22 123:15	118:16 128:15
42:5 43:13	33:16 34:18 35:4	146:19	136:25 137:9	136:19 138:16
instance 43:8 50:8	36:18 53:14 54:4	intimidated 121:5	146:7,21 187:6	143:18 148:10
88:20 134:7	82:19 92:20	157:24 158:12,13	investigative 59:2	154:21 160:10,16
179:12 183:7	108:19 126:11	166:11 192:24	85:15	170:19 173:8
instances 171:4	127:24 128:2	193:4,6	Investigator 36:24	175:17 185:13
instantly 100:19	129:22 155:9,19	intimidating 58:7	investigators 26:15	issued 133:16
institutions 1:24	156:2,6,11,19,22	intimidation 57:23	98:23	177:24
52:8	157:6,8,11 158:18	57:24 59:10	investment 76:8	issues 9:6 10:9
instructed 2:9,20	158:21,24 159:2,6	intolerable 124:25	77:8 103:20,20	13:24 14:13 16:2
intelligent 54:14	159:11,20 160:11	introduce 3:17 8:4	invitation 101:9	24:4 33:18 35:20
intend 138:21	161:2 162:8 164:4	108:7 113:11	invitations 8:17	37:4,5 38:11
195:18	164:11	184:18 185:9	invite 14:15 16:1	51:19 52:4 56:24
intended 34:9	intermediaries'	introduced 113:9	51:15 111:10	61:3 62:15,17
151:10 155:1	155:4 156:25	164:11	invited 9:5 15:25	75:20 78:18 80:20
intent 39:11	intermediary 6:14	introducing 86:4	involve 7:21 24:19	82:9,19,24 83:7
intention 15:5	27:19,19 28:7,9	introduction 108:8	24:24 38:5 135:15	83:18 87:17 88:4
58:21 133:17	30:7,12,23 31:21	157:5	involved 3:8 26:10	111:19 112:22
interact 10:10	32:5,10,23 34:24	invest 94:2 97:16	27:8 30:12 33:17	113:13 122:19
interacting 87:7	35:22 36:11 93:5	124:8	50:13 59:21 69:24	124:19 137:22
interaction 150:19	93:13 108:20	invested 75:14	71:8 72:12,20	144:23 171:9,18
interactions 81:4	127:2 154:25	153:17	98:17 100:7	172:14 173:7
150:22	155:11,23 156:5	investigate 5:4	108:20 109:4,5	175:20 178:20
interactive 38:3	156:17 159:9,18	36:20 83:2 104:8	111:20 118:15	180:20 182:17

63:9 103:1 131:24 138:4 192:7 lads 55:6,13 lady 152:10 landscape 65:9 68:20 language 6:18 27:23 93:14 103:11 111:4,4 193:1 194:8 196:1 196:8,9,12 large 16:25 17:1 43:9 63:21 70:13 98:5 154:24 156:23 largest 4:17 69:16 lasted 116:15 late 8:3,5 57:3 144:2 183:14 lately 194:7 latest 103:13,18 laughing 184:3 launched 41:11 laurels 195:6 law 2:15,21 18:1 19:20 28:2 57:9 79:17 108:12,12 laws 17:3 lawyer 25:16 109:13,14 110:17 111:12,16 145:9 lawyers 26:22 62:15 158:24 161:22 164:10 184:12 lead 3:22 4:7 7:2 8:6 40:17 43:10 48:13 75:25 115:21 146:8 171:18 180:2 196:4 leaders 38:20 39:7 39:13 149:7 leadership 176:16 leading 39:12	108:23 111:21 143:6 155:9 179:21 leads 73:15 172:22 leak 147:13 leaps 196:7 learn 26:20 79:24 95:18 96:5 135:10 151:24 194:23 learning 9:23 28:9 39:18 41:18,25 43:25 49:24 61:25 62:7 85:3,5,8 151:1 163:3 193:13 195:6 learning-focused 41:10 learnt 87:14 149:2 149:2 leave 16:12 34:1 57:9,11,19 98:6 99:8 188:10 led 145:11 Lee 149:22 Leeds 158:5,8,16 179:13,22 left 107:22 legal 2:11 5:17 25:12 57:6,13 88:10 111:4 160:17 legislation 4:4 135:23,24 158:1 192:22 193:3,6 legislative 46:17 length 113:21 120:3 122:7 133:14 171:1 less-than-ideal 125:5 lessons 43:25 let's 132:8 157:23 187:1 letter 110:17,21 letters 110:24,25	letting 79:1 level 29:2 43:17,23 44:7,19 46:3 54:12 57:2,5 73:20 77:23 80:1 85:14,20,20 90:1 104:21 111:11 113:8 129:11 134:15 137:1 142:11 148:12,13 150:20 151:4 177:14 levels 29:16 34:22 35:2 84:25 111:11 196:10 leverage 72:4 Lexicon 108:18 liabilities 86:14 licence 75:25 86:4 86:15 lies 142:5 life 13:22 55:22,24 60:4 149:2 187:12 lifting 98:4 light 14:12 Liguori 61:4 62:6 liked 105:15,16 140:6 Likewise 27:11 180:2 limbic 194:10 LimeCulture 65:21 65:23 191:4 limit 42:15 134:9 limited 11:6,16 14:19 37:4 65:18 69:2 70:2 108:18 118:5 131:4 155:14 170:13 185:16 limits 134:9 Lincolnshire 72:9 line 9:25 10:4 15:10 45:7 60:21 82:10 lines 21:17,18	124:6 link 32:8 72:18 97:15 135:15 169:16,20 174:15 174:16 lip 52:10 list 32:21,22 54:9 114:17,19 122:22 130:2 listed 115:22 126:24 128:13,14 130:6,14 132:18 listen 20:8 55:25 62:5 79:5 152:17 listening 80:12 81:6 82:5 93:24 190:11 195:10 listing 114:8,10 115:20 120:15,21 121:8 125:24 127:15 131:5,8 132:16 173:5 175:16 listings 116:8 lists 8:22 66:15 130:1,20,24 172:22 173:1 literally 35:13 165:13 litigation 112:18 little 24:1,6,21 55:12 62:9 63:16 70:23 93:1,17 94:11 101:16,17 143:2 179:6 196:5 live 2:2 32:8 94:5 106:4 174:15 Liverpool 158:5,8 158:16 169:18 lives 10:23 50:11 124:12,22 living 124:12 loads 55:1 71:9 local 37:7 40:4,8,25 42:24 43:10,11,16	43:18,21,23 44:2 44:7,9,21 50:14 63:23 65:5,14 67:4,10,12 69:25 70:19,20 72:6 73:11,18,20 77:19 77:21,23 103:16 124:1 locally 30:16 37:19 64:20 74:2 95:11 95:14 191:18,18 locations 13:2,2 50:1 logistical 175:16 London 52:13 95:1 111:16 130:23 150:9 long 18:19 29:7,11 43:6 46:19 52:21 57:4 74:25 113:24 122:9 125:13 129:15 140:19 161:10 176:14 192:3,6 197:14 longer 124:20 126:3 140:6 145:6 160:19 longer-term 40:12 48:8 longest 116:10 119:6 longstanding 12:21 look 5:10 19:13 20:12 24:5 25:9 34:24 36:22 41:24 45:11 46:23 53:11 61:23 62:4 66:24 73:25 84:10,14 88:20 93:13,14 96:9 97:11 102:8 102:8 107:8 114:9 114:10,21 121:23 132:2,3,21 139:7 141:2,3 143:7 145:10 147:17
---	--	---	---	--

149:20 158:24 160:9 164:21,21 182:14 looked 22:14 95:3 126:5 130:21 137:7 173:8 looking 1:21 20:10 65:11 76:11 84:19 86:6 119:4 123:19 135:25 136:2 141:25 143:14 151:5,6 153:18 162:24 181:11 184:5 192:25 looks 42:18 157:22 164:25 Lord 165:20 176:22 lose 45:9,20 125:8 165:12,17 178:7 losing 136:15 lost 23:17 42:8 61:17 69:9 147:12 147:13 189:3 lot 2:22 27:4,10 29:1,24 30:1 34:23 37:3 46:20 50:13 54:7,9 56:12 59:18 61:2 63:18 68:15 72:12 94:7 99:8,12,18 99:18,24 101:12 105:5 106:6,7,17 107:15 123:5,7 125:7 130:22 140:25 141:13,17 143:3 144:7 145:6 147:5 148:18 165:12 174:8,18 174:20 175:7 177:9 186:18 187:4,8 188:17 190:17,25 192:3,8 193:12,13 196:1 lots 45:17 53:5 67:8	69:15 73:19 103:22 145:4 lower 166:15 lowest 120:17 LSCBs 40:25 luck 153:23 166:21 lucky 52:20 lunch 103:5 111:19 lying 183:14 <hr/> M <hr/> magistrate 17:7 magistrate's 114:5 119:8 magistrates 58:1 magistrates' 117:4 main 28:10 123:18 maintaining 13:19 Majesty's 6:23 7:6 8:12,13 108:15 major 7:18 29:20 90:10 majority 19:7 47:16 63:18,21 69:9 90:9 making 10:4 14:20 22:10 24:19,24 25:8,15,19 26:14 35:15 36:7 42:19 42:24 44:22 45:24 46:15 49:15 52:22 77:21 86:14,17 96:19,23 99:4 100:11 107:22 109:5 146:11 163:10 168:1 174:3,8 176:17 180:12 192:22 Malcolm 1:11 male 11:7 65:17 66:1,5,7 69:7,8,12 69:16 70:20 71:25 103:14 191:1 male-specific 65:18 65:19	males 191:7 manage 29:16 managed 95:21 management 165:7 Manchester 44:1 54:23 73:17 94:25 95:2,12 mandated 85:6 mandatory 113:11 178:4,5 180:13,19 180:21 193:11 194:1 manner 70:14 112:1 manpower 52:23 145:14 map 65:13 66:2 69:25,25 maps 181:13 March 31:23 marched 58:2 margin 120:17 Marianne 72:17 married 53:3 massive 69:17 107:15 119:25 120:13 129:4 167:7 match 28:24 171:17 matches 77:12 matching 31:9 156:14 material 13:25 17:24 60:8 109:18 109:19 110:1,1,2 110:2,4,6 123:1 137:23 160:9 170:25,25 171:3,6 171:13,24 178:21 182:13 matter 18:12 82:10 116:16 131:17 132:18 133:6 170:9 189:24	matters 14:12 16:4 58:24 59:4 116:17 117:3,7,10 130:1 134:11 144:22 156:10 168:15 178:20,21 182:19 185:15 Matthew 1:25 16:21 24:12 38:14 87:18 101:11 196:17 197:2 mature 40:15 42:20 maximise 104:11 McLachlan 188:8 mean 19:25 106:16 107:10 110:2 113:5 144:17 180:23 181:9 183:14 188:15,19 meaningful 42:24 meaningless 131:16 means 17:23 35:7 67:9 75:1,2 76:15 106:17 121:25 144:4 meant 34:6 152:16 173:23 178:23 measurable 116:8 measure 119:17 131:18 132:9 167:11 168:18 measured 116:4,5,7 116:25 132:10 measurement 116:25 131:23 measures 25:21 81:12 82:20 155:1 173:25 174:1,3 measuring 132:8 mechanism 80:24 156:11 184:4 mechanisms 176:25 184:4 media 104:3 123:6	187:5 median 120:3 meet 28:25 63:23 66:4 112:20 134:8 148:22 149:17,17 149:23 151:11 182:17 meeting 31:7 52:11 149:14,25 150:11 153:8 165:13 meetings 53:6 148:1 191:19 meets 87:8 148:21 Melly 179:21 181:15 member 20:6 55:23 182:6 members 1:10 8:11 35:23 149:16 180:21 197:9 memory 163:16 164:23 mental 4:10 12:3,3 12:14 28:8 46:21 48:16 88:4 158:2 mention 22:19 71:11 111:6 177:19 190:25 191:25 mentioned 10:11 12:25 27:3,23 31:6 34:22 40:3 57:1 69:7 73:17 116:1 121:10 131:11,14 138:24 168:6 177:20 183:12 190:7,9 191:4 mentioning 172:21 194:20 mere 88:20 merely 23:3 131:7 merits 25:9 messages 177:16 187:9
---	--	---	--	---

met 18:10 109:21 149:24 172:8	modules 85:16	5:25 6:12,22 7:8	131:14	106:1,2,13 107:3
method 139:3	MoJ 6:14 28:2 32:20 64:6 77:20	7:17 51:19 58:25	names 13:24 102:5	111:25 114:7
middle 71:17	MoJ's 160:25	59:15 109:1	narrative 42:18 88:8 89:18,22	115:1 117:24
middle-aged 191:1	moment 20:4 34:4 52:3 54:20 56:13	138:25 162:20	narrow 144:17	118:17 120:24
Middlesbrough 192:5	56:19 78:15 81:11	165:11 166:17	nation 135:23	136:2 137:14
Midlands 34:4	86:5 103:25	189:12 190:7	national 3:22 4:7 5:3 8:6 28:20	142:2,4 143:17
59:16 141:10,11	112:14 118:7	motor 28:6	31:9 63:25 64:6	145:19 147:2,16
141:11 190:22	121:13 143:18	mount 100:20	75:17 98:11	151:3 154:21,23
milk 56:15,16,18	151:5 161:19	move 14:16 30:21 43:20 45:2,14,16	119:21 126:3	169:9 172:24
milkman 56:15	169:14 178:5,14	45:18 69:12 77:1	142:11 156:14	173:7 175:17
million 64:7,11,13	184:19	78:14 94:5 105:23	157:10,18,20,23	189:2 195:2
70:4,5 74:14,15	money 5:11 37:25 64:11 78:8,9,12	108:23 115:10	nationally 5:13 69:22 135:19	needed 73:11 189:20
75:15 77:7,10	94:6,7,22 189:13	136:6 138:2	136:4 141:18	needing 94:23 97:13 133:4
millions 107:9	190:15	143:23 185:19	nationwide 53:9	needs 10:13 14:7 24:2 26:13 28:12
189:17	monitor 127:20 133:14 139:25	moved 43:6 55:20	nature 11:10 14:1 39:8 40:18 42:19	30:20 37:6,6
mind 14:6,20 15:3	143:16	moves 1:22 45:7 94:7 139:13	63:10 97:4 99:6	47:17 62:2,7
22:15 58:19	monitored 125:25 126:6 175:14	moving 37:9 83:5 83:16,23 99:17	114:21 123:16	63:23 66:25,25
101:21 104:8	monitoring 90:3 129:1 136:25	149:9 173:18	180:14	67:1 74:8 96:18
169:23	month 31:5,14 65:24 133:22	181:11 185:17	naughty 55:16,21 56:6	103:20 104:20
minded 165:8	149:16	multi-agency 37:2 37:24 38:7 41:4	navigating 11:2	107:7 110:8,11
minds 152:19	months 31:23 65:10 86:16	43:9,13,19 45:5	NCA 31:19,21	116:24 123:1,12
mindset 105:12	119:22 124:15,17	67:25	near 85:13 97:20	124:11 139:1
mine 102:14	133:21,24 135:22	multi-disciplinary 21:14 45:8,12	nearly 53:17 58:12	151:11 179:2,10
minimise 123:19	145:4 151:25	46:2 124:1 136:4	134:21	194:11 195:7
Minister 149:22	166:6 171:4,4	186:19	neccessarily 10:13 70:15 72:19 82:7	Negative 11:23
ministerial 155:15	Moore 5:15,15 16:21 24:12 87:18	multi-inspectorate 42:3	172:8 183:14	neighbourhood 76:6 86:23
Ministry 5:8 65:12 65:25 155:16	109:7 110:6,16	multi-pointed 163:14	need 13:8 16:12 20:21 28:18,25	Neil 5:15 16:19 20:3 22:4,18
156:8	111:23 112:19	multiple 13:9	30:6 31:11 34:20	24:10 46:10 49:10
minute 56:4	133:13 134:3	Munro 42:4,4	36:4,10 38:6 39:6	62:22 83:25 84:7
misconceptions 184:16 186:2	135:2,5 148:1,17	mystery 156:6	39:7 44:24,24	87:12 109:2
misconduct 61:16 146:22,23	177:19 180:15	myths 25:8 183:9	47:10 49:18 52:8	132:15 133:11
missed 22:12 29:19 77:21 131:13	183:5		60:20,23 61:23	145:2 147:24
mission 81:22	mop 105:13	N	69:25 72:7 73:14	177:17 183:2
mistake 96:12	morale 105:2	N 197:22	74:1 75:21 83:19	194:17
mistakes 79:22,23	morning 1:4 3:17 3:20 4:20 5:2,6,15	name 5:2,6 6:22 7:8 7:17 8:5 28:21	86:12,13 87:2,11	Neil's 97:2
mix 118:6		52:2 54:6 101:23	92:20 93:25 94:3	network 47:15
modern 158:14 175:13		102:5 117:13	94:13 95:6 96:1	neurone 28:6
module 38:2 85:18			97:16 104:12,15	neuroscience 187:17 194:8 195:7

neutral 195:25	notably 5:20 113:9	33:8,13,22,25	124:1 131:15,17	76:4,6,9 80:1
neutrality 92:6	note 8:10	92:5 127:13,21	131:19 134:20	81:16 85:22,24
93:11 161:16	noted 12:8 23:23	161:7,9 162:20	135:5 141:10,14	86:23 87:5 90:17
195:12,15	notice 16:22 62:10	183:22 194:5,19	141:22 152:3	91:9,22 100:3,9
never 102:2,4,20,22	89:9 127:3 144:11	objection 112:5	192:25 193:4	100:22 152:5,19
125:25 132:12	noticeable 58:4	173:13	offences 5:19 19:13	153:7,13,15 190:8
new 1:16 9:20	71:7	objective 16:24	31:22 35:1 36:21	190:10
32:14 33:6,9 38:1	notified 130:4	17:24 112:7	75:23 88:11 99:19	offices 8:18
41:9 43:17 48:24	notwithstanding	obligation 6:3	117:6 119:16	official-looking
72:15 84:6 85:12	21:16	134:8	120:7,9 121:7	50:2
124:6 158:11	November 1:1	obligations 139:4	123:3 125:11	officials 58:12
171:13 176:10,11	31:24	observation 60:25	131:21 135:6,7,8	Ofsted 7:5 40:6
177:10 182:15	nuance 39:1	125:22 195:24	158:14,14 175:13	41:12
191:11 193:12,13	nuanced 19:2	observations 9:7	175:13	old 5:23 84:14
Newcastle 50:9	number 8:16 9:2	16:1 51:16 52:1	offender 82:9	116:14 183:23
71:16	11:24 14:19 32:15	54:7 71:15,20	182:21	older 11:7
news 155:13	32:16 34:18 66:7	101:6 145:1 188:7	offenders 99:8,11	once 39:20 72:5
Newton 57:25	69:3 74:20,20	198:8,12,18,22	99:13 117:5,8,9	114:2 138:22
NHS 4:6,8 8:3,6	114:16 115:18	obtaining 13:19	offending 98:15	149:16 197:12
48:11,13 49:2,6	116:4 118:10	obvious 174:25	99:8	ones 42:21 154:17
64:20 77:5,6,20	119:16 120:13	obviously 17:2	offer 16:14 27:10	156:23 173:11,11
191:18	122:22 129:5,12	18:22 46:10 50:21	176:4	ongoing 15:23
nice 50:14	129:19 131:4,20	52:3 70:13 87:21	office 4:21,22,24	33:10 52:3 53:17
Nigel 59:15 190:22	132:11 134:16,17	90:12 91:17 109:7	38:1 64:25 65:20	85:25 123:8,11
nine 166:5	141:19 142:14,18	109:16 110:20	65:23 71:3 73:6	online 5:5 82:24
no-one 127:22	150:4 151:5	114:4,15 116:11	75:14 86:24	98:15 99:22,24
nodding 127:9,10	156:16,19 157:11	118:9 121:25	127:15	100:4 103:23
127:10 158:20	167:12 169:6	122:16 125:15	officer 8:8 20:6	123:3
177:17	173:7 179:17	129:10 130:5	28:3,11,19,25	open 84:19 146:24
non-acute 48:21	186:21 188:2	131:3 134:16,22	29:10 30:6,9	opened 57:18 93:23
non-charging	numbers 31:6	139:16 140:16	44:14 52:20 53:3	opening 1:17 2:7
148:2	34:25 68:19	164:21 171:21	55:18 58:2 80:1	198:1
non-policing 37:23	129:10 155:14	172:18 174:8	82:12 86:11	openly 15:15
non-recent 47:22	192:1	176:9 189:13	142:23 144:18	operate 21:3 131:5
48:2,25 90:11	nurses 44:22	occasionally	146:22 153:14	operates 130:24
119:16,21,24	nursing 169:19	163:20	155:23 174:14	operating 91:20
120:1,7,13,23		occasions 90:3	188:14	99:15 135:25
142:8	O	occur 62:7 146:4	officers 21:21 26:2	operation 5:22 6:9
non-reporting 88:3	o'clock 107:23	occurring 123:3	26:9,14 30:11,18	49:19 70:23 89:19
Norgrove 135:12	144:12	October 31:24	30:24 34:20 35:15	100:10,20
norm 182:5	O'Mara 59:15	odds 35:2	36:10 46:25 47:9	operational 4:5
north-east 95:14	190:22	offence 18:8,11	52:16,17,18,24,25	8:25 18:23 19:15
north-west 95:15	O'Neill 6:12,12	25:5 78:7 97:9	53:2 54:23 55:10	19:23 100:13,21
Northumbria 6:1,7	27:3,21 30:8	118:9 119:7,17,18	58:3,15 59:9	108:16 124:19
49:19 70:21	31:19 32:7,13,18	119:19 120:4,8	61:14,20 75:6	148:13 150:20

151:4	origin 164:5	painted 92:8	91:20 109:13	91:13
operations 6:10	original 43:7	palsy 28:6	112:13 141:9,22	pause 16:7
99:2 100:7,8	ought 22:12	panel 1:10 2:17	148:10	pay 160:14
opinion 52:6,11	outcome 22:15	8:11 149:22 197:8	particularly 4:16	payment 172:17
62:6 105:6 136:24	outcomes 38:21	panoply 17:14	8:19 9:17 11:2,6	PCC 67:11,14
182:16 188:25	40:9 43:2 60:7	paper 177:24	19:12 26:22 28:14	73:12
189:10 192:12	167:24	papers 133:21	37:12 38:10 46:24	PCCs 64:10 73:7
195:17	outrunning 104:7	parameters 15:11	47:9 48:14,17	74:15 77:19
opportunities 15:1	outset 100:13	parents 89:12	49:8 54:8,25	PCSOs 59:22 80:2
20:23 35:23	outside 15:2 38:5	park 30:2 56:23	62:11 69:16 73:2	86:24
102:22	38:12 67:20 159:4	57:15	76:5 78:19 82:24	peer 44:4
opportunity 2:12	164:3	part 1:14 3:23 12:7	84:9 86:22 87:20	peer-led 44:1
15:15 16:23 22:9	outstanding 97:3	14:25 19:6 20:19	90:18 92:9 97:6	people 1:15 3:5
22:11 37:13 41:8	overall 138:1	20:25 22:12 30:2	107:19 113:6	6:21 8:20 10:19
46:7 51:17 61:1	overarching	30:20,24 36:25	120:22 121:8	12:5 21:4 23:14
87:19 98:19	135:16	38:9 44:20 48:10	122:6,25 123:2,3	28:8,9 32:21,22
111:23 152:17	overlap 12:2	52:15 64:20,23	123:25 124:2	33:13,22 34:7,23
159:10 171:23	overlay 13:17	74:13 76:7 77:6	125:4 131:20	34:25 36:20 37:12
188:3	overloaded 32:3	80:12 81:23 83:4	132:1 137:21	37:15 38:4,5,12
oppose 185:20	93:2	85:12 86:1 88:8	141:13 142:7	44:6 47:12,15,17
opposed 79:17	overly 42:7	90:16 95:3 96:22	143:25 144:7	50:11,21 53:13
185:18	overriding 77:14	110:5 112:3,15	148:25 154:7	54:11,21 59:3,19
options 169:14	overrun 70:24	120:24 137:3	163:11 172:7	59:20,21,22 60:2
oral 34:10	overrunning	138:16 139:14	184:6 185:3	60:14 67:6,8 68:8
order 7:24 17:2,6	196:15	146:20 154:24	parties 148:10	68:17,18,19,19
17:21 29:16 42:10	overseas 99:18	156:7 165:3	partly 70:22	70:11,14 76:6
42:19 78:9 80:5	oversee 4:23 43:12	169:11 182:23	partners 37:7	78:11 82:1 85:15
83:14 109:15,19	oversight 6:10 7:13	187:13 195:19	41:17 99:18	86:2,13 87:6 89:6
122:24 124:6	7:23 11:12 45:9	participant 8:22	partnership 4:8	89:15 91:4,6 92:9
147:22 182:22	overstate 150:11	56:21 59:3 101:7	40:4,8	92:25 93:8 94:20
organisation 3:18	overtaken 61:16	participants 16:1	partnerships 40:15	95:7,11,11 97:3,6
6:24 7:2,23 15:7	overworked 93:6	101:1 130:7	42:24	97:10 101:19
50:14 55:23 65:21	owned 44:9	144:21 196:18	parts 21:23 29:20	102:22 103:12
68:22 191:9	ownership 136:7	participate 29:16	party 109:19 110:1	105:14,25 106:2,7
organisation's	Oxford 5:22	159:13,17 162:1	112:9 133:6	107:3 121:25
68:23		188:4 195:23	137:22 170:24	124:1,5,12 125:2
organisations 3:7	P	participation 2:5	178:21	128:24 129:15
4:14 11:3 37:23	pace 156:18	164:19,20 165:17	pass 190:6	133:18 137:4
42:12,20 49:9	package 177:10	176:21 187:2	passed 11:25 76:1	138:4,22 139:14
68:24,24 69:9	paediatric 77:11	particular 12:13	patchwork 81:10	139:21 140:2
71:1 73:25 108:9	paedophiles 98:19	17:18 25:24 36:9	patchy 63:10	141:6,17 144:8,17
141:5 147:20	99:25	37:7 41:3 50:18	178:12	145:17 149:14
191:4	pages 188:22	50:19 57:16 62:20	pathways 48:7 49:1	150:22,23 158:2
organised 24:16	paid 104:25 160:15	64:12 65:1,16	85:5,13	160:14 161:13,21
125:12 180:3,4	172:9	66:7 68:16 72:9	pattern 90:9,14	161:25 162:1,18

162:25 163:11,12 169:7,9 173:23 174:5,10,18,20 177:13 178:6 179:7,17 181:8,12 181:14,20 184:6 186:20 187:3,4,25 189:8 191:23 192:3,4 193:12,13 193:13 194:9 196:10 197:14 people's 97:17 124:15 perceive 89:7 perfect 79:22 period 74:25 116:4 117:20 118:23 126:24 130:4 131:25 peripherals 185:14 permission 30:10 perpetrate 89:5 perpetrated 88:19 perpetrator 53:23 53:25 166:21 perpetrators 53:20 58:1 89:7 person 2:3 8:25 12:1 28:3,12,18 28:25 29:10,15 44:23 45:19 47:4 93:10 102:17,18 102:19,19,20,21 102:25 124:18 125:9 135:16 136:12 164:14,22 169:8 174:17 183:23 186:8 195:14,23,25 person's 97:1 164:19 165:2,16 183:25 personal 2:15 21:20,22 24:24,25 55:14 58:7 63:14	96:18 124:16 127:10 148:5 152:4 174:25 175:2,4,4 180:15 personally 13:11 54:19 161:17 190:10 perspective 40:5 46:11 77:4 92:3 125:16 147:24 150:18 152:9 171:22 177:18 180:15 perspectives 1:23 persuaded 188:16 pertinent 185:7 Peter 60:10 93:21 101:7 Peter's 94:23 phone 20:5 124:14 125:4 142:20 phoned 102:17 phrase 159:13 physical 28:5 158:3 pick 14:5 18:14 26:17 30:4 38:14 62:10,18 69:6 92:6 132:19 picked 77:5 picking 26:1 63:6 68:17 108:25 picks 20:5 picture 64:14 79:10 129:20,22 piece 33:19,20 122:15 193:3 piecemeal 182:20 pile 54:5 pilot 86:15 157:17 157:19 158:5 166:8 167:16,20 168:4,5 169:3 175:21 179:11 piloting 75:24 86:5 pilots 157:7 165:6	166:24 170:13,13 place 17:15 24:8 25:21 26:6,8 30:7 30:13 38:8 55:24 62:12 70:9 72:12 72:12 81:12 91:1 91:10,11,24 100:16,22 106:4 106:13 119:18 120:8 123:10,12 123:15 125:11 129:14 134:23 137:7,9,10 165:4 165:23 166:5 176:23 186:23,24 195:11 placed 9:15 placement 98:1 placing 73:11 plan 33:24 40:11 75:13 164:19 165:16 planned 100:10 planning 99:2 100:7 165:13 197:6,10 plans 80:22 165:9 plateaued 32:17 platform 143:5,6,8 platforms 143:4 play 27:20 66:10 72:14 74:5 120:24 playing 161:19 plays 78:1,11 plea 155:25 166:14 167:4,6 pleading 153:9 pleads 173:2 pleas 166:13 167:12 please 3:19 8:4 16:12,15 25:25 34:12 63:15 77:3 78:16 101:14 115:24 129:23	135:9 pleased 1:13 33:2 plenty 77:20 Plotnikoff 30:1 108:17,17 125:22 127:6 154:13 164:5 169:1 170:2 176:14 182:14 192:20 plus 135:1 pm 63:4 107:25 108:2 130:13 153:25 154:1,3 197:19 pocket 67:2 153:22 pockets 91:8 146:11,13,15 point 8:11,15 11:1 12:21 13:1,14 14:6 18:23 19:2,3 19:15 20:4,8,14 21:7 22:3 24:12 26:17 30:14 31:18 33:1 34:14 38:15 39:22,22 45:4 46:10 49:12,13,14 55:7,22 59:6 60:1 67:18 68:23 69:6 76:5 77:12,25 80:14 84:21 86:8 87:19 93:23 94:23 101:20,20 103:4 115:23 118:25 121:4 123:21,24 124:12 125:17 126:18 127:9,21 131:11 132:15,19 133:9,11 135:24 136:18 137:11 138:3 144:3,22 145:24 157:4 159:21 163:22,24 168:6 173:18 176:5 181:24 182:1 185:2	187:11 192:2,22 193:7,22 194:4 pointing 31:2 points 10:25 13:5 14:5,17 15:2 18:15 25:7 48:1 59:1,1 62:10,21 63:7 67:16 68:6 77:4 86:7 92:7 93:21 97:2 98:9 101:3 107:19 129:24 138:17 163:14 175:25 181:4,18 185:6 186:18 188:24 police 3:21,22 4:10 4:25 5:12 6:1,2,6 6:10,25 7:4,19,25 8:8 18:18 19:5 20:1,5 21:10,20 21:24 22:7,23 23:4 26:9,10 27:4 28:3,11,19,25 30:5,9,11 34:19 36:10 37:25 38:16 38:20 39:24 40:14 40:23 43:17 44:2 44:14,15,21 45:5 45:16 46:4,18 49:15,20 52:3,16 52:20,24,25 53:3 54:18,22,23 55:8 55:10,18 56:1 57:13,16,24 58:2 58:3,15 59:9,19 59:22,24 61:6,12 61:13,14,20 62:14 62:15 63:20,22 64:4,17,25 65:12 66:23 69:24 71:3 71:4 73:17,18 74:23 75:6,8,15 75:22 76:13 78:21 78:22 80:2,3,15 82:11,12 83:9
--	--	---	---	--

84:24 85:1,3 86:6 89:12 90:16 92:4 92:13,15,19 103:21 104:8,19 104:21,22 105:12 105:13 109:17,24 112:8,9 121:12 124:9 133:15 138:19 140:14,24 141:2,2,20 142:18 142:19,22 143:4 145:8 147:8 153:1 153:13,15 156:22 158:23 160:7 162:10,21 169:13 169:18 174:14 181:22 188:13 189:22 190:2,7,10 191:16 194:22 policies 90:1,23 91:1,10,21,24 94:9 126:19 128:5 policing 4:1,2 19:2 19:17 26:5 37:6 38:6,10,12 47:14 47:18 75:18 76:6 76:8 79:12,13,18 80:22 84:8,21,23 85:5,7 86:18,23 100:17 137:13 policy 4:3,24 5:8,9 5:9,14 15:22,23 25:2 48:24 54:12 67:20 94:3 95:19 100:21 108:16 125:23 126:4,4,9 127:19 132:25 148:7,11,12 149:20 150:1,3 political 159:21 poor 127:24 152:16 177:6 population 70:3 porn 104:1 portfolio 81:2	portion 69:17 posed 170:4 position 2:16 8:12 15:7,22 19:16 46:17 47:5 82:3 92:5,12 93:10 137:13,15 161:16 177:4 184:18 192:21 195:15 positions 184:22 positive 12:24 105:6 possession 171:25 possible 20:22 110:18 111:2 116:18 117:11 123:20 124:7,20 130:11,25 134:25 149:6,8 150:25 167:14 168:2 179:1 possibly 19:21 130:13 post 14:1 104:14 post-charge 116:4 138:11 140:15 post-Savile 54:21 posted 196:25 poster 156:8 pot 68:21 potato 103:13,18 potential 9:20 11:15 39:25 46:14 112:12 147:12 157:3 potentially 83:5 91:9 111:20 122:8 122:16 127:5 138:16 140:23 173:3 pounds 189:17 powerful 152:4 practical 173:11 practice 4:5 10:17 11:4 13:6 15:20	19:18 34:7 39:13 40:20 41:3,9,15 42:11,15 44:7 57:9,10 65:14 73:1 75:25 86:5 86:15 97:3 121:13 139:6 142:6,9 154:12 155:4 156:4 157:3 164:13 165:21 170:23 174:19 176:21 177:1,5,6 181:7 194:16 practices 15:12 98:16 practise 2:14,20 practising 5:19 8:18 178:7 practitioner 108:13 practitioners 1:23 46:4 50:3 95:25 pre-charge 118:21 122:4,11,15 138:11 140:13 pre-examined 168:10 pre-record 157:14 pre-recorded 168:25 170:16 171:7 172:12 pre-recording 121:4 167:1 168:9 168:13,17,21 169:25 181:21 pre-trial 165:22,24 166:4 predominantly 77:10 prejudice 2:15 premium 70:12 preoccupied 42:7 preparation 154:7 165:22 166:5 172:15 197:7 prepared 97:1	109:16 165:20 preparing 137:21 165:15 181:23 prerecording 170:6 present 1:10 51:18 84:22 158:22 172:11,12,13 presentation 18:25 presented 47:3 presently 72:16 president 7:10 pressure 156:15 174:8 presumed 189:5 presumption 18:16 pretend 55:3 56:10 160:19 prevent 34:19 preventative 67:7 prevents 35:5 previous 26:14 82:8 88:12,21,22 134:20 178:22 previously 9:23 62:23 primarily 5:4 primary 77:8 135:23 155:5 159:16 principle 96:11 173:13 prior 92:16 priorities 80:22 prioritise 79:14 prioritised 117:17 prioritising 39:2,3 priority 34:5 125:24 privileged 102:3,4 pro-police 53:4 proactive 50:15 probably 23:15 45:11,24 65:4 67:25 69:16 74:13 130:9 148:8 166:5	Probation 7:7 41:13 problem 10:5 69:5 91:13 118:5 128:25 132:10 154:20 173:4 problems 11:5 12:18 45:12 117:24,25 130:19 161:4 procedure 17:14 113:12 176:19 179:18 procedures 91:1,10 91:21,23 proceed 39:25 114:7,14,16 proceeded 116:17 proceedings 1:19 2:4 17:15 135:21 162:4 170:18 182:18 process 10:3 11:22 12:23 13:4,10,20 14:25 15:1 19:3,7 19:10 21:9 27:20 32:6,9,11 37:14 42:2,3,14,23 44:25 45:23 46:6 46:6 48:21,21 50:24,25 51:9 53:15 61:19,25 62:6 66:24 74:9,9 74:10 84:20 87:15 97:23 102:15 103:8 104:14 108:3,23 109:3 111:21 112:18,18 114:25 115:9 117:2,23 118:17 118:19,21 119:5 127:4 131:13,22 137:25 139:13 148:17 150:25 152:11 153:18
---	---	--	---	---

154:6 159:14 162:21 163:17 169:2,21 172:3 176:9 183:8 188:4 194:2 195:16,20 196:2 197:11 198:14 processes 12:17 135:14 136:2 144:24 processing 163:15 produce 6:4 155:7 155:10 produced 117:1 professional 47:2 85:11 95:9 professionally 76:10 professionals 42:5 42:7 61:24 72:11 Professor 1:11 42:4 profoundly 81:15 programme 36:24 39:18 85:3,23 151:9 156:7 157:10 progress 81:2 117:24 118:18 120:25 160:1 project 50:9 93:7 126:1 181:16 projects 65:2 promise 139:24 140:2 promised 52:13 53:11 promises 139:18 promote 73:21 promoted 153:14 153:16 proof 18:17 22:21 22:22 23:8,20 proper 150:14 properly 13:23 17:25 96:15	105:14 106:11 160:4 174:6 proportion 78:3,8 proposed 110:3 props 163:4 prosecute 18:4 104:6 109:15 110:13 111:17 134:16,18 178:8 prosecuted 110:19 prosecuting 5:21 140:15 158:23 prosecution 5:16 7:15 17:20 18:21 20:16 26:19 40:1 43:7 45:3,6,10 46:1 83:6,20,22 84:6 88:7,9 89:22 102:25 110:3,7,11 110:12 112:24 113:2,15 115:2 122:14 129:12 133:7 137:14 140:17 159:2,19 161:15 162:9 193:17,21 prosecutions 134:20 prosecutor 24:24 25:24 109:16,19 109:23 113:11 134:13 prosecutor's 18:10 prosecutors 21:21 24:15 25:4 87:21 87:23 88:11 89:14 109:9,11 134:5,12 148:18 180:17 prospect 17:22 prostitutes 153:15 protect 7:1 76:14 protecting 4:25 42:13 protection 7:3 41:1 46:20 53:1 85:7	85:17 98:24 100:5 191:17 protective 40:11 protocol 117:14,14 121:10 181:19 proven 17:5 156:11 provide 7:23 40:12 42:18 66:20 67:5 80:19 95:8 111:1 143:8,17 190:14 provided 3:10 4:16 4:18 11:8,9,12 31:9 38:21 40:25 63:11 67:10 109:24 137:2 provider 191:5 providers 44:3 78:2 178:12 provides 5:11 149:12 providing 10:12 11:19 12:11 67:11 156:12,17 182:12 191:11 provision 12:3 40:25 62:19 65:11 134:24 143:9,19 proximity 170:17 181:21 psychiatrist 96:1,3 psychological 6:19 27:24 95:4,22 public 1:15 5:1 7:2 7:25 14:24 15:4 16:2,5,25 17:1 18:4 46:19 51:13 52:1,2 54:6 56:23 57:24 59:6,15 60:10 61:2 63:7 85:7,17 87:7 93:25 94:3,19 95:2 98:10 100:24 101:5,6,7,23 102:11 103:10 105:4 143:23	144:20 145:1,2 146:3 152:25 188:5,7,8 190:22 192:8 193:8 195:9 195:24 197:13 198:8,12,18,22 publication 41:14 publish 43:14 48:12 119:10 published 41:22 72:15 75:12 143:13 pure 79:17 purely 131:5 purpose 6:24 7:22 16:17 54:20 81:22 94:10 purposes 5:21 110:9 pursue 21:17,17 pursued 124:11 pursuing 13:20 pursuit 23:9 push 47:8 67:21 put 4:4 9:16 11:14 15:6 16:19 19:18 19:25 25:21 52:9 52:18 56:7 66:16 70:12 72:3 77:9 80:4 91:11 92:22 94:22 96:20 110:3 131:8 161:25 162:11 163:19 170:8 176:23 178:16 184:1 putting 9:6 36:6 51:8 78:5 95:24 134:23 181:12 187:2 190:15	quality 4:15 7:6 13:5 22:23 23:13 26:6 38:21 39:8 41:12 42:19 44:4 60:5 79:16 81:13 110:23,25 123:12 124:20 136:16 155:1,2 quarterly 119:12 149:23 question 13:5 16:20 16:21 22:20 43:22 62:18 74:18 78:19 81:25 87:13 89:25 103:5 140:10 145:13,17 155:7,9 163:10,13,13,14 168:3 170:4 173:11 180:11,12 192:19 questioning 13:4 164:21 178:25 179:19 questions 93:13 101:4 154:16,22 161:23 163:7,9,19 163:20 165:16 171:24 178:16,20 179:1,24 queue 124:17 125:3 125:4 quick 66:14 quickly 116:18 117:11 134:25 149:2 156:17 161:5 175:11 191:25 quite 23:13 27:10 29:1 34:8 35:2,5 47:1 49:21 50:12 57:3 64:13 69:11 79:18 82:23 87:9 99:25 105:10,11 116:17 119:13,25 127:13 130:11,21
Q				
QC 179:21 183:7 qualified 57:20 98:25 111:16 qualitative 42:18				

132:23 141:17 142:6 163:7 166:19 167:8,16 174:22 175:19,24 184:19 185:18 186:18 190:25 192:1,8,13 quizzical 157:21	rate 99:25 132:23 167:17 rates 26:22 104:12 132:22 rationale 137:3 raw 94:20 re-employed 61:14 146:24 re-examine 175:17 reach 20:15 reaching 19:13 95:13 153:2 189:19 react 192:16 reacting 150:24 reaction 158:20 reactive 194:25 read 23:7 60:2 160:23 175:1,3,4 readily 100:18 reading 60:9 ready 97:25 133:8 real 47:13 81:20 132:7 154:20 160:21,22 161:3,3 167:23 170:15,18 171:18,22 172:18 184:20 185:13 realise 23:19 163:25 189:2 realised 72:6 realising 94:20 realism 84:17 realistic 17:22 reality 69:2 93:23 106:14,21 really 16:16 19:6 19:11 20:1 23:1 27:9 30:15 34:15 35:6,12 37:11,22 48:20 51:1 52:22 66:12,13,14 67:15 69:18 74:5,6 75:20 76:18,21,21 77:17,24 80:25	81:1,15 86:12 92:20 93:8,23,25 94:23 95:9,9 96:7 96:10 97:2,3 98:18 99:10,25 101:9 103:12,15 105:11,15,20 116:24 128:4,9 133:2,19 134:15 141:18 142:12 143:19 147:2 150:8 152:5,16,16 152:20,25 161:24 162:3,7 163:13 167:21 174:4 175:9 180:11 184:8 185:14 187:19 188:24 189:12,23,23 190:18 193:19 194:24 195:5 realms 104:18 reason 16:11 58:18 58:18 67:4 78:5 189:3 191:2 reasonable 17:8 176:20 reasons 8:19,25 91:11 94:1 110:19 114:17 120:6,11 131:20 160:13 166:9 167:25 reassure 93:8 Rebecca 4:20 62:20 68:1 69:20 73:4 86:3 Rebecca's 64:24 recall 183:22 187:23 recap 31:13 receipt 133:15 receive 64:22 87:6 134:15 received 12:6 31:23 102:25 114:2	receiving 180:24 receptive 176:9 177:9 recognise 19:11 28:17 39:6 46:25 47:19 53:12 54:15 61:20 73:6 74:11 75:4 79:21 87:7 89:24 91:18 105:23 159:20 197:14 recognised 41:7 73:9 75:12 recognising 26:13 39:2 90:17,20 181:18 recognition 47:10 47:16 80:18 recommend 155:11 recommendations 61:18 162:23,23 recompense 9:24 reconsideration 111:10,12 record 82:15 120:18 142:24 recorded 119:7,23 157:16 recording 165:5 166:2 167:2 recordings 165:24 records 12:15 45:13 124:14 recourse 70:9 recover 95:8 recovery 40:13 recruited 33:14,22 recruiting 34:2 recruitment 32:19 33:3,11,13,20 35:7 156:18 reduce 104:11,16 120:24 refer 57:2 84:7 94:11	referral 4:7,11 28:20 30:10 40:4 47:24 48:4,23 49:4 51:21 64:19 referrals 31:21,24 68:14 95:22 96:2 referred 84:5 86:3 100:1 111:14 referring 75:24 112:1 reflect 195:2 reflected 39:12 reflecting 136:21 reflection 112:15 195:1 reflections 13:1 111:22 reflects 73:1 134:15 reform 116:3 151:7 156:7 reforms 151:6 refreshing 105:10 164:23 regard 115:11,17 115:19 118:20 131:20 regarding 61:5 regional 33:7 register 28:23 32:2 32:3 86:2 156:20 registered 6:13 13:14 30:23 31:3 31:8,12 32:15 regular 59:24 170:23 regularly 139:3 182:15 regulated 162:24 regulations 17:3 reinforces 133:17 reiterate 57:14 relate 109:1 125:12 related 10:14,15 12:2 14:23 87:5 175:22
R				
radical 178:14 179:3,9 radically 181:5,9 rails 55:15 raise 14:13 15:2 22:1,3 133:12 raised 10:5 11:5,11 11:13,18 12:14,21 18:15 49:12 51:19 62:23 63:7,8 65:16 78:19 83:18 111:19 145:24 168:7 171:9 173:19 175:15 181:19 182:2,22 range 7:13 15:12 18:5 25:2 44:3 70:10 86:22 144:17 148:20 rant 101:17 rape 25:5 48:5 64:1 64:6,7,8,11,17 65:10 69:23 71:16 72:18 104:1 135:4 135:5,7 149:15 152:2,13 raped 107:9 rapid 95:18 rapport-building 29:1 rare 44:10,12 129:7 rarely 116:25 RASSO 25:5,13 109:10 133:14 134:4 135:4				

relation 19:12 49:4 65:17 84:18 116:6 116:7 117:3 121:8 159:2,3,16 171:10 181:8,20	21:4 24:7 29:12 41:14 49:17 71:14 81:7 82:1 83:8,9 83:11 89:11,11 95:8 122:8 131:19 140:19,20 141:15 162:22 184:1 196:24	research 72:15 108:18,19 125:23 142:13 154:13 186:19 197:5	responsible 5:9 6:7	170:3 181:19 182:11 184:11
relationship 26:18 77:17 124:8 182:20	reported 3:3 20:10 24:3 64:10 116:8 120:9 138:23 155:21	researcher 108:17	rest 70:9 76:25 130:24 195:5	right 2:19 9:16 13:2,24 24:13 25:22 32:7 42:8,8 42:14,21 43:16 55:25 56:11 65:4 66:12 80:1 82:7 90:25 91:21 94:8 94:17 96:6 98:6 100:8,11,13,15,21 100:21 103:7 105:1,2 111:9,18 116:17 124:24 132:16 134:13 146:13 148:4 169:7 183:18 184:24 185:6
relationships 40:18	reporting 24:6 74:24 82:6 183:15	researchers 126:1	restarted 13:11	rigorously 179:13 179:14
relatively 137:8	Reporting/Identi... 3:14 198:3	resembling 93:24	result 12:6 40:3 42:23 88:16,18 105:18 110:8 152:12,14 156:5 194:17	rise 98:14
released 61:6,10 65:22 119:22	reports 4:4 27:12 60:3,8	resilience 104:11	retain 140:4 163:17	risk 153:9
relevance 88:13	represent 113:3	resistance 51:5 179:6	reticent 36:1	risks 39:3 45:18 86:14 139:17
relevant 4:17 77:2 78:17 158:1 159:6 171:24	representative 8:23	resolve 172:17	retire 146:23	road 95:1
reliable 155:8,24	representatives 15:18 18:19 57:13 115:3 147:20	resolved 124:23	retired 183:8,16	robust 175:19
reliant 49:2	represented 116:13	resource 35:8 70:25 71:6 100:18	retrieval 82:22 84:16	rocket 56:5
relist 130:15,16	representing 3:7 7:9 57:6 113:2	resources 69:3 91:23 93:4 94:23 95:7,16 99:23 118:5,16 134:3,23 135:1 159:23 160:3,5,23 173:8 176:1	return 107:23 153:24	role 2:10 3:18,18 4:2,21,24,25 5:3 7:2 13:15,15 18:22 19:16 20:1 20:12 27:19 28:1 29:18 48:14 50:6 72:14 74:5 80:12 80:15 85:16 90:3 100:3 158:17 162:15,17 195:21
relisted 127:7 132:20 133:4	request 30:8 35:2 147:4,6	respect 9:17 12:7 15:24 36:11,12 122:7	retain 140:4 163:17	roles 11:4 87:6
rely 144:4	requested 122:17	respectful 15:17	reticent 36:1	rolled 167:13 172:3 172:20 177:22 178:1
remain 32:6 63:24 162:24	requests 31:5,14 34:15 35:5,14,16 36:7 153:12 171:12,19	respects 67:7	retire 146:23	
remains 156:21 177:1 179:15	require 30:9 34:24 37:15 169:2 172:10	respond 76:9 93:20 95:6 192:19	retired 183:8,16	
remand 57:25	required 21:20 43:12 45:2 122:23 128:21,22	responded 134:23	retrieval 82:22 84:16	
remarks 1:17 2:7 196:16 198:1,24	requests 31:5,14 34:15 35:5,14,16 36:7 153:12 171:12,19	responding 39:2,3	return 107:23 153:24	
remember 92:17	requirement 75:18	response 3:15 4:23 75:5,15 76:22 95:10,18 108:4 163:17 198:6,16	returning 50:10 103:7	
remind 24:1 101:14	requirements 172:15	responsibilities 7:1 94:21 138:18	revelation 92:22	
remit 44:11 66:18 159:4	requires 30:5 88:11	responsibility 7:20 41:6,8 43:15 44:7 45:4,5,6 63:19 73:12 77:6 80:13 94:14,15 107:15 138:14 139:8 142:5 155:5	review 42:4 65:10 77:7 111:9,15 135:12 161:23	
remits 68:9	requiring 180:18		reviewing 110:17 121:13	
remote 71:24 72:3 169:16,20,22	Rescue 8:14		reviews 44:1,4	
repeat 1:17 109:7 127:5			revised 65:22	
repeated 13:8 37:15 51:17			revolutionised 179:19	
repeatedly 63:8 138:9			rewarded 51:2	
replicate 50:23			rewrite 155:12	
reply 188:12			rewriting 162:11	
report 10:2 20:6			Rhiannon 4:12 31:17 33:1 34:13 63:13 66:8 77:23 121:18 127:10 128:6 140:9 144:2 173:17 188:12	

rolling 178:13 179:5	176:12	SCAIDP 36:25 37:19 85:22	173:24 174:11 175:12 177:23 181:16	semantics 193:7
rollout 157:5,10,18 157:20,23 158:10 165:9 166:10 168:4 181:16 196:8	rush 132:12	scale 86:10 98:21 99:20 132:9	sector 4:15 23:5,6 49:9 50:7,20 68:24 69:12 70:14 70:25 74:16	seminar 1:5,25 2:12 10:22 15:2 58:25 59:5 189:6 196:21 197:7
rolls 178:11	S	scars 103:2	see 1:14 8:22 21:25 23:20 33:22 38:19 40:15 45:14 51:23 53:14 54:17,18 55:6 56:4,14 66:6 72:10 76:12 86:16 97:3,13 98:6 106:9 110:9 120:14 121:14 125:2,7 126:6 127:9 128:4 129:6 129:8 132:24 150:1 152:9 165:8 166:21 167:23 172:4 174:17 177:17 183:2 184:23 189:10,17 192:1 193:10	seminars 3:1
Rook 183:7,25	sad 106:16 107:5	scene 58:7	senior 21:20 38:20 39:7,13 50:3 149:7 153:14 176:16	send 57:20 71:15 100:22
Rook's 183:22	saddens 105:22	scheduling 170:15	sense 22:7 136:1,7 139:8 165:1 180:16	senior 21:20 38:20 39:7,13 50:3 149:7 153:14 176:16
room 16:12 32:8 59:7 101:25 118:22 189:2 190:21 195:25	safely 93:1	scheme 6:14,15 35:20,22 108:21 111:9 157:18,19	sensitive 14:1 16:4 16:7 26:11 97:4 110:20	seminars 3:1
Rose 108:14,14 114:1 115:16 132:16 150:18 181:4	safe 124:4 186:23 186:24	schemes 179:11	sent 9:1 14:1 58:15 145:8	send 57:20 71:15 100:22
rosy 92:8	safeguard 47:12	school 55:16,18	sent 9:1 14:1 58:15 145:8	senior 21:20 38:20 39:7,13 50:3 149:7 153:14 176:16
Rotherham 49:16	safeguarding 4:22 37:5 38:10 40:4 43:8,9,12,21 47:17 186:20	schools 55:20	sent 9:1 14:1 58:15 145:8	seminars 3:1
roughly 70:3 77:8	safety 67:11	science 56:5 185:5	sent 9:1 14:1 58:15 145:8	seminars 3:1
round 33:3,4 72:16 97:13	sake 140:8	sciences 185:4	sent 9:1 14:1 58:15 145:8	seminars 3:1
round-table 41:22	Sally 179:12	scientific 24:18	sent 9:1 14:1 58:15 145:8	seminars 3:1
routinely 155:20	sample 167:22	scientist 56:8	sent 9:1 14:1 58:15 145:8	seminars 3:1
Rowe 7:17,17 90:9 91:15,17,19	sampling 129:17	scope 168:11	sent 9:1 14:1 58:15 145:8	seminars 3:1
rule 172:6	Sanctuary 6:9 49:19 70:23	screens 174:15 188:14,18	sent 9:1 14:1 58:15 145:8	seminars 3:1
rule-bound 43:20	Sarah 108:14 113:20 120:19 126:23 132:14 149:11 150:17 181:3	screw 125:10	sent 9:1 14:1 58:15 145:8	seminars 3:1
rules 17:2,14 19:18 29:13 115:1 155:12 162:12,15 162:17 163:5 164:2,5,13,18 165:4,11,23 166:1 168:14 170:1,7 172:11 176:19 195:23	sat 57:17	scrutinise 88:12	sent 9:1 14:1 58:15 145:8	seminars 3:1
run 31:4 33:9 38:3 55:22 86:16 149:14 160:4 165:7	satisfied 17:8 18:2 18:9 57:10	sea 79:11 81:23	sent 9:1 14:1 58:15 145:8	seminars 3:1
runaways 50:10	save 117:5 190:16	seamless 136:20 143:9	sent 9:1 14:1 58:15 145:8	seminars 3:1
running 55:15,20 56:6 102:18	saving 153:18	search 66:15 124:20	sent 9:1 14:1 58:15 145:8	seminars 3:1
	saw 59:10	second 1:5 10:1 14:23 18:3 21:11 24:9 31:17 39:22 46:10 60:1 66:9 83:25 98:11 123:22 152:2 168:3	sent 9:1 14:1 58:15 145:8	seminars 3:1
	saying 76:3 77:13 93:9 97:19 104:4 104:24 105:21 106:5,19 126:23 145:2 165:10 173:10 174:13 178:7 183:2 185:4 188:20	secondly 122:12 134:6 160:14	sent 9:1 14:1 58:15 145:8	seminars 3:1
	says 9:13 12:9 96:19 155:4 156:8 165:3 175:1 180:5 193:3	section 62:5 121:3 121:17 157:5,13 157:15,17,21,25 158:14,17 165:3,3 165:5,6,21,24 166:9,11,24,25 167:2,3,5,16,20 168:13,19 169:7 169:14,20 172:2	sent 9:1 14:1 58:15 145:8	seminars 3:1
		self-medication 49:23	sent 9:1 14:1 58:15 145:8	seminars 3:1

67:23 69:10,23 71:19 76:16 79:13 79:16 80:18 81:3 81:13 83:20 85:1 104:9,13,14 105:1 105:3 108:15 113:3,16 114:3 122:15 128:9 129:4,8 133:16 134:7,24 137:1,14 140:17 150:18,23 151:7,16,17 152:15 154:25 156:15 190:14 191:6,8,11,24 services 3:11 4:13 4:15 5:11,13 6:7 6:25 7:10,11 8:14 11:12,20 12:3,11 25:13 38:17,20 46:12 48:16 51:7 52:22 62:19 63:11 63:17,18,19,23 64:12,13,15 65:7 65:11,19 66:18,20 67:5 70:4,21 71:1 74:17 76:24 77:9 77:11,16 78:12,15 94:16 99:5,14 103:21 125:16 149:13,14,19,20 151:16 159:9 191:18 session 3:14 8:10 49:10 63:5 101:3 101:4 108:3 143:24 146:2 150:13 153:25 154:4,6 198:3,10 198:14,20 sessions 29:1 147:21 set 2:23 4:2 8:14 22:8 44:16 80:23 80:23 99:23	117:10 134:9 139:9,20 140:17 153:21 164:9 165:23 166:3 169:22 176:18 191:9 sets 37:20 setting 23:25 73:3 143:25 187:23 settings 4:9 124:4 seven-year 152:13 sex 50:12 89:2 167:17 sexual 1:7,10 3:3 4:7,11,23 5:5,20 5:23 6:20 7:22 8:6 10:2,17 14:9 22:10 25:5,16 28:15 31:22 44:4 44:5,11 47:21 48:3,22 49:4 52:12 59:21 60:5 62:12 63:10 64:3 64:3,12,14,18,21 66:18 67:2 69:10 70:12,15 72:20 73:22,25 74:12 75:1,11,13,15,16 75:19,22 78:21 80:21 85:17 88:10 89:3,18 90:5,19 92:1 103:11,18,23 104:2 109:9 118:9 119:15 121:6 128:19 131:21 134:17,19 135:5,6 135:7,8,18 141:14 142:7,8 152:3 158:13 166:14,15 175:13 182:4 192:25 193:4 sexually 107:13 136:12,13 shame 107:3 share 13:3 15:16	79:5 98:20 136:23 146:14 147:12,18 187:4 shared 43:15 62:1 62:3 80:10 146:19 148:16 187:8,25 sharing 150:15 Sharpling 1:12 8:11 she'd 93:24 sheer 113:21 shift 51:10 69:11 91:3 107:21 ship 101:12 shoot 97:21 shop 189:24,25 190:2 short 2:2 18:19 40:11 63:3 108:1 109:13 117:19 127:3 154:2 178:20 179:23 180:11 short-term 11:10 shorten 118:22 shortened 104:15 shortly 23:23 72:10 show 29:5 166:22 184:23 188:9 showed 166:8 shut 53:25 93:1 shuts 194:9 siblings 53:15,18 side 54:8 67:8 140:14 144:6,6 158:22 160:17 162:8 189:13 sides 84:22 159:15 significant 67:5 78:3,7 82:23 128:10 151:7 significantly 69:9 151:11 signposting 47:21 signs 88:6	silence 193:24 silk 179:21 silly 189:23 similar 107:11 136:18 similarities 46:23 Simon 104:3 simple 45:25 84:14 154:21 simplify 162:4 simply 10:6 95:24 97:19 124:13 125:8 183:5 single 7:3 11:1 45:15 144:4 Sir 1:11 135:11 sit 11:21 43:22 44:13 55:3 79:4 112:2 144:6 195:11 site 24:17 sites 169:22 sits 43:8,16 140:13 140:15 181:15 sitting 72:1 104:18 104:19 130:12,13 situation 32:20 42:6 47:3,11 73:15 106:22 138:13 163:21 situations 140:16 148:21 six 3:5 75:18 86:16 135:22 151:25 166:5 171:8 six-month 135:24 size 167:22 skill 86:2,13 196:1 skills 12:12 28:23 38:5 slap 107:7 slavery 158:14 175:13 slavishly 94:10 slight 13:12 43:20	99:6 slightly 23:12 29:21 46:17 125:19 130:17 139:22 141:8 159:4 173:18 slot 145:9 slowly 93:11 120:12 small 34:18 56:24 58:4 108:18 156:22 167:22 169:6 smashing 56:17 smiles 187:25 SMITH 195:21 196:7 smooth 150:25 social 44:21 50:3,3 50:4 51:7 71:1,2,5 98:25 100:2,2 123:6 124:9 187:5 society 8:24 50:8 82:4 103:19 107:8 123:5 Society's 108:12 sociology 185:4 SOIT 52:17 sole 36:18 100:2 solely 44:13 solicitor 46:13 solicitors 113:17 180:21 somebody 22:9,13 32:11 50:24 55:25 56:3 57:20 72:18 72:23 82:6,8 85:1 92:3 97:14 105:17 138:10 139:13 165:14 191:14 somebody's 82:3 somewhat 178:12 soon 48:13 85:4 94:25 sorry 27:2 34:8
--	--	--	---	--

39:2 106:23	specialism 28:23	stab 58:6	160:22	113:24
131:13 151:21	75:22	stable 98:1	state 3:17 112:16	strand 46:21,22
161:4 188:21	specialist 25:4 26:8	staff 20:6 23:4 26:2	113:2,15	59:2
190:18 192:18	26:21 28:18 36:23	26:10 35:15 54:24	statement 51:1	strands 46:19
193:9 194:13	52:17 75:23 85:20	80:2 81:16 86:24	163:10 175:2,4,5	strange 27:9 32:20
sort 23:12 26:7	85:22,23 86:13	94:12,17 100:6	193:8	139:22
54:8,10,12,20	95:8 100:19	150:21 151:1	statements 81:22	strategic 39:11
55:3,13 69:10,12	109:11 190:12	152:5,19	175:1 178:22	66:25 75:17
71:12 76:1 79:9	specialists 27:22	Staffordshire 3:21	station 20:5 44:15	strategy 44:20
93:22 96:11 105:8	speciality 52:19	152:1,11	82:11	48:12 74:2 143:13
105:8 106:9,11,12	specially 25:4	stage 18:3 20:15	statistic 131:15	150:6
106:13,14,20,24	190:8	24:11 32:11	statistical 131:25	stray 20:22
107:11 112:6	specific 14:4 67:13	116:20 120:14	statistics 74:21	streamed 2:2
118:13 129:14	68:9 81:25 85:18	122:4,11 127:5	116:25 119:1,9,12	strength 97:8
136:3 139:14	98:16 158:12	139:15 170:3	119:20 120:5	strengthened
140:12 141:1	182:16	stages 12:13 18:9	122:5 131:14	151:12
183:16 186:25	specifically 25:6	51:20 114:4 115:7	132:21 133:12,19	strengths 97:18
191:5,20	51:20 98:13	116:1 122:10,16	133:25 134:19	stress 36:11 161:13
sorts 24:14 115:5	144:23 152:1	stakeholders 41:17	136:22	162:7
129:18 180:20	spectrum 137:1	41:24 150:8	status 71:12	stressed 10:25
187:25	184:6	stand 23:15 97:8	statutory 6:3 7:13	stressful 124:3
sound 101:10 107:6	speech 6:18 27:23	98:3 173:4	40:23 43:10,23	strides 96:8
139:22	speed 55:10 95:6	standard 18:17	168:20 193:2	stroke 28:6
sounds 54:8	136:15 140:8	22:21,21 23:8,20	stay 163:23	strong 37:1 192:15
sources 9:12 64:4	spend 63:22 76:25	141:18 153:22	staying 103:7 140:3	stronger 40:15
south-east 130:23	78:3,7,12 112:22	standards 4:2	stays 152:18	42:11
space 117:19 159:1	154:5 187:11	21:15,18 133:16	steadily 120:11,12	struck 94:24 95:8
spared 167:10	spending 64:10	134:7,24 137:21	steep 31:3	96:6 135:10
spark 61:11	112:21 137:5	177:7	steering 95:3	structural 11:7
speak 2:13 15:15	spent 8:7 61:3	standing 77:9	stems 177:23	structure 100:21
52:4 63:13 82:11	74:15 101:24	Stanhope 101:8,23	step 99:4 176:20	178:1
87:21 93:5 101:25	102:2 149:13	102:11	steps 111:21	structured 100:10
111:23 128:8	190:15	start 3:19 20:10	stereotypes 25:8	struggled 37:22
148:20 150:4	split 158:25	22:14 23:2 24:7	183:9	struggling 48:18
170:10 193:19	spoke 26:12 53:10	33:5 66:24 83:6,7	stick 69:4	stuck 105:11
speaking 22:6 94:6	55:18 145:25	100:8,25 108:10	Stockport 7:12	192:20
110:22 112:12	149:1 168:8 169:8	132:6,7,8 144:12	stood 58:5	studied 3:11
113:10 125:15	spoken 53:2 79:2	144:21 162:19	stop 190:4	studies 154:13
139:21 149:21	103:20 104:22	182:25 183:9	stopped 71:20	stuff 53:22 54:7,9
184:11	179:18 191:3,6	185:4	stories 95:16	54:12,13,18 55:2
speaks 20:6 22:14	spot 15:6 16:20	started 12:5 22:18	150:15 187:21	55:4,11,16,17
special 28:13,23	28:17 36:10 94:7	92:16 120:17	story 155:13	85:8 98:1 105:24
64:23 82:20 155:1	spotted 28:19 30:6	starting 20:4,8	straight 23:6	105:24 106:18,25
168:18 173:25	spread 27:7 164:12	136:14 159:24	106:15	107:1,5,6,11,14
174:1,3	St 60:10	starved 159:23	straightforward	192:8

subject 45:13 187:5	22:9,24 23:7,23	98:4 99:2,4	3:13,15 6:5 7:16	tailored 182:17
submissions 2:11	24:3 36:4,19	100:11,15,20	8:1 9:21 10:6,14	take 1:14 2:25
subsequently 72:1	37:16,23 39:16,18	101:17 103:17	10:16,19,21 11:25	17:15 23:25 24:5
substitution 8:3	39:19 40:8,12	107:22 113:20	12:4,8,17,21 14:8	26:25 30:14 37:2
success 99:25 157:9	41:19 42:1,12,20	121:12 140:25	14:9 16:18,24	38:8 45:1 56:8
168:5 170:14	44:5,24 47:15	144:13 149:12	17:13,17 18:24	62:8 66:14 79:15
successful 18:21	48:6,17 49:8,17	150:7 151:5	19:1 20:3 22:7,13	80:9 82:16 84:19
50:9 98:23 165:7	49:25 60:17,23	167:13 168:1	31:11 35:1,17	103:1 105:4 123:4
168:4	62:19 63:15,19,23	175:19,24 187:2	36:13 43:8,9	123:10,12,15
succinctly 20:1	64:1,2,6,7,8,11,17	192:13	47:24 48:9 51:21	124:16,20 125:6
Suck 106:20	65:10 69:1,23	surely 56:2,4,8,11	51:22 54:19 56:14	126:3 130:11
suddenly 173:2	70:24 74:16 76:23	190:14 192:11	59:8 68:12 71:13	145:16 153:24
suffered 21:5 36:13	77:11,16 78:6,15	surprising 129:2	81:8,9 92:16	160:6 165:4,23
162:19	80:6 83:13 87:10	surprisingly 22:17	95:13 96:4 97:18	173:24 176:20
suffering 88:17	88:8,25 98:2	Surrey 53:8	108:4 116:5 120:2	185:3 192:9 193:7
193:14	100:12,15 104:9	surrounded 58:5	125:18 134:11	taken 15:7 21:16
sufficient 155:22	104:13 110:6	survey 119:22	135:11,13,13,17	27:13 37:6 44:25
160:5,8 170:20	124:8 142:3 144:6	surveys 81:6,11	135:17,19,25	45:21,25 46:13,14
suggest 36:1 80:16	144:14 149:13,14	survival 50:12	136:5,15,20 138:1	59:14 72:2 86:18
175:21	149:15,19,19	88:14,15	138:10 143:7	110:13 117:22
suggested 173:3	173:24 180:12	survive 88:16	145:12 146:4,5,6	119:18 124:3
174:14	182:8	survivor 56:23	153:3 157:14	137:6 174:24
suggesting 62:25	supported 19:9,19	60:11 192:14	159:22,25 160:2,5	175:7,9 195:7
76:15 178:3	48:4 65:7 76:7	survivors 3:8 40:17	160:20,21 161:4	takes 18:5 21:2
185:23 188:14	83:16 128:17	48:12,17 57:15	161:21 176:2	24:8 26:6,8 28:16
suggestion 172:16	150:23 156:20	58:10 59:16 65:18	180:6,7 189:1,6	113:22,24 124:15
185:19	supporter 164:24	66:1,1,5 69:8	189:15 193:10	125:9 134:1 166:5
suggestions 67:22	supporters 11:6,20	73:22 74:8 75:2,9	194:10,11 195:1,8	166:21 168:12
suggests 35:15	35:23	76:4 81:14 90:18	198:5,15	takeup 178:6,10
Suitably 115:15,16	supporting 4:13,25	92:10 103:14	systems 96:11	talk 29:14 56:24
suite 186:25	24:22 76:3 96:8	104:10 145:25	191:15	57:21 59:18 66:22
sum 103:15	supportive 181:17	149:15 168:7		79:6 86:19 93:14
summarising	185:23 186:4	182:4 190:22	T	95:5 102:17 105:5
196:25	supports 19:20	191:5,10,12	table 27:16 52:6,9	121:4 127:14
summary 116:6,6	suppose 115:21	survivors' 145:20	53:12 57:18 72:17	146:3 147:22
117:3,7 132:2	supposed 94:12	197:8	104:19 108:6	150:1 157:24
summed 11:23	111:1	susceptible 89:8	112:3 147:21,24	160:6 173:21
summonsed 144:10	sure 15:16 17:10,11	183:12	149:9 158:21	181:5,15 184:21
superb 177:5	17:12 18:13,17	suspect 24:20 34:17	173:22 194:15	187:6,7 194:22,23
superintendent	25:3,9,19 26:7,14	112:5,21 155:25	tackle 80:20	195:10,22
52:12 53:10	29:19,22 34:8	172:20	tackling 75:13	talked 40:19 64:19
support 3:10 5:11	36:3 43:18 45:24	sustaining 23:1	99:24	71:1 85:8 90:23
5:13,14 7:14	54:14 66:22 75:16	symbols 29:4	tactic 59:10	91:12 119:6
10:12,17 11:12,19	75:21 77:20 84:7	sympathetic 111:3	tag 142:21	120:19 129:25
16:14 19:17 20:21	86:8 93:6 94:17	system 1:6,23 3:4,9	tagged 163:10	146:17

<p>talking 13:7 21:13 27:17 29:22,24 45:8 46:4,12 54:17 55:5 57:3 59:7,12 73:3 93:15 97:12 101:19 106:25 112:22 151:14 154:6 159:16 171:2,4 184:17 185:1 194:18 talks 48:13 181:8 Tan 4:6,6 53:6 tangible 42:25 target 89:6,15 targeted 41:10 targets 116:7 task 197:4 taste 72:16 taught 25:6 84:8 190:5 teacher 102:6 team 2:1 4:22 5:8 16:9 48:6 52:15 65:9 98:24 99:1 100:7 108:15 124:9 140:17 143:11 149:12,16 150:4,6 186:20 190:11 197:6 team's 149:13 teams 21:14,24 45:9 52:17,24 57:6 99:24 109:10 124:2 technical 99:9,9 technically 142:5 169:15 techniques 180:4 technology 187:1 teenage 187:11,13 teenager 125:13 tell 56:1 126:11 128:10 148:11 telling 83:12</p>	<p>183:11 tend 66:24 69:10 114:9,21 tends 117:8 129:21 term 40:12 62:15 72:19 termed 104:1 terminology 103:10 126:22 129:25 135:3 terms 23:25 30:25 34:7 35:14 38:18 46:1 48:18 49:3 64:14 65:3 68:2 69:13 82:3,21 83:8,21 89:25 99:4,11 110:18 114:11 115:20 119:3 120:3,19 129:1,5,18 133:2 136:22 137:20 154:11 155:2 157:5 158:17 162:11 163:7 166:8 167:23 170:6 173:25 175:25 177:3 182:12 192:24 terrible 126:12 terribly 127:7 territory 185:12 terrorist 95:1 test 15:8 18:3,10 20:18 39:6,7 109:8 testimony 152:4 testing 175:12,19 tests 17:21 109:20 thank 2:6,8 6:11 8:2,9 18:14 21:6,8 23:22 24:9 27:2 34:9 38:14 43:4 49:10 51:13 60:24 62:8 63:1,6 69:19 79:1 87:12,18</p>	<p>89:25 92:2 98:8 98:18 100:24 101:22 102:10 107:17,18 108:5,9 108:22 115:25 118:24 119:1 121:16 122:4 128:6 129:24 133:11 136:17 138:2 141:23,25 144:1,20 145:24 149:9 150:14,15 151:20 152:23 153:24,25 154:5 158:17 161:7 186:15,17 188:5 190:19,20 196:14 196:17,17 197:2,5 197:16,18 thanks 2:4 16:21 43:6 73:8 87:18 93:20 99:21 101:8 123:24 197:12 thematic 41:15,18 41:23 theme 10:1,11 90:7 186:24 themes 9:2 14:3 108:25 140:20 theory 154:11 171:15,16 therapeutic 48:8 49:8 74:6 77:11 97:25 therapies 95:22 therapist 6:19,19 27:24,24 therapists 50:13 therapy 12:5,6 they'd 58:16 thing 22:20 42:8 55:11 57:22 68:10 69:7 79:24 86:19 87:8 96:6 98:6 115:11 123:18</p>	<p>142:14 143:20 152:8,20 169:4 174:12 182:24 183:10 185:17 186:14 191:25 things 9:16 13:2,24 19:8 24:7,25 25:14 37:18 39:5 39:10,15 42:7,14 43:15 46:24 47:8 54:2 56:10 57:4 59:17 61:21 67:9 68:25 70:15 79:14 80:25 83:4 84:13 88:1 92:8 93:3,11 102:15 103:7 106:15,21 107:4,4 119:14 120:19 121:2 129:19 136:11 139:6 140:14 141:20 142:10,16 143:11 146:10,12,13,17 150:12 151:2,4 152:15 164:25 167:15 179:7 182:5,21 183:11 183:15 186:21 187:25 188:19 190:4,23 think 8:2 16:14,23 19:25 21:6,9 22:2 22:4,5 23:5,14,19 24:13,15 25:23 26:17 27:3,9,13 28:21 29:24 30:15 30:16 31:2,5,7 32:19,25 33:4,11 33:14,18 34:18 35:6,11,14 36:2,8 36:17 38:24 39:5 40:19 41:7 42:2 42:14 43:4,11 44:10 45:8,23,24 48:1,20 49:13,15</p>	<p>49:19 50:5,12,18 50:20 52:7 54:10 54:12,19 57:12 59:6,10 60:25 64:23 65:4,17 66:12,13 67:24 68:17 69:15 70:10 71:11,13 72:14 73:7 74:25 75:2 78:17 79:11 80:7 80:25 81:13,22 86:19 89:2 90:22 90:25 92:9,24 93:2,3,15,18,24 94:22 95:18 96:4 97:2,16,24 98:22 101:8,24 105:7,20 105:22 106:1,21 107:4 113:6,19 114:1,2 115:13 116:18,23 117:13 117:15,23 118:16 118:21,24 119:21 120:25 121:7,18 121:24 122:10,19 123:22 124:23 125:21 127:21 128:6 129:2,3 130:9 131:5 132:7 132:14,24 136:14 136:14,18 138:16 138:18 140:6,10 141:16,21,23 144:2 145:18 147:2,16 149:18 150:17 151:20 152:7,23 161:8 164:17 165:6,18 167:8 169:1,5,6 169:21 173:9,17 173:20 174:4 177:9,10 179:4 181:24 182:21 183:16,17 185:25 186:10,13 187:16</p>
--	---	---	--	---

188:17,23 189:1 190:16,18 192:23 193:21 194:1,3,22 196:7 thinking 27:14 28:11 96:13 174:9 174:20 third 4:15 10:11 23:4,6 50:20 68:24 70:25 109:19 110:1 137:22 170:24 178:21 Thirdly 15:5 thought 2:23 55:24 58:18 61:19 105:16 166:7 177:11,25 186:20 187:15 195:14 thoughts 145:22 150:16 182:10 threatening 178:3 threats 75:17 80:20 three 5:16 32:19 43:23 56:24 58:12 60:20,21 70:7 84:25 85:4 86:6 94:1 108:5 126:13 127:7 133:21,24 158:16 threshold 19:14 throw 57:22 106:23 Thursday 144:12 ticket 115:14 ticketed 115:12 118:11 ticks 187:24 tight 101:12 117:17 170:17 tightened 118:19 time 14:19 15:8 16:11 26:16 29:7 32:22 43:16 46:19 50:20 51:19 53:19 55:11,11 56:18	57:4 60:20,24 61:7 74:25 78:3 78:12 80:4 87:23 90:8,15,21 91:1 101:12 102:17 112:21,23 113:21 115:7 116:4 117:19,22 118:3 118:23 119:6 120:3,8,20 122:7 122:23 123:4,16 124:23 126:12,24 127:1 129:15 133:14,25 134:8,9 135:20 137:5 140:19 142:22 144:14 149:13 151:23 155:22 159:7 160:18 161:10 164:10 170:20 171:14 173:12,13 177:22 184:23 188:25 190:17 195:1 196:24 timeline 136:9,11 timelines 117:9 timeliness 119:3,15 120:24 123:14 132:3 136:23,25 timely 42:25 times 32:2 95:21 113:7 121:8 127:7 timetable 117:16 166:2 timetables 117:9 176:1 timetabling 172:15 timing 125:8 131:12 181:19 tinkering 179:9 tiny 116:13 tip 117:21 tiptoeing 55:4 tired 192:8	today 1:22 2:10,22 2:24 3:12 4:17 8:24 9:4 14:13 15:19 24:4 29:22 59:5 60:12,22 61:2 63:8 76:15 78:20 91:12 93:3 103:19 105:25 106:3 107:10 140:21 146:20 182:2 186:16 188:10,23 196:25 197:3 today's 5:21 123:5 196:21 toes 106:24 told 9:18,23 10:10 10:19 17:11 57:10 57:18,19 58:16 60:16 87:22 109:6 110:15,15 118:10 127:3 130:3 131:6 131:8 145:11 191:6 193:16 Tom 101:23 tomorrow 150:11 Tony 5:2 98:11 tool 149:3 180:1 tools 94:17 181:13 top 34:5 54:11 74:14 80:22 94:13 104:17,18 107:16 176:16 189:19 topic 34:1 41:21 43:7 topics 2:23 14:18 15:11 16:2,10 total 55:8 totality 117:20 137:25 totally 95:23 161:9 194:5,12,12 touch 78:15 79:2 150:18 touched 82:19	tough 153:23 town 58:4 66:19 Track 142:17 traditional 181:9 181:12 traditionally 69:8 trafficked 107:14 trafficking 125:12 train 86:20 trained 25:4 28:1 30:12 32:23 33:14 33:23 54:22 59:19 62:16 87:22,23 109:11 115:15,16 176:13 179:14 190:8,8 trainers 177:15 training 12:10 25:13 26:7,8 27:3 27:7,8 28:16 30:15,24 32:24 33:9,12,13,17,19 36:10 37:1,10,11 37:19 40:24 59:23 59:24 62:12 75:23 76:9 84:23 85:2,9 85:12,14,24 86:19 87:3 104:20 176:23 177:10,21 178:1,10 179:5 180:12,18,24,24 190:3 191:21 193:11 194:1 196:8 trains 179:13 transcript 1:18 196:21 transferable 175:23 transform 151:18 transformation 37:25 64:24 71:3 151:10,16 transforming 116:6 132:2 156:9	180:25 trauma 9:20 28:14 28:15 34:22 46:14 53:12,16 54:3,5 95:6,17 104:16 145:20 162:19,25 167:10 192:12 193:11 194:6,12 194:22,24 195:10 195:16,18 trauma-informed 55:8 56:3 61:21 104:12 traumatic 45:20 traumatised 163:1 183:23,24 192:16 travelled 197:14 Treasury 151:8 treat 19:5,5 treated 11:25 13:21 17:17 19:9 57:5 169:4 181:1 tremendous 152:13 trial 10:3,3 21:12 21:12 29:18 86:15 88:23 97:20 113:23,25 114:15 115:5,10 125:24 132:21,23 159:12 159:14 162:3 163:23 166:6 167:8,17 170:24 171:5 172:10,11 172:13,14 173:15 176:12 185:17 186:3 trialling 86:4 trials 45:14 71:16 128:14,14,23 130:6 133:3 167:17 173:4 tribunal 17:6,25 18:12 Tribunals 108:15 tricky 19:14
--	--	---	---	--

tried 5:23 149:5 183:16	tulips 55:4	196:3	142:15 147:2,23	134:4 135:5,6
triggering 193:18	tune 97:17	types 19:12 35:1	147:23 152:5,18	141:1 190:12
triggers 163:21	turn 16:19 18:18	36:21 45:13 78:7	153:20 154:15,18	universal 38:19
trouble 160:21,22	19:22 22:2 30:11	95:6 114:17 120:6	154:22 174:7	67:23
197:17	34:13 38:13 46:9	132:22 148:15	178:10 184:9	universally 98:15
true 36:6 52:9 93:3	46:16 47:25 51:13	157:24 167:23	187:19,20 189:21	unjustly 187:12
105:17,20	62:20,22 63:12		190:12 194:12	unlimited 115:18
truly 81:3 82:13	66:8 68:5 69:19	U	understanding 1:6	unlucky 153:20
83:14	73:4 76:23 78:18	UK 66:1 99:20	26:22 38:25 47:6	unmatched 34:4
trust 13:19,19,20	83:25 87:12 90:2	149:15 191:10	127:6 128:3	156:16
13:21 26:11 29:2	93:18 98:10	ultimately 25:22,23	130:21 138:25	unpleasant 13:2
40:16 83:11 124:2	100:24 113:20	36:5 87:15 178:18	140:12 147:16	unrecognisable
124:4 146:25	115:23 122:5	umbrella 66:1	152:17 170:12	79:19
147:3 152:7	127:18,22,23	unable 2:3 8:20	174:4 184:16	unreliable 155:10
153:17 187:15	132:14 135:9	unambiguous	193:11,23 194:7	unsatisfactory
191:5	144:20 158:18	38:19	196:3	192:20
trusted 146:18	170:3 182:9 188:5	unaware 169:5	understood 19:18	unthinkable 156:2
trusts 77:8	turned 51:8 88:24	unbadged 50:1	72:13 111:4	untold 155:13
truth 98:6	turning 109:2	uncertainty 128:24	124:24 162:6	unused 109:18
try 4:4 14:21 19:16	154:9	130:5	194:6	110:1,2 170:25
23:18 27:7 50:11	Turnover 156:18	uncomfortable	undertake 36:25	unusual 127:8
58:23 65:13,21	turns 130:16	79:4 80:11 177:4	85:2	upbringing 89:4
66:2,4 67:21 69:3	TV 174:15	under-10s 126:4	undertaken 85:22	updated 139:10,11
70:1,16 83:2	two 10:9 18:15 21:8	154:19	158:5	use 29:6 30:23
86:16 101:21	21:15 33:4,18	underfunded	undertook 166:24	35:19,21,23 49:8
127:15 132:3	51:23 53:15,17	159:23	undoubtedly	72:4,18 99:16
142:11 143:6	60:20,21 64:3	underlying 46:15	159:22	142:18 149:3,4
147:23 149:7	68:6 70:17 77:4	undermines 89:17	unequal 161:19	156:21 159:10,12
180:20 192:9	97:15 102:6,24	110:11	uneven 156:21	159:18 163:9
trying 15:11 46:22	115:25 116:15	undermining 88:6	177:1,8	164:3,3 175:8
47:8 50:22 66:5	121:2 122:16	88:24	unfairly 187:13	181:13,14 187:1
68:22 76:21 78:8	124:21 126:13	underpinning	unfortunate 35:7	196:11
85:10 101:22	127:7 135:22	18:16	193:1	useful 31:20
103:15 105:4	139:17,17 151:21	understand 15:11	unfortunately 8:25	user 151:13
115:13 119:4	151:25 159:1	24:5 26:20,23	33:5 123:4 178:10	users 151:11
120:17,20,24	160:13 188:21	28:16 32:4 41:17	unfounded 172:3	usher 71:25,25
121:21,24 137:11	189:11 196:19	46:6 47:3,10	unhappiness 51:5	usual 158:8
140:7 142:21	two-stage 109:8	48:15 58:25 66:14	unheard 44:18	usually 4:14
149:19 153:1	Two-thirds 156:3	81:3,12,17 82:14	unhelpful 46:20	
156:10 188:21	two-week 126:25	83:2,15,21 85:10	unit 4:22 25:18	V
Tuck 52:2 103:10	130:4	86:13 87:1,9,9	91:20 111:15	valuable 93:9
Tucker 3:25,25	two/three 60:16	89:14 101:18	139:15 141:11	152:20 161:3
18:22 36:15 46:17	type 6:8 10:12	112:24 124:16	142:4 144:5	188:24
84:5	68:11 146:3	128:2 130:25	units 25:5,5,13	value 149:3
	166:16 174:2	137:1 140:1	68:13 133:14	values 81:22

variable 13:5 71:14	victims 3:8,22 4:16	victims/survivors	44:6,23 50:22	145:17 151:23
varies 72:12	6:2 12:15 17:16	190:9	53:24 61:5,19	152:21 154:23
variety 5:19 115:21	19:9,19,20 20:20	victims/survivors'	67:6 70:11,14	160:6,14 167:9,13
various 8:19 17:2	22:25 26:3,12	145:5	76:12 121:5	168:3,10,17,24
134:12	34:23 36:6 40:17	victims/witnesses	128:13 146:18	169:15,24 173:24
vary 181:10	49:18 50:5 59:14	158:15	157:4,12,23,24,25	175:3,21 176:8
vast 47:16	60:5,15 61:5,19	video 1:19 12:24	158:9 161:16,21	182:14 190:10
VAWG 64:24	61:25 64:2 66:13	58:7 196:23	163:12 164:14,15	194:5,23,24,24
Vera 5:25,25 22:2,5	66:16 69:13,16	videolink 188:15	164:15 165:11	wanted 21:6 22:5
26:2 49:12,14	70:11 73:21 74:8	view 19:2,16 21:19	166:11 174:1	22:16 23:23,25
63:17 66:9,22	75:2,8 76:4 78:6	22:8,13 23:13	177:21,24 179:2	24:4,10 26:1
68:1 69:19,21	80:5,16,19 81:5,6	45:25 55:5 66:10	179:20 180:9	32:25 34:14 36:8
105:6 140:25	81:15 83:9 90:5	68:23 84:1,21	192:11,12,15	38:14 43:4 49:13
143:22 144:1	90:18 95:17 98:3	112:7 113:21	193:6	49:14 67:16 69:6
Vera's 25:7	99:5 100:4,12	135:16 136:10		73:5 77:24 92:6
verbal 188:18	104:9 112:20	161:18 180:8	W	93:8,18,20 102:16
verbalise 193:25	113:3,8,12 114:12	182:6 183:18	wait 96:14 128:24	118:24 121:2,18
verdict 145:22	116:21 121:6,6	193:22	129:15 145:9	121:19 123:22,24
version 24:20	123:18 135:18	views 15:13 43:14	160:7	125:21 126:18
victim 5:11,13,14	138:25 139:21	154:9 184:13	waiting 32:21	128:6 133:9,12,13
11:22 18:6,7	140:3 142:1,7,14	188:1	76:11 95:21	141:23 146:13,14
23:16 30:19 44:12	142:19 143:15,17	violence 10:18	101:14 125:3	147:17 150:1,14
45:20 49:21 52:14	143:20 144:5,13	63:10 64:15 67:2	129:15 138:11	150:17 152:23,25
60:11 63:17,19,23	145:25 147:17,21	69:10 74:12	165:14	165:18 168:9
66:20 73:7 84:10	148:4,14 149:1,4	103:11,14	Wales 7:1 74:12	173:17 175:11
88:16 89:3 96:13	149:17,21,22,22	virtue 193:2	79:9 135:20	183:3 191:25
96:17,21 99:3	149:23 150:4,8,9	vision 142:25	walk 82:10 125:7	192:2 194:3
100:15 136:7,21	150:10,10,14,19	visiting 25:12 37:15	189:25	wanting 22:3 32:23
138:1,7,14 139:10	151:14,22 152:2	153:15	walked 44:14	73:20 105:3
140:22 141:6	153:6,18 158:13	vidually 138:3	walks 20:4	169:10
142:22 143:9,13	166:12 167:24	voice 101:15	wall 56:12	wants 111:7 132:15
145:20 147:3	168:1 174:9	voluntary 49:9	want 22:4 24:5	161:8 169:24
149:25 152:13	175:10,12,12	50:7 69:12	39:14,17 42:12	warn 130:2
167:9,24 168:22	182:4 192:25	VSCP 55:23	47:1 52:25 53:15	warned 126:10,14
169:23 174:10,25	197:8	vulnerabilities 48:7	55:7 56:5 58:20	126:22 130:1,20
175:1,2 192:14	victims' 3:9 5:9 6:7	80:21	69:1 76:18 78:6	130:23
193:3	9:12 24:2 40:20	vulnerability 28:4	78:18 79:2 82:2	wasn't 58:18
victim/survivor	63:18 64:5 70:4,8	39:24 44:12 47:6	82:13 86:21 87:6	128:22 157:7
192:11 193:18,24	70:18 111:8	49:21 76:10 79:16	87:18,19 89:21	167:2 171:14
victim/survivors	113:17 138:6	80:4 85:8,9 87:3	92:20 95:7 96:12	184:24 197:4
104:12 193:14,16	139:5,9 140:13	176:24 192:21	96:20 98:5,13	waste 126:12
victim/survivors'	142:1 143:1 144:6	vulnerable 6:15,21	101:10 105:19	watched 60:3 71:22
193:22	144:19 148:4	7:15 23:15 29:10	109:12 111:25	71:23,23
victim/witness	149:20 150:6	37:12 38:23 40:10	118:12 139:10,11	way 6:17 10:4 11:8
166:22	175:1	41:2 42:13 43:2	142:15 144:13	11:8 19:5,19,21

29:3,15 36:18	166:4 171:3,8	35:22 55:22 56:2	173:19 174:17	99:17 100:1
37:16 39:13 42:17	197:1	71:19 96:18 97:21	175:8 183:20	121:14,21 124:2
42:25 43:6 50:2	weight 20:17	121:10 125:23	186:15	135:2,2 136:20
59:24 62:25 64:14	124:25	127:2 128:9,16	words 81:21 151:21	137:17 148:13
71:12 74:9 80:19	welcome 1:3,4,13	129:4 139:15	181:7	156:5 161:12
84:7 86:21 88:21	1:16 15:20 30:15	140:19 141:1,11	work 3:12 4:18	163:15,18 178:11
91:6,21 92:8	159:20 197:24	142:4 144:5	6:14 8:6 14:24	works 63:17 70:21
96:24 101:10	welcomed 158:22	150:23 155:6	20:20 26:5,8,21	92:3 141:12
102:3,10 103:22	161:24 170:9	157:15 159:19	28:24 30:1 33:19	162:14 180:3,5
106:6,17 111:3	welcoming 126:4	164:6 165:2 179:2	33:20 37:7 40:6	189:7,8
114:14 115:13	welfare 22:15 51:8	195:21	43:1 44:4 46:2	world 11:2 82:22
125:19 128:12	73:21 115:17,19	witness's 165:12	49:3 50:3 55:13	99:8 100:17 123:2
132:17 136:4,5,14	well-being 83:23	witnesses 3:23 4:16	56:8,15 63:14	139:16 160:21
140:3 150:19	well-defined 47:23	5:10 17:17 19:20	65:9 73:5 76:19	worries 172:22
156:9 158:3 159:8	well-developed	78:6 80:19 81:5	81:1 83:13,20	worry 23:7 96:16
161:25 163:3	47:24	89:21 96:8 108:19	92:5,21 96:4	worrying 160:1
168:5 174:21	well-funded 65:6	112:19 113:8,10	97:18 98:23,25	worse 92:10 97:22
175:9 179:7,22	well-known 34:17	113:12 114:12	100:3,9 103:12	160:24
180:7 181:1,6	34:19	117:14,15 118:20	114:14,17 115:17	worth 13:20 31:2
182:4 185:8,23	well-organised	122:23 126:2,10	118:1 121:21	166:7
186:4,7 189:4	95:10	126:15 128:13	125:18 128:9	worthwhile 152:8
191:22 192:3	went 55:15,17	129:5,6,9,10,11	134:15 137:20	wouldn't 58:14
193:19,23 195:22	71:21 102:11	129:12 133:1	142:8 143:17	68:3
196:4,12 197:14	128:21	140:22 148:20	147:24 150:8	wrap-around 23:3
ways 29:9 43:24	weren't 2:24 91:20	149:1 150:20	155:19,23 159:20	67:14 99:5
45:24 46:20 67:22	92:1	151:14 152:2	161:15,15,17,20	write 29:6,11 61:4
97:10,16 112:13	West 141:10,11,11	154:21 155:9	161:22,23 162:1,9	61:8 78:2 148:22
116:5 119:17	wet 107:7	157:2,20,25 158:1	172:17 173:14	162:22 178:16
123:19 128:2	whilst 14:9 45:17	158:9,12,13 159:3	176:2 181:17	write-only 60:8
140:1 162:24	Whoa 107:8	159:9 166:12	189:7,9,9 196:5	written 27:11 61:18
wearing 118:14	wholly 70:19	169:5 174:2,23	197:6	110:17
weave 89:17	widely 43:15	175:18 177:24	worked 5:16 6:20	wrong 13:24 14:1
web 99:14	164:17	178:24 179:20,20	41:16 69:13,14	78:24 111:18
Webb 7:8,8 21:8	wider 14:25 24:1	179:23 180:8,9,10	92:14 97:7 135:1	184:10 190:4
43:6 93:20 123:24	49:5 73:1 148:6	181:1 182:25	165:8	
135:10 186:17	165:1 177:7	185:25	worker 50:3	<hr/> X <hr/>
website 1:19 8:14	willing 29:20,23	wonder 24:10 35:3	workers 44:21 48:5	X 197:22
66:15 196:22,24	willingness 51:11	111:21 177:17	50:4 71:2,5 98:25	<hr/> Y <hr/>
197:1	Wiltshire 147:8	182:9	100:2,2 124:10	year 31:22 33:6,10
Wednesday 1:1	window 126:25	wonderful 169:17	working 4:8,14	38:1 61:3,6 64:10
week 46:5 165:4	wish 2:17 14:13	195:5	26:18 40:22 41:4	66:2 70:5,5,6,6
weekends 122:1	17:19 52:5 54:9	wondering 189:15	41:23 43:19 50:4	74:14 77:10 86:1
weeks 126:13	139:2 144:22	wont 158:25	55:6 65:20,20,25	102:12,13,14,21
138:13 149:24	wishes 15:8	word 105:20	67:25 68:2,10,13	102:24 119:23,25
153:8 155:25	witness 4:18 32:8	145:16 151:20	68:14 78:24 92:13	122:1 134:21,22

143:13 147:11,13 158:7,10 176:23 year-on-year 78:4 years 5:16,18 8:8 9:22 27:25 31:4 32:17,19 33:4 44:16 53:17 60:6 60:16,21 70:7 79:13,20 92:14,16 96:23 101:15,24 102:2,7 103:3 104:23 113:9 116:14,15 119:18 124:21 132:11 134:5 135:22 141:16 147:8,11 151:18 153:3 161:12 191:12,22 years' 60:20 79:13 yes/no 37:14 180:12 yesterday 1:8,18 2:9,24 3:5 9:11 12:22 14:4,12 51:15 57:15 60:12 62:13 63:9 65:17 73:1 78:20 87:14 103:6 125:17 138:3,12 145:25 155:17 157:17 158:20 168:7 174:13 175:7 182:2 188:13,23 197:3 yesterday's 1:19,20 9:2 12:25 young 44:6,23 55:14,15 70:14 89:15 97:6 102:6 108:19 116:14 117:5,8,14 118:20 121:10 124:1,12 124:15 125:2,9,23 126:1,10 133:1 136:12 155:18,20	157:1,20 164:6 181:8,12,14,20 186:20 187:3,4,25 younger 60:18 102:7 youth 117:6 <hr/> Z <hr/> Zealand 182:15 <hr/> 0 <hr/> 1 <hr/> 1 133:24 156:7 197:24 1,000 134:22 1.10 107:25 1.2 70:4 1.4 70:5 10 44:2 77:7 96:23 117:15,16 124:22 129:13 144:12 10.00 1:2 100 189:13 101 198:12 108 198:14 11 73:18 11.40 63:2 12.01 63:4 126 120:16 121:20 121:20,24,25 13 4:8 46:19 14 74:15 145 198:18 153 133:22 154 198:20 157 120:16 16 96:1 116:14 158:6 16-year-old 124:22 16,723 31:21 164 74:24 17 66:17,19 18 28:4 119:25 158:2 180 28:22 31:6 32:2	183 31:7,14 32:15 33:15 188 198:22 196 198:24 1986 191:10 1988 125:24 <hr/> 2 <hr/> 2 85:14 107:23 155:21 198:1 2-year-old 155:22 2.00 108:2 20 101:15 119:18 133:24 2004 108:21 2011 31:20 42:4 120:18 2013 8:7 74:23 77:7 2014 5:24 64:8 73:8 120:10 2015 6:6 71:17 73:7 74:13 75:13 120:10,16 156:4 177:24 2016 41:11 71:17 120:5,9,16,16 133:13,20,24 2017 1:1 31:20 133:16 2018 178:2 22 1:1 24 79:13 100:19 25 119:23 25,439 31:20 27 77:9 157:15,21 167:18 168:19 28 75:15 121:3,17 133:18,21 134:10 145:7 157:5,13,17 157:25 158:14,17 165:3,3,5,6,21,24 166:9,11,24,25 167:2,3,5,16,20 168:13 169:7,14 169:20 172:2	173:24 174:11 175:12 177:23 181:16 28-day 145:3 <hr/> 3 <hr/> 3 3:14 63:5 85:20 198:3,3,10 3- 155:20 3.12 154:1 3.30 130:13 153:25 3.34 154:3 30 5:18 8:8 44:16 58:2 59:9 71:16 101:15 119:18 141:16 191:12,22 30-something 44:3 33 73:19 38 138:13 <hr/> 4 <hr/> 4 108:3 154:4 157:1 198:14,20 4-year-olds 155:20 4.41 197:19 40 101:15 118:8 400 74:11 42 103:3 43 79:8 134:4,4 145:15 189:22 190:13 450 31:14 450/550 31:5 47 4:11 48 167:5 <hr/> 5 <hr/> 50 101:15 118:8 50-odd 70:10 52 198:8 526 133:20 550 31:14 566 120:10 591 31:24 593 120:10 598 120:5,9	<hr/> 6 <hr/> 6,200 134:21 6.2 64:13 600 32:22 54:22 610 31:24 621 31:23 63 198:10 <hr/> 7 <hr/> 7 74:14 7,100 134:21 7.2 64:7 700K 70:8 70s 60:15 <hr/> 8 <hr/> 8 167:19 8.7 64:11 80 57:7 80s 60:15 <hr/> 9 <hr/> 9 167:4 90 154:20 90s 57:3 60:15 99 129:6
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