

**No Witness, No Justice (NWNJ)
Pilot Evaluation
Executive summary
29 October 2004**



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1 Executive summary

1.1 Background

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

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

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

The pilots have been moving towards compliance with the Minimum Requirements but, even in August 2004, none of the pilots is adhering to all of the Minimum Requirements for all cases. It is this evolutionary stage of development that has been the subject of this final independent evaluation. Furthermore, it is important to recognise the the lead time before improvements in the witness care process will deliver benefits; this is particularly true for Crown Court cases which take some months to come to court. For these reasons, this ***"final" evaluation is more akin to an interim evaluation, and provides an indication of what is achievable within a short period rather than what NWNJ can achieve once embedded.***

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

1.2 Purpose and methodology of the evaluation

The aim of this evaluation is to determine the extent to which the pilots have achieved their objectives and National Rollout is likely to do so. NWNJ's objectives are defined as its ten performance measures and the benefits set out in the business case.

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The findings of this evaluation will inform the HM Treasury decision about the release of ISB funding for years 2 and 3 and a decision on whether the initiative should be continued in its current form, altered or expanded, for the purpose of National Rollout.

The evaluation methodology combined quantitative and qualitative analysis to arrive at a conclusion based on the persuasiveness of the evidence available. The quantitative analysis intended to use data drawn from WCUs’ own systems (to measure witness attendance), Department for Constitutional Affairs (DCA) (trial outcomes), case file review (Victim Personal Statements), Witness Service records (referrals and pre-trial visits) and a survey by MORI (information and support provided to victims and witnesses, and witness satisfaction). Of these, only the DCA data on trial outcomes is considered reliable at both an all-pilot and area level. The MORI survey can be relied upon at an all-pilot level, but not at the level of each area due to the small sample sizes. The inherent weaknesses in the other sources of data, combined with other factors, notably the complexity of the CJS, the number of factors driving changes such as ETMP and Charging, means that the evaluation has relied heavily on qualitative analysis.

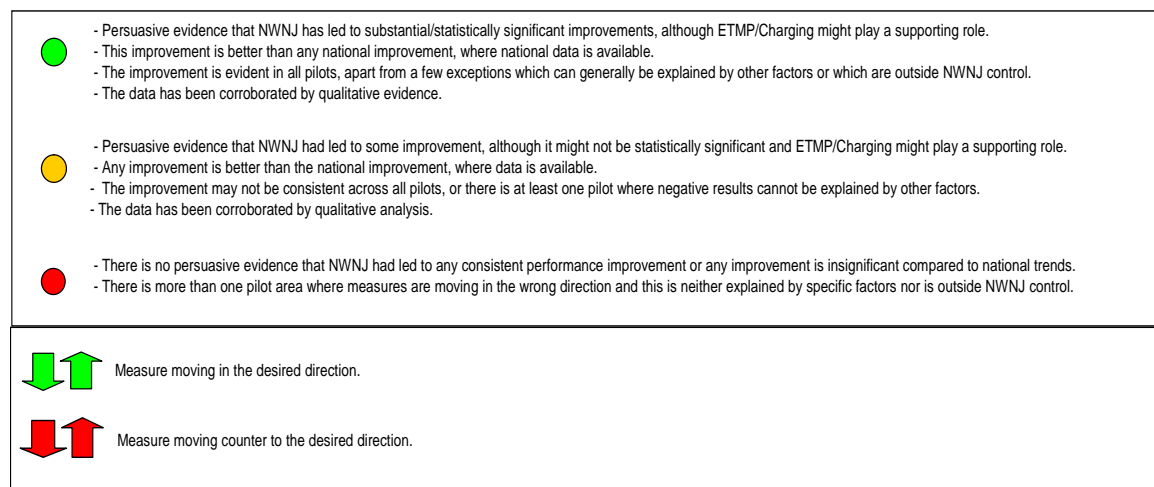
The qualitative analysis involved consultation with some 150 key stakeholders from the NWNJ Implementation Teams, WCUs, CPS staff such as caseworkers and lawyers, frontline police officers, court officials and the local voluntary sector, including Victim Support and the Witness Service. In general, this qualitative evidence supported the data available.

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

1.3 NWNJ’s impact on the performance measures

The following page summarises the evaluation’s findings on the impact of the NWNJ on the ten key performance measures, in a “performance dashboard” format. The finding for each performance measure is indicated by the colour of the “traffic light” on the left hand side of the dashboard. The key to the dashboard is shown in Figure 1 below.

Figure 1: Key to performance dashboard



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

The dashboard highlights the finding that at an all-pilot level, ***NWNJ has impacted positively on all but one of the performance measures.*** The exception is the number of witnesses receiving information at the point of statement (performance measure 9), which has decreased, albeit slightly.

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

The following sections set out in more detail the evaluation's findings about NWNJ's impact on the performance measures.

1.3.1 Witness attendance (performance measure 1)

Witness attendance is a key performance measure as it drives changes in ineffective and cracked trials, and is an important indicator of the quality of information and support being provided to witnesses that enables their attendance.

Witness attendance increased by 19% or 13 percentage points from 68.9% to 82.2% between the baseline (January to June 2003) and the current periods (January to June 2004). The data source for these attendance figures is not entirely reliable and, in any case, it is not possible to establish a quantitative correlation between NWNJ and witness attendance due to different data sources. Furthermore, there is no comparative national data on witness attendance to indicate to what extent national trends might have been responsible for the increase. These factors notwithstanding, there is ***persuasive evidence that it is NWNJ which has led directly to these substantial increases in witness attendance*** by improving the quality and frequency of information, and the level of support, provided to witnesses, thus enabling and encouraging them to attend court. The increases in witness attendance were consistent across all pilots, with the exception of Essex (Crown Courts), which faced specific local difficulties in implementing NWNJ.

ETMP and Charging may have supported NWNJ in increasing witness attendance, but assessing the impact of these two strands of CCMP is outside the scope of this evaluation. No other factors were identified which could have had a significant impact on witness attendance across the board.

The increases in witness attendance are all the more impressive as none of the pilots are yet meeting all of the Minimum Requirements in all of the cases. Only when an area has implemented all the Minimum Requirements for all cases, can the full impact of NWNJ processes on witness attendance be determined conclusively.

NWNJ's focus on providing better information and tailor made witness care supports substantial increases in witness attendance, hence this measure receives a "green scoring" in the performance dashboard.

1.3.2 Trial outcomes (performance measures 2, 3 and 4)

Improving trial outcomes is at the heart of NWNJ, since improvements will help the CJS to realise economy, efficiency and effectiveness benefits, specifically narrowing the justice gap.

There is ***persuasive quantitative and qualitative evidence that NWNJ has resulted in significantly improved trial outcomes***, as set out for each measure below.¹ DCA data indicates that:

- ***Ineffective trials due to witness issues have decreased significantly, with a wide margin between the decrease in the pilot areas (26.8%) and decrease nationally (7.5%).*** The decrease is consistent across all pilot areas except for Essex (Crown) and North Wales (Magistrates). Of all the measures, this measure at *Crown* is the least conclusive as the Crown pilots have decreased 25.4% against a national Crown decrease of 20.4%. However, if Essex Crown is (validly) excluded, the pilot measure decrease is 45.7%, significantly more than the national decrease of 20.4%, providing persuasive evidence of the positive impact of NWNJ at Crown also. Even including Essex, the margin between the pilots and national is sufficient to enable a “green scoring” in the performance dashboard.
- ***Cracked trials due to witness issues have decreased. While the percentage point decrease is not statistically significant, it is notable that the pilots have decreased 16.6% while nationally the measure has increased by 9.3%.*** South Yorkshire and North Wales Magistrates Courts have seen increases in this measure, possibly due to stricter enforcement of domestic violence policies seeking to compel victims to attend court. Despite the decreases in North Wales and South Yorkshire, this measure receives a “green scoring” in the performance dashboard because the pilots are breaking the national trend towards an increase in cracked trials due to witness issues.
- ***Cracked trials due to late entry of guilty plea have increased (as intended by NWNJ) significantly. There is a reasonable margin between the pilots’ increase of 10.5% and national increase of 1.8%.*** The results are consistent except for Essex (Crown) and North Wales (Magistrates). This measure receives a “green scoring” in the performance dashboard.

On all three trial outcome measures, the pilots have performed substantially better than the national trend.

Generally, there is a relationship between an increase in witness attendance and an improvement in the performance measures. It has not been possible to establish the degree of relationship, due to the absence of adequate baseline witness attendance data.

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

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

¹ For the Crown Courts, the baseline used is January – June 2003. For the Magistrates Court, the baseline used is only April – June 2003, because of the lack of national consolidated Magistrates Court information prior to April 2003. The current period for both Crown and Magistrates is January to June 2004.

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

The particular difficulties experienced by Essex (Crown) and North Wales only serve to highlight the importance of ensuring clear guidance, adequate resources and strong management for areas implementing NWNJ to enable them to establish these causal links.

NWNJ supports substantial improvements in trial outcomes and thus these measures have “green scorings” in the dashboard. Witness attendance is the key driver of improvements, but good communication between CJS organisations has proved a critical success factor to enable the improved trial outcomes.

1.3.3 Victims and witnesses (performance measures 5, 6, 7, 8, 9 and 10)

NWNJ aims to deliver a more customer focused service to victims and witnesses and to increase witness satisfaction. The evaluation’s findings on the impact of NWNJ on victims and witnesses is particularly reliant on the MORI Wave 2 survey of 351 victims and witnesses. This is a small sample from which to derive conclusions and therefore the results can only be regarded as **statistically significant at the all-pilot level**. As a rule of thumb, a difference of around 5 percentage points between the Wave 1 and Wave 2 surveys is required to call any increase statistically significant. It is reassuring to note that, in general, the results of the MORI survey were consistent with the evaluation’s own qualitative findings. The range of evidence available indicates that, in general, NWNJ **establishes the foundation** for the vision set out in the business case, being that victims and witnesses will:

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

1.3.3.1 Take up of Victim Personal Statements (performance measure 5)

A key standard in the 1996 Victims’ Charter was that victims of crime should be given the opportunity to express how the crime had affected them. NWNJ aims to increase take up of

Victim Personal Statements by allocating responsibilities to frontline officers, Charging Lawyers and WCUs to ensure that victims are able to provide a Victim Personal Statement if they wish to.

A review of a small sample of pilot area case files by the evaluation team revealed that the **take up of Victim Personal Statements has increased more than seven fold from a baseline of 2.3% to 19.4%**. The sample size is small and thus the results should be interpreted with some degree of caution. There is no national comparator data to reveal the extent to which the take up has increased nationally.

The findings are supported by the MORI survey which indicates that the percentage of victims **offered the chance to provide a Victim Personal Statement has increased from 15% to 29%**.

NWNJ leads to substantial increases in victims making Victim Personal Statements, so this measure receives a “green scoring” in the performance dashboard.

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

The levels of referral to, and pre-trial visits arranged by, the Witness Service are some important indicators of the quality of support provided to witnesses. The evaluation of the impact of NWNJ on these measures is largely based on qualitative evidence gathered during the visits to the areas. While Victim Support does collect data at a national level, this has not been used, for the following key reasons. First, the data is structured to fit Victim Support’s performance management purposes rather than the exact requirements of the NWNJ performance measures. Victim Support only became aware of the inclusion of referrals and pre-trial visits as NWNJ performance measures after the start of the pilots, so it was not possible for them to put in place additional monitoring processes to capture the impact of NWNJ. Secondly, the latest complete data set is for the quarter ended March 2004. This is too soon after the implementation of most NWNJ pilots to reflect adequately the impact of NWNJ.

All national and local Victim Support and Witness Service stakeholders interviewed expressed enthusiasm for NWNJ. They believe that NWNJ is moving victim and witness care in the right direction and that the WCUs are providing a good level of care for witnesses.

There is persuasive evidence that NWNJ is enabling the Witness Service both to **provide its service to more witnesses and to provide an even better level of care**. Indeed, the **Witness Service is playing a critical role in the success of NWNJ**. The evidence comes from a variety of sources and covers different aspects of the support provided.

First, the **MORI survey** reveals that the **number of witnesses receiving support from Victim Support or the Witness Service in the pilot areas increased from 57% to 63%**. (However, this increase could partly be due to the fact that the Witness Service is only in its third year of operation in the Magistrates Court and thus expanding its coverage of witnesses.) Secondly, **NWNJ has increased the number of witnesses with whom the WCUs have contact**, probably in line with the increased number who eventually attend. It would be very surprising if these increases did not feed through to increased referrals prior to the trial date. Thirdly, the increase in referrals may be greater than the increase in the number of witnesses as WCUs **explain the benefits to witnesses of a referral** to the Witness Service whilst undertaking the needs assessment by telephone. Accurate descriptions of the services offered by Victim Support and the Witness Service are likely to be

a crucial factor in determining the level of take up. This highlights the importance of police and WCU staff being adequately trained on the services offered by Victim Support and the Witness Service and the benefits of referrals for witnesses.

Fourthly, in each pilot area, the ***Witness Service reports that NWNJ has resulted in increases*** in the number of referrals and pre-trial visits, with the impact being more substantial in some areas, particularly Essex (Magistrates) and Gwent, than in others, such as South Yorkshire where the impact appears to have been slight. The approximate scale of this increase in each pilot area is supported by other area-level qualitative evidence. Fifthly, the ***MORI survey shows an increased percentage of witnesses are being offered pre-trial visits***, up from 55% to 70%.

Critically, NWNJ ***enhances the quality of support*** that the Witness Service can offer witnesses, in three key ways. Firstly, the telephone contact between the WCUs and the witnesses improves the quantity and quality of the information they pass to the Witness Service who are better able to provide a ***tailored service*** to witnesses. Secondly, the referrals are being made earlier than they were, enabling ***more pre-trial contact and preparation***. In this respect, any data on referrals and pre-trial visits would not accurately reflect the impact of NWNJ on the workload of the Witness Service.

Thirdly, NWNJ's focus on identifying vulnerable or intimidated witnesses in advance of the trial means that the Witness Service is better able to offer an ***enhanced service to more vulnerable or intimidated witnesses*** where it has funding for this service. Both the Witness Service and the WCUs report that they are increasingly identifying witnesses as vulnerable or intimidated before the day of the trial. This is particularly important so that WCUs are able to arrange for applications for special measures to be submitted in sufficient time. It should be noted that the Witness Service in all the pilot areas except Essex have received specific Vulnerable and Intimidated Witness funding to enable them to offer an enhanced service to such witnesses, as part of an initiative entirely separate from NWNJ.

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

It is outside the scope of this evaluation to determine the impact of NWNJ on the Witness Service and thus a detailed review or quantitative assessment of this issue has not been undertaken. The observations below follow from the overall qualitative assessment (including consultation with Witness Service and other stakeholders) and reasonable assumptions about the impact of improvements in trial outcomes. It is also important to recognise that NWNJ has been evaluated before its medium to long term impact, including on the Witness Service, can be determined with any certainty. For all these reasons, the observations should be regarded as interim findings and persuasive rather than conclusive.

NWNJ could potentially impact on the Witness Service in three respects as follows.

First, NWNJ has necessarily increased the ***workload*** of the Witness Service, as outlined above.² On the other hand, some aspects of NWNJ are likely to be driving reductions in the Witness Service's workload, particularly the improved trial outcomes over time. It is difficult to assess the net impact of these NWNJ factors on the Witness Service's workload, but there

² Other CJS initiatives (specifically ETMP, Charging and changes to sentencing policies) may also impact on the Witness Service's workload. However, these are outside the scope of this evaluation.

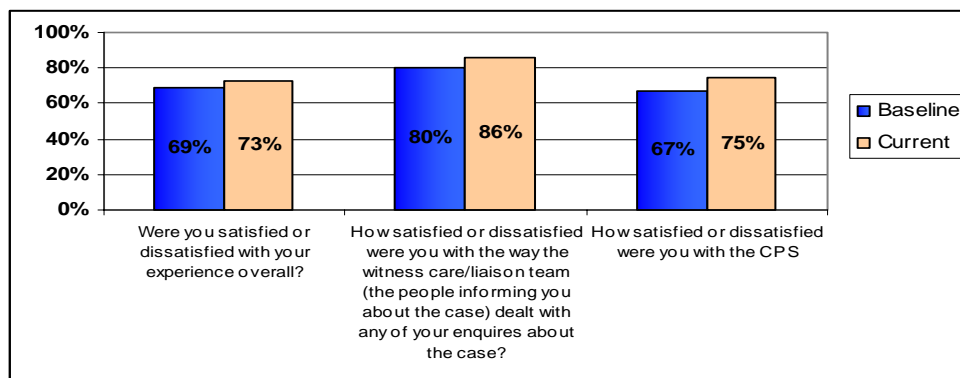
is **persuasive evidence that, at this interim stage, it is a net increase**. There is persuasive evidence that managers are generally working harder within the standard hours to provide better care to more witnesses and that increased workload has required some managers to recruit more volunteers to assist. The Witness Service also reports that **some** Witness Service managers have been required to work longer hours.

There is persuasive evidence that NWNJ leads to increases in the number of referrals and pre-trial visits, thus these measures receive “green scorings” in the performance dashboard. NWNJ also supports better quality of care by the Witness Service due to WCUs providing earlier referrals and more information about witnesses.

1.3.3.3 Victim/witness satisfaction (performance measure 8)

The MORI survey shows that overall **victim and witness satisfaction has increased** from 69% to 73%, as set out in Figure 3 below.

Figure 3: Three key aspects of victim/witness satisfaction



The **extent to which this general increase in witness satisfaction can be attributed to NWNJ is far from clear** as the MORI survey also reveals increases in witness satisfaction with the verdict and sentence in their cases. These factors could be combining with improved witness care to increase overall witness satisfaction. Furthermore, there does not appear to be a clear relationship between performance and witness satisfaction at the level of each pilot area.

The figure also shows that **satisfaction with the WCUs and CPS has increased**; it is reasonable to attribute this directly to NWNJ. For example, if WCUs have handled witness related issues in advance, CPS caseworkers/lawyers are able to spend more time greeting witnesses and keeping them notified of progress.

The MORI survey also reveals that **overall satisfaction with CJS has increased from 67% to 72%. All individual CJS agencies also enjoy increases**, with the exception of the police which saw a slight decrease from 78% to 77%. It is important to note the important contribution the police has made to the increased satisfaction with the WCUs, CJS and other CJS organisations, through the strong performance of police-run WCUs.

The percentage of witnesses who felt they had made a valuable contribution to the system and who felt appreciated increased. However, these general increases in satisfaction have **not improved the levels of witnesses who would be either happy (unchanged at 64%) or likely (down from 76% to 72%) to agree to be a witness in a criminal trial again**.

However, since this is counter to qualitative evidence, and is based on a small sample size, this should not be taken as conclusive.

NWNJ improves the care of witnesses which increases witness satisfaction, although many other factors also play a contributory role to increasing satisfaction. This measure thus receives a “green scoring” in the performance dashboard.

1.3.3.4 Witnesses receiving information at point of statement (performance measure 9)

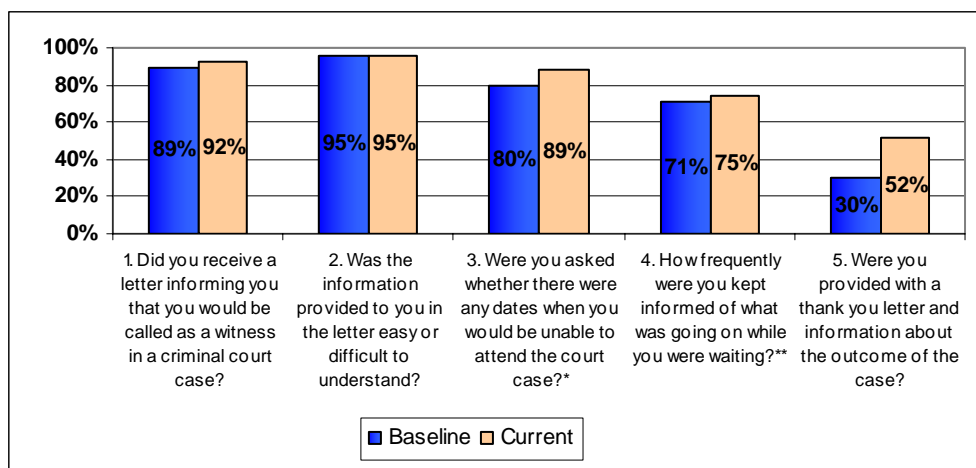
The MORI survey shows that the number of witnesses receiving information at the point of statement has actually **decreased** overall in the pilot areas, from 46% to 44%. Although this difference is not statistically significant, **it is notable since it is the only performance measure to move at an all-pilot level in the opposite direction to that desired.** The overall decrease is due to problems experienced in South Yorkshire and West Midlands in obtaining buy in from frontline officers.

NWNJ has not thus far delivered an increase in witnesses receiving information at the point of statement, and thus receives a “red scoring” in the performance dashboard for this measure.

1.3.3.5 Quality of information and support (performance measure 10)

The MORI survey, in common with similar surveys, highlights that the provision of quality and timely information is key to improving the experiences of victims and witnesses in court. Figure 4 sets out **improvements in information provision, all of which can be attributed to NWNJ.**

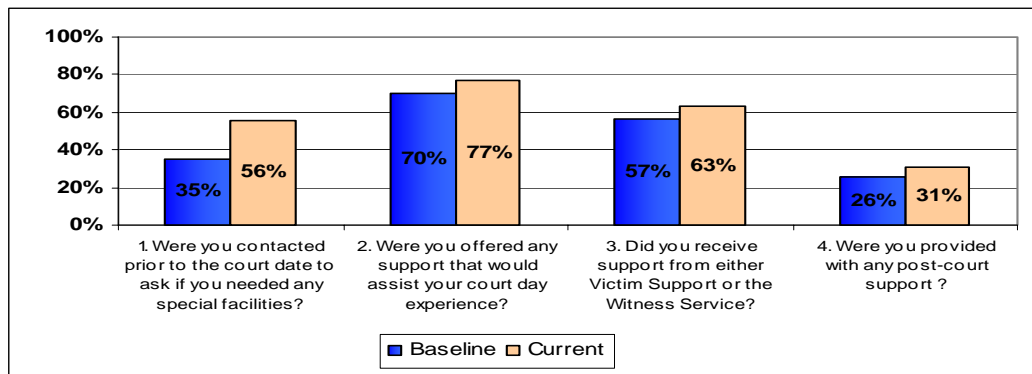
Figure 4 Quality of information provided to witnesses



The two questions with the largest increases (questions 3 and 5) reflect a particular focus of NWNJ. The survey also reveals that there has been a general improvement in the provision of useful information to witnesses.

Providing support to witnesses to enable them to attend court is the foundation of NWNJ. The four questions on the **level of support all received positive results** in the MORI survey, as set out in Figure 5 on the following page.

Figure 5: Level of support offered and provided to witnesses³



The MORI survey also highlighted **substantial decreases in the percentage of witnesses feeling intimidated by factors which NWNJ could have influenced**. This supports qualitative evidence that WCUs' and the Witness Service's increased level, and quality, of support for witnesses better prepares them for court. It is reasonable to assume that, if fewer witnesses are intimidated by such factors, they are more likely to prove competent witnesses (and be willing to attend on other occasions).

NWNJ supports substantial improvements in the information and support provided to witnesses. This measure thus receives a "green scoring" in the performance dashboard.

1.4 NWNJ's wider benefits to the CJS and the community

The NWNJ Business Case sets out the vision that NWNJ will benefit CJS organisations and staff, and, more widely, the community through increasing public confidence, and reducing the fear, and economic impact, of crime.

1.4.1 CJS organisations and staff

Where NWNJ is working well, it improves **CJS working practices and inter-agency working, specifically with the voluntary sector**. However, in the short term (before trial outcome improvements materialise) NWNJ can prove a challenge for inter-agency relationships, as the burden of work increases. And, despite the noted improvements in inter-agency working, there is still clearly some considerable way to go to increase trust and understanding between the CJS agencies and to improve communications and co-ordination on witness care issues. The Local Criminal Justice Boards (LCJBs) and their sub-groups are likely to prove the most effective mechanism for improvements in this area.

Together with increased witness attendance, the improved working practices improve the trial outcomes which increases **the economy, efficiency and effectiveness** of the CJS. Each trial outcome has a different impact, as follows:

- Reductions in ineffective trials due to witness issues reduce resources wasted on the listing and preparation for re-listing and increase the likelihood of offences being brought to justice;

³ The "special facilities" in this instance refers to, for example, disabled access and facilities and translation services. The "support that would assist the court day experience" includes help with travel expenses and arrangements in advance, travel assistance on the day, crèche facilities and carer support.

- Reductions in cracked trials due to witness issues will **increase** the resources spent on proceeding with trials which otherwise would have cracked, although the benefit will be an increased likelihood of offences being brought to justice;
- Increases in cracked trials due to late entry of guilty plea will narrow the justice gap whilst also saving the resources which would otherwise have been used to proceed with a trial.

Of the three measures, the reduction in ineffective trials due to witness issues has the greatest impact in realising benefits, particularly those of an economic nature such as witness, counsel and agent costs. The **net economic impact of the desired changes in trial outcomes is positive**. And, the economy savings will be even greater if defence solicitors are made aware of NWNJ's impact on witness attendance and advise their client to enter an early guilty plea. It is important to note that the **economy savings are more likely to be converted into efficiency gains (in terms of more cases being processed through the CJS within a given time) than to be realised as cash savings**.

A particularly striking aspect of NWNJ is the **increased job satisfaction** for CJS staff, primarily WCU staff and caseworkers/lawyers, reducing staff turnover and potentially increasing staff efficiency. The empowerment and rejuvenation of many WCU staff is particularly positive.

1.4.2 The wider community

While NWNJ supports improved trial outcomes, the narrowed justice gap would have to lead to substantial decreases in crime for the impact to be felt by the wider community. There are so many factors at play in this scenario that it is **difficult to see how the improved trial outcomes could have a significant impact on public confidence and fear of crime**.

The easier link to substantiate is through the witnesses themselves, and a "ripple effect" to the wider community. The MORI survey signals a **positive shift in victims' and witnesses' confidence** in various aspects of the CJS. Particularly large increases were noted for confidence in the CJS's ability to meet the needs of victims of crime (up from 47% to 55%), reduce crime and deal with young people accused of crime. The survey also showed witnesses are now substantially **more confident in the way crime is dealt with in their area, up from 46% to 53%**. Overall, confidence in the national picture has lifted slightly. Any change in confidence levels is likely to have a knock on impact on the fear of crime.

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

Narrowing the justice gap will **increase convictions and decrease the potential for re-offending**. This will directly reduce the economic cost of crime and bring savings to health care providers, in terms of the physical and psychological impact of crime. Any reduction in the fear of crime will also bring savings in terms of improved psychological health and mobility.

1.5 NWNJ's current and potential future impact

NWNJ has proven to be an **effective mechanism for significantly enhancing customer focused witness information and care, increasing witness attendance, improving trial outcomes and increasing witness satisfaction with the WCU (jointly staffed by police and CPS) and the CPS**. The evaluation team observed that ETMP supports trial readiness and thus helps to derive the full benefit of NWNJ. Charging also supports NWNJ by strengthening the cases coming to court and reducing discontinuances. However, it is clear that NWNJ is the main driver of performance improvement for the performance measures which it tries to impact.

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

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

Even in the pilot areas, there is still scope for further improvements in performance measures and wider benefits as they move towards the Minimum Requirements and changes have an opportunity to embed. Only when an area has implemented all the Minimum Requirements for all cases, and stakeholders are adequately engaged, can the full impact of NWNJ be determined conclusively. As noted, this "final" evaluation is more akin to an interim evaluation, and provides an indication of what is achievable within a short period rather than what NWNJ can achieve once embedded. Clearly, achieving further improvements will be easier for pilot areas with higher current rates than for those who have already brought their rates to low levels. In particular, there may be a level below which it will become more difficult to improve trial outcomes, as the most reluctant witnesses and intractable cases will remain.

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

First, replication of benefits is dependent on **lessons being learnt** from the pilots, shared across all areas and areas being supported by the central NWNJ Project Team to ensure the lessons are acted upon effectively. **The key lessons to be learnt relate to the planning, design and preparation of NWNJ and then the resourcing, staffing and management of the WCUs**. Specifically, there is a risk that areas become overwhelmed by NWNJ and fail to implement it as envisaged, as happened in Essex (Crown). Essex also provides an excellent

case study for how to turn around the performance of a failing WCU within a short period of time by implementing the letter and spirit of NWNJ under strong management.

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

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

1.6 Key recommendations

The findings of the evaluation **endorse the approach being taken** to National Rollout. This evaluation also endorses the Minimum Requirements as representing good practice in victim and witness care; the **recommendation is that the Minimum Requirements should inform the revision of the National Standards of Witness Care and the Victims' Code of Practice**. Changes to the National Standards would thus include some fundamental changes such as:

- A shift in the responsibility for dealing with witness enquiries and information from the police to a WCU;
- Information currently provided only to victims to be provided to all witnesses in the future, for example on trial outcomes;
- An increase in the information provided to both victims and witnesses, for example on significant changes to bail conditions;
- The extension of witness information into witness care and support, with a tailor made approach for each witness, reflecting the nature of case and the circumstances of the witness.