



Lay summary

Intermediaries and cross-examination resilience in children: The development of a novel experimental methodology

Background

Cross-examination is when barristers 'on the opposing side' ask witnesses questions about their evidence. They are trying to see whether the witness has told the truth. The barrister might try to get a witness to give a different answer to cast doubt on what they have said.

When child witnesses are cross-examined, it is important that they answer questions truthfully about what they can remember. In many countries, there are serious worries about how children are asked questions by barristers. This is because the questions might be hard for children to understand, or the questions may 'suggest' the answer that the barrister wants to hear. Previous research has shown that children often change their answers to agree with a barrister when they are challenged.

This study looked at how often children agreed with false information 'suggested' by a barrister. To test this, children took part in a 'mock' cross-examination with a real barrister. The study also looked at the role of communication specialists (Registered Intermediaries). Could Registered Intermediaries help children to disagree with the barristers' false suggestions?

What were the aims of the research?

- 1) To see how often children agreed with barristers' suggestions about false information. Children were cross-examined about an event they witnessed a year previously. Barristers tried to persuade the children to agree with false information.
- 2) To see whether help from a communication specialist (a Registered Intermediary) helped children to disagree with the barristers' suggestions about false information.

What we did...

The children in our research were 176 typically developing children. When they had their cross-examination, they were between the ages of 7 and 12 years. All of the children had watched a short event. In this event, two men gave a short talk (lasting approximately three and a half minutes) about what school was like in Victorian times. Towards the end of the talk, one of the men 'stole' something from the other. Soon after the event, the children were interviewed about what they could remember. For the present study, we went back a year later to cross-examine the children about the event. Real, qualified barristers questioned the children and tried to persuade them to agree with seven pieces of false

information about the event. Some of the children (33 of them) were helped by a Registered Intermediary before and during their cross-examination.

Registered Intermediaries. Registered Intermediaries (RIs) are trained professionals who help vulnerable witnesses to give their best evidence. Their role is to facilitate communication between witnesses (such as young children) and members of the justice system (such as police officers, solicitors/barristers and judges). This is so that everyone can understand each other. In our study, the RI met the child before the cross-examination to see how best to ask them questions. The RI provided this advice to the barrister and checked that the barrister's questions were suitable and easy to understand. Finally, the RI was present during the cross-examination, alongside the child, to help with any areas of confusion.

What did we find?

Children often agreed with the barristers' false suggestions. 94% of children agreed with at least one of the barristers' seven false suggestions.

The children who were assisted by a Registered Intermediary were *less likely* to agree with the barristers' false suggestions. Some of the questions barristers asked were more 'child friendly' when children were assisted by a Registered Intermediary. For example, barristers were less likely to ask leading questions. These are sometimes called questions with 'tags' and there is an example below.

This is an example of a leading question:

“Mark picked up the keys, didn't he?”

The phrase 'didn't he' is known as a tag. It directs the child to agree.

Why are these findings important?

These findings show that children are likely to agree with strong suggestions from a barrister – even if these suggestions are false. So, we need to be careful about how we ask children questions.

Registered Intermediaries have been used to support vulnerable witnesses such as young children for many years. This is the first experimental study to show that they help children to resist barristers' false suggestions. There was also some evidence that Registered Intermediaries helped barristers to ask questions in a more child friendly way.

Read the full paper in *Applied Cognitive Psychology*:
<https://onlinelibrary.wiley.com/doi/10.1002/acp.3869>

Reference: Henry, L.A., Crane, L, Nash, G., Millmore, A. & Wilcock, R. (2021). Intermediaries and cross-examination resilience in children: Exploring a novel experimental methodology. *Applied Cognitive Psychology*.
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