

Appendix IV

Bibliography of some suggested source material

Legislation/Guidance

Children (Admissibility of Hearsay Evidence) Order 1993
Children Act 1989
Children Act 2004 (Part 2)
Coroners and Justice Act 2009
Equality Act (Disability) Regulations 2010
Equality Act 2010
Family Law Act 1996
Protection from Harassment Act 1997
Criminal Justice and Court Services Act 2000 (CAFCASS)
Family Justice Council (2011) 'Guidelines in Relation to Children Giving Evidence in Family Proceedings' <http://www.judiciary.gov.uk/wp-content/uploads/JCO/Documents/FJC/Publications/Children+Giving+Evidence+Guidelines+-+Final+Version.pdf>
Matrimonial and Family Proceedings Act 1984
Family Procedure Rules 2010
Human Rights Act 1998
Youth Justice and Criminal Evidence Act 1999

International Instruments/Guidance

Council of Europe (2010) 'Guidelines on Child Friendly Justice' http://www.coe.int/t/dghl/standardsetting/childjustice/default_en.asp
EU Directive on Establishing Minimum Standards on the Rights, Support and Protection of Victims of Crime 2012/29/EU
EU Regulation on the Mutual Recognition of Protection Measures in Civil Matters
EU Treaty on the Functioning of the European Union
European Convention on Human Rights
European Convention on the Exercise of Children's Rights
UN Committee on the Rights of the Child (2009) 'General Comment No.12: The Right of the Child to be Heard' <http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCIQFjAA&url=http%3A%2F%2Fwww2.ohchr.org%2Fenglish%2Fbody%2Fdocs%2FAdvanceVersions%2FCRC-C-GC-12.doc&ei=DFG4U5yiHsOM7AaNiYGABw&usg=AFQjCNG80YpDDLSVQQURygjPX1TLz8lAsA&bvm=bv.70138588,d.ZGU>
UN Convention on the Rights of Persons with Disabilities
UN Convention on the Rights of the Child

Codes of Conduct

Bar Standards Board (2014) 'Code of Conduct'
https://www.barstandardsboard.org.uk/media/1553795/bsb_handbook_jan_2014.pdf

Bar Standards Board (2014) 'Handbook Equality Rules'
https://www.barstandardsboard.org.uk/media/1562168/bsb_equality_rules_handbook_corrected.pdf

CILEX (2010) 'Professional Standards Code of Conduct'
<http://www.cilex.org.uk/pdf/CodeofConduct.pdf>

Judicial College (2012) 'Bench Checklist: Young Witness Cases'
<http://www.judiciary.gov.uk/publications/jc-bench-checklist-young-wit-cases/>

Judicial College (2012) 'Fairness in Courts and Tribunals'
<http://www.judiciary.gov.uk/publications/fairness-in-courts-and-tribunals/>

Judicial College (2013) 'Equal Treatment Bench Book'
http://www.judiciary.gov.uk/wp-content/uploads/JCO/Documents/judicial-college/ETBB_all_chapters_final.pdf

Solicitors Regulation Authority (2010) 'Statement of Standards for Solicitor Higher Court Advocates'
<http://www.sra.org.uk/solicitors/accreditation/higher-rights/competence-standards.page>

Solicitors Regulation Authority (2011) 'Code of Conduct'
<http://www.sra.org.uk/solicitors/handbook/code/content.page>

Articles/Reports

Advocacy Training Council (2011) 'Raising the Bar'
<http://advocacytrainingcouncil.org/images/word/raisingthebar.pdf>

Allain, J., (2009) 'Treaty Interpretation and the UN Convention on the Rights of Persons with Disabilities'
<http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCIQFjAA&url=http%3A%2F%2Fwww.disabilityaction.org%2Ffs%2Fdoc%2Fpublications%2Flegal-report-2-treaty-interpretation-and-the-un-convention-on-the-rights-of-persons-with-disabilities-2.doc&ei=9U60U5HkGYHJPLCfgdAJ&usg=AFQjCNEnrk427kwEINBxG1WOwG2fIEkNxw&bvm=bv.70138588,d.ZWU>

Bala, N., Evans, A., Bala, E., (2010) 'Hearing the voices of children in Canada's criminal justice system: recognising capacity and facilitating testimony' 22(1) Child and Family Law Quarterly 21

Ball, R., (2010) 'The investigative interviewing of children and other vulnerable witnesses: Psychological research and working/professional practice' 15 Legal and Criminological Psychology 5

Bercow, J., (2013) 'The Bercow Report: A Review of Services for Children and Young People (0-19) with Speech, Language and Communication Needs'
<http://webarchive.nationalarchives.gov.uk/20130401151715/http://www.education.gov.uk/publications/eOrderingDownload/Bercow-Report.pdf>

Vulnerable Witnesses & Children WG - Appendix IV Bibliography March 2015

Brammer, A. Cooper, P., (2011) 'Still waiting for a meeting of minds: child witnesses in the criminal and family justice systems' 12 Criminal Law Review 925

Bull, R., (2011) 'The investigative interviewing of children and other vulnerable witnesses' 15(1) Legal and Criminological Psychology 5

Cashmore, J., and De Haas, N., (1992) 'The Use of Closed Circuit Television: Child witnesses in the ACT' Research Paper (Sydney: Australian Law Reform Commission)

Cooper, P., (2011) "ABE interviews, children's testimony and hearing the voice of the child in family cases: are we barking up the right tree?" <http://openaccess.city.ac.uk/613/2/Penny%20Cooper%20FJC%20paper%20Oct%202011.pdf>

Cooper, P., (2011) 'Child witnesses in family proceedings: should intermediaries be showing us the way?' April Family Law Journal 397

Cooper, P., (2012) 'Witness familiarisation and special measures come of age' <http://www.solicitorsjournal.com/comment/witness-familiarisation-and-special-measures-come-age>

Cooper, P., (2013) 'The Family Advocate's Gateway to Best Practice for Vulnerable Witnesses' Family Law Journal 43

Cooper, P., (2014) 'Speaking when they are spoken to: hearing vulnerable witnesses in care proceedings' 26(2) Child and Family Law Quarterly 132

Cooper, P., Wurtzel, D., (2013) 'A day late and a dollar short: in search of an intermediary scheme for vulnerable defendants in England and Wales' 1 Criminal Law Review 4

Cooper, P., Wurtzel, D., (2014) 'Better second time around? Department of Justice Registered Intermediaries Schemes and Lessons from England and Wales' 65(1) Northern Ireland Legal Quarterly 39

Council of Europe (2012) 'Protecting the right to a fair trial under the European Convention on Human Rights' http://www.coe.int/t/dghl/cooperation/capacitybuilding/Source/documntation/hb12_fairtrial_en.pdf

Cox, R., Evans, R., Stenfert Kroese, B., (2014) 'Solicitors' experiences of representing parents with learning disabilities in care proceedings: altering practice and coping with stress' July Family Law Journal 1017

Davies, E., Hanna, K., Henderson, E., Hand, L., (2011) 'Questioning child witnesses: Exploring the benefits and risks of intermediary models' http://www.ipp.aut.ac.nz/_data/assets/pdf_file/0006/237993/Questioning-child-witnesses_exploring-intermediary-models.pdf

Davis, M., (2014) 'Marginalised voices in the changing public and private law landscape- public law issues: first principles and how to incorporate them into practice' May Family Law Journal 629

Department of Justice Northern Ireland (2013) 'Special Measures for Vulnerable Witnesses in Northern Ireland' http://www.dojni.gov.uk/index/publications/publication-categories/pubs-criminal-justice/special-measures-for-vulnerable-witnesses-in-ni-2013_.pdf

Vulnerable Witnesses & Children WG - Appendix IV Bibliography March 2015

Donnelly, M., Kilkelly, U., (2011) 'Child-friendly healthcare: delivering on the right to be heard' 19(1) Medical Law Review 27

Driscoll, J., (2012) 'Children's rights and participation in social research: balancing young people's autonomy rights and their protection' 24(4) Child and Family Law Quarterly 452

Ellison, L., Wheatcroft, J., (2010) "Could you ask me that in a different way please?' Exploring the impact of courtroom questioning and witness familiarisation on adult witness accuracy' Criminal Law Review 823

Equality and Human Rights Commission (2010) 'Article 13: Access to Justice' <http://www.equalityhumanrights.com/private-and-public-sector-guidance/public-sector-providers/human-rights-guidance/a-guide-to-the-un-disability-convention/part-2-know-your-rights/article-13-access-to-justice>

Equality and Human Rights Commission (2011) 'Your rights to equality from the civil and criminal justice systems and national security' http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0CCcQFjAB&url=http%3A%2F%2Fwww.equalityhumanrights.com%2Fsites%2Fdefault%2Ffiles%2Fuploads%2Fdocuments%2FOld_Guidance%2FWord_Docs%2FService_User%2F4_service_users_criminal_and_civil_justice%2520%281%29.doc&ei=TMiuU6vPGsvY7AbRgIG4CQ&usg=AFQjCNFaI5IGCSwf6_r7nppBFkDuEPSyNw&bvm=bv.69837884,d.ZGU

Equality and Human Rights Commission (2012) 'Article 3: Freedom from torture and inhumane and degrading treatment or punishment' http://www.equalityhumanrights.com/sites/default/files/documents/humanrights/hrr_article_3.pdf

Equality and Human Rights Commission (2012) 'Article 6: The right to a fair trial' http://www.equalityhumanrights.com/sites/default/files/documents/humanrights/hrr_article_6.pdf

Family Justice Council (2012) '6th Annual Debate: 'Women who have children removed to care, year after year, are being failed by a system unable to respond to them as vulnerable adults in their own right' <http://www.judiciary.gov.uk/wp-content/uploads/JCO/Documents/FJC/Podcast/fjc-transcript-6th-annual-debate.pdf>

Fenwick, H., (2009) 'Civil Liberties and Human Rights' (London: Routledge-Cavendish)

Fortin, J., Hunt, J., Scanlan, L., (2012) 'Taking a Longer View of Contact' <https://www.sussex.ac.uk/webteam/gateway/file.php?name=nuffield-foundation-final-report-16nov2012.pdf&site=28>

Gerry, F., (2012) 'Vulnerable defendants and the courts' <http://thejusticegap.com/2012/04/vulnerable-defendants-and-the-courts/>

Gibson, F., (2010) 'Article 13 of the Convention on Rights of Persons with Disabilities- A Right to Legal Aid?' https://www.academia.edu/207906/Article_13_of_the_Convention_on_Rights_of_Persons_with_Disabilities_-_A_Right_to_Legal_Aid

Gregory, J., Bryan, K., (2011) 'Speech and language therapy intervention with a group of persistent and prolific young offenders in a non-custodial setting with previously un-diagnosed SLCD'
http://epubs.surrey.ac.uk/7415/50/Gregory_ijlcd_final.pdf

Grieve, D., (2011) 'Speech by the Attorney General: justice or ordeal: supporting and treating children fairly through the trial process'
<https://www.gov.uk/government/speeches/the-barnardos-lecture>

Hall, M., (2009) 'Giving evidence at age 4: just means to just ends?' July Family Law Journal 608

Hall, M., (2009) 'Children giving evidence through special measures in the criminal courts: progress and problems' 21(1) Child and Family Law Quarterly 65

Handa, R., Tyler, S., (2014) 'Let's see how we get on' or the need for regulated provision of registered witness intermediaries in family proceedings' January Family Law Journal 75

Henderson, E., (2014) 'All the proper protections- the Court of Appeal rewrites the rules for the cross-examination of vulnerable witnesses' Criminal Law Review 93

HM CPS Inspectorate and HM Inspectorate of the Constabulary (2012) 'Joint inspection report on the experience of young victims and witnesses in the CJS'
http://www.hmcpso.gov.uk/documents/reports/CJJI_THM/VWEX/CJJI_Y_VW_Jan12_rpt.pdf

Hoyano, L., (2014) 'Straining the quality of justice for children and their families in public law cases' May Family Law Journal 598

Hoyano, L., (2014) 'What is balanced on the scales of justice? In search of the essence of the right to a fair trial' 1 Criminal Law Review 4

Hughes, A., (Lord Justice) (2008) 'The Children Act 1989: A Different Sort of Litigation?' Family Law Journal 1008

Jacobson, J., Hunter, G., Kirby, A., (2014) 'Supporting fair and respectful treatment of witnesses: A research-based briefing from the Institute for Criminal Policy Research'
http://www.icpr.org.uk/media/37469/icpr_witnesses.pdf

Kilkelly, U., (2010) 'Listening to Children about Justice'
<http://www.coe.int/t/dghl/standardsetting/childjustice/CJ-S-CH%202010%20rev.%20E%205%20oct.%202010.pdf>

King's Student Law Review (2012) 'Inhumane and Degrading Treatment to No Extent: The Undefined Application Limits of Article 3 ECHR'
<http://www.kslr.org.uk/blogs/humanrights/2012/03/04/inhuman-and-degrading-treatment-to-no-extent-the-undefined-application-limits-of-article-3-echr/>

Langdale, R., Robottom, J., (2012) 'The participation and involvement of children in family proceedings'
<http://www.familylawweek.co.uk/site.aspx?i=ed96057>

Vulnerable Witnesses & Children WG - Appendix IV Bibliography March 2015

- Lansdown, G., (2005) 'Can you hear me? The right of young people to participate in decisions affecting them' http://webcache.googleusercontent.com/search?q=cache:RSd5-ar3pJEJ:www.bernardvanleer.org/Can_you_hear_me_The_right_of_young_children_to_participate_in_decisions_affecting_them%3Fpubnr%3D598%26download%3D1+&cd=1&hl=en&ct=clnk&gl=uk
- Macdonald, A., (2012) 'The Rights of the Child: Law and Practice' (London: Jordan Publishing)
- Masson, J., et al (2008) 'Care Profiling Study' <http://www.bristol.ac.uk/law/research/researchpublications/2008/care-profiling-study-report.pdf>
- McCormick, L., (2013) 'A civil question...' 163 New Law Journal 13
- McEwan, J., (2013) 'Vulnerable defendants and the fairness of trials' Criminal Law Review 100
- McLeod, R., et al (2010) 'Court Experiences of Adults with Mental Health Conditions or Learning Disabilities- Report 3' <http://www.justice.gov.uk/downloads/publications/research-and-analysis/moj-research/court-experience-adults-3.pdf>
- Miles, J., Balmer, N.J., Smith, M., (2012) 'When exceptional is the rule: mental health, family problems and the reform of legal aid in England and Wales' 24(3) Child and Family Law Quarterly 320
- MIND (undated) 'Toolkit: Achieving justice for victims and witnesses with mental distress: A mental health toolkit for prosecutors and advocates' http://www.cps.gov.uk/publications/docs/mind_toolkit_for_prosecutors_and_advocates.pdf
- Ministry of Justice (2014) 'Report on review of ways to reduce distress of victims in trials of sexual violence' https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/299341/report-on-review-of-ways-to-reduce-distress-of-victims-in-trials-of-sexual-violence.pdf
- Mitchell, J., (2011) 'Children giving evidence: the practical implications of Re W' August Family Law Journal 817
- Mitchell, J., (2011) 'Do you ever tell fibs? Cross-examining children' September Family Law Journal 962
- Norgrove, D., (2011) 'Family Justice Review: The Final Report' https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/217343/family-justice-review-final-report.pdf
- Office for Disability Issues (2012) 'Disability: Equality Act 2010- Guidance on matters to be taken into account in determining questions relating to the definition of disability' https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/85010/disability-definition.pdf
- O'Mahony, B.M., (2009) 'The emerging role of the Registered Intermediary with the vulnerable witness and offender: facilitating communication with the police and members of the judiciary' 38 British Journal of Learning Disabilities 232

Vulnerable Witnesses & Children WG - Appendix IV Bibliography March 2015

- Parkinson, P., Cashmore, J., (2008) 'The voice of the child in family law disputes' (Oxford: OUP)
- Pearce, N., (2014) 'Making the impossible possible: use of technology in the family courts' 44 Family Law Journal 219
- Pemberton, J., (2009) 'Vulnerable and intimidated witnesses' 39 Family Law Journal 244
- Pettit, B., et al (2013) 'At risk, yet dismissed: The criminal victimisation of people with mental health problems: Summary' <https://www.victimsupport.org.uk/sites/default/files/At%20risk%20summary.pdf>
- Plotnikoff, J., (2014) 'A more flexible approach to vulnerable witnesses and defendants' http://www.theadvocatesgateway.org/images/articles/more_flexible_approach.pdf
- Plotnikoff, J., Woolfson, R., (2007) 'The 'Go-Between': evaluation of intermediary pathfinder projects' http://lexiconlimited.co.uk/wp-content/uploads/2013/01/Intermediaries_study_report.pdf
- Plotnikoff, J., Woolfson, R., (2009) 'Measuring up? Evaluating implementation of Government commitments to young witnesses in criminal proceedings' [http://www.nuffieldfoundation.org/sites/default/files/measuring_up_report_wdf66579\(1\).pdf](http://www.nuffieldfoundation.org/sites/default/files/measuring_up_report_wdf66579(1).pdf)
- Plotnikoff, J., Woolfson, R., (2011) 'Registered Intermediaries in Action: Messages for the CJS from the Witness Intermediary Scheme SmartSite' <http://lexiconlimited.co.uk/wp-content/uploads/2013/01/Registered-Intermediaries-in-Action.pdf>
- Quas, J.A., Sumaroka, M., 'Consequences of Legal Involvement on Child Victims of Maltreatment' in Lamb, M.E., et al (2011) 'Children's Testimony- A Handbook of Psychological Research and Forensic Practice' (Chichester: John Wiley & Sons)
- Ryder, E.N., (Mr Justice) (2012) 'Judicial proposals for the modernisation of family justice' http://www.judiciary.gov.uk/wp-content/uploads/JCO/Documents/Reports/ryderj_recommendations_final.pdf
- Scottish Executive (2002) 'Vital Voices: Helping Vulnerable Witnesses Give Evidence' <http://www.scotland.gov.uk/Publications/2002/05/14621/3802>
- Scottish Government (2012) 'Scottish Victims and Witnesses Bill- Making Justice Work for Victims and Witnesses- A Consultation Paper' <http://www.scotland.gov.uk/Resource/0039/00393452.pdf>
- Simor (2008) 'Procedural Aspects of Convention Rights' 4 Judicial Review 13
- Sinclair, R., (2004) 'Participation in practice: making it meaningful, effective and sustainable' 18(2) Children and Society 106
- Smith, A.B., Taylor, N.J., Tapp, P., (2003) 'Rethinking children's involvement in decision-making after parental separation' 10(2) Childhood 201
- Swift, P., et al (2013) 'What happens when people with learning disabilities need advice about the law?'

<http://www.legalservicesconsumerpanel.org.uk/ourwork/vulnerableconsumers/Legal%20Advice%20Learning%20Disabilities%20Final%20Report.pdf>

Talbot, J., (2010) 'Seen and heard: supporting vulnerable children in the youth justice system'

<http://www.prisonreformtrust.org.uk/Portals/0/Documents/SeenandHearFinal%20.pdf>

Tomlinson E., (2013) 'Child sexual exploitation: the criminal courts, vulnerable witnesses and threshold in case cases' December Family Law Journal 1563

Wadham, J., et al (2012) 'Blackstone's Guide to the Equality Act 2010' (Oxford: OUP)

Zajac, R., Hayne, H., (2003) 'Asked and Answered: Questioning Children in the Courtroom'

http://www.judcom.nsw.gov.au/publications/benchbks/sexual_assault/articles/Zajac-Questioning_children_in_the_courtroom.pdf

Zajac, R., Hayne, H., (2003) 'I Don't Think That's What Really Happened: The Effect of Cross-Examination on the Accuracy of Children's Reports' 9(3) Journal of Experimental Psychology: Applied 187