

Analysis of Achieving Best Evidence interviews with children

May 2024

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Content warning

This report is not intended to be read by children - but by researchers, policymakers and commissioners committed to making children safer. It makes frequent reference to sexual harm, including descriptions of sexual abuse. This content may be difficult and upsetting to read. However, we think it is important to provide frank insight into how child victims of sexual harm experience services and support to improve practice.

If you or any child you know of are affected by the issues discussed, the following organisations can provide you with expert information, advice and support. If you have any concerns about the safety of a child you should contact police or children's safeguarding services.



ONLINE, ON THE PHONE, ANYTIME
childline.org.uk | 0800 1111

Childline is a free and confidential service for under-19s living in the UK:

www.childline.org.uk | Call 0800 1111



shout
85258
here for you 24/7

Shout provides 24/7 for urgent mental health support via text:

www.giveusashout.org | text SHOUT to 85258



Stop it now

Stop It Now helpline is for anyone worried about child sexual abuse, including their own thoughts or behaviour.

www.stopitnow.org.uk | Call 0808 1000 900



Welcome to
SHORE
A safe space for teenagers
worried about their own or
someone else's sexual behaviour

Shore is an online safe space for teenagers worried about sexual behaviour, offering anonymous advice and support.

www.shorespace.org.uk



The Survivors Trust for victims of sexual violence:
thesurvivorstrust.org/our-helpline | **0808 801 0818**



NAPAC offers support to adult survivors of childhood abuse:
support@napac.org.uk | **0808 801 0331**

You can also contact **your local NHS urgent mental health helpline** or call **111** for 24/7 advice | nhs.uk/service-search/mental-health/find-an-urgent-mental-health-helpline

Acknowledgements

The Children's Commissioner's office (CCo) is grateful to the anonymous police force that gave permission for CCo to re-analyse video-recorded interview transcripts for this new research purpose. As the report published alongside this research (*Children's experiences as victims of crime*¹) demonstrates, concerning and problematic police practice with children is not specific to any one police force area.

Thank you to Dr Kev Smith, for his advice on analysis of interview transcripts.

¹ Children's Commissioner for England, 2024. Children's experiences as victims of crime. [Link](#).

Methodology and analytical approach

The Children's Commissioner's Office (CCo) obtained a sample of 379 Achieving Best Evidence (ABE) transcripts of interviews with children who have been harmed and children who have harmed another child.

These were originally supplied to CCo to inform the May 2023 paper '*Evidence on pornography's influence on harmful sexual behaviour among children*'.²

The transcripts of video-recorded interviews were collected under Section 2F of the Children Act 2004³. These are interviews which are conducted under the Ministry of Justice's Achieving Best Evidence in Criminal Proceedings (ABE) guidelines, where the recording is intended to be played as the witness's evidence-in-chief in court.

The transcripts relate to 307 children in 179 cases. The transcripts were mostly verbatim transcriptions from video recorded ABE interviews, although in some cases introductory and concluding procedural conversation is reduced and summarised, stating in the first line of the document, for example, "*Introductions. Interview protocol discussed. Truth and lies discussed.*"

Details of anonymisation and initial data cleaning is available in the May 2023 report.

Transcripts were then manually categorised as interviews with children who have been harmed (victims) or who have harmed another child.

34 transcripts were identified as in scope for this research as defined by the following criteria:

- Subject of the interview is a victim

² Children's Commissioner for England, 2023. Evidence on pornography's influence on harmful sexual behaviour among children. [Link](#).

³ Children Act 2004. [Link](#).

- Interview took place since 2018

Of these, 20 transcripts (of interviews conducted 2018 to 2021) were read in full and analysed in detail by three CCo staff members. Minor edits to correct punctuation have been made.

Analysis used a coding framework derived from ABE good practice guidance⁴ and validated by expert reviewers (add who). A copy of the framework is available in Appendix A.

Please note, throughout this report, quotes are separated with dotted lines to indicate excerpts from different interviews.

⁴ Ministry of Justice, 2022. Achieving Best Evidence in Criminal Proceedings. [Link](#).

Overall reflections from analysis

This paper highlights good and poor practice, and particular themes that became apparent across transcripts throughout the analysis. However, it is important to keep in mind that these interviews are not a collection of quotes and examples but a multi-faceted, often emotionally charged, lived experience between a child and interviewer. We are grateful to the police force that supplied these transcripts, the children who displayed great bravery in retelling their experiences, and the interviewers who in many cases, balanced sensitivity and understanding with thorough evidence collection in this very difficult role.

All of the transcripts reviewed as part of this research contained a mix of good and poor practice; all interviewers followed ABE guidelines to some extent, and often the situations call for flexibility and adaptability in response to the child, which means that the approach and quality of interviewing appears to vary throughout the documents.

It is clear from the reviewed transcripts that children can experience sexual harms in a range of forms, all of which are traumatic. The criminal justice process, often starting with interviews, is a significant part of this experience with the potential to shape the way that trauma is understood and processed at the time and into the future. As such, it is critical that interviewers are well informed of best practice, trained in how to navigate difficult topics and emotions, and kept up to date on emerging research.

Sharing independent reviews of interview process and practices is one way to spread good practice between police forces, and to target areas for improvement.

Thematic summary

1. Children's experience of being interviewed

1.1 Interview length

Of the 20 interviews analysed, the mean duration was 65 minutes. Interviews ranged from 18 minutes to almost 2 hours with the vast majority lasting over 40 minutes.

There does not appear to be a relationship between the age of interviewee and length of interview, with some very young children interviewed for over an hour at a time.

In several cases, it is clear that the interviewee is becoming tired or losing focus as time passes. With younger children this tends to manifest as moving around the room or becoming distracted.

Victim: I'll take my shoes off because I don't want to get this all dirty.

Interviewer: You don't need to, that's fine.

Victim: Anyway, my feet are getting hot.

Interviewer: Ok fine, take them off then.

Interviewer: Are you okay at the minute?

Victim: I'm okay. Just fidgety.

Interviewer: Thats fine. Absolutely fine.

1.2 Breaks

As per the ABE guidelines, interviewees should be offered breaks. There does not appear to be a consistent approach to whether or when they are offered, although we can assume they are offered at a natural pause and are usually towards the end of the conversation.

Interviewer: Right, I'm gonna give you a two-minute break, you're doing well, you're remembering quite a lot of detail.

There is evidence that children are offered drinks and comfort breaks.

Interviewer: that's helpful thank you. Okay. I'm gonna leave you just to have a quick drink of squash

In some cases, the child requests a break, either when they are tired or when the conversation has become distressing.

Victim: is it ok to take a break I'm tired

Interviewer: You want to take a break. Yeah absolutely of course we can, let's take a break because you're tired.

Victim: Can I go and see Mummy first?

Interviewer: If you want to go and see Mummy now that's absolute fine.

Victim: Where is she?

Interviewer: She's in the kitchen. I'll take you to her. It's another little break and then I'll fetch you well definitely finished once we come in here the next time

In one of the transcripts analysed, the child appears to be asking for a break, but the interviewer moves past with these requests and continues with questioning. This may be in the interest of preventing distractions when key evidence is about to be collected or getting the interview finished quickly for the child, but could be distressing if the child is feeling overwhelmed or tired.

Interviewer: Has he talked to you about it before?

Victim: Can I have another cup of tea.

Interviewer: Yes, you may. Shall I make you one in a moment? Has he talked to you about willys and things before?

Later in the same interview:

Victim: Can we go in the other room?

Interviewer: Yes, we can we are nearly finished do you mind two more minutes...

The transcripts show that sometimes breaks are taken outside of the interview room, while other times the interviewer leaves and the child remains in the ABE space with the cameras still recording.

Interviewer: If you don't want to and you want to go and sit with your mum for a couple of minutes you can do that but if you're happy to wait here I won't be in there very long at all and then well come back in if there's a couple of questions we have to over well just do them but there shouldn't be a

massive amount unless I've missed chunks of this which I may well have done we shouldn't be a massive amount more time. Are you alright then?

Victim: Yes.

Interviewer: I'll just remind you again that the cameras are still recording alright whilst you're here alright I won't be too long.

As an example of good practice, young children being interviewed have access to toys or items they find comforting⁵ and in some cases the transcripts show the child taking a break from the interview to draw or play, in the quote below, the interviewer engages in conversation about the child's play, before gently guiding the conversation back to the topic of investigation.

Interviewer: I do love [Redacted Teddy Bear's Name] she is lovely isn't she.

Victim: Once when we was playing hide and seek I jumped - I went under my bed and I hided behind her.

Interviewer: Was it big enough? Oh, I can't see you now you have totally disappeared!

Victim: And he never find me until I said I put my hand up...

Interviewer: Oh, that is really funny it sounds a good game

Victim: And it was a good hiding sport!

Interviewer: That is excellent, isn't it? So did anything else happen last night?

⁵ Ministry of Justice, 2022. Achieving Best Evidence in Criminal Proceedings Guidance, paragraph E.3.3. [Link](#).

1.3 Interview room and set up

The guidelines state that the room and recording equipment should be explained to the child at the start of the interview. In most cases references were not recorded in the transcript document; it may have happened prior to the start of the transcript. In other cases, the recording set up is referred to as part of general introductions.

Interviewer: Next door is [Redacted name]. He is the Officer in the case and here to listen to what is being said today. We also have [redacted name], a police officer who works in the Child Investigation Team and he is making notes in relation to the interview today and monitoring the recording equipment

Victim: Where's [police officer]?

Interviewer: He's sitting next door. He wants to watch you on TV. He's just going to let me and you have a chat.

1.4 Interviewer characteristics

In some cases, the interviewer introduces themselves and their job role at the start

Interviewer: My name is [redacted]. I am not a police lady. It is my job to talk to people in this room while we're being recorded.

The statutory Code of Practice for Victims of Crime⁶ permits victims to specify the sex or gender of their interviewer. The gender of the interviewer is not recorded in the transcripts however we

⁶ Ministry of Justice, 2020. Code of Practice for Victims of Crime. [Link](#).

conclude from context clues or references within the text that the majority of interviewers are women. This may be because the majority of the child victims in the sample are also female.

When this is not the case, the interviewer makes direct reference to it:

Interviewer: I know it's difficult because I'm a man but try not to be embarrassed I've interviewed lots of people and there's no need for you to be embarrassed.

It should be noted that most references to other professionals watching the interview or monitoring the equipment indicate that they are men, it is not clear whether children are given any choice over this.

1.5 Equipment and cameras

During legal proceedings, children under 18 will normally give evidence outside the court room by playing a video-recorded interview as evidence-in-chief. As such, video recording is often the preferred method for these ABE interviews. Guidance states that “the equipment that should be used to achieve a standard of recording that is adequate for use in court” and recommends the use of two cameras: one to pan, tilt, zoom (PTZ) camera to record the child, and a wide-angle lens to capture the whole room.

This means that there is a significant amount of technical equipment in the interview room, which may be unusual or unsettling for a child. This is evidenced in the transcripts when “The camera” is mentioned by the child or interviewer. For example, ensuring that visual evidence is being captured.

Interviewer: just talk me through, I'm going to angle out the way so [redacted name] can zoom in so he can see what's going on as well.

Interviewer: What are you doing down there now? Because [redacted name]'s going to have a right job keeping track of where you are.

Victim: It's comfortable

Interviewer: It's comfy, that's fine I just need to push this chair back a bit so the camera can see you, I think.

In one transcript, a younger child frequently mentions that they dislike the camera, and is clearly distressed by its presence, however the interviewer is unable to provide much reassurance or alternatives, instead encouraging them to ignore it and carry on.

Victim: Its embarrassing to say when the camera is looking straight at me

Interviewer: Ok. Well, try to forget about the camera, because we know it's there don't we and we know that its recording and there's no point pretending that it's not.

Victim: it is creepy

Interviewer: There's cameras around all the time even when you walk to the shops there's cameras out there aren't there?

Victim: Yeah but I don't see them.

Interviewer: Well don't worry about that

Interviewer: you're very focussed on that camera aren't you?

Victim: Because it staring directly at me

...

Interviewer: It's clever though don't you think, we've got these cameras and it's better that we can just sit and chat rather than have to sit and write everything down.

ABE guidance states that it is “unlikely to be practicable or desirable to video-record an interview with a reluctant or hostile child; consent and cooperation are different things.”

1.6 Ending the interview

As specified in the ABE guidance⁷, at the end of the interview, the interviewer will check with these others who have been watching from a separate room and ask any ‘pick up’ questions.

As these points of clarifications are usually details about the crime itself, this section can often be disjointed and feel rushed which may increase the child’s distress at the end of the interview.

While the guidelines state that interviewers should return to a neutral topic and thank the child for their time, most transcripts in the sample do not include this, although this may take place after the recording is switched off.

Interviewer: So I’ve just had a word with [colleague] and I think we’ve got everything from our side of things. Is there anything else you want to add before we finish?

Victim: No.

Interviewer: Ok.

Interview concluded at 14:25 hours

In some transcripts, the end of the interview is used as an opportunity to explain the next steps and provide reassurance to the child.

⁷ Ministry of Justice, 2022. Achieving Best Evidence in Criminal Proceedings Guidance, paragraph 2.220. [Link](#).

Interviewer: Its likely to be me who's going to be the officer who's going to be investigating this. Okay. I'll make sure that I've got all your contact details and everything so I can keep you updated along the way. I know your dad's got my work mobile. I'll make sure that you've got that as well so you can get in touch with me if you've got any questions.

2. Interview questions

2.1 Child guided narratives

ABE guidance states that typically, an interview should begin with a 'free narrative account'⁸ which allows the child to explain what happened in their own words. This was seen in most, but not all of the transcripts we reviewed.

Interviewer: So what I'd like you to do is take your time, tell me the truth and in as much detail as you possibly can tell me what happened?

Interviewer: What I'm going to do now is get you to think about that time, that day in particular and when you're ready and in your own time tell me what happened to you last month. So, when you're ready off you go.

This is an example of trauma-informed practice as it can be less demanding than beginning by asking specific questions, it can also allow them to focus on the elements that they believe are important and to feel in control of the process.

⁸ Ministry of Justice, 2022. Achieving Best Evidence in Criminal Proceedings Guidance, Phase 2: Free Narrative Account. [Link](#).

Interviewer: It's your interview, it's your pace. Take your time and try not to worry about it too much.

In the best examples, this narrative can go on for several pages with no interruptions, followed by the interviewer summarising what they heard, then focusing on specific sections or events and asking for additional details.

Interviewer: That's great, well done... that's loads of detail thank you. That's great. What I'm gonna do is just go over what you've talked about and see if there's any more detail that we can discuss. Okay?

Interviewer: So he's been pushing you and he's been pushing you in this holly bush and grabbing your wrists and strangling you and then you've managed to kind of kick him and take his ankles away and he's fallen down a bit and then he's got up...have I got that right?

Interviewer: So what I want you to do again now in as much detail as you can from the point you've now returned to the address, talk me through exactly what happened.

Although this approach was common in the sample of transcripts that were analysed, it was not ubiquitous. The following interaction comes at the very start of the interview – the pace of the questions and lack of explanations or reassurance appear quite distressing. ABE guidance specifically states that comfort and reassurance should be offered by the interviewer to minimise stress, overcome reticence and “help the witness give their evidence clearly”⁹. When this is missing, it is obvious that the child is less engaged; providing short answers and limited detail in neutral language

⁹ Ministry of Justice, 2022. Achieving Best Evidence in Criminal Proceedings Guidance, paragraph L.4.4. [Link](#).

which is at odds with the highly emotive subject being discussed. This may be because the interviewer has not established a rapport with the child, or because the child feels they are not allowed to express their distress in this setting and has not been told otherwise.

Victim: I was sexually assaulted by my brother

Interviewer: When was this?

Victim: I'm not sure but I think it was when I was around 12

Interviewer: You say it was around 12, how many times did it happen?

Victim: I'm not sure.

Interviewer: Once? More than once?

Victim: More than once.

Interviewer: Can you remember the first time it happened?

Victim: No not really.

Interviewer: Does your memory remember more than one occasion?

Victim: Yes.

2.2 Approaches to narrative and detail

In some cases, the focus of the interview is on reconstructing a timeline of the events. This is used as a framework and details are later filled in.

Interviewer: Sorry to go back a little bit further, it's just this might help with the timeline that we look to.

Interviewer: ...we'll cover that again in a little while

Some interviewers use specific cognitive interviewing techniques to try and help the child remember events in more detail.

Interviewer: Ok what I want you to do then is just focusing on that bit, that first time that you've sort of come round, close your eyes if you need to try and get yourself back into the time when it happened, and just talk me through exactly what happened, and again in as much detail as you possibly can?

Interviewer: So, if it helps, close your eyes and I'd like you to think about where you were. Think about what you could see. Think about what you could hear. Picture the location.

In several interviews, drawings are used to guide questioning or provide additional details.

In one example, a very young child is asked to draw on paper from the start of the interview to show what happened.

Interviewer: You can start telling me what happened, and you can draw me pictures to show me if you like.

Victim: They might look a little bit rude.

Interviewer: Might it? ok well start drawing things for me and tell me about it... What is that then?

In other cases, drawings are created to show routes on maps or the layout of a room.

Interviewer: Something that might now assist us for the rest of this interview is I'm going to how good's your drawing? What I'm going to do is if you just use this page here and just draw the layout of the upstairs of the house in particular his room, room his room empty at the minute and then once we've done the layout out of the house, so we know where his room was, or is, then well move onto the next bit alright, just talk me through

Victim: Would you like another map?

Interviewer: Oh yeah that would be good.

Victim: This might be better. Cos this one might be hard for me to explain.

Interviewer: Yeah okay that's fine. Let me grab you a piece of paper. There you go.

2.3 Explaining need for lines of questioning

The ABE guidance makes clear that witnesses, including children, should understand the purpose of the interview as a whole, as well as the need for certain questions or routes of inquiry. This is particularly important when the questions are personal or distressing.

Interviewer: A few more things I need to talk to you about and they're all to do with the sex unfortunately okay, but we just need to clarify a few things okay.

Interviewer: And as I say, don't be embarrassed and don't be. Because, as I say, I talk about this every day and, you know, I do become quite matter of fact and I know it can feel quite uncomfortable but it's important we find out what's actually happened.

However, in most cases personal lines of questioning were often not given context, children weren't told why it was important to gather certain information.

For example, one interviewer asks a child about their sexuality, its relevance to the case is not clear and is not explained.

Interviewer: And when you say ask you out, what do you mean?

Victim: Like ask me to date.

Interviewer: Ok, you said there [redacted name] is a she?

Victim: Yeah.

Interviewer: And I don't mean to embarrass you by this, but in terms of your sexuality what would you define yourself as?

Victim: I'm straight, [redacted name] is bisexual.

Interviewer: Alright but you're straight?

Often, interviewers ask for details about the clothes the child was wearing at the time of the crime. As in the following quote, there is sometimes acknowledgement that it is an uncomfortable subject, but in none of the transcripts analysed is the importance or relevance of this information explained. This is particularly significant due to prevalent cultural narratives that suggest victims of sexual assault has some responsibility for the crime due to 'provocative' clothing choices.

Interviewer: What were you wearing at that point?

Victim: Shorts, tights, and an off-shoulder top.

Interviewer: So, you've got tights on, but then shorts over the top, what kind of shorts?

Victim: They're short shorts, they didn't show anything, but they weren't...

Interviewer: What material were they made of?

Victim: Jean.

Interviewer: And what colour?

Victim: Black.

Interviewer: And then on the top, what was you wearing?

Victim: Black shirt and it was off shoulder, black studs around the collar.

Interviewer: Were you wearing any underwear?

Victim: Yes.

Interviewer: Again, I don't want to embarrass you, what underwear were you wearing?

Victim: Just black.

Interviewer: Black bra and underwear?

Victim: Yeah

In another interview, a child is asked intimate questions without any explanation of its relevance.

Interviewer: And am I right in thinking you were on your period as well?

Victim: Yeah.

Interviewer: So what were you using for your period?

Victim: Pads.

Later in the same interview:

Interviewer: And what colour was your underwear?

Victim: Pink

Interviewer: And we've seized those haven't we?

Victim: Yeah.

Interviewer: And you were on your period, so you had a pad in?

Victim: (nods)

In all of the examples above, the interviewee switches from engaging in the conversation to one-word answers or gestures which may indicate discomfort with the line of questioning.

In contrast, some interviewers seem to be more attuned to the child's reactions and feelings and are able to respond appropriately, for example by changing their approach to questioning or refocusing conversation when child becomes distressed.

Interviewer: Let's go back and let's finish off talking about what happened in the kitchen that day shall we, get it over and done with.

Victim: I don't even want to describe what I saw in the photos cos it's so disgusting

Interviewer: So tell me about his phone. What kind of phone was it?

3. Establishing understanding

3.1 Understanding of critical concepts

ABE interviews should establish that the interviewee is able to distinguish between the truth and lies¹⁰, in order to asset that the evidence they are giving is truthful.

For older children and teens, this usually takes the form of a direct question at the start:

Interviewer: If I was to ask you your understanding of the truth, what does that mean to you?

For younger children, demonstrations and scenarios are used to establish understanding:

Interviewer: Do you remember when [redacted name] was sat on the sofa and he touched [teddy bear], and he came through there and you saw him touch [teddy bear] on the TV screen and then he said "I didn't touch [teddy bear]", what was that?

Victim: It was a lie.

Interviewer: What should he have said to you?

Victim: He should have said I touched [teddy bear]

Similar exercises are used to ascertain understanding of other concepts in young children. In the example below, a physical demonstration is used to confirm that the child is expressing an experience relating their body correctly

¹⁰ Ministry of Justice, 2022. Achieving Best Evidence in Criminal Proceedings Guidance, Phase One: Establishing Rapport - Oaths and the Importance of Telling the Truth. [Link](#).

Interviewer: Now you've talked as well about obviously inside your poo hole and inside your pee hole... I just want to do a little exercise with you if that's ok. [...] I've got a little toy car here. I want you to tell me now where have I put this?

Victim: In the middle

Interviewer: In the middle of the what?

Victim: In the middle of the box

Interviewer: In the middle of the box absolutely, where is it now?

Victim: Outside the box

Interviewer: Outside the box ok.

Victim: Underneath the box

Interviewer: Underneath the box

Victim: On top of the box

Interviewer: On top of the box perfect.

Victim: Inside the box

Interviewer: Absolutely, good stuff so you know that's inside the box.

Victim: Yeah

3.2 Terminology: anatomy

A particular issue with collecting evidence from children is that they may not have the language to explain fully what they experienced. Interviewers use different approaches to navigating this. For

example, by beginning the interview with reassurance that they are allowed to use words they otherwise wouldn't.

Interviewer: if you don't understand something I say just tell me. If I say something that you've told me and I get it wrong you have to tell me because I don't want to make a mistake. If you need to use words that somebody else has said; it could be a swear word, it could be an embarrassing word, this is a special room; you are allowed to use any word you want in this room. You are not going to get into trouble.

Often interviewers address the issue of anatomical language and younger children using different terms for their body parts.

In some cases, the interviewer has asked the child to explain the function of the body part they are using a euphemism for to establish understanding:

Victim: Privates.

Interviewer: What does a girl use her privates for? I'm a girl and you're a girl, so the privates that you're talking about what do we use them for?

Victim: The toilet.

Interviewer: That's right

In establishing a common language, interviewers can use the opportunity to again put the child at ease and reassure them that they are allowed to be talking about this.

Interviewer: Just you whatever words you would use, however don't think you've got to try and put it into adult language, proper language, just say what it was that...

Victim: I've got scientific words for it, it's just hard to explain.

Interviewer: Ok. What scientific words?

Victim: Basically... just... (inaudible)

Interviewer: What were these scientific words that you said?

Victim: Vagina

Interviewer: Vagina ok that's a very scientific word

Victim: And penis

Interviewer: And penis ok. What do you know them as, what would you normally say rather than scientific words?

Victim: Fuff

Interviewer: Fuff would be for what, so what's...

Victim: A female

Interviewer: Female?

Victim: Vagina

In the other cases, usually with an older child, the interviewer has encouraged the child to use correct anatomical terminology, reassuring them that they don't need to be uncomfortable with the words.

Interviewer: where was he touching you?

Victim: Below... below.

Interviewer: Below, ok. What would you normally call it and don't be embarrassed, what would you normally call where he was touching you?

Victim: I don't know, I just call it nether regions.

Interviewer: What would be the adult word for where he was touching you, or the grown up word for where he was touching you?

Victim: (Inaudible).

Interviewer: Don't worry.

Victim: I can't say it... the vagina.

Interviewer: And you say he came. Do you know another word for that at all? When you say he's come, do you know what that is?

Victim: Yeah.

Interviewer: What's the word for that?

Victim: Sperm.

Interviewer: Yeah sperm, semen, its full of sperm. You might hear people say ejaculation. Have you ever heard that word?

Victim: Yeah.

Interviewer: Yeah. And do you know what... you know what that is, ejaculation?

Victim: I think so.

Interviewer: When they've ejaculated. So, they've... so that's a posh word for a boy that's come. Okay. But at least I know what you know... when someone's come you know its sperm.

However, some transcripts show the child using technical anatomical terminology that is then ignored or misunderstood by the interviewer.

Interviewer: And what is it that's painful?

Victim: It's like somewhere, it's like, it feels like my ovaries are like being squeezed, or like my, not cervix, but like somewhere in there it feels like somethings attacking me in there.

Interviewer: Right, so it's like pain inside your tummy really?

This example is particularly problematic as the interviewer downplays the severity of the victim's pain and by ignoring the child's choice of terminology, the interviewer is implicitly telling them to provide less detail and specificity in their evidence.

3.3 Terminology: sexual acts

Similarly, interviewers take care to establish a shared understanding of sexual acts before continuing to discuss them. The need to do this is usually explained well.

Sometimes this takes the form of clarifying slang or euphemistic language that the child has used.

Interviewer: you said that you were having an intimate moment. Youve told me that you study biology. If you were in a biology class describe to me what you were doing in this intimate moment.

Victim: Well penetration of course you know like sex.

Interviewer: Now you say you slept with him.

Victim: Yeah.

Interviewer: So, some peoples "I slept with him" could be different to and I need to make sure what's happened is what I think has happened okay. Again, I'm not trying to patronise you, it's just I need to make sure one hundred percent. So, what happened?

Victim: I had sex with [redacted name].

Other times, the interviewer establishes a child's understanding of terminology prior to asking a question:

Interviewer: Did you do any like... do you know what I mean by foreplay?

Victim: I think so.

Interviewer: What do you think foreplay is? Did you do stuff before sex? Did you used to kiss each other?

Victim: Oh yeah.

Interviewer: Did you anything with your hands?

Victim: No.

Interviewer: Have you heard of other things you can do with a boy or a boy can do with a girl apart from have sex? What other things could you do?

Victim: Like toss him off.

Interviewer: Yeah.

Victim: Them fingering ya.

Interviewer: Yeah. Did you do any of that with him?

Victim: Can't remember.

Interviewer: No. So just in the relationship before you even thought about having sex with him were there any tossing off or him fingering you?

This type of questioning needs to be managed carefully by the interviewer to avoid leading questions that may misrepresent the situation. For example, in the following quote, the interviewer has assumed

that the child's use of "fingering" implied penetration and the child agrees. Prior to this, the child had spoken about "touching" but not penetration.

Victim: He was fingering me.

Interviewer: Ok, he was fingering you so from that I believe you mean that he had his fingers inside you, is that correct?

Victim: Yeah.

This is significant as the maximum sentence for the perpetrator depends on whether the crime is "assault by penetration" or "sexual assault" without penetration. As such, the leading clarification question could become an issue in court.

In a few cases, the need for questions about a child's knowledge of sex and anatomy is not explained and the level of questioning seems excessive and upsetting. Below, this is evidenced by the child's difficulty answering the questions.

Interviewer: And what was he doing with his penis?

Victim: Having sex obviously

Interviewer: Okay just, you need to describe to me what he was doing I know it's difficult so take your time.

Victim: It just happened so fast.

Interviewer: I know, it might sound like a silly thing to ask, but you're saying he's put his penis inside you and it was inside you for two minutes, what was he doing whilst it was inside you.

Victim: Well how do you explain it?

Interviewer: Was he still when he was inside you?

Victim: No.

Interviewer: Okay so what was he doing?

Victim: He was just grabbing me and I don't know how to explain it.

Interviewer: How did it feel when his penis was inside you?

4. Potentially harmful interview practices

As in the previous example, a lot of the poor practice in the transcripts relates to lines of questioning that appear to make the child uncomfortable, do not appear to be necessary or directly relevant to the crime being discussed, or use language or concepts that are known to be incorrect or harmful.

4.1. Language choice

In several transcripts, interviewers refer to a child's 'virginity' and the sexual assault as their virginity being "lost". Not only is this an outdated and unscientific concept, but the way that one victim reflects on this line of questioning demonstrates how the phrase is in itself damaging to a child's self-image.

Interviewer: How do you feel about the fact that you lost your virginity to your brother?

Victim: It just makes me feel really disgusting like impure to feel like I can never regain that part of me.

Certain inappropriate word choices are used by multiple interviewers across different transcripts. For example, "normal sex".

Interviewer: Ok and then he's on top of you doing what's called missionary position, so like the normal sex position?

Not only is this potentially confusing for children and young people as it implies a shared heteronormative understanding of 'normal', but also suggests that some element of the sexual assault they experienced was normal, thereby implicitly minimising the traumatic event.

4.2 Minimising the crime

In several instances, the interviewer's questions and word choices appear to cast doubt on the severity of the reported crime or diminish the perpetrator's responsibility for the assault.

Interviewer: And were they messing around trying to pull your top?

Interviewer: Because from what you've said, whilst its hurting, it would only go on for a few more seconds anyway?

Interviewer: I'm trying to get a gauge are you saying he's like being deliberately assaulting or he's just gone a bit over the top?

In other examples, interviewers cast doubt on the child's narrative with their word choices in questions.

Interviewer: Right and do you know where you were when he supposedly did that?

4.3 Victim blaming language

Teenage victims are always asked about their previous sexual experiences, the relevance of this line of questioning is not explained and often comes across as judgemental.

Interviewer: Okay, so you've had sex before? Okay. So how old were you? So, you're 15 now. How old were you when you lost your virginity?

Victim: 14.

Interviewer: And was... how many people have you had sex with before [redacted name]?

Victim: Two.

Interviewer: Okay, does your mum know?

Victim: Yeah.

Lines of questioning regarding the victim's decisions prior to the assault often come across as implying that they were responsible in some way for allowing the crime to take place.

Interviewer: So the second time he's been sat on the end of the bed, you've laid back down on the bed but not wanting sex.

Interviewer: when you left to go to the bathroom after the first time why did you go back into the bedroom again, why did you not leave?

In some cases, the victim's response indicates that they feel they are being blamed or misunderstood.

Victim: Yeah and then were on the landing but then he goes up to my room so I just follow.

Interviewer: For what reason do you follow?

Victim: He's got my phone and going to my room.

Interviewers ask older children about their use of alcohol or drugs at the time of the assault, this is an added complexity as they will be aware that it is illegal for them to have been under the influence of these substances, however, interviewers rarely use this opportunity for reassurance and can instead come across as judgmental, implying that the crime may not have occurred otherwise.

Interviewer: And had you taken any drugs or anything or any other alcohol?

Victim: No

Interviewer: Would you consider that you were under the influence of alcohol at all, had it affected you at all that bit of alcohol that you'd had?

Victim: No.

Interviewer: Had you eaten anything that day?

Victim: I think I had a chocolate bar at work.

Interviewer: A chocolate bar at work?

Victim: Yeah.

Interviewer: Had you had any proper meals at any point?

Victim: No.

Interviewer: So do you think up whilst you're sat in that room the only thing you've eaten that day is a chocolate bar?

Victim: Yeah.

Interviewer: And you say that you had a drink, is that when you started to drink whisky?

Interviewer: So we often try to gauge peoples drunkenness using a scale of 1 to 10, 10 being the most drunk you've ever been in your life, 0 being perfectly sober, at the point that things are starting to go blurry and he's saying right that's enough, where would you put yourself?

Victim: 9.

Interviewer: The most drunk you've ever been?

Victim: Yeah.

These lines of questioning run counter to good trauma informed practice by exacerbating the guilt and shame that are pervasive features of trauma. Furthermore, it can play into common misconceptions about the impact of intoxication on the victim's memory of the event which may impact the way that evidence is considered by the court.

Interviewers ask what the child was doing during the assault, often in a way that implies that they failed to make themselves understood or to call for help.

Interviewer: Did you say anything to anybody at that point that you were uncomfortable?

Victim: that's when I said no

Interviewer: Right and was it a no that he would have heard?

Interviewer: And did you tell him that it was hurting?

Victim remains silent

Interviewer: Did you make any noises that may have suggested to him it was hurting?

Interviewer: At that time were you compliant?

Victim: What does that mean?

Interviewer: Were you allowing him to do it, not fighting?

Victim: Not fighting.

Interviewer: Have you ever sort of escalated it to like screaming and shouting, anything like that?... what about punching him or slapping, have you ever had to do anything

Victims were regularly asked to hypothesise on how the perpetrator would have experienced the situation. These types of questions are highly speculative and although they may be aimed at determining whether the suspect was aware the activity was non-consensual, this information would be better inferred from the circumstances of the case as described by the victim. Speculation of this sort will be influenced by the victim's understanding of the wider situation, any feelings of confusion or guilt they may be experiencing and their perception of the perpetrator, all of which are highly subjective. Moreover, this practice is contrary to trauma informed practice as it needlessly risks retraumatisation.

Interviewer: At any time would he have known that you didn't want to have any type of sex with him?

Interviewer: Do you think he, and this is just your personal opinion, but do you think he realised what he'd done, that you didn't want to have sex with him?

Interviewer: So in his mind if you sort of imagine it from his point of view, would it be clear to him that you've withdrawn your consent or not?

4.3 Understanding of consent

The following quote shows an interviewer establishing the child's understanding of 'rape'. However, the definition they agree on is limited and may have led the child to minimise the other elements of the event they are reporting, including other forms of sexual violence and harassment.

Interviewer: And what is it that you've told police?

Victim: That he raped me.

Interviewer: And what do you understand rape to be?

Victim: Without consent.

Interviewer: And what happens in rape? What body parts are we talking about?

Victim: Penis and vagina.

Interviewer: Okay.

As with the victim-blaming language above, the transcripts show a very mixed level of understanding and explaining the nuances of consent and rape amongst interviewers.

In one good example, the interviewer explains consent to a child simply and clearly.

Interviewer: What do you think [consent] means?

Victim: When you say like either yes or no to having sex.

Interviewer: Yeah it can be to a certain extent, okay, but somebody could say yes because there could be other consequences if they didn't, okay. And what we call that is true consent, okay.

While this concept of 'true consent' appears to be implicitly understood by the children who knew that they had been assaulted, the following quote shows that the concept is often over-simplified when it is discussed with children in educational settings, which could be confusing and lead to assaults not being reported.

Interviewer: And that word 'consent' as well what does that mean to you?

Victim: Somebody has told you that they're ok with you doing something... or shown you. Like, I don't know really with consent because the week after I went back to school, we did about it in PHSE because school (inaudible) as soon as that happened... they found out that happened they do a lesson on it. And they were explaining how easy consent is and how you verbally have to say it for it to like count, but then you get to a case like this when it's not that easy...

This is also reflected by interviewers asking questions which show a lack of understanding of the power dynamics within relationships that can lead to a victim feeling pressured to say yes to sexual acts they do not want to take part in.

Interviewer: And you said that you were in agreement at that point, am I right?

Victim: Yeah... he, well he very much pressured me into agreement. He used to do this thing where he would kind of try and emotionally guilt me, saying that it was like my fault he was aroused or that

he was, you know, sexually frustrated and he would say that I was like a bad partner if I wasn't helping him. So, I felt guilty into doing it.

Interviewer: So, you've said to him that you're not gonna do anything other than kissing but then you've changed your mind and you've agreed to masturbate him.

Victim: Yes and then I told him that I wouldn't do anything past masturbating him because I didn't want to masturbate him in the first place.

Interviewer: But you agreed to masturbate him.

Victim: I agreed to do it.

Interviewer: Yeah, okay. So could you not pull away?

Victim: I couldn't

In other cases, the interviewer does not acknowledge that consent can be withdrawn and leads the victim to provide answers that undermine their experience of assault.

Interviewer: So it's always been always started off with consensual sex?

Victim: Yeah.

Interviewer: So can I confirm there's never been an occasion where he's forced you to have sex?

Victim: He's never forced me when we've started, no.

The following quote from a child, reflecting on their experience of sexual violence, illustrates the difficulty the victims have in firstly understanding, then reporting the crime.

Victim: I was worried and... just scared I didn't know what I want to do, and I was trying to think it's easier to just like... it's easier to convince yourself you didn't get raped than being raped and I was just trying to figure out everything in my head. And I guess that's why it took me so... like a while to do this interview because I needed to sort everything out for myself and figure out what's happened myself. And it just (inaudible) everything out but... then I think it's like an anxiety depression thing but like I shake really bad with panicking and scared, so I was just shaking.

4.4 Risk of retraumatising

Older children in particular appear to have existing conceptions of what the interview process will be like, and are reluctant to talk about their experiences. This is unsurprising as we know that a large proportion of sexual assaults go unreported.

Victim: I'd originally said I'm not gonna report it because I don't want to have to go through all of the process. I said I don't want to go back to it and you know I would like to leave it behind. And you know it's been almost a year and I'm like I can't leave it behind it's affected my life so much.

Interview guidelines aim to reduce the risk of retraumatising a victim by recounting the crime. However, the following quotes show that certain approaches to questioning trigger difficult feelings for the child.

Interviewer: He was on his side facing you; you were like that and show me how he touched you?

Victim: I don't want to show you, but I can tell you. I can tell you and I can show you.

Interviewer: I don't mean to actually show, show, tell me? Tell me how he touched you then?

Interviewer: So in as much detail as you can, talk through literally step by step what's happened from when he's undone his zip and got his penis out.

Victim: I don't know if I can go into much more detail than that because it's very much a... I'm constantly fighting with the trauma 'cause on one hand my heads trying to kind of block it out but on the other hand its important, so I need to keep it in my head.

The second quote illustrates a common feature of trauma and re-traumatisation: higher brain functions including those associated with the language centres of the brain become overwhelmed and impact the way that information is conveyed. Not only does this obfuscate the evidence that the interviewer is trying to collect, but it can be an upsetting and uncomfortable experience for the victim.

ABE guidelines also specify that "Questions should be phrased in the past tense; they should not be phrased in the present tense because doing so risks confusing the witness and mentally reinstating any trauma that they have experienced."

The transcripts show that this was not consistently followed, for example:

Interviewer: And you're saying you can't do this, you're sat astride him, ok and where are his hands and where are your hands, what are you both doing?

Interviewer: are you sat up or are you lying down?

Victim: Lying down because he was on top of me.

Interviewer: Okay so he's on top of you.

There are also examples of the interviewer switching between first, second and third person pronouns which could be particularly confusing for a child.

Interviewer: so, we've had the oral sex on you, we've had intercourse... sex with you and then he's stopped?

In several transcripts, the interviewer reads aloud messages that have been sent by the offender to the victim and have been collected as evidence. These are often violent or sexually explicit in tone and hearing them read out, in particular by an authority figure, is likely to be upsetting for the victim.

Interviewer (reading aloud): Go get raped you cunt, go get murdered you slag, I don't give a shit anymore you slag.

4.5 Understanding of online harms and non-contact offences

In the conversation that follows this quote, the interviewer suggests that the message may not be criminal because the sender does not intend it to be a real threat.

Interviewer: So they're abusive and...

Victim: Yeah.

Interviewer: I mean I don't know how you read them... he's not threatening to rape you or threatening to murder you, he's just being offensive isn't he?

Children live much of their lives online. Many of the provisions in the Online Safety Act (2023)¹¹ were developed in recognition of this. The Government has also introduced various non-contact, online sexual offences in recent years, such as 'cyber-flashing' and 'revenge porn' (image-based abuse).

¹¹ The Online Safety Act, 2023. [Link](#).

Despite the changing nature of how many crimes take place, the interviews with child victims reveal that police often lack the knowledge needed to identify and respond to technology-facilitated sexual abuse.

In many transcripts, the interview becomes sidetracked as the child is asked to explain how a social media platform works. As more and more young people experience harassment online, we would expect police to have up to date training on the modes of communication young people use, and the risks associated with them.

Interviewer: Okay did you exchange phone numbers at all?

Victim: Snapchat.

Interviewer: It was on Snapso... Snapchat? So, you don't have to exchange numbers do you on Snapchat? I don't have Snapchat, I'm a bit old you see for that, so I don't really get it.

Interviewer: And you were saying that throughout the night he took some videos... Snapchat, like a Snapchat story?

Victim: Yeah

Interviewer: Are those retained anywhere? You say you deleted them.

Victim: Yeah

Interviewer: Would that have been shared with anybody else and I don't quite know how it all works really, would they still have access to them?

Interviewer: They're on Instagram are they, ok, so is it his Instagram profile to your Instagram profile?

Victim: Yeah.

Interviewer: This is where I show my age, I'm not very good with Instagram, do you have a profile name on, or how does it work?

Victim: Yeah, you can message people, it's like Facebook.

5. Potentially helpful interview practices

As shown in the previous section, the interview process has the power to change the way that a child understands and feels about themselves and the crime they have experienced. This means that the interview also has the potential to be a positive experience.

5.1 Reassurance

There is a stark variation in good practice between transcripts; some interviewers regularly check in with and reassure the victim, acknowledging that the process is difficult, whilst others do not do so at all.

Interviewer: are you still feeling okay?

Victim: Yeah.

Interviewer: Relieved that we've got that through?

Victim: Yeah

Interviewer: Again, it's a difficult thing to remember and go back, I can see you're struggling a bit there, but do your best to describe what you could see.

Interviewer: I know it's embarrassing and I can see you're really really struggling but you're doing well.

In other interviews, the child is praised for coming forward and “doing the right thing” and reassured about the process.

Interviewer: And you said he said don't tell anyone okay but you did... well done

Interviewer: We'll get that after don't worry 'cause we may need to have a chat with her after. Not that she's in trouble or anything like that don't worry.

In other interviews, opportunities for providing reassurance, or to respond to the child's distress are missed as the interviewer continues with their questioning.

Interviewer: So we obviously went for the medical and everything last night and you slept hopefully a little bit overnight. How are you feeling today?

Victim: Still like in pain and tired and I just don't have like the energy to do anything.

Interviewer: What I'm gonna do now is I'm just gonna pop next door and have a word with [redacted name] and see what other questions we may need to do.

Interviewer: Is there anything you can think of before I go and check with her that I've missed?

Victim: It's just the school. Every time people come by me it's now mainly, well we broke up from school today... it's just I'm constantly getting bullied

Interviewer: And what's been said?

Victim: That I'm... just people always... apparently I'm bullshitting all the time and just doing it for attention.

Interviewer: So you're not having a good time at school?

Victim: No definitely not.

Interviewer leaves the room

Interviewer: How do you feel about what [redacted name] has done?

Victim: A bit sad. I thought it was my fault, but Mummy said it's not.

Interviewer: What was [redacted] wearing when this happened?

Interviewer: Right, and so when that was happening, what were you thinking and feeling?

Victim: Well I was in shock, I didn't say anything, I didn't do anything. I was just thinking how did I get myself in this mess.

Interviewer: Okay.

This is significant as research around trauma informed practice suggests that an interview can be an opportunity for the interaction to be a positive intervention point. For example, by challenging the victim's self-blame rather than moving past it. As in this good practice example:

Interviewer: So, what did you realise?

Victim: That I had actually done those with my brother and it's a bad thing

Interviewer: But you're not in any trouble. You didn't do anything wrong; you were a child. You were 11 okay. So you didn't do them with your brother, your brother made you do it, okay?

5.2 Sources of support

Some transcripts capture conversations with the child about the other sources of support they have access to. This tells us about the wider context of reporting a crime and giving evidence as a child.

Interviewer: Have they spoke to you about - You might have heard the word CHISVA said, which is an Independent Sexual Violence Advisor for children? I know it sounds horrible, but you're technically classed as a child. I know it sounds like it's really young doesn't it, I'm sorry. But they're people that are independent of the police and they don't work for us, they're a totally different organisation. But they're there to help and talk to you about what's happened, about the police process. They can be people that if say you don't wanna talk to [police officer] but you can speak to your CHISVA, you can have a chat with them and then they can then talk to [police officer] Would you be happy if we contact somebody and see if they can contact yourself and your mum?

Most references were to support in school or college, which tended not to be positive experiences.

Interviewer: Was there nobody at college that you could talk to? Must have? Tutors or?

Victim: I wasn't comfortable with the people at college. Like they were great teachers, but I don't think the people at that college are very much like more than that.

Victim: the school nurse came in and asked for me and she had a conversation about it and she was like "were going to have to tell the school" and I sort of panicked about that because I was like "no, my mum will find out and she'll hit me and all that" but [redacted name] he's the school safeguarding... he's on the school safeguarding team, and he just (Inaudible) me about that and the nurse spoke about the sexual health and all that... and then he was like we are going to have to tell your mum because the alcohol and your age

6. Next steps

Towards the end of several interviews, the child is asked how they feel about the investigation and what they would like to see happen next. These conversations provide insight into the victims' feelings about justice and can help us examine whether the existing criminal justice system is effectively serving child victims.

Interviewer: How do you feel about the police investigating this?

Victim: I don't know. I don't care what happens to him. I don't care if it goes to court or not. I'm just not bothered about it anymore. It's just brought me down too many times and make me feel really crap about myself and I just need to get it over now.

Interviewer: How do you feel now you've done the interview today?

Victim: Don't know.

Interviewer: Okay and I've covered everything? Okay. What would you like to happen to him?

Victim: I just never want to see him again.

Interviewer: Would you like him to be punished for it?

Victim: No, I just don't want anything to do with him.

Appendix A

	Good practice	Poor practice
Introduction	-Room/equipment explained	- Not clear that the room/equipment has been explained
	- Discussion truth, lies and consequences examples provided.	- Not clear that the discussion truth, lies and consequences examples not clearly provided.
	-Interviewer explains the objective/purpose of the interview (only appropriate where the child's developmental level means this would not be overwhelming)	- Interviewer does not explain the objective/purpose of the interview (only appropriate where the child's developmental level means this would not be overwhelming)
Language and understanding	-Interviewer is clear about what the child should do if they do not understand - Interviewer explains what the child should do if they think the interviewer may have misunderstood something they have said, e.g., by summarising what the child has said incorrectly.	- Not clear the interviewer has explained about what the child should do if they do not understand -Not clear the interviewer explains what the child should do if they think the interviewer may have misunderstood something they have said, e.g., by summarising what the child has said incorrectly.

	-Interviewer does not use grammatically confusing sentences or jargon	-Interviewer not use grammatically confusing sentences or jargon
Questioning / impact on child	-Interviewer avoids present tense questions e.g. 'what does he do now?' -Interviewer explains why certain questions need to be asked -Interviewer provides reassurance	Interviewer asks questions about recalling the offence in present tense e.g. 'what does he do now?' - Interviewer does not explain why certain questions need to be asked -Interviewer does not provide any reassurance
	-Victim-blaming language/questions are avoided	-Victim-blaming language is used
Professional response to child distress or discomfort	-Where needed, a child is offered a comfort break, or given a touch card to indicate when they would like a break -Where needed a child is offered other things that may be comforting e.g. toys, fiddle toys, a drink.	-Child is not offered a comfort break despite indications they need one -Child is not offered other things that may be comforting e.g. toys, fiddle toys, a drink, despite indications they need one
Closing the interview	-Interview ends appropriately, if possible returning to neutral topic -Child is thanked for their time and participation	-Interview ends without returning to neutral topic -Child is not thanked for their time and participation

Interview length	-Appropriate length for child's age / energy levels	-Inappropriate length for child's age / energy levels
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