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Running head: GROUND RULES IMPLEMENTATION

A Qualitative Examination of 'Ground Rules' Implementation Practice in Investigative Interviews with Children

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Abstract

There are specific guidelines (for example, Achieving Best Evidence published by the Crown Prosecution Service, 2011) for forensic interviews with children. Such guidelines include a set of 'ground rules' – these are procedures which should be followed at the start of an interview to explain the nature of the interview to a child and to ensure that evidence is obtained in a legally appropriate way. The procedures are also used as a way to demonstrate how well a child understands aspects of the interview. This study investigated how ground rules were implemented in 51 investigative interviews with child witnesses and victims alleging criminal activities. The results showed there was a lack of consistency in ground rule implementation, and that even when ground rules were implemented their relevance to the remainder of the interview was not made clear. These findings highlight concerns as to the efficacy of ground rule implementation practices.

Keywords: forensic interviews, child abuse, interviewing protocol

An investigative interview conducted with a child is an interaction that provides evidence, and an insight into what the child knows and remembers. Children's testimony, elicited in video recorded forensic interviews, is often crucial because there is frequently a lack of corroborative evidence in cases of child abuse (Davis, Hoyano, Keenan, Maitland, & Morgan, 1999).

Children are considered to be 'conversational apprentices' (Lamb & Brown, 2006) who generally need to be implicitly guided by adults in any conversation (Oxburgh, Myklebust, & Grant, 2010). In addition, in a forensic interview children also have to be guided explicitly to help them understand the procedural context of the interview. Therefore the effectiveness of an interview is greatly determined by the behaviour of the interviewer (Leander, Granhag, & Christianson, 2009).

The present study examined implementation practice of the explicit guidance which is given to children by interviewers at the beginning of an interview. This guidance is given in the form of 'ground rules' along with a discussion about truth and lies. Both the ground rules and the truth and lies discussion are required by the Achieving Best Evidence (ABE) interviewing protocol (Home Office, 2002; Criminal Justice Service, 2007; Crown Prosecution Service, 2011). ABE is the official guidance for use in interviews with vulnerable witnesses in England and Wales (Youth Justice and Criminal Evidence Act 1999). Similar guidance is also found in other countries: for example, guidelines such as the National Institute of Child Health and Human Development (Orbach & Lamb, 2000; Lamb, Hershkowitz, Orbach & Esplin, 2008) in the United States; Guidance on Joint Investigative Interviewing of Child Witnesses in Scotland (2011); Achieving Best Evidence in Criminal Proceedings: Guidance on Interviewing Victims and Witnesses, the use of Special Measures

and the Provision of Pre-trial Therapy (2010) in Northern Ireland; Provincial Child Abuse Protocol (2011) in Saskatchewan, Canada. There are similar principles being applied to investigative interviews in Sweden, Norway, Finland, Israel and other countries.

Such guidelines suggest that interviews begin with a rapport phase, followed by a free narrative phase in which children should be given the opportunity to report what happened with little interruption from the interviewer. The third phase is the questioning stage when the interviewer specifically asks for more details, and the final phase concerns closure when the interviewer summarizes and finishes the interview.

In the rapport stage the ABE protocol states that interviewers "should normally encompass" (ABE, 2002, section 2.100, mentioned also in Criminal Justice System, 2007 and Crown Prosecution Service, 2011) the following four ground rules:

- remind the child that the interviewer was not present and is therefore relying on the child's account (this is called 'interviewer not present' in the tables)
- tell the child that if they do not understand a question they should say so ('don't understand')
- tell the child that if they do not know the answer to a question they should say so (don't know')
- say that if the interviewer misunderstands or incorrectly summarizes what the child has said then the child should point this out and correct the interviewer ('interviewer correction')

In addition, the ABE interviewing protocols state that towards the end of the rapport stage there should be a discussion that explores and demonstrates the child's understanding of truth and lies. This discussion should emphasise the importance of the child being truthful in

everything he or she says during the interview. With the exception of the 2011 edition of ABE it is also recommended including a discussion to find out whether a child understands the adverse consequences of telling lies. To help children to understand the ground rules, ABE stresses the benefits of using concrete examples to illustrate the points being made. ABE also advocates giving a child the opportunity to practise using the ground rules. The initial discussion of the ground rules takes place during the rapport stage of the interview but ABE points out that it may be beneficial to reiterate some of the ground rules at the beginning of the questioning (i.e. the third) stage of the interview.

The aforementioned interviewing protocols emphasise the use of those ground rules in an interview (Powell & Lancaster, 2003). However, previous research has not unambiguously supported the usefulness of these aspects of an interview. For instance there have been concerns as to the influence of the truth and lies discussion; specifically whether the discussion itself or the promise to tell the truth is the key factor (London & Nunez, 2002; Lyon & Dorado, 2008; Lyon, Saywitz, Kaplan, & Dorado, 2001; McCarron, Ridgway, & Williams, 2004; Talwar, Lee, Bala, & Lindsay, 2002; Talwar, Lee, Bala, & Lindsay, 2004). In respect to the other ground rules researchers have demonstrated some positive effects of using ground rules (Mulder & Vrij, 1996), but have also found limitations in the benefits of their implementation (Teoh & Lamb, 2010). For example, explaining to children that they should say "I don't know" or "I don't understand" does not necessarily have a positive impact on a child's conversational behaviour (Beuscher & Roebers, 2005; Blades, Waterman, & Gibson, 2003; Ellis, Powell, Thomson, & Jones, 2003; Waterman, Blades, & Spencer, 2004). A further issue is that interviewers' implementation of the ground rules, both in England and Wales and in other countries, is often incomplete and inconsistent (Cederborg,

Orbach, Sternberg, & Lamb, 2000; Hershkowitz & Elul, 1999; Powell & Hughes-Scholes, 2009; Thoresen, Lønnum, Melinder, Stridbeck, & Magnussen, 2006; Westcott & Kynan, 2006).

In the present study we considered the use of ground rules by analysing when they were included in an interview, the order in which they were introduced, and the way they were implemented. We also noted how a child's understanding of the ground rules was assessed, and any repetitions of these procedures later in the interview.

In line with the interviewing protocol guidances we made several predictions. We predicted that all five ground rules (i.e. the four rules described above plus the truth and lies discussion) would be discussed in the rapport stage of the interview, with the truth and lies discussion taking place towards the end of the rapport stage. We expected that the ground rules would be illustrated with concrete examples. We predicted that the child would be given the opportunity to practise using the ground rules. We also expected that the rules might sometimes be reiterated during the questioning stage.

Method

Materials

The materials comprised 51 transcripts of investigative interviews with child witnesses (19 male and 32 female). The sample had been obtained through opportunity sampling from one police force in England during a period of three months in 2005. The interviews were transcribed as part of the legal process. The ages of the children interviewed ranged from 5 to 17 years, M = 11 years 7 months, SD = 3.56 years. Forty-six of the interviews were conducted by a police officer and 5 were conducted by a social worker. Twenty-three

interviewers conducted the interviews; twelve interviewers conducted a single interview only, four interviewers conducted 2 interviews, four conducted 3 interviews, and single interviewers conducted 4, 6, and 9 interviews.

Twenty-seven of the interviews addressed allegations of sexual abuse, 21 addressed allegations of physical abuse, and three addressed allegations of both physical and sexual abuse. Following the investigative interviews 14 cases resulted in a charge or charges being made, in 21 cases no further action was taken, and in 16 cases there was no information about the outcome of the case.

Ethical approval for use of the transcripts and accompanying procedural data for use in this study was obtained from anonymised University and from anonymised University prior to commencement.

Procedure

The analysis was conducted in two parts. First, each transcript was examined to establish which interview stages were present and which ground rules were included. The discussion relating to each ground rule was recorded. The following features were then considered and will be discussed in greater detail below: the position and order of the ground rules, the way they were presented, assessment practice, and if/when the ground rules were reiterated at a later stage in the interview.

Presentation: position, order and format

We recorded the stage of the interview when the initial presentation of each ground rule was mentioned, and the order in which the ground rules were presented. Any advice that could be considered as a 'ground rule' even if it was not mentioned as such in ABE (2002), for example, telling a child that some words that might be inappropriate in other contexts

could be said in the interview, were labelled as ‘other 1’, ‘other 2’ and so on. The person who first mentioned the ground rule was recorded. It was noted whether the rule was presented as a question or as a statement, whether an example was included, and if so, who was included in the example (the child, the interviewer, a parent, etc.).

Assessment practice

We noted how the child’s reaction to the presentation of the ground rules was assessed by the interviewer and whether this assessment was conducted through inclusion of a tag question (such as asking the child “Okay?”) or through a separate question. For each assessment it was noted whether the child was given the opportunity to provide a response or whether the interview proceeded without any response being elicited, whether the child was asked to provide verification or give an example, and whether the assessment method was phrased as an open-ended or as a closed request.

Reiteration

Following the initial presentation of a ground rule the rest of the transcript was examined to establish which (if any) ground rules were repeated and if so, by whom, in which stage, order, format, assessment style and if there was any immediate consequence on the child’s statement (for example, whether the child then incorporated the ground rule in his or her subsequent responses, or whether there was a contradiction with anything that had been said previously).

Second, the discussion of the ground rules, and any subsequent references to the ground rules, was analysed thematically (Braun & Clarke, 2006).

Results

Descriptive statistics

To facilitate the analysis the truth and lies discussion was referred to as a ground rule making a total of five 'ground rules'. The full set of five ground rules was not fully implemented in all interviews, with a mean of 3.14 ground rules (SD = 1.34) per interview. Table 1 shows the range in the number of ground rules found in the interviews.

[Table 1 here]

Table 2 provides data relating to specific ground rules. The ground rules were generally presented in the rapport stage of an interview. However, there was considerable inconsistency in the inclusion of each ground rule. The use each of the ground rule ranged from 'interviewer correction' which was present in only a third of all interviews, to 'truth and lies' which was included in almost all interviews (see the first row of Table 2).

[Table 2 here]

To code the order in which the ground rules were introduced a score was given to each ground rule as follows. The first ground rule to be mentioned was scored 1, second ground rule mentioned was scored 2, and so on. The sum of scores for each individual ground rule from all the interviews was then divided by the number of occasions that the ground rule was used. For example, the ground rule 'interviewer not present' was included in 22 interviews achieved a score of 30 across all these interviews; this led to an 'order of implementation score' of 1.36. The lower this score the earlier the ground rule was introduced in the interview (see Table 2). The ground rule 'interviewer not present' tended to be one of the first introduced, and the rule 'interviewer correction' was generally included after the other rules The discussion of 'truth and lies' was generally conducted later than the other ground rules, but not always after all the rest.

[Table 2 here]

There was considerable variation in ground rule implementation practices, as shown in Table 3. For most of the ground rules the rule was given to the child as a statement without an example being given. Assessment of whether the child understood occurred for half of the ground rules, but the assessment was usually conducted through the use of a tag question, for example saying "yeah?" or "okay?" at the end of the statement or question. Children were rarely given the opportunity to 'practise' using most of the ground rules. However, the truth and lies rule was implemented in a different way from the other ground rules (see Table 3). For truth and lies the interviewers generally assessed children's understanding by asking the child to provide a verbal response to a question that was not in a tag-question format, but in a an open-ended format, for example, "So, if I said to you what is the difference between truth and lies, what would you say?" An opportunity to demonstrate understanding through 'practise' or by using an example was more frequently provided in the truth and lies discussion than for the other ground rules.

[Table 3 here]

Repetition of a ground rule, or further reference to an aspect of a ground rule occurred on eight occasions. In five interviews a single ground rule was mentioned again, and in one interview three ground rules were repeated following a break in the interview. All these reiterations occurred towards the end of the questioning stage. These reiterations were made by the interviewer only; on no occasion did a child refer to the rules either directly or implicitly. Three of the prescribed ground rules and one of the 'other' ground rules were reiterated: that the interviewer had not been present, to tell the truth, that the interviewer should be corrected if necessary, and to provide as much detail as possible.

Thematic analysis by ground rule

Interviewer points out that he or she was not present at the event

Individual's position

This was expressed in three ways – the interviewer as an individual, the interviewer representing the police, and the child. Many of the statements began with a personal pronoun "I wasn't there", "you tell us as much as you can" and "we haven't been told". The child was put in a position of authority "the only person that can tell me what's happened is you", but at the same time the child was sometimes made to appear lacking in awareness "you might not think it important, but I want you to tell me everything"

Placing of responsibility

The interviewers placed responsibility on the child, in two ways. First, the child was obliged to give as much detail as possible "you tell us as much as you can" and "you tell us in as much detail". Second, interviewers used phrases that suggested that the inclusion of detail was to benefit the interviewer, "so I'm relying on you to give me as much information as possible", "this is where I need your help really because I wasn't there", and "I need you to tell me everything".

The interviewer points out the child might not understand something

The interviewers explained the problem of not understanding from both the interviewer's perspective and from the child's perspective. For example from the interviewer's perspective: "because I might ask you a question that you don't understand", or "because I might use a word or phrase or something which you don't understand what I'm getting at really", "it might be a word that I use that you've not heard before", and from the

child's perspective "because it is important you understand what I'm asking you as well" and "not everyone understands the same things".

Direction

Interviewers provided a list of 'do's and don'ts' to the child providing specific examples of appropriate and inappropriate responses. For example, interviewers made comments like, "you just say 'I don't understand, can you say that again' or something like that", "say 'I'm not sure'", "say 'what are you talking about?'", "say 'hang on a minute'", or interviewers gave more general guidance such as "ask me to repeat it or explain it in a different way".

Interviewers warned children about inappropriate behaviour. For example, the child was specifically told "don't guess or anything because you know I'm not interested if you guess" and "so don't guess either".

What is to be done

There was very little sense of joint collaboration in the 'dealing with' the problem – the only mention of such collaboration was when one interviewer said "not everyone understands the same things … we'll work through that". Otherwise the responsibility was put on the child to say when there was a problem and on the interviewer to deal with it through a method decided by the interviewer "I'll try to rephrase it", "I'll try and ask you in a different way", "I'll try and ask you again but maybe change it so that you do understand me", and "I'll try and say it in a different way".

The interviewer says it is acceptable to say 'don't know'

This was addressed in a very similar way to ‘don’t understand’ (above). The differences were in the reassurances offered by the interviewer, and concern about acquiescence.

Explanation of issue and its importance

The emphasis of responsibility was consistently placed on the child; the interviewers took no responsibility for asking questions that the child might have been unable to answer. The interviewers made comments like, “so we only talk about what you do remember and what is true” and “so we only have to talk about what you can remember and what you know”.

Direction

There was a list of ‘do’s and don’ts’ with suggestions of phrases that the child could use “just tell me ‘I don’t know’”, “say ‘I don’t know’, alright, or ‘I can’t remember’”, “say if you are not sure”. The ‘don’ts’ were related to guessing “I don’t want you to guess”, “what we’d rather you do is not guess” and “I don’t want you to just guess things”.

Reassurance and concerns

The interviewers tried to reassure the child that it might indeed be appropriate to say “I don’t know” – the interviewers made comments such as “it doesn’t matter”, “it’s OK”, “that’s absolutely fine” and “say ‘I don’t know’, no problem with that”. However, the interviewers also expressed concern that the child might feel it was inappropriate not to answer a question put by an interviewer. The interviewers said`: “don’t be afraid to say ‘you don’t know’, there is no sort of right and wrong”, “you don’t have to make things up just because you think that I want you to say something”, and “what I don’t want you to do is to feel as though you have to answer me and then guess an answer.”

Child is told that it is acceptable to correct the interviewer

'Ownership' of the information

Interviewers' directions such as "if I get any of that wrong will you tell me", "I need you to correct me on that and put me right", "because it's important I leave here with a clear picture of what it is you're saying to me", "it's really important that you correct me on that to make sure that I've got the correct understanding of what you're saying", and "because it's important that I get things right as well" suggested that the information somehow 'belongs' to the interviewer rather than residing with the child or with the information itself.

Direction

Most of the direction was to suggest that the child took responsibility for alerting the interviewer when a mistake has been made "please point it out to me", "I need you to correct me on that and put me right" and "it's OK to tell me alright". There were few specific phrases provided by the interviewer to demonstrate appropriate comments "just say to me 'you know, you've got that wrong'" or "just say 'no, that's wrong'".

Truth and lies

What needs to be demonstrated

The truth and lies discussion focused on understanding the difference between the two. There were many occasions when the introduction to this discussion was prefaced by contrasting truth and lies, for example, "…that you are able to understand the difference between truth and lies", "tell me what you think I mean about the difference between truth and lies", "do you know the difference?", "can you explain it to me?" and "so what is the difference?".

The need to actually tell the truth was not generally included at this stage but occurred after an assessment of the child's ability to differentiate truth and lies had been made. There was only one occasion when the interviewer included the necessity of telling the truth in the preamble to the assessment with the words, "because it's important that you tell me the truth today isn't it?"

Responsibility (including timing)

There were two points regarding the apportioning of responsibility for the demonstration of the child's understanding and agreement in respect to truth telling. First, there was the issue of who, according to the interviewer, 'required' the interview to take place. Second, there was the issue of timing and how the rapport, or specific aspects of it 'had' to be done before other parts of the interview.

Introductory explanations for including the truth and lies discussion were presented from the interviewer's own perspective "I have to do", "I got to make sure", "something I have to do" and "I need to know". Many of these phrases imply an external pressure on the interviewer to conduct this discussion. This external pressure was sometimes stated quite clearly "I need to know for the people who view this", "we need to make sure", "I just have to establish that that is the case", "I'm going to do a test with you" and "I need to know or the people that may view this need to know that you've got an understanding".

The timing of the truth and lies discussion was also presented in a way which distanced it from the interviewer's own control, "first thing we have to do before we go any further", "we just need to talk about before we carry on", "what I should have done before we started talking was ask if you know…", and "before we carry on so that you can talk about things".

Reassurance and appraisal

The truth and lies discussion appeared to make some interviewers feel that they would seem critical of the child, or that they would appear not to expect the child to have an understanding of the difference in truth and lies. Interviewers attempted to negate both the difficulty and significance of the truth and lies discussion by making statements like, "I don't think you're going to have a problem", "I think you do [understand] because you're clever you said", "I know it's a bit of a silly question" and "I'm sure you have a good understanding, but what I'd like you to do is to give me an example".

Other rules

Two 'other' ground rules occurred in the interviews. One was telling the child to give as much detail as possible (as an issue separate from interviewer 'not present') and one was telling the child they could, and indeed should, use whatever language was appropriate in reporting their experiences.

Justification

As well as directly telling the child to "fill in all the detail" or "tell me as much as you possibly can" there were also comments to show the child that they may be unaware of the importance of some details "even if it's something that seems quite small and insignificant then still tell me", "things you miss out might be important to me" and "something you don't think that's important, it may well be that it is alright?"

Acceptability

The acceptability of the type of language that could be used was expressed from both perspectives by the interviewer. It was seen as a benefit for the child "you're allowed to use it in here with me, okay, if it helps you to explain", and that the child should not to be

concerned for the interviewer "you can use any word, doesn't matter" and "no problem with that".

Interviewers use of introductory and completion comments

Preamble

When interviews contained no 'introduction' containing specific references to the ground rules discussion, the interviewers simply continued prefacing the initial ground rule implemented with words like "so", "right", "alright" or "now". When direct reference to the ground rules was made by the interviewer the perspective taken was invariably that of the interviewer having responsibility for the subsequent discussion. The verbs used by the interviewer to introduce the ground rules included "explain", "establish", "run through" and "to do". While the interviewer generally said "I", the occasions when "we" was included did not reflect the child's direct involvement but referred to 'us', i.e. the police or the social worker, for example, "we like to sort of try and establish before we start just to make sure that you understand…" Only on two occasions did the interviewers give reasons for the ground rules that referred to the child, and when they did it was after a direct reference to the ground rules with the following comments "to make sure you understand where I'm coming from and what sort of format is of this interview" and "there's a few things I have to tell you to make sure you understand what's happening and what I expect from you during the interview, and are also certain things that you know what to expect from me during the interview, okay?"

Interviewers also used two indirect ways to introduce the ground rules: these were timing and procedural necessity. Interviewers initiated the ground rules discussion by saying that it was the appropriate time to do so before the substantive part of the interview began.

For example, “before we have our chat”, “before we carry on”, “I’m going to have a little chat with you about things that have happened, yeah. So …” or “well, before we talk about that…” suggesting that there was a distinction between the conversation about the ground rules and the rest of the interview. The interviewers described their own involvement in different ways. For instance, as “something I need to go through”, “something I need to do” or “the other thing is I need to know”. Or interviewers distanced themselves slightly by using “we”, (the police), by saying “what we need to do”, “when we talk to people” or “we have to make sure that the children we talk to…” Alternatively, the interviewers ‘distanced’ him or herself from the discussion entirely and described the discussion as, “some formal stuff we have to do” or “the next couple of things I’d like to do with you are standard practice…” There was one occasion when the interviewer introduced the ground rules under an alternative guise by saying, “Right, now we are going to play a little game.”

Completion comments

When interviewers marked the end of the ground rules discussion with a comment it took one of two forms. One form was to suggest that the task was complete and ‘out of the way’. For example, by saying, “So now we've got that sorted out.” or “Okay. That's all the introductions over with…” The second form did suggest that the ground rules had some relevance to the rest of the interview, but such suggestions were made very tentatively and did not make the relationship between the ground rules and the ensuing interview clear. For example, “That's the main bit of sort of the rules that we have amongst us in order to get this interview going along nicely.” or “Right, that's easy isn't it, we can do that. Brilliant.” or, “Okay, so that's what we're going to do for a little while now is that all right? Yeah?”

Later reference to ground rules

Later references to the ground rules were provided as independent statements, i.e. the statement made no reference to the previous discussion of the rule, but was said as if the initial ground rules discussion had not happened. For example, one interviewer said "…what I would like you to do is to tell me in as much detail as you can about that, that first weekend" and another "So if there's anything I've got wrong, then you need to correct me." To these references the child simply gave his or her assent and the interview continued without any further discussion or comment from either the interviewer or the child. The only occasion when telling the truth was referred to later in the interview was when one interviewer did so in the form of a question at the end of the questioning stage. The interviewer said, "Can I just ask you, did you tell me the truth throughout the interview?" to which the child replied "I told you the truth."

On two occasions there was reference to a discussion having taken place earlier in the interview. One was only a minimal reminder "And, as I said, remember, I wasn't there so…", the other was more extensive, "… you know remember when I said at the beginning we need to do some things in a bit more detail. This is obviously some of the things we need to go into. Now can you remember the first time something happened?"

Discussion

We found that, contrary to interview protocol guidance and our predictions based on that guidance, not all the ground rules were included in the rapport stage of the interview. Rather our results correspond with previous research that has demonstrated a considerable discrepancy between theory and implementation of investigative interviewing protocol guidance (Cederborg, Orbach, Sternberg, & Lamb, 2000; Hershkowitz & Elul, 1999; Powell & Hughes-Scholes, 2009; Thoresen, et al., 2006; Westcott & Kynan, 2006).

The only ground rule that was usually included in the rapport stage was the truth and lies discussion. We suggest that this may be because even though there is no legal requirement in England and Wales for an oath to be administered to a child the truth and lies discussion can demonstrate to the court that a child has an understanding of truth and lies, and is aware of the importance of telling the truth during an interview. Therefore, the truth and lies discussion may be more consistently included as a result of concerns regarding the admissibility of the interview in subsequent legal proceedings. As expected the truth and lies discussion tended to be included towards the end of the rapport stage.

In contrast to the ABE guidance (Home Office, 2002; Criminal Justice System, 2007; Crown Prosecution Service, 2011) and our predictions, when ground rules were included concrete examples were seldom used, and a child rarely had the opportunity to demonstrate their understanding of the rules. Ground rules like reminding the child the interviewer was not present, and correcting an interviewer's misunderstanding were included in less than half of the interviews, were rarely practised, and if assessed, were done so by a question rather than with an example. In other words, children usually had only a passive role in the rapport phase, and with the exception of the truth and lies discussion, children were only expected to listen to the other ground rules as the interviewer described them. The truth and lies discussion took a different form from the other ground rule presentations, because it was the most frequently included ground rule, it was initially presented as a statement, and the child's understanding was almost always assessed with practice that referred to either to the people present or to other people.

Contrary to our expectations interviewers very rarely reiterated the ground rules later in an interview. When the rules were presented this was almost exclusively in the rapport stage of the interview.

The qualitative analysis identified two unexpected findings. The first of these related to how responsibility during the interview was apportioned. Throughout the ground rules discussion there were many references to the child's responsibility for ensuring the quality of the information, even though any interview is an interaction that will be influenced by both parties. For example, the request to provide as much detail as possible was not only presented in a way that placed the entire responsibility for doing this on the child, but the request was also presented in a way that separated the child and the interviewer into "you" and "us". The same sense of responsibility and differentiation was also found in relation to the ground rules about not understanding and about the interviewer making a mistake. Placing all the responsibility on the child was not only inappropriate in the context of an interview led by an adult interviewer, but might make the interview seem even more daunting to a child. With rare exceptions there was little attempt by interviewers to suggest that the interview was a shared responsibility, or that both the interviewer and the child needed to work together to facilitate the interview.

The second unexpected finding was how of the requirement to include the ground rules was often explained as an external requirement, i.e. that going through the ground rules was something that the interviewer was required to do at the behest of others before the actual interview could proceed. This sense that the ground rules were a separate issue was further emphasised when interviewers made comments suggesting that there was a difference between the ground rules and the remainder of the interview. Such a separation may not have

helped children realise that the ground rules applied to the whole of the interview, especially as ground rules were rarely repeated later in the interview. Merely providing ground rules does not necessarily enhance a child's conversational behaviour (Beuscher & Roebers, 2005; Blades, Waterman, & Gibson, 2003; Ellis, Powell, Thomson, & Jones, 2003; Waterman, Blades, & Spencer, 2004) and therefore the behaviour of the interviewers in making the ground rules appear as a separate part of the interview may have made them even less effective.

This study has demonstrated that ground rule implementation is not being conducted fully, nor in the way required by the ABE interviewing protocols (Home Office, 2002; Criminal Justice System, 2007; Crown Prosecution Service, 2011). In addition we suggest that there may be more subtle problems with the way that ground rules are presented, which could affect a child's ability to realise that the rules apply throughout the interview.

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Table 1

The extent of ground rules included in interviews

	Number of ground rules implemented					
	none	one	two	three	four	all five
Number of interviews	2	4	9	15	12	9

Table 2

Ground rule implementation practice

.		Ground rule					
		Interviewer not present	Don't understand	Don't know	Interviewer correction	Truth and lies	Other
How often included		43.1%	64.7%	76.5%	33.3%	96.1%	51.0%
In which stage presented	Rapport	90.9%	100.0%	97.3%	94.1%	93.9%	88.9%
	Free Narrative	0.0%	0.0%	0.0%	0.0%	2.0%	7.4%
	Questioning	9.1%	0.0%	2.7%	5.9%	4.1%	3.7%
	Closure	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Implementation order		1.36	2.45	2.44	3.94	3.14	2.92

Table 3

Ground rule implementation processes

		Ground rule					
.		Interviewer not present	Don't understand	Don't know	Interviewer correction	Truth and lies	Other
How initial presentation made	Statement without example	95.5%	90.9%	91.9%	64.7%	46.9%	92.6%
	Question without example	4.5%	3.0%	0.0%	23.5%	34.7%	3.7%
	Statement with example	0.0%	6.0%	5.4%	11.8%	2.0%	3.7%
	Question with example	0.0%	0.0%	2.7%	0.0%	16.4%	0.0%
Whether child's understanding was assessed	No assessment	45.5%	15.2%	29.7%	18.8%	4.1%	33.3%
	Assessment via a tag question or separate question	54.5%	84.8%	70.3%	81.3%	63.2%	59.2%
	Assessment requiring the child to provide an example	0.0%	0.0%	0.0%	0.0%	32.6%	7.4%
Whether practise was included	No practise	100.0%	100.0%	100.0%	94.1%	30.4%	81.5%
	Practise delivered as a statement only	0.0%	0.0%	0.0%	5.9%	6.5%	3.7%
	Practise involving the child only	0.0%	0.0%	0.0%	0.0%	6.5%	11.1%
	Practise involving the child and the interviewer only	0.0%	0.0%	0.0%	0.0%	15.2%	3.7%

Practise involving a person who was not present	0.0%	0.0%	0.0%	0.0%	41.3%	0.0%