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***'Has now been  
included in the  
Home Office (2002)  
guidance Achieving  
Best Evidence in  
Criminal Proceedings'***

# The Truth and Lie Story: Developing a Tool for Assessing Child Witnesses' Ability to Differentiate Between Truth and Lies

Within the court arena, the credibility and competency of child witnesses often comes under scrutiny and the decision whether a child is considered to be credible or not strongly influences whether their evidence will be heard by the court. A child's ability to demonstrate that they understand the difference between truth and lies and the importance of telling the truth is synonymous with competency. Research suggests that many professionals undertaking the task of establishing competency find it very difficult, especially with younger children (Aldridge and Wood, 1997, cited in Aldridge and Wood, 1998). This paper describes the process involved in developing an innovative tool for helping professionals assess whether a child understands the difference between truth and lies. The development of the tool arose from the concerns of officers from Northumbria Police Force (in the UK) relating to interviews following the protocol of the government's *Memorandum of Good Practice* (Home Office and Department of Health, 1992) on interviewing child witnesses, and the need to establish whether child witnesses can differentiate between truth and lies. As an example of good practice, The Truth and Lie Story described here has now been included in the Home Office (2002) guidance *Achieving Best Evidence in Criminal Proceedings*, which is a revision of the 1992 *Memorandum of Good Practice*. Copyright © 2004 John Wiley & Sons, Ltd.

**KEY WORDS:** child witnesses; interviewing vulnerable witnesses; truth and lies and *Achieving Best Evidence*

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As a result of the increase in awareness and reporting of child sexual abuse, there has been a dramatic rise in the number of children who are being called as witnesses and required to provide the court with evidence (Huffman *et al.*, 1999). During the late eighties and early nineties, England and Wales saw many changes in the way the legal system responded to and dealt with child witnesses (Spencer and Flin, 1993). The Pigot Committee, set up by the Home Office in 1988 (Pigot, 1989), and subsequently the Criminal Justice Act (1991) led to the introduction of evidence (especially cross-examination) being conducted via TV link (Davies *et al.*, 1995) and the submission of video recordings of earlier interviews with the police and social services being shown to the court as the child's evidence-in-chief.

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### **Memorandum of Good Practice**

Any video interview submitted as evidence has to meet strict requirements set by the courts. In order to help professionals produce video interviews that meet these strict criteria, a steering group of professionals from both statutory and voluntary agencies produced guidelines for use when interviewing child witnesses. These guidelines became known as the *Memorandum of Good Practice* (MoGP) (Home Office and Department of Health, 1992), and interviews are now often referred to as 'Memorandum interviews'. (Readers unfamiliar with the MoGP may wish to refer to Westcott and Jones (1997) for an overview of the Memorandum policies.) The MoGP is a crucial resource for interviewers as it provides comprehensive coverage of all the issues that need to be addressed during an interview if it is to be accepted as part of the child's evidence. The MoGP has recently been revised and published as *Achieving Best Evidence* (ABE); new guidelines have been produced that are applicable to all vulnerable witnesses (Home Office, 2002).

***'The MoGP is a  
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### **Establishing Competency**

One difficult issue facing interviewers is that of establishing the competency of child witnesses, especially younger children. Competence is often equated to having sufficient intelligence to demonstrate the difference between truth and lies and understanding the importance of telling the truth when giving evidence (MoGP) (Home Office and Department of Health, 1992). The procedure for assessing this is known as the

***‘To increase the likelihood that the evidence given by the child will be accepted as reliable by the court’***

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Competency Examination. An attempt was made by the Criminal Justice Act (1991) to abolish the Competency Examination for criminal proceedings; however, unfortunately, due to ambiguity in the phrasing, many judges were found still to be prohibiting the evidence of children on the grounds that they were deemed to be incompetent (Westcott *et al.*, 1999). Consequently, many interviewers still choose to establish competence in order to increase the likelihood that the evidence given by the child will be accepted as reliable by the court (Huffman *et al.*, 1999). Although, as previously stated, there is no longer a legal requirement that children have to undertake the Competency Examination, the MoGP and ABE highlight that there is utility in demonstrating to the court that the child has been made aware of the need to tell the truth, and they suggest that this forms a part of the Memorandum interview. While the Memorandum guidelines highlighted the need to discuss the importance of speaking the truth with the child, and confirmed that it was acceptable for the child to say they did not understand a question or know the answer, they did not stipulate the form that this discussion must take; this has resulted in problems for practitioners in terms of how to find a reliable way of conducting this discussion.

### **Difficulties in Assessing Understanding of Truth and Lies**

For professionals who have not had training in child development, or who do not have a comprehensive understanding of the cognitive abilities of children at different stages of development, the task of assessing for competency can be hard, and in the past it has often been done in a rather crude and cursory manner (Spencer and Flin, 1993). Traditionally, three methods of assessing a child's understanding of the concepts of truth and lies have been used. They involve asking the child to (i) define the two concepts, (ii) explain the difference between truth and lies and (iii) identify examples of truth and lies statements. Consistently, studies suggest that the first two methods prove most difficult for the child (Pipe and Wilson, 1994; Saywitz and Camparo, 1998; Lyon and Saywitz, 1999).

Research highlights, however, that if a child is given a task that is developmentally appropriate, they can demonstrate understanding. Lyon (2002; 248) argues that:

‘... young children ought not to be asked to define the truth and lies or asked to explain the difference as a prerequisite to taking the oath. Large numbers of children who have a good understanding of the distinction between truthful and untruthful statements will fail such tasks.’

The implication of an interviewer using a method that is not developmentally appropriate for the age of the child is that it increases the likelihood that the child will struggle to demonstrate understanding and consequently may not be given the chance to present their evidence to the court.

This paper describes the process undertaken by an educational psychologist and two clinical psychologists, in collaboration with Northumbria Police Force, to develop a sensitive and developmentally appropriate tool for interviewers to use to help establish competency by assessing whether a child has an understanding of the difference between truth and lies. This tool has subsequently been incorporated into the revised guidance ABE as an example of good practice.

### **Developing the Truth and Lie Story**

Officers from Northumbria Police Force recognized that they did not have the skills and knowledge to be able to assess a child's understanding of the difference between truth and lies in a developmentally appropriate manner and therefore contacted two of the authors (a chartered educational psychologist and a consultant clinical psychologist) to request their assistance in developing a method to help officers in this task. The training undertaken by both educational psychologists and clinical psychologists covers issues relating to child development and the cognitive skills and abilities of children at different stages of development, thus placing them in a strong position to develop a method of assessing children of various ages in a way that is appropriate for their stage of development.

A 'story and question' format was adopted as it was considered to be the most developmentally appropriate method and also a format that even the youngest children would be familiar with. Much thought was given to the structure and content of the story, i.e. what would the story be about, what type and number of questions should be used. A number of pilot formats were developed and reworked, with the final story (see Appendix 1) concerning a child who breaks a window with his/her ball and then denies this when questioned by his/her mother. The story is followed by a number of questions that explore whether the child can identify: if the truth or a lie occurred; why they think the child in the story responded in the way they did; and whether they can identify the correct answer that the child should have given. The story also relates to intention/motivation to deceive and is therefore relevant for the criminal justice context.

***'To develop a sensitive and developmentally appropriate tool'***

***'A "story and question" format was adopted as it was considered to be the most developmentally appropriate'***

***'A pilot study involving a random sample of 100 children aged 3–10 years'***

***'This process was invaluable, as it highlighted flaws in the assessment tool'***

A pilot study involving a random sample of 100 children aged 3–10 years, selected from two local schools, was carried out to evaluate the applicability of this method. The children were separated into five age bands, with separate age bands for 3- and 4-year-olds and subsequent bands covering 2 years each. Separate age bands were given to the youngest children in order to allow for any subtle developments that may occur at these ages (Burton and Strichartz, 1991; Lamb *et al.*, 1998). They are also the children that interviewers find most difficult to interview (Aldridge and Wood, 1998) and it was therefore felt important to develop a tool that was appropriate for this age group in order to help interviewers feel more confident in working with young children.

Each child was taken to a quiet area of the classroom, a brief rapport-building period was used to help children feel at ease and an explanation of what was going to happen was given. Each child was also reassured that it was acceptable to answer 'Don't know' if they were unsure of the answer. The child was told that they would hear a short story and to listen very carefully, as they would be asked some questions about what happened. The story was then read to the child, followed by four questions.

This process was invaluable, as it highlighted flaws in the assessment tool. It became apparent that the order and the wording of some of the questions was ambiguous and may have resulted in a degree of confusion for the children. For example, with hindsight, it was decided that it was not appropriate to start with an open-ended question ('What do you think about that?'), as the responses given by the children suggested that some of them were confused as to what they were supposed to be commenting on. Children tended to comment on the quality of the story rather than the content, i.e. 'That was a nice story' (quality) rather than 'John was naughty' (content). Another area highlighted by the responses was that the younger children in particular had difficulty with question 4 ('What was the truthful answer?'). Possible explanations could be that the question required the child to (i) remember John/Mary's original answer, (ii) remember the context of the story and (iii) assimilate all of this information, which may have placed too many demands on the attentional and memory capacities of the children. Also, the term 'truthful' is in itself an abstract term and therefore may prove difficult for the children to comprehend.

## Amendments Made to the Truth and Lie Story

The following amendments were made to the content of the story and format of the questions (see Appendix 2):

- Any unnecessary information was removed from the story, leaving it briefer with the minimum amount of information required for it to be coherent
- Question 1 was removed
- Question 2 was changed from children having to say whether the boy/girl told the truth to say whether s/he told a lie. This change was based on the finding that, in general, most children by the age of 4 have an understanding of what a lie is and find it easier to identify examples of lies rather than truths (Jones and Krugman, 1986; Leekham, 1991, cited in Ney, 1995; Aldridge and Wood, 1998)
- A version suitable for use with adolescents was developed (see Appendix 3)

With the revised version of The Truth and Lie Story, the child has to give correct responses to all three questions in order to be judged to have successfully demonstrated an understanding of the difference between truth and lies. The three questions cover the requirements for establishing competency, which are: correct identification of whether a truth or a lie has been told, identification of the correct response and some understanding of the importance of telling the truth.

## Latest Developments

As already mentioned, the revised story has been included in the ABE as an example of good practice for assessing understanding of the difference between truth and lies. The guidance ABE has been extended to address the needs of more vulnerable witnesses, for example adults with learning disabilities. The Truth and Lie Story could viably be used with this latter group of vulnerable witnesses, although modification may be necessary to make it more age-appropriate.

## Concluding Remarks

We feel that The Truth and Lie Story is an important development that can be used with children as young as 3 and which may increase the likelihood that professionals will at least attempt to establish whether a young child can demonstrate understanding of the difference between truth and lies, rather

*‘Any unnecessary information was removed from the story’*

*‘The guidance ABE has been extended to address the needs of more vulnerable witnesses’*



than just assuming that they are too young to do so. This will be invaluable if it results in the evidence of more children being heard by courts and children being more likely to be judged reliable witnesses.

## References

- Aldridge M, Wood J. 1998. *Interviewing Children. A Guide for Child Care and Forensic Practitioners*. Wiley: Chichester.
- Burton RV, Strichartz AF. 1991. Children on the stand: the obligation to speak the truth. *Developmental and Behavioural Pediatrics* **12**: 121–128.
- Davies GM, Wilson C, Mitchell R, Milsom J. 1995. *Vidiotaping Children's Evidence: An Evaluation*. Home Office: London.
- Home Office. 2002. *Action for Justice. Implementing The Speaking Up For Justice Report. Achieving Best Evidence in Criminal Proceedings: Guidance for Vulnerable or Intimidated Witnesses, Including Children* (a consultation document). HMSO: London.
- Home Office and Department of Health. 1992. *The Memorandum of Good Practice on Video Recorded Interviews with Child Witnesses for Criminal Proceedings*. HMSO: London.
- Huffman ML, Warren AR, Larson S. 1999. Discussing truth and lies in interviews with children: whether, why and how? *Applied Developmental Science* **3**: 6–15.
- Jones DPH, Krugman RD. 1986. Can a three-year-old bear witness to her sexual assault and attempted murder? *Child Abuse and Neglect* **10**: 253–258.
- Lamb MJ, Sternberg KJ, Esplin PW. 1998. Conducting investigative interviews of alleged sexual abuse victims. *Child Abuse & Neglect* **22**: 813–823.
- Lyon TD. 2002. Child witnesses and the oath. In *Handbook of Psychological Research and Forensic Practice*, Westcott HL, Davies GM, Bull RHC (eds). Wiley: Chichester.
- Lyon TD, Saywitz KJ. 1999. Young maltreated children's competency to take the oath. *Applied Developmental Science* **3**: 16–27.
- Ney T (Ed.). 1995. *True and False Allegations of Child Sexual Abuse. Assessment and Case Management*. Bruner/Mazel: New York.
- Pigot T. 1989. *The Report of the Advisory Group on Video Evidence*. Home Office: London.
- Pipe ME, Wilson JC. 1994. Cues and secrets: influences on children's event reports. *Developmental Psychology* **30**: 515–525.
- Saywitz KJ, Camparo L. 1998. Interviewing child witnesses: a developmental perspective. *Child Abuse and Neglect* **22**: 825–843.
- Spencer JR, Flin R. 1993. *The Evidence of Children. The Law and the Psychology*. Blackstone: London.
- Westcott HL, Davies GD, Spencer JR. 1999. Children, hearsay, and the courts: a perspective from the United Kingdom. *Psychology, Public Policy, and Law* **5**: 282–303.
- Westcott HL, Jones J. 1997. *On the Memorandum Policy, Practice and Prevention in Investigative Interviewing*. Arena: Aldershot.
- Williams A, Ridgway S. 2000. Written response to the consultation paper *Achieving Best Evidence in Criminal Proceedings: Guidance for Vulnerable or Intimidated Witnesses, Including Children*.

## Appendix 1

### *Truth and Lie Story (Original)*

There once was a boy (girl) called John (Mary) and he/she was playing with his/her ball in the kitchen. He/she hit the ball against the window. The window broke and John (Mary) ran upstairs into his/her bedroom. John's (Mary's) mummy saw the broken window. She went upstairs and asked John (Mary) if he/she had broken the window. John (Mary) said, 'No, Mummy'.

### *Questions*

What do you think about that?  
Did John (Mary) tell the truth?  
Why do you think he/she told a lie?  
What was the truthful answer?

## Appendix 2

### *Truth and Lie Story (Revised Version)*

John (Mary) was playing with his/her ball in the kitchen and he/she hit the ball against the window. The window broke and John (Mary) ran upstairs into his/her bedroom. John's (Mary's) mummy saw the broken window, and asked John (Mary) if he/she had broken the window. John (Mary) said, 'No, Mummy'.

### *Questions*

Did John (Mary) tell a lie?  
What should he/she have said?  
Why do you think he/she said, 'No, Mummy'?

## Appendix 3

### *Truth and Lie Story (Adolescent Version)*

So, for example, Tony was having a smoke in his bedroom, after his mum had told him not to. He heard his mum coming and hid the cigarette. His mum said, 'Are you smoking?'. Tony said, 'No, Mum'.

Did Tony tell a lie?  
(pause)  
(child responds)



What should he have said?

(pause)

(child responds)

Why do you think he said 'No, Mum'?

(pause)

(child responds)

(Adapted from A. Williams and S. Ridgway (2000).)

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