
Overview

This standard is about helping witnesses prepare for legal proceedings. It involves providing witnesses with information about the process, and assessing their need for further support, where relevant. You need to be aware of your own role and responsibilities, and in particular, that you must not discuss evidence with witnesses, as this may be seen as coaching or influencing their evidence. Such action could have serious consequences for yourself, your organisation, and for the trial.

This is usually carried out by arranging a pre-trial visit to court to introduce the service and familiarise witnesses with the process. It includes explaining the role of court personnel and where they sit in court, the layout of the courtroom, the process of the trial, and the role and responsibilities of witnesses in court. It also provides an opportunity for witnesses to ask questions and seek clarification. Pre-trial visits may be conducted on a date prior to the trial or on the witnesses' first day at the court.

Witnesses may include those who are young, vulnerable, intimidated or bereaved through crime. This may involve explaining the provision of special arrangements which have been made for their protection, for example through the use of screens, or by giving evidence via a TV link.

In this standard, the term 'individuals' has been used to refer to the people you are assisting, including those who may be victims, survivors, witnesses or their associates.

The term 'associates' has been used to refer to family members, friends, colleagues or workers from organisations that support victims, survivors and witnesses. Where witnesses are accompanied by associates, you may need to provide them with support also.

In all cases, you will need to recognise the needs and wishes of individuals, and work with them in ways that are sensitive to their situation and emotional condition.

There are two elements

- 1 Offer initial support and practical advice to witnesses and their associates and assess their need for further support
- 2 Familiarise witnesses and their associates with the court and court processes prior to trial

Target Group

This standard is applicable to those who are responsible for providing

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information and support to witnesses in preparation for court proceedings. It involves those who may be employed or acting in a voluntary capacity, and is most likely to be relevant within organisations that provide support to victims, survivors and witnesses and for police family liaison.

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Performance criteria

Offer initial support and practical advice to witnesses and their associates and assess their need for further support

You must be able to:

- P1 familiarise yourself with information concerning the case before contact with individuals
- P2 introduce yourself correctly and take the relevant actions towards welcoming individuals and towards encouraging them to be at ease
- P3 explain your organisation's policy relating to confidentiality, and disclosure of information to third parties
- P4 explain clearly to individuals the nature of the services, support and assistance which your organisation can offer
- P5 ensure that all persons accompanying the victim/survivor/witness understand their role
- P6 explain clearly the relationship between your organisation and other organisations in the criminal justice system
- P7 listen actively and respond constructively and with empathy to the points made, communicating in a manner which suits the needs and ability of the victim/survivor/witness
- P8 assist individuals to identify what they feel able to manage themselves and where they need support from others
- P9 discuss with individuals how you may be able to support their needs with the resources available
- P10 agree an action plan with individuals which best supports their needs, and includes the support you can provide, the support others will provide, and that identifies whether your organisation or the individuals themselves are responsible for seeking support from others
- P11 seek advice and support from an appropriate person if you are unsure about what action should be taken, for example, when individuals decline support, but are clearly in need of help
- P12 provide individuals with details of how to contact you, your organisation and any other organisations from which they wish to seek support
- P13 make the necessary arrangements within your organisation, and any other organisations where relevant, to give the agreed support to individuals
- P14 maintain accurate and up to date records of individuals' needs for support and preferences, the agreements reached and the resulting actions taken, in line with your organisation's requirements

Familiarise witnesses and their associates with the court and court processes prior to trial

You must be able to:

- P15 offer individuals the opportunity to visit an empty courtroom, when one is available, to familiarise themselves with its layout and atmosphere

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- P16 select and use materials appropriate to the individuals concerned, to assist them to familiarise themselves with the layout of a court, where it is not possible to visit an empty courtroom
- P17 explain clearly and accurately to individuals the layout of the courtroom, the roles and responsibilities of the key people in the court and where they will sit and the likely process in the courtroom
- P18 clarify with individuals their role and responsibilities as witnesses, who will be asking them questions, and what they should do if they do not understand a question or need assistance whilst giving evidence
- P19 explain clearly and accurately to individuals the facilities available at the court and any relevant administrative arrangements, court conventions regarding dress and behaviour, and court rules about communication between individuals and yourself
- P20 discuss any special measures that have been put in place to assist them, including how long they are likely to have to wait before giving evidence, and what they will be able to see and who will be able to see them whilst they are giving evidence
- P21 encourage individuals to ask questions and clarify any points raised, where this is within your role, referring any unanswered questions promptly to an appropriate person
- P22 encourage individuals to discuss their concerns or special needs, where relevant, and with the consent of individuals, take appropriate steps to address these concerns and needs
- P23 discuss with individuals the possible outcomes of the trial and implications for them, where appropriate
- P24 maintain accurate and up to date records of the points raised, the agreements reached, and the resulting actions taken, in line with your organisation's requirements

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Knowledge and understanding

You need to know and understand:

Legislative, regulatory and organisational requirements

- K1 legal and organisational requirements which relate to assisting victims, survivors and witnesses and assessing their needs for further support, and their impact for your area of operations
- K2 legislation, policies and procedures relating to data protection, health and safety, diversity and their impact for your area of operations
- K3 the role of your organisation and its services and the services which it provides in supporting victims, survivors and witnesses
- K4 your organisation's policy and procedures regarding confidentiality of information and the disclosure of information to third parties, and the specific circumstances under which disclosure may be made
- K5 organisational requirements relating to allowing others to be present in discussions with victims/survivors/witnesses, and the relative benefits and disadvantages that the presence of others can create
- K6 the limits of your authority and responsibility, and the actions to take if these are exceeded

Working within the community justice sector

You need to know and understand:

- K7 the impact of crime on victims, survivors and witnesses and their need for protection, respect, recognition, information and confidentiality
- K8 how to assess needs and determine the type of services that are necessary to meet them
- K9 the procedures for listing trials at court, including court facilities and conventions regarding dress, behaviour and communication
- K10 the typical layout of a courtroom, including the roles and responsibilities of those in the courtroom
- K11 the impact that appearance at court can have on witnesses and their associates and how the individuals' need for support may differ
- K12 the needs of those who have experienced crime and who may be particularly vulnerable
- K13 the availability and use of special measures to assist vulnerable and intimidated witnesses, and who to contact to make a request
- K14 the importance of establishing and developing relationships with witnesses and their associates which maintain professional boundaries, and methods for doing this
- K15 the possible different outcomes of the case and the potential impact on the witnesses
- K16 the options for supporting witnesses and associates, including the reasoning processes used in determining the most appropriate options for the individuals concerned

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- K17 the role of your organisation and its services and how they relate to other organisations and services in the community justice sector
- K18 your own role and responsibilities and from whom assistance and advice should be sought if you are unsure

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