

Overview

This standard is about providing practical and emotional support to witnesses during judicial and legal proceedings. It involves supporting witnesses who are waiting to give evidence. During this time, 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.

The standard also involves accompanying witnesses into the courtroom, where appropriate, and providing support whilst they are giving evidence. It includes supporting witnesses and their associates after the witness has given their evidence, helping them to reflect on their experiences in court, explaining any legal jargon and encouraging them to consider ways forward. This may involve you supporting a witness over a few hours, or over several days or weeks, depending on the length of the trial and the needs and wishes of the witness.

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.

Witnesses may ask you a vast range of questions about the court, the legal processes and what may happen during the trial. You will therefore need a wide range of knowledge in relation to these subjects, and the specific circumstances under which disclosure can be made.

There are three elements

- 1 Support witnesses and their associates who are waiting to give evidence
- 2 Support witnesses whilst they are giving evidence in court
- 3 Support witnesses and their associates after they have given evidence

Target Group

This standard is applicable to those who are responsible for providing emotional and practical support to witnesses at court. It is designed to be relevant to all forms of trial in the four countries of the United Kingdom.

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Support witnesses and their associates during judicial and legal processes

Performance criteria

Support witnesses and their associates who are waiting to give evidence

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 listen actively and respond constructively and with empathy to the points made, communicating in a manner which suits the needs and ability of the individuals
- P5 ask individuals about the type and level of support they would prefer whilst they are waiting to give evidence, and support them in a manner which respects their needs and wishes
- P6 explain clearly and accurately to individuals the court processes and procedures, including the role and responsibilities of a witness, and how to contact you if they require support after they have given evidence
- P7 clarify with individuals the guidelines with relation to what they should and should not discuss with others, including you, and the possible consequences of not following this advice
- P8 explain clearly and accurately your role and responsibilities, and the extent of the information that you are able to discuss with them, including your organisation's policy regarding confidentiality of information and disclosure to third parties
- P9 observe the behaviour and reactions of individuals during your interaction with them, and identify accurately when their needs and wishes regarding support may have changed, and take the necessary action
- P10 keep up to date with progress in the courtroom and explain significant developments to individuals in an appropriate manner
- P11 encourage individuals to feel comfortable in asking questions, and provide accurate and complete answers where this is within your role, referring unanswered questions promptly to an appropriate person
- P12 seek immediate support and assistance from appropriate people when you are unsure of your role or the actions you should take, when individuals become significantly distressed, and where there are signs of intimidation or threat to you or the individuals

Support witnesses whilst they are giving evidence in court

You must be able to:

- P13 explain clearly and accurately to witnesses, who have requested that you accompany them, and before entering the courtroom, the limit of support

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that you are permitted to provide inside the courtroom, the court conventions that apply to your behaviour in court, and the purpose of these limits and conventions, including the possible consequences if they are breached

- P14 identify yourself to those in the courtroom and provide a clear and accurate explanation of your role and responsibilities when requested
- P15 present yourself, and interact with others, in a manner which promotes the work of your organisation and is consistent with court conventions for dress, speech, body language and eye contact
- P16 remain with witnesses in the courtroom whilst the witness gives their evidence and support them in a manner which encourages their self confidence and sense of safety
- P17 avoid interacting with witnesses in any way that could be interpreted as coaching or influencing their evidence

Support witnesses and their associates after they have given

You must be able to:

- P18 offer witnesses, once they have left the courtroom, time alone if appropriate, practical support and access to facilities, and the opportunity to ask questions and talk about their experience of giving evidence
- P19 provide accurate and complete answers to individuals' questions when this is within your role, and refer promptly any unanswered questions to an appropriate person
- P20 offer clear and accurate information to individuals about what is likely to happen next in the court process, and the possible effects upon them if they decide to listen to the rest of the case, including what they can now do and when the trial is likely to end
- P21 explain to individuals the possible outcomes of the trial and their implications, including when sentencing is likely to happen, any further contact the witness may have from the courts or other organisations, and how to find out about the judgement if they are not in court
- P22 forward to the appropriate person(s) any concerns raised by individuals about risk of harm to themselves or others as a result of what they have said in court, with the individuals' consent
- P23 discuss any concerns individuals express about the possible outcomes of the trial, and assist them to find ways to manage their feelings and anxieties about the outcome
- P24 offer individuals information about other organisations that may be able to offer support, including the nature of the services they offer, and assist individuals to make contact where appropriate
- P25 seek immediate support and assistance from appropriate people if you are unsure of your role or the actions you should take, when individuals become significantly distressed, and where there are signs that indicate that the individuals may be at risk of harm

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- P26 maintain accurate and up to date records of the support offered and provided to individuals, any agreements made, and any actions taken as a result, in line with your organisation's requirements

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Relevant occupations	Public Services; Public Service and Other Associate Professionals
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