

Overview

This standard is about supporting witnesses who require special assistance, due to a disability or learning difficulty, because they are young, or have been formally identified as vulnerable or intimidated witnesses. In these circumstances you must ensure compliance with a framework of legislation and organisational policies and procedures. Establishing an effective working relationship with witnesses may involve visits to their home and pre-trial visits to the court. A range of special measures may be put in place to help these witnesses in court, such as the use of TV links or screens. This may also include the use of interpreters to assist the witness, for example by signing or lip speaking for a witness who has a hearing impairment, or translating from one spoken language to another.

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 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.

There are two elements

- 1 Establish an effective working relationship with vulnerable or intimidated witnesses and their associates
- 2 Support vulnerable or intimidated witnesses to give evidence

Target Group

This standard is applicable to those whose role is to support and prepare vulnerable or intimidated witnesses before, and during, their time in court.

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Support vulnerable or intimidated witnesses during judicial and legal processes

Performance criteria

You must be able to:

Establish an effective working relationship with vulnerable or intimidated witnesses and their associates

- 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, including the services offered by other organisations, and assist in making contact where relevant
- P5 explain any special measures already in place to assist witnesses give evidence and how they work, including what they need to do if they are required to give evidence
- P6 ensure that all persons accompanying the victim/survivor/witness understand their role
- 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 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
- P10 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
- P11 make an accurate assessment of the individuals' need for support, including the extent to which the special measures will assist the witness to give their best evidence, minimise the risk of physical harm to the witness, and minimise the risk of emotional harm to the witness
- P12 forward your assessment and any recommendations regarding the special measures promptly to the relevant person, in order that the appropriate action can be taken
- P13 observe the individuals' behaviour for any signs which indicate distress and take the appropriate steps to help them manage their distress
- P14 maintain accurate and up to date of your discussions with individuals, any agreements reached, and with consent forward these to relevant others, in line with your organisation's requirements

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Support vulnerable or intimidated witnesses to give evidence

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
- 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 the special measures that have been put into place to assist them
- 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 the likely process in the courtroom, including any words and phrases used in legal proceedings
- P21 monitor communication between the witness and others and report any concerns about the nature and content of the communication promptly to the appropriate person
- P22 encourage witnesses to discuss any concerns they have about the process and respond in a reassuring manner suggesting realistic ways that their concerns can be addressed
- P23 report to the appropriate people any concerns that witnesses have which cannot be addressed by yourself
- P24 repeat and explain questions to witnesses accurately and completely where directed to do so by the court
- P25 support witnesses in ways which are designed to reassure, are consistent with earlier agreements, are consistent with court conventions and avoid influencing their evidence
- P26 observe the emotional and physical well-being of witnesses whilst they are giving evidence, and report immediately any signs that indicate that witnesses are becoming distressed, or are at risk of harm to the appropriate person
- P27 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

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Support vulnerable or intimidated witnesses during judicial and legal processes

Knowledge and understanding

You need to know and understand:

Legislative, regulatory and organisational requirements

- K1 legal and organisational requirements which relate to supporting vulnerable or intimidated witnesses during judicial and legal processes, 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 vulnerable or intimidated witnesses during judicial and legal processes
- 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 different ways that witnesses may feel and behave before, during and after giving evidence, including the different ways that they may wish to interact with the worker and how to gauge which is the most appropriate way of interacting with each individual
- K15 what action to take if you become aware of anything which could prejudice legal proceedings
- K16 the different ways that witnesses may feel and behave before, during

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- and after giving evidence, including the different ways that they may wish to interact with the worker and how to gauge which is the most appropriate way of interacting with each individual
- K17 the limits on the information that you may offer to witnesses, including what you must not discuss, and the purpose of these limits and what to do if these limits are breached
 - K18 the importance of establishing and developing relationships with vulnerable or intimidated witnesses and their associates which maintain professional boundaries, and methods for doing this
 - K19 methods of handling situations where there is the potential for conflict between the needs and wishes of witnesses and their associates
 - K20 the options for supporting vulnerable witnesses and associates, including the reasoning processes used in determining the most appropriate options for the individuals concerned
 - K21 the role of your organisation and its services and how they relate to other organisations and services in the community justice sector
 - K22 your own role and responsibilities and from whom assistance and advice should be sought if you are unsure

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