

## Assist victims, survivors, witnesses and their associates to prepare for judicial and legal processes

### Overview

This standard is about helping victims, survivors, witnesses and their associates prepare for legal proceedings. It involves providing them 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 victims, survivors and 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 victims, survivors, witnesses and their associates 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 victims, survivors, witnesses and their associates in court. It also provides an opportunity for victims, survivors, witnesses and their associates to ask questions and seek clarification. Pre-trial visits may be conducted on a date prior to the trial or on the victims, survivors and witnesses' first day at the court.

Victims, survivors and 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.

The term 'associates' has been used to refer to family members, friends, colleagues or workers from organisations that support victims, survivors and witnesses. Where victims, survivors and 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 all involved, 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 victims, survivors, witnesses and their associates, and assess their need for further support
2. Familiarise victims, survivors, 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

## Assist victims, survivors, witnesses and their associates to prepare for judicial and legal processes

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information and support to victims, survivors, witnesses and their associates 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.

Assist victims, survivors, witnesses and their associates to prepare for judicial and legal processes

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## Performance criteria

You must be able to:

### **Offer initial support and practical advice to victims, survivors, witnesses and their associates and assess their need for further support**

1. familiarise yourself with information concerning the case before contact with victims, survivors, witnesses and their associates
2. introduce yourself and take the necessary actions towards welcoming victims, survivors, witnesses and their associates and towards encouraging them to be at ease in line with their needs
3. explain your organisation's policy relating to confidentiality, and disclosure of information to third parties
4. explain to victims, survivors, witnesses and their associates the nature of the services, support and assistance which your organisation can offer in line with their needs
5. confirm that all persons accompanying victims, survivors and witnesses understand their role within the process
6. explain the relationship between your organisation and other organisations in the criminal justice system using language that victims, survivors, witnesses and their associates can understand
7. listen and respond to points made, communicating using techniques which suit the needs and abilities of victims, survivors, witnesses and their associates
8. assist victims, survivors, witnesses and their associates to identify what they feel able to manage themselves and where they need support from others
9. discuss with victims, survivors, witnesses and their associates how you may be able to support their needs with the resources available
10. agree an action plan with victims, survivors, witnesses and their associates 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
11. seek advice and support from an appropriate person if you are unsure about what action should be taken
12. provide victims, survivors, witnesses and their associates with details of how to contact you, your organisation and any other organisations from which they wish to seek support
13. make the necessary arrangements within your organisation, and any other organisations where relevant, to give the agreed support to victims, survivors, witnesses and their associates
14. maintain records of victims, survivors, witnesses and their associates' needs for support and preferences, the agreements reached and the resulting actions taken, in line with your organisation's requirements

Assist victims, survivors, witnesses and their associates to prepare for judicial and legal processes

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**Familiarise victims, survivors, witnesses and their associates with the court and court processes prior to trial**

15. offer victims, survivors, witnesses and their associates the opportunity to visit an empty courtroom, when one is available, to familiarise themselves with its layout
16. select and use materials appropriate to the victims, survivors, witnesses and their associates concerned, to assist them to familiarise themselves with the layout of a court, where it is not possible to visit an empty courtroom
17. explain to victims, survivors, witnesses and their associates using language that they can understand:
  - 17.1 the layout of the courtroom
  - 17.2 the roles and responsibilities of the key people in the court and where they will sit
  - 17.3 the likely process in the courtroom
18. clarify with individuals their role and responsibilities as victims, survivors and 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
19. explain to victims, survivors, witnesses and their associates the facilities available at the court and any relevant administrative arrangements, court conventions regarding dress and behaviour, and court rules about communication between victims, survivors, witnesses and their associates and yourself, in line with their needs
20. discuss any special measures that have been put in place to assist them
21. encourage victims, survivors, witnesses and their associates to ask questions and to discuss their concerns or special needs, and where needed and with their consent, take steps to address these concerns and needs
22. discuss with victims, survivors, witnesses and their associates the possible outcomes of the trial and implications for them, where appropriate

Assist victims, survivors, witnesses and their associates to prepare for judicial and legal processes

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## Knowledge and understanding

You need to know and understand:

### **Legislative, regulatory and organisational requirements**

1. legal and organisational requirements which relate to assisting victims, survivors, witnesses and their associates and assessing their needs for further support, and their impact for your area of operations
2. legislation, policies and procedures relating to data protection, health and safety, diversity and their impact for your area of operations
3. the role of your organisation and its services and the services which it provides in supporting victims, survivors, witnesses and their associates
4. 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
5. organisational requirements relating to allowing others to be present in discussions with victims, survivors and witnesses, and the relative benefits and disadvantages that the presence of others can create
6. the limits of your authority and responsibility, and the actions to take if these are exceeded

### **Working within the community justice sector**

7. good practice communication techniques relevant to the situation and how to apply them
8. the impact of crime on victims, survivors, witnesses and their associates, and their need for protection, respect, recognition, information and confidentiality
9. how to assess needs and determine the type of services that are necessary to meet them
10. the procedures for listing trials at court, including court facilities and conventions regarding dress, behaviour and communication
11. the typical layout of a courtroom, including the roles and responsibilities of those in the courtroom
12. the impact that appearance at court can have on victims, survivors and witnesses and their associates and how the need for support may differ between individuals
13. the needs of those who have experienced crime and who may be particularly vulnerable
14. the availability and use of special measures to assist vulnerable and intimidated victims, survivors and witnesses, and who to contact to make a request
15. the importance of establishing and developing relationships with victims,

Assist victims, survivors, witnesses and their associates to prepare for judicial and legal processes

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survivors and witnesses and their associates which maintain professional boundaries, and methods for doing this

16. the possible different outcomes of the case and the potential impact on the victims, survivors, witnesses and their associates

17. the options for supporting victims, survivors and witnesses and associates, including the reasoning processes used in determining the most appropriate options for the individuals concerned

18. the role of your organisation and its services and how they relate to other organisations and services in the community justice sector

19. your own role and responsibilities and from whom assistance and advice should be sought if you are unsure

Assist victims, survivors, witnesses and their associates to prepare for judicial and legal processes

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