

Support victims, survivors, witnesses and their associates during judicial and legal processes

Overview

This standard is about providing practical and emotional support to victims, survivors, witnesses and their associates during judicial and legal proceedings. It involves providing support for those 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 victims, survivors, witnesses or their associates, as this may be seen as coaching or influencing evidence. Such action could have serious consequences for yourself, your organisation, and for the trial.

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

This standard also includes supporting victims, survivors and 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 victims, survivors or witnesses.

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.

Victims, survivors, witnesses and their associates 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 four elements

1. Support victims, survivors, witnesses and their associates who are waiting to give evidence
2. Support victims, survivors and witnesses whilst they are giving evidence in court
3. Support victims, survivors, witnesses and their associates after evidence has been given
4. Support vulnerable or intimidated victims, survivors or witnesses during judicial and legal processes

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Target group

This standard is applicable to those who are responsible for providing emotional and practical support to victims, survivors, witnesses and their associates at court and during judicial and legal processes. It is designed to be relevant to all forms of trial in the four countries of the United Kingdom.

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Performance criteria

You must be able to:

Support victims, survivors, witnesses and their associates who are waiting to give evidence

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 and putting victims, survivors, witnesses and their associates at ease, in line with their needs
3. explain your organisation's policy relating to confidentiality, and disclosure of information to third parties
4. listen and respond to points made, communicating using techniques which suit the needs and abilities of victims, survivors, witnesses and their associates
5. ask victims, survivors, witnesses and their associates about the type and level of support they would prefer whilst waiting to give evidence, and support them using techniques which respect their needs and wishes
6. clarify with victims, survivors, witnesses and their associates the guidelines in relation to what they should and should not discuss with others, including you, and the possible consequences of not following this advice
7. identify through observation of the behaviour and reactions of victims, survivors, witnesses and their associates, when their needs and wishes regarding support may have changed, and take the necessary action to meet their needs
8. encourage victims, survivors, witnesses and their associates to ask questions and to discuss any concerns they have, and provide answers where this is within your role, referring unanswered questions promptly to an appropriate person
9. seek immediate support and assistance from appropriate people:
 - 9.1 when you are unsure of your role or the actions you should take
 - 9.2 when victims, survivors, witnesses or their associates become significantly distressed
 - 9.3 where there are signs of intimidation or threat to you or the victims, survivors, witnesses or their associates

Support victims, survivors and witnesses whilst they are giving evidence in court

10. explain to victims, survivors and witnesses, who have requested that you accompany them, and before entering the courtroom the:
 - 10.1 limit of support that you are permitted to provide inside the courtroom
 - 10.2 court conventions that apply to your behaviour in court

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- 10.3 purpose of these limits and conventions
- 10.4 possible consequences if they are breached
- 11. identify yourself to those in the courtroom and provide a clear and accurate explanation of your role and responsibilities when requested
- 12. present yourself and interact with others, using techniques which promote the work of your organisation and are consistent with court conventions
- 13. remain with victims, survivors and witnesses in the courtroom whilst they give their evidence, and support them using techniques which encourage their self confidence and sense of safety
- 14. observe victims, survivors and witnesses' behaviour for any signs which indicate distress or that they are at risk of harm, and take the appropriate steps to address this
- 15. avoid interacting with victims, survivors and witnesses in any way that could be interpreted as coaching or influencing their evidence

Support victims, survivors, witnesses and their associates after evidence has been given

- 16. offer victims, survivors, witnesses and their associates:
 - 16.1 time alone if appropriate
 - 16.2 practical support and access to facilities
 - 16.3 the opportunity to ask questions and to talk about their experiences
- 17. provide answers to victims, survivors, witnesses and their associates' questions when this is within your role, and refer promptly any unanswered questions to an appropriate person
- 18. offer information to victims, survivors, witnesses and their associates about:
 - 18.1 what is likely to happen next in the court process
 - 18.2 the possible effects upon them if they decide to listen to the rest of the case
 - 18.3 what they can now do and when the trial is likely to end
- 19. explain to victims, survivors, witnesses and their associates the possible outcomes of the trial and their implications, in line with their needs
- 20. forward to the appropriate person(s) any concerns raised by victims, survivors, witnesses and their associates about risk of harm to themselves or others as a result of what they have said in court, ensuring that consent is obtained before doing this
- 21. discuss any concerns victims, survivors, witnesses and their associates express about the possible outcomes of the trial, and assist them to find ways to manage their feelings and anxieties about the outcome
- 22. offer victims, survivors, witnesses and their associates information about other organisations that may be able to offer support, including the nature of the services they offer, and assist them to make contact where appropriate

23. maintain records of the support offered and provided to victims, survivors, witnesses and their associates, any agreements made, and any actions taken as a result, in line with your organisation's requirements

Support vulnerable or intimidated victims, survivors or witnesses during judicial and legal processes

24. explain any special measures already in place to assist vulnerable or intimidated victims, survivors or witnesses give evidence and how they work, including what they need to do if they are required to give evidence

25. make an assessment of vulnerable or intimidated victims, survivors or witnesses' need for support, including the extent to which:

25.1 special measures will assist them to give their best evidence

25.2 the risk of physical and emotional harm to them can be minimised

26. forward your assessment and any recommendations regarding special measures to the relevant person within agreed timescales, in order that the appropriate action can be taken

27. offer vulnerable or intimidated victims, survivors or witnesses the opportunity to visit an empty courtroom, when one is available, to familiarise themselves with its layout and atmosphere

28. select and use materials appropriate to the vulnerable or intimidated victims, survivors or witnesses concerned, to assist them to familiarise themselves with the layout of a court, where it is not possible to visit an empty courtroom

29. explain to vulnerable or intimidated victims, survivors or witnesses using language that they can understand the:

29.1 roles and responsibilities of the key people in the court

29.2 special measures that have been put in place to assist them

30. monitor communication between vulnerable or intimidated victims, survivors or witnesses and others, and report any concerns about the nature and content of the communication promptly to the appropriate person

31. repeat and explain questions to witnesses where directed to do so by the court

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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, witnesses and their associates, and how their need for support may differ
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, survivors, witnesses and their associates which maintain professional

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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, witnesses and their associates, including the reasoning processes used in determining the most appropriate options for those concerned

18. the different ways that victims, survivors and witnesses may feel and behave before, during and after giving evidence, including:

18.1 the different ways that they may wish to interact with you

18.2 how to gauge which is the most appropriate way of interacting with each individual

19. what action to take if you become aware of anything which could prejudice legal proceedings

20. the limits on the information that you may offer to victims, survivors, witnesses and their associates, including:

20.1 what you must not discuss

20.2 the purpose of these limits

20.3 what to do if these limits are breached

21. methods of handling situations where there is the potential for conflict between the needs and wishes of victims, survivors and witnesses and their associates

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