

SFJWCDE6

Establish details and contact regarding new or repeat victims and witnesses



Overview

This unit is about reviewing the available information regarding new or repeat victims and witnesses, making contact and providing them with relevant information.

Note - where the text refers to 'Victim Personal Statements' these are known as 'Victim Personal Statements' in England, Wales and Northern Ireland and 'Victim Statements' in Scotland.

There are three elements:

- 1 Review the available information regarding new or repeat victims and witnesses
- 2 Make contact and establish rapport with victims and witnesses
- 3 Confirm details and provide information regarding the process

Target Group

This unit is for Witness Care Officers and others whose responsibilities include establishing contact with new or repeat victims and witnesses.

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Performance criteria

Review the available information regarding new and repeat victims and witnesses

You must be able to:

- P1 familiarise yourself with the circumstances of the case
- P2 in the case of victims, establish whether a Victim Personal Statement has been taken
- P3 establish whether the witness is a victim or otherwise
- P4 review the available information and determine whether the witness may be vulnerable, intimidated and/or significant
- P5 use your findings to plan your approach towards contacting the witness
- P6 identify the information to be sought from the witness

Make contact and establish rapport with victims and witnesses

You must be able to:

- P7 use appropriate communication techniques to contact the witness
- P8 greet witnesses and introduce yourself, your role and the reason for your call correctly, concisely and clearly
- P9 communicate in a professional manner, and at a level and pace which promotes understanding
- P10 listen actively, encourage questions and check for understanding
- P11 seek to put the witness at their ease

Confirm details and provide information regarding the process

You must be able to:

- P12 supply **information** regarding the criminal justice process to the witness relevant to their case in line with legislation, relevant guidance and current policy
- P13 establish contact details and the witness' preferred means of communication
- P14 confirm the relevant details of the case and obtain any further required information, ensuring that the details obtained are not evidential
- P15 refer any queries or concerns
- P16 deal with individuals in an ethical manner
- P17 maintain accurate and up to date **records**

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Knowledge and understanding

You need to know and understand:

Legal and organisational requirements

- K1 current organisational requirements and procedures relating to contact with victims and witnesses
- K2 current, relevant legislation and organisational requirements in relation to race, diversity and human rights relevant to assessing victim and witness needs
- K3 current, relevant legislation and organisational requirements in relation to health and safety relevant to your role
- K4 how to treat victims and witnesses, and relevant others in an ethical manner
- K5 the rights and roles of victims and witnesses and the procedures with which they will be involved within the criminal justice process

Making contact and providing information

You need to know and understand:

- K6 the types of requirements for support that may arise and how these should be dealt with
- K7 how to determine the category of a victim or witness, and the way in which this will influence your approach
- K8 how to assess the physical and emotional condition of victims and witnesses to establish their needs in relation to testifying in court
- K9 the action to take where you have concerns about the fitness of the victim or witness to testify
- K10 the rules of evidence and disclosure
- K11 what to do when departures from normal practices are required
- K12 how to maintain the security and welfare of the victim or witness
- K13 the correct ways of informing the victim or witness and relevant others of their roles and the procedures with which they will be involved in the criminal justice process
- K14 how to be flexible in your approach, using various techniques appropriate to the behaviour and attitude of the victim or witness
- K15 how to address correctly and ethically a victim or witness' reluctance or fear of testifying
- K16 how to update relevant others and the information that they will require
- K17 current documentation requirements and how to complete documents correctly
- K18 what information is confidential, and how to ensure that it is only available to those with authorised access

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Additional Information

Scope/range related to performance criteria

Information to include:

the role of the victim/witness within the criminal justice process
procedures relevant to the victim/witness

Records can be either:

paper-based
electronic.

Glossary

For guidance, the terms 'vulnerable', 'intimidated' and 'significant' within performance criterion 1.1.3 address the following:

Vulnerable

vulnerable witnesses may, for example, be considered to be:
children under seventeen years of age,
people whose quality of evidence is likely to be diminished because they:
are suffering from a mental disorder, or,
have a significant impairment of intelligence and social functioning, or,
have a physical disability or are suffering from a physical disorder

Intimidated

intimidated witnesses may, for example, be considered to be:
adult complainants in sexual assault cases,
adult victims of, and witnesses to, domestic violence and racially motivated crime,
elderly and frail witnesses, and witnesses who have been, or are likely to be threatened

Significant

significant, or key, witnesses may, for example, be considered as those who:
may have been, or claim to have been, an eye witness, or a witness to the immediate event in some other way,
stand in a particular relationship to the victim, or have a central position in the enquiry.

In addition and for further guidance, video recording of significant witness interviews should be considered in cases of murder, manslaughter, road death, serious physical assault, sexual assault, kidnap, robberies involving firearms, and any criminal attempts/conspiracies in relation to such offences.

Police officers who fall within this definition should also be considered to be a significant witness.

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