

SFKWCDE8

Establish requirements for special measures at court



Overview

This unit is about determining whether the circumstances of the case require special arrangements to be made for the witness in court. Where such circumstances are identified, it includes making the appropriate arrangements.

There are two elements:

1. Determine circumstances requiring the arrangements of special measures
2. Present a case for special measures to be provided

Target Group

This unit is for Witness Care Officers and others whose responsibilities include undertaking needs assessments of civilians, victims and witnesses in preparation for their appearing in court.

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Performance criteria

Determine circumstances requiring the arrangements of special measures

You must be able to:

- P1 review the circumstances of the case and the witness' requirements for support where appropriate, and evaluate the witness' potential eligibility for special measures when attending court
- P2 identify where special measures may be justified, and explore with the witness whether such measures might be preferred
- P3 explain the special measure(s) that may be available, and their implications for the witness
- P4 explain the advantages, and any disadvantages, for the witness relating to the relevant special measure(s) in meeting their requirements
- P5 explain the measures in a manner and at a pace that promotes understanding
- P6 encourage questions, check for understanding and provide clarification where necessary
- P7 explain, where special measures will be sought, the process for obtaining these and the procedures that will be followed
- P8 **record** all information provided in accordance with current policy and legislation

Present a case for special measures to be provided

You must be able to:

- P9 provide accurate and relevant information to the relevant person, setting out the circumstances and supporting rationale for the provision of the identified special measure(s)
- P10 review the case with the relevant person, confirming the witness' needs for support, their preferences, and that it would be effective to provide the relevant special measure(s)
- P11 address relevant queries promptly and accurately
- P12 record accurately agreement reached and the resulting actions
- P13 inform promptly all relevant parties, including the witness, of the outcome in a manner which maintains all necessary confidentiality
- P14 explain the rationale to the witness in a constructive and professional manner, where the request for special measures has been turned down

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Knowledge and understanding

You need to know and understand:

Legal and organisational requirements

- K1 current, relevant legislation, policies, procedures, codes of practice and guidelines for assessing witness needs and for explaining the special measures available, and the implications of not doing this
- K2 current, relevant legislation and organisational requirements in relation to race, diversity and human rights relevant to assessing witness needs
- K3 current, relevant legislation and organisational requirements in relation to health and safety relevant to your role
- K4 how to deal with witnesses and relevant others in an ethical manner
- K5 the rights and roles of victims and victims witnesses and the procedures with which they will be involved within the criminal justice system

Establishing requirements for special measures and contacting relevant parties

You need to know and understand:

- K6 the range of special measures available and their relative advantages and disadvantages for the witness and the legal process
- K7 factors affecting the eligibility of witnesses for special measures
- K8 how to determine the category of a victim or witness, and the way in which this will influence your approach
- K9 how to assess the physical and emotional condition of victims and witnesses to establish their needs in relation to testifying in court
- K10 the action to take where you have concerns about the fitness of the victim or witness to testify
- K11 the procedures for arranging special measures in courts
- K12 what to do when departures from normal practices are required
- K13 how to maintain the security and welfare of the victim or witness
- K14 the correct ways of informing the witness and relevant others of their roles and the procedures with which they will be involved in the criminal justice system
- K15 how to be flexible in your approach, using various techniques appropriate to the behaviour and attitude of the victim or witness
- K16 how to address correctly and ethically a victim or witness' reluctance or fear of testifying
- K17 the agencies/third parties available towards providing support and how their involvement should be initiated
- K18 how to update relevant others and the information that they will require
- K19 current documentation requirements and how to complete documents correctly
- K20 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

Record information by either:
paper-based systems
electronic systems.

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Suite	Witness Care; Providing Independent Sexual Violence Advice & Advocacy
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