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**Partnership Protocol  
Victim Support, Court Witness Service  
NSPCC and  
Northern Ireland Court Service**

December 2005

## **Background**

Victim Support Northern Ireland (VSNI), the National Society for Prevention of Cruelty to Children (NSPCC) and the Northern Ireland Court Service (NICtS) recognise that each has a role to play in supporting witnesses who come to court.

VSNI operates the Court Witness Service (CWS), which is a free and confidential service for witnesses and victims over 18 years of age and their families and friends. The service is provided by trained volunteers and staff, and aims to enable these clients to deal with the experience of attending court and giving evidence. Further information is available at ([www.victimsupport.org](http://www.victimsupport.org)).

NSPCC operates the Young Witness Service which is a free, independent and confidential service provided to children and young people who have to attend court as witnesses. The service, which is provided by social work staff and trained volunteers, aims to assist children and young people and their parents/carers before, during and after any trial so that they can give the best evidence to the court and prevent any further trauma caused by their experience. Further information is available at ([www.nspcc.org.uk](http://www.nspcc.org.uk)).

NICtS provides support for the conduct of business in the Courts. In the context of providing a service to witnesses and victims, NICtS looks after premises, accommodation and facilities, and draws up the lists for hearings in Court.

The three agencies have been working in partnership for some time to support victims and witnesses in Northern Ireland. The following protocol defines the nature and scope of the partnership arrangement and addresses the practical aspects of the working relationships.

## **Aim**

NSPCC, VSNI and NICtS will work together to maximize the support services available in court to vulnerable victims and intimidated witnesses.

## **Underlying Principles**

Supporting victims and witnesses is a multi-agency responsibility. Professionals need to identify from the outset of a case whether victims or witnesses need or want support, and then work with victims and witnesses throughout the legal process to provide the appropriate level of service for their individual needs.

All agencies will work together to promote confidence in the criminal justice system and ensure that “Best Evidence” is achieved.

Each organisation recognises that resources are often limited. We will work together to make the best use of the available resources and strive to improve quality of service, accommodation and facilities where we can. This will include making publicly available information on the services we provide and how to access those services.

## **Policy**

Before and during a court hearing, provision exists to assist a victim or witness to give best evidence and deal with the experience:

- Involve the Court Witness Service or NSPCC at the earliest opportunity
- Provide pre-trial familiarisation visits at the courthouse
- Ensure accessibility to court for those with special needs
- Provide a safe and comfortable waiting area
- Provide special measures such as screens or video links where appropriate

In conjunction with the Police, Public Prosecution Service and defence representatives, the listing of cases should be such that:

- The Victim or Witness only comes to court when required to give evidence
- The Victim or Witness should be at court for the shortest possible time
- An appropriate court venue is allocated for the trial within the restrictions of the legislation

## **Roles and Responsibilities**

### **Court Witness Service & NSPCC**

In all Crown Courts, Belfast & Newtownabbey Magistrates' Courts, the CWS will provide a support service to all prosecution witnesses (who wish to avail of the service) who are 18 years old and over, their families, friends and other supporters.

The NSPCC, Young Witness Service will provide a support service to Crown Court witnesses who are under 18 years old, their families, friends and supporters.

CWS and NSPCC will provide adequately trained volunteers to provide their support services. All volunteers will be subject to court service security clearance prior to working in the courts. A current list of employees and volunteers will be provided to NICtS and maintained in each local area.

All volunteers will wear a badge so they can be easily identified and they will inform court staff of their involvement in a particular case.

CWS and NSPCC will co-ordinate pre-trial familiarisation visits with court staff and provide reasonable notice of same.

### **Northern Ireland Court Service**

Court staff will provide to the CWS daily and weekly court lists in all Crown Court venues. Court Staff will also provide to the NSPCC weekly court lists, and where appropriate, monthly scheduling planners in all Crown Court venues. CWS will share any further information with NSPCC as appropriate. To facilitate the Magistrates' Court Witness Service in Laganside, daily magistrates' courts lists will be provided to the CWS.

Crown lists will contain the following information:

(i.) **Daily**

Date of trial

Courtroom Number

Time

Defendants Name

Bill No.

Event – Mention/State of Readiness

(ii.) **Weekly**

Lists trial scheduled for each day

Defendants Name, Bill Number & Event

Where possible, listing staff will give priority to cases for which special measures have been ordered. Further, such cases will not be listed as 'stand – by' trials; that is to say, listed as a back up in case another trial collapses.

While PSNI General Order 33/2004 provides for informing CWS of a special measures direction, NICTS will inform CWS of any cases where an application for special measure is to be made. Court staff will facilitate pre-trial familiarisation visits and where possible promote their use.

NICtS will provide appropriate waiting areas for Victims and Witnesses at all Crown venues & Belfast & Newtownabbey Magistrates Courts. Waiting areas will be secure and comfortable with adequate light, heating and ventilation. Access to toilet facilities will also be provided, as will refreshment facilities through access to a vending machine, café or kitchen. NICtS will continue to enhance their facilities through the commitments detailed in the Customer Service Strategy. A copy of this Strategy is available on the Court Service website [www.courtsni.gov.uk](http://www.courtsni.gov.uk).

Where Crown Court venues have a car park, a space will be allocated for the use of both the CWS and NSPCC.

When separate access is required, a member of court staff will make suitable arrangements. If either access or suitability of accommodation is an issue, NICtS will rely upon the issue being raised by the CWS or NSPCC through the prosecution. Thereafter NICtS will facilitate any specific arrangements that may be necessary.

### **Special Measures**

It has been common practice over a number of years for the NSPCC to fulfil the role of accompanying officer, where an appropriate crown court order has been made in respect of a child. The further commencement of relevant provisions of the Criminal Evidence (NI) Order 1999 provides for a number of special measures for vulnerable and intimidated witnesses in both Crown and summary proceedings. Where an appropriate court order has been made the Lord Chief Justice has endorsed the practice of a trained member of the CWS or NSPCC accompanying a vulnerable victim or intimidated witness. Both CWS & NSPCC are funded to provide this level of support in all Crown Court venues and the CWS is also funded to provide support at Belfast & Newtownabbey Magistrates' Court.

While each organisation agree that it is preferable to provide a vulnerable victim or intimidated witness with support from either CWS or NSPCC, there will remain a number of situations where NICTS staff will be required to fulfil the role of the accompanying officer.

In any situation where a live/video link facility is to be used, court staff will ensure that the equipment is working properly both in advance of the trial and on the allocated hearing day. To ensure that any technical problems are resolved effectively a member of court staff, who is familiar with the operation of the equipment, should be made known to the CWS or NSPCC in advance of the start of the trial.

In addition to the live/video link room a separate waiting area should be made available for families, friends and supporters. In some venues this may mean that CWS and NSPCC share a room. NICTS will endeavour to list business in such a way as to limit any pressure on accommodation. Supported by NICTS, both the CWS & NSPCC representatives will take any necessary steps to ensure that the witness does not come into contact with the defendant or those at court with him/her.

The court, through either the court clerk or court crier/tipstaff continues to be responsible for the:

- ◆ Taking of an oath/affirmation;
- ◆ Collection of appropriate documents & exhibits from the courtroom to show the witness; and the
- ◆ Functioning of the equipment.

It is suggested that a court clerk address these issues with the trial judge before the case commences.

## **Training/Awareness**

Each organisation undertakes to provide support to each other in staff training to enhance working relationships and improve understanding and customer service.

## **Communication & Information Exchange**

VSNI & NSPCC representatives will establish contacts with NICtS at local level, including participation in local Court User Groups, to address day-to-day business issues. Representatives of each organisation will continue to meet quarterly (or more frequently if required) to discuss any issues arising and monitor operation of the Protocol.

## **Review**

We will review this Protocol from time to time and issue revised versions as necessary.

The Vulnerable & Intimidated Witness Group, (led by the Northern Ireland Office) and Court User Forums all provide useful opportunities to consider any issues that may arise. Each organisation undertakes to support the development and monitoring of services to witnesses and in particular vulnerable victims and intimidated witnesses attending court.

Signed by: *Mandy Kilpatrick* On *27 February 2006*

For Northern Ireland Court Service (NICtS)

Signed by: *Susan Reid* On *8 March 2006*

For Victim Support Northern Ireland (VSNI)

Signed by: *Martin Crummey* On *9 March 2006*

For National Society for Prevention of Cruelty to Children (NSPCC)



INVESTOR IN PEOPLE

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