

serving the community
through the administration
of justice

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

Revised June 2008

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 Witness Service (WS), 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).

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).

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 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

Witness Service & NSPCC

In all Crown Courts and Magistrates' Courts, the WS 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.

WS 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.

WS 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 WS daily and weekly court lists in all Crown and Magistrates' Court venues. Court Staff will also provide to the NSPCC weekly court lists, and where appropriate, monthly scheduling planners in all Crown Court venues. WS will share any further information with NSPCC as appropriate.

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

Case Progression Officers

Case Progression Officers have been appointed in each division and are responsible for the progression of all Crown and youth court cases and for contested cases in the adult magistrates' courts at individual case level and criminal magistrates' cases generally. Case Progression Officers work closely with the judiciary prosecution and defence to reduce avoidable delay. Details of Case Progression Officers for Divisions can be found at all Court venues and on the Northern Ireland Court Service website.

Where possible, case progression officers 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 WS of a special measures direction, NICtS will inform WS 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.

Waiting Areas

NICtS will provide appropriate waiting areas for Victims and Witnesses at all Crown and Magistrates Courts venues. In order to plan realistically to develop and improve the estate and the service offered to victims and witnesses, the NICtS will provide the following minimum standards.

Waiting areas should:

- be secure;
- be comfortable with adequate light, heating and ventilation
- have access to toilet facilities;
- have access to refreshment facilities through access to a vending machine, café or kitchen
- be well maintained and clean
- be furnished with "universally" comfortable chairs
- be decorated in warm, neutral colours
- have reading materials
- have a building layout map and courtroom layout plan on display
- have a means of direct internal communication to summon assistance or make enquiries.

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.

Maintenance

The NI Court Service will continue to maintain those waiting areas designated for use by Witness Service and NSPCC. This maintenance will be divided between planned cyclic works and reactive works. The planned maintenance works would include such items as replacement lamps, testing of smoke detectors and sounders, PAT testing, and general cleaning (daily) and cyclic window cleaning. The Reactive maintenance works would include necessary repairs following any power failure, defective door furniture (handles, locks, closers etc), air handling systems and decorative repair.

The NI Court Service will give sufficient notice to Witness Service and NSPCC as to when such maintenance works will be carried out.

The Witness Service and NSPCC will be expected to report any defects in the designated areas to the Premises Officer of the building and permit access to the designated areas for both planned and reactive works.

The Witness Service and NSPCC must also report any maintenance arranged directly through a 3rd party contractor to the Premises Officer for the building and provide written evidence of such works which will then be copied into the site log book for the building.

The furniture provided in the designated waiting areas for use by NSPCC/Witness Service/Women's Aid/Young Witness Service/Victim Support will remain the property of the NI Court Service and will be added to an asset list. Any damage to furniture must be reported immediately to the Premises Officer for the building so that it can be inspected and assessed. The NI Court Service will expect to recover costs for any damage determined to be caused by user groups and or their clients.

Laganside Courts Complex is managed by way of public/private partnership. Consul Services have the responsibility of maintaining the building. Witness Service must report any maintenance issue to the Resource Management Team who will consult with the Consul Management team on their behalf.

Health & Safety

The NI Court Service will continue to include those areas designated for use by Witness Service in any fire risk assessment or general risk assessment of the building by either a fire advisory consultant or the local safety officer.

The Witness Service and NSPCC must adhere to those recommendations following any risk assessment.

The Witness Service and NSPCC will also be expected to provide copies of any risk assessment carried out by any Witness Service or NSPCC operative of the areas designated for use to the Local Safety Officer for the building.

Victim Support, Witness Service and NSPCC will be responsible for reporting all accidents, incidents and near misses to the appropriate nominated local safety officer and ensuring that any such accident, incident or near miss is recorded in the accident book.

The relevant Local Safety Officer will be responsible for undertaking an investigation and reporting their findings to the Departmental Health and Safety Officer.

Members of Victim Support, the Witness Service and NSPCC also have a responsibility for their own health and safety and that of their colleagues and must comply with all relevant Health and Safety legislation contained in the Northern Ireland Court Service Health & Safety Policy Statement.

Access

Where court venues have a car park, a space will be allocated for the use of both the WS 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 WS 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 WS or NSPCC accompanying a vulnerable victim or intimidated witness. Both WS & NSPCC are funded to provide this level of support in all Crown Court venues and the WS is also funded to provide support at all Magistrates' and Youth courts.

While each organisation agree that it is preferable to provide a vulnerable victim or intimidated witness with support from either WS 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 WS 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 WS 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 WS & 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:

For Northern Ireland Court Service (NICtS)

Signed by:

For Victim Support Northern Ireland (VSNI)

Signed by:

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



INVESTOR IN PEOPLE

For further information on the work of the
Northern Ireland Court Service please contact

**Northern Ireland Court Service
Information Centre
Laganside House
23-27 Oxford Street
Belfast
BT1 3LA**

Telephone 028 9032 8594
Facsimile 028 9072 8945
Textphone 028 9041 2920
Email informationcentre@courtsni.gov.uk
www.courtsni.gov.uk