

serving
the community
through the
administration
of justice

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

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.co.uk).

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 victims and 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

The Witness Service is available in all criminal courts and 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 and some magistrates' and youth court witnesses who are under 18 years old, their families, friends and supporters.

NSPCC currently provide a support service to magistrates' and youth court witnesses in Belfast, Lisburn, Craigavon and Londonderry. It is the intention of NSPCC in partnership with the NIO to roll this service out to the whole of Northern Ireland in due course.

WS and NSPCC will provide adequately trained staff and volunteers to provide their support services. All staff and 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 staff and volunteers will wear a badge so they can be easily identified and they will inform the court clerk on the day of the trial 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

NICts has made available Public Court lists Online. This service will allow NSPCC and VS to view the court lists for civil and criminal business for any court venue for up to 7 days ahead. Court lists are refreshed daily at 10.00pm.

Court lists are correct at the time of publication; however they may be subject to change at short notice up to and including the day of the court.

Not all court lists are available for viewing on line.

The public court lists on line facility is available on the Court lists web page of the Court Service website.

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.

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 Business Modernisation & 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. Both organisations are only permitted to arrange any work to be carried out if they are installing their own telecoms or IT equipment as all other maintenance work must be requested through Commercial and Estates Branch (C&EB) and if approved, C&EB would arrange to have it carried out by their own contractor. Any contractor carrying out works on NICTS premises will be subject to security clearance by NICTS with the exception of work that has to be carried out at short notice. In this instance WS/VS must accompany contractors at all times.

The furniture provided in the designated waiting areas for use by NSPCC/ Witness Service/Women's Aid/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.

Health & Safety

The NI Court Service will continue to include those areas designated for use by Witness Service and NSPCC 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.

Laganside Courts Complex

Laganside Courts complex is managed by way of public/private partnership. Consul Services have the responsibility for managing and maintaining the building.

Victim Support, Witness Service and NSPCC must comply with all policies implemented by Consul Services and must comply with the terms of the partnership contract.

Consul Services will maintain all areas throughout Laganside Courts Complex and the accommodation designated for the use of Victim Support, Witness Service and NSPCC. Any maintenance issues must be reported to the Resource Management Team who will in turn consult with the Consul Management Team on their behalf.

Consul Services provide all furniture in Laganside Courts with the exception of the shared VS and NSPCC office. All furniture remains the property of Consul Services for the duration of the contract. Any defects must be reported to the Resource Management Team. Any damage to furniture or accommodation must be reported immediately to the Resource Management Team. Requests for additional furniture will be considered, however, partnership agencies are requested not to bring their own items of furniture onto the complex without the prior agreement of the Facilities Manager.

Under the terms of the contract domestic electrical equipment is only permitted in certain areas and must be PAT tested annually. NICTS test all equipment and provide evidence of testing. Partnership agencies are asked to ensure that only permitted appliances are brought onto the complex and only with prior agreement of the Facilities Manager. NICTS will arrange for PAT testing in the following areas:

- Victim Support Office and waiting areas
- NSPCC office and waiting areas

Health and Safety

Consul Services will include areas designated for the use of partnership agencies in any fire risk assessment or general risk assessment. Partnership agencies must comply with all Health and Safety policies and procedures implemented by Consul Services.

Access

Where court venues have a car park, a space will be allocated for the use of both the WS and NSPCC. Volunteers should be able to provide photographic ID as proof of identity for security officials who should have a record of the individual on the front of house lists available at all venues.

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 PPS. 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.

NSPCC currently provide a support service to magistrates' court witnesses in Belfast, Lisburn, Craigavon and Londonderry. It is the intention of NSPCC in partnership with the NIO to roll this service out to the whole of Northern Ireland in due course.

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 Victim and Witness task force (led by the Northern Ireland Office), the Witness Services Steering Group and Court User Groups 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)

Victim Support Witness Service – Code of Conduct

- All volunteers providing a service to victims/witnesses at court will have undergone accredited training.
- When supporting a witness, the volunteer will not attend the trial prior to the witness giving evidence.
- Volunteers should dress appropriately whilst in court.
- If a volunteer knows any party to the proceedings or any member of the jury, that volunteer must excuse themselves from the proceedings and inform their coordinator immediately.
- A volunteer should make their involvement in any proceedings known to the PPS as early as possible.
- Volunteers will inform witnesses that evidence should not be discussed. Witnesses should be informed that any evidential matters are to be directed to the officer in charge.
- A volunteer supporting more than one witness will do so in a way which maintains confidentiality and ensures that discussion of the evidence does not take place.
- When entering or leaving a courtroom during proceedings a volunteer should do so quietly, making sure there is no prohibiting notice.
- In proceedings where seating is limited volunteers should exercise discretion as to whether to remain, to ensure those directly involved are not excluded.
- Volunteers may leave the proceedings at any time but should not do so whilst witnesses are being sworn, during the judge's summation or at any sensitive part of examination in chief or cross-examination. If a volunteer leaves during the summation he or she will not be permitted to re-enter.

- A volunteer will not be permitted to take notes whilst in court. It is also important that volunteers should exercise discretion when taking notes in the presence of witnesses.
- Volunteers should understand that any discussions or requests for advice regarding the legal aspects of a case should be referred to the appropriate professional.
- Only volunteers who had completed accompanying officer training will be permitted to undertake remote link assistance. Volunteers involved in remote link assistance should be familiar with and abide by the Accompanying Officer Code of Conduct.
- It is Witness Service policy not to make verbal or written statements on the impact of crime upon victims, which might be used in sentencing.
- Volunteers will not conduct themselves in any way, which prejudices the progress of the trial.
- Volunteers must at all times maintain a professional relationship with witnesses. Volunteers will not be in contact with witnesses outside the court location; any contact outside of court that is necessary with witnesses must be done through their coordinator.
- Volunteers will not remain with witnesses during discussions with their legal representatives; this is particularly important prior to witnesses giving evidence.
- A volunteer who is requested to remain with a witness under oath during a break in proceedings should endeavour to ensure the witness does not communicate or is left alone with any other witness to the proceedings.
- Volunteers should exercise discretion when talking in public areas.
- Volunteers should avoid any contact with the media and will not make any comment regarding their role, the proceedings or the outcome of the

proceedings.

- In cases where witnesses wish to make a statement to the media. Volunteers should pass such requests to the co-ordinator.
- Witness Service personnel will wear identification at all times when in the Court building.
- A volunteer will not attend any proceedings at court locations where they volunteer other than in their volunteer capacity.
- Volunteers should ensure that all paperwork is completed at the end of each day. It is important that all records are complete and timely in order to provide an accurate profile of the work carried out.
- Volunteers who have any concerns regarding the behaviour of any party to the proceedings should raise them with their coordinator or the officer in charge.
- Volunteers should be fully conversant with the Witness Service's Code of Practice and abide by its contents at all times. Each volunteer will receive a copy of the Code of practice together with this Code of Conduct.
- Volunteers should also be fully conversant with and abide by the Witness Service's policy regarding confidentiality and discrimination.

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

Northern Ireland Court Service

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