



Partnership Protocol:
Victim Support NI, Witness Service
NSPCC, Young Witness Service and
Northern Ireland Courts and Tribunals Service

serving the community through the administration of justice

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1 Background

- 1.1 Victim Support Northern Ireland (VICTIM SUPPORT NI), the National Society for Prevention of Cruelty to Children (NSPCC) and the Northern Ireland Courts and Tribunals Service (NICTS) recognise that each has a role to play in supporting witnesses who come to court.

VICTIM SUPPORT NI Witness Service

- 1.2 Victim Support Northern Ireland (VICTIM SUPPORT NI) is a regional independent charity which helps people affected by crime. Their services are free and available to everyone, whether or not the crime has been reported and regardless of when it happened. They are an independent charity and operate throughout Northern Ireland, delivering a Community Service to all victims of crime, a Criminal Injuries Compensation Service to victims of violent crime and a Witness Service to adult prosecution witnesses and their family and friends attending any criminal court throughout Northern Ireland.
- 1.3 The aim of the VICTIM SUPPORT NI Witness Service is to support witnesses, victims, their families and friends throughout the experience of attending court and giving evidence as a witness. The Witness Service is a free and confidential service delivered by trained volunteers and staff, the service is available to all prosecution witnesses 18 years and over, to victims who may not be called to give evidence and to family and friends of witnesses.
- 1.4 The service offers:
- a) Someone to talk to in confidence (the Witness Service does not discuss evidence or offer legal advice);
 - b) Explanation of court layout and procedures and processes;
 - c) A visit to see the court before the trial;
 - d) A separate place to wait during their time in the court building;
 - e) Support in the court-room if appropriate;
 - f) Preparation for a possible verdict and other potential outcomes;
 - g) Access to others for specific questions and answers on cases;

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- h) An opportunity to talk about the experience of giving evidence following the trial; and**
- i) Onward referral to help from other agencies if appropriate.**

National Society for Prevention of Cruelty to Children

- 1.5 The NSPCC's purpose is to end cruelty to children. NSPCC is the lead voluntary child protection agency in Northern Ireland and is unique among charities with statutory powers by virtue of Royal Charter and the Children (NI) Order 1995. The Society provides a wide range of services in Northern Ireland including investigation, recovery and therapeutic work, Family Support Services, Sexually Harmful Behaviour, Young Witness Service, independent visiting, schools counselling services, Child Protection in Sport and child protection with the business community. In 2006 NSPCC merged with ChildLine.**
- 1.6 NSPCC also provides training, research and policy development work and is represented on all the key child protection forums and bodies as well as a being a member of the Northern Ireland Sex Offender Strategic Management Committee and host of Stop It Now!**
- 1.7 The Young Witness Service is a free, independent and confidential service, provided by a team of social work staff and trained volunteers. The service offers support to young witnesses (under 18 years) and their parents/carers before, during and after a trial. To address concerns about contamination, the Young Witness staff and volunteers do not discuss details of the case with the witnesses.**
- 1.8 The aim of the Young Witness Service is to reduce the stress experienced by children and young people who attend court as witnesses to:
 - a) Enable them to give the best possible evidence to the court; and**
 - b) Prevent any further trauma that may be caused by their experience of giving evidence.****

- 1.9 The Service comprises:**
- a) Assessment of young witness needs/wishes;**
 - b) Pre-trial preparation in young witness' home;**
 - c) Verifying if there are any current or historic child protection concerns;**
 - d) Explaining what happens at court;**
 - e) Information on court layout;**
 - f) A visit to see the court before the trial;**
 - g) Help with dealing with anxiety about going to court;**
 - h) Showing young witnesses ways to stay calm;**
 - i) A quiet and safe place to wait during their time in the court building;**
 - j) Supporting the young witness in the TV link room or the courtroom whilst they give evidence;**
 - k) Preparation for a possible verdict and other potential outcomes;**
 - l) Making sure that the Police, the Prosecution, the Court and lawyers are aware of the needs and wishes of the young witness;**
 - m) Advice to parents and carers on how best to support their child;**
 - n) An opportunity to talk about the experience of giving evidence following the case; and**
 - o) Onward referral for help from other agencies.**

Northern Ireland Courts and Tribunals Service

- 1.10 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. NICTS facilitates the provision of special measures for vulnerable witnesses and is responsible for maintaining the equipment, technology and facilities to assist witnesses to give their best evidence. NICTS works closely with partners and judiciary to try to optimise the use of remote live links and to try to reduce witness waiting times at court.**
- 1.11 The three agencies have been working in partnership for some time to support victims and witnesses in Northern Ireland. The following protocol defines the**

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nature and scope of the partnership arrangement and addresses the practical aspects of the working relationships.

2. Aim

2.1 NSPCC, VICTIM SUPPORT NI and NICTS will work together to maximize the support services available in court to victims and witnesses.

3. Underlying Principles

3.1 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.

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

3.3 Each organisation recognises that resources are often limited. All agencies 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 information publicly available on the services we provide and how to access those services.

3.4 The Victim Charter sets out how victims of crime should be treated and what advice, support and practical information they can expect to receive, including at court. A range of supplementary documents are also available on the Department of Justice's website (www.justice-ni.gov.uk), including easy access materials.

4. Policy

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

- a) Involve the Witness Services at the earliest opportunity;
- b) Provide pre-trial familiarisation visits at the courthouse;
- c) Ensure accessibility to court for those with special needs;
- d) Provide a safe and comfortable waiting area; and
- e) Provide special measures such as screens or video links where appropriate.

4.2 The listing of cases and case management is a judicial function however there is scope for ensuring that the court is provided with relevant witness information so that this may be taken into consideration.

4.3 The general overarching principles of this protocol are that:

- a) The victim or witness only comes to court when required to give evidence;
- b) The victim or witness should be at court for the shortest possible time; and
- c) The victim or witness should be enabled as much as possible to give their best evidence to the court.

5. Roles and Responsibilities

VICTIM SUPPORT NI Witness Service & NSPCC Young Witness Service

5.1 VICTIM SUPPORT NI 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.

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- 5.2 The NSPCC Young Witness Service will provide a support service in all criminal courts to witnesses who are under 18 years old, their families, friends and supporters.**
- 5.3 VICTIM SUPPORT NI and NSPCC will provide adequately trained staff and volunteers to provide their support services. All staff and volunteers will be subject to NICTS security clearance prior to working in the courts. A current list of employees and volunteers will be provided to NICTS and updated on a regular basis.**
- 5.4 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.**
- 5.5 All staff and volunteers will comply with NICTS requirements in respect of access to secure areas within court buildings and observing no smoking rules within the confines of the court building.**
- 5.6 VICTIM SUPPORT NI and NSPCC will ensure that appropriate NICTS approvals are sought in advance for any promotional events taking place on court premises requiring the attendance of press/media.**
- 5.7 VICTIM SUPPORT NI and NSPCC will co-ordinate pre-trial familiarisation visits with court staff and provide reasonable notice of same.**
- 5.8 General principles for co-operative working have been agreed between both Witness Services and these are set out at Annex A.**

Northern Ireland Courts and Tribunals Service

- 5.9 The NICTS's Public Court lists online service allows NSPCC and VICTIM SUPPORT NI 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.**

- 5.10 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.
- 5.11 Not all court lists are available for viewing online and there may be anonymity requirements restricting the information that is made publicly available
- 5.12 The public court lists on-line facility is available on the court lists web page of the NICTS website.
- 5.13 Listing Officers are NICTS staff who work closely with the judiciary, prosecution, defence and the witness services to reduce avoidable delay by checking case update information to assist the judicial listing function. Names of Listing Officers can be found by contacting the court offices.
- 5.14 While listing is a judicial function, where possible, Listing Officers will ensure that priority is given to cases for which special measures have been granted. Further, such cases should not be listed as 'stand – by' trials; that is to say, listed as a back-up in case another trial collapses.
- 5.15 NICTS will provide designated waiting areas for victims and witnesses at all Crown and Magistrates Courts venues. The following minimum standards apply - Witness waiting areas should:
- a) Be separate from the main court waiting area so that, as far as possible, victims and witnesses do not come into contact with defendants and their supporters;
 - b) Be comfortable with adequate light, heating and ventilation;
 - c) Have access to toilet facilities;
 - d) Have access to refreshment facilities through availability of a café or kitchen;
 - e) Be well maintained and clean;
 - f) Be furnished with “universally” comfortable chairs; and
 - g) Be decorated in warm, neutral colours.

6. Maintenance

- 6.1 NICTS will continue to maintain those waiting areas designated for use by the Witness Services. 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.**
- 6.2 NICTS will give sufficient notice to the Witness Services as to when such maintenance works will be carried out.**
- 6.3 VICTIM SUPPORT NI 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.**
- 6.4 VICTIM SUPPORT NI 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 a representative from the witness service must accompany contractors at all times.**

7. Health and Safety

- 7.1 NICTS will continue to include those areas designated for use by the Witness Services in any fire risk assessment or general risk assessment of the building by either a fire advisory consultant or the local safety officer.**
- 7.2 VICTIM SUPPORT NI and NSPCC must adhere to those recommendations following any risk assessment.**
- 7.3 VICTIM SUPPORT NI and NSPCC will also be expected to provide copies of any risk assessment that they carry out on the areas designated for their use to the local safety officer for the building.**
- 7.4 VICTIM SUPPORT NI 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.**
- 7.5 The relevant local safety officer will be responsible for undertaking an investigation and reporting their findings to the Departmental Health and Safety Officer.**
- 7.6 Members of VICTIM SUPPORT NI 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 Department of Justice's Health & Safety Policy Statement.**

8. Laganside Courts Complex

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

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- 8.2 VICTIM SUPPORT NI and NSPCC must comply with all policies implemented by Consul Services and must comply with the terms of the partnership contract.
- 8.3 Consul Services will maintain all areas throughout Laganside Courts Complex and the accommodation designated for the use of VICTIM SUPPORT NI and NSPCC Witness Services. Any maintenance issues must be reported to the Resource Management Team who will in turn consult with the Consul Management Team on their behalf.
- 8.4 Consul Services provide all furniture in Laganside Courts with the exception of the shared VICTIM SUPPORT NI 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.
- 8.5 Under the terms of the contract domestic electrical equipment is only permitted in certain areas and must be PAT tested annually. Partnership agencies are asked to ensure that only permitted appliances are brought onto the complex and only with prior agreement of the Facilities Manager. NSPCC and VICTIM SUPPORT NI are responsible for PAT testing their electrical equipment.

Health and Safety

- 8.6 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

- 8.7 Where court venues have a car park, a space will be allocated for the use of both VICTIM SUPPORT NI 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.
- 8.8 However due to the pressures on car parking availability if either party does not require parking space on any day or for any period of time NICTS should be notified immediately so that this may be re-allocated for the period that it is not being used for staff, volunteers or a supported witness with access requirements.
- 8.9 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 VICTIM SUPPORT NI or NSPCC. Thereafter NICTS will facilitate any specific arrangements that may be necessary.

9. Special Measures

- 9.1 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 VICTIM SUPPORT NI or NSPCC's Witness Service accompanying a vulnerable victim or intimidated witness. While each organisation agrees that it is preferable to provide a vulnerable victim or intimidated witness with support from either VICTIM SUPPORT NI or NSPCC, there will remain a number of situations where NICTS staff will be required to fulfil the role of the accompanying officer.

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- 9.2** 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. Local co-operation between all organisations is essential to ensure that any technical problems are identified and resolved effectively.
- 9.3** 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 VICTIM SUPPORT NI and NSPCC share a room. Supported by NICTS, both VICTIM SUPPORT NI & NSPCC representatives will take any necessary steps to ensure that the witness does not come into contact with the defendant or supporters. This may include arranging for the witness to enter and leave the building by a separate entrance if possible or at an earlier time than other court users.
- 9.4** The Court, through either the court clerk or court crier/tipstaff, continues to be responsible for the:
- a) Taking of an oath/affirmation;
 - b) Arranging for the collection of appropriate documents and exhibits from the courtroom to show the witness; and
 - c) Functionality of the equipment.
- 9.5** It is suggested that a court clerk address these issues with the trial judge before the case commences.
- 10. Training/Awareness**
- 10.1** Each organisation undertakes to provide support to each other in staff training to enhance working relationships and improve understanding and customer service.

11. Communication and Information Exchange

11.1 VICTIM SUPPORT NI and 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 once per year (or more frequently if required) to discuss any issues arising and monitor operation of the Protocol.

12. Review

12.1 The signatories to this protocol will review it every 3 years and issue revised versions as necessary.

12.2 The Victim and Witness Steering Group, chaired by the Department of Justice and Court User Groups, provide a useful opportunity to consider any issues that may arise locally or more generally. Each organisation undertakes to support the development and monitoring of services to witnesses and, in particular, vulnerable victims and intimidated witnesses attending court.

13. Complaints

13.1 Where possible all signatories to this protocol will undertake to address any issues informally in the first instance. Complaints that any of the commitments within this policy have not been applied by any of the three parties to the protocol should be submitted to the relevant organisation, preferably in writing.

13.2 If the complaint involves action(s) by two or more of these parties the response will be shared among all of those included in the complaint, so that each has the opportunity to consider the matter and provide a full explanation. In addition the signatories:-

- a) Will undertake to treat all complaints seriously whether we believe them to be justified or not;
- b) Will aim to respond to a complaint promptly and within a timescale of 15 working days;

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- c) Will consider and respond to all the issues raised in the complaint;
- d) Will keep the person making the complaint informed about the progress of the reply if it cannot be resolved immediately;
- e) Where required, will apologise for any inconvenience and if necessary give a full and clear explanation; and
- f) Will take a positive approach to complaints, learn from mistakes and share best practice with colleagues.

13.3 Complaints should be addressed to:

Northern Ireland Courts and Tribunals Service
Laganside House
23-27 Oxford Street
Belfast
BT1 3LA
Email: businessdevelopmentgroup@courtsni.gov.uk

Victim Support Northern Ireland
Albany House
75 Great Victoria Street
Belfast
BT2 7AF
Email: info@victimsupportni.org.uk

NSPCC Young Witness Service
Young Witness Service Antrim Courthouse
30 Castle Way
Antrim
BT41 4AQ
Email: jenni.boyce@nspcc.org.uk

Signed by:



Date: 18/1/17

For Northern Ireland Courts and Tribunals Service (NICTS)

Signed by:



Date: 14/2/17

For Victim Support Northern Ireland (VICTIM SUPPORT NI)

Signed by:



Date: 14/2/17

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

General Principles for Co-operative Working

It is imperative that both all parties to this agreement work closely together in order to ensure a smooth and seamless delivery of services to both adult and young witnesses.

It is understood that at some Court locations the allocated waiting rooms used by one service for their witnesses will be shared by both services. It is on these occasions particularly that these principles should assist with any potential difficulties that may arise. The following are the general agreed principles that will assist with the practical arrangements for the day to day working at the shared locations.

Principles

- a) All staff should ensure that their respective witnesses respect the accommodation and any other staff or witnesses sharing a waiting room.
- b) All staff from each service should be aware at all times of the names and numbers of witnesses for whom they are responsible, whilst in they are in the court building in case of an emergency evacuation.
- c) Children should not be left unattended in the waiting room at any time.
- d) Where there is difficulty with limited space, staff should approach NICTS for additional assistance with accommodation. This should be done as soon as potential difficulties become apparent.
- e) If staff are aware in advance of potential difficulties with accommodation then it is important that pre-planning takes place to find suitable practical solutions before the day.
- f) Where accommodation difficulties arise staff should seek an additional, appropriate room from NICTS. If none are available there should be an informed decision as to priority for the use of all rooms available to the Services.

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Staff from both Services should seek to reach agreement jointly and their decision should be based on:

- a) The vulnerability of witness(es) involved;
- b) The number of witnesses that may be affected;
- c) The appropriateness of the potential solutions available e.g. mobility issues, proximity of change of room to court etc.;
- d) Any Special Measures restrictions; and
- e) Any restrictions imposed by judiciary/PPS etc. e.g. separation of witnesses.

The decision **SHOULD NOT** be based solely on the age of the witness or the crime type; however these may be relevant issues and **SHOULD NOT** be ignored. Any decisions made should be communicated to the relevant witnesses sensitively and if appropriate, the PPS and the OIC should also be informed of any changes.

Northern Ireland Courts and Tribunals Service
Laganside House
23-27 Oxford Street
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www.courtsni.gov.uk