

EXECUTIVE SUMMARY
OF THE REPORT OF A
JOINT THEMATIC
REVIEW OF VICTIM
AND WITNESS
EXPERIENCES IN THE
CRIMINAL JUSTICE
SYSTEM

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HMCPSI
HMIC
HMICA

CONTRIBUTORS

HM Crown Prosecution Service Inspectorate
HM Inspectorate of Court Administration
HM Inspectorate of Constabulary

INTRODUCTION

- 1 This is the executive summary of the report of the Chief Inspectors of Her Majesty's Inspectorate of Constabulary (HMIC), Her Majesty's Crown Prosecution Service Inspectorate (HMCPSI) and Her Majesty's Inspectorate of Court Administration (HMICA) into the experiences of victims and witnesses in the criminal justice system (CJS).

Aim and objectives of the joint thematic review

- 2 The purpose of the thematic review was to evaluate the effectiveness of services provided to victims and witnesses in maximising the likelihood of witnesses attending court and in improving the confidence of victims and witnesses in the CJS. Specific objectives were to assess the extent to which:
 - victims are supported and kept properly informed throughout the life of their case;
 - the continued involvement and commitment of witnesses is ensured through early consideration of their needs and regular receipt of information throughout their case;
 - victims and witnesses of the most serious crimes are supported by appropriate liaison arrangements;
 - arrangements at court enable victims and witnesses to participate fully; and
 - criminal justice agencies work together and co-operate to meet the expected standards of service for both victims and witnesses.
- 3 The review did not focus on any particular category of victims, witnesses or crimes. However it does include reference to the service provided to victims and witnesses of serious crime and the needs of, and support for, children and young people who are victims and witnesses. Where possible the review included both prosecution and defence witnesses, although in practice obtaining views and data on the latter proved difficult. Police and expert and professional witnesses were excluded from the scope of this review.
- 4 Systems that support the carrying out of business in the magistrates' courts and the Crown Court have been examined. These systems, and the way they operate in practice, greatly influence the experiences of victims and those citizens who are required to attend court to give evidence. We have been alert in this report to the need to reflect those experiences fully and accurately whilst ensuring, in accordance with the Courts Act 2003 (amended by the Police and Justice Act 2006), that this review does not report on judicial decision-making or the exercise of judicial discretion.

Methodology

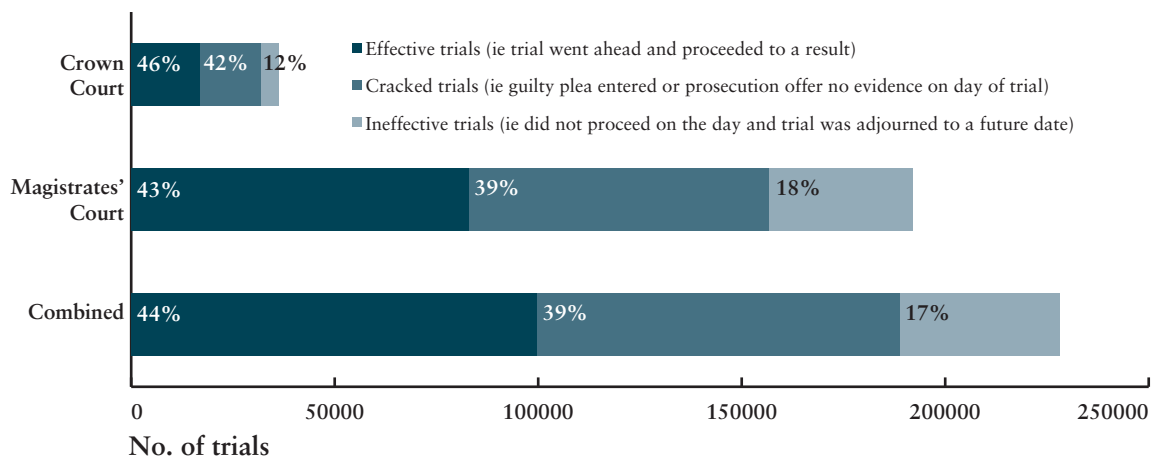
- 5 The methodology included examination of police, CPS and witness care unit (WCU) files; observations of the conduct of trials in the magistrates' courts and Crown Court; interviews with victims and witnesses at court after they had given their evidence; and interviews with relevant police, CPS and Her Majesty's Courts Service (HMCS) staff, as well as with key stakeholders from the Office of Criminal Justice Reform (OCJR), Victim Support, the joint police and CPS Victim and Witness Care Delivery Unit (VWCDU) and volunteers from the Witness Service. The views of key national charities which support victims of crime were also sought.
- 6 Field work was conducted in August/September 2008 in seven criminal justice areas - London (Lambeth), Cambridgeshire, Merseyside, North Wales, South Yorkshire, Staffordshire and the West Midlands.

BACKGROUND AND CONTEXT OF THE REVIEW

The scale of the issue - numbers of victims and witnesses

7 In 2007-08 in England and Wales a total of 228,545 trials were listed to be heard in the Crown Court and magistrates' courts¹ involving hundreds of thousands of witnesses, a large proportion of whom were also victims. Actual figures are not collated at national level, but in 2007 alone it was estimated that nearly 300,000 witnesses (excluding police and expert and professional witnesses) were called to give evidence for either the prosecution or defence.² Of those it is estimated that just 50% actually gave evidence, 39% attended but did not give evidence and an estimated 11% of witnesses did not attend.

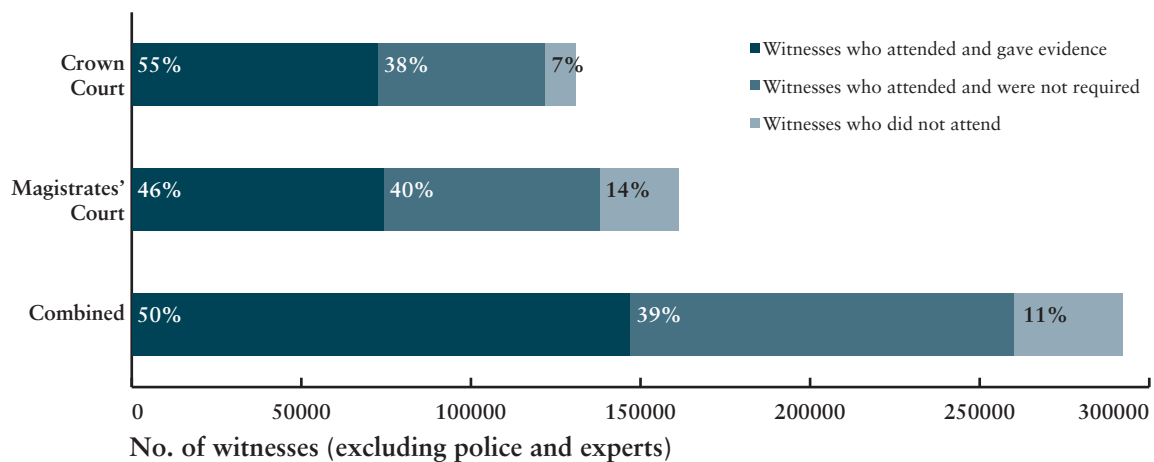
Estimated numbers of witnesses and the proportion required to give evidence in 2007



Source: HMCS performance data

8 This is because, in practice, less than half of all trials (44% in 2007-08) go ahead on the scheduled day and proceed to a result. This may be for good reason, for example when a guilty plea is entered on the day of trial, but can also be because a trial is ineffective and is adjourned to another date.

Numbers of criminal trials in England and Wales in 2007-08 and the proportion of these that are effective



Source: HMCS performance data

1 Actual trial figures collated by HMCS.

2 HMCS witness figures based on six monthly witness monitoring surveys and HMCS statistics. HMCS acknowledge that these statistics contain an element of approximation and should be taken as estimates only.

- 9 A large proportion of trials, nearly 40%, ‘crack’ on the day. This is where the case is ended due to a guilty plea being entered or the prosecution offering no evidence. In many of these cases witnesses will have attended but will not have been required to give evidence. Cracked trials generate a result which, if this is a guilty plea, can be positive for a prosecution witness in that justice is seen to be done. However if the case is ended for other reasons, for instance if an adjournment is refused and the prosecution therefore offers no evidence, this can be a negative experience for witnesses who have made the effort to attend. Cracked trials can also occur when prosecution witnesses (including civilian, police and expert witnesses) fail to attend or withdraw their evidence. In 2007-08 a total of 10,702 trials (4.7% of total trials listed) cracked due to these reasons. Civilian witnesses can be frightened or reluctant to attend court. Many of the improvements in witness support during recent years have been designed to increase the likelihood of attendance.
- 10 A significant proportion of trials are classed as ineffective. This is where a trial did not proceed on the day but was adjourned to another date. In many cases better case progression could have avoided this. Ineffective trials are generally a negative experience for witnesses who attend and are then required to attend on a further date. It is often more difficult to encourage witnesses to attend for a second or even a third or more times. The level of support and explanation provided can be a critical factor in a witness’s willingness to attend on a subsequent date. Ineffective trials may also arise as a result of the non-attendance of victims and witnesses. In 2007-08 a total of 7,946 trials (3.5% of all trials) were ineffective due to the absence of a civilian prosecution or defence witness.
- 11 There are also a large number of vacated trials in the magistrates’ courts, over 50,000 in 2007-08.³ These are trials that for various reasons are taken out of the court lists before the date they were due be heard and are not included in the number of trials listed above. Vacated trials are generally a negative experience for witnesses, many of whom will have made special arrangements to attend court only for the date of the trial to be changed. Trials can also be vacated due to the non-availability of a witness. In 2007-08, 11% of vacated trials were due to a civilian witness not being able to attend.
- 12 Whilst many contend that it is an individual’s civic duty to give evidence in a criminal court when required, society is changing in many respects and this is not always so readily the case. Individuals can be less willing to come forward than in the past for a variety of reasons. It may be that the sense of civic responsibility is declining or that witnesses are more fearful of potential recriminations they consider they may face as a result. Giving evidence in a criminal case can be an intimidating experience for those with little experience of the CJS. It is easy for those involved in the system to forget this. Some employers can be reluctant to release staff to attend court and some, whose employers may not grant paid time off to attend, will not be fully reimbursed for loss of earnings. We are also living in a more mobile society where the distances involved may be greater and many people have extensive travelling commitments, both at home and abroad, in connection with their employment.

3 From HMCS performance data. Vacated trial figures for the Crown Court are not collated nationally.

The Government's priorities

- 13 Improving victim and witness experiences is a key Government priority for the CJS. It underpins one element of the Public Service Agreement (PSA), published in June 2007, to increase victim and witness satisfaction with the CJS. It is also central to the Government's ambition to modernise and rebalance the CJS in favour of victims and the law abiding majority.
- 14 In support of the growing commitment to victims and witnesses, over recent years a range of centrally led initiatives have been introduced within the CJS to support them at the various stages of the criminal justice process. The aim of these is both to ensure that victims and witnesses are able to give their best evidence and also to ensure that more of them are willing to attend the trial to ensure that justice is done. Key developments include:
- **Special measures** - The Youth Justice and Criminal Evidence Act 1999 provides a range of special measures to enable vulnerable or intimidated witnesses⁴ in a criminal trial to give their best evidence, for example allowing people to provide their evidence through a video link or to be assisted by an intermediary.
 - **Victim Personal Statements (VPSs)** - This scheme dates back to 2001 and provides an opportunity for victims to make a personal statement setting out the impact of a crime on them and their family.
 - **Direct Communication with Victims (DCV)** - Introduced in 2001 this commits the Crown Prosecution Service (CPS) to provide an explanation, normally by letter, to victims where a charge is dropped or substantially reduced or increased in gravity.
 - **No Witness No Justice (NWNJ)** - Launched in 2003-04 this major initiative established a number of minimum requirements for the support of witnesses as their case progresses through the CJS and led to the introduction of 150 witness care units responsible for providing support and information to victims and witnesses from the point of charge to the completion of a case. WCUs, which are jointly managed and staffed by the police and CPS, were in place in all areas of England and Wales by the end of 2005.
 - **Prosecutors' Pledge** - A ten point pledge introduced in 2005 which details the level of service victims can expect from prosecutors.
 - **Code of Practice for Victims of Crime** - This was introduced in 2006 setting out the minimum level of service to victims and imposing obligations on 11 organisations including the police, CPS, HMCS, youth offending teams, probation service and prisons, including an enhanced level of service for victims deemed vulnerable and/or intimidated. This is referred to as the Victims' Code throughout the remainder of this summary.
 - **Quality of Service Commitment** - From November 2006 all police forces have been required to meet new service standards including keeping victims informed of progress.
 - **Witness Charter** - Designed to build on the Victims' Code this sets out the standards of service which all witnesses, whether or not they are also victims, can expect to receive at every stage in the process. The Witness Charter was piloted in the ten Beacon areas in 2007-08⁵ and is currently due to be implemented across England and Wales in 2009-10.

4 Vulnerable victims and witnesses are defined as children and young people under 17 years of age and those suffering from a physical or mental incapacity. Intimidated witnesses are defined as those in fear or distress about giving evidence, which may reduce the quality of that evidence, and victims of sexual offences.

5 The Beacon approach is a new way of working at Local Criminal Justice Board (LCJB) level which was introduced by the OCJR. It aims to assist LCJBs lead the reform programme set out by OCJR at a local level by providing a range of change management tools.

- 15 Funding of £36 million was put in place to deliver the NWNJ initiative, 75% of which was secured from the Invest to Save Budget with the rest provided by the CPS, Association of Chief Police Officers (ACPO) and the Home Office. The funding bid was based upon NWNJ delivering financial savings in excess of its costs. Savings were expected in police officer time, due to most of their victim and witness care duties being transferred to WCUs, and across the CJS as a whole by reducing the number of cracked and ineffective trials. Overall savings of £32 million per year were estimated as accruing to the police and HMCS⁶ and would be capacity releasing (i.e. they would release time for other work) rather than cash releasing. The CPS however was seen to incur annual costs of around £5.1 million in excess of the benefits it gains from the initiative, for which it has received funding from the victims' surcharge.⁷
- 16 In November 2007 the Home Secretary, Secretary of State for Justice and Attorney General published a Strategic Plan for 2008-11: Working Together to Cut Crime and Deliver Justice. This identified one of the major challenges facing the CJS as the need to improve the quality of service to victims and witnesses. In it the Government pledged to put victims at the heart of the CJS and for victims and all other witnesses to receive high standards of service.
- 17 PSA targets have since been revised to reflect the Government's revised strategy for the CJS. PSA 24, also known as the justice PSA, has the objective of delivering a more effective, transparent and responsive CJS for victims and the public. One of its five specific commitments is to improve victim and witness satisfaction with the police and the CJS as a whole. At the time of the review the precise value of the targets in this respect had still to be defined.

Key findings

Overview

- 18 Prior to the setting up of WCUs pre-trial witness care was limited. Although responsibilities for care at a local level were shared across the criminal justice agencies they were not necessarily co-ordinated and there was no local system wide management of victim and witness care on a day by day basis. Whilst police witness warning teams were responsible primarily for notifying witnesses that they were required to attend court and for the provision of basic information, it is accepted that the level of witness care provided at this time needed to be improved.
- 19 We have found that great strides have been made since this time and the general level of service provided to prosecution witnesses has improved significantly. The setting up of dedicated WCUs staffed by the police and CPS has been central to this. These units, together with the implementation of other initiatives to improve victim and witness care both within the individual criminal justice agencies and jointly, have contributed to a shift in attitude. There is now a far greater awareness and appreciation of the need to consider and act on the needs of victims and witnesses by all agencies at each stage of the criminal justice process.

6 HMCS has never accepted the cited NWNJ benefits seeing these as theoretical non-cashable benefits with no proven links established between the delivery of the project and the indicators of its success.

7 As from 1 April 2007 a victims' surcharge has been added to all fines for criminal offences. This is paid into a fund aimed at helping improve the services to victims.

- 20 Improving witness attendance and, consequently, reducing the number of ineffective and cracked trials resulting from witness non-attendance are key measures of success for the NWNJ initiative. Since its implementation witness attendance rates have improved slowly but steadily from the pre-NWNJ baseline of 77.3%. In 2006-07, 83.8% of witnesses attended court, 84.3% attended in 2007-08 and 85.1% up until August 2008, the last month for which figures are available, an increase of around 10%.
- 21 In addition in the Crown Court there has been a 43.9% reduction in the proportion of ineffective trials and a 48.8% reduction in cracked trials due to witness issues. In the magistrates' courts there has been a 33.3% reduction in ineffective trials due to witness issues. However the proportion of cracked trials has not decreased and has instead increased by 15.2%.
- 22 In 2005-06, 75% of the nearly 23,000 victims and witnesses interviewed as part of the Witness And Victim Experience Survey (WAVES) undertaken by OCJR, stated that they were "completely", "very" or "fairly" satisfied with the contact they had had with the CJS.
- 23 The most recent WAVES data, based on 9,012 interviews with victims and witnesses whose cases closed in the first quarter of 2008-09, showed that 81% were "completely", "very" or "fairly" satisfied with the contact they had had with the CJS. Whilst for a number of technical reasons data from the early surveys is not directly comparable with the more recent figures, and WAVES excludes victims and witnesses of the most serious crimes and children, the results indicate a steady improvement in overall levels of victim and witness satisfaction. It is not possible to evaluate the degree of improvement that is directly attributable to NWNJ and the Victims' Code, but it is likely that these will have played a major part.
- 24 In addition, of the witnesses interviewed as part of this review, 85.7% (72 of 84) would be prepared to give evidence should they be a witness of crime in the future, but 14.3% would not. (It should be noted that our sample was drawn from witnesses who had decided to attend court in the first place.)
- 25 This is a good result but still leaves a significant minority who would not be prepared to give evidence again. It is clear from the evidence collected during this review that the level of service provided to victims and witnesses varies from area to area. Inspectors believe that the unwillingness of some witnesses to give evidence again is indicative of their differing experiences and levels of service received. Despite the focus given to victims and witnesses in recent years, this review has found that there is considerable scope for improvement in:
 - The understanding and operation of the Victim Personal Statement Scheme, by both front line police officers and the prosecution.
 - The understanding of what special measures are, who they apply to and how they work in practice by front line police officers, coupled with timely identification and application to the court by the prosecution.
 - The extent of assessment of victim and witness needs at the charging stage.
 - The support and guidance given to WCUs to ensure structures, staff numbers and procedures are organised in the best way possible to enable them to meet their many responsibilities.
 - The thought given to the effect on witnesses when scheduling trials, particularly those involving vulnerable witnesses.
 - Waiting times on the day at court and ensuring witnesses at court feel safe and free from intimidation.
 - Local performance management and oversight by Local Criminal Justice Boards (LCJBs) to ensure the improvement and development of local services provided to victims and witnesses.

- At a national level rationalising and consolidating the commitments in place for victim and witness care to ensure that staff responsible for delivering them understand their responsibilities and are clear about what is required, and that victims and witnesses themselves are clear about the service they should receive.

26 Overall a great deal has been achieved, but equally there is still some way to go if victims and witnesses are really to feel they are placed at the heart of the system as the Government has pledged. In the full report we set out our assessment of their experiences as cases proceed through the system and identify where further improvements are needed. Key findings are set out below.

The service provided to victims and witnesses by the police at the early stages

27 Under the Victims' Code the police have a number of obligations in relation to crime reporting, assessment and victim support. These include:

- advising victims of whether or not there will be an investigation into the crime;
- ensuring victims can access information about local support services together with service contact details;
- taking all reasonable steps to identify vulnerable or intimidated victims;
- explaining the provision of special measures to vulnerable or intimidated victims who may be called as a witness in criminal proceedings;
- keeping victims updated on the progress of ongoing investigations and their outcome, including whether or not action is being taken against any suspect;
- notifying vulnerable or intimidated victims (subject to certain criteria being met) whenever a suspect is released on bail, reasons for bail, any bail conditions and any alteration to bail thereafter, including (where relevant) the date of any court hearing; and
- assigning family liaison officers to relatives in cases where a victim has died as a result of criminal, or suspected criminal, conduct.

Evidential statements and special measures

28 An important police role in the early stages of an investigation is to take an evidential statement from the victim and any witnesses and to obtain all the relevant information to ensure their needs are identified promptly. The review found that the standard of completion of details on witness statement forms was variable. In some cases basic information such as contact details was missing. These forms, in the main, contain the only information that WCUs have to allow them to make contact with victims and witnesses and missing details can make their role difficult.

29 Under the Victims' Code and more recently the Witness Charter vulnerable and intimidated witnesses are entitled to an enhanced level of service, including the arrangement of special measures to help to ensure they are able to give their evidence. It is vital, therefore, that police officers identify vulnerable or intimidated victims and witnesses at the earliest opportunity and that this information is then passed to the CPS and other relevant agencies.

30 This review has found that police officers were not always sufficiently aware of the statutory definitions of vulnerable or intimidated witnesses and the distinction between them. Front line officers in particular indicated they tended to use common sense to identify possible vulnerability and intimidation issues. This has the potential to raise false expectations on the part of some victims and witnesses if it subsequently transpires that they are, in fact, ineligible. Conversely it can also lead to other victims and witnesses either not receiving special measures for which they are eligible, or such needs not being identified until further on in the process resulting in late applications being made.

- 31 Interviews with front line officers indicated that they tended to associate special measures with the most serious crimes, usually investigated by specialist officers. In one focus group of front line officers some did not know about special measures at all. Even where police personnel were reasonably knowledgeable they were not always sure of exactly how special measures worked in practice, for example whether a witness could or could not be seen by the defendant when giving evidence via a live video link. If witnesses are given incorrect information, however inadvertently, it can cause difficulties at the time of trial. It can however be difficult for police officers to explain special measures to victims and witnesses when they have not seen them in operation and police training could usefully incorporate an opportunity to see them being used.

Keeping victims informed

- 32 Under the Victims' Code police forces must notify the victim on at least a monthly basis of progress in cases being actively investigated, up until the point of the closure of the investigation. They must also notify victims of key events in their case such as an arrest, bail, charge, summons, remand or other disposal. Such communication must take place within one working day for vulnerable and intimidated victims and five working days for other victims. Amongst police personnel there were varying levels of awareness of the standards for keeping victims informed of progress. Those working in specialist support roles such as family liaison officers demonstrated the most comprehensive understanding. Monitoring of compliance with the Code varied from ad hoc arrangements to formal processes, although the latter was the exception. Overall most forces inspected were unable to accurately assess the extent to which they were complying with the statutory Code.
- 33 The use of specialist officers such as family liaison and child abuse investigation officers to support victims of the most serious crime is well established and in general they provide a good level of support. Under the Victims' Code WCUs have specific responsibilities in relation to providing support to victims (including the provision of information) from the point of charge to case completion. At the same time there are clearly benefits in specialist officers continuing to remain in contact with victims beyond the point of charge and, depending on the nature of the case, there may also be post-charge functions that require completion by police officers. In such circumstances it is important that there is clarity about who is responsible for contacting victims at each stage and the information with which they should be provided. This is to ensure that all victims receive an equitable service. This review found evidence of gaps in relation to completion of needs assessments and the provision of information where police offices retained primary responsibility for contact.

Victim Personal Statements

- 34 VPSs were introduced in 2001 and are intended to give a voice to victims of crime. They provide an opportunity for victims to tell the criminal justice agencies and services dealing with their case how the crime has affected them physically, emotionally, psychologically, financially or in any other way. Victims should be given the opportunity to make a VPS when a witness statement is taken by the police. This review has found considerable variation in knowledge and understanding about the Scheme. In the majority of cases examined as part of the review there was neither a statement nor a note to the effect that the opportunity had been given to the victim to make one, but was refused. There were some good examples of comprehensive statements but many consisted of only a few lines and were not fit for purpose.

Additional support

- 35 Police forces have access to a range of services to help them to respond appropriately to the diverse needs of victims and witnesses. These can be practical services to assist in the investigation, such as the use of interpreters or signers to aid communication, or support services such as Victim Support, Rape Crisis and social care services to provide specialist professional support. Whilst varying support groups and agencies were used across the areas there was some inconsistency within individual forces regarding who officers contacted in some instances. It is important that police personnel are aware of what is available locally to ensure that victims receive sufficient information to make an informed choice about services and how to access them.
- 36 Subject to certain exceptions,⁸ the police must clearly explain to the victim that their details will be passed to Victim Support unless they indicate otherwise. Details of sexual offence or domestic violence victims or the relatives of homicide victims should only be referred where they have given explicit consent. Although police personnel are aware of Victim Support and referral procedures their knowledge of the support that could be provided was limited, making it difficult for them to advise victims fully of the benefits of referral. Victim Support in some areas visited were concerned that they were not receiving all the referrals they should.

The CPS response to the needs of victims and witnesses at the charging stage

Assessing needs and special measures

- 37 The CPS is responsible for the decision to charge and specifying the charge to be brought in the more serious cases. The earliest opportunity the CPS has to consider victim and witness issues is when the police request either an early consultation for advice, which is more common in serious or complex cases, or when the police bring a case to the CPS for a charging decision. The prosecutor should consider at the outset not only issues which might affect the weight of the evidence but also whether any of the witnesses have specific needs. We found that whilst appropriate focus is given to considering the standard of evidence the needs of victims and witnesses are generally not assessed as fully as they should be, including whether special measures are needed to enable them to give their evidence.
- 38 This position was exacerbated in cases where witness statement forms from the police did not include all relevant victim and witness considerations which would normally act as a prompt to the charging prosecutor. In cases where special measures are needed if they are not identified early in the case, or if a form is not completed, it impacts on the timeliness of the application made by the prosecution to the court.⁹ Police officers did not always appreciate the importance of identification at the earliest opportunity and not waiting until a not guilty plea is entered. At the same time, charging prosecutors also need to be proactive in raising victim and witness issues with the police and ensuring these are properly responded to and progressed. As the prosecution team, the police and CPS must jointly share the responsibility for ensuring victims and witnesses receive the highest levels of care.

8 Exceptions are details of victims of the theft of and theft from a motor vehicle, minor criminal damage and tampering with motor vehicles. However aggravating factors such as repeat victimisation or victims of hate crimes require a referral.

9 Special measures applications should be made within 28 days of a defendant first appearing in the youth court or being committed or the case being transferred to the Crown Court, and within 14 days of a defendant pleading not guilty in the magistrates' courts.

- 39 Special measures are applied for by the prosecution (although are ultimately granted, or not, by the court). The timeliness of applications varied substantially across the areas and, in the majority of the cases we examined, were made late. The special measures application process itself is not as streamlined and efficient as it might be. For example where a number of vulnerable and intimidated witnesses are involved in a case a separate and full application needs to be made for each of them, which is time consuming.
- 40 The use of intermediaries to facilitate communication between vulnerable witnesses with communication difficulties and the courts is gradually increasing. Where intermediaries have been used feedback is generally very positive.

The Direct Communication with Victims scheme

- 41 Compliance with the DCV scheme, whereby victims should be informed promptly and in writing if no charge is to be brought in their case or if a charge has been significantly altered or dropped, has improved markedly in the last year as has timeliness of communication, albeit there is still scope for improvement. The quality of letters to victims, however, varied from excellent to poor and lacking empathy. More work is needed to ensure written communication is of a consistently high standard.

From charge to trial - the service provided by witness care units

- 42 The establishment of WCUs was founded on recognition of the need to provide support to witnesses from the point of charge to case completion through the provision of a single named contact and based on assessment of an individual's needs. NWNJ minimum requirements¹⁰ specify that witnesses should be subject to a detailed needs assessment following a not guilty plea being entered. This follows on from the initial needs assessment conducted by police officers. A witness may opt out of a needs assessment if he or she wishes.
- 43 The minimum requirements specifically provide that the needs assessment should address a range of issues including identification of any vulnerable or intimidated witnesses, any requirement for special measures, whether a VPS has been taken, transport issues, childcare issues, the need for a pre-court visit, referral to support agencies and any employment concerns regarding attendance.

Needs assessments

- 44 There is no doubt that the implementation of WCUs has improved the overall experience of victims and witnesses. The focus on support, keeping those involved informed of progress and the assessment of needs, has led to a better overall experience and is a great improvement on what had been in place before. Nevertheless inspectors found that the performance of the units was very variable and there is some way to go for all of them to meet their requirements on a consistent basis.
- 45 Central to the WCU approach is that a detailed needs assessment is undertaken for all witnesses and this then provides the basis for the support provided subsequently. Although some areas comply fully with this requirement a significant proportion do not and more work is needed to ensure this core requirement is met consistently. Generally WCUs offering support to witnesses at the magistrates' courts were better able to provide needs assessments for those

10 The Victims' Code also specifies that full needs assessments for victims should be completed by WCUs where a not guilty plea has been entered. Standard 10 of the Witness Charter also provides that a follow up needs assessment should be completed by the local WCU.

witnesses. WCUs were more likely to struggle with their responsibilities in the more serious cases which are committed to the Crown Court for trial. Reasons for this included the often high number of witnesses involved in cases, which meant in some instances there had to be a prioritisation, court scheduling which was not always compatible with witness care and the effectiveness of supporting processes, for example the timeliness and extent of witness information received from the CPS.

Practical support

- 46 The purpose of the support provided by the units is not only to improve the experience of witnesses but also to improve the level of witness attendance at court through practical support tailored to individual needs. For the majority of witnesses this will involve checking when they are available to attend a trial, assisting with any practical arrangements such as transport, considering visits to court before the trial and supplying information on the role of witnesses and the location and facilities at the court. The vast majority of witnesses we spoke to had received advance information about the courthouse and court proceedings. However some felt that they received too much information, which could be off putting. The information sent to victims and witnesses needs to be co-ordinated
- 47 The degree of assistance with practical matters varied. Officers in some WCUs merely gave general information whilst others organised more wide ranging support. Inspectors found that even within a single criminal justice area witness care officers (WCOs) adopted differing approaches to organising and providing support for witnesses.

Regular information

- 48 NWNJ sets out minimum requirements in respect of information to be provided to witnesses about their case. The courts have an obligation to provide WCUs with timely case information and the units an obligation for the timely updating of witnesses. This covers notice of case hearings and outcomes including the sentence. (The subsequent Victims' Code generally replicates¹¹ the minimum requirements for victims, but places the requirements on a statutory footing.) In terms of timeliness the stated expectation under NWNJ is that information would be provided to witnesses by the end of the working day following the relevant court hearing; however in practice the expectation, as duplicated in the Victims' Code, has become within one working day of the provision of information from the court. This can be several days later by which time a victim could well have heard the outcome through the media.
- 49 National performance in relation to the provision of information about court hearings and outcomes is still less than satisfactory. Timeliness of information provision remains challenging for most WCUs and there is a considerable way to go to meet the required standard.
- 50 Nevertheless the large majority, 87.8% (79 of 90) of witnesses we spoke to, considered they were kept very well or fairly well informed about progress in their case prior to attendance at court. Considering that there was variable performance by the WCUs at the review sites all the witnesses will have received differing levels of contact. However from the witness perspective, accepting that expectations and statutory standards are in place, it is clear that there is no 'one size fits all' approach. Different victims and witnesses require differing levels of contact and what may be considered too much by one is insufficient for another. In the future further

11 The NWNJ requirement is that all victims and witnesses will be notified of case outcomes; however the Victims' Code (obligation 6.7) provides that WCUs must notify only vulnerable and intimidated victims of case outcomes and other victims of the sentence.

thought could be given to identifying and meeting the individual contact preferences of victims and witnesses in line with VWCDU¹² guidance. We saw no evidence of this happening yet. From a criminal justice perspective there can be a tension between meeting individual needs (for instance if limited contact is desired) and maintaining the right level of contact to facilitate and ensure court attendance.

Witness availability for court hearings

- 51 A significant volume of WCU work relates to obtaining witness availability details and notifying them of the requirement to attend trial. Initial contact with witnesses is often to obtain and/or update this information. Trial dates can be set before availability has been established, or where this information is incomplete or out of date, which can result in inconvenience for witnesses as well as additional work for WCUs. In most areas visited we found a lack of effective multi agency case progression meetings (where agencies meet together on a regular basis to ensure that all matters are trial ready) and inspectors observed many cases that were adjourned due to lack of effective case progression, again resulting in further inconvenience and additional work.
- 52 In the magistrates' courts the practice of setting the date of the trial at the first hearing and the reduction in the time period between the first hearing and trial as a result of Criminal Justice: Simple, Speedy, Summary has increased pressure on WCUs. Whilst this can lead to speedier justice, which is clearly positive for witnesses, not all units are able to obtain and/or update availability prior to the first hearing, which means that trials may be set on dates that prove difficult for the witnesses. In cases where the prosecution and defence are not able to agree witnesses at the first hearing this can lead to them being provisionally warned and/or late notification of trial dates.
- 53 In the Crown Court the practice of setting trial dates at the preliminary hearing had been introduced in a number of the areas visited. This is serving to reduce the time from charge to case completion and brings positive benefits for witnesses, who do not have to wait so long for their case to be heard and justice to be done. However it can also have a consequential negative impact on witnesses and WCUs which is not always planned for.
- 54 Full witness availability may not be accessible at an early stage and trial dates may be set which are subsequently found to be very difficult for them. In cases involving multiple witnesses it may not be clear at such an early stage who will be needed and as a result a number of WCUs provisionally warn all witnesses.
- 55 The volume of work created by provisional warning can be detrimental to the service WCOs are able to provide. It creates additional work in terms of an increased number of people to warn, action taken on availability issues that may have to be progressed and subsequent de-warning of those not required. In addition witnesses may have required support which may not then be necessary; the extra work can impact negatively on the time available for, and quality of, other tasks undertaken including needs assessments. Whilst appreciating the need to reduce as far as possible the time to trial, the routine use of provisional warning of witnesses is less than satisfactory. Where trial dates are set early in the process greater efforts are needed to obtain witness availability at the outset.

12 The Victim and Witness Care Delivery Unit is a joint police and CPS unit with a remit to build on the work of the national implementation for NWNJ and maintain the focus on the standards of service to victims and witnesses across both agencies.

- 56 The use of the warned list by the Crown Court also results in witnesses being on ‘standby’ and needing to be available for court over two week periods. The more serious or sensitive cases usually received a fixed trial date and inspectors were told that discussions on the suitability of cases for the warned list occurred. Nevertheless the practice of warning witnesses to be on standby for long periods of time can be stressful for them. There is a need in their interests to balance the effective utilisation of courts and stricter operational use of the warned list.
- 57 Courts have guidance and protocols on listing practices that clearly describe how victim and witness issues are to be taken into account, however these are not always adhered to. For example we saw the double listing of cases involving vulnerable victims and witnesses (where two trials are listed to be heard at the same time in the expectation that one may not go ahead), in conflict with area protocols. We found many examples of witnesses waiting for long periods then being stood down and required to attend again on another day as a result, as well as the transfer of cases involving vulnerable witnesses between courthouses.
- 58 Whilst protocols exist these, and what they are designed to achieve, are in practice but one of the many factors that have to be taken into account when scheduling and re-scheduling trials. Other factors include the availability of witnesses, including police and expert witnesses and all other parties involved in the proceedings; the likely length of the trial; other trials already listed on preferred dates; and the available court time, bearing in mind that the length of trials can rarely be predicted precisely. There may be occasions therefore when scheduling which causes a victim or witness inconvenience or anxiety is actually the best that can be achieved. The scheduling arrangements can also mean that the case is concluded more quickly, which may also be to their benefit.
- 59 Nevertheless this review has found, even in a study that involved comparatively few cases compared to the number of trials scheduled overall, that the frequency with which the needs of victims and witnesses, some of whom are vulnerable, are not being met remains too high.
- 60 The majority of WCOs spoken to were highly committed to supporting witnesses and providing the best service they could. Staff would benefit from better induction and training, however, particularly in dealing with vulnerable people and sensitive situations.

Support provided for victims and witnesses at court

- 61 The main support available to victims and witnesses at court is provided by the Witness Service. This is a service provided by Victim Support, a national charity. Witness Service staff and volunteers provide support at court during the course of a trial. The Crown Court Witness Service was launched in 1994 and by 1996 was offering support to witnesses in all Crown Courts in England and Wales. By 2003 this service had extended to include all magistrates’ courts in England and Wales.
- 62 Inspectors found that prosecution witnesses are very well supported by the Witness Service. In most areas visited the relevant criminal justice agencies and Witness Service worked well together to ensure witnesses are referred to the Service and well supported on the day. In order to do its job effectively the Witness Service relies on the CPS and WCUs for advance notification of prosecution witnesses expected. We were told that the level of referrals is generally improving although the timeliness of referrals could be better in many cases, especially when there are special requirements.

- 63 A vital source of information is the formal list of witnesses warned to attend court produced by the CPS. These were usually made available to the Witness Service but this was by no means universal and as a result they were also not always made aware of any special needs requirements. The early notification of special needs enables the Witness Service to be better prepared to provide support and, where appropriate, ensure that volunteers with the requisite skills are available.
- 64 Defence witnesses were not so well supported; rarely were they referred in advance to the Witness Service. In some courts defence witnesses who identified themselves upon arrival were directed to the Witness Service by court staff, but this was not the case in all courthouses. This is despite some good work to promote the work of the Service to defence solicitors.
- 65 Court staff also have responsibilities for supporting witnesses and ensuring that they are given any assistance they need during the trial. Court based witness liaison officers (WLOs) are responsible for providing a dedicated point of contact and information for all witnesses to try to ensure that they are, and feel, safe, informed, valued and appreciated. However inspectors found in most areas visited that WLOs were unclear about their role and tended to pass any witness issues to the Witness Service for resolution. This was despite the Every Witness Matters handbook being developed by HMCS to help WLOs in carrying out their roles. There was a lack of awareness amongst HMCS staff of the handbook and the roles of both the witness champion and WLO, despite these good initiatives being championed and driven from the centre. Others working in the courts were similarly unaware of these roles.
- 66 Some witnesses have concerns about their safety at court. This is particularly so when entering the courthouse and while in public parts of the building where they can inadvertently come into contact with the defendant in their case and his or her family and supporters. Much is already done to protect victims and witnesses from potential intimidation but further work is needed.
- 67 The Witness Charter commits HMCS to providing separate waiting areas for prosecution and defence witnesses (including where possible for family and friends) and, where a separate area is not available, for arrangements to be made to enable witnesses to wait separately from other parties and their witnesses and supporters.
- 68 Nearly all courthouses have a separate secure waiting area for witnesses and most were able to offer a number of rooms when required, for example for prosecution and defence witnesses. However the standard of separation was not acceptable in every case.
- 69 Nevertheless 95.6% (86 of 90) of the witnesses we spoke to told us they were comfortable with the facilities when waiting.

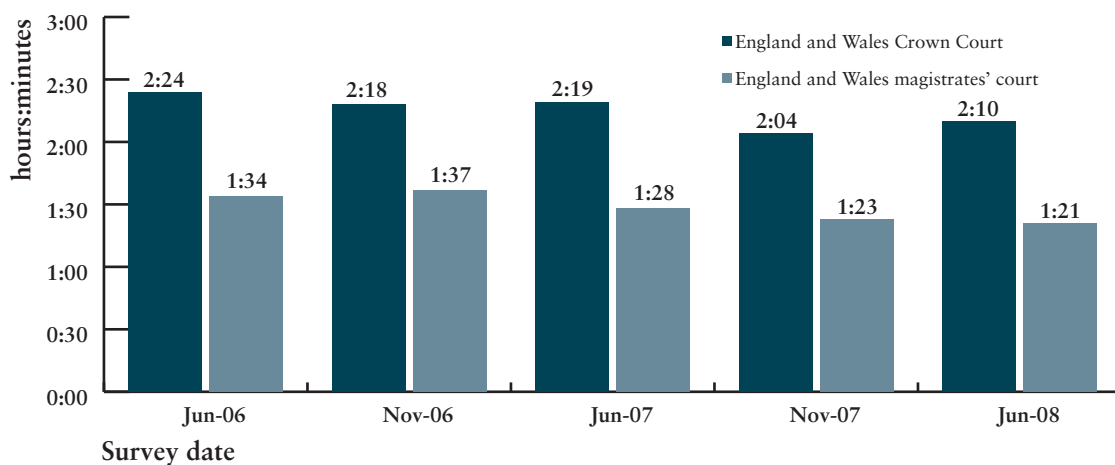
Waiting times

- 70 Waiting times continue to be too long for a large proportion of witnesses. Whilst it is not always possible to estimate accurately the time a witness may be called and timing can be subject to legitimate events on the day, long waiting times can be due to poor planning and this issue not always being given a sufficiently high priority. Inspectors saw some innovative practices aimed at reducing waiting times, but these were more the exception than the rule. Inspectors observed limited staggering of witness arrival times or the releasing of witnesses to return to court when required instead of waiting at the court.

71 In every courthouse we visited staff who supported witnesses expressed concern over the time witnesses have to wait. Similarly many witnesses interviewed expressed concern about this. Witnesses often arrive at court with the perception that the time they are given to attend is the time they will be called to give evidence and this is frequently not the case. Information provided to them frequently repeats the Witness Charter commitment that the aim is for them to wait no longer than one hour in the magistrates' courts and two hours in the Crown Court. Witnesses often take these times literally.

72 Data on witness waiting times is collected twice a year by HMCS in a national witness monitoring survey.

Average witness waiting times



Source: HMCS six monthly waiting time performance data

73 Inspectors have concerns that recorded waiting times are not wholly accurate as they are calculated from the time of the scheduled hearing and when the hearing actually started, rather than the time from which the witness was warned to attend court.

74 During this review waiting times for witnesses we spoke to were on average 1 hour 10 minutes in the magistrates' courts and 3 hours 46 minutes in the Crown Court. The longest waits tended to be in the larger urban areas.

75 Waiting time targets for magistrates' courts (revised since June 2007) are that:

- 60% of witnesses should not wait more than one hour;
- 80% should not wait more than two hours; and
- The average waiting time should not exceed 1.5 hours.

76 In the Crown Court the target is that:

- 60% of witnesses should not wait more than two hours; and
- the average waiting time should not exceed 2.5 hours.

- 77 The firm commitment given about witness waiting times in the Witness Charter is supported by generic courts charters¹³ for the magistrates' courts and Crown Court respectively which state "You shouldn't have to wait more than one/two hours from the time you are asked to attend to when you are called to give evidence". However, the targets adopted demonstrate an acceptance that the average wait can be above the Charter commitments and that 40% of witnesses can wait longer than the commitment. Inspectors question whether the targets adopted ensure that the Charter commitments are met.
- 78 While waiting, witnesses are generally kept well advised of progress in their case.

The Prosecutors' Pledge

- 79 The Prosecutors' Pledge was launched in October 2005. It sets out the level of service that victims can expect from both CPS prosecutors and solicitor and barrister agents instructed by the CPS, including within the court. Prosecutors are required to assist victims at court to refresh their memory from their written evidence or video statement and answer any questions about court procedures, encourage two way communication with the victim and protect the victim from unwarranted or irrelevant attacks on their character.
- 80 Levels of compliance with the Pledge varied. CPS in-house prosecutors complied with its expectations better than barrister agents. In total, 80.7% (67 of 83) of witnesses interviewed said that prosecutors had introduced themselves prior to the start of the trial. Other court staff are generally helpful and courteous in their dealings with witnesses.

Availability of special measures

- 81 All courthouses visited were able to provide the full range of special measures to help vulnerable and intimidated witnesses give their evidence, although not in every courtroom. That could cause difficulties and the quality of special measures equipment was variable. A particular concern is that witnesses who give their evidence by live link are not always aware in advance that their face will be visible to all in the courtroom, including the defendant, and this could cause upset and concern on the part of witnesses and parents and carers of child witnesses.
- 82 Children and young people who are witnesses are generally well supported on the day and there are satisfactory facilities available for children. The needs of witnesses with disabilities are usually met and inspectors found excellent interpreter arrangements in place. There was a general lack of awareness amongst staff in how to deal with witnesses with learning and mental health issues and training in this respect is identified as an aspect for improvement.

Managing the service to victims and witnesses locally

Local governance arrangements

- 83 WCUs were intended to be jointly staffed and managed by the police and CPS. In practice this is far from the case and WCOs are predominantly police staff with varying and often minimal CPS presence.¹⁴ While some units house both a CPS and police staff manager, performance and any issues that needed addressing were dealt with by reference to the individual agency's management structures rather than jointly.

13 Public information leaflets which set out standards of service including for waiting times.

14 As at April 2008 WCUs employed a total of 1,474 managers and officers of which 80.9% were police staff and 19.0% were from the CPS. In some areas visited the units are referred to as police WCUs.

- 84 Whilst all victims and witnesses are entitled to the same level of service irrespective of where they happen to live, we found it varied significantly both between criminal justice areas and WCUs within the same area. A major contributory factor was differing caseloads which were found to vary considerably and this impacted on the level of service WCOs in practice were able to provide. We found differences in work processes and systems across and within areas and the number and size of WCUs also varies. For instance in one large urban area visited there was a single WCU whilst in another similarly sized urban area there were 11. Managers told us that some national guidance in respect of these issues would be helpful.
- 85 Generally weak governance arrangements are in place for dealing with delivery and improvement of the service to victims and witnesses. Originally the implementation of NWNJ was most often the subject of bi-lateral agreements between the CPS and police. Although responsibility for NWNJ and WCUs was passed to LCJBs in 2006, in practice the bi-lateral approach has continued and LCJBs are less than fully engaged with victim and witness issues.
- 86 Project groups which originally oversaw the implementation of NWNJ tended to be disbanded when responsibility passed to LCJBs and responsibilities for victims and witnesses was allocated to other groups. Some areas have since established witness and victim sub-groups reporting to the LCJB. Whilst these provide some focus for activity they lacked clarity of direction and tended to be more operational than strategic in nature. Where these operated alongside a separate Board performance sub-group, responsibilities for driving service improvement could be confused. WCU managers were generally unclear as to the role of the LCJBs.
- 87 Some LCJB performance sub-groups mirrored local police structures. Although this should allow issues to be addressed locally, in practice victim and witnesses issues are not prioritised or considered sufficiently at a level to bring about improvement. In some cases, where the WCU was seen solely as a police and CPS matter, its operation was not considered at all.
- 88 Starting in 2007 LCJBs have been required to undertake six monthly self assessments of their performance in meeting their obligations under the Victims' Code and NWNJ. These are returned to OCJR and the national VWCDU respectively.
- 89 The review found that the self assessments are insufficiently robust. In many areas they were undertaken without consultation with WCU managers - some were not even aware of the process - and in a number the assessment did not accord with our findings. In many areas it was difficult to understand how conclusions had been reached as the data required to complete the assessments was not being captured. Police case management systems are currently unable to generate the full range of Victims' Code compliance data, nor is the Witness Management System able to generate full NWNJ compliance data. In some areas dip sampling is being used as a method of assessing and monitoring compliance.

- 90 Despite monthly performance reports being provided to each area by the VWCDU, which cover both primary and secondary data,¹⁵ within WCUs there was a general lack of performance information available to managers and staff. Managers did not all see primary data, i.e. the level of cracked and ineffective trials due to witness issues and attendance levels. Performance management arrangements at an operational level were generally lacking. Most operational staff were not aware of victim and witness performance in their area of responsibility or across the criminal justice area generally.
- 91 Structures to provide a joint and robust overview of victim and witness issues at local level generally were found to be lacking. This was compounded by a lack of area improvement plans for victims and witnesses and the availability of performance data. As a result, areas are generally not being as proactive as they might be in developing and improving the service provided.
- 92 Staff at the front line responsible for delivering the service to victims and witnesses were keen to offer a good service and took pride in what they did. Whilst the lack of a fully joined up approach frequently made their tasks more difficult, staff were often working hard to manage despite this.

Strategic issues

- 93 Alongside NWNJ and the Victims' Code an array of other initiatives have been introduced to improve the service to victims and witnesses both within individual agencies and jointly. There is a tendency to layer new commitments and initiatives on top of existing ones without any review and rationalisation. We found that many staff involved in support are struggling to keep up with these and for victims and witnesses it can be difficult to find out what they are entitled to. There is an urgent need for rationalisation and simplification.
- 94 As a consequence of the wide range of initiatives introduced in recent years the victim and witness field is a crowded one with many different players, all with various roles and responsibilities. This has led to a good deal of confusion on the part of staff responsible for delivery of services about the roles of the various players and how they fit together, which needs to be addressed. This can also cause confusion for victims and witnesses themselves, who can be contacted by many different people. Whilst each has a specific role and potentially valuable support to provide victims and witnesses can, on occasions, feel overwhelmed. Criminal justice agencies need to give more thought to how they manage and co-ordinate the various roles and contact.
- 95 National support structures are in place to drive through strategies and priorities for victims and witnesses and there is a clear commitment to do so. However as part of its responsibilities for the setting and delivery of the national strategy for victims and witnesses, OCJR needs to ensure there is a clear understanding and commitment to how the overall commitment to victims and witnesses can be delivered through single agency plans and how these dovetail and complement LCJB strategies and plans. There needs to be a greater emphasis placed on managing this aspect if improvements in the experiences of victims and witnesses are to be delivered in a co-ordinated and effective manner. For example at the time of our review there was no common understanding across the agencies as to the status of the Witness Charter. Whilst OCJR, the CPS and HMCS understood this to be in the process of implementation, the ACPO position was that the police had not yet agreed to implement the Charter. A clear joint focus is required if the goal and commitment of the 2008-11 Strategic Plan of working together to "look at the experience of victims and witnesses as a whole rather than just considering their interactions with individual agencies" is to be realised.

15 Primary data includes cracked and ineffective trials due to witness issues. Secondary data includes attendance rates, VPS take up, special measures applications, referrals to support organisations and other support provided.

- 96 The recent governance structures that have been put in place by OCJR to manage the delivery of the national strategy should now mean that all stakeholders are clear as to where all relevant organisations fit in.
- 97 One of the measures that will be used to assess progress against the PSA target for victim and witness satisfaction is WAVES. Managers are finding the survey's data of limited value as they see it as out of date and insufficiently representative. More work is needed to promote the value of WAVES and to consider revisions to it to address the concerns.
- 98 In the full report we highlight our reservations about the robustness of the self assessment process by which areas are required to assess their performance against NWNJ minimum standards and the Victims' Code. We also recommend that, given the statutory nature of the Victims' Code, compliance data should be published.

Looking to the future

- 99 The CJS Strategic Plan for 2004-08 made a commitment that both victims and witnesses would have "a statutory right to high standards of service from criminal justice agencies spelt out in a Code of Practice". In practice the Victims' Code is statutory while the Witness Charter is not. This is leading to a two tier system which was not as envisaged in the Strategic Plan and is far from ideal.
- 100 As to the future, the current CJS Strategic and Business Plans refer to the need to embed standards. The findings of this review indicate that more emphasis should be put on this aspect. There is a tendency to assume that the various initiatives introduced are in place and working but, in practice, this is far from the case. Greater emphasis is needed across the board on consolidating and improving compliance with the wide range of commitments set out for victims and witnesses under the various initiatives. Now WCUs have been established successfully more emphasis is needed on ensuring the efficiency and effectiveness of practices and systems with the aim of all WCUs consistently meeting all the minimum requirements set out for them.
- 101 Now central funding to support WCUs has ended, and budgets continue to tighten, a key challenge for the future will be to make efficiency gains and ensure adequate resourcing levels to meet the commitments to victims and witnesses. This will be necessary if the Government's pledge to put victims and witnesses at the heart of the system is to be met.

Recommendations and aspects for improvement

- 102 Inspectors have made 19 recommendations which identify steps necessary to address improvements in performance and service delivery, which they consider merit the highest priority for the police, CPS and HMCS. They also identified 25 aspects for improvement which relate to other elements of the service provided to victims and witnesses that would benefit from improvement, but which do not have as high a priority. A number of recommendations are made to the joint VWCDU. As its remit does not extend to directing service levels in each of the 43 police forces in England and Wales, it will be necessary for these recommendations to be addressed in close liaison with ACPO in order to raise awareness and obtain the support of Chief Constables in implementation.

We recommend that:

- 1 Chief Constables should examine existing IT systems used within their force in order to identify cost effective solutions to provide for routine monitoring of compliance with the requirements of the Victims' Code. In implementing this recommendation, Chief Constables should also:
 - ensure that policies on the recording of details regarding victim contact are standardised and clear;
 - heighten awareness of non-specialist staff regarding the statutory requirements of the Victims' Code;
 - consider use of different mediums to maintain contact with victims whilst ensuring policies are in place regarding their use; and
 - ensure that requirements in relation to the completion of witness statement forms MG11 are communicated clearly to police personnel and that effective completion forms part of routine supervisory processes (paragraph 2.26).

- 2 The joint Victim and Witness Care Delivery Unit should ensure that witness care units agree clear protocols with police forces to clarify roles and responsibilities and, in particular, how they interact where victim liaison is shared, to ensure that all victims and witnesses receive the appropriate level of services (paragraph 2.32).

- 3 The Office for Criminal Justice Reform should review the guidance relating to the operation of the Victim Personal Statement Scheme in light of the introduction of the Victims' Code and re-launch the Scheme (paragraph 2.37).

- 4 CPS areas should ensure that prosecutors are proactive in ensuring relevant victim and witness needs are identified at the charging stage and properly responded to, for instance in the effective use of action plans to obtain further information from the police (paragraph 3.10).

- 5 The Office for Criminal Justice Reform should:
 - give consideration to bringing forward legislation to allow oral applications for special measures to suffice where there is an automatic entitlement under statute and when all parties are in agreement, which would be more resource efficient; and
 - review the existing special measures application form with a view to making it more concise and quicker to complete, while still containing the necessary detail on which to make a decision (paragraph 3.18).

- 6 CPS areas should:
 - continue their work to ensure that Direct Communication with Victims (DCV) cases are accurately identified and letters are sent in a timely manner, undertaking any necessary refresher training; and
 - ensure that effective systems are in place to monitor the quality of DCV letters and provide appropriate staff training to ensure a consistently high quality (paragraph 3.44).

- 7 The joint Victim and Witness Care Delivery Unit should take steps to ensure that witness care units (WCUs) comply with the requirement to undertake detailed needs assessments for all witnesses following a not guilty plea and that these are sufficiently comprehensive. Where WCUs are currently unable to provide the required level of service, they should implement a planned approach towards achieving compliance (paragraph 4.7).
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- 8 The CPS should review the approach to applications for witness summons and warrants and develop guidance for areas, for example in relation to its domestic violence policy, to ensure consistent practice across England and Wales (paragraph 4.23).
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- 9 The joint Victim and Witness Care Delivery Unit should take steps to ensure that witness care units improve the provision of required information to witnesses and its timeliness in order that the relevant requirements of No Witness No Justice and the Victims' Code are met consistently. This should be supported by effective monitoring arrangements (paragraph 4.41).
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- 10 The joint Victim and Witness Care Delivery Unit should ensure that witness care unit (WCU) systems to receive information from the police, CPS and HMCS are clearly defined and robust. In support of this, these agencies should ensure that information provided to the WCUs is accurate, timely and supports delivery of WCU obligations (paragraph 4.46).
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- 11 CPS areas, in close liaison with criminal justice partners, should ensure that effective case management arrangements, which address the needs of victims and witnesses, are in place (paragraph 4.74).
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- 12 The joint Victim and Witness Care Delivery Unit should ensure that:
- witness care units review their current officer training, consider the individual skills of each officer, and introduce training to ensure they are equipped to deal satisfactorily with all aspects of their role;
 - skills development provided by WCUs includes appropriate risk management training; and
 - tailored welfare support for all WCU officers is readily accessible and confidential. Both the police and CPS should ensure that WCU staff are aware of the counselling services available to support them in their role (paragraph 4.80).
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- 13 HMCS should ensure that:
- facilities are being properly risk assessed by ensuring that relevant staff have the ability and training to carry out that function; and
 - appropriate liaison arrangements are in place with criminal justice partners to ensure risk assessments are undertaken in cases where there is a risk of violence and relevant action is taken (paragraph 5.63).
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- 14 The joint Victim and Witness Care Delivery Unit should ensure that witness care units use the Witness Management System (WMS) fully and those not using WMS are able to generate equivalent data to enable the effective monitoring and management of performance both within their area and nationally (paragraph 6.21).
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- 15 Local Criminal Justice Boards should take ownership for victim and witness issues and ensure a joint area strategy and improvement plans are developed and communicated effectively. These need to be supported by effective governance and performance management arrangements (paragraph 6.23).
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- 16 The joint Victim and Witness Care Delivery Unit should assure itself that No Witness No Justice resourcing levels are such that they enable areas to meet the requirements of them. As part of this it should undertake process mapping of witness care unit functions and provide guidance on resourcing levels and delivery models (paragraph 7.22).
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- 17 The Office for Criminal Justice Reform, in close liaison with ACPO, CPS and HMCS, should review and rationalise the array of commitments for victims and witnesses to assist communication with both:
- staff responsible for victims and witnesses to ensure they are clear as to the commitments and standards they are expected to deliver; and
 - victims and witnesses in order that they can readily establish the standards of service that they can expect to receive (paragraph 7.29).
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- 18 In order to ensure that the data underpinning a Public Service Agreement target commands confidence, the Office for Criminal Justice Reform should undertake further work to promote the value of the Witness and Victim Experience Survey (WAVES) and consider if any further revision can be made to address the concerns of stakeholders. At the same time it should promote its plans to capture feedback from victims and witnesses not currently covered by WAVES (paragraph 7.55).
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- 19 The Office for Criminal Justice Reform and joint Victim and Witness Care Delivery Unit should strengthen the area victim and witness self assessment process to enable a clearer picture of progress against the Government's strategy and plans for victims and witnesses. This would also provide a firmer basis on which to challenge criminal justice areas where progress is not being made and to identify and promote good practice. Given the statutory nature of the Victims' Code, compliance performance should be published (paragraph 7.62).
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Aspects for improvement

- 1 Police forces should ensure that front line officers can identify vulnerable and intimidated victims - as required by the Victims' Code - and witnesses, and understand the various special measures and how they work in practice (paragraph 2.13).

- 2 The Manual of Guidance Board, in liaison with ACPO, should develop guidance to clarify police responsibilities for completing the special measures form MG2 and to give clear instructions as to when it should be completed and submitted to the CPS, in order to assist the early identification of where special measures are required (paragraph 2.15).

- 3 Police forces should revisit the Victim Personal Statement Scheme to heighten the awareness of staff and emphasise the benefits of this Scheme for victims. They should also ensure clear guidance is in place regarding the format, content, detail and timing of Victim Personal Statements (paragraph 2.37).

- 4 Police forces should ensure a support/contact services directory is in place and that its availability is made known to all staff to ensure equality of treatment for all victims and witnesses (paragraph 2.40).

- 5 Police forces should ensure police personnel are aware of the services provided by Victim Support and how they fit with service offered by the other support organisations (paragraph 2.45).

- 6 CPS areas should ensure the timeliness standards for dealing with full written advice files are met (paragraph 3.11).

- 7 The CPS should amend the standard charging form MG3 to incorporate victim and witness prompt questions to help ensure that full consideration is given to victim and witness issues (paragraph 3.12).

- 8 Police forces and CPS areas should work together to ensure that special measures applications are timely and made at the earliest opportunity (paragraph 3.17).

- 9 The Office for Criminal Justice Reform, CPS and ACPO should agree jointly a clear policy regarding the recording and requesting of early special measures meetings to ensure that the needs of vulnerable and intimidated victims and witnesses are met (paragraph 3.20).

- 10 CPS areas should assure themselves that local arrangements are in place to ensure witness care units are made aware of the outcomes of special measures applications promptly (paragraph 3.21).

11 CPS areas should:

- ensure training for agents incorporates Direct Communication with Victims responsibilities (and also requirements of prosecutors under the Victims' Code and Prosecutors' Pledge); and,
 - agree with witness care units how responsibilities will be co-ordinated in cases where a DCV letter is required and the WCU also has a responsibility to notify the victim of the outcome of a hearing, to ensure the communication does not conflict in any way (paragraph 3.44).
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12 The joint Victim and Witness Care Delivery Unit should ensure that witness care units provide practical assistance to witnesses at a level that best supports them, meets their individual needs and encourages witnesses to attend; and this is provided on a consistent basis (paragraph 4.11).

13 The joint Victim and Witness Care Delivery Unit should ensure that:

- Witness care unit local support contact/services directories are comprehensive, reflecting the needs of witnesses in their area, and kept up to date; and
 - Witness care unit officers are aware of the directories and are readily able to access them (paragraph 4.12).
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14 The joint Victim and Witness Care Delivery Unit should ensure that witness care units:

- offer all witnesses the opportunity of a pre-trial familiarisation visit including further visits where a trial is delayed severely or the venue changed; and
 - work with the Witness Service and the courts to accommodate the availability and time constraints of witnesses as far as practicable (paragraph 4.15).
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15 The Office for Criminal Justice Reform, working in close liaison with ACPO, the CPS, HMCS and Witness Support, should ensure that information provided to victims and witnesses is reviewed and rationalised and clear guidance in this respect issued to front line staff (paragraph 4.28).

16 HMCS should give further consideration as to how to continue to promote the Going to Court DVD and other relevant courthouse information to defence solicitors to maximise the likelihood of defence witnesses receiving appropriate information in advance of attending court (paragraph 4.29).

17 The joint Victim and Witness Care Delivery Unit should ensure that appropriate monitoring is in place in witness care units to assure the quality of letters sent to victims and witnesses (paragraph 4.31).

18 HMCS needs to better promote and communicate the witness champion and witness liaison officer roles to ensure they contribute to improving witness care as envisaged (paragraph 5.8).

19 HMCS should ensure that:

- HMCS areas work closely with other agencies to reduce witness waiting times and meet the standards set out in the Witness Charter; and
 - waiting times are recorded accurately to reflect the time witnesses are asked to attend court. (paragraph 5.28).
-

20 CPS areas should ensure that training for solicitors and barristers instructed to act for the prosecution includes specific training on the Prosecutors' Pledge and monitoring of all prosecutors' performance includes specific reference to compliance with the Pledge (paragraph 5.36).

21 HMCS and CPS areas should ensure that:

- staff who provide support in the courthouse have the knowledge and understanding to respond appropriately to the needs of victims and witnesses with learning difficulties or mental health issues; and
 - diversity training, particularly for front line court staff, is regularly updated and developed (paragraph 5.59).
-

22 HMCS areas should ensure that the diversity of the local area is better reflected in the information available to witnesses in the courthouse (paragraph 5.61).

23 HMCS should revisit the recommendation made by HMICA in Valuing Victims and Witnesses (2006) and satisfy itself that initiatives and procedures driven from the centre are in fact being acted upon at front line level (paragraph 5.65).

24 HMCS areas should ensure that staff are aware of targets and performance for the court as a whole as well as in their own areas of work, to encourage individuals to better understand how their role contributes into the wider picture (paragraph 5.68).

25 Local Criminal Justice Boards should review arrangements in their areas for contacting victims and witnesses to ensure they are properly managed and co-ordinated and avoid confusion and possible overload (paragraph 7.33).
