

VICTIM SUPPORT IN THE UK – VICTIM SUPPORT SERVICES IN DETAIL

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I. INTRODUCTION

In this paper I will describe in more detail some of our services. In particular, the paper will address:

- Post traumatic stress disorder and victimisation
- What Victim Support provides to victims who want or need counselling
- Support for victims during the police investigation of an offence
- The UK system for criminal injuries compensation and our role in supporting victims' applications for compensation
- Provisions for vulnerable and intimidated witnesses.

II. THE VICTIM SUPPORT SERVICE MODEL

We provide:

- Emotional support
- Practical help
- Information

We do not usually provide:

- Legal advice
- Counselling
- Medical intervention.

It is worth taking some time to describe some of the emotions that are common for people who have been recently victimised. These include shock, anger, fear (about going out, or staying in, about being a victim again, about encountering the offender, about other people's reactions); the shattering of our normal assumptions about life and other people, and sometimes guilt. Guilt can arise if victims feel that they have somehow contributed to the offence, and it can be a powerful emotion despite the fact that obviously, the offender is the only person who is responsible for the offence they have committed. It is important that people's feelings are listened to and acknowledged – friends and family often jump too quickly to giving advice and telling people to “put it behind you now”. VS volunteers are trained to listen, give the victim time to express their emotions, without giving hasty advice.

Many victims need advocacy. This can include pressing housing authorities to re-house, liaising with the police, writing a letter to the Benefits Agency etc. Last year we helped 14,000 people with criminal injuries compensation claims, including helping victims with appeals.

Research shows that what victims are usually most frustrated by in the criminal justice process is the lack of information – about progress with their case, about the court proceedings, and with progress if they are making a criminal injuries compensation claim.

III. POST TRAUMATIC STRESS DISORDER

I want to turn now to the subject of post traumatic stress disorder (PTSD). There is evidence that PTSD can often follow an experience of victimisation, especially when the crime has had serious consequences for the victim. It is important to remember that what might be a relatively trivial offence for one person can be serious and traumatic for another, so we should never assume that a particular crime is not serious because we do not view it as serious from our own perspective. PTSD can follow from victimisation because crime shatters our basic assumptions about life. We may feel that all our beliefs about other people being mainly

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good and altruistic no longer apply. This can make the person feel that nobody can be trusted, that life can never be the same again, and that there is no longer any sense of security about our world. Research into psychiatric disorder following victimisation has shown that:

- 1 in 4 crime victims met lifetime criteria for diagnosis of PTSD (1993 study)
- In a 2000 study, 60% – 95% of victims met criteria for psychiatric disorder.

This can be particularly acute for people who have been bereaved by homicide. For them, the legal process following homicide interferes with their grieving process. They may not be able to persuade the coroner to release the body at an early stage, and multiple post-mortems may be requested. Many people find that they cannot begin to recover until the offender has been convicted, and this can take a year or more. The court process is experienced by many victims of serious crime as re-victimising, causing what is termed secondary victimisation – especially when their role and the importance of the deceased to them is ignored in the criminal justice process.

Some of the basic assumptions that most of us hold, and which victimisation shatters, include:

- A sense of invulnerability – although people realise crime happens, it happens to other people
- The world is controllable, predictable and meaningful – serious crime is unpredictable and often senseless
- We all have at least some sense of autonomy and positive self perception – crime can destroy this.

(Janoff-Bulman, R., ‘The Aftermath of Victimisation’ 1985).

“For people bereaved through homicide, the event is so momentous that time becomes defined in relation to the traumatic loss (anniversaries, birthdays etc.) and the perpetrator is often a trusted family member”. (Resnick et al (1993) quoted in Mezey, G., ‘Family Responses to Traumatic Bereavement Following Murder’, 2000). In Mezey’s study, she estimated that 1 in 10 victims met the criteria for current diagnosis of PTSD. Mezey studied 41 relatives of murder victims and 17 victims of serious assault. Between 60 and 95 per cent of the victims scored in a range on psychiatric questionnaires that normally differentiates psychiatric patients from those with no diagnosed psychiatric disorder, and “in particular, high rates of post traumatic stress disorder were identified”. 37% of relatives of murder victims had commenced psychotropic medication since the murder and 27% had given up work.

There is still controversy about what exactly constitutes PTSD.

Research demonstrates that emotional support reduces psychiatric distress after a traumatic event, and that non-judgemental, empathetic listening helps people bereaved by homicide; while ventilating anger, grief etc. reduces the intensity of psychological distress. When effective emotional support is made available to people who have experienced a traumatic event, they are less likely to go on to develop symptoms of psychiatric disorder.

Non-judgemental, empathetic listening includes not making judgements about whether or not the person deserved to be a victim or somehow contributed to the offence. This is important to the recovery of surviving loved-ones. Media reporting of murder almost always contains judgements about the guilt or innocence of the victim. For example when an ‘innocent’ child is killed, the reporter’s outrage is boundless, whereas if a prostitute is killed, the story is less newsworthy and peppered with references to the victim’s bad lifestyle, as if they somehow deserved to be murdered. Empathy involves being able to listen to the victim and hear what they are saying from the victim’s perspective rather than from one’s own, inevitably different view. It is about getting alongside the victim and suspending personal judgement and it is in these skills that Victim Support volunteers are trained.

Victims of serious crime are often under pressure to put the event behind them and get on with life. This can make people feel that they must present a calm image and not get upset. Suppressing feelings of grief can predispose people to psychological distress later.

Victim Support’s experience in the UK is that mental health professionals tend to underestimate the impact of crime. That impact is often greater when crime is involved because of the intent of the offender to cause harm to the victim, which is often accompanied by a fear of it happening again and a loss of trust or belief in other people.

For victims who may be suffering from PTSD or at risk of developing it, we offer:

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- Emotional support, practical help and information
- Volunteers trained and selected to cope with the strong feelings expressed
- Liaison with health professionals if the victim consents
- Access to specialist help (through organisations such as Support After Murder and Manslaughter etc);

and referral takes place in line with the service model that I have already described.

We cannot approach health professionals about individual victims unless the victim consents. Some Victim Support services have arranged for volunteers to be based in hospital Accident and Emergency departments, with mixed success. We also produce information materials for health professionals to counter the tendency for the impact of crime to be underestimated.

We help victims consider other sources of specialist help, e.g.

- SAMM (Support After Murder and Manslaughter) offer self-help groups and telephone support from people who have had similar experiences
- Compassionate Friends for support and local groups
- CRUSE for bereavement counselling
- Childhood Bereavement Project for bereaved children
- Child Victims Trust for bereaved children
- RoadPeace for people seriously injured or bereaved in road crashes. They offer a telephone support service and a network of local self-help groups.

IV. SUPPORT AND THE USE OF COUNSELLING SKILLS

I have been asked to describe in this paper how Victim Support provides counselling to victims. Firstly, we need a definition of counselling. The British Association of Counselling and Psychotherapy defines counselling as a process "that takes place when a counsellor sees a client in a private and confidential setting to explore a difficulty a client is having, distress they may be experiencing, or perhaps their dissatisfaction with life or loss of a sense of direction or purpose."

Counselling tends to be beyond the remit of Victim Support because:

- It usually involves a long term programme of work that Victim Support does not have the required level of financial or human resources to offer
- There is some evidence that badly conducted counselling can make the problem worse. Counsellors therefore must be rigorously supervised by other counsellors, and we do not have the resources to do this
- Counselling often needs to address other issues in the person's past which are not necessarily related to their experience of crime.

Victim Support volunteer training teaches some counselling skills, such as active listening. This involves listening to the person and then feeding back what they have said, to demonstrate that they have been heard and understood. Active listening can be very affirming and helpful for victims, many of whom feel they are not listened to by criminal justice agencies. But using counselling skills does not mean that counselling is offered. We also involve volunteers who are counselling students but again, this is to offer support not to provide counselling. Victims who want counselling are usually referred on to their doctor, or to specialist counselling organisations such as CRUSE Bereavement Care. But there are often long waiting lists for counselling (up to six months is common) so it is important that we provide support in the meantime.

The Victim Support role with victims who are still involved in the police investigation is limited. We help by:

- Accompanying the victim to the police station, if they want this
- Helping the victim access information about the progress of the case, or to supply evidence in connection with criminal injuries compensation claims
- Working with police Family Liaison Officers
- Supporting the victim through restorative justice interventions.

The Victim Support role in supporting victims through the police investigation is often, in practice, very limited because:

- 97% of victims are referred to us by the police and by then they may have already made a statement

- They are more likely to need our help in getting information from the police about the progress of the case. It is important that we help victims gain such information – particularly when it might be bad news for the victim who will need informing sensitively and may need support afterwards; for example if the offender who assaulted them, who they may fear, has been given bail.
- Family Liaison Officers are used by all police services in England and Wales. Their role is to provide a link between the partner or family of someone bereaved by homicide and the police. They are specially trained to offer support and give information with a high level of sensitivity. However, they are also part of the police investigation (and they may be investigating the family they are dealing with) so their role in giving support is limited. Victim Support works closely with FLOs. We, and SAMM, contribute to their training.
- Victim Support works with victims who, following the arrest of an offender, are invited to take part in restorative justice interventions such as restorative conferences and reparation under the provisions of reparation orders (see the 1998 Crime and Disorder Act, and the 1999 Youth Justice and Criminal Evidence Act).

V. CRIMINAL INJURIES COMPENSATION

The UK Criminal Injuries Compensation Scheme for victims of violent crime was established in 1964, and revised in 1979, 1994, and 1996. It was replaced by a new scheme in 2001. The original 1964 scheme was non-statutory and based on ‘common law’ – the award was assessed on the personal circumstances of the victim. It did not compensate where injuries were sustained within a family (e.g. in cases of domestic violence). It was for ‘innocent victims’, i.e. those who could show they had not in any way contributed to the offence of violence that they had suffered. Establishing the scheme on a non-statutory basis meant that providing compensation was within the ‘gift’ of the government at the time. It could be withdrawn at will, without the need for discussion in Parliament, perhaps in the event of economic recession or if for some reason it became less imperative to help victims. Making common law awards meant that the amount of compensation awarded was based on individual considerations, on a similar basis to how compensation is awarded in civil proceedings. ‘Common law’ refers to a set of established precedents not written down in statute and it is a concept that appears in other aspects of English law. For example, murder is a common law offence. Common law awards meant that, for example, a concert pianist with a hand injury would receive more compensation than a bank clerk with a similar injury. Awards were made available only to ‘innocent victims’ (for example, those who had not struck the first blow), who had reported the crime to the police, and who had no criminal convictions. Most of these principles remain in force today under the existing 2001 scheme.

There have been four major revisions of the CIC scheme:

- 1979 – injuries sustained in a family setting were included, and time limits were introduced
- 1994 – the first tariff scheme was introduced
- 1996 – the statutory scheme was established under the 1995 Criminal Injuries Compensation Act
- 2001 – the current scheme established, with a 10% increase in tariff levels, and the introduction of bereavement awards for same sex partners.

In 1979 victims of domestic violence and children who had experienced sexual or physical abuse from family members became eligible for awards. Time limits were introduced, possibly to restrict the growing cost of the scheme arising from increased public awareness of it and the inclusion of more categories of eligibility.

In 1994 the tariff was introduced. Fixed payments were made according to the nature of the injury, but many felt that the awards were much less generous than in the previous scheme. The period in which to apply was reduced from three years to one year after the offence. The tariff scheme was introduced to reduce costs and reduce the time taken for awards to be made. The tariff enabled junior officials to determine levels of awards, instead of this process being undertaken by (more expensive) Board members. It was possible for claims to be re-opened in certain circumstances, such as where injury had resulted in significant deterioration in health at a later date.

In 1996 the scheme became statutory for the first time. This followed a judicial review of the introduction of the 1994 scheme, which was held to be unlawful because it was not established in statute. The Criminal

Injuries Compensation Authority replaced the earlier Board and an independent Criminal Injuries Compensation Appeals Panel was created.

In 2001 the current scheme was established. Awards can be increased if victims of sexual offence can demonstrate they contracted AIDS as a result of the offence. An increase in awards for victims of child sexual abuse was also put in place.

A. Why was the CIC Introduced?

During the 1960's a more 'liberal' treatment of offenders had emerged, so there was also pressure for the better treatment of victims. There was also more awareness of the state's duty to victims and possibly, a realisation of the need to obtain and keep victims' engagement in legal processes. After Victim Support was established in 1974, there was further pressure for a statutory scheme. The acceptance of more 'liberal' treatment of offenders resulted in a range of provision, during this period, for early release of prisoners on licence, more community sentences as alternatives to prison, the introduction of legal aid for defendants etc. There was a need to 'tip the scales' back in favour of the victim, whose interests were seen as being left behind in attempts to treat offenders better. The state was seen as having a responsibility on behalf of the community to help people innocently hurt through crime. There was also recognition that the state had an interest in helping victims who could easily become disillusioned with the criminal justice system and therefore withdraw their co-operation with it, which would result in failure to report crime, reluctance to give evidence, and pressure for the harsher treatment of offenders.

During the 1970's and 1980's, victims' organisations such as Victim Support argued strongly for better help for victims, including a properly established compensation scheme. A 1978 House of Commons debate on the scheme was prompted by the murder of a Member of Parliament's daughter, and this event may well have been instrumental in prompting the 1979 amendments to the scheme.

A 1992 Victim Support working party on criminal injuries compensation concluded that state compensation must continue to be available to victims of violent crime based on arguments of "human dignity, on equity (including the obligation to make public expenditure towards the victim not totally disproportionate to what is spent on the apprehension, conviction and punishment of the offender) on social justice (the responsibility of society to care for its least fortunate members) and on the basic human right to some form of recognition and reparation". The working party also stated why victims of violent crime merit such compensation that is not awarded to victims of accidents or natural disasters: "suffering caused by a deliberate criminal act of another human being is on that account alone likely to be particularly distressing and personally damaging [and] an element in that distress is a sense of being let down by society as a whole".

B. Why Should the State Only Compensate Victims of Violent Crime?

Part of the reason for the Scheme not becoming statutory until 1996 was that arguments about who the state should compensate, and how, were so difficult to resolve. There was a strong argument that if the state compensates victims of violent crime, then it should compensate victims of all crime but the cost of this would be prohibitive. Other considerations included questions about whether the state should also provide compensation to people born with disabilities, those with serious illness, and people injured in accidents.

In 1990, the British Government ratified the 1990 European Convention on Victims of Violent Crimes which called for compensation that would cover "at least...loss of earnings, medical and hospitalisation expenses and funeral expenses, as and regards dependants, loss of maintenance" and this probably provided further impetus to place the scheme on a statutory basis.

C. Conditions for an Award

The current CIC scheme is for victims of violent crime, but violence is not defined. The following conditions must be met for an award to be made:

- The crime must be reported promptly
- The victim must not be in any way culpable for the offence
- The victim must co-operate with the police
- The victim can have no significant unspent convictions.

Violence usually involves a physical attack on the person, but it can also include arson, poisoning, and sometimes threats. It only includes road traffic incidents where it can be shown that the driver collided with

the victim with the intention of causing injury. Compensation can be for physical or mental injury (e.g. PTSD, depression).

Awards will not be made if the crime is not reported to the police, but the offender does not need to be caught for an award to be made. The crime must be reported “without delay” unless there are special circumstances. Applications for awards must be made within 2 years of the offence.

If the victim is seen as culpable in some way, an award will not be made (e.g. if the injury was sustained in a fight and the victim punched the offender first). Culpability can be assumed if the victim was drunk or on drugs at the time. I suggest this is unjust because some offenders use intoxication as a mitigating factor but for victims, this has the opposite effect!

Awards will not be made where the victim has not co-operated with the police or courts.

Awards can be reduced or withheld if the victim has unspent criminal convictions, depending on the nature of the convictions and the time that elapsed between the conviction and the injury. If the victim is sentenced for a criminal offence after making an application, the award can be withheld or reduced.

The tariff contains 27 amounts ranging from £1,000 to £250,000. Death can result in an award of £11,000 (or £5,500 to each close relative). Loss of earnings after 28 weeks is covered and victims can apply for the cost of ongoing care. The maximum possible award is £500,000 and children who have lost a parent can apply for awards for “loss of parental services”.

D. Concerns about the Current CIC Scheme

- The 1979 rule still applies and this means that people cannot claim compensation for offences committed against them if they lived in the same household as the offender prior to 1979. This affects victims of child sexual abuse in particular
- Levels of awards were increased in 2001 and should be up rated annually in line with inflation
- Victims have to establish their innocence. It is often difficult to demonstrate that they did not provoke an attack, particularly if the attack took place in a bar. Similarly, awards can be withheld or reduced if the victim was intoxicated. Awards can be withheld unless the victim of sexual offences can demonstrate they did not consent to sex (as opposed to it being an offence because they were too young to engage in lawful sex with the offender)
- Victims in receipt of state benefits find their benefits reduced if they receive an award of over £3,000 and withdrawn entirely if the award is over £8,000 until such time as they have spent the award on subsistence
- Having unspent convictions does not necessarily imply that the victim contributed to the offence. A child can be denied compensation for the death of a parent if the parent had unspent convictions
- The rule that claims must be made within two years of the offence, and that the offence must be reported promptly, often result in claims being refused. For example, the police often ask victims reporting offences to go away and wait for a police officer to visit them. In cases where this has taken place a few days later, the police have told the CICA that the offence was not reported promptly
- The Criminal Injuries Compensation Authority has unfair advantage over appellants in hearings before the Criminal Injuries Compensation Appeals Panel because they employ case officers to present their evidence, and Legal Aid is not available to appellants.

E. Support Offered

CIC – the Victim Support role: part of the support we offer to victims of violent crime involves informing them about the CIC scheme and helping them apply. We offer services at three levels:

Level 1 - minimum level of service -

- Every Scheme should consider whether victims of violent crime referred to them could potentially make a claim for CIC.
- Provide information about tariff scheme and copies of the correct, up-to-date application form, offer help with filling in the forms.
- Provide the *Guide to eligible victims of violent crime*.

Level 2 – a higher level of service which involves -

- Handling the claim once the form has been sent off

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- Keeping accurate up-to-date records on each application
- Acting as correspondent
- Explaining the initial decision and the review process
- Helping with the application for review
- Explaining the review decision
- Providing information about the appeal process.

Level 3 – advocacy for victims whose claims are rejected -

- Preparing the papers for the appeal
- Preparing the applicant for the hearing
- Attending the hearing with the applicant as moral supporter
- Acting as a representative at the hearing.

All victims ought to be offered support with their claims up to and including the appeal stage where relevant. (except those to whom schemes are not required to provide the level 1 service because they have no trained volunteers, etc).

The number of victims helped with CIC claims in 2001-2002 increased: we helped almost 14,000 people.

VI. VULNERABLE AND INTIMIDATED WITNESSES (VIWS)

The 1999 Youth Justice and Criminal Evidence Act introduced the concept of VIWs and 'special measures'

- Witnesses may be vulnerable and/or intimidated due to personal characteristics or the nature of the offence
- Special measures are needed to safeguard them in legal proceedings or enable them to give effective evidence.

(The 1999 Act also introduced Youth Offending Panels, which are now the principal means of providing restorative justice interventions for young offenders.)

The Act provided for special measures that can be taken in court to help witnesses give evidence when, without such measures, they would be either unwilling or unable to give satisfactory evidence. Special measures can be needed as a result of personal characteristics, situational factors, or a combination of both.

The 1999 Act followed the publication of 'Speaking up for Justice', the report of a parliamentary commission in 1998 which made 78 recommendations, most of which were enacted in the 1999 Act. The commission was established following increased awareness of existing measures being inadequate, high attrition rates; and campaigning from groups representing victims, women, children and disabled people. The Commission heard evidence from a wide range of organisations that support vulnerable people, and from Victim Support which had campaigned on these issues for years.

There were already some provisions for supporting vulnerable witnesses, for example the 1988 Criminal Justice Act established the admissibility of closed circuit television or video evidence with child witnesses, and subsequent legislation had prevented people charged with rape from cross-examining their victims in person. However, such measures were inadequate. For example, these did not help adults with learning difficulties whose evidence was often ruled inadmissible because they were considered 'incompetent witnesses'. There was also concern about high attrition rates. This describes the situation where trials are abandoned because witnesses will not give evidence out of fear of reprisals, or anxiety at the prospect of appearing in court.

A. The 1999 Act Established Definitions of Vulnerability

- Situational factors:
- Nature of offence (e.g. rape)
- Dangerousness of the defendant
- Relationship of witness to defendant
- Racially/homophobic motivated offence
- Witness and defendant living near each other.

- (1) Nature of offence (e.g. rape) – there was an acceptance that some offences have such a harmful effect on the victim that if they are called to give evidence, they cannot be anything other than vulnerable as a result.
- (2) The dangerousness of the defendant, or their associates, may cause the witness to be vulnerable; for example, if the defendant has threatened the witness.
- (3) Relationship of witness to defendant: there is a recognition that victims of domestic violence, for example, may be vulnerable because they have previously been intimidated by the defendant and may have to remain in contact with the defendant to facilitate contact with children, etc.
- (4) Racially/homophobic motivated offences are often the culmination of series of incidents of harassment or bullying. People who have been attacked for an aspect of themselves that they cannot change may well be harmed much more significantly by the impact of the crime than those who are offended against for other reasons not concerned with such personal aspects of the self.
- (5) Where the witness and defendant live near each other there is a higher probability of the witness feeling intimidated about giving their evidence.

B. Definitions of Vulnerability

- Personal characteristics:
- Age
- Disability
- Dependence
- No previous experience of opinion being sought
- Anxiety to please.

C. Special Measures

- Use of screens
- Giving evidence by CCTV link or with the help of an intermediary
- Excluding people from the courtroom
- Allowing video recording as evidence-in-chief
- Pre-recorded video cross-examination
- Removal of wigs and gowns;

And a presumption that special measures will be used for certain offences/witnesses.

- (1) Screens prevent the witness and the defendant from seeing each-other, without preventing eye contact between the witness and the judge, jury and counsel.
- (2) Evidence can be given via CCTV link or with the help of an intermediary. Intermediaries are people who have the required level of skills to communicate with the witness and the court. They can be used to help witnesses who have communication disabilities or with very young children, who might not otherwise understand what is being asked of them. This is a very new area of provision which will shortly be piloted.
- (3) The press and the public can be excluded from the court room if it can be shown that a more private atmosphere will enable the witness to give their evidence more effectively.
- (4) Evidence recorded on video tape can be accepted where the witness cannot be expected to give their evidence in court, as can –
- (5) Pre-recorded cross examination where it is felt that video recorded evidence must be ‘tested’.
- (6) If it is considered that a less formal atmosphere will help the witness give evidence, the judge can order that wigs and gowns are removed to make the court feel more informal.

All these provisions are subject to challenge by defence solicitors. The Crown Prosecution Service recommends what, if any, special measures are needed before the case comes to court. If defence counsel wish to challenge the use of special measures, the judge decides which, if any, will be applied in that individual case. For some offences, and some witnesses, there is a presumption that special measures will apply – for example, with children and rape victims.

D. The Victim Support and Witness Service Role with VIWs

- Pre-trial visits
- Sometimes acting as ‘preparer’ for young witnesses
- Accompanying witness in the CCTV/video room
- Meeting the witness and providing a separate waiting area with support

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- The provision of a 'seamless' service through Victim Support and the Witness Service. A good example of this was during the trial of Dr Harold Shipman in 2001. Dr Shipman was convicted of murdering twelve of his patients, but was suspected of killing hundreds more. Victim Support provided a programme of support to bereaved partners and relatives, bringing them to the court each day in minibuses, handing them over to their Witness Service colleagues, and bringing them home again at the end of the day.

Our service to vulnerable and intimidated witnesses began to develop almost as soon as the Witness Service became established in the Crown Courts in the early 1990s:

- (1) All witnesses are contacted before their court date, provided we have been given advance notice of them by the police. They are then offered the opportunity to come to the court before they give evidence, when the Witness Service volunteer will show them a court room, explain who sits where, what the roles of the various people in court are, etc. The Witness Service will be told if the witness is considered vulnerable or intimidated, and will then offer an enhanced level of service, for example visiting children at home with their carers before the pre-trial visit.
- (2) A 'preparer' will help the young person review their witness statement before they give evidence, so they know what to say and what will be asked of them. The preparer is not the same person that will support the witness on the day of the court appearance.
- (3) In some courts, the Witness Service sits in the video room with the witness. In other courts, this is the role of the court usher. The preferences of the resident judge, and the availability of ushers, determine which approach is taken.
- (4) The Witness Service can meet vulnerable or intimidated witnesses at the court entrance and take them to a waiting room separate from where the defence witnesses wait.
- (5) Victim Support can arrange to bring vulnerable and intimidated witnesses to court, and hand them over to the Witness Service. For legal reasons, a Victim Support volunteer cannot support the witness in the court building.

E. Our Services for VIWs are Still Being Established

A number of difficult issues have emerged:

- A need for agreements with the police, CPS etc. at a time when new data protection legislation and the Human Rights Act 1999 are making public agencies very cautious about sharing information
 - The high level of judicial discretion which means practice varies from one court to another
 - Inadequate funding in advance of implementation (July 2002)
 - The physical characteristics of the court room
 - Pressure from other agencies to undertake inappropriate work.
- (1) Referral procedures for vulnerable and intimidated witnesses have had to be agreed with the Crown Prosecution Service and the Court Service. Other agreements have had to be made, to strictly define the roles of each agency and individual.
 - (2) These have been difficult because of data protection issues (the need not to divulge more confidential information about the person than is required in order to deliver a service to them) and because of the variability of practice from one court to another. For example, some judges want the Witness Service to accompany witnesses in the CCTV room, others require the court usher to do this work.
 - (3) The special measures were implemented in July 2002 but at that time, the Home Office had not specified which agency would undertake each role in supporting witnesses and Victim Support had received no additional funding for this work. Witness Services came under pressure from their courts to step in where no other agency was providing a service.
 - (4) Some courts have found it difficult to provide additional court entrances, separate waiting rooms etc because of the physical characteristics of the court house, which are often old buildings in town centres, with little space around them for extension.
 - (5) In some areas the Witness Service has been under pressure to undertake work that is beyond our remit. For example, transporting intimidated witnesses to court, which should be the role of the police.

VII. SUMMARY

In summary, this paper has addressed the following issues:

- Work with people who suffer from PTSD

RESOURCE MATERIAL SERIES No.63

- Counselling for victims
- Support for victims during police investigations
- Criminal injuries compensation
- Help for vulnerable and intimidated witnesses.