

GWENT POLICE

WITNESS CARE POLICY



SUMMARY

STAFF ARE REMINDED THAT THIS SUMMARY IS STRICTLY AN OVERVIEW OF THE KEY ELEMENTS OF THE DOCUMENT AND FOR A MORE COMPREHENSIVE EXPLANATION THE WHOLE OF THE DOCUMENT SHOULD BE READ

The Policy of Gwent Police in relation to Witness and Victim care is:

- To ensure that both Witnesses and Victims are treated in accordance with the Witness Charter and the Codes of Practice for Victims of Crime, by maintaining a constant supportive link with victims, ensuring their contact with Gwent Police is as smooth and stress free as possible.
- To improve witnesses and victims confidence in the Criminal Justice System by ensuring that all Police Personnel comply with both the Witness Charter and the Victims Code by putting victims and witnesses at the heart of the drive to improve public confidence. This will be achieved by :
 - Keeping victims up-to-date at least monthly, on the progress of their case and informing them and witnesses when a suspect is arrested, bailed or charged.
 - Keeping both Victim and Witnesses updated with the progress of the case through the Court system.
 - Working with the other agencies involved in the Criminal Justice System in order to provide a seamless service.

Victims or witnesses to crime, can obtain information on the Gwent Police Witness Care website, which will provide them with the advice they require, and answer any questions or provide details in relation to a single point of contact.

The procedure to this policy outlines the detailed processes to achieve the above outcomes.

PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UP TO DATE VERSION CAN BE FOUND ON THE INTRANET POLICIES SITE.

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1.0 Policy Identification Page

This policy can be disclosed to the public.

Policy Title: WITNESS CARE POLICY

Policy Reference No: 283/3 a issue 1

Policy Ownership: Head of Criminal Justice

Portfolio/Business Area Owner: ACC

Policy Written By: Supervisor Witness Care

Department Responsible: CJD

Policy Lead: Head of Criminal Justice

Links to other Policies: Information Security, Data Protection, Health and Safety, Press and Public Relations, Race Equality Scheme, Freedom of Information, Disciplinary Policy for Police Staff, Fairness at Work, Independent Custody Visitors, Lay Observers, Personal Safety.

Policy Implementation Date: 29th August 2008

Policy Reviewed Date: 8th September 2011

Next Review Date: 8th September 2013

2.0 Policy Statement & Intentions

This policy can be disclosed to the public.

2.1 Principle & Scope of Policy:

Gwent Police is committed to providing a high quality service, which is responsive to the needs and wishes of victims and witnesses of crime.

To this end Gwent Police will provide a dedicated Witness Care Unit to support both victims and witnesses.

Effective application of this policy and the related procedures will maintain and enhance public confidence in the Criminal Justice System. This will increase the attendance of victims and witnesses at court bringing about a reduction in cracked and ineffective trials and an increase in the conviction rate.

The arrangements and guidance contained in the supporting document provide a framework for dealing with victims and witnesses all the way through the Criminal Justice System from point of reporting a crime/incident to the Court of Appeal with clear guidance at each point.

The Witness Care Unit is involved in a multi agency approach to both Victim and Witness care together with the Crown Prosecution Service, Victim Support and H.M. Court Service.

By adhering to the framework we will ensure:

- That at the point of reporting a crime/incident, all Witnesses and Victims are given a guide to the procedure that will follow.
- That all Witnesses and Victims will be provided with details of a single point of contact.
- There will be an early identification of issues that effect both Witnesses and Victims through a needs assessment.
- That all Witnesses and Victims will receive regular updates as to progress of either the Investigation or the Court process.
- That all Witnesses and Victims will receive support and guidance at every stage.
- A clear monitoring and audit trail.

2.2 Aims of Policy

- To improve the service to Victims and Witnesses of crime.
- To increase confidence in the Criminal Justice system
- To ensure all Victims are treated in line with the Victims Code of Practice.
- To ensure all Victims and Witnesses are treated in accordance with the No Witness No Justice minimum requirements.
- To increase Victim and Witness attendance at court.
- To increase co-operation and information sharing between partner agencies both statutory and voluntary.
- To reduce the number of cracked and ineffective trials
- To achieve an increase in the conviction rate

3.0 Introduction

3.1 Origins/Background Information

In March 2003 the Prime Minister and the Attorney General commissioned a partnership between the Office of Public Service Reform, Home Office, Crown Prosecution Service and the Association of Chief Police Officers in order to establish 5 No Witness No Justice (NWNJ) pilot sites in England and Wales. Gwent was one of those sites.

These pilot areas were “pathfinders” which developed their own approach to witness care based on common principles. These principles included the concept of establishing a dedicated unit for witnesses and victims. The Witness Care Unit is staffed by both Police and Crown Prosecution Service employees in co located offices. They provide support, guidance and information for witnesses and victims, making assessment of their needs and facilitating support in relation to their attendance at court by liaising with voluntary agencies.

The emerging good practice informed the development of the NWNJ Minimum Requirements in 2004.

3.2 The Legal Basis and Legitimate Aims

Witness Care Units are established and its procedures laid down by the following legislation.

- Criminal Case Management Framework 2004
- Criminal Procedure Rules 2004
- Criminal Justice Act 2005
- Domestic Violence, Crime and Victims Act 2004. Section 32 of this Act established the Victims Code of Practice.
- No Witness No Justice minimum requirements.

4.0 Implications of the Policy

4.1 Financial Implications

There are no additional Financial Implications

4.2 Human Resources/Training

There are no additional Implications

4.3 Strategic Plan Links

This policy aims to ensure it contributes to delivering justice in a way, which secures and maintains public confidence and supports the Victims and Witnesses of crime.

4.4 Diversity

In the application of this policy consideration must be given to the possible social impact of this policy on the community. A social impact assessment is a requirement to ensure all issues are considered. This is also a requirement of the Gwent Police Race Equality Scheme. Social impact assessments must be undertaken before and after the application of this policy.

Under the Race Relations (Amendment) Act 2000 Gwent Police is required to undertake proactive work to meet the General Duty of :

- Eliminating unlawful racial discrimination;
- Promoting equality of opportunity;
- Promoting good relations between people of different ethnic groups.

The General Duty is outlined in Section 71 (1) of the Act, and must be met **in its entirety**.

Monitoring must be undertaken to ensure that there is no adverse impact either positive or negative upon any one particular social group or individual. The results of monitoring must be analysed and be available for publication, and appropriate changes made.

Individuals using this policy must be aware of the potential impact that this policy has on the individuals to whom it is applied. The following strands of diversity and their corresponding pieces of legislation must be considered when answering these questions.

- Welsh Language Act 1993
- Race – Race Relations Act 1976
- Race Relations Amendment Act 2001
- Disability - Disability Discrimination Act 1995
- Gender – Sex Discrimination Act 1975
- Equal Pay Act 1970
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Age) Regulations 2006

4.5 Consultation

Police Authority
 Chief Officers
 Area and Departmental Heads
 Information Security Officer/Data Protection Officer
 Police Federation
 Superintendents Association
 UNISON
 Force Solicitor
 Freedom of Information Officer
 Gwent Police Women's Association
 Gwent Black Police Association
 Gwent Disability Network
 Gwent Police Gay Support Network

5.0 Human Rights Consideration Certification

5.1 Auditing for potential interference and discrimination

Q1. What articles of the Human Rights Act 1998 may be engaged?

Article 2, Article 3, Article 6, Article 8, Article 9, Article 10, Article 11, Article 14

Q2. Where individual rights are engaged what is the potential to discriminate against the parties involved?

Enquiries may be intrusive and there is always the potential to discriminate but if this policy is implemented in a proportionate manner it is unlikely that any infringement of the individuals rights will occur but:

" In the application of this policy the Force will not discriminate against any persons regardless of sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status as defined under article 14 of the European Convention on Human Rights ".

5.2 Key Human Rights Principles

Q1. What is the legal basis for your policy?

Section 3.2. refers

Q2. Does the policy provide details of what could be considered as a legitimate aim for the potential interference with an individual's rights, through the exercising of this policy? Restrictions on the rights protected in articles 8 - 11 in the Human Rights Act will be compatible with the convention only if they are aimed at protecting one of the interests listed in articles 8(2), 9(2), 10(2) and 11(2) respectively. The interest protected are broadly the same and generally include:

1. National Security
2. Public Safety
3. The protection of health or morals
4. The prevention of disorder or crime; and the protection of the rights of others.

Any restrictions relating to human rights will be in accordance with the above principles.

5.3 Rights, Publication, Audit and Inspection

Q1. What rights to make representation and appeal process are available?

Anyone who feels that a member of Gwent Police staff has behaved incorrectly or unfairly has the right to make a complaint. Initial action should be taken in one of the following ways:

- Complaint to the Standards Department
- Complaint in writing or in person to the Senior Officer at the appropriate police station or in writing to the Chief Constable of the force concerned.
- Visit a local Citizens' Advice Bureau.
- Contact a solicitor.
- Appeal to IPCC

Persons who wish to make representations regarding the operation of this policy should contact the Head of the Criminal Justice Department
Gwent Police staff who feel they have grounds for concern in relation to the implementation of this policy may:

- Pursue concerns through their line manager.
- Pursue a grievance formally through the Fairness At Work Procedure

- Seek advice from their staff association or trades union.

Q2. Apart from the Gwent Police Publication Scheme how is the policy made available to the public?

The policy will be available to the public. Where copies of this policy are requested they can be made available from the Criminal Justice Department.

Q3. What internal review and audit process is in place or is proposed?

This policy has been drafted in accordance with the principles and rights contained within the Human Rights Act 1998. It will be reviewed and continuously assessed in the light of any relevant changes and developments in the application of the Act.

Q4. What external independent scrutiny is recommended?

Independent scrutiny can be where required conducted by the Police Authority and Her Majesty's Inspector of Constabulary.

5.4 Certification of Compliance

Consideration has been given to the compatibility of this policy with the Human Rights Act by the policy officer; with particular reference to the legal basis of its precepts: the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making process's and outcomes of actions.

5.5 Legal Vetting

There are no issues in this policy under ECHR, which cannot be resolved. This policy has been vetted.

6.0 Promotion and Distribution

In order to highlight the existence of this policy to staff there will be the following :

- General Orders entry following ratification
- Publication on the Force Intranet and internet

7.0 Monitoring / Review

Monitoring

- Pre charge compliance with the Victims Code of Practice will be carried out by the Guardian Crime recording system.
- Post charge compliance will be monitored by the Witness Management System.

Monitoring will be in line with the principles of the Race Relations (Amendment) Act 2000.