

Report on the Availability of Special Facilities in County and Combined Courts

Introduction

In December 2004, posters were distributed to all county and combined courts in England and Wales. The posters were designed with the aim of letting vulnerable victims or witnesses know (or those representing them) that the court may be able to provide them with special facilities to help them feel more safe and confident about attending court. The DCA and Court Service produced the poster in consultation with the Domestic Violence Advisory Group.

Currently, 'special measures' have been rolled out to all crown courts and many magistrates' courts. However, it is largely left to the discretion of the civil courts to provide facilities that could help to ensure safety and reduce the distress of the court procedure for vulnerable or intimidated victims and witnesses.

When distributing the poster, each court was encouraged to consider what provisions they already had for vulnerable witnesses or victims attending their court and any additional provisions that could be put in place. A checklist was provided to monitor this and the following brief report summarises the responses received.

The poster and checklist distributed can be found at appendices A and B, respectively.

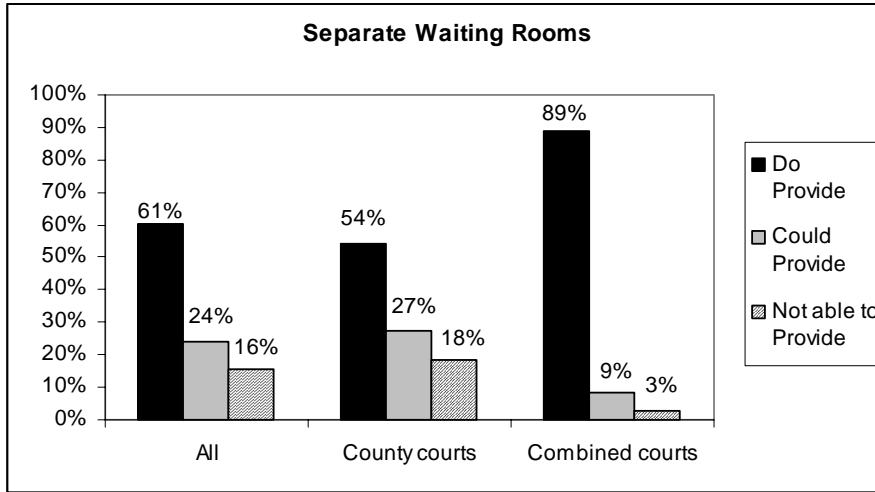
Quantitative Information

223 posters and checklists were distributed and 193 returns received achieving an 87% response rate. Of those returns, 35 (18%) were from combined courts. A summary table showing data received is set out in appendix C.

As combined courts hear criminal cases as well as civil cases, they have been purpose built to provide special facilities. Therefore, in order to prevent misrepresentation of the statistics, combined courts have been separated from stand alone county courts in the following charts which look at the different facilities available.

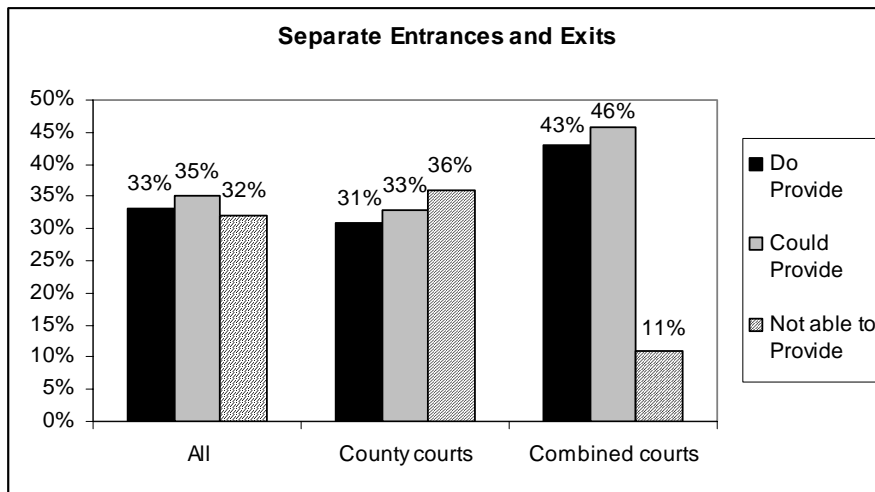
j) Separate Waiting Rooms

As can be seen from the chart below, separate waiting rooms are provided in 54% of county courts and 89% of combined courts. A further 27% of county courts reported that, although not currently provided, they could provide separate waiting rooms if requested. As shall be seen later, there were many accommodation restrictions in supplying this facility, especially among the smaller county courts.



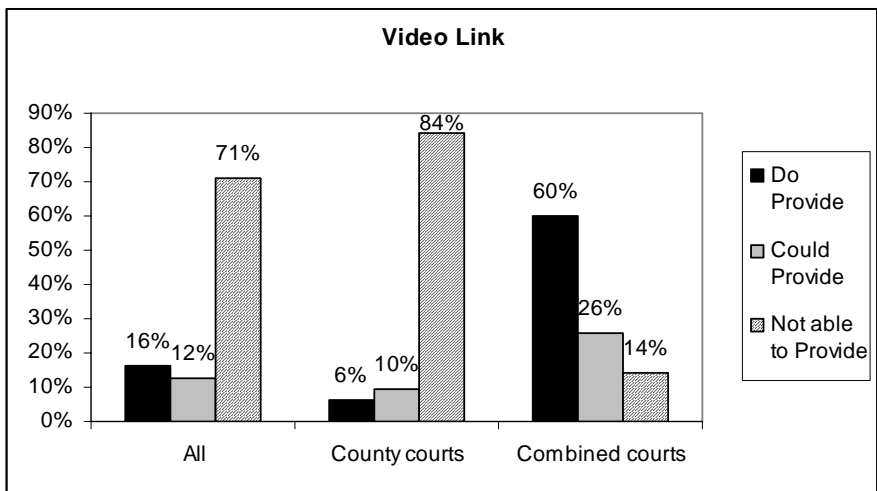
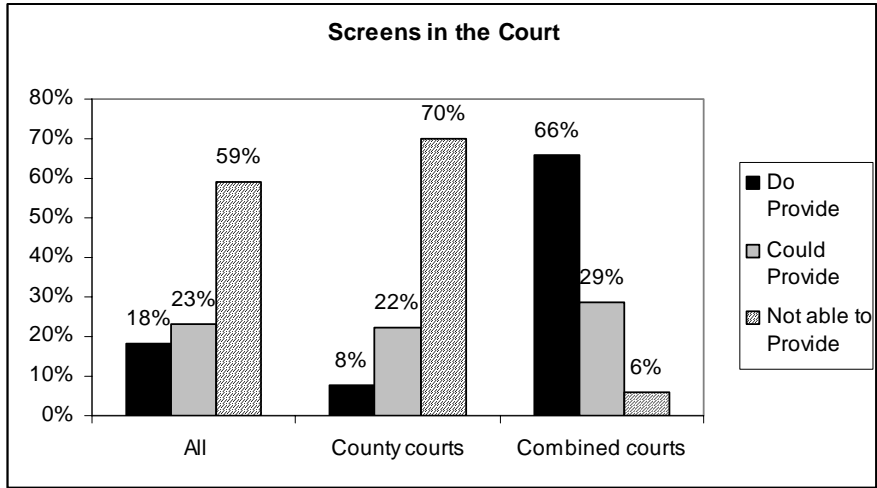
ii) Separate Entrances and Exits

Special arrangements for separate arrival to, and exit from, the court also varied depending on court accommodation. As the next chart shows, about a third of all courts are purpose built to provide separate entrances and exits and just under a third are unable to provide this facility.



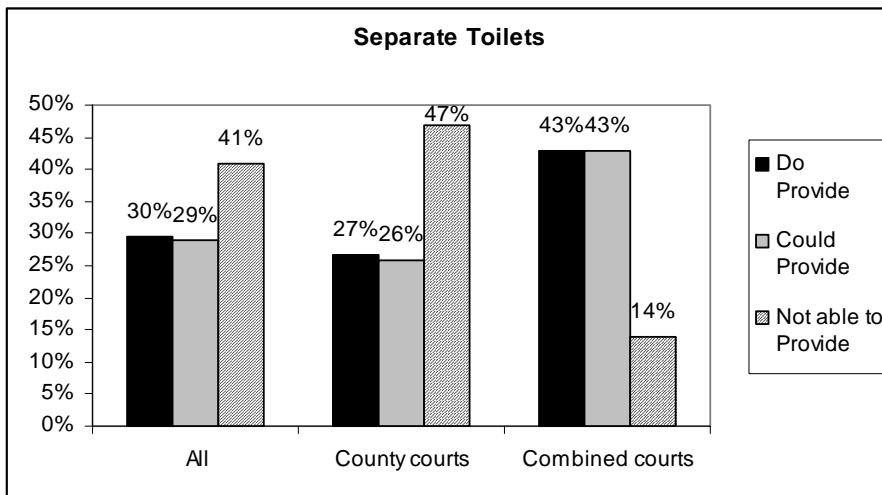
iii) Screens in the Court and iv) Video Links

These two measures have been considered simultaneously as their pattern of prevalence is similar. As the following charts demonstrate, in both cases they are significantly more available in combined courts than the county courts. This is, as it has been previously stated, because combined courts have been purpose built to hear criminal cases. Specifically we can see that 8% of county courts are able to provide screens in court whereas 66% of combined courts can provide screens. In the case of video links, 6% of county courts can provide them compared to 60% of combined courts.



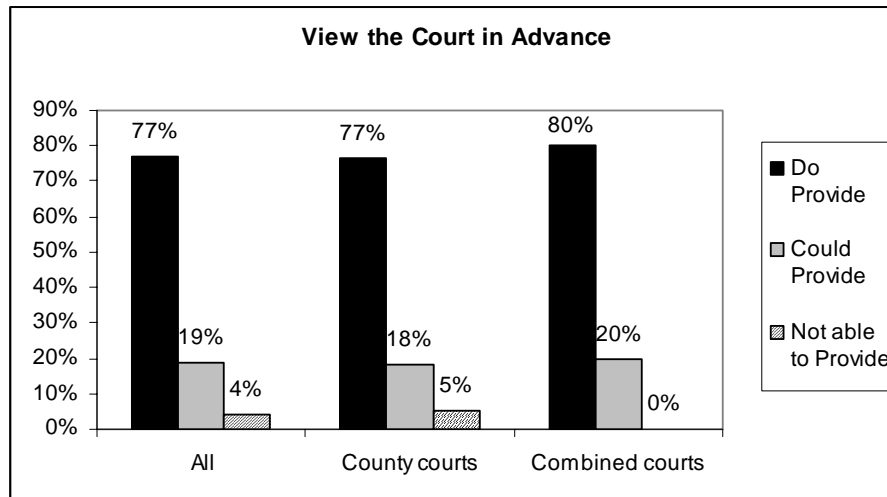
v) Separate Toilets

Providing separate toilets is another measure that can support intimidated victims or witnesses by keeping them apart from people connected to their case, therefore easing the distress they may experience. Again it can be seen in this chart that combined courts are more able to provide this facility than county courts, but overall 59% of courts do provide or would be able to provide separate toilet facilities.



vi) Viewing the Court in Advance

The final chart shows that viewing the court in advance was the measure most available to intimidated victims and witnesses, with 77% of all courts providing the opportunity. In contrast to other measures, there was little difference here in frequency between the county and combined courts. Viewing the court in advance can familiarise an individual with the court and its processes so court users are aware of what to expect. This would appear to contribute to reducing the stress of testifying or appearing in court.



Qualitative Responses

Within the checklist, respondents were asked to identify any other special facilities they are able to provide for intimidated victims or witnesses that had not already been identified. These included:

- Security officer
- Consultation rooms next to a security officer
- Children's/family room
- Witness service
- Use of staff car park
- Separate dining room
- Prearranged presence of court bailiffs
- Informing parties to attend at staggered times
- Designated domestic violence officer for solicitors to contact when necessary

Six courts, all of which were combined, mentioned the positive contribution provided by the Witness Service.

Respondents were also given the opportunity to make other comments regarding the special facilities in the court. The following is a summary of comments made.

Restrictions

As has been mentioned earlier, many of the measures highlighted in this report are dependent on the suitability of court accommodation to provide or adapt. Many examples were given of staff areas being used as entrances/exits, waiting areas etc when necessary.

“We do allow witnesses that feel threatened to use the staff kitchen and we are able to let them out of the back door instead of the front.”

“Separate waiting rooms and separate entrances and exits are provided but only if we are given prior notice because we have to use the fire escape at the rear of the building – not always ideal, but sometimes the best in the circumstances.”

“We have been able to deal with specific problems if required but cannot do so as the ‘norm’ as they are too staff intensive.”

Working with Other Courts

There were reports of cases being transferred to better-equipped courts, when necessary. Also equipment had been borrowed from other courts in the past. For example: -

“We would arrange for the hearing to take place in the crown court which has all the necessary provisions.”

“We have provided a screen in court (borrowed from local Magistrates Court) in the past.”

“Being in a shared building, we are able to hire rooms from the Magistrates for video links, which is very useful.”

CARE centres

A number of county courts reported that they were CARE centres and therefore due to receive video conferencing equipment.

“Video link to another room in this building shortly will be available as we are a CARE centre”

Type of case

While the poster was provided with domestic violence victims in mind, it was not specifically targeted to domestic violence cases, as it was understood that such facilities could be required in other cases.

“At present we use such facilities when dealing with adoption cases.”

“Although this court has no family jurisdiction often there is a need to keep parties separated.”

Conclusion

It is no surprise that purpose built combined courts are better equipped to provide special facilities for intimidated victims and witnesses however, combined courts are much less prevalent than county courts. The extent to which county courts are able to assist vulnerable witnesses or victims is largely dependent upon the court accommodation, staff resources and funding available for necessary equipment.

This exercise alone has prompted courts, who had not already done so, to think about measures they could put in place to ease the court process and the poster is being used as a tool to highlight their availability to the people who would benefit from them. Some courts reported that they had decided to outline information specific to their court in a leaflet.

Further work could involve better promotion of court facilities outside the court so that victims and witnesses are aware of them before actually attending court. For instance Blackpool states:

“We have advertised these services to local solicitors, CAB and local domestic violence groups.”

This is especially important in the light of the comments that advance warning is required for courts to make arrangements to provide facilities, or transfer the case to another court more equipped to deal with the needs of the victim or witness.

In the mean time, updated versions of the poster are being redistributed in order to reflect the move to Her Majesty’s Court Service (HMCS).

Hannah Lockley
Domestic Violence Team, HMCS
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