

The Knowledge & Skills needed for a Trauma-Informed Justice Workforce: What did Victims and Witnesses tell us?

Final Report

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Executive Summary

NHS Education for Scotland (NES) gathered feedback from 12 victims and witnesses of crime to learn about their experiences of the staff they had interacted with as part of their criminal justice journey. Feedback from respondents was independently analysed and the findings are presented here.

What staff should know

The key things that participants felt staff needed to know were (1) what trauma is and how it can manifest itself, (2) how to respond appropriately to trauma and (3) how to avoid triggering trauma responses. Linked to this were perceptions that staff needed to know how to reassure victims and witnesses who were displaying trauma responses, to let them know that their response was acceptable rather than unusual, unacceptable or something of which they should be embarrassed (i.e. normalising trauma responses). Staff should also be aware of the fundamental importance of effective signposting of victims and witnesses to appropriate support at every step of their journey to reduce feelings of being alone. Having 'someone on their side' to help them navigate a system that was complex and largely unfamiliar may significantly improve people's justice experiences.

How staff should respond

Compassion, empathy and humanity were all cited as key characteristics to be conveyed by staff. Specifically, a lack of compassion in the way that justice professionals sometimes communicate with victims and witnesses should be replaced by individualised and sensitive responses. Being able to 'walk in someone else's shoes' and not make assumptions about what is best for people was also seen as key (i.e. avoiding stereotypes, labels and judgements). Treating each case on its individual merits and each person's response as unique was seen as essential in order to provide trauma-informed responses. All decision making in relation to a case should be explained to victims and witnesses to aid understanding and help them feel more in control. This includes explaining the implications of decisions for victims and witnesses so that they can make informed choices, being truthful and honest about what the justice process entails and acknowledging personal errors and constraints of the system to help victims and witnesses manage expectations.

How the system should be changed

Several victims agreed that the systems, policies and procedures in place in the justice system were confusing and all had potential to exacerbate the impact of an already traumatic situation. Better understanding the system would help to make things predictable, or at least reduce unpredictability in the minds of victims and witnesses which, in turn, may prevent unnecessary trauma. Involving specialists in incidents where trauma is likely seems key, as well as providing comfort, safety and security to keep victims and witnesses engaged. Training to help staff understand trauma triggers, responses and dissociation was also encouraged.

Conclusions

The research suggests that, from the perspective of victims and witnesses, there is much to be done to make professionals within the system more trauma aware, trauma responsive and more empathetic overall. Justice professionals may underestimate and misunderstand trauma and associated impacts, not only that which arises from being a victim or witness, but also that which results from being involved in a complex, unfamiliar and probing justice system.

Introduction

Background

NHS Education for Scotland (NES) is in the process of developing and delivering a knowledge and skills framework and training resource for all organisations and staff that have contact with victims and witnesses in the criminal justice process in Scotland. The aim of the knowledge and skills framework and training resource is to prevent re-traumatisation within the justice system and support recovery of traumatised victims and witnesses in the future.

To help inform the framework and training resource, NES gathered feedback from 12 adults living in Scotland who had been victims or witnesses of crime to learn about their experiences of the staff they had interacted with as part of their criminal justice journey. Specifically, respondents were asked what they felt staff needed to know about the impact of trauma on victims and witnesses, and the skills they needed to be able to respond in a way that prevents further trauma, and does not make recovery harder.

Feedback from respondents was independently analysed and the findings are presented here.

Methodology

Those who offered to take part were given an option to either provide written feedback about their experience or to take part in a one-to-one telephone interview with a NES researcher. Ten people chose to take part in an interview and the two provided written feedback. Some of those who were interviewed also provided additional written feedback after the interviews and all feedback was combined for analysis purposes.

To help them prepare, all participants were given an information sheet detailing the background to the work and summarising the questions they would be asked. The information sheet and interview/survey questions can be found in Appendices A and B respectively.

Interviews ranged in length from 53 to 77 minutes duration and all were recorded to allow transcripts to be produced.

All interviews were carried out by one NES researcher to allow consistency and all were transcribed by the same independent transcriber. Analysis was led by one researcher and the reporting was quality checked by a second.

Respondent profiles

In the interests of upholding anonymity, no personal data about respondents were collected. All were also explicitly asked not to provide any specific details of their case, again to prevent identification and to ensure that interviews remained focussed on the subject at hand. Protecting victim and witness wellbeing was also a key priority, and so it was seen as appropriate not to engage in detailed discussions of cases as part of the research, especially if to do so may be potentially re-traumatising.

Analysis

Feedback from respondents was read and main themes from across the different responses were drawn out to highlight the main issues raised. Wherever possible, anonymised quotes directly from respondents were extracted to highlight the main themes as follows:

- What staff need to know;
- How staff should respond; and
- How the system should be changed

In many cases, there was overlap between the three categories and this means that there is some repetition between sections of the report, for example, victims' ideas for how the system should change were often in direct response to gaps in what staff should know and how they should respond. In many cases, the things that some victims and witnesses said had 'worked well' for them were also the same things that others said had been 'missing' from their own experience and so, again, there is an inevitable overlap between examples of good and bad practice and the themes to which they relate.

Caveats and gaps in the data

In interpreting the findings below, it should be noted that the sample was relatively small and is not representative of the wider criminal justice victim and witness population. In particular, while there was some diversity in the experiences of those who took part (including victims of sexual offences/rape, victims of stalking, assault and relatives of a murder victim), the types of incidents that people had experienced in no way reflect the full range of victimisation and witness profiles that exist.

Similarly, the sample was heavily skewed towards females, with a large number of victims of sexual offences and stalking, and this means that the voices of male victims and witnesses is largely missing (only one respondent was male). Their experiences, needs and preferences cannot be assumed to be the same as the individuals represented here. Indeed, justice professionals interviewed in earlier stages of the work programme highlighted the often-gendered assumptions that trauma is a female domain and stressed the need to consider men as being equally likely to have trauma histories and so it is important to acknowledge this gap in the current research.

It is also stressed that all who took part were recruited through third party support organisations. This means that they will have all received some support as part of their journey, and thus their experiences will differ from those who had no support or contact from such organisations. This means there may also be an inherent difference in views which should be considered when interpreting the feedback given. Similarly, the sample was self-selecting, with all participants volunteering to share their stories. While the overall sample size is acceptable for a qualitative study of this kind, self-selection means that the voices of some more marginalised or hidden individuals are not heard.

Recognising that there are limits to the current work, and that all findings should be interpreted with caution and not generalised too broadly, the remainder of this report sets out the findings from the research.

What Works Well

While the main focus of the interviews was to establish aspects of the victim and witness experience which could have been approached differently in order to reduce or minimise trauma, all respondents were first invited to share examples of what had worked well.

Examples of interactions that were specifically cited as ‘good’ included:

- contact from Police Scotland family liaison officers;
- domestic abuse female police officer from the Domestic Abuse Unit;
- contact with police Sexual Offences Liaison Officers (SOLOs);
- contact from Crown Office liaison officers;
- staff working for Victim Support Scotland;
- one prosecution solicitor; and
- one Advocate Depute.

Importantly, there was inconsistent experience across the sample such that, where one victim may have had a positive experience of engaging with police liaison officers, others had not. Indeed, there was no common theme to the ‘affiliations’ of the individuals who had been perceived to have been helpful to victims and witnesses on their journey, and instead feedback related mainly to the individual personalities or traits that specific people had demonstrated which had stood out as being positive.

The table below summarises the key features of individual and system interactions which had ‘worked well’ and these are explored further in the remaining chapters, alongside illustrative examples of where things had worked less well or could have been done differently. Not surprisingly, where things were cited as ‘good examples’ (e.g. someone had shown empathy), the things that were cited as ‘bad’ were often the direct opposite (i.e. someone had shown no empathy). In most cases, therefore, where people cited the absence of a specific trait, characteristic or approach, it can be assumed that its presence would have provided a better experience.

<p>What Staff Should Know</p>	<ul style="list-style-type: none"> • Understanding trauma and its impacts • Understanding different perceptions of risk and fear • Understanding and normalising triggers and responses • Understanding the negative effects of re-telling • Understanding the importance of support • Understanding the importance of having someone on your side
<p>What Staff Should Do</p>	<ul style="list-style-type: none"> • Showing compassion, empathy and humanity • Avoiding stereotypes, labels and assumptions • Managing communications • Listening, understanding and believing • Being patient and taking time • Demonstrating professionalism • Delivering on promises

	<ul style="list-style-type: none"> • Acknowledging limits and offering apologies • Ensuring victims and witnesses are appropriately involved • Ensuring that victims and witnesses know their rights
How the System Should Respond	<ul style="list-style-type: none"> • Explaining the system, processes, procedures and rationales • Better preparing people for the court room experience • Keeping victims and witnesses informed • Fostering a culture of truth and honesty • Providing single points of contact • Balancing efficiency and effectiveness • Routinely offering third party support • Having specialist roles • Balancing accused and victims' rights • Providing comfort, safety and security • Improving and enhancing training

Other less frequently mentioned things that made victims and witnesses perceive these interactions as 'good' or positive included:

- that staff appeared to have had appropriate/relevant training;
- that staff understood the urgency of the need for support or action;
- that staff put the victim's interests and needs first and were looking out for their wellbeing;
- that staff showed an understanding of the practical implications of actions for victims/witnesses;
- being able to interpret victims/witness accounts and explaining what things mean in the context of Scots law;
- being respectful;
- being calm; and
- being sensitive to the incident and its impacts, including trauma responses.

Although some positive examples of interaction were noted, most were described in negative terms, either in their entirety or at specific junctures in people's journeys. Respondents noted the difficult jobs that professionals had to do and noted that they appreciated the challenges inherent in achieving justice, however, the overall consensus was that the system and those who work within it could adapt and change to prevent worsening already traumatic experiences:

"It's something that's so upsetting that you never get over because it could have been much, much more - it just could have been much better."

"...the people they deal with [in the justice system], it's the worst thing that's ever happened to their life, in your life. So, the worst thing that's ever happened in my life and I'm going to people for help and they're not helping me. So, you imagine the worst thing

that's ever happened to you and you need help, you need a system that protects you and they let you down and the trauma goes on and on and on."

"I've spoken to that many different families and victims over the last 4 or 5 years to know that they feel exactly the same way. And it's the system that causes - it doesn't cause the same level of pain, that would be unfair, it doesn't. That would be illogical but it does cause as much, if not more, trauma than the original incident that has happened. Not the same pain but certainly levels of trauma and that can be avoided."

In this context, the remaining chapters set out the main things that victims and witnesses felt staff should know, that staff should do (or could have done) differently so that trauma could have been reduced or avoided. A separate chapter addresses possible system changes which could be made in response to respondents' negative experiences.

What Staff Should Know

Understanding trauma and its impacts

At the most fundamental level, participants shared the view that there needed to be greater **understanding and awareness of trauma and its impacts** especially in relation to the fear that people can feel, the inhibiting effects of trauma and the way that trauma can impact on daily functioning. Based on their own experiences, several victims in particular perceived justice professionals as having no grasp over the extent to which victimisation impacted on those affected:

“I think perhaps rather than anybody being dismissive of it [trauma], I would find that probably most aren’t aware of it. So, I don’t think it’s a deliberate course of action or responses that people are against it or diminishing it. I just don’t think that they’re aware more than anything.”

Understanding impacts was especially important in cases where there may be cumulative effects from multiple traumatic incidents over time (for example, with stalking behaviours). Importantly, it was stressed that staff also often failed to see that impacts went beyond the immediate victim/witness and could impact on wider social networks too.

One participant explained that, while they sympathised that justice professionals could often ‘do’ little to actually reduce the effects of primary trauma once experienced, it was nonetheless important for them to understand the consequences. While some staff seemed to have a general appreciation of impacts, this was perhaps underestimated by some justice professionals:

“They’re just [professionals] that are trying to navigate their way through a system and I don’t honestly think there’s anything they could have said or done that would have lessened the impact at all and they knew that there was going to be an impact...What they probably didn’t realise was how much of an impact and how this would, at this point, just set me off the rails to the point where I was physically just furious at the situation and jumping off the seat and shouting in the mortuary and what not. Cos I just couldn’t believe that this was a situation that we were having to deal with.”

Where examples of positive interactions were given, these often involved staff who were able to evidence an understanding of the impacts and consequences of traumatic incidents on day-to-day life:

“Just having that acknowledgement of the fact that we’re there a lot [at court] and we’ve had to take a lot of time off work, we’ve had to get a lot of childcare plans in place to be able to do all of this. So even that’s from [support organisation] supporters through to [prosecutors] that we’ve had before who weren’t necessarily working on our case, who would come up and chat to us in the witness room just to say, “How are you doing, are you alright?” Not to talk about the case because they can’t, they just sort of say, “You’re here again, how are you feeling?” So, everyone’s been really friendly.”

Understanding that the impacts can result not only from the incident itself but also from engagement in the justice process was also seen as key learning for professionals, i.e.

understanding secondary impacts. Several victims and witnesses spoke of the justice process as being equally traumatic as the initial incidents in which they had been involved - trauma can occur at any point in the journey, not only during or immediately following the incidents themselves - And some felt that this was not well recognised at present:

"...trauma isn't just the event, the trauma is the whole process of the event, what comes after, whether that's police interview or court case or whatever. So, people shouldn't dismiss their part..."

"I think they need to know how serious it is and that the trauma isn't just the event. More often than not, they say that the justice experience is worse than the event and I think that that needs to be taken seriously. People may dismiss it, "How can a phone call be traumatising?" But you're like, "It's actually not the phone call, it's the subject matter, it's the reason I'm making the phone call, it's knowing that this phone call may lead to a court date which may lead to..." So, I think it is just the seriousness and genuine impact that it has on people needs to be taken into consideration."

"Just that trauma can come at any time, I guess. I think I wasn't too traumatised right up until the court system. I think they need to realise that I'm more traumatised by this Justice System than I am by the [crime] itself. That's where I've had to get most of my support from."

Understanding different perceptions of risk and fear

Closely linked to understanding impacts, staff also need to acknowledge and **understand differences in perceptions of risk and fear** and, in particular, try to better understand how risk and fear are perceived and experienced by victims and witnesses:

"When phoning [justice organisation], every person that I dealt with was unhelpful and had zero empathy for the fear and the trauma that I was going through."

The importance of **staff not trivialising** was a common theme throughout. Some victims and witnesses spoke of feeling that incidents they had reported had been trivialised because they may have appeared, at face value, to be insignificant and non-urgent. However, when considered alongside **wider contextual and other contributory factors** and from the perspective of the victim these incidents had caused significant fear and distress:

"So, not to dismiss things as trivial and therefore not that important and them rushing away from your house to get to an incident where there's been knives used or something like that. It's like, well okay, yes, there are equally as or worse things happening. But we then are left feeling like we're exposed, abandoned, have no protection at all because the incidents, the things that have been happening to us aren't quite bad enough, aren't quite bad enough to warrant sustained attention or - and [professionals] have to prioritise, that's what they've got to do but with little resource, so I understand that. But not being made to feel like our situation is just not really - it's a bit insignificant I suppose. And then that will deter you from reporting a similar thing in the future, I would imagine."

Linked to this was the need to understand that victims may have experienced previous victimisation or traumatic incidents which may be a contributing factor to their **overall fear response** or way in which they experience and respond to the current case:

“I think they need to realise that the person they’re speaking to, who’s the victim, may also be somebody that’s very traumatised, not only the person who’s the perp. And I think that’s something that they need to really think about right from the beginning...So essentially, they should come in with that approach to expect to walk into, you’re not necessarily dealing with the mask that somebody puts on in public life, you’re dealing with an individual who has probably got all these messes that individuals have. And that all of those could just come straight up to the surface at the drop of a hat, so you need to know you’ve got a real direct responsibility.”

Crucially, one respondent suggested that victims should not feel compelled to have to introduce or re-tell previous victimisation or trauma experiences in order to provide context for justice professionals in the current case. Feeling that they needed to share this information to provide context could leave some feeling even more vulnerable or exposed and potentially re-traumatised by wider life experiences. An assumption that victims or witnesses may have previous victimisation or trauma histories should perhaps be in place among professionals to remind them to treat current incidents with increased sensitivity.

Being able to understand perceived and actual risks, the associated fear and to be able to recognise that physical behaviours may be a reflection of that fear was also cited as key:

“I think they should have recognised that I was extremely traumatised by what had just happened and this wasn’t a meeting for answers, this was a meeting because I really felt like I was being dragged under the water and I was drowning with what had happened and I don’t think they recognised that I was extremely distressed, I was scared for my safety...”

Importantly, understanding different perceptions of risk and fear includes being able to identify suicidal thoughts that may be taking shape in response to **perceived risk, fear or sense of hopelessness**:

“I mean, in terms of like it dredged up so much for me the way [justice professionals] handled that interview. And even the fact that I had a panic attack was extremely embarrassing, I felt embarrassed and humiliated that I had a panic attack. So, I really did feel, if I hadn’t had my [relative] at the time, I probably would have - I would have jumped off the [name] bridge. I mean, I know it’s dramatic but I really felt that bad about it afterwards.”

Linked to better understanding fear and perceived risk, it is worth noting that several victims of repeat incidents by the same perpetrator indicated that they felt that initial reports had not always been taken seriously by justice professionals and that, if they had been, further incidents could have been avoided. One victim who had had a very negative response from justice professionals reported that she felt unwilling/unable, based on her interactions, to discuss her case honestly thereafter:

“I didn’t want to speak to them anymore. I mean, basically, I shut down after that and I just didn’t want to tell them anything else, I probably undersold everything that had happened, I didn’t want to speak about it. I just - I didn’t want to talk about the impact it had had on me. I didn’t want to share anything about my own situation. I just didn’t want to speak to them basically. So probably didn’t do the best case in saying what was wrong or whatever.”

Again, the risk of undermining or treating victims and witnesses without the level of seriousness they perceived was appropriate may result in fear around reporting in the future, and failure to report as a result. Indeed, perceiving that they were not being taken seriously (discussed more below) was a feature in several interviews.

Understanding and normalising triggers and responses

There was a general consensus that professionals in the justice sector needed to know **what might trigger trauma** when interacting with victims and witnesses, as well as to understand and **identify trauma responses**:

“They should know about triggers and how that causes flight, fight and freeze mode. That triggers trigger certain things and that can make things harder for us.”

“I think just a basic understanding of the triggers that stalking has on your physical and mental ability to cope. I mean, my cognitive ability goes down the drain when I start to panic...And I think that [justice professionals] need to understand that a small thing may have a much deeper impact on a victim than would be normally apparent.”

Importantly, several participants expressed a need for justice professionals to look beyond the surface of how someone physically presents themselves, and to understand that some trauma responses may be more subtle or discrete:

“...just because I’m not crying at that particular moment doesn’t mean to say it wasn’t traumatic.”

“...you just don’t know if somebody’s putting on that mask, there can also be all sorts of stuff churning underneath that people need to recognise.”

Linked to this was a need to understand how traumatic events can impact on individuals’ engagement with justice professionals and their understanding of what is happening at any given stage, i.e. **understanding how trauma impacts on engagement**:

“If you’ve had something that’s traumatic that’s happened to you, you don’t know your arse from your elbow... You want it to be very, very structured. Like let’s go, take it from the top, break it right down. Like talking to a child, explaining, this is what you do first. Because you literally - you’re not there at that point.”

“The authorities don’t take into account the mental/physical shock [and] the inability to think when you’re thrown into this ‘alien’ environment. Your whole world comes crashing down on you and you don’t [know] where you are or what to do.”

“So, trauma made me extremely vulnerable and also extremely fearful. I found it hard to trust people and I didn’t have head space to absorb information.”

Importantly, staff needed to know that reactions may be **physical as well as psychological** and be able to identify such physical signs in interactions:

“They need to know the real physical feelings it has for you. I think sometimes they don’t realise that you can actually feel like you’re just going to throw up on the spot. So, they need to know that you’re actually feeling physically extremely unwell in this situation and that in itself is an embarrassment. Cos if you did lose control of your bodily functions, how embarrassed would you be?”

“They need to know the impact that a panic attack and fear and alarm causes physically and that you feel like you’re dying. You feel like you literally can’t breathe.”

“I had to go and be sick in the toilet. I felt like the [justice professional] was annoyed at me for being sick.”

Linked to this were perceptions that staff needed to know how to reassure victims and witnesses who were displaying trauma responses, to let them know that their response was acceptable rather than unusual, unacceptable or something of which they should be embarrassed i.e.

normalising trauma responses:

“...it’s like you’re having a panic attack but it’s normal to have a panic attack, don’t feel guilty or upset, it’s normal for you to feel this way.”

Staff need to know that there is no such thing as a ‘normal response’ to trauma and that it can manifest itself in many different ways.

“I was absolutely trembling, you know, the physical signs of trauma were there. And they took me to the [justice building] and my legs - you know, huh, they must have known because, when we got to the [justice building] ... my legs just wouldn’t work. So, I was on the floor and one of them said to me, “Can you at least get up cos you’re making us look bad.” Honestly!”

“I know for me, when I first went with the [justice professionals], I at one point was laughing and I actually said to them, “Is this normal?” Like I’ve just had something completely traumatic happen to me but yet I’m laughing. I don’t know what’s normal...”

Again, examples were also given of where trauma had made people unable to communicate effectively, and it was suggested that these instances were not well recognised by justice professionals:

“I could not communicate well because of trauma... I couldn’t say the word rape for six months. It just would not come out my mouth. So, there were certain things that...”

“They have to understand this limited head space and there will be trigger words and - but you can tell by somebody’s reaction - well, I think you can anyway - when they’re starting - if you’re starting to struggle, you’re starting to string sentences. I mean, I couldn’t string a sentence together at some point. So, the body language, the way people are expressing themselves, the eye contact. After a while, I just looked down. You can’t even - you don’t even have the energy or the concentration to make eye contact. So, they have to be aware of the language, the body language of trauma and just keep making sure we’re still there...”

One victim suggested that embarrassment may act as a barrier in some cases to staff knowing when to intervene in the best interests of victims who are displaying trauma responses, i.e. that lack of knowledge and understanding around trauma creates a **reluctance to directly address the trauma** as a subject:

“...people said to me, “Do you want a break?”, but I would be like, “No I just want this over with.” But if they’d said, “I really think you should take a break now, you’re struggling, we can see you’re shaking.” I sat through an interview for two hours, shaking, physically shaking and not one person said...I think embarrassment comes into it as well. I think some people are embarrassed to be the first one to say, “You don’t look well, why are you shaking?”, “I think we should take a break here”. I got that feeling - maybe they just wanted to get through the meeting...But I didn’t want to be the one to say, “I can’t handle this, I want a break.” I don’t even know if I was aware. I was just exhausted, having hours and hours of this, I just felt as though, I need to get through it. ...But yeah, somebody should have said at some point, do you need a break or tell me, don’t ask cos a lot of people are - no, I just want to get through it. But, no, you need a break.”

Similarly, staff should respond in a way that lets people know that their experience is ‘normal’, as this can give comfort and help to reassure victims/witnesses:

I think it helped that when I told her [health professional] about stuff, she didn’t drop her pen or go, “Oh my God.” She actually seemed quite - I could tell what I was telling her, it wasn’t something - it was stuff she’d heard before...By her not freaking out, I didn’t freak out as well, so that was fine.”

Without such reassurances, people may feel a need to apologise or **compensate for their responses**, which could again contribute negatively to their overall justice experience:

“I was embarrassed and humiliated and I just wanted to get out the room...just continually then in that fight or flight and you’re like, “How do I get back out this room as quickly as possible without making a complete fool of myself?” You just want to get up and just sprint out the door. It’s like, I just want to get out of here, I can’t be here anymore. And I feel that - I mean, don’t get me wrong - I understand - see the [justice professionals] who are just going round doing their regular job, they’re not trained, they’re just - to be hit with this, must be incredibly overwhelming for them as well as the person that’s going through it. And to be hit with all this mess, they must be like, “Oh my God”. So, I was feeling a sense of responsibility towards how they would be feeling as well.”

One victim reflected on a positive response from a justice professional who seemed to identify her body language was a sign of re-traumatisation and respond appropriately:

“She just kept saying to me, “Is this bringing anything up for you?”... she just kept saying, “What’s this bringing up for you? I can see you’re getting really anxious, is this bringing something up?” And she was quite kind of therapeutic almost in her approach.”

The same professional had appropriately identified physical and verbal cues and reassured the victim that these were normal, this helping to ease the situation and reduce anxiety:

“She recognised every single sign in my body that showed that I was anxious and she noticed it and she referred to it and I automatically just relaxed when she told me that she recognised how I was feeling.”

Understanding the negative effects of re-telling

Several respondents spoke of the potentially re-traumatising effects of having to retell their stories on multiple occasions to different professionals in the justice system with general views expressed that there were “too many people involved” and that “no one communicated with each other.” Whilst victims were themselves sometimes surprised by the impact of re-telling their story, they also perceived that staff seemed generally unaware of the **negative effects of re-telling** for those involved and how this in itself could be re-traumatising:

“...they need to know that every time you talk about it, there’s a price to pay. So, every time they ask you a question, they want me to relive that, I’m paying that price.”

“Know and understand that it’s complicated and hard for us to talk about and when we do, we feel like we are reliving it and that can be worse than the trauma itself.”

“...every time the [justice professionals] left, honestly, it was like reliving it all over again, my legs were shaking with palpitations. But I couldn’t relate talking about it to what was happening to me again. If I’d known then what I know now, I wouldn’t have done it that way.”

“It [re-telling] was almost as worse as the events themselves...It just brought everything back and the physical side, the palpitations, I didn’t sleep for weeks. I didn’t relate reliving it, talking about it to basically re-traumatise it. All I did was, and I didn’t know, but all I did every time I spoke to these [justice professionals] was re-traumatise myself.”

Linked to the fact that many respondents had had to retell their stories on multiple occasions was the fact that people felt they had been passed around people within and between agencies at different stages of their journey, often without consultation, and in a process driven rather than a welfare driven way (e.g. from family liaison officers, to VIA, etc.). This had made some victims feel violated and had led to a sense of **over-exposure**:

“I think it’s that, crimes of my nature was so personal, that I would be discussing things with them that I didn’t discuss with my family or best friends. So, they have quite - for want

of a better word - privileged position in that I am disclosing to them things of this nature and that, each time you have to speak to somebody or be passed around, you have to disclose that again. So, I might have 50 people at [support organisation] that know my business where my closest family and friends don't and I think that's quite traumatising is that you have these two very distinct lives...I think I would just like just perhaps a bit of appreciation as to it's quite traumatic each time to have to disclose to a new person that's a stranger."

Having a better understanding of the negative effects of re-telling and reducing the number of times and the number of people with whom victims and witnesses need to share their experience was key learning for justice professionals, it was felt.

Understanding the importance of support

Several respondents spoke of justice professionals needing to **understand that victim and witnesses need support** from the very start of their justice experience and throughout. An understanding that support was the main and primary need that should be addressed when first involving someone in the system was seen as key:

"...from the knock on the door, you're just so traumatised, you don't think straight. So, you need a bit more support at that time, in my opinion."

Where support had been provided throughout, this was cited as a positive example:

"I don't think I'd still be here if it hadn't been for the support and I think the difference it's made was really, really significant in terms of to have that - she [support worker] was also available at the other end of a phone and, during Covid, that was absolutely essential because, obviously, we couldn't have face to face support. But because our support had started that way, it was just the same and it was also better for me because, initially, to have face to face with anybody, I don't think I could have coped with, so it was really good to have that non-intrusive sort of support on the phone. That was really helpful."

Even when victims and witnesses were unaware of their support needs in the immediate aftermath of incidents, having someone there (should they be needed) was cited by several respondents as an example of good practice, in retrospect:

"...at the time, you maybe don't appreciate the positive aspects of that because you're so wrapped up in the event and what's going on and the trauma of that - that it's only after it's all settled down a bit, that you look back and you think, that was positive or that was negative. And I would say the positives, looking at each stage, was the fact that there were people there that were taking the time and the trouble to try and support you and that was a major positive."

Personalised support was also cited as something that worked particularly well (linked to having a single point of contact, discussed more below), i.e. when staff had made gestures to make themselves personally available and accessible to victims and witnesses rather than offering 'generic' access to a wider support offer:

"It meant that I felt I wasn't just floundering and I had somewhere to go to ask because sometimes, going through the process, you feel, who do we ask or where am I going to get that answer from or whatever. But this [justice professional] made it really obvious to me that I could contact her and she gave me her email address, which was great, cos sometimes when you phone up, you're sort of going through about 40 people before you get to the right person on the normal line. So, she gave me her direct email address and I was able to just email her for advice, which was actually really helpful. And sometimes email's a lot better."

Another who had experienced support from a prosecution representative at the end of their case also commented on their positive experience of it:

"She offered to meet me at the court door, she followed up with me, she was the one that phoned me with the verdict, she followed up with me, she gave me an offer to speak about how I felt it had gone or any questions afterwards. She seemed to have like a really good just approach and just a genuine offer of perhaps not support, perhaps she wouldn't want it to be seen as support but just a follow up and some access to follow up."

Another victim also described how having third party support (in her case, support directly from her solicitor) acted as a buffer and provided strength:

"Every time I speak to him [solicitor], I feel stronger and then able to call the [justice organisation] and ask for something and able to speak to an agency and ask for help."

Victims stressed the importance of **non-intrusive support** and the offer of **flexible or non-formal support options** to meet different preferences and needs (to allow them to retain ownership over their own well-being):

"I think, in general, the best experience for me was [support organisation]. They were just wonderful. I mean, they were - I was given their contact details from [justice professional], they were very helpful as well actually. [Justice organisation] gave me really good information about risks and so on with the offence and then passed me on to [support organisation] really quickly. And [support organisation] responded immediately and they also didn't force me into a formal support. They let me choose what I wanted. So, they took it very, very slowly...They said, this will be at your pace, however long you need it, you can stop at any time, you don't need to continue speaking to us. So, they were just great in terms of... considering being trauma informed they asked me if there were any issues that I was facing from the past or anything that might have impacted on what was happening now. So, they did all of that, just to make sure that I was okay."

Some respondents commented on their preference at times to use e-mail or phone contact to communicate feelings, rather than face-to-face support. Support delivered in appropriate formats and via appropriate channels was also stressed, rather than general signposting to support *per se*. One respondent in particular, stressed that being signposted to websites or information for

support could be unhelpful and overwhelming, especially for those with little or no understanding of the justice system or the law:

“If you’ve not got any experience, legal experience and you’re going through websites that’s got all this words and terminology that you don’t understand, that’s like - that’s just absolutely ludicrous.”

In contrast, another spoke of the value of having been given information leaflets (containing information on support and the criminal justice process) which, although had seemed overwhelming at the time had provided some form of support in retrospect:

“And I remember at the time thinking, who’s really expecting me to sit and read this leaflet when I’m going through all of this that’s going on round about me? But when I look back on it, I see the positive side in that...”

One respondent also cited the importance of a helpline they had been signposted to, and how early signposting had helped in their journey. This same respondent, however, warned that the volume of information, especially from different sources, had perhaps been somewhat confusing or overwhelming in the period immediately following victimisation.

Some respondents spoke of **the importance of peer support or buddying** in helping them on their trauma journeys, and this is something which appropriate agencies could perhaps be more aware of and could signpost victims/witnesses to in the future. For some, there may be more ‘trust’ in lay supporters rather than in justice professionals and this may make them engage better with support offered by peers:

“...support from people who’ve gone through similar experience to me and have the same opinions and same feelings about the system letting them down.”

“I don’t trust the Justice System to not make my trauma worse. I still don’t trust them. But, at the time, I didn’t have the capacity to understand and protect myself and I’ve always said a buddy system - see if a woman was going through what I would go through, I would be delighted to help her.”

Another respondent highlighted that the **offer of support** was as important as whether support was actually taken up - indeed, support needs may not be at the forefront of people’s minds following trauma, but the offer should still be made:

“...we were just so wrapped up in what has happened here. But I do remember the fact that they were nice, they were friendly, they did give us leaflets, they did say to us, look you don’t need to read these just now but if you want to talk to anybody, there’s people you can talk to, there’s organisations you can go to. And it was more general stuff. I don’t honestly remember anything specific that was said that made me think, “Well yeah, I’ll need to avail myself of those services””.

Some had not sought actual support until a considerable time after the incidents in which they had been involved, but this did not make the offer of support early on any less welcomed. Indeed, one victim noted that the value of the support was only really recognised by them at the end of their interaction with the justice system once they had time to reflect on the process:

“...it wasn’t until everything was more or less over that I was able to look back on it and value it.”

Several victims also stressed that **support with understanding the law** was necessary, not only emotional support (linked to the need for system change around better explaining the justice system to victims and witnesses, discussed more below):

“He [accused] had so many solicitors and legal defences and people there to support, his family and what might happen here and what might happen there and legal aid and things. But for me, there was nothing. That would have really helped, just being able to know and being able to ask, to have somebody that held me in mind but not for like self-care, not for processes, for like legal information. Like, by the way, you’re going to want to know this. And by the way, you’re going to want to know that.”

Regular and ongoing support was also cited as key (and was linked to victims and witnesses being kept informed, discussed more below):

“...she [justice professional] also kept regular contact with me, so she followed up and she said, this is where we are with the case, this is what may happen. And then, when things happened as things moved on, she - I was able to email her and just ask her advice just on whether there were things I had to report or not.”

Understanding the importance of having someone on your side

While support in different formats was cited as key, several victims and witnesses specifically said that they needed to feel, at all stages, **reassured that there was someone on their side**. Indeed, this was a phrase used unprompted by several victims, mainly when citing examples of what had worked well:

“I was assigned a [justice professional] when I’d went to [name] High Court and [they] came in and introduced themselves, made sure that I was OK, explained to me as much as what he could explain to me at the time as to what was going to happen, the process...[and that was helpful because] I knew who was on my side.”

“I know, going into that [court] room, that that’s the person who’s fighting for me. That’s the person who’s on my side.”

“...the [justice professional] that I was speaking to or, rather, she was speaking to me, was very much sensitive, very much on my side, making sure I was OK, is it OK to do this...So, she was very much positive from the get go. She was nice.”

“Just made me feel relieved, made me feel comfortable, felt like I really had a friend, felt like I had somebody that was on my side and that, actually, maybe things weren’t as

impossible. Again, it's that sort of comfort, I felt like I was able to tell her more than what I previously would have."

Where things had not worked well, the absence of having someone on their side was also cited by victims:

"I didn't feel like anyone was there to support me or on my side."

"...when I was in [court] answering the questions, the questions very much seemed - like every question, I don't mean just the defence questions, I mean every question even from the [justice professional] felt like they were tearing me down and nobody was on my side. I didn't feel as though there was anyone there for me because I didn't know who was there for me at the end."

Overall, the key things that staff needed to know were what trauma is and how it can manifest itself, how to respond appropriately to trauma responses (and how to avoid triggering such responses) and how to effectively signpost victims and witnesses to appropriate support at every step of their journey to reduce feelings of being alone.

How Staff Should Respond

Showing compassion, empathy and humanity

Compassion, empathy and sensitivity were the three most widely used terms by victims and witnesses when describing how they wished staff had responded differently to their trauma and to prevent re-traumatisation.

Lack of compassion was noted across the sample in interactions with various justice agents, and its absence had negatively impacted on victims and witnesses with lasting effects. Examples of where compassion was seen as being particularly important included:

- when sharing news of the death of a loved one;
- when asking someone to carry out formal identification of a body;
- when discussing charges that may be being brought against victims, witnesses or their families;
- when discussing sexual offences against a victim; and
- when interacting with repeat victims and those at high risk of future victimisation.

Lack of compassion was most often evidenced by the cold or insensitive way that conversations had been handled and the ‘matter of fact’ approach that people perceived characterised much of the justice system. As one victim explained:

“I think they should have been less sort of clinical and cold and, yeah, just matter of fact, I think. They just didn’t seem to show that - yeah, the demeanour was just like, “This is what we have to do”. Do you know what I mean? “This is something we’ve got to tell you”. But it’s just broken to you in a very dispassionate way really like, I feel...like even if they’d said something like, “I’m really sorry to have to break this news”. But I can’t remember that even being said...I don’t know if it’s in their remit at the moment but I think, as I say, they’ve got a job to do and they probably do it over and over again, so that’s probably why they have to keep that sort of straight face, no compassion. Just break the news and that’s it. Instead of sitting and saying, “I’m very sad to tell you”, or, “Sorry to tell you”. As I say, I can never remember these words being said and yet I remember every second of that.”

Empathy was also seen as absent in many interactions and was perhaps the most frequently cited trait that justice professionals were thought to need to better reassure victims:

“Just empathy and understanding. I know they’re professionals and they have a job to do and they can’t cross the line but, yeah, just around empathy, understanding, reassurance that you’re not completely abandoned afterwards...”

“I think they need to be more empathetic; they need to take into consideration that when you report a crime, it’s one of the hardest things that you can possibly do, especially if it’s a relationship cos you’re essentially turning against someone who, at one point, you probably were in love with.”

“But it’s the empathy, it’s the understanding, it’s just that knowing that a simple little flippant remark can just set somebody off and take them down a road that they really don’t deserve to or don’t want to go down.”

“From the minute the [justice professional] broke the news I felt I was on the outside looking in. There’s a lack of empathy within the [justice system] of the devastating impact it has on families. You’re in shock, unable to process what you’ve been told, it can’t be true, but it is. Then you’re taken on the worst journey of your life. You’re controlled and told what the system requires from you. Very little concern, if any, or regard for the impact on your mental/physical health and well-being. You feel ‘child like’ vulnerable out of your comfort zone. You do what’s asked of you because you believe you have no choice. You can’t question the law!”

“We want that empathy, we want that sensitivity, we want that trust to be built up, we want that relationship with that person because, at the end of the day, you’re supposed to be there for us.”

Being able to ‘walk in someone else’s shoes’ and not make assumptions about what is best for that person was seen as key. Treating each case on its individual merits and each person’s response as unique was seen as essential in order to provide **individualised and human responses**. Indeed, respondents spoke of feeling that the system had been somewhat impersonal and that staff had perhaps been too business like in their approach, instead of adopting a more ‘human’ approach:

“I felt like I was just a number instead of a human being.”

“I was just like another number; I was just another cog in the machine.”

“I felt like it wasn’t taken seriously and I felt like I was just another statistic, a girl who’s trying to get justice.”

“I think it just comes back to what it actually is, what it means for people, how people process it in different ways, people deal with things in different ways, how not to sort of treat every case the same as the last one because people are different, situations are different, dynamics are different. So, I mean, just a lot about the human element I suppose.”

“Some humanity would be nice...I am a person and I deserve to be treated like I have feelings and that I was completely overwhelmed and confused about what was going to happen because no one took the time to talk to me...I was so worn down by the process and the humiliation that the trial didn’t even matter to me. I just wanted it to be over with. So maybe if justice staff treated victims like they have feelings and not just a cog in the justice machine, victims might not be so exhausted by the time the trial arrives.”

While some victims accepted that the technical aspects of professionals’ jobs needed to be done, there were suggestions that staff could have approached interactions in a more personal and ‘helpful’ way:

"It felt like they were simply doing their jobs (which is fine), but they weren't going out of their way to be helpful."

"They forget that you are human and you have feelings I would be emotionally vulnerable and they were just concentrating on getting the evidence and case done no training or emotional support."

"I think they just need to be human beings. I mean, that's the most important thing. It's like they very much go into the role and they're coming in, in their role, and I think - and I know they need to have that boundary in place for their own safety as well. But there needs to be an element of showing your human side to victims throughout and not just going into coping mechanisms themselves."

Indeed, where interactions had been helpful, these had been characterised by 'human' responses and a more relaxed way of interacting which allowed victims to express themselves as individuals, rather than as victims alone:

"Just in terms of - I don't know - just really a really nice way people have had of just putting us at ease and just helping us to relax a little bit and making us understand that we don't have to remember everything. And also, just chatting to us a bit more widely about other things...just really good at almost distracting us from what is about to happen, if you know what I mean. So just that way of being able to just make us a little more calm, tell us what we need to know in terms of what's going to happen and what we need to do when we get into the court room. But also, when we're not in the court room, how to decompress a little bit, I suppose."

Another described how a professional expressing an understanding of the situation made them feel that the response was more human:

"He [person who answered the telephone] said, "I understand it's really difficult to be waiting and to not know the outcome." So that was great actually cos it made me think, you actually know I'm a human being here on the other end of the line."

"...she [justice professional] actually saw me as a person, as an individual rather than just another witness, another person coming through the system."

Comments were also made, however, that where justice staff had tried to empathise or explain things to victims and witnesses, they had sometimes made inferences about the character of the parties being discussed. This could be upsetting for victims/witnesses, where staff projected a stance that they 'knew' the person being discussed, but actually had little knowledge of them as individuals before they entered the justice system. While justice professionals should adopt empathetic, individualistic and human approaches to their interactions, they should not overstep

the mark and assume to know more than they did about those involved, or to assert views or opinions on their character, it was felt.

Avoiding stereotypes, labels and assumptions

A key contributor to showing humanity in interactions was the **avoidance of labels and stereotypes**. It was important for staff to acknowledge and respond to individuals in a way that was not biased or skewed by their status as a 'victim' or 'witness' it was suggested, especially given that there was significant overlap between the two, i.e. most victims are witnesses too. There was perhaps some evidence that staff treated witnesses less sensitively than victims but also that, while some victims had been labelled as vulnerable, this had not translated into any meaningful action to mitigate vulnerability:

"Understanding that all witnesses were once victims and that calling us witnesses doesn't justify treating us differently from 'victims'."

"So, when you're dealing with a vulnerable witness, to me, the first thing I'd be like – "Why is she vulnerable?" You know what I mean? But you're just labelled that, you're labelled as vulnerable but you don't get the kind of attention or the stuff that you need."

"I just feel that you are a number. So, if you contact [justice organisations] for updates, they don't actually know who you are or what your status is. You are just a witness, so you could be somebody that saw somebody shoplifting or you could be a victim of rape. But they treat everybody as if you are a witness of a shoplift in Asda. So immediately, you have somebody who's perhaps disinterested, quite frustrated, getting a lot of calls towards the end of an afternoon when people are looking for updates and you get quite dismissed. So, I think, generally, my experience was that there is no hint to who is picking up the phone or communicating with you as to your status. You get just the general status of witness."

One victim explained that they had sense from the language used by a justice professional that they had underlying stereotypes which had informed their thinking:

"...when you have to go to and from [justice buildings] and speak to different [professionals] about an array of different things, the questions that they ask you sound like they're reading into a stereotype..." "What were you wearing? How drunk were you?" I know these are questions that they need to ask but it should be asked in a different way."

On a related note, some victims and witnesses had been left frustrated by the way that the system was able to respond to them as a result of constraints imposed by the labelling of individuals as either 'victims' or witnesses':

"I was promised support for after the court case but then it turned into a [plea] deal and because my name wasn't mentioned I was then not available [eligible] to get the support because I was a witness and not a victim."

"Well, my trouble was, [my relative] came to a lot of these meetings until it got to a legal thing where she was a witness, so she wasn't allowed in the legal meetings. So why didn't

they tell me that from day one? So, [my relative] had supported me all the way through and then, all of a sudden, legal thing changes and, because she's a witness, she now can't be in these meetings. So that's me now left floundering with - and I had to go and find an advocacy worker."

Some people felt negatively impacted simply by being given a label of victim as they felt that this came with negative connotations with **victims being stereotyped** as being 'not in control'. As one victim explained:

"I don't want to be a victim; I hate being a victim. I said that to people over and over and I kept feeling I was being put in the place of the victim and I didn't feel empowered at all."

In response, it was felt that professionals should not treat all victims as generic 'victims' and all witnesses as generic 'witnesses', but rather that staff should make some effort to understand at least the generalities of what people have been through during their interactions. One victim suggested that it would be good if the system could be changed to alert staff in various justice organisations as to the general nature of the incident in which an individual had been involved at the start of any contact:

"I can't see how there can't be particular channels for identifying cases at their end, so that it's a read out whereby appropriately trained staff who have an understanding as to why somebody might be calling, what they may need, how it should be dealt with. Rather than just being put into this massive general pool of pot luck as to who you might speak to."

One victim also observed that many professionals within the system may not appreciate that they too are sometimes rightly or wrongly clustered together in the minds of victims as representing 'the system' rather than being viewed in their individual roles:

"I think it's that no matter their role, it could be the security guard at the court door swiping you down with a metal detector, it could be the person at [the support organisation], that they play as big a part because it all becomes the same picture. You know, if I was a piece of puzzle, they're usually the same size...It's the whole cumulative effect of them all together."

It is important, therefore, for professionals to recognise that the language and actions of every individual within the system can impact on the overall experience of victims and witnesses. No matter how small or large their role is within the system, they may still be perceived by those outside of the system as being representative of it.

Managing communications

A key cross-cutting theme to emerge from the interviews was the **importance of appropriate verbal and non-verbal communication** used by justice professionals when working with victims and witnesses. Some of the key things that respondents had deemed inappropriate in their experiences and which should be avoided in preventing future trauma included that:

- staff should use neutral, non-biased and non-judgemental language when working with victims and witnesses (while still not making it impersonal);
- all information and discussion should be communicated sensitively (including appropriate use of content, tone and physical delivery); and
- staff should never make ‘flippant’ comments/observations, trivialise or generalise about trauma incidents and what those may mean to the individual concerned.

One victim highlighted how important language and communication could be for survivors of trauma and how wrong choice of words or **poorly managed language can be retraumatising**:

“What I cannot get over and what I can try and help change is the attitude and the things that came out of people’s mouths. That thing’s happened, that was a physical thing that happened and that’s never going to change. But what can change is the way that we treat people who a trauma has happened to because that’s the biggest impact that has - that has been the biggest impact on - jeezo - that has had the biggest impact on my life outside the actual physical trauma. I’ve got over the physical trauma. What I can’t get over is the things that I’ve had to hear on my journey going forward.”

Negative impacts of flippant remarks also featured in several accounts, including one victim for whom a professional had likened her case being dismissed to ‘winning the lottery’ for the accused/defence:

“It’s been more hurtful than anything, that somebody who was supposed to be helping me and believe in me and taking my story and doing it justice, has just said a throwaway comment like that as if it was nothing.”

In another case, a professional had wrongly and flippantly commented to the victim that they were confident of a conviction, and this had caused unnecessary secondary trauma when the accused was in fact found not guilty:

“I don’t think they should have said things like, this is a very strong case. I don’t think she should have smiled and laughed and joked when we were having interviews. I think she should have strongly reinforced this idea that there’s no - like, we don’t know what’s going to happen.”

The way that words had been spoken had also made a difference to some people’s journeys (i.e. **using appropriate pace and tone**):

“...even to have that warm tone in your voice...just to put that warmth into your voice to make somebody feel they’re cared about and that they matter. So - and even just the way that - you know, that kind of relaxed posture that they’ve got, so they make you feel that you’re not making them anxious, so they’ve got a relaxed posture and they’re making eye contact and paying attention to you is really important.”

“...just like there’s a tone, there’s just a certain tone. I don’t know how to describe it but there’s just a certain tone that they have...it’s very much like they’re really rushed, there’s a

lot of phone calls coming in, they're really quick to get you off the phone, they're not that helpful when you're asking for more information or how can I pass this up, how can I get this taken into consideration kind of thing. Whereas I think [support organisation] are just far more considered and they don't rush you and they do their best to find the answers."

The way that questions had been asked had also made one victim feel more comfortable, i.e. **sensitive framing of questions:**

"He [justice professional] honestly knew just to sit down and let me talk and, kind of like you're doing, asking very open questions. Previously, [professionals] would be like, "Are you hurt?" And you had to answer 'yes' or 'no' there and then. Whereas he was maybe more - has there ever been a time you've been in pain because of what he's done?... and it felt like I had more control, there was no pressure to answer them."

Avoiding harsh and bullish behaviours was also cited as key when trying to engage victims and witnesses and to evidence compassion and sensitivity:

"I suppose maybe just being a wee bit more careful in the language that they used. So, for example, there were occasions where the [justice professionals] were called for incidents on our property that didn't happen...And we were treated quite harshly because there were false reports made against us and, rather than shout at me on the doorstep of my house at 3 o'clock in the morning, maybe they should have taken the time to understand a bit about why an accusation may have been made against us and [ask] "Is that likely to be true?""

Again, the importance of using appropriate language was stressed as a means of getting victims and witnesses to engage, the suggestion being that inappropriate communications could lead victims to disengage at crucial points in their journey:

"I wasn't telling them [justice professionals] anything cos I was brushing everything off, because I was just like, I want them to leave. And then at one point, they asked me, "How often does he beat you up?" And I was like, "Maybe about 3, 4 times - 3 to 5 times a year". And he just looked at me and he said, "OK, how many times has he beaten you up so far this year?" And I was like, "Twice". And he's like, "So he's going to beat you up at least another 2 times this year?" And it was almost like they were a bit - like they were trying to be smart with me. And I just - all I could think of was, "Fuck you!" I mean, he was right but the way he was doing it, he clearly did not recognise that that was not - like this was not coming in well, I was not taking that well, I was starting to hate him more than I liked him but felt like he was being cheeky."

Similarly, respondents indicated that it may not always be appropriate for professionals to use discussion about their own personal lives to try and make victims and witnesses feel more comfortable (as this can sometimes be perceived as undermining the severity of the situation):

"I mean, I know some [professionals] want to talk about themselves maybe to make you feel more comfortable but it didn't. I ended up sitting listening to this load of rubbish because I felt if I told her basically, "Stop talking about your personal life"... So, I'm having to sit there

listening to this woman talking about her personal life... and, inside, I'm just thinking, "Just shut up, shut up, shut up." But I had to almost like pretend because I need her on my side."

Another key point of effective communication with trauma survivors was **avoiding jargon**:

"...to not necessarily treat people as if they just aren't going to understand. Most people may not legally understand certain terminologies and, yeah, I think all of us would get that. We haven't had legal training for ten years at university and whatever else is involved. But we're not all stupid enough not to understand basic language and putting things in basic language but along with a certain amount of empathy and just truth."

One victim described feeling overwhelmed by legal terms and another suggested that staff should always try to **make conversations more accessible**:

"Trauma robbed me of my head space. I had a very, very narrow concentration band just to understand what was being said...It's just too much. It's almost like you need to think you're talking with a toddler; you need to stick to the topic and take your time and just make sure I'm taking it in."

Where things had been clearly and simply explained to victims and witnesses in a language that they understood, this had contributed positively to their overall journey:

"He [justice professional] came in and he introduced himself to me, he explained everything from this is the door you'll go in, this is where you'll go in, this is where you'll sit. He, again, broke it all down. I think there's a common pattern. See if you're from the very beginning and you're spoken to in laymen's terms because you need to remember some lawyers will come in - like from afterwards anyway - they'll come in and just talk jargon to you. We don't know that jargon cos we've never - we're not lawyers."

"I would say probably the human interactions, most of the time, I'd say 90% off the time, are people who understand. You just know that somebody's been well-trained, they're experienced, they know that this is a very, very traumatic situation for anybody that's left behind to deal with. And they're very understanding, they talk over things in such a way, they don't get bogged down with legal dialogue. It's all relatively basic straightforward language that they use and they explain things and then they'll go over them again."

Being **non-judgmental** was also cited by many as key to interactions, with both positive and negative examples given:

"She [professional] made me sort of realise right from the beginning that she wasn't there to judge anything. She was just there - she made it very boundaried, so it was a case of this is - "I'm not taking any sides here, I just want to hear what you feel and what you've got to say". And she said, "I don't have any preconceived ideas" and she was very - I would say she was really caring."

“...they [justice professionals] came as if they were fed up at being there, their faces were really angry, they looked as if they didn’t want to be involved in it. So right from the beginning, I felt as if they were judging me rather than the situation and that made me really upset cos, I judge myself enough in that situation without somebody else doing it. So, it was really, really difficult and challenging with them to be like that...”

The importance of **appropriate body language** was often equated with whether or not the response had been sufficiently compassionate and sensitive (including appropriate use of physical touch and respecting personal space):

“...she [justice professional] actually leaned forward and touched my hand, which I actually found really reassuring and very kind...I’ve never really thought they would be like that in that situation, so she was actually really kind and showed that kindness in a physical way, I would say.”

“I don’t know if he was trauma trained or not but he [justice professional] didn’t touch me, he didn’t come in my bubble. He just sat down, did his job and left.”

“The way she [justice professional] was speaking to me, the way that she didn’t just come in and be intrusive into my space.”

Another victim spoke of how a professional had also used their body language and communicative gestures to good effect to remain neutral yet still make them feel supported:

“Well, like in a weird way, she sort of expressed how she felt about what I was saying without actually saying words. So, when I would say things that were bad...she would do things like [make noise] do you know what I mean? And it was just like she would react without having to use words. She would shake her head and it was like the unspoken thing. Like they’re not supposed to do that cos they’re not supposed to have an opinion cos they’re supposed to be non-biased and they’re supposed to deal with the facts and whatever. But she showed me was on my side without saying it.”

In contrast, one victim spoke of when a professional had inadvertently invaded her space and described the negative impacts of such:

“I had an overnight bag and he reached - I mean, he was being a gentleman but he reached into my personal space to try and help me with my overnight bag and it just totally freaked me out. So, the surroundings have to feel safe. You have to feel safe.”

Two other participants described how staff had appeared disinterested, not in their words, but in their body language:

“I mean, even just their body language cos one of the [professionals] actually sat with her legs to one side tutting persistently and looking out the window... just showing that she was completely disinterested and couldn’t wait to get out the door, just made me feel, “What’s the point in continuing this conversation, it’s not going to go anywhere”. And the

other one was aggressive, so she really needed to be quite kind of compassionate rather than aggressive.”

One victim highlighted how the physical actions of others towards one another might also be witnessed by vulnerable parties and impact negatively on their own sense of security:

“The [justice professionals] were laughing together in the waiting area in clear view of me. My anxiety was off the scale and already paranoid about my safety. It made me so confused and hurt. Already not really understanding the court process. The [professionals] involved should be aware that their thoughtless behaviour can be really harmful.”

As well as responding with appropriate verbal and non-verbal communications, examples were also given of where professionals had used inappropriate written correspondence. One victim explained that they had received an unexpected letter explaining that they had been cited to appear as a witness without receiving any prior notification that they would be asked to fulfil this role. This had resulted in them having to seek out further information and receiving contradictory advice on whether to fulfil the role or not (with a conflict in messages around what would be in the best interests of the case and their own wellbeing):

“I was not told that I was going to be cited as a witness...And I got a citation through the post. Nobody told me I was going to be cited, nobody said anything about it. It just appeared through the post and I phoned one of the [professionals], spoke to them and she said, “Oh I honestly don’t know why but I’ll look into it and I’ll give you a call back”. And within an hour, she called me back and said, “Yeah you’ve been cited as a character witness”. And I thought, “Right OK, what does that actually mean?”... And then we started - we went to a pre-trial hearing and we turned up at [court] to the pre-trial hearing. And I wasn’t allowed in and this is at the point where I’m actually at the court for the pre-trial hearing. And of course, I’m like, “What do you mean I can’t come in?” “You’re listed as a witness”... nobody had said to me that because I had been willing to be a character witness, I couldn’t take part in any of the proceedings in the run up to the actual main trial itself because I was going to be cited as a witness. Nobody had explained any of that. And I thought, “This is just horrendous.””

This respondent agreed that, if others had explained to them the consequences of the decisions they were having to make at one time in relation to what might happen later on down the line in the judicial process, it could have reduced trauma, i.e. providing real clarity at the point at which they needed it.

Another victim explained how even routine written communications could be retraumatising unless framed and presented in an appropriate way:

“The staff seemed to follow the justice department’s protocol which was very clinical and straightforward. So, I can’t really blame individuals, but the system as a whole needs a refresher on how to interact with victims. For example, I kept getting emails with the offender’s name as the subject line. That’s not exactly a great thing to repeatedly see. It didn’t end until I sent an ‘all caps’ email saying to get his name out of my inbox. It’s little things like that which probably fall to the wayside that make it even harder to be a victim...It

felt like this was just a job to them, which I do understand, but if they're going to be in this particular job, they need to think their actions through and realize that little things like a name in an email can be upsetting."

Other examples were given of a professional sending triggering images without prior warning via email, and images of sexual assault/rape being shared widely within professional circles without the victim's knowledge or consent. In only one case was an example of positive written communication cited:

"Everything, like on top of all the forms, they were like, this is confidential. And I was like, "Thank God, I can just do something confidentially.""

A small number of respondents spoke about the importance of **managing personal data** and information about incidents to ensure that they did not become too public too quickly, as this in itself could be very traumatic. Examples included the sharing of incidents on social media or in the press and some details being shared that way before victims, witnesses or family members themselves even knew what was going on.

Listening, understanding and believing

In addition to speaking and communicating effectively with victims and witnesses, several respondents stressed the importance of good listening skills in helping to reduce and prevent trauma. Specifically, staff have a key role in reassuring people that their voice is important and that they have a right to be heard. Crucially, many also stressed the **importance of being believed**. Indeed, where people had been listened to and believed, this had been positively received:

"And it helped me to understand that I wasn't crying wolf, I wasn't escalating things out of hand. She [professional] was very specific about saying, do not go back there alone, you're not safe."

"...they [support organisation] just knew, they could relate to what I'd been through and they believed me and I know the others probably believed me but they said, we believe you, we believe because you're so traumatised, you're just terrified. So, they knew how to - not even calm me down but they just spoke the same language."

"I did feel kind of cared about, I did feel listened to, I did feel like something could be done. I didn't feel pressured or rushed anymore."

In contrast, several victims and witnesses saw this as something which had been absent in their own journeys:

"I needed someone to listen to me and believe me... I was patronised and then bullied into thinking that it was my fault and that I was over-escalating things that weren't important... I felt I was disbelieved. I felt I was being ignored. I was being patronised and that they would literally do nothing about this man stalking me."

“...when somebody comes in and interviews you and they make you feel you’re not being believed, they make you feel that you’re irrational or you’re - that’s one of the big things, it’s like being irrational, it’s like you’re over-reacting to this situation can be a huge thing.”

“Believe. If somebody’s coming to you to make a rape allegation, it’s not about guilty until proven innocent or innocent till proven guilty. It’s literally just like believe the survivors, believe that it happened, do a good job of investigating it and upholding that.”

For several, a very specific juncture where people felt their experiences had been questioned or their views undermined was in giving evidence in court. Specifically, it was suggested that the way in which questions are asked could make people doubt themselves and cause unwarranted stress. While recognising that this may be unavoidable in an adversarial system, it was still suggested that staff should know the limits of acceptability in this course of action:

“...sometimes when we’ve been giving evidence... we’ve often been made to feel maybe to doubt yourself in terms of what you’re saying...And I know people have to be sure but - or maybe throwing a bit of a curved ball in there or, could it have happened like this or could it have happened like that? You’re trying to tell your story in your way in terms of what happened to you but actually being thrown off course a little bit. That’s happened. And as a result, you come away thinking, maybe I have said something wrong, maybe I did provoke something or maybe I did, you know, maybe I did something that I didn’t realise I did subliminally and I created this [victimisation].”

The consequences of people being questioned too aggressively or spoken to in ways that they did not understand included self-doubt, fear and anxiety:

“It scares the crap out of you, honestly, and then you’re sitting there and you’re confused and you’re expected - you know you’re expected to know these big words and then you sit there and you think, “Am I stupid? Did I miss something there?”... I don’t know. Do you think because I don’t know these words that I’m less of a case for you to take on as well? It’s just simple wee things like that.”

Again, apart from adding unnecessary stress and trauma to people’s journeys, a key consequence of not being listened to or heard was disengagement with the system:

“...the more you feel people aren’t hearing you, the more you just don’t expand. You shut down. So, basically, I was shutting down because I felt like I’d just been seen as this ‘daft wee victim’ who didn’t know how to stand up for herself and what was the point in telling them anything else. And it made me feel like for a long time... I felt I couldn’t do my job anymore because I just felt like a victim.”

“I would not report something that happened to me...I would perhaps report something that I saw that affected other people because, just as a witness to that. That I think I could cope with. But I personally wouldn’t report anything that happened to me...of a similar nature.”

Being patient and taking time

Linked to effective communications, several victims and witnesses spoke of the **need for more time** when sharing their experiences with justice professionals, to allow them to both accurately express what they wanted to say and also process the emotions and responses that they may feel at the time. Victims spoke of feeling muddled and confused as a result of their trauma and feeling that staff should allow more time to facilitate the processing of thoughts and feelings:

“I think they need to understand that victims or their witnesses can sometimes freeze and therefore just have the patience to let them be for a couple of minutes and then ask more leading questions that will allow the victim to speak about that trauma.”

“Your mind gets muddled, your mind gets muddled and you can’t always give a black and white answer and that’s why it’s difficult when you give a statement for something like rape because it’s almost like you should maybe talk about it with the [professionals] first. I understand their process regarding statements but you do get muddled, your head gets muddled...So, I think even for giving statements in domestic abuse, they need to really give you time and space and not be forceful to get this done quick. This is not a quick job...this is the kind of thing that could take all day.”

Again, where staff had been patient, this had stood out as a positive part of people’s journeys:

“They took the time to listen and support you whilst the other people were just wanted the case/job done so they could move on.”

“...they sent me out a [senior justice professional] after the [junior justice professional] who hadn’t been helpful, and she was brilliant. She took her time, she checked out...if I was okay all the way through and she just took it at my pace again and always said, we don’t need to continue if you’re not OK to talk.”

“There was plenty of time and there was no pressure to do anything. It was actually just kind of nice to be able to speak to somebody that had the power to do something serious - like take action on it but was promising and he did stick to his word. He [justice professional] said, “This is entirely within your control, you don’t have to report something.” And I think that made me feel a lot more confident... it was just nice to be able to sit and talk to somebody for hours and hours on end and just be with somebody sort of official... and he was really good about it, he was really calm.”

While recognising that the system sometimes places time pressures on staff to get things done, victims and witnesses nonetheless felt that there should be scope for certain interactions, especially giving initial evidence and preparing for court, to be handled more slowly and with patience.

Demonstrating professionalism

Where people had **displayed professionalism**, this had also helped to reassure individuals and make them feel in safe hands:

“So, the first [professional] that came out, he was in control, he was positive, he sat and listened, he took my notes, took my statement and he left and he dealt with the job and he stuck to the job and I left feeling positive. Here’s a professional man, he knows what he’s doing and that - because I was - I don’t want to keep using the word traumatised but I was like, I didn’t know what was happening and I was in a terrible state. So that calmness, that stick to the job, ask the questions, get your statement and leave, that’s what I found positive.”

“...what helped with the trauma was seeing somebody that’s in control, that’s taken control, that’s taken the statement, that was eye contact, that was listening and just writing it down. There was no other smarmy comments or anything like that. He just did his job and that made me feel secure and confident.”

Where people had shown professionalism, this had helped to instil confidence in victims and witnesses. Others spoke of an ‘inbuilt awareness’ that was demonstrated by some and a **self-confidence** which they had also found reassuring.

Some victims identified a difference between staff for whom the role was a vocation rather than being only a job and felt that this had impacted positively on their experience:

“I don’t think you realise it at the time but, as you go through a process and you meet and have to interact with various different types of people with different levels of authorities and different responsibilities within this entire process, you very, very quickly get to understand those that you know get your situation and you know within minutes, in all honesty, especially the ones that don’t. You know very, very quickly the ones that don’t because they just have a different attitude about them and just the empathy’s not there and it’s just a job to them. Whereas these two [professionals] - and, as I say, the one in particular - it was as if she became a friend. It wasn’t just a job to her. You knew it just wasn’t a job. It was a vocation; it was call it what you will but it was more than just a job to her. She just got that she was there to help and empathise in all sorts of different ways and she just got it.”

Victims described being able to tell the difference between someone who was just doing their job, and someone who had a passion for their job and for doing things well. For this latter group, there was a sense that they viewed **victim welfare as the priority**, rather than viewing their professional role and responsibilities as the dominant force in determining how interactions were managed:

“It wasn’t as though she was in to investigate what had actually happened to me. It was to make sure that I was okay first and foremost rather than coming in and just bombarding me with questions like, “What happened, why did it happen, where were you, where was he?” Like all this sort of stuff, that was in no way her job at all. She came in and made sure that I was OK. Obviously, she was asking me some questions here and there but it wasn’t to do with what happened.”

Importantly, while vocation and ‘going above and beyond’ the strict remit of the job was welcomed, others also felt it was appropriate that justice professionals did only stick within the

realms of their roles and not try to become too personal. This especially included any sharing of personal opinions of incidents which may be perceived as inappropriate:

“That’s what I want when I go through the Justice System. I want someone who knows their job. I’m not asking for anyone to go above and beyond. Know your job, do it properly, do it with compassion and do it well... And I think that the trauma - that helps you with your trauma, when somebody just knows their job, you can trust them.”

Delivering on promises

Several participants stressed the importance of following through on promises as a means of fostering and maintaining trust in professionals and felt that evidencing trustworthiness was key when meeting victims and witnesses:

“Follow through, if you say you’re going to do something do it.”

“...if they tell you they’re going to do something, then they need to stick to what they’ve said they’re going to do.”

In cases where promises or reassurances had not been kept, this had resulted in negative experiences and individuals **feeling let down** and **feeling vulnerable**:

“I made them aware that I wasn’t going to be at the trial and I wanted to know when the verdict was coming back, I wanted to know that and I wanted to be in the court when the sentence was passed. But really, I was informed that sometimes a prisoner goes back or the person that’s found guilty goes back into prison and gets brought back until they read background reports. That was all done seemingly on the same day. There was very much a lack of - there was a total breakdown in that... I wanted to be informed and I could have been there and that I wasn’t...because they failed to let me know, yeah, badly let down by that.”

“I was told that, eventually, they were going to arrest the perpetrator and they told me it was going to be a certain date.... And I said, “Okay, I will make sure I’m not there...” And I told the [justice professionals] when I was going to be at my home to pick up essential work items and they arrested him at the time that I was there, just before I was there, and I was abused by his family... They needed to know that I was walking into a den of vipers by them not alerting me that they had changed their minds about the time and data of arresting this man.”

Another victim explained that even missed appointments or calls could result in negative responses:

“Don’t tell me you’re going to phone at 2 o’clock cos I’m sitting at 2 o’clock waiting on the phone ringing and it’s a big build up, you’re exhausted, your anxiety is churning cos you’re going to have to talk about it. And then they don’t phone, they go, oh I was really busy. Well, I’ve been sitting for 10 minutes before, building myself up to talk about this and [the professionals] don’t turn up...”

In contrast, in one case where a victim felt that their in-court experience had been acceptable, this was because both defence and prosecution had prepared them for what they may face and had left **'no surprises'**. Another victim, who had been generally disappointed by the system response, explained how one helpful individual who delivered on a promise had assisted in improving her journey:

"I had one guy who was absolutely brilliant actually and he was like, "Look, just don't you worry, I'll phone you tomorrow, I don't have the information right now, I'll phone you tomorrow" ...He told me why he couldn't tell me there and then. He told me when he would be able to tell me and he told me what he would do to tell me then and he did, he stuck to his word, he phoned me at exactly the time he told he would tell me."

Acknowledging limits and offering apologies

For some victims and witnesses it seems that if staff had acknowledged both their own personal limitations as well as **acknowledging the constraints of the system** this may have helped them to process and better accept their experience. Where clear parameters had been set and expectations managed, it was cited as good practice:

"...she was very apologetic - she said, I'm so sorry, I can't help you further, I wish I could."

Where mistakes had been made, it was also suggested that appropriate apologies are made, to avoid undermining the justice system in general and making victims/witnesses feel more alienated or fearful. As one victim, whose personal data had been inadvertently shared with the perpetrator explained:

"...see if the [justice professional] had accepted the mistake and apologised, I would have drawn a line under it. But, by not doing that, it increases my trauma because I think, these people just - you know, they're making it worse here. What else are they going to do to him or send to him?"

Another, whose prosecution team had failed to secure what they believed would be a relatively straightforward conviction explained:

"...maybe even conveying that to me by saying, "I'm incredibly frustrated, there's nothing I can do but I want to be able to do something, I'm going to try and help advocate for change, given the position that I'm in". I don't know. Something like that. Just show me that they're frustrated at least, rather than going, huh...Or smiling or being light-hearted about it."

In one case where the accused had been acquitted, the victim explained that she felt there was no apology or explanation for previous reassurances by professionals that she would win her case. The way that the negative outcome was explained compounded the trauma:

"I didn't understand the verdict either I'm afraid. I wanted better explanation, I wanted my questions answered, like "Why did they choose that not, not guilty, why did they choose that and not guilty?" ...I was asking them questions...And they were condescending. There was a lot of arguments, they were very circular. At some points, they were smiling...At one point I

said, "He raped me. That is a fact, that is what this whole trial was about, he raped me" and I was like, "Do you understand that?" And they were like, "We're not allowed to say that cos he was acquitted"... They would just kind of smile and would be like, "We're not allowed to do that."

Acknowledging errors, system constraints and actions which victims and witnesses may perceive as 'failures' is important in building trust and credibility of individuals within the system, it seems.

Ensuring victims and witnesses are appropriately involved

Some victims and witnesses also spoke of **feeling uninvolved and not in control** in their case once it had become a part of the justice system, and feeling that decisions were being made about things without their involvement. Accepting that some decisions are rightly dictated by procedure and law, it was nevertheless seen as important that all decision making should be explained to victims and witnesses in **facilitating empowerment**:

"...I could have done quite a few things off my own back if I had have known that. But because you're being guided by the [professionals] and you trust the [professionals] and the process and you don't question it, you don't believe you can question it, but you're traumatised anyway, even if you could question it. You need someone else there to sort of prompt you and say, "This is what you can do this, you can do that.""

A need to keep people informed and allow them ownership over decisions wherever possible was stressed:

"I think from a trauma point of view, the control's taken away from you and you feel as if you have absolutely no control, you feel as if everybody's doing things to you rather than with you or for you."

Where staff had continuously asked if victims and witnesses were okay, and kept them involved in everything they did, this was seen as a positive experience:

"She continuously asked me questions, "Is it OK to do this? Is it OK to do that? Can I touch this? Is it OK if I touch you?" or whatever. It was very much asking me questions to make sure that it was OK for her to do things in my room at the time. So, I found that that experience was positive, if you could say it was positive."

"And the [justice professional] would say, "Right, what I need you to do is I need you to get this off, do this, put it in this bag and try not to touch anything else with the clothes". She was explaining everything to me and making sure that I knew what was going on."

"I think just empowerment is the biggest thing really in terms of making you feel empowered in that situation cos that's where the lasting impact will be...They need to enable you to feel partially in control of the situation, so you've not lost control altogether...probably in most crimes, your control's been completely destroyed and taken away. So, to feel that sense of control given back to you in some kind of way makes you feel empowered instead of a complete and utter victim."

Explaining the **implications of decisions** for victims and witnesses was also urged, i.e. exploring with them directly what certain decisions may mean and how they may impact on them:

“...that was the big thing about that particular time, was that we felt really just excluded from the system. This massive decision had been made that didn’t seem, on the face of it, massive to anyone but, when you know the details, then you would realise how much it went on to impact us very, very - well, daily.”

Part of allowing victims and witnesses to feel empowered requires ensuring that they are given **accurate and timely information** to inform their own decisions, as well as practical advice where appropriate:

“...they need to be able to have practical ideas about what I can do to feel empowered within the system. I was completely disempowered and I am a middle class, educated woman and I was completely stumped by the system. And I was bullied, I was, first of all, ignored, then I was patronised and then I was bullied...”

Linked to this was ensuring that victims and witnesses always had a voice and for staff to recognise that sometimes the victim is (literally and figuratively) not able to speak:

“...she [another victim] said she would speak to the [justice professionals] but [they] were completely non-empathetic with her and she clammed up and couldn’t give a witness statement... I think a statement could have been empathically taken and then the witness could have read that statement, seen that statement to see whether it was what actually what they said or what they meant to say.”

“The only time that I was able to give evidence that was credible was when I wrote it. The other evidence, that was supposedly taken unwritten, bore no resemblance to my experience.”

One participant described a positive experience when they had been permitted to give written instead of verbal evidence and how this had allowed them to feel more in control:

“I also found writing things down instead of verbalising them in the beginning was how I had to communicate. I had to write what had happened to me and ask...to go into another room and read it which they did. Then come back and ask a couple questions. That was a positive I forgot to mention. So, some victims may feel better writing answers instead of verbalising. Much less stressful or triggering.”

Another victim suggested that a system change should be introduced that encourages all victims and witnesses to write down what happens to them throughout their justice journey, to help them keep things clear and feel organised and in control.

Again, one participant cited a positive example of when they felt they had been able to have a voice and explained how this had impacted positively on their experience:

“There was a degree of making sure we were alright to continue [in court], which was important, really important and actually helped me, certainly I can only speak from my own perspective, it helped me speak up a bit more because the defence had a job to do...I

just felt like I was able to say when I disagreed with something or to actually speak up and say, "No that's not accurate, that's not how it happened". So, I felt that it maybe just gave me a wee bit more confidence to actually challenge some of the routes down which we were being led..."

Another victim explained how a professional had informed them that they could get the attention of a Clerk in court if there was anything they didn't understand or if they felt they needed to take a break and this too had helped them to feel empowered:

"And also, he [court staff] said, "If there's anything that you don't understand, just look towards like you know how you've got the Clerk...And just nod to them or ask them to come over and they'll stop everything. If you need a break, tell them and this is what - it won't affect anything else. We'll just have a wee break. We'll just - and it was like I am in control of my situation."

Another victim described feeling empowered by being permitted to speak in a place and way that made them feel in control of the situation, which had helped with their journey:

"He [professional] said, "You can come down whenever you like, you can stay as long as you like, you can ask me questions". He explained everything. He said, "You don't have to report it, this is all your choice". He said, "I just want to give you an opportunity". So that was good."

Key to empowerment was victims and witnesses **being permitted to ask questions** (or feeling that they were permitted to do so). Participants spoke of either feeling that they should not question justice staff or of not knowing the appropriate things to ask. Comments were made that respondents had to "pluck up the courage" to ask questions about situations as they unfolded and feeling that, even when they were given answers, they should not question the rationale or motive behind decisions that were being made:

"I've never had any contact with [justice organisations] in all my life really, so you don't question the law or authority. So - and because you're so traumatised, there's things I've learnt now that I could have asked and could have requested but wasn't made aware of it at all."

Two other victims who had felt unsure if they wanted to press charges against the accused and to take cases to court also expressed that staff should **reduce pressure to participate**:

"They would force you to take part in a court case."

"Respecting that if we don't want to go through this process that we don't have to instead of forcing us."

As a result of not feeling empowered, people described "going along with things" and only in retrospect wishing that they had done things differently or asked the things they wanted to ask. Making people aware of their choices and proactively inviting questions or giving victims and witnesses sufficient time and space to ask questions and digest key decisions was seen as key.

Ensuring that victims and witnesses know their rights

Knowing rights was also cited as important and, given the often very traumatised state in which victims and witnesses found themselves, this may entail an independent advocate or advisor to keep them abreast of their rights (separate from the justice professionals who were separately working to fulfil their roles) it was felt:

“Having that individual, that independent person that could have been knowledgeable and advised you that you can do this or you can do that or you can ask that. You don’t have to sort of just fit in with what’s expected of you, when you’re in so much heartbreak.”

“...you need people to be very proactive and telling you your rights and helping you to take them up.”

“I mean, I’ve had to do most of it myself. There is nobody there really, at the time, to say, this is what you can do, this is what you have the right - you have rights here.”

Again, this may mean people knowing that, when individuals are traumatised and in shock, they may not be as active, present or engaged as they would (normally) want to be. Justice professionals needed to be more proactive in helping victims and witnesses to understand their rights and what they can and cannot do, it was suggested. Having an independent advisor to support this may also help to mitigate against the feelings expressed by one respondent that they had no rights and that the authorities had taken their rights away from them:

“All the things that happened actually made it more distressful and more traumatic because I felt I had no rights; I had no say in anything.”

Alongside this, a third-party advocate who works alongside justice professionals to constantly remind them of the victim/witness perspective and remind staff of their rights, and the impact of any decisions being made, may be appropriate (i.e. a third-party victim/witness representative to be present at key decision points and when co-ordinating victim/witness communications).

Linked to this was the notion of **personal consent** and that, in some cases, justice professionals had proceeded to do their job without seeking victim consent. This had felt disempowering as well as potentially re-traumatising, mirroring the lack of control that had occurred in the immediate victimisation:

“Whether you’re doing a job or not, you don’t just come into somebody’s house and just expect that you can touch everything and you can start taking things that don’t belong to you. Right? Like evidence or whatever. I know this might sound daft but you’re talking about pillowcases and stuff. But that’s my stuff.”

“...she [justice professional] took that as a verbal statement and she took it back to her [colleague] and then went ahead and charged him. At no point did I ever say, “I want to report him for rape”. So, she took that upon herself to do that and I thought, [no one] pp[;should ever, ever take that. That’s the decision that can only be made by myself.”

Not seeking consent contributed to victims and witnesses feeling disempowered. Understanding and being sensitive to personal boundaries, personal wishes and rights and balancing those more carefully with professional demands was stressed.

How the System Should be Changed

Explaining the system, processes, procedures and rationales

One of the main things that victims and witnesses raised was not **having the justice system explained** to them, both generally but also at specific points in their journey. Three victims explained that victims and witnesses often had no real reference point or understanding of the system and what they were being asked to do, and suggested that this would be commonplace. Two of these suggested that people's understanding of the justice system was often based on popular fiction, which was very different from the real-life experience they encountered:

"...it was based around a system that none of us had any knowledge of, none of us had - why would we know what happens with post mortems, etc. The only knowledge that we would have of anything like that, and most people would have until they're in the situation, is things like CSI on the TV and things like that, Silent Witness and that type of thing, these TV programmes. But it's nothing like that in real life."

"I'd never been in a court room before. I had never - cos I was - I didn't know what to expect. I'd never been in a court room before, I'd never spoken to lawyers before, I'd never spoken to - I'd never sat with this man with a wig on staring at me like you see it in the TV and you think, that's kind of scary."

"Just having an understanding that people like us have never really been involved in the legal system before or the Criminal Justice System before and we didn't know what we were doing..."

Where systems, protocols and justice etiquette had been explained this was welcomed:

"...what has been useful is people who know how things work, so they can tell us what is going to happen essentially, more or less, the processes that will be, you'll be going through on that particular day."

Where things had not been explained in sufficient detail or in sufficient time, this had resulted in stressful and challenging situations for victims and witnesses:

"...we were called...the night before [appearing as a witness]...to say we weren't required, there was a deal had been made [with the accused]. And that was really stressful cos we didn't know the details of that, we didn't know what it meant, we didn't know what was going to happen in our home situation. We couldn't get any information about what that meant for us and the implications for us. That was incredibly stressful and, as it turned out, it made our situation a whole lot worse...So that was difficult and I actually spoke to the [justice professional] a couple of days later and explained why it had made things a lot more difficult for us and it left us very exposed."

Another victim explained that they had felt unsure of the rationale for needing to identify a relative's body a specific point in time, and finding that there was no reasonable explanation for why processes had to be followed with such rigidity:

"...I'm now getting told I've got to go and formally identify [relative] less than 12 hours [after the death] - it literally was less than 12 hours later, they wanted us there at 10 o'clock in the morning and this was about 1 in the morning that this conversation was taking place. And I couldn't get my head round that and that was probably one of the two biggest negatives in terms of the hospital side and I just felt it was - I understand there are procedures that have to be followed but...It doesn't seem - it just doesn't seem right."

The same victim spoke of their relative's body and possessions being 'guarded' by professionals and finding this unusual, unnecessary and not well justified or explained. They had also been shocked by being told that their relative's body would be subject to multiple post-mortems given provisions, in Scots Law, that every defendant has the right to an individual post-mortem, which they described as "horrendous".

When asked how better understanding the system would help, people spoke of it helping to **make things predictable**, or at least reduce unpredictability in the minds of victims and witnesses which, in turn, may prevent unnecessary trauma:

"...when I did go to court, there was [a professional] who was sitting out of place...I know that sounds mad, he was only two chairs down but I'm thinking - I sat there and I thought to myself, "You're not in the seat you're supposed to be in". And it's just simple things like that, that can put you off...Because it's not predictable anymore."

Overall, several victims agreed that the systems, policies and procedures in place were confusing and all had potential to exacerbate the impact of an already traumatic situation. The system should respond by putting in place the relevant information and support to help victims and witnesses to navigate a system that most have never been in before:

"It's just like almost a check list of things that survivors should know at the beginning before they go through that..."

Better preparing people for the court room experience

Explicitly acknowledging that many victims and witnesses have never been into a court room in particular was seen as key and so **explaining the operation of the court room** was something which should be provided as standard, it was suggested.

One victim who had had a positive experience explained how detailed discussion in advance of the court room experience had been massively beneficial:

"Well, he [justice professional] actually acknowledged that I'd never been in a court room before, so "I know that this is going to be scary for you but I'm there, I'm the face. If anything, this is my name, I'm here for you, look at me, don't look at anybody else, just concentrate". Because he said that he'll have his back to me for most of the time, he said, if you need a focal point, look at the back of my head, don't look anywhere else...It let me

know that, no matter what questions were thrown at me in there, I could just focus on the back of his head and just answer the question as if he was talking to me. I didn't have to think that, this is the defence lawyer who's actually talking to me and trying to make me trip up...I could focus on what the question was rather than everything else. Because if you've got a jury sitting there as well, you have to quickly put that jury out your mind cos you know that those 15 people are judging you straight away. There's a lot to it. So, if you have a focus for your thoughts just to be on that one place rather than everywhere, then you're going to do your best when you're in there, if that makes sense."

Where people had been given an opportunity to view and **familiarise themselves with the court room** ahead of their case being heard in court, this had also been helpful:

"But one thing I found really helpful was I got - before we went to court, I got a phone call asking if I wanted a tour of the court, to go in and show where I'd be standing and sort of ask a couple of questions and things. And that - I wasn't scared about going to court but I'm glad I did it... Just being able to go up on the day, again, it just made me feel like somebody's thinking ahead before I'm even aware that I might be processing like, where do I go, what's going to happen, what's it going to look like, what's it going to sound like. Somebody's already thought of that for me. And then I went along. I thought, I don't think anything bad can come of this. I did actually find it quite interesting. I thought, maybe I will have nerves on the day and then, by doing this, maybe they won't be there."

Again, such visits helped to reduce unpredictability and made victims feel comfortable and more at ease:

"Just you'd done it before, so it didn't feel as daunting, it didn't feel as scary because you know what was going to happen and you knew where to go and you knew what it was going to look like and you know what the smells were."

"...you're actually taken in to the court room to familiarise yourself, to get a degree of comfort as to what you're walking in to. Things are explained to you, don't get me wrong, things are explained to you in relatively simple straightforward terms and there's always the dos and the don'ts - don't do this in front of a Judge, don't do that in front of a Judge. But that's relatively basic common-sense stuff. It's more the surroundings, it's more the understanding, it's more the feeling comfortable."

While some positive examples were given, several participants spoke of feeling unprepared for the level of questioning they may face, and the level of exposure they may face. One victim provided a detailed account of a very negative court room experience which had left her **feeling surprised**, vulnerable and physically unwell, and expressed that this should and could have been avoided:

"...the recording of my assault was played on loud speakers in open court. The first I knew this was going to happen was 10 seconds before when the [justice professional] told me and I replied 'Do you have to?' She said yes. That's when I put my hands over my head and curled up in the witness box and zoned out. I just remember hearing me screaming. They let the recording play and a while after it finished when I finally came back round the Judge asked me if I needed [a] break. Surely this kind of triggering material can be agreed upon

beforehand. They also showed me pictures of my injuries but they couldn't get the computer screen to work so I had to go wait in another room knowing that returning I was going to have to view my injuries. Sitting in that room was awful. I felt physically sick. Again, preparation could have prevented this. Just print out the photos. And warn me of what I'm going to have to face in court if it's triggering."

Indeed, in line with earlier comments made about the re-traumatisation involved in the justice process in general, negative effects of re-telling (or having their story retold) were experienced most acutely when victims had to relive their story in the court room:

"The second violation is like a common - is a common word that they use amongst survivors just say that because you feel like you've already gone through the abuse but then, when you have to go and tell the court staff and the reporting of it and the reporting is horrendous as well."

Better preparing people for the courtroom experience may help to reduce or minimise cases of secondary trauma such as this.

Keeping victims and witnesses informed

In addition to having the system explained, and being better prepared for court, respondents spoke of the general importance of being kept informed - this included being made aware of progress at all stages of a case, including work going on in the background to find perpetrators and bring them to justice:

"They should also be keeping the victim informed of what happens after the arrest because, again, this is specific but anonymous, they released him without charge and didn't tell me."

"Just being kept in the loop because you're just sort of left in this like black abyss of just nothing."

"Regular updates and chance to have a say. Keep the witnesses informed before the media. I found out about my case via social media... Let everyone involved know when the accused is released so we can keep ourselves safe."

"...it's like phoning a call centre, it's not like phoning somebody that knows that you're a victim of crime and you're desperate to find out what's happened."

Keeping victims and witnesses informed especially in the case of 'churn' and delays was seen as important to reduce trauma responses:

"So even to understand the impact it has...you've got yourself all riled up - right, I'm ready to give evidence, I'm going to go for it - and then it's been postponed again and you're just like - you find out usually on the day or something that it's been postponed again and that just - I mean, you've probably spent the night before in the toilet nonstop, feeling

absolutely awful, feeling sick and then you just find out, that's it and there's no real proper explanation as to why or what's going to happen next..."

Sharing accurate but **non-dramatised** information with victims and witnesses was also seen as potentially providing reassurance and preventing victims from overthinking or worrying about scenarios that may not occur:

"...the fact that she explained meant I didn't catastrophize it in my head."

"I mean, I know they can't tell you everything, I understand that, to protect the accused. But they still need to be able to tell you enough so that you don't think, "Oh my God, what's happening?""

Essentially, any information imparted to victims and witnesses must be accurate to avoid any re-traumatisation. While it was accepted that mistakes could always be made, quality checking key information before it is sent to victims and witnesses seems an important system practice that should be instilled:

"No one specifically did anything terrible. It was the overall sense that these people didn't care what happened, they made little effort to follow up with me, explain what was going on, and make sure I understood the process...They need to understand that trauma makes people tired and afraid and justice staff need to do more to make sure victims know that their feelings are important."

Proactive sharing of information and keeping people informed was also encouraged, rather than victims and witnesses feeling that they needed to pursue updates themselves.

Fostering a culture of truth and honesty

Separate to not understanding the system, or having it explained, some intimated that they had in fact felt misled by the explanations received, or 'lied' to about the intensity of the experience and what it would entail. Particular concerns were raised in relation to cross-examination and the potential for this to be aggressive, distressing and re-traumatising:

"...it is important to have a conversation around the fact that you will be challenged in the most undignified and attacking ways and that, although it should just be the evidence that's attacked, you will be seen as the evidence."

"When preparing victims for what testifying will be like, don't lie to them and say that the defence attorney won't shame you. Tell victims the truth - they're going to be shamed, they're going to be doubted and giving evidence might actually be more traumatizing than whatever actually happened...Not only will victims be reliving the trauma of their event, but they will be further traumatized by the aggressiveness of the defence attorney and they should be prepared for that from the start."

Several spoke of the importance of truth and honesty and giving victims and witnesses realistic information about what their experience may involve:

"I would always rather have the hard check. I would always rather be said to me, it's going to take two years rather than, "Oh you know, we're working on it, we're working on it", like setting expectations. Don't tell me what you think I want to hear. Tell me what I need to hear. Tell me the truth."

A very specific example was given of a victim/witness not being informed about how their statement would be used in court (i.e. that it would be read only by the Judge rather than in public) and feeling misled by that.

Several victims also spoke of feeling that the justice system may be designed in such a way as to **disguise or twist the truth** to suit different ends, and that this could impact negatively on people's psychological state:

"The amount of times that we were told various different scenarios, all designed to not tell us the truth, to not actually just be honest with us and say, "Here's the situation, this is what we're going to do, this is how we're going to do it, and this is why we're going to do it.""

"And it was as if it was you were talking to a politician, that every question you ask doesn't get a straight answer, what effectively gets asked is a different question coming back at you. And those were all the frustrations. I didn't realise how traumatic that was until 3 or 4 days later..."

"The court system are so reluctant to just be honest, they don't like to give you time lines cos they know they can't uphold them, they don't like to comment on individual cases because they know that's legally taboo and wrong."

"You're sort of craving that honesty and you just want someone to give you a black and white answer and, personally, I find that there's a lot of side-stepping when it comes to the courts. And the [justice professional] that I spoke to was the first person who I felt was completely honest, even if it was answers that I think she maybe felt were difficult for me to hear. It was just really refreshing for her to have that honesty with me and it felt like the first time that somebody would do that, to be honest."

Some respondents suggested that the distortion of the truth or telling of lies may be linked to perceptions among justice professionals that victims and witnesses were unable to cope with or understand the truth. **Patronising attitudes** were seen to characterise the system in some respects and a system wide cultural shift may be required to address this:

"I think there's a systemic fear within the [justice profession] that members of the public are not going to understand what I'm going to tell them anyway. Now, that comes across as people within that sector think that members of the public are not clever enough or are not as clever as they are. And, in all honesty, I firmly believe that now because of the process that I've gone through and the people that I've spoken to and there seems to be this attitude within the [justice profession] that, when they're dealing with members of the

public, well they've not got the intelligence to be discussing things at our level, so we can just say whatever we want to them because they're not really going to get it anyway."

"If the people in authority would just be straight with us and tell us how it is and stop thinking, there's no point because they'll not understand it anyway, they'll not get it... You wouldn't have the shock element of when the truth actually hits you at a point when you're at your lowest anyway. You would be prepared for certain situations that, rather than it hit you in an alien environment, when you're in a court room with a Judge, with all the stuff that's going on round about you. If you were told the truth in the comfort of your own home and you had a few days to just let it sink in, fully understand it, it would be far less traumatic than you being hit with it at a point where you're at your lowest and you're in such alien surroundings that it would be so much easier to deal with."

Others spoke of **inconsistent or contradictory advice** being given by different people within the system and this feeling confusing and adding to their stress:

"So, when you're calling out about the same thing, you have to tell your story again and again and again and again from the beginning and they'll deal with it in different ways. There's a big inconsistency in the way that [justice professionals] deal with these sorts of traumatic incidents."

The key feedback appeared to be that trust which has been misplaced, or perceptions that justice professionals have lied, is likely to result in victims and witnesses having little confidence in who they would be able to turn to in the future should similar victimisation occur. Several again spoke of **disengaging with the system** and being unwilling to give evidence in similar future scenarios if they felt the system could not be trusted:

"I think that's very damaging. I think that it says that there's no hope in the future for any other trauma that I might encounter... I think it's about trust and respect and both have to be earned...But throughout this period, that has been eroded by a lack of professionalism."

"...dismissing concerns around safety perhaps, personal safety, being a bit blasé around people not really meaning what they say, people threatening you but they're unlikely to take any action. That is not helpful and that re-traumatises because you kind of feel like, well, there's no point in me calling again...we didn't get a great response last time, so we're probably not going to get - we're not going to this time."

"You don't want to engage at all. You want to withdraw, you don't trust, you don't trust them."

"And I think as well, with this unpredictability, we've got to understand that the trauma I've now experienced from the Justice System, I now don't - I would say any sort of future relationship I have with the Justice System is not going to be a good one."

Overall, victims and witnesses expressed a desire for all information not to be “sugar coated” but for justice professionals to always be **truthful, honest and realistic** about what the justice journey may or may not entail.

Providing single points of contact

In many of the cases where individuals had positive system experiences, this had been due to having a **consistent or single point of contact** to assist them in their justice journey:

“What has been helpful has been having a single point of contact, maybe knowing who you were going to speak to, and where. That’s not always clear. That hasn’t always been clear with all of the agencies involved.”

“...we were incredibly persistent and we eventually found some [justice professionals] who have been on our journey with us for longer now, the same [justice professionals] ... and that’s the only way that we have had any sort of consistency in terms of helping to address the trauma I suppose.”

In contrast, where this had not been offered, several victims and witnesses expressed how having a single point of contact would potentially have improved their experience by reducing anxiety, giving a sense of organisation and reducing the need for re-telling:

“Having the same person (solicitor, police officer, advocacy worker, etc.) throughout is important...It’s awful when personnel change. There’s the anxiety when meeting new people around the trauma in case they say the wrong thing. For example, I asked my first [professionals] not to say my perpetrators name aloud as it caused panic, then those kinds of requests get lost in hand overs.”

“I think they [justice professionals] were like chronically disorganised. I hated the fact that you would build up a rapport with one person and you would be like, “Okay, this is now someone that I can speak to.” But [they] have this bad habit of just passing it over to another department and then passing it over to another person.”

“I didn’t have more than two email exchanges with the same person. The [justice organisation] people kept switching on me and every time I got a new person to talk to, I had to start at the beginning and ask all the same questions over again. Maybe they would answer one or two questions, stop responding, and then I would start the whole process over again...That lack of response made an already difficult experience even harder because I had to keep explaining what happened over and over. I don’t know if victims get a file that [staff] can refer to, but it would be super helpful if staff could learn about who they’re emailing with before they reach out to start the conversation.”

Linked to the need for consistent points of contact was the idea that there should be better joint working and consistency between agencies. Although only mentioned by a handful of participants, where people had been passed between agencies, this had left them lacking confidence in the system and in some cases feeling unsafe:

“Quite often, we were passed to and from different agencies who said they were communicating with each other, but it was quite clear that they weren’t. And that’s everything from housing to police to the court, really being told that we are working in a

joined-up way but, actually, seeing first hand, that was not what was happening. So just that kind of joined up approach, that multi agency approach, if there's a consistency across agencies in terms of a trauma informed approach and that people are trained in similar ways or using the same sort of resources or tools, then you would hope that's the way in which different agencies deal with people who are dealing with trauma, would be somewhat consistent, even though the different agencies are there to achieve different things."

"I think every part of the system needs to work together in the same way because what you were getting with different experiences with different parts of the Justice System. So, you couldn't feel it was consistent and you couldn't feel that you would get the same response from everybody. So, I think that consistency is really, really important for people to feel safe throughout."

There was little in the feedback to suggest that single points of contact needed to be from any particular organisation or have any particular affiliation - the key thing seemed to be that having 'a person' (from any designated organisation) who had an oversight of a case and could be called upon by the victim/witness and by other agencies, would have helped to make journeys smoother (as well as potentially making things more efficient and effective for professionals and agencies involved).

Balancing efficiency and effectiveness

People spoke of the system needing to achieve a better balance between being efficient and effective. While victims and witnesses wanted staff to take more time to explain processes, and to allow individuals to share their experience in a time appropriate way, they also wanted a system that acted swiftly to reach fair conclusions, and this would help with closure and remove some of the negative emotional responses attached to an ongoing case with an uncertain outcome:

"That taking time sucks! To them taking time is being careful and making sure that you have everything you need. To us, it's one more day of stress, worry, panic, fear and so on...this process isn't easy for us."

Comments were also made that efficient practice sometime came at the cost of overlooking the needs of the victims/witness and that sometimes, slowing down a process to ensure that all parties remain engaged and aware while not being traumatised might be appropriate:

"I mean, I really do feel obviously because the job that they do, they go on to the next crime and the next crime and they're very efficient. And don't get me wrong, they do sort of - they showed me certainly some respect and dignity. But you're just - they just have these steps to take and I think the shock of - the trauma of the family is totally forgotten about cos they have a job to do. Do you know what I mean? My health and my mental health and physical health doesn't come into it really. Does that make sense?"

As above, the need to provide sufficient time in the system for victims and witnesses to give accurate accounts of their experience was seen as especially key and may be an area for system change:

"I think sometimes we probably felt that we were a bit rushed giving statements and similar things and maybe [professionals] have other places to be, they always have other places to be. But maybe a bit rushed and then maybe afterwards we thought, "Oh I wish I'd said that", or, "I forgot about that". And maybe being able to realise that, often, we would be in shock after something had happened and we maybe just weren't quite thinking as quickly as we maybe would otherwise. So maybe having the chance actually to revisit that."

"I always feel like, see when they get you to read your statement and sign it, you always feel rushed. Whereas they should actually say to you, right I'm going to give you your statement for 24 hours, have a think about this, make sure everything's right."

There were also some perceptions that the system **wrongly prioritises surety of wins** ahead of the needs of the victim:

"I think the thing is... they only really care about the black and white and they want the facts only and I understand that that's the way that they work. But sometimes I feel like see if they know they can charge somebody, they get really excited about it...I should never sense that in someone from reporting that you're only willing to take my case cos you know that there's a charge here cos you know there's a photograph. I was bullied really badly by a [justice professional] who knew that there was photos of the sexual act happening. She said, "This is gold dust". She would not let it go."

Another person who had lost their child to crime also explained how they felt the system priorities outweighed their own fundamental emotional needs and parental rights at a time where humanity should have come first and foremost:

"I felt I had no rights, no access to [my child]. I lost [my child] twice - first by the perpetrator and secondly, [they were] taken from me by the authorities. When parents bring a child into the world, they never expect to outlive their children, it's the wrong way round. However, when you lose a child in tragic circumstances you should never be deprived of being with them to give them a hug, tell them you love them, say your final goodbyes. It should be a priority and a matter of law that parents are granted that right in law."

Although no specific suggestions were put forward for how this should be addressed in any system change, the feedback perhaps points towards a need for training around the better balancing of targets and delivering services which consider the person's fundamental emotional needs or, indeed, for managerial decisions regarding such processes to take the person's needs and wants into consideration more than is currently the case.

Routinely offering third party support

All of those who took part mentioned that the support they had received from third parties (often charities and other third sector organisations) had been invaluable in assisting them on their journey. Staff from these organisations had provided both emotional and practical support.

One victim highlighted how being offered support by a justice professional, even though the victim did not think it would be necessary, had made a positive difference to their overall experience:

"I now remember sitting in the waiting area and the [justice professional] came out and she said to me, "Why are you here on your own?" I said, "Well I need to do it on my own." And she said to me, "Do you want me to phone support for you?" And I just looked at her and I thought, "Why do I need support?" Cos, I don't know what I'm walking into. This is just her coming out to meet me. And she said, "I would rather you came with someone today." And I said, "Well, I just thought it was just going to be a random meeting for you to go over my statement", that was the plan anyway. And it was one of those ones where she had to tell me something major and she knew that she had to tell me something major, so she was covering, making sure that am I okay to come in to this room on my own without telling me that she was going to tell me something...She was making sure that there is a potential here of this going wrong if she doesn't have support... Yeah, it could have been better but, yeah, it was good in the fact that she had the insight or the prior knowledge that I should have had someone there."

Another victim also described the importance of being able to take a third party for support to meetings, especially where traumatic and challenging details may be discussed:

"I would always encourage somebody to bring someone with them and take notes because see when I left all these meetings, I couldn't remember a thing that was said. One meeting, I just dissociated, I just - they were talking about horrible stuff and I just blanked out. I don't even remember. But luckily, I took my [relative]. I would leave the meetings and you could say to me, "Alright, what did she say about this or that?" And I would be like, "I haven't a clue, who are you talking about?""

Closely linked to the fact should know and appreciate that victims/witnesses are likely to have support needs from the very outset of their entry to the justice system was the notion that staff should respond by prioritising the welfare needs of those they are interacting with:

"I think the welfare and the physical and mental trauma that the family suffer is just not taken into consideration at all."

Specific considerations may include assessing early on if victims/witnesses have their own support network that might include friends or family, or ascertaining if the person is largely alone and unsupported. In the latter case, exploring ways of putting in place support as soon as possible was seen as something which would help to make the process better for victims and witnesses from the start and make them feel less alone.

Critically, victims and witnesses also described the importance of support at all stages of the criminal justice journey, i.e. *"Support for what you are going through before, during and after"*, rather than only during a live case. Long term support may also be more effective in responding to incidents where the trauma is also likely to be long-lasting, it was suggested:

"I wish that at the start when you report what's happened...I wish that they would give you some sort of - not a psyche evaluation but I wish that there was advocacy involved before you even give a statement to be like, "Do you know what you're getting yourself in for?" Cos, I think, as much as it was quite naïve, I didn't know anything about this process. It was a shock to me that I was even going to have to go to court to give evidence which now, in hindsight saying that, it's crazy. But it's almost like I know that they don't want to interfere with people report but, at the same time, they have to take into account you've already survived something so brutal...I spoke to a lawyer once who said that the court process was the second violation and it's the most perfect way to describe it"

The above shows that staff within the system already know and acknowledge that the court experience can be as traumatic as the incident itself, suggesting that it is something that needs to be addressed rather than being an accepted or unspoken norm.

It was also stressed, however, that the presence of support services and their involvement in a case should not be seen as a guarantee that victims and witnesses were receiving the help that they actually needed. Regrettably, some participants had engaged with such services, but had viewed the response as somewhat tokenistic or inadequate, especially where service staff had changed on multiple occasions and there had been no consistency in the contact that victims had received (either the same person or the same approach being used by different staff from within the same organisation). Indeed, in some respects, a negative support experience could be as damaging or more damaging than receiving no support at all.

Having specialist roles

Several respondents stressed the importance of working with specialists instead of more generalist staff when addressing traumatic incidents, whether that be staff who specialise in bereavement, loss, rape, sexual assault or stalking (reflecting the nature of incidents experienced by the participants) or in trauma more generally. The system and staff within it need to recognise and respond to the fact that 'one size does not fit all':

"Don't send us to a one size fits all because it doesn't work for certain traumas and certain abuse victims. It needs specialists."

Where people had had direct involvement with specialists, this seems to have made a difference to the level of confidence that victims and witnesses achieved:

"I could tell that she obviously had had some kind of training in this line and I don't know if that was because she was a more senior [justice professional] but you could just tell that she had an awareness of what she was working with in terms of even the current crime because, when it comes to a crime of harassment and stalking, a lot of people are not very well informed. But she obviously had been informed in that area and she came in armed with the knowledge about what the legalities were and all that kind of thing, which was really good."

Linked to this was the fact that people felt better supported where the staff they encountered were trained in the specific 'type' of incident in which they had been involved, e.g. rape specialists rather than more generic victim support providers.

"I just think they know how to speak to people that have been raped. They obviously get specialised training and they're so good at listening. That makes a massive difference. They'll sit on the phone to you when you're distraught and crying. I used the Helpline services. I was allocated an advocacy worker who is literally an angel and they're so knowledgeable. Every single question that you have, if they don't know, they'll endeavour to find out."

"She knew about my fear, she knew that I had to leave my home, she knew that I was in a state of hyper vigilance, she knew that I needed help and she was the only [justice professional] in ten years to do that.... I think that she understood and took the time to understand what I was saying and how distressed I was...She understood that, from her domestic abuse training, that women can be particularly vulnerable in traumatic situations like that and she did understand my vulnerability."

"It's like she just understood. It's almost like she'd been in that situation herself and she almost was like, "Oh yeah, I totally get that.""

In relation to sexual offences, in particular, it was stressed that gender sensitive responses were key, including having an option for victims and witnesses to interact with male or female specialists (and staff more generally), as preferred:

"The rules are there...I should have been allowed a female officer at that time and they [justice professionals] - it was almost as if that would have been too much bother."

"He [justice professional] was way too masculine, which is a really bad thing to say but he was way too - he was too big and burly... and I hated it. Cos you're sitting talking about these intricate details of your relationship and you feel silly sometimes saying that to a man and you feel silly getting emotional."

Balancing accused and victims' rights

Feedback was given across a number of interviews that there was scope for addressing system design features which may, at present, be perceived by victims and witnesses as favouring perpetrators. Several comments were made which implied that accused were seen as having an easier time within the system than the victims and witnesses who often found themselves forced into a situation not of their own making:

"We had [to] go through a lot of stuff whilst going through the case and the accused had the easy job with sitting in a cell whilst we got bombarded with questions, etc."

"I mean, the perpetrator seems to have more human rights. This is about the crime itself, not about me. But I mean, the perpetrator has more human rights than the families."

"I understood the defendants had rights but my argument was, "Why should the defendants' rights supersede my [child's] rights?"

"I was also told by [justice professionals] that I couldn't film him [the accused] at my door or sitting outside my bedroom window in his car day and night, that I would be not honouring his human rights. But I had obviously said, "What about my human rights?""

One victim described feeling that the defence and prosecution were 'in cahoots' and that this too had made them feel that the system worked in favour of the accused, was stacked against them, was unbeatable and not really on their side:

"...when I realised, when the nail was in the coffin, was that all these people know one another, all these people frequent the same places. Fuck's sake, they go to golf at the weekend. These are all friends, right? That is when I realised that there is something far wrong with our system because the law of averages, you know. Like they'll take on, they'll lose one, they'll take another two and then they'll maybe lose another one, just so it's fair. And I think that that's what they do. But for me to be in that knowledge hurts because I'm the person that it's affected the most. They can go and play their daft wee games and that works for them but it doesn't for somebody who's sitting here wanting you to make sure that you're given the best fight that you can."

The 'not proven' verdict in particular was seen as something which disfavoured and was potentially retraumatising to victims:

"The impact that that acquittal has on me could - or I think could have on me and the precautions I need to take now, like that's a life changing moment. Whoever is accused gets to be in a nice court environment with people on your side although in handcuffs...but I'm sure that person has loads of support and people ready to catch him. There is nobody there to catch me."

Reducing perceived inequity in the system may, in part, be achieved by resolving some of the wider contextual issues discussed above (i.e. changing the way in which victims and witnesses are treated through better preparation, communication and safeguarding), all of which may, at present, contribute to people feeling that they themselves are at blame. Any measures which **reduce feelings of self-blame** would be constructive, it seems:

"...obviously the legal system is geared towards people are innocent till proven guilty, and I get that...I'm reasonably intelligent and I understand that you've got to go to court to resolve these things and it's all based on evidence and fact, etc, etc. But don't treat us [victims and witnesses] like we are a guilty party here because that's not what we are. I don't know how else to put it really."

"...it kind of passes the blame to the person who it's happened to and that stuck with me for a long, long time. Like, I'm to blame for what happened because I was so drunk because of the continuous questions."

“...she [justice professional] put me in a position where she basically said, “You have to choose him [accused] or yourself”. So, she was literally saying, either you get charged for wasting [staff] time or he gets charged with raping you. And that terrified me for so long.”

Indeed, several victims spoke of being made to feel that they were somehow responsible for the situations in which they found themselves, but where they had had someone to reassure them they were not at blame it had been useful in reducing trauma:

“I was starting to realise how daunting this whole process was and I remember initially sort of panicking and going off on a bit of a rant because I was like, “This is going to ruin so many people’s lives”... I was starting to feel a little bit - not scared but a bit stressed out for all the other people because obviously that person has a family and has friends and I was starting to feel a bit - “Oh my God, if he goes to prison for 10 years, what about his family, what about all his friends, they’re all good people, they’re going to be severely impacted by this and this is all me that’s doing it.” And they [supporter] were able to say, “No he’s done this to himself.” Stuff I sort of already knew but, in that moment, you get lost and then people were sitting reassuring me, like, he’s done this to himself and trying to just bring the focus back on why we’re doing this and why it’s important and how it’s not my fault...I think all survivors will relate to the fact that you do feel guilty for some reason. I don’t know why and we shouldn’t, but there’s nothing nice about potentially putting somebody in jail. And for her to say it was the [system] that had made this decision to prosecute him based on the evidence that you’ve gave, it just made me feel a lot more calm. It changed my perspective on it, it genuinely did. Even up until that point, it felt like it was a battle between the two of us and, after I spoke to her, it was very much - no, this is - he’s broken the law and what he’s done is being upheld by the law and he’d being punished by the law, it’s not me punishing him.”

Again, while communication from staff may be key to helping victims and witnesses achieve this better sense of balance and priority within the system, wider systemic change may also be needed.

Providing comfort, safety and security

Although mentioned less frequently, some victims and witnesses commented on **the need to feel physically comfortable** when involved in the system at different stages, and particularly when at court. In addition to failings in court room preparation (discussed above), small physical actions such as ensuring that someone had space, comfort and felt safe at all stages of their journey were also mentioned.

Common to some of the feelings expressed that people should not question the law or the actors within it, some respondents spoke of feeling ‘uncomfortable’ (specifically when giving statements and evidence) yet feeling unable to raise this or challenge this:

“I was in the court for, I think it was, 4 and a half hours and I didn’t take a break. The Judge had asked me if I wanted to take a break and I told him, no...because I was just thinking I was being a nuisance, I didn’t know who to talk to really. I did need the toilet, I did need a

drink of water, I did need just basic things in that moment but, because this is a different court, should I have looked at that Clerk, should I have asked that person, because I don't know this person, this is a new person. How does that look?"

"My [relative] had to give evidence and even he said, "Just the thought of going into this cold room and a plastic chair when you don't get offered a cup of tea or anything" and you're talking about this happening to you."

In particular, important information needs to be given and gathered in an environment where people feel safe and comfortable, rather than places that are simply 'convenient'. This can help with the way that information is processed and understood:

"...most importantly of all, in an environment that you're not comfortable anyway. And if it was dealt with prior to - and gave you the opportunity to just do it in the comfort of your home, it would be so much easier to cope with and would - I daresay it would still be traumatic but, never having really had that experience, I don't know. But I think it would be traumatic but nowhere near as traumatic because the shock element wouldn't be there and you'll have given yourself time to compose yourself in your own surroundings."

"So, it's maybe checking out with the person, is there anything about the way the room's set up here that would make you feel more comfortable, that kind of thing. Because even a simple thing - this might sound crazy, right - but see the fact they were closer to the door than me, that felt really threatening."

Staff within the system should be able to identify and read cue of physical discomfort, it was suggested, and respond accordingly. The system should also proactively be designed to maximise comfort in the knowledge that this is likely to help garner the best evidence:

"I think they have to be very much looking at body language, looking at how the person sitting in that box looks. Do they look as though they're exhausted? Do they look as though they're on their last legs and they're just sort of tired? Do they look as though they're answering the questions the way that they should be? Are they as involved as what they were at the start? Do they need a break? I think, especially in this sort of case, I think there should be mandatory breaks at some point if it's going to run on. So maybe an hour and a half, 2 hours and that's for the Judge to say, everyone's going for a break. It shouldn't be a choice thing. They shouldn't run these things until it breaks someone down cos, I came out of that court room and I just fell to my knees and I sobbed and sobbed for 20 minutes because I had nothing left. Do you know what I mean? So, it's something that you have to be mindful that that person is there because you've asked them to be there, so look after them."

Where basic comfort had not been provided, victims/witnesses suggested this may have impacted on the quality of evidence they had given. In contrast, where professionals had been aware of the victims'/witness' comfort needs, this had been memorable in a positive way:

“They checked that we were okay to go on when we were talking about personal impact and things like that, they checked if we had enough water, if we wanted to sit down, just those little touches that maybe I wouldn’t have expected and you maybe don’t get on all occasions.”

Perhaps cited more frequently was the need to make victims and witnesses feel safer in justice system buildings and to **provide safe spaces** for people to talk about experiences. This included spaces where people would be questioned:

“I didn’t like that people could see in my living room window that there [were justice professionals] standing in my living room...Like, I’m quite a private person, I don’t want to air my dirty laundry down the street. I don’t want people walking past going, “Ooh, why has she got two [justice professionals] in her living room? Like give me an opportunity to shut the blinds, sit down.”

“Just sit down, stop towering over me, don’t try to be smart and cheeky, recognise that I’m clearly - you know, I had tears coming down my cheeks – sit down and go, even just ask me, “Are you OK?”, not in a, “Right okay, are you okay?” But, actually, maybe sit down and be like, just show more empathy, sympathy, understand how I was feeling at that time. And like privacy, security, comfort. You need to recognise that I was not feeling any of those things and you needed to deliver that in order for me to even begin to start talking.”

Similarly, court buildings had made some feel uncomfortable, unsafe and at risk of meeting accused, which several described as potentially intimidating. Reconfiguring physical spaces where victims and witnesses interact with the system may help to **ensure that victims feel more secure**:

“...when I entered this process, I thought it would be really professional, people would be on the ball, people would know their job, they would have my safety at the top of the list here...Then I went to court and he was allowed to stalk me around the building, wait for me outside, waited for me outside the witness room, while he was on bail. I just don’t understand that mentality.”

“I just felt unsafe. As much as there’s police walking around, you feel unsafe because you know that, when you’re at the High Court, you’re in there for serious stuff. It’s not just like the Sheriff Court when it’s just wee daft things here and there. When you’re in that High Court, you know that there’s all these people that you’ve just had a case against and you’re a witness, you aren’t that person that is being the perpetrator, you’re the witness. So - and there’s no safe place to go and sit. I was outside in the main entrance. Maybe there’s a suggestion, let me go into a different room and wait.”

Others described in detail the way that court rooms had been set up to allow victims and witnesses to be exposed to one another in a way which could be **intimidating** and induce trauma responses, and felt that this too was something that should be designed out of the system. One respondent provided a very detailed account of their own negative experience in this regard:

“And I knew literally the people sitting behind me were sitting there on behalf of the 3 defendants. But we were warned by the [staff] as we went in, do not interact with anybody, do

not speak to anybody, do not say anything. Just the people - the families of the defendants were literally less than two feet behind me and we were so close together and even when it came to the end of it, that one of the defendants turned round and waved and smiled at the people that were sitting behind me. Now, for me, that was just the straw that broke the camel's back and, at that point, somebody from one of the group from behind me said something. I can't even tell you what they said cos I honestly don't remember. And of course, I, at that point, started to turn round to respond. And before I'd even got any words out my mouth, there's a police officer coming across grabbed me by the arm to take me out. And now I'm ending up arguing with a police officer on the way out because I've had the audacity to turn round. I should never have been put in that position in the first place...They could have put people into seating that didn't mean we were literally right on top of each other. The other big thing was - inasmuch as I was wound up at this point anyway and I'm now literally being escorted out of the court room with a police officer holding my arm - we get to the door to the court room, bearing in mind the proceedings had more or less finished at this point. One of the defendants - sorry, 2 of the defendants were on remand and 1 of them was not on remand. And at the point that we get to the door to go out, the one who's not on remand is now standing at the door holding the door open for me to go out the court with the police officer holding my arm. And I'm literally face to face with this individual and you can imagine how wound up I am already and I've got this guy standing holding the door open for me to get out, smiling at me as I'm walking out the door. And he's one of the ones who's basically on bail, having been charged with murder and he's holding the door open for me to go out. And I'm saying to myself, "How can you expect me not to react?" And then of course, I do react and I say something and then the policeman is just dragging me out the place and saying to me, "Have a bit of respect big man". And I went, "Have a bit" - and of course, I just lost it."

"...segregation of people at the point where you walk into a court room and you can basically just sit where you want and then, more importantly, somebody else can just come along and sit beside you."

Safeguarding was also mentioned by several respondents, with one describing how it would be helpful if the system could be more proactive in safeguarding and following up with victims/witnesses after an incident (i.e. in the days that follow to provide additional reassurance and sense of safety):

"And also see the checking out before you leave, "Are you okay?" because if they don't check out you're okay before you walk out that door, what's the potential that you could do when you walk out that door? So, safeguarding as well, making sure that you're actually alright is really important."

Another victim described an important case outcome being shared with her by telephone as she walked home from work in a public street. While this in itself had been inappropriate, the failure to follow up or check on the victim following the call was seen as perhaps an even bigger oversight:

"I was actually just walking back from work... And I just remember she [justice professional] picked up and she just went, "I'm so sorry pet, it's not proven"... And I just

hung up on her and she never phoned back. I don't recall her phoning back asking if I was okay, she obviously just went, "Oh that's her home, OK, I'll leave that and move on to the next job". I never heard from her again...[she should have] called back the next day, called back in a week and said, "By the way, I've not forgotten about you, I still care, I know you managed to get home safely but that's obviously deeply traumatising for you, I just wanted to give you an opportunity to talk, if you had any questions." Even just said, "I've not forgotten about you, that must have been really hard." It didn't even need to be anything practical, just - you know, we're human beings, you're a human being."

The same victim described how the failure to follow-up on her well-being after the trial had undermined previous trusting and positive relations built up with individuals and organisations within the system:

"I almost feel like I could know these people [justice professionals] on a personal level, like that's how much time I had spent with them. Huge chunks of time off work and time in my evenings just discussing things, talking about evidence, giving statements, getting support, getting advice...And then after this verdict, after this not proven verdict, again, no phone call, nobody to check in and say, "By the way, I saw there was that not proven verdict, I know we worked for a long time, we worked quite close, getting his prosecution going, thank you for your time." I don't know, those were things that could have been said that weren't that could make me feel a little bit more human and a little bit appreciated for the time, again, being aware of the trauma."

Improving and enhancing training

While some very specific ideas for how staff and systems could change were put forward, more general training among the justice workforce was also encouraged in relation to trauma, especially as it relates to and interacts with emotional abuse, post-traumatic stress, depression and anxiety:

"Some sort of training to do with PTSD or emotional abuse etc., have them put themselves in our shoes."

"So, the content of training should be the psychology behind trauma and what causes it and maybe a bit of the physical, what happens to your brain."

"Educating yourself on how trauma affects somebody. Like how that person will present, how that person maybe will react in the first instance but maybe react differently a couple of weeks down the line. It's not a cut and dry, this is how trauma is because it affects everybody different. And not everybody will be willing to speak there and then. They might want to wait a few weeks, a few months or whatever. I think one thing that I said recently is that it's taken me the best part of five years to get over what happened to me. That's a long time. Don't expect everybody just to be over it in the first couple of months...trauma affects people differently and there's no time limit on it."

Training to understand triggers, responses and dissociation was also encouraged as well as training around how to use language appropriately to avoid and minimise re-traumatisation.

Some victims indicated that they felt the system as a whole was currently not sufficiently well versed on trauma but also that staff within the system often made assumptions that victims/witnesses understood trauma and its impacts, which may not be accurate:

“I knew nothing about trauma and it would have been helpful if the [justice professionals] who were my first point of contact warned me or even gave me the link to a website. I think some people who deal with trauma seem to [think] that we all know what it means. Not one person within the justice system mentioned the word trauma...They seem to be reactive instead of proactive.”

Some victims and witnesses also questioned the extent to which the justice and support staff that they had interacted with had received any training in the fundamental principles of person-centred care (in line with best practice) and suggested that this may be a crucial first step before introducing training regarding trauma-informed practice.

This was tied closely to the notion that training was required to allow staff within the system to see incidents in the wider context in which they occur, in order to be more ‘trauma informed’:

“[Justice professionals need to know] I guess the definition of trauma or what trauma is. I think probably similar to us, a lot of the [staff] that we dealt with will not have been trained in a trauma informed way and I know that that’s a relatively new approach in a lot of sectors, so that’s understandable. But more of an understanding of what trauma is and how differently it can present itself in different situations. So, what’s trauma in one place might not seem as traumatic somewhere else and an incident that, on the face of it, might seem quite trivial is actually not if you placed it within the wider context of other things that have been going on.”

“Just better questioning, better appreciation of the wider situation.”

Several respondents stressed the additional insight that might be achieved for trainees if people with **lived experience** were involved in delivery i.e. victims and witnesses sharing their own accounts directly in training for justice staff:

“I think that listening and hopefully some people like myself are brave enough to speak up because reading something on a piece of paper is not the same as actually listening to the person. If you could hold it together and speak about your own experience, that, to me, would be - have a bit more successful impact on them rather than reading something on a piece of paper, to be honest.”

“I think that where certain professionals within the Judicial System were able to sit in, for example, a workshop with 3 or 4 different individuals from different situations, different crimes, different traumas, etc, and actually just sit in a room and listen to - maybe they would get it a bit more. Maybe they would understand it a bit more.”

“I am a big advocate of training to be given by experts and I think some training from people who have experienced it, so that people are actually able to put a person to the

theory, to the reasoning. And I think it always sits better if someone's in front of you to a degree as to why this needs to be done."

"Cos you couldn't possibly know how somebody feels unless you've almost heard them or walked their walk because it's like I might sympathise with somebody that's been in a car accident but, if I haven't been in a car accident, I don't know how that feels."

It should be noted that several victims and witnesses also spoke of the importance of 'experience' alongside training. Indeed, many of the positive cases of interaction cited by respondents were in relation to justice professionals who they perceived had previous experience of similar cases to their own, or generally strong experience which had helped them to empathise and respond appropriately to the situations individuals were facing. **Experiential learning** or learning from role play scenarios was also suggested.

Finally, one respondent highlighted how their experience of working with multiple different staff across the system at different junctures in their case had highlighted to them that some staff were more sympathetic, empathetic and aware of the negative consequences of incidents than others. Recognising that many staff within the system will have significant experience of different serious crimes over prolonged periods, it may be that the **benchmark for 'seriousness'** becomes so high that crimes which are incredibly traumatic for individual victims are not perceived as such by the professionals involved. As a way of mitigating this, one respondent suggested a system change or process of review which would involve staff being able to recognise when themselves or others no longer recognise the seriousness of individual incidents and can be referred for training or 'time out' to allow them to reconsider and readjust their approach. In a similar vein, this respondent noted that there may be a need for wider appreciation that trauma will affect staff as well and that this may impact on how they respond to the victims and witnesses with whom they work.

Other suggestions for change

Across the interviews and written feedback, a number of practical and often small changes to systems and processes were raised which would appear, at face value, to be easy things to address but which would have potentially noticeable positive impacts for victims and witnesses. These included:

- allowing victims and witnesses to sit down when giving evidence in court, instead of having to stand;
- allowing victims and witnesses to give evidence remotely/via video;
- always allowing victims/witnesses to be interviewed/examined in spaces with clear and accessible exit points (to avoid feelings of being trapped);
- avoiding unnecessary use of accused names and personal details in correspondence with victims/witnesses;
- allowing victim and perpetrator representatives/supporters to sit separately from one another in court;
- having separate entrances/exits for victims and witnesses at court;
- allowing victims and witnesses speedy entrance to court premises, to avoid potential of being accosted outside of court by perpetrators or their families/supporters;
- effective signposting to support organisations early in the victims/witness experience;

- assuring victims of their safety after an incident is reported;
- ensuring that all victim and witness contact with the police is logged over time;
- allowing victims and witnesses more time to give statements and an opportunity to revisit and revise statements as required, recognising that initial accounts can sometimes be negatively impacted by trauma (and may be incomplete or inaccurate as a result);
- ensuring that interviews/meetings are kept to a reasonable duration (i.e. 2 or 3 hours may be too long when dealing with particularly traumatic subjects or for people who have been traumatised);
- ensuring that all interviews are held in spaces that feel safe to victims and witnesses, with minimal distractions;
- never disclosing personal data to perpetrators such as victim or witnesses email addresses or telephone numbers;
- finding ways of ensuring that staff had previous awareness and knowledge of cases before interacting with victims and witnesses; and
- always following up with victims after formal case closure.

Finally, it should be noted that several respondents stressed that they were pleased to take part in the current research and to share their experiences in the hope that it would help to improve the system going forward and prevent others having negative experiences such as their own. Implicit in this is the suggestion that more could perhaps be done for justice agencies to routinely collect feedback from victims and witnesses to ensure that any negative experiences can be used to learn how to improve the system in the future.

Conclusions

The research suggests that, from the perspective of victims and witnesses, there is much to be done to make professionals within the system more trauma aware, trauma responsive and more empathetic overall. A strong sense throughout the interviews was that justice professionals may underestimate and misunderstand trauma and associated impacts, not only that which arises from being a victim or witness, but also that which results from being involved in a complex, unfamiliar and probing justice system, which can leave people feeling vulnerable and exposed.

Much of what was seen to require change related to the personal characteristics of professionals working within the system and their approach to interactions. More human and person-centred approaches *per se* were seen as a priority (rather than necessarily trauma informed approaches), although victims and witnesses themselves often did not seem clear on what the difference between simple 'good practice' and 'trauma informed' practice may be. Interestingly, while many victims and witnesses were able to provide tangible examples of what could and should have been done differently to have improved their experience, much of what needs to change was seen as difficult to pinpoint or define. The need for 'professionalism' was stressed, for example, but this was difficult to define. A lack of consistency in what victims and witnesses had experienced and had therefore come to expect may point towards a need for clearer boundaries and definitions of 'what works' in trauma informed responses.

Much could also be achieved, it seems, from better explaining the system to victims and witnesses, making them aware of their rights and keeping them informed at all stages of their journey within the system to provide empowerment. Feeling disempowered and not in control seem to be central features of both the causes and consequences of trauma and so a system which makes victims and witnesses feel that they are in control of their own journey seems key to making them feel more confident, safe and secure (whilst reducing potential for re-traumatisation). Providing support at all stages of someone's journey may also negate the existing situation in which many victims and witnesses feel alone in a system that appears (in their experience) to be stacked against them.

At the system level, perceptions exist that there is prioritisation of efficiency targets over individual well-being. Specifically, providing a positive victim and witness experiences does not appear *prima facie* to be a target in its own right. Recognising that there will be inevitable legal constraints to system change, what does seem very clear from the research is that, without modifications, there is scope for increasing mistrust in the justice system which has the potential to lead to disengagement from victims, witnesses and others that the system seeks to serve:

"Success would look like victims not being afraid to come forward because they're scared of being victim blamed. Success would look like victims would be taken seriously without having their character or their morals or their past actions questioned, it would focus on what happened, without painting victims out to be attention seekers and liars. A justice system that starts taking women at their word would look like a success. A justice system that didn't use a jury, or at the very least got rid of the not proven verdict, might actually give victims a chance at receiving justice."

Appendix A - Information Sheet

About the Work

Many witnesses may have been adversely affected by the traumatic experiences that have brought them into contact with the justice system. It is important that, where at all possible, the justice system as a whole can respond to witnesses in a trauma informed way. That means doing no further harm and avoiding re-traumatisation, as well as supporting their recovery. Every member of the justice workforce has a role to play in making that happen.

To support a trauma informed workforce in the justice sector, NHS Education for Scotland has been asked by the Victims Taskforce to identify and develop a summary of the knowledge and the skills that different members of the justice workforce need to have in order to effectively respond to the needs of victims and witnesses affected by trauma. To do this, we will collect information from a range of sources, including international evidence and literature, and interviews with experts, leaders, and victims and witnesses with lived experience of trauma. As part of this, NHS Education for Scotland (NES) would like to speak with victims and witnesses who have experienced trauma to learn about what the key things are that they think different justice staff should know and be able to do in order to be trauma informed and make sure that:

1. No further harm or re-traumatisation is experienced by witnesses in the course of the justice process;
2. Justice staff can support the psychological recovery of witnesses from the impact of psychological trauma;
3. Witnesses are supported to give the best evidence that they can; and
4. Any other factors that are relevant.

Who we would like to talk to:

We would like to speak to victims and witnesses who have already indicated their interest and consent to contributing to the work of the Victims Taskforce (for example members of the victims voices group). For the purposes of this work, we would like to speak to people who have been affected by trauma as a victim of crime, and who have had subsequent contact with any element of the criminal justice process as a victim or witness. This could include police or emergency services, solicitors, Procurators Fiscal, court staff, Sheriffs and Judges, criminal justice social workers, health or social care services, as well as voluntary groups and support organisations. We recognise that contact with organisations will be many and varied.

We want to hear their views about the knowledge and skills that justice professionals need to have to respond effectively to the impact of trauma on victims and witnesses.

Do I have to take part?

It is entirely up to an individual whether they take part or not, it is completely voluntary. If they do decide to take part, they'll be asked to sign a consent form, and it is important to know that they will be free to withdraw at any time without giving a reason and there would be no consequences.

What is involved:

We would like to ask volunteers to either complete a survey or complete a 1:1 telephone interview that should last no longer than one hour, and will be audio recorded. The interview or survey will focus on their experiences of meeting or speaking with justice professionals and support services, and what has been helpful or unhelpful in terms of responding to the impact of trauma. The types of questions we would like to ask volunteers are:

- What was helpful/positive about your previous contact as a witness with justice professionals/support staff? Do you have any examples where someone recognised and responded well to your experience of trauma and the impact it has on you?
- What was unhelpful/negative about your previous contact as a witness with justice professionals/support staff? Do you have any examples where someone didn't recognise or respond well to your experience of trauma, or made things worse?
- What do you think justice professionals/support staff need to be able to know or do in order to prevent re-traumatisation, and support the recovery of victims or witnesses affected by trauma to recover ?
- What do you think justice professionals/support staff need to know or do in order to support victims and witnesses affected by trauma to contribute to the justice process most effectively and give best evidence?
- What do you think are the key elements of a trauma informed justice system for victims and witnesses? What would success look like?
- Do you have any other suggestions for making the workforce in the justice system better at responding to the impact of trauma on victims and witnesses and at avoiding further trauma or re-traumatisation?

Are there any disadvantages to taking part?

We have not identified any risks involved in taking part, and we do not anticipate that the questions asked should cause distress. All questions that will be asked in the interviews will be supplied beforehand (see above) so there will be no surprises, and volunteers will have plenty time to prepare. We invite responses both via interview and via written responses to a survey to support volunteers to feel comfortable, and the interview can be paused or stopped at any time. Doing either will take around one hour, plus any preparation time spent reflection on the questions prior.

Are there any advantages to taking part?

Volunteers will receive no direct benefit from taking part. The information collected in these interviews will be used to inform recommendations for the content of training of justice staff in responding to the impact of trauma in victims and witnesses. We hope that this will support and develop a justice system that effectively responds to the needs of victims and witnesses affected by trauma throughout their contact with the criminal justice system.

What happens to the information that I give?

Interviews will be recorded and then transcribed and these transcriptions and the survey responses will be analysed by an independent researcher (KSO research) to create an initial report. The responses that you give during the course of the research will be kept strictly confidential and will be anonymised. Any identifying details will be removed so that you cannot be recognised. If you give your permission, we may also use anonymised quotes from your interview in the reports and knowledge and skills framework that will be generated from the analysis, and in any training resources that we create to support trauma informed practice in for justice staff.

Any personal information, including contact details, will be held in accordance with the General Data Protection Regulation (GDPR). All personal information will be deleted at the end of the project.

Why are we doing this?

Speaking to victims affected by trauma directly, and learning from their experiences will help us to understand what they need from a trauma informed

workforce, and to understand what justice professionals need to know and be able to do to help them become more trauma informed.

Next Steps

If you or someone you know may be interested in speaking with NES to share their experiences, or if you would like to learn more about this work, please contact:

Dr Caroline Bruce

Head of Programme for Trauma, NHS Education for Scotland

Email: Caroline.Bruce@nhs.scot

Thank you

Appendix B - Interview and Survey Questions

Thank you for agreeing to complete this survey about your experiences of contact with staff in the justice sector. As outlined in the information sheet about this work, the responses you give will be used to inform training that is designed to support trauma informed practice within the justice sector. Because this work is focussed on the training needs of staff, over the next eight questions in this survey you will be asked **what you think staff need to know about the impact of trauma on victims and witnesses, and the skills they need to respond in a way that prevents further trauma, and doesn't make recovery harder.**

You can answer these questions using your experiences of any part of the justice sector, or staff from any organisation. Some examples might include a telephone call with a call handler, giving a statement to police, having forensic evidence taken, attending at court, being a witness in court, or the period after a court case has ended. Examples might include a wide range of types of staff, including reception staff, police, prosecution staff, defence staff, security staff, staff in the court room, or support staff.

It is important to stress that these questions relate only to your experiences of contact with the justice sector, and we would be grateful if you could **avoid referring to or mentioning any details of the case that you have been involved in.**

There are eight questions, and each question has its own page. You can say as much or as little as you like in response to each question, and can give as many examples as you wish. You can also choose to not answer any questions that you do not wish to answer - just leave these blank. Please go to the next page for the first question.

Q1. What was helpful/positive about your contact with justice professionals/support staff?

Q2. Do you have any examples where someone recognised and responded well to your experience of trauma and the impact it has on you?

- What did they understand about the impact of trauma on you that made the difference?
- What skills did they have in responding to the impact of trauma on you that made the difference?

Q3. What was unhelpful/negative about your contact with justice professionals/support staff?

Q4. Do you have any examples where someone didn't recognise or respond well to your experience of trauma and the impact it has on you, or made things worse?

- What do you think they needed to understand about the impact of trauma on you that might have made things different?
- What skills did they need to have in responding to the impact of trauma on you that might have made things different?

Q5. What do you think justice professionals need to know about how trauma can affect victims and witnesses, so that justice staff don't cause any further harm?

- Are there any specific skills they need to have?

Q6. What do you think justice professionals should know about the impact of trauma on victims and witnesses to support witnesses affected by trauma to contribute to the justice process most effectively and give best evidence?

- Are there any specific skills they need to have?

Q7. What do you think are the key elements of a justice system that successfully responds to the needs of victims and witnesses affected by trauma, and doesn't create further trauma?

- What would success look like?

Q8. Do you have any other suggestions for making the workforce in the justice system better at responding to the impact of trauma on victims and witnesses and at avoiding further trauma or re-traumatisation?