

PPS VICTIM AND WITNESS POLICY

SUMMARY OF CONSULTATION RESPONSES

The PPS's Consultation on the Victim and Witness Policy was issued on 2 June 2016 for a period of 12 weeks. The aim of the consultation was to seek a wide range of views to inform the new Victim and Witness Policy.

Responses were received from:

Commissioner for Older People;
Victim Support NI;
Bar Council, the Bar of Northern Ireland;
Women's Aid Federation Northern Ireland;
Police Federation for Northern Ireland;
Operational Policy Branch, Department of Justice; and
Northern Ireland Courts and Tribunal Service.

A number of comments were also considered from PPS staff. All comments raised were taken fully into consideration. We have provided feedback to each consultee and a summary of the main points raised are set out below.

Commissioner for Older People for Northern Ireland		
	Comment	PPS Response
1.	Of particular note and concern is the fact that there is no explicit reference to older people having the ability to make use of having the potential to be identified as vulnerable witnesses. This is an issue that the Commissioner believes merits further consideration. The lack of explicit reference to older people in the PPS documentation stands in contrast to the approach of the Crown Prosecution in England and Wales.	Comments noted. The PPS Victim and Witness Policy is a standalone policy that is deliberately silent on specific case type / victim categorisation to ensure ease of reference for all users.
2.	The Commissioner also believes that statistical monitoring of crimes affecting older people could be further enhanced by the PPS adopting a similar approach to the	Comments noted. The PPS has engaged directly with the Commissioner's office in the preparation of Dr. Kevin Brown's

	Crown Prosecution Service in England and Wales of flagging up particular crimes against older people. The Commissioner recommends that the PPS use the CPS document as a template, to work with older people and other relevant stakeholders to design and publish specific policy guidance on the handling of cases involving older people.	report on cases involving older people as victims. Statistical data was forwarded to the Commissioner's office for the purposes of the report including figures based on the victim's age and a number of offence types requested by Dr. Brown. We are awaiting receipt of this report and will consider any and all recommendations contained therein.
3.	It is not evident that the PPS Victim and Witness Care Unit provide training to their representatives on how to deal with older people as witnesses and the differing needs that they may have (UN Principles for Older People 1991).	Comments noted. Training has been delivered to all staff in the Victim and Witness Care Unit on how to identify and manage those witnesses who may be considered 'vulnerable'. A review of the needs assessment process is to be commenced and consideration will be given as to how best to raise awareness amongst staff conducting the assessment to be alert to potential age-related vulnerability.
4.	The statistics suggest that decisions not to prosecute are less common in cases involving older complainants in comparison to the general caseload and that conviction rates in both the Magistrates' Court and Crown Court are higher in cases involving complainants aged 60+.	Comments noted.

Victim Support Northern Ireland

	Comment	PPS Response
1.	VSNI would like to see time limits included for the PPS procedures to provide victims with a realistic time frame in order to adequately manage expectations. Have some concerns that there are no time limits or standards around the management and responses to the complaints procedure included in the document.	Comments noted. The PPS is committed to managing cases as efficiently as possible and to provide updates as per the provisions in the Victim Charter. Comments accepted. The relevant time limits have been included at Section 4.2.

Bar Council, the Bar of Northern Ireland

	Comment	PPS Response
1.	The Bar Library believes that it might be helpful for the PPS to provide additional information to locate its work within the context of the criminal justice journey for victims, for example, include a short flow diagram detailing the various stages from reporting a crime and the police investigation to the court process and post-trial support. This could provide a useful visual aid for showing how the work of the PPS plays an integral role in criminal prosecutions in Northern Ireland.	Comments noted. Work is ongoing to include a visual aid in the online version of this policy. The policy document already includes a summary of the main process stages for victims and witnesses (Annex C).
2.	It would be useful to provide a glossary of the various terms contained within the policy and also contact details for mentioned support service providers.	Comments accepted. Both a glossary and the contact details for selected support providers are included at Annexes A and B. A comprehensive list of support services will be provided in the online version of the policy.
3.	The introduction to the policy highlights that the PPS are committed to the “best possible service” and that every effort will be made to identify the “specific needs” of victims and to ensure “that appropriate actions are taken to meet these”. The Bar believes that this is a laudable commitment, and believes that this has the potential to create subjective expectations amongst victims which the system is unlikely to consistently meet.	Comments noted. The PPS is required under the Victim Charter to identify the specific needs of victims and is committed to achieving same. This wording has been amended. The document now reflects PPS commitments under the Victim and Witness Charters.
4.	The role of independent counsel when advising or instructed by the PPS should be clearly explained.	Comments noted. The feedback from victim groups has been to keep the policy as user friendly as possible. The standards to be afforded to victims are the same regardless of whether the prosecutor is a PPS employee or independent counsel instructed by the PPS.
5.	Section 2 – Support Pre-Decision The Policy could contain more information on how prosecutors approach prosecution	Comments accepted. An online version of the policy, which is under development, will contain

	<p>decisions. The guidance contained in the Code for Prosecutors could potentially be expanded on in the Victim and Witness Policy by pointing more clearly to the two defined elements of the test for prosecution which must be met namely:</p> <ol style="list-style-type: none"> 1. The Evidential Test 2. The Public Interest test 	<p>hyperlinks to the definitions and guidance on the test for prosecution.</p>
6.	<p>Section 2 – Specific Views Victims and nominated family representatives in the case of a bereavement must be aware that their views will only form one element in the decision making process. The Bar is concerned that allowing for such wide scope for the views held by victims to be taken into account could lead to undue pressure on the independence and robustness of the decision being made in the public interest. The PPS must be mindful that victims or their families cannot expect to direct the prosecution case or unduly influence the decision making process. It might be worthwhile to remind victims of this in section 2.</p>	<p>Comments noted. The importance of the independence of the PPS is emphasised in the introduction to the policy (see page 4, section 1.2).</p>
7.	<p>Section 3 – Victim Personal Statements The Bar Library considers that it might be helpful to include information in this section on those who are entitled to make a statement which are included in the DOJ’s Victim Charter and it might be worthwhile highlighting that the Judge or defence team may ask about the content in court.</p>	<p>Comments accepted. See amended section on Victim Personal Statements at page 12 (section 2.4).</p>
8.	<p>Section 3 - where a no prosecution decision is made This section refers to 4.59 of the Code for Prosecutors; the Bar suggests that it would be helpful to provide a link to an online version of the code. Website also needs to be updated with latest version of the code.</p>	<p>Comments accepted. The online document will include a link to the new Code for Prosecutors. The PPS website has now been updated and the Code for Prosecutors can now be accessed at http://www.ppsni.gov.uk/Code-for-Prosecutors-5017.html</p>
9.	<p>Section 4 – Use of special measures The measures outlined should reflect the full list contained in the DOJ’s Victim Charter at paragraph 64 and it might be helpful to</p>	<p>Comments accepted. See revised section on special measures at pages 14 – 17 (section 2.5).</p>

	<p>highlight that a Judge can decide to grant one or more of these measures to assist vulnerable or intimidated witnesses.</p> <p>The policy does not state the circumstances in which a victim may be treated as intimidated and fails to clarify that a victim will automatically fall into this category if they are a victim of sexual assault, slavery or trafficking. Additional circumstances contained in paragraph 48 of the Victim Charter in which a victim may also be considered intimidated, including domestic violence, hate and terrorism. The Bar considers that the PPS should list these in the policy.</p>	<p>Comments accepted. See revised section on special measures.</p>
<p>10.</p>	<p>Section 5 – Attending Court It would be helpful to highlight that the victims should be able to request a court familiarisation visit in this section.</p> <p>May be beneficial to clarify that the PPS often bring in independent barristers and where there are multiple hearings in a case, it is unlikely that the same barrister will be instructed.</p> <p>May be worthwhile adding that the defence representatives operate in accordance with professional Codes of Conduct which include their conduct in court. The Bar of Northern Ireland’s Code of Conduct is available online here.</p> <p>The PPS might also wish to consider including a comment that prosecutors, defence representatives and Judges are trained to provide professional services to all those involved in court proceedings. When a problem arises, a victim or witness has the right to raise a complaint about the conduct of either a prosecutor or defence</p>	<p>Comments accepted. Refer to bullet point 1, page 18 (section 2.6).</p> <p>Comments noted. Please see section 2.6 (pages 18 – 19). The PPS tries to ensure that the same Prosecutor is used for the duration of proceedings. This may not always be possible, for example, where a case is adjourned and diary commitments do not permit the attendance of a particular Prosecutor on any reconvened date.</p> <p>Comments accepted. Reference to professional Codes of Conduct for barristers and solicitors is now included within section 2.6 (page 19).</p> <p>Comments accepted. See section 4.2 (pages 30 – 31) for a detailed outline of the complaints process.</p>

	barrister in their case.	
11.	<p>Witness Policy</p> <p>The Bar would query whether the PPS might consider delaying the publication of this section of the policy until the standards and entitlements contained in the Witness Charter are finalised following the consultation. Much of the Witness Policy is very similar to the Victim Policy and some of the points suggested could also be integrated into this section.</p>	<p>Comments noted. The PPS engaged with the Department of Justice on the drafting of the Witness Charter, which was published on 3rd April 2017. Whilst the Charter has not yet been placed on a statutory footing, the PPS has been proceeding on the basis that the Charter has been operational on an administrative basis since 31st March 2017.</p>

Women's Aid Federation Northern Ireland

	Comment	PPS Response
1.	<p>Introduction Section - Support information should be included at the earliest possible stage, alongside the explanation that the PPS is not a victim's legal representative. Women in focus groups opined that the 'journey' presented in many government documents does not match their experience of the process, as they do not give enough prominence to the support victims receive from voluntary agencies.</p> <p>Information should include links to the Victim & Witness Care Unit and also links to specialist support services (24 hour Domestic & Sexual Violence Helpline, Women's Aid, Men's Advisory Project and Nexus).</p>	<p>Comments noted. A full list of support services and details will be included in the online version of the policy. That the PPS is not the victim's legal representative is explained in section 2.1 (page 7) of the policy.</p> <p>Comments accepted. A full list of support services and details will be included in the online version of the policy which is currently under development.</p>
2.	<p>Receipt of Investigation File - This section should include a commitment from the WVCU to signpost specialist support organisations such as Women's Aid. It was also noted how important it is to have support from a person or organisation who understand their situation and is able to advise and advocate on their behalf.</p> <p>It would also be useful to include contact details for the WVCU at this point in the document as this would be more practical for victims reading the policy.</p>	<p>Comments noted. WVCU signpost all victims to VSNI or NSPCC who then provide such referrals to specialist organisations.</p> <p>Comments noted. The online version will include an immediate link to these details at this point. A full account of the WVCU's role is</p>

		provided at the beginning of the policy at section 1.3 (pages 5 – 6). Contact information for VWCU appears in Annex B, alongside similar information in respect of other service providers.
3.	<p>Support pre-decision - It would be helpful if it was written in simple language e.g. It would be helpful to explain the “evidential test”.</p> <p>It would be useful if there was a practical explanation as to how the views of victims are taken into account.</p> <p>Some wording is non-committal and does not offer any assurance to victims e.g. “you will be informed of this without unnecessary delay where possible” is a very qualified statement that does not offer a robust enough commitment from the PPS to inform victims about alternatives to prosecution without unnecessary delay.</p> <p>More straightforward language around contact with the VWCU would be helpful, add details of the VWCU.</p>	<p>Comments accepted. The Test for Prosecution is now explained in section 2.3 (pages 8 – 9) of the policy.</p> <p>Comments noted. This is covered in general terms at page 12 of the policy document which provides information regarding Victim Personal Statements.</p> <p>Comments noted. Victim’s views will be ascertained by the investigating officer in cases where the prosecutor is considering an alternative to prosecution. The PPS is committed to being robust in making such requests to the investigating officer.</p> <p>Comments noted. See response to point 2 above.</p>
4.	<p>When a decision is taken - If a decision is taken which would affect whether a perpetrator is to be released it is important that a victim of domestic violence is informed immediately, 5 days is too long a delay.</p> <p>In domestic violence cases it is essential that appropriate contact details and safe times to contact are established between the case officer and victim. The phrase “where possible” is cause for concern as this does not reflect a robust commitment.</p>	<p>Comments noted - Refer to section 2.5 (page 13) of the policy. The PPS is committed to informing victims of any change in circumstances, such as release of the defendant on bail, without unnecessary delay - defined as five working days in the Victim Charter. In practice the internal VWCU target is to inform victims within three working days.</p> <p>Comments noted. The PPS is committed to ascertaining preferred means of contact where the correct details have been provided by police and the victim is willing to engage. The PPS is fully cognizant of the needs of domestic</p>

	<p>Domestic Violence should be specified as a reason for granting special measures.</p> <p>Disappointing that the letter informing the victim of a decision not to prosecute is not supplemented by a phone call from the VWCU to explain the letter and offer emotional support, or signpost to an organisation that can offer support.</p> <p>Many domestic violence crimes do not per se fit the criminal justice definition of “serious crime” and may only constitute a “minor crime”. However, this does not reflect the true extent of domestic violence. Therefore, when a case has a domestic violence element, we urge that the PPS treat these victims as they would victims of “serious crime”.</p> <p>The VWCU should provide assistance with requests for further explanation of a decision not to prosecute as not all victims are capable of making such requests without assistance, for reasons of literacy, disability or vulnerability, so the policy to “explain how to make such a request” may be inadequate.</p>	<p>violence victims and providing access to support services where needed.</p> <p>Comments noted. Section 2.5 (page 16) of the policy document has been amended, as per the Victim Charter, to reflect that experience of domestic violence may be relevant supporting evidence in respect of an application for special measures.</p> <p>Comments noted. The PPS is an independent prosecuting authority and as such cannot act as a source of emotional support or legal advice. However it is committed to signposting all victims to VSNI. The PPS correspondence also makes it clear that victims can contact their VWCU Case Officer to seek a meeting with the relevant prosecutor.</p> <p>Comments noted. The PPS is committed to treating all victims appropriately given the specific needs and vulnerabilities they may require assistance with. Efforts to identify and meet these needs are made irrespective of the level or nature of the offence.</p> <p>Comments accepted. See revised wording at section 2.4 (page 11): <i>“The VWCU Case Officer will provide information on how these [more detailed reasons for the no prosecution decision] can be requested and will offer any assistance necessary”.</i></p>
5.	<p>Early Court Proceeding – Bail: Urge that the policy includes a commitment for someone to inform victims of domestic violence as soon as bail conditions or changes are granted.</p>	<p>Comments noted. Refer to Section 2.5 (page 13). VWCU will inform all victims when bail conditions or significant changes to bail are granted without unnecessary</p>

	<p>Delay: Would like to see a stronger commitment from the PPS to let victims know in advance of any delays.</p> <p>Special Measure: Victims of domestic violence should be expressly included as an example of a vulnerable or intimidated witness.</p>	<p>delay, defined as five working days in the Victim Charter. In practice the internal VVCU target is to inform victims within three working days.</p> <p>Comments noted. Please see section 2.5 (page 13). Please also refer to page 19 – <i>“Where there is any delay...[the Prosecutor] will provide this information as soon as possible, together with an explanation.”</i></p> <p>Comments accepted. See revised section on special measures at section 2.5 (pages 14 – 17) of the policy.</p>
6.	<p>Attendance at Court – Recommend that this section specifically mentions that victims are able to bring someone with them to court for emotional support, including meetings with the PPS.</p> <p>Policy should also include that the Prosecutor or PPS representative will explain what is happening in a language that the victim will understand.</p> <p>It would be useful to include in the policy that some barristers will set up meetings a few days before hearings with vulnerable victims including domestic violence cases.</p> <p>It would be helpful if there was a better explanation of adjournments and a stronger commitment from the PPS to keep victims updated on these developments and a stronger acknowledgement of this negative element of the criminal justice system in the policy, the document would better reflect the real-life journey and experience of victims in the criminal justice process.</p>	<p>Comments accepted. See revised wording at section 2.6 (page 18).</p> <p>Comments noted. As per page 19 of the policy, victims are entitled to ask for clarification from the prosecutor of any matter discussed.</p> <p>Comments noted. Refer to page 18. Meetings in advance of hearings are determined on a case by case basis.</p> <p>Comments noted. The PPS is committed to providing reasons for delay to the key stages provided for under the Victim Charter. Where possible this will be done in advance.</p>
7.	<p>Trial, Outcome, sentencing and appeal Query why the commitment to make victims aware of the sentencing only exists if that victim is present at court for the sentencing</p>	<p>Comments noted. Please refer to section 2.7 (page 19): <i>“The PPS is committed to ensuring that they [victims] are made aware of the</i></p>

	<p>process.</p> <p>Better processes should be put in place to ensure that victims are adequately informed about outcomes in a timely manner as women using our services have reported that they received no information about the outcome of sentencing, changes of date of hearing etc.</p>	<p><i>result in the case through the VWCU Case Officer. If the victim was present at court for the sentencing process, the Prosecutor will provide the relevant information”.</i></p> <p>Comments noted. Please refer to section 2.7. All staff, including legal and operational staff, and external Counsel, have received relevant training in this area.</p>
8.	<p>Languages/accessibility of information Policy should be available in other languages for victims and witnesses whose first language is not English, should be easy to read with minimal legalese or technical language.</p>	<p>Comments accepted. The policy has been drafted with a view to being as user-friendly as possible, and it will be available in other languages on request. An easy read version will also be available.</p>
9.	<p>Victim and Witness Care Unit For this policy to work in practice, the VWCU will need to continue to make improvements to how it engages with victims, particularly how it communicates in simple, plain English and how its staff responds to the complexities associated with vulnerable victims such as victims of domestic and sexual violence.</p>	<p>Comments accepted. All staff in the VWCU have been trained on the new policy. A number of additional specific training needs have been identified and will be fulfilled. These recommendations will be incorporated into future sessions.</p>

Police Federation for Northern Ireland

	Comment	PPS Response
1.	<p>The PFNI have noted the content of the document and have no adverse comment to make around the proposals at this time.</p>	<p>We welcome and appreciate your response.</p>

Northern Ireland Courts and Tribunals Service

	Comment	PPS Response
1.	<p>Section 1 Page 5, second paragraph. Explain that the Victim Witness Care Unit is a dedicated unit.</p>	<p>Comments accepted. Please refer to section 1.3 (page 5), paragraph 1: “<i>The VWCU is a dedicated Unit,</i></p>

		<i>made up of specially trained staff from the PPS and the Police Service of Northern Ireland (PSNI)".</i>
2.	Section 7 Page 24, second paragraph The PPS will make first contact with you through your case officer from the VWCU - (connected to PPS, or within PPS?)	Comments noted. Please see completed glossary.
3.	Section 3 – When a decision is taken Page 11, last paragraph Explain what, when a plea is entered means and how/when this is done.	Comments accepted. Please see revised wording at page 10 – <i>“Entering a plea involves the defendant informing the court that they are pleading either guilty or not guilty.”</i>
4.	Section 4 - Early Court Proceedings Page 15, third paragraph Explain how the further enhanced needs assessment is completed, e.g. a telephone survey/personal interview etc.	Comments accepted. See revised wording at section 2.5 (page 14).
5.	Section 4 – Early Court Proceedings Page 15 and Section 7 Page 26, second bullet point • evidence by live link Consider adding – ‘and in some courts by remote live link so that you are not required to enter the courthouse’.	Comments accepted. See revised wording at sections 2.5 (page 14) and 3.2 (page 23) of the policy.
6.	Section 4 – Early Court Proceedings Page 16, second paragraph (Special Measure) An application normally still has to be made even for child witnesses (unless the court makes a special measures direction of its own motion), therefore suggest changing this to ‘if you are under 18 at the time of the application you will automatically be eligible to apply for special measures’.	Comments accepted. See revised wording at sections 2.5 (page 15) and 3.2 (page 24).
7.	Section 5 – Attending Court Section 8 – Attending Court Page 19, last paragraph and Page 28 fifth bullet point Note – all courthouses have witness waiting rooms which are separate from the public waiting areas.	Comments accepted. See revised wording at sections 2.6 (page 18) and 3.3 (page 26).

8.	Section 5 – Attending Court Section 8 – Attending Court First bullet points Consider adding ‘or at an earlier time from the public’.	Comments accepted. The wording in sections 2.6 (page 18) and section 3.3 (page 26) has been amended.
9.	Section 6 – Trial Outcome, Sentencing and Appeals Second bullet point Change to – inform the judge if the crime was motivated by hostility. Some explanation of the potential for the court to increase the sentence if it determines that the offence was motivated by hostility might also be included.	Comments accepted. Wording amended at section 2.7 (page 20). Comments noted. A hyperlink to the hate crime policy will be included with the online version of the document.
10.	There is no mention of 3 rd party disclosure where a defendant’s legal advisor may make an application to the court to see an injured party’s medical notes. Paragraph 8.4 and 8.5 of the Protocol for Case Management in the Crown Court refers. The provisions in the Protocol are proposed to be included in the Statutory Case Management Regulations, so perhaps should be included/referred to in some form in the Policy.	Comments noted. The feedback from victim groups has been to keep the policy as user-friendly as possible.
11.	Consideration for re-wording There are some statements which may be viewed as making generalisations about victims, e.g. ‘This is often very difficult for victims to accept’ (page 4) and ‘This is often very difficult for victims to hear’ (page 12).	Comments noted. The feedback from victim groups was supportive of this wording.

Department of Justice

	Comment	PPS Response
1.	It would be helpful if PPS could set out the procedures for contacting / informing / meeting / asking for specific views.	Comments noted. Given that the decision to hold meetings etc. is made on a case by case basis the wording of the policy was adopted to encourage personal contact to be made with the VWCU Case Officer so that the specific needs of the victim could be met more readily.

2.	State how VWCU carry out a needs assessment where the victim is a child or vulnerable.	Comments accepted. The policy has been amended to include this. See revised sections 2.4 (page 10) and 3.2 (page 22).
3.	Review the policy to ensure that it is clear that the VWCU carry out a three-stage needs assessment.	Comments accepted. The policy has been amended. See revised wording at pages 5 and 6.
4.	Ensure that all relevant entitlements for special measures and additional support are included in conjunction with the Victims Charter.	Comments noted. See revised section on special measures (section 2.5, pages 14 – 17).
5.	State in the policy when the VWCU will provide the “ <i>Special Measures at Court for vulnerable and Intimidated Witnesses</i> ” booklet.	Comments noted. PPS provide a copy of this leaflet to all victims when a decision to prosecute is taken.
6.	Section 3 Page 10 4 th bullet point Suggest separating this into 2 separate bullet points covering medical, disabilities and learning difficulties, adding mental health conditions, ASD etc. to list. 2 nd bullet point to cover more general issues such as interpreters, childcare issues and employment worries.	Comments accepted. Please see the revised wording at section 2.4 (page 10) and section 3.2 (page 22 of the policy).
7.	Section 4 Page 15 onwards Special Measures The language used in this section is rather off-putting and wording in the special measure leaflet could perhaps be adopted. The “evidence in private” special measure is listed under the special measure heading. Evidence by live link could include reference to a supporter. Information on where to find more information about Registered Intermediaries could be provided.	Comments noted. Please see the revised wording in the special measures sections of the policy (section 2.5, pages 14 – 17, and section 3.2, pages 23 – 26). Comments noted. Comments accepted. Reference to a supporter has now been added to this section in the policy (at pages 14 and 23 respectively). Comments accepted. The online version of the policy will contain hyperlinks to this information. Further detail on RIs has been added to the glossary at Annex A.

	<p>Check text re children and special measures is correct; refer to 4th bullet on page 25 of the Victim Charter.</p> <p>Under the sub-heading 'am I a vulnerable witness', it may be helpful to say that the victim/witness (or parent/carer) should tell PPS / VWCU if they have a vulnerability and special measures may help them to give their best possible evidence.</p> <p>The section 'Am I an intimidated witness', Page 17 could be expanded, refer to special measure leaflet and page 24 of the Victim Charter.</p>	<p>Comments noted. See revised wording at page 10 (6th bullet point) and page 22 (6th bullet point).</p> <p>Comments accepted. See revised section on special measures (section 2.5, page 15 and section 3.2, page 24).</p> <p>Comments noted. Please see the revised wording in the special measures sections of the policy (section 2.5, pages 14 – 17, and section 3.2, pages 23 – 26).</p>
8.	Does reference need to be made to the PPS role in reporting restrictions, anonymity orders etc.	Comments noted. The feedback from victim groups has been to keep the policy as user friendly as possible.
9.	Section 5 - Attending Court Page 20 last bullet point Set out the procedure for memory refreshment.	Comments noted. The feedback from victim groups has been to keep the policy as user friendly as possible.
10.	Does the policy include reference to the fact that the PPS will ask the court to give cases involving vulnerable and intimidated witnesses priority - refer to last bullet paragraph 97 of the Victim's Charter.	Comments accepted. See revised sections on special measures at pages 17 and 26 respectively.
11.	It may be helpful to include some information on the Victim Charter.	Comments accepted. A paragraph on both Charters has been included in the introduction to the policy at page 3 (section 1.1). A hyperlink to both Charters will also be included in the online version of the policy.
12.	Section 2 – Support Pre-Decision It would be helpful to explain what is meant by the evidential and public interest test.	Comments accepted. The Test for Prosecution is now explained in section 2.3 (pages 8 – 9) of the policy. The online version of the policy will contain hyperlinks to the definitions and guidance on the Test for Prosecution.

13.	Section 3 – Meetings It would be helpful to explain why it may not be possible to meet. Pages 12 and 21.	Comments noted. Given that the decision to hold meetings is made on a case by case basis, the wording of the policy was adopted to encourage personal contact to be made with the VWCU Case Officer in order that the specific needs of the victim could be met more readily.
14.	Section 4 – Early Court Proceedings It would be helpful to make reference to the sentencing leaflet that issues from the VWCU.	Comments noted. It has been decided not to refer to specific literature to ensure that the policy remains current.
15.	Section 4 – Special Measures It would be helpful to make a reference to an RI assisting those with significant communication difficulties.	Comments noted. Refer to pages 14 and 23, 6 th bullet point: <i>“assistance from a registered intermediary to assist those persons with significant communication difficulties”.</i>
16.	Section 4 – Fixing a Trial Date Page 18 It would be helpful to note that Victim Support NI provide witness support services at court.	Comments noted. Please refer to page 18, 6 th bullet point, and to page 26, 4 th bullet point: <i>“Trained staff from Victim Support (for adults) and NSPCC’s Young Witness Service (for those under 18) can be available at court to provide support and to help reduce any anxiety”.</i>
17.	It would be helpful to include the test in relation to how the process differs where there is a guilty plea: person will not have to give evidence.	Comments accepted. See revised wording of section 2.5 (page 13) – <i>“In cases where the defendant has pleaded guilty, the victim is unlikely to have to attend court to give evidence”.</i>
18.	Section 6 – Appeals Page 22 Should reference be made to being advised by the VWCU about the outcome of an appeal if the person is not in court?	Comments noted. Please refer to pages 20 – 21 and the Appeals section: <i>“The VWCU Case Officer will inform the victim of the outcome of any appeal, including any changes to the original sentence following the completion of the appeal”.</i>
19.	There are various references to automatic	Comments accepted. See revised

	consideration for eligibility for special measures. Does something similar need to be included in relation to the provision relating to trafficking and sexual offences?	section on special measures at section 2.5 (page 16).
20.	Section 8 – Attending Court 2 nd bullet point Consider a reference to how an interpreter is secured.	Comments noted. Given the intention to keep the document as user-friendly as possible, this process was deemed unnecessary.
21.	It may be helpful to give an example of when a victim may meet the prosecutor in advance of the trial and to set out how the prosecutor will engage with them. Would there also be merit in referring to SCU?	Comments noted. Given that the decision to meet victims in advance of trial is made on a case by case basis, it is considered that specific examples would not be of particular assistance. Comments noted. SCU deals with certain categories of offences. Given that the PPS Victim and Witness Policy is a standalone policy, it is deliberately silent on specific case types / victim categorisation, to ensure ease of reference for all users.
22.	Section 11 – Complaints Page 35 It may be useful to include the PPS web link for access to the guidance.	Comments accepted. A detailed outline of the complaints procedure is included in section 4.2, pages 30 – 31, of the policy. The online version of the policy will contain a hyperlink to guidance on the Complaints section.

The PPS would like to thank all those who responded for their comments.

Richard Scullion (Dr)
Head of PPS Policy & Information Unit

June 2017