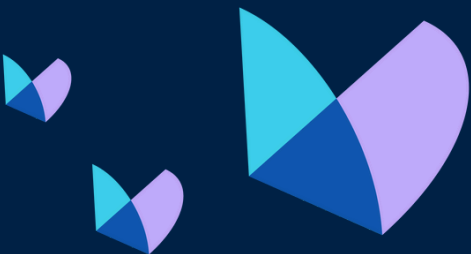


# Consultation Response:

## Victim and Witness Strategy Consultation

November 2024



## Introduction

Nexus has almost 40 years' experience offering a specialised professional counselling service to people impacted by sexual abuse and abusive relationships. We can provide support to anyone impacted by sexual abuse from age 4 and upwards, availability of children's counselling depends on available funding. Our Early Intervention and Prevention Training team provides a range of bespoke training and workshops that are available to schools, workplaces, volunteer groups, higher education institutions, individual practitioners, community groups, sports teams, voluntary and charity groups, and businesses.

As a charity that supports people impacted by abusive relationships, we welcome the opportunity to provide our expertise on the proposed Victim and Witness Strategy 2025–2030. We know from our client forums and from research that victims and witnesses face many barriers in accessing justice and navigating the criminal justice system, and as such it is important that a Strategy is informed by the lived experience of people who have been impacted by the system.

The following comments, recommendations, and questions are based on our expertise and experience supporting people impacted by sexual abuse and abusive relationships, as well as feedback from our clients on their experiences when engaging with the criminal justice system.

## Background

The Department of Justice has published a consultation exercise to gather views and opinions from the public, the community and voluntary sector, and other key stakeholders to inform the development of a new Victim and Witness Strategy. This includes a call for views on priorities, work streams, and recommendations to help improve the experiences of victims and witnesses who engage in the criminal justice system.

### 1. Engaging with Victims and Witnesses

From our professional experience in supporting victims of sexual assault, rape and sexual abuse the most authentic way to engage with and learn from the experiences of those who have been the victim of, or a witness to, a crime is to facilitate accessible and meaningful opportunities for participation and co-design in a trauma informed way. Nexus does this by supporting 'RESET' clients (who have completed their therapeutic journey and who are interested in being advocates for those with lived experience) to develop their advocacy skills through specialist training to build their confidence in advocating through our user forum focus groups. This may be to review Nexus policy and practice before engaging with external commissioners' policy makers and service providers. We are also aware of other sector organisations offering similar opportunities; therefore we would recommend engagement with victims and survivors can be facilitated through VCS groups.

We engaged with our RESET clients to gather their thoughts on the Victim and Witness Strategy. The following is a collection of their responses to this section:

*“Having an advocate who has experienced similar issues.”*

*“Learn from the mistakes made by others and the impact it has had on people’s lives.”*

*“Listen. Hear their side of the story. Imagine how their everyday life was going before it happened.”*

*“Communicate with victims.”*

What our clients have told us is that they want, above all else, to be heard and advocated for in a setting where victims and witnesses have direct access to criminal justice practitioners who will listen and learn from their experiences.

Learning from work undertaken by the four Women’s Aid Federations (across the UK) and Imkaan enabled production of a guide that emphasised “Building internal procedures, recruiting a diverse range of survivors who have faced different experiences and inequalities to participate, ensuring support is in place, recruiting and supporting staff” as foundational to meaningful survivor engagement. Engagement with victims and witnesses to a crime is a continuous process and must be flexible and adaptable to new learnings and situations as they arise to ensure meaningful change.

It is important that when approaching victims and witnesses, it's done in a trauma informed way, with clear and simple information, as there is a fear of the system and the jargon that's associated with it. To gain the best outcomes, engagement needs to start with victims and witnesses being fully informed and therefore empowered to respond openly and honestly. Creating that safe space is essential.

## 2. Taking Account of Specific Needs

We engaged with our RESET clients to gather their thoughts on the Victim and Witness Strategy. The following is a collection of their responses to this section.

*“Direct communication.”*

*“By understanding that everyone has particular needs and ways of coping with things. 2 or 3 victims may not be completely the same. They have different experiences, different ways the trauma may have affected them.”*

*“Everyone should be treated the same with respect and dignity no matter our background.”*

*“Provide counsellors to support people with no judgement”.*

Clients emphasised the need for tailored services to address the diversity of needs and experiences of victims and witnesses.

## 3. Working Alongside other Strategies

As an organisation which is regularly involved in the consultation or co-design process for new strategies and policies designed to support better outcomes for victims and survivors of sexual abuse and abusive relationships, we welcome the recognition for the need to better align work to achieve positive change for victims and prevent duplication of effort.

Key to this is having personnel within DoJ represented in the design and development of aligned strategies to support

enhanced communication, information sharing and collaboration on shared and/or interfacing responsibilities which will help to ensure cross-governmental strategies and policies complement rather than duplicate each other.

If strategies contradict or duplicate effort this makes the victim/witness experience harder to navigate as they become confused by mixed messaging or different signposting options.

For example, as part of the Domestic and Sexual Abuse Strategy, Pillar 5 consists of key priority areas for Justice, including “understanding better the factors contributing to high attrition levels and underreporting” and “Strengthening the police and criminal justice response to domestic and/or sexual abuse” which directly tie into Strategic Priorities 1 and 3. These strategies must run alongside one another in order to ensure a government-wide response that is effective and will make lasting change.

#### **4. Improving Service Provision**

The Commissioner Designate for Victims of Crime office produced the 2024 Victim Survey, which highlighted the following gaps in service:

- 42% of respondents did not feel they were treated fairly and with respect by the PSNI
- 73% of respondents said they were not kept regularly informed about the investigation
- 65% of respondents were dissatisfied with their treatment by the PSNI
- 50% of respondents were dissatisfied with their treatment by the PPS
- Only 9% of respondents agreed that they had been given enough support during the court process.

The Report by the Commissioner also asked respondents why they felt this way:

- Communication was poor and had to chase up for updates;
- Was not taken seriously and incidents belittled (particularly domestic abuse cases involving both male & female victims)
- Officers not trained in how to deal with sexual assault;
- Failure to thoroughly investigate
- Failure to recognise and accommodate the needs of victims

The findings from the Victim Survey echo what our RESET clients told us in their response:

*“The process for reporting abuse should be supportive from the start to help victims feel heard.”*

*“Further mental health support.”*

*“There needs to be improvement in the police service, especially police communication to victims. Victims are left feeling abandoned.”*

Client feedback highlights failings of the criminal justice system to adequately address victim and witness experiences. In order to improve experiences for victims and witnesses, the Department must invest in overhauling the criminal justice system to implement a trauma-informed, timely, sensitive, and accessible programme for justice with regular monitoring and auditing, training, investment, data-gathering, and engagement with users.

## 5. Strategy Proposals

We agree with the Vision and Mission statement proposed, as they prioritise the centrality of victims and witnesses to the criminal justice system. We also agree with the proposed strategic priorities as each priority focuses on a specific theme in order to provide a holistic plan for achieving the Vision and Mission Statement.

We provided the following recommendations to strengthen the proposed objectives:

In Strategic Priority 1, the objectives would be strengthened by a commitment to facilitating regular opportunities for engagement with victims and witnesses.

In Strategy Priority 2, practical support should be expanded on to include examples such as access to legal aid, safe housing, medical care, counselling, and remuneration for participating in any engagement activities. This Priority also needs to go further to include right to independent legal representation for victims of serious sexual offences in pre-trial hearings to ensure their rights are protected and they are truly supported to engage in justice process.

In Strategic Priority 3, there should be a commitment to facilitating training opportunities for criminal justice organisations on trauma-informed care, understanding abuse, bystander intervention, etc.

In Strategic Priority 4, there should be a commitment to regular monitoring and auditing of the effectiveness of the processes described in bullet point two to ensure that the processes are working as they should.



## 6. Key Issues Facing Victims and Witnesses

From our professional expertise and focus on victims of sexual abuse and abusive relationships., we would recommend focusing on two key issues- delay and disclosure of personal and sensitive information, such as counselling records.

We engaged with our RESET clients to ask them for their views on what are the key issues facing victims and witnesses engaging in the criminal justice system:

*"Communication between all parties."*

*"Having to relive the abuse and seeing the perpetrator."*

*"Safeguarding and the freedom to talk without prejudice and judgement."*

*"Police action, or lack of action when abuse is reported. After reporting my own abuse to the PSNI. No qualified officer was available to interview me for 3 weeks. 3 weeks to crawl back under my rock and bury what I lived with for 40 odd years. Time to think about the impact it would have had on everyone around me. I give up and left it."*

What we can identify from this feedback is that there are several key issues facing victims and witnesses:

- Effective and ongoing communication with victims about all aspects of their case, with all parties involved talking to each other and staying updated
- Police communication and sensitivity to victims

- Effective protections for victims who have to be in court with their abuser, including special measures for giving evidence.

## 7. 'The Victim Journey'

From our professional expertise, framing the strategy around the 'victim journey' will only be truly effective if all elements of the justice process fully understand the victim journey. This includes barriers to reporting; the impact of trauma on victims which influences best evidence gathering e.g. disassociation; the importance of communication style, timing and language. In essence, it is important that there is a commitment to trauma informed processes and practices at all stages of the justice process.

We engaged with our RESET clients to gather their thoughts on the Victim and Witness Strategy. The following is a collection of their responses:

*"It would be a useful approach if it were implemented. From the experience I had [going through the criminal justice system], it was awful, and it was the worst service."*

*"Yes, it is a journey."*

The victim journey encompasses every step that a victim may or may not go through, including accessing support services or emergency safety response, to filing a report, providing statements to the police, navigating various agencies, providing evidence, going to court, taking the stand and being cross-examined, waiting for the verdict, access support and counselling. If the Victims and Witness Strategy is going to be effective and achieve its mission statement, then it must consider every step of the victim and witness journey.

# Further Information



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