

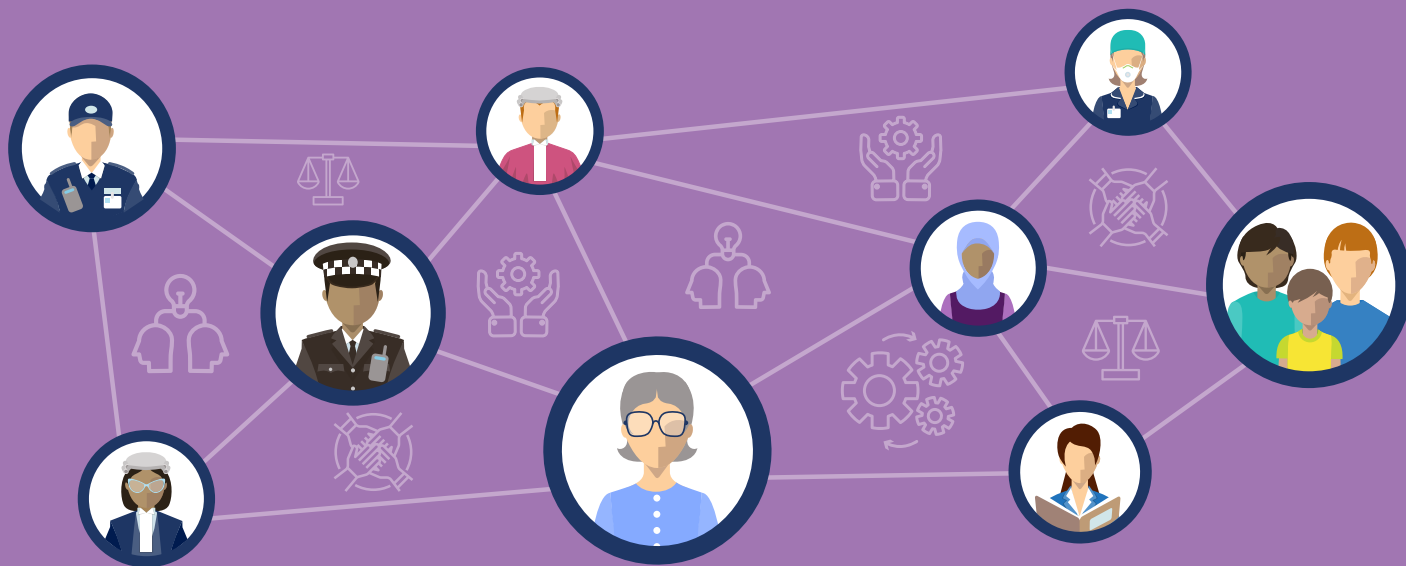
TRAUMA INFORMED JUSTICE:

A KNOWLEDGE AND SKILLS FRAMEWORK
FOR WORKING WITH VICTIMS AND WITNESSES

in partnership with:



Scottish Government
Riaghaltas na h-Alba



ACKNOWLEDGEMENTS

We would like to thank all the members of the Victims Taskforce and the organisations they represent, for their constructive and consistent engagement with this project.

Most importantly, we would like to thank the victims and witnesses who have lived through trauma and generously shared their experiences with us. We could not have created the framework without their unique accounts of the justice system, and reflections on the knowledge and skills needed to become trauma informed.

The following organisations contributed to the development of the framework:

Abused Men in Scotland	Faculty of Advocates	Scottish Community Safety Network
ASSIST Domestic Abuse Advocacy Service	Law Society of Scotland	Scottish Courts and Tribunal Service
Children 1st	Lord Advocate's Office	Scottish Prison Service
Community Justice Scotland	Moira Anderson Foundation	Scottish Women's Aid
Crown Office and Procurator Fiscal Service	Parole Board	Victim Support Scotland
Criminal Injuries Compensation Authority	Police Scotland	
	Rape Crisis Scotland	
	Scottish Children's Reporter Administration	

OVERVIEW



NHS Education for Scotland (NES) was commissioned by the Scottish Government Victims Taskforce to deliver a knowledge and skills framework for working with victims and witnesses affected by psychological trauma. The framework is part of the Scottish Government’s “Vision for Justice in Scotland” (2022).

Background

Our research involved speaking to victims and witnesses of crime who have been involved with the criminal justice process. Here’s what they told us:

- 1) They experienced trauma either before or during the process of becoming a witness.
- 2) The criminal justice process made their experience of trauma worse.
- 3) The justice process hampered their recovery from trauma, and made them feel that their lives were “in limbo”.
- 4) If they had been given the right support, they could have provided better evidence.
- 5) Being a witness in the criminal justice system caused them such distress, they would avoid reporting offences in the future.



Similar experiences have been reported multiple times across a range of different reviews and research reports.

The framework

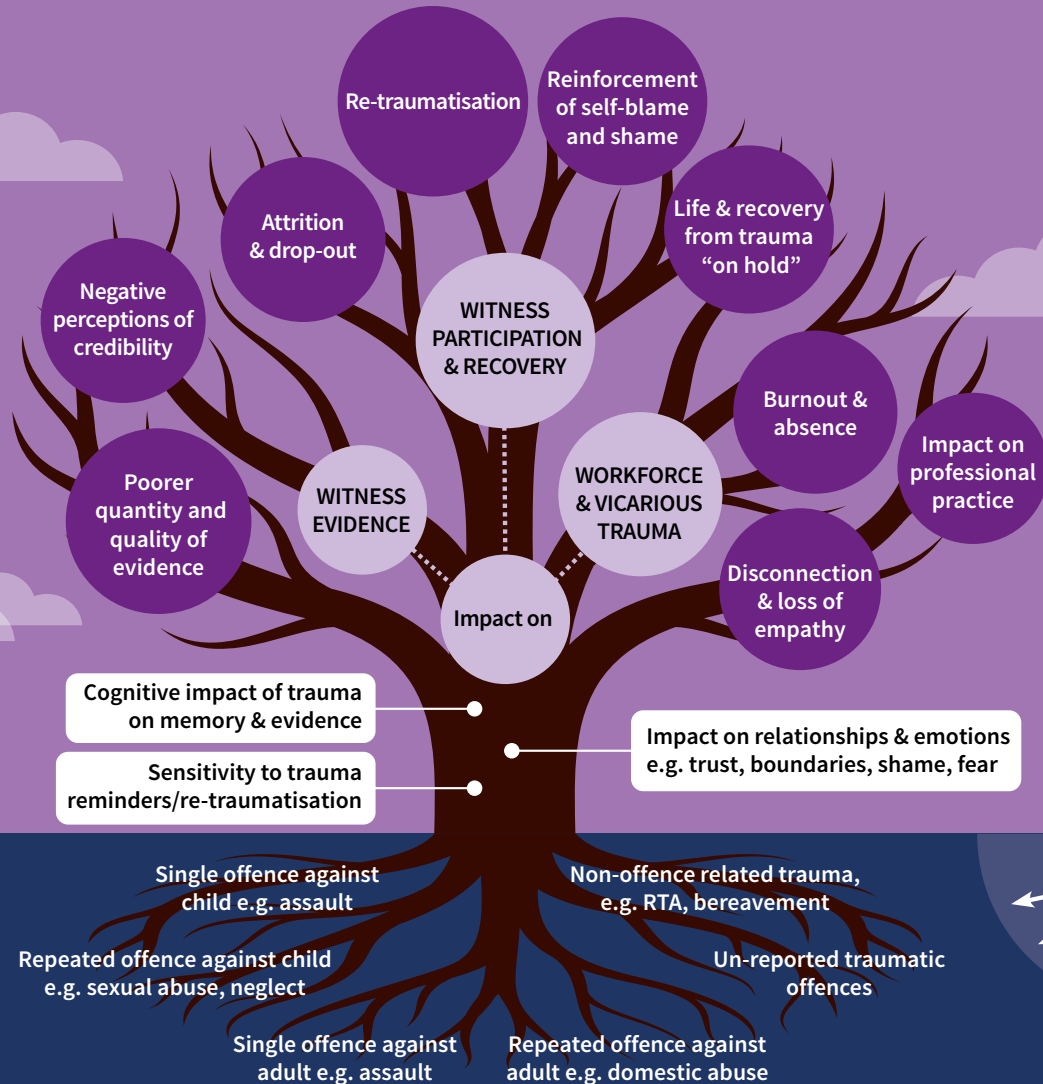
The knowledge and skills contained in **the framework** apply to anyone working or volunteering in the justice system. It will help you support victims and witnesses (including children and young people) in a trauma informed and responsive way.

“Witness” is our term for people who can play a role in the prosecution process because they observed an offence happening. “Witness” includes those who may be a bystander, a victim, a complainer or even the person accused of the offence – if they choose to give evidence.

The term “trauma” covers a range of traumatic, abusive or neglectful experiences that we might experience during our lives. Traumatic experiences have been defined as:

 an event, a series of events or a set of circumstances that is experienced by an individual as physically or emotionally harmful or life threatening.” (SAMHSA, 2014, p. 7) ¹

HOW PSYCHOLOGICAL TRAUMA CAN AFFECT VICTIMS, WITNESSES AND THE JUSTICE WORKFORCE





HOW PSYCHOLOGICAL TRAUMA CAN AFFECT VICTIMS, WITNESSES AND THE JUSTICE WORKFORCE

Victims, witnesses and people accused of crimes are more likely than others to have experienced traumatic events. Trauma can affect us in lots of ways. It can affect:

- our ability to cope with stress and difficult feelings
- our relationships
- the way we feel about ourselves
- our ability to remember events.



If our experiences of trauma are not understood and responded to, we may struggle to fully take part in the justice process.

Without trauma informed practice, we may even experience further distress and harm from taking part in the justice process – especially if we need to remember and talk about traumatic events. As summarised in the tree picture opposite, this can lead to:

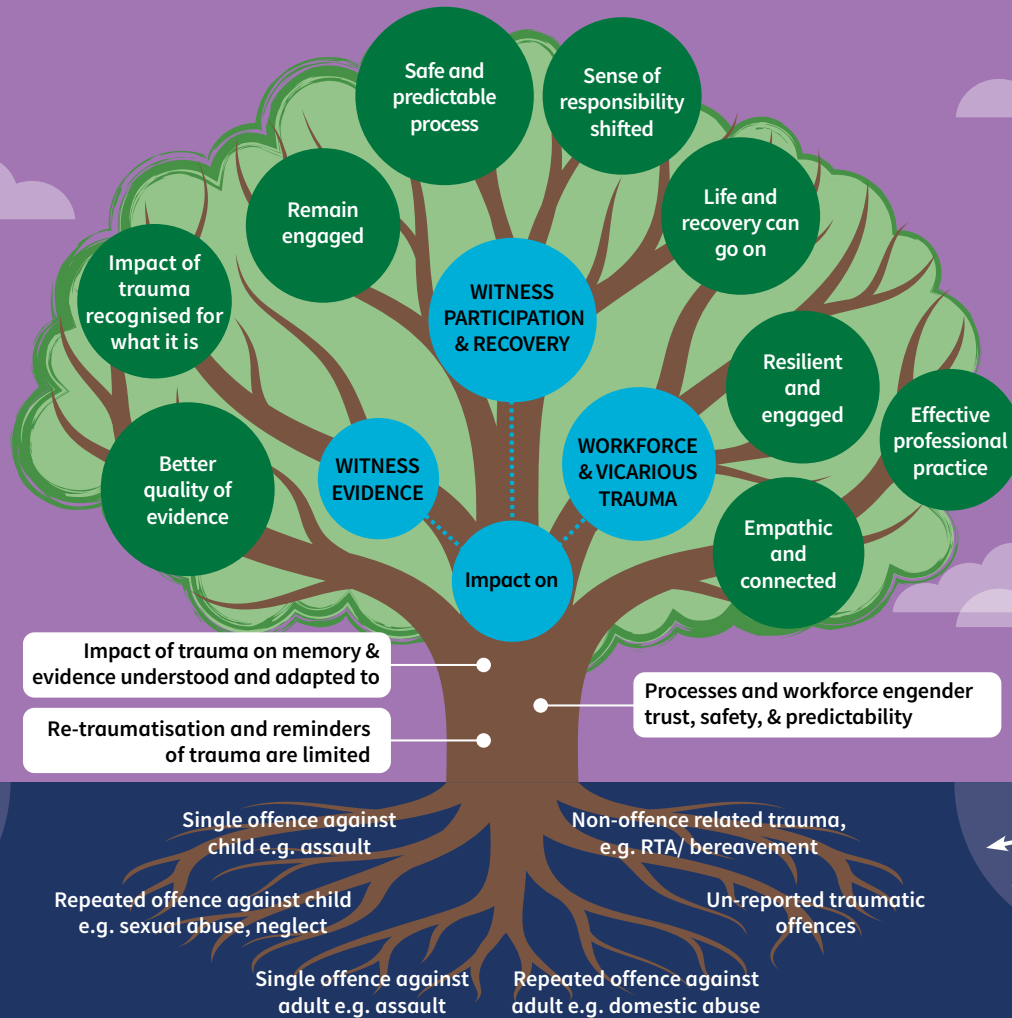
- a lower quantity and quality of evidence being gathered

- justice workers and others thinking that a witness is not credible or reliable because of behaviour that actually stems from the impact of trauma
- witnesses dropping out of the justice process
- witnesses being exposed to reminders of harm they previously experienced, which can lead to them feeling as bad as when the trauma was happening (this is called re-traumatisation)
- reinforcement of self-blame and shame, with the witness's life and recovery from trauma being put “on hold”.

We must also recognise the impact of vicarious trauma (being exposed to other people's trauma) on the justice workforce. Unless this issue is properly responded to, and proactively managed, members of the workforce can experience burnout or traumatic stress, become disconnected and feel less empathy. Outcomes like these make it much harder to respond to others in a trauma informed way.

 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. 
Witness

WHY TRAUMA INFORMED JUSTICE MATTERS





WHY TRAUMA INFORMED JUSTICE MATTERS

The good news is, these negative outcomes can be avoided. It's possible to reduce both the risk of re-traumatising people and the distress they may experience by:

- understanding what they need to feel safe
- making the process predictable and understandable
- empowering them to engage effectively.

By allowing people to experience a consistently safe relationship with us, we can assist their recovery. What's more, by reducing their sense of threat or distress, we can help them remember and describe what happened more clearly.

Table 1. Aims of trauma informed justice for victims and witnesses

1.	Recognise and understand the impact of trauma on witnesses and the workforce
2.	Minimise the risk of harm and re-traumatisation to witnesses
3.	Avoid interfering with witnesses' recovery from the impact of trauma where possible
4.	Enable witnesses affected by trauma to participate effectively and to give best quality evidence
5.	Support the wellbeing and resilience of the workforce
6.	Be supported by trauma informed leadership and management.

Limitations of the Framework

Responding in a trauma informed way is essential but not sufficient for procedural justice, and this framework needs to be considered alongside and in addition to other work that will enable a fair and effective justice system.

One example is “Equally Safe” – Scotland’s strategy for preventing and stopping violence against women. Equally Safe recognises that women and girls face a higher risk of violence and abuse in our unequal society because they are women and girls. To improve outcomes for victims of gender-based violence – and hold perpetrators to account – we need to understand and identify the roles discrimination and oppression play.



WHO IS THE FRAMEWORK FOR?

The framework is designed to help organisations identify, and then develop or commission the training their workers need to practice in a trauma informed and responsive way. It also aims to help people identify their own training needs.

The framework applies to all justice workers, whether paid or unpaid, and includes leaders and managers. People working in different roles will need different trauma informed knowledge and skills. Many workers will need competencies across a range of roles.

The framework is cumulative. This means people who have greater contact with witnesses or their evidence will need enhanced knowledge and skills compared to those who have less contact. To reflect this, the framework is grouped into practice types and job roles. For each grouping, the framework summarises the knowledge and skills we need to meet the aims of a trauma informed justice system.

“Cumulative” also means that, for example, workers who are Trauma Enhanced will also need the knowledge and skills described at the Trauma Informed and Skilled levels.

🗨️ 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 VIA, that they play as big a part because it all becomes the same picture. You know, if I was a piece of a puzzle, they're usually the same size (...) It's the whole cumulative effect of them all together. 🗨️

Witness

Systems and implementation

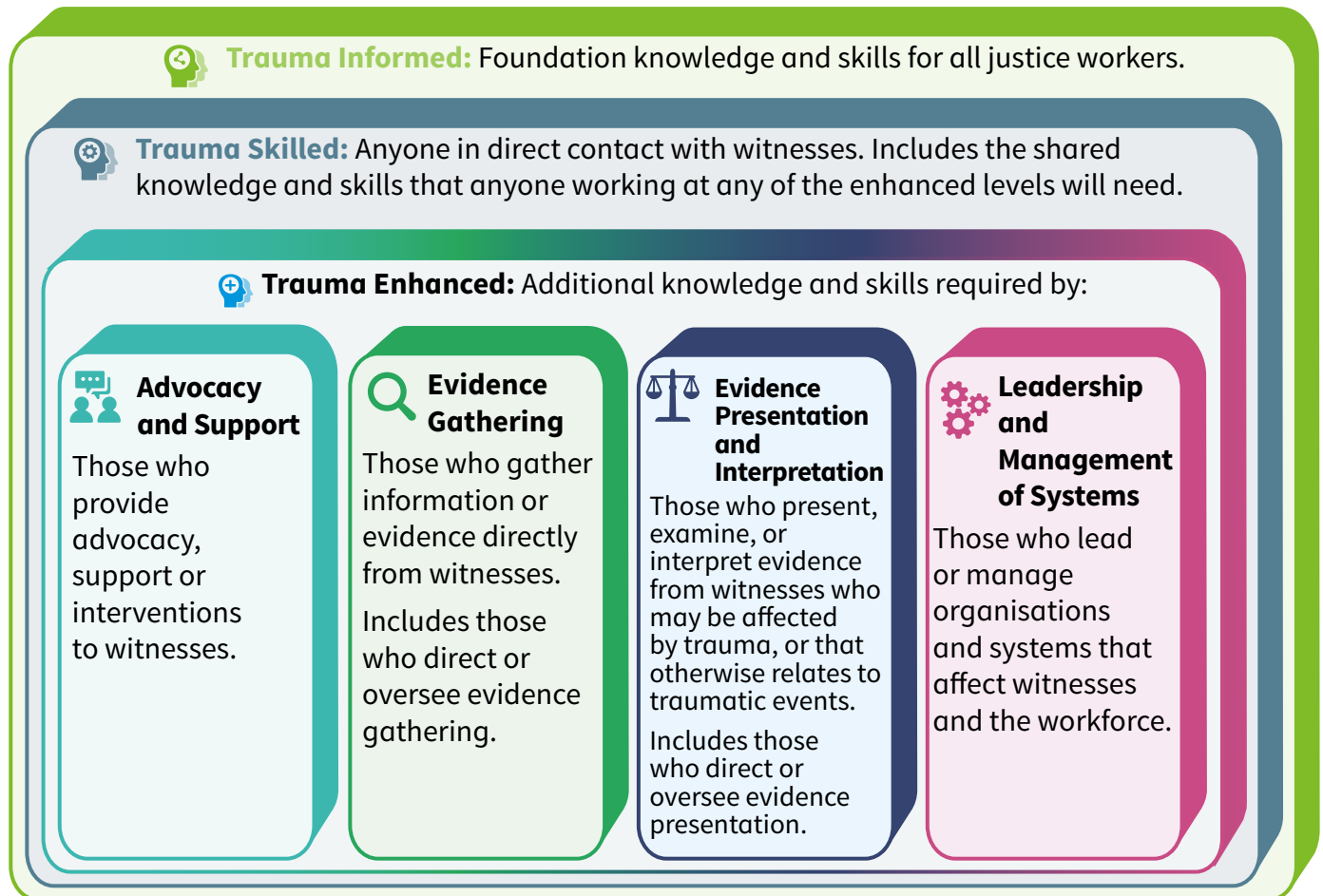
It takes strong leadership to make a system trauma informed. So the framework includes a section to support leaders and managers.

When we train people with new skills, we must then give them opportunities to practice and improve those skills. And we must make sure people get proper supervision or coaching support. You can find helpful guidance on the development, delivery and implementation of high-quality training in **The Scottish Psychological Trauma Training Plan (2019)**.

PRACTICE TYPES AND ROLE GROUPINGS



Table 2: Nature and type of workforce roles as defined in the framework.



SUMMARY TABLES: INFORMED AND SKILLED



The tables in this section provide an overview of the knowledge and skills required for each of the practice roles described in the framework. These summaries should be considered alongside the relevant pages of the full framework curriculum given throughout the tables.

Aims	Foundation knowledge: informed and skilled practice
Recognises impact	<ul style="list-style-type: none"> • Definition, prevalence and impact of traumatic events and offences 30, 43 • Understanding the ways that surviving and adapting to trauma can affect witnesses and their evidence 31, 44-47, CYP 48
Minimises harm	<ul style="list-style-type: none"> • Defining and recognising impact of re-traumatisation on witnesses and evidence 32-34, 49-51, CYP 34 • Recognising and preventing potential sources of re-traumatisation 33, 35-36, 50-56, CYP 56
Supports recovery	<ul style="list-style-type: none"> • Factors that can affect recovery of witnesses and their families from impact of trauma 38, CYP 39, 57-58, 65-66 • Creating restorative relationships & responding to disclosures of trauma in ways that facilitate recovery 37, 59-62, 69 • Adapting processes and interactions to support recovery and prevent risk of further harm/ revictimization 37-38, 62-66, CYP 67-68 • Recognising mental health consequences of trauma, preventing exacerbation, and facilitating access to interventions where relevant 66-71, CYP 71
Enables participation	<ul style="list-style-type: none"> • Recognising and adapting to the factors that affect ability to disclose and talk about traumatic offences, enabling witnesses to effectively give evidence 72-76, CYP 73 • Adapting practices to recognise and avoid misinterpreting the impact of trauma 75-76
Workforce resilience	<ul style="list-style-type: none"> • Recognising and responding to the impact of working with people affected by trauma / traumatic material on health and wellbeing 40, 77-78 • Defining & recognising causes & indicators of vicarious traumatisation, compassion fatigue, burnout, PTSD and work-related stress in self and others 78-79, 84 • Preventing and responding to vicarious traumatisation, compassion fatigue, burnout, PTSD and work-related stress 79-85

SUMMARY TABLES: ENHANCED ADVOCACY AND SUPPORT



Aims	Enhanced advocacy and support in addition to foundation:
Recognises impact	<ul style="list-style-type: none"> • See foundation knowledge and skills 30-31, 43-47, CYP 48
Minimises harm	<ul style="list-style-type: none"> • Creating relationships and adapting processes to minimise re-traumatisation, both directly and supporting others to do so 88-91, CYP 91-92
Supports recovery	<ul style="list-style-type: none"> • Providing (and supporting others to provide) relationships and processes that can mitigate impact of justice processes on normal recovery from trauma 93-95, 98-99, CYP 96, 101-102 • Communicating potentially distressing information 100 • Recognising and responding to impact of justice processes on distress and mental health, including access to interventions where relevant 97-99, 102-104, CYP 104
Enables participation	<ul style="list-style-type: none"> • Principles, practice and impact of procedural justice 105-106 • Supporting witness and others to understand and manage the ways that trauma and PTSD can affect witnesses as they give evidence 106-109 • Identifying and supporting implementation of routine and special measures that can mitigate impact of trauma on a witness and their evidence 107, CYP 107
Workforce resilience	<ul style="list-style-type: none"> • Identifying and mitigating the ways in which longer term supportive work with witnesses can affect risk of moral injury, emotional load and consequent wellbeing 110-111

SUMMARY TABLES: ENHANCED EVIDENCE GATHERING



Aims	Enhanced evidence gathering in addition to foundation:
Recognises impact	<ul style="list-style-type: none"> • See foundation knowledge and skills 30-31, 43-47, CYP 48
Minimises harm	<ul style="list-style-type: none"> • Recognising and adapting interviewing and other evidence gathering processes to minimise re-traumatisation across a range of domains 113-117
Supports recovery	<ul style="list-style-type: none"> • Principles, practice and impact of procedural justice 119-120 • Adapting practices to enable witnesses to disclose and talk about traumatic events safely and without impeding recovery 118-119, 120-124 • Recognising and responding to impact of interviewing and other evidence gathering processes on witness distress and mental health, including facilitating access to advocacy or interventions where relevant 125, CYP 126
Enables participation	<ul style="list-style-type: none"> • Facilitating relationships that enable witnesses to engage and give evidence, including attuning to their individual needs 127-129, CYP 129 • Adapting interviewing and other relevant evidence gathering procedures to the impact of trauma and stress on the way the brain processes, stores and recalls traumatic events 130– 134, CYP 134 • Recognising normal responses to traumatic events, especially where these may be counterintuitive or at odds with inaccurate stereotypes 135-136, CYP 137
Workforce resilience	<ul style="list-style-type: none"> • Recognising and mitigating causes of vicarious traumatisation specific to evidence gathering roles, especially in specialist roles with increased exposure to traumatic material 138-139 • Using effective proactive strategies to minimise risk of vicarious traumatisation, and recognising and responding to early warning signs to protect wellbeing 138-139

SUMMARY TABLES: ENHANCED EVIDENCE PRESENTATION



Aims	Enhanced evidence presentation and interpretation in addition to foundation:
Recognises impact	<ul style="list-style-type: none"> • See foundation knowledge and skills 30-31, 43-47, CYP 48
Minimises harm	<ul style="list-style-type: none"> • Recognising and where possible adapting court processes that risk re-traumatisation and adequately preparing the witness where legal principles prevent this 141-143 • Responding to trauma related distress in a witness 144
Supports recovery	<ul style="list-style-type: none"> • Principles, practice and impact of procedural justice 145-146 • Recognising and where possible adapting the aspects of formally giving evidence and the wider adversarial court processes that can impede a witness's recovery 147-149
Enables participation	<ul style="list-style-type: none"> • Recognising the impact of trauma and stress on the way the brain processes, stores and recalls traumatic events 153-154 • Adapting examination of the witness to the impact of trauma to maximise evidence quality 150-152, 154-157, CYP 152, 156 • Recognising and avoiding misinterpretations of normal responses to traumatic events, especially where these may be counterintuitive or at odds with inaccurate stereotypes 155, 157-159, CYP 160
Workforce resilience	<ul style="list-style-type: none"> • Recognising and mitigating causes of vicarious traumatisation specific to court roles, including counsel, judiciary, clerk, officer, security and support staff 161 • Using effective proactive strategies to minimise risk of vicarious traumatisation, and recognising and responding to early warning signs to protect wellbeing 162

SUMMARY TABLES: ENHANCED LEADERSHIP AND MANAGEMENT



Aims	Enhanced leadership and management of organisations in addition to foundation:
Culture values and language	<ul style="list-style-type: none"> • Creating a culture and environment that recognises the impact of trauma on witnesses and evidence, and values and seeks to implement the aims of the framework 164-165
Leadership support	<ul style="list-style-type: none"> • Creating a shared vision of trauma informed practices, systems, culture and workforce, and embedding the infrastructure necessary to implement and sustain it 167-168
Service design and delivery	<ul style="list-style-type: none"> • Identifying, reviewing & where possible adapting elements of service design that risk re-traumatisation or impair recovery or participation of witnesses 168-174
Workforce competence	<ul style="list-style-type: none"> • Using the framework to complete a training needs analysis of the workforce and identify and commission or deliver training accordingly 175-176 • Establishing effective workforce wellbeing and implementation supports necessary to translate and sustain new skills into practice, and evaluate effectiveness 175-177
Workforce resilience	<ul style="list-style-type: none"> • Establishing a working environment that supports the wellbeing of the workforce 177 • Identifying and mitigating the organisational mechanisms and factors that can impair wellbeing, including exposure to vicariously traumatic material 77-86, 178 • Creating systems and processes that identify and respond to signs of vicarious traumatisation, burnout or chronic stress with clear evidence-based recovery plans 179
Partnership with witnesses	<ul style="list-style-type: none"> • Embedding safe and meaningful processes for collaboration with witnesses to enable their perspectives to influence the what, how and why of trauma informed change 180
Data and feedback	<ul style="list-style-type: none"> • Creating and sustaining a range of routes to gather solicited and unsolicited meaningful feedback from witnesses and workers and utilise this for continuous improvement 181-182
Policy	<ul style="list-style-type: none"> • Reviewing and adapting internal and external policies and legislation that influence practices in line with an understanding of trauma and its impact where possible 183
Budgets	<ul style="list-style-type: none"> • Keeping the aims of the framework on the budget agenda 184

EXAMPLES IN PRACTICE



Aims	What witnesses told us: some examples of what it means to be trauma informed
Recognises impact	<ul style="list-style-type: none"> ☞ 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. ☞☞
Minimises harm/ reduces re-traumatisation	<ul style="list-style-type: none"> ☞ 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. ☞☞ ☞ To not have to repeat, repeat, repeat, repeat with every single [justice worker] that you're involved with. ☞☞ ☞ 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 (...) the fact they were closer to the door than me, that felt really threatening. ☞☞
Supports recovery where possible	<ul style="list-style-type: none"> ☞ 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. 'Cos that's what I kept saying all the time, I don't want to be a victim. ☞☞
Enables effective participation	<ul style="list-style-type: none"> ☞ Turn up when you say you're going to turn up and phone when you say you're going to phone. It really does make a difference. ☞☞ ☞ Trauma robbed me of my head space. I had a very, very narrow concentration band just to understand what was being said. 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. ☞☞
Supports workforce resilience	<ul style="list-style-type: none"> ☞ If the impact of assault and the work on [justice workers] is not addressed or acknowledged, then that gets passed on to witnesses. They shut down from what happened to them – so how could they see what happened to me as important. ☞☞
TI leadership & systems	<ul style="list-style-type: none"> ☞ Almost everything we do as an organisation is impacted by and impacts on other organisations within the system so changes and improvements in [our organisation] will have limitations (...) unless there are complementary improvements in other organisations. ☞☞ <p>– Justice Leader</p>



THE EVIDENCE FOR THE FRAMEWORK

The framework is based on three pillars of evidence:

- 1) In-depth interviews with twelve people affected by trauma who have experienced the justice process as a victim, witness and/or family member of a victim.
- 2) In-depth interviews with sixteen members of the Victims Taskforce (or their nominees) who shared their experiences as leaders of justice organisations that have contact with victims and witnesses.
- 3) A wide range of literature reviews on the prevalence and impact of trauma on witnesses and the workforce (including vicarious trauma). Topics covered include the factors that prevent or create a risk of re-traumatisation, and that support or hinder witnesses' recovery. Other reviews looked at the factors that can influence the most accurate collection, presentation and interpretation of evidence from witnesses affected by trauma.

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- ¹ Substance Abuse and Mental Health Administration (SAMSHA) (2014) Concept of Trauma and Guidance for a Trauma-Informed Approach SAMSHA Trauma and Justice Strategic Initiative July 2014. U.S. Department of Health and Human Services, Office of Policy, Planning and Innovation.