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**Court experience of adults  
with mental health conditions,  
learning disabilities and limited  
mental capacity  
Report 4: After court**

**Rosie McLeod, Cassie Philpin, Anna Sweeting,  
Lucy Joyce and Roger Evans  
BMRB and Liverpool John Moores University**

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**Report 4 of 6**

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## Acknowledgements

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### The authors

BMRB is the longest established research agency in Britain, having been founded in 1933. Throughout that time the company has built up a reputation for methodological excellence and innovation, and enjoys a reputation for producing strategic work of the highest quality and integrity. BMRB regularly carries out important studies to inform policy-making for major organisations in the public and private sectors.

**Roger Evans** is Director of the School of Law and Professor of Socio-Legal Studies at Liverpool John Moores University and a Non-Executive Director of a Mental Health NHS Foundation Trust. The team also worked in collaboration with **Neil Hickman**, a practitioner working in community health. The team holds a combination of policy knowledge, research expertise and practical experience of working with the specified vulnerable groups and of researching within the court setting. In the past, the team has collaborated on projects such as Victims' Advocates and a research project into vulnerable and intimidated witnesses for the Ministry of Justice.

This is the fourth in a series of six reports on a research project exploring the court experience of adults with mental health conditions, learning disabilities and limited mental capacity. The research relates to victims and witnesses in criminal cases, and to participants in civil and family cases.

**Report 1** outlines the key findings from the research.

Opportunities for identification of court users with these vulnerabilities, and the extent of subsequent support, varied across the courts. A number of relevant policies and processes have been introduced in recent years. However, these tended not to be designed **specifically** for court users with mental health conditions, learning disabilities and limited mental capacity. Furthermore, policies related to particular stages of the court case or to particular agencies, rather than the whole 'journey' of an individual victim, witness or case participant through the justice system. The report therefore recommends a clear support pathway for vulnerable court users, supported by improved systems of accountability and the establishment of small multi-disciplinary teams. Better processes for early identification of conditions, and guidelines to increase awareness of how disclosures can be made, are also recommended. A single point of contact for vulnerable court users throughout a case is proposed, along with increased dissemination of tailored information, improved access to legal representation, additional and improved training for professionals, and improvements to implementation of special measures.

**Report 2** outlines the experiences of court users with these vulnerabilities from their first involvement with the justice system until their attendance at court.

Across the courts, conditions were more likely to be identified when a support worker was present with the court user. In criminal cases, experiences varied greatly depending upon police awareness of the court user's support needs. In civil proceedings, a lack of contact with the courts could impede identification, and court users depended on legal representatives or existing support networks to identify needs and provide support. Identification was most likely in family proceedings where assessments and close contact with professionals were common. Court users were unlikely to disclose their condition unprompted. Protocols for support in criminal courts meant that court users were more content with the level of information and support offered than was the case in civil and family proceedings, where no protocols or designation of responsibility for support existed.

**Report 3** considers the process of attending court, including arriving at court, waiting to go into the court room, being in the court room and giving evidence.

Generally, court users made their way to the court room alone and were daunted by the formal environment; this stress was significantly reduced by prior familiarisation with the court

process, the presence of a support worker, and the support of the Witness Service in criminal courts. Court users who felt they needed support were willing to disclose their condition, but were not always aware of whether disclosure was appropriate or who was responsible for informing the court. In turn, staff often assumed that identification would already have occurred and did not feel that they had the expertise to carry out this function. Where the judiciary were aware of need, the adjustments which they made were helpful to court users and increased their sense of inclusion in proceedings. In criminal cases, special measures were helpful in supporting court users to give evidence. More specialist support was only required by those who felt unable to manage their conditions.

**Report 4** outlines the 'after-court' process, including receiving verdicts in court, leaving the court and making the journey home, awaiting outcomes and receiving news at home, and moving on from the experience.

Hearing a verdict in court and receiving news of the case outcome at home were times of particular stress and low mood for court users. They needed clear explanations to understand their case outcome, and emotional support to come to terms with it. Co-ordination between agencies to ensure that the court user was adequately supported at this point required careful management, but there are few protocols for support provision following court appearances. Many of the court users who were interviewed for this research did not feel any further support was necessary following case closure. However, where it was required, communication and cross-referrals between service providers were important to ensure the court user was not left unsupported.

**Report 5** provides an overview of the policies, services and practices in place across the court system to support the needs of adults with mental health conditions, learning disabilities and limited mental capacity.

Two key policy processes within the criminal justice system are relevant. The first aims to better enable vulnerable or intimidated witnesses to give best evidence in court, (including the use of special measures). The second aims to improve the criminal justice system more widely to better meet the needs of victims and witnesses. Special measures has had a significant positive impact on court experience, and early evaluations of intermediary schemes are promising. A range of protocols are used by the police and the CPS to facilitate the identification and support of this group of court users. In the civil justice system, service delivery in this area has been guided by two policy aims: to improve, simplify and speed up the litigation system (assisted by the Civil Procedure Rules), and to strengthen the law in relation to Anti-Social Behaviour Orders, including the extension of special measures to anti-social behaviour cases. In the family courts, policy to harmonise the Family Procedure Rules with the Civil Procedure Rules, and guidelines to support the use of McKenzie Friends for litigants in person, are in place. The overarching policy outputs relevant to the study

are the amended Mental Health Act (2007), the Mental Capacity Act (2005), the Disability Discrimination Act (2005), and the Department of Health's 'No Secrets' (2000) guidance on protection of vulnerable adults.

**Report 6** outlines the background to the research and presents the project's research aims and methodology.

Overall, this research aimed to examine how the court system supports the complex and specific needs of adults with mental health conditions, learning disabilities and limited mental capacity. It explored the direct experiences of victims and witnesses in criminal cases, and case participants in civil and family courts. The project had two phases: a developmental scoping study, and a programme of interviews with practitioners, court users and carers. The methodology was entirely qualitative. Recruitment was conducted in house through contact with a range of networks and support organisations. All study participants voluntarily self-disclosed their conditions, and definitions of conditions followed participants' own usage. A process of informed consent tailored to individual need was used for all interviews.

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## Policy briefing

This research provided an in-depth exploration of the court experience of adults with mental health conditions, learning disabilities and limited mental capacity. Report 4 focused on the experiences of court users after their appearance in court, including at the point when they received news of the outcome of their case.

Court users tended not to understand the legal terminology used in the courtroom, which impacted upon their comprehension of case outcomes. Guidance should be provided on the adaptation of language where court users have mental health conditions, learning disabilities and limited mental capacity. Directly addressing court users also increased their sense of inclusion within proceedings. A lack of legal experience among carers and advocates meant that legal representatives were relied upon to relay and explain case outcomes fully. This was best achieved in a short meeting; these had a positive impact on court users' experience of the case overall. Advocates and support workers would also benefit from training to improve understanding of the legal process in order to assist court users most effectively.

Across courts, the lack of protocol for support following a court appearance resulted in reliance upon existing support networks to manage care. However, ad hoc arrangements could leave court users isolated at a particularly vulnerable time. Protocols should be developed to ensure sensitive handling of the delivery of case outcomes. This requires clearer designation of professional responsibility for appropriate support at this stage.

Following case closure, the management of support transitions from legal professionals to statutory agencies and the voluntary sector suffered from a lack of awareness of support services available among legal professionals. Court users tended not to access support without assistance, so it is particularly important that responsibility is taken for needs assessments and referrals at this stage.

## Summary

Overall, this research examined the court experience of adults with mental health conditions, learning disabilities and limited mental capacity. The research formed part of the 'Court Experience of Vulnerable People' Research Programme, which aims to provide evidence to facilitate improvement in Ministry of Justice (MoJ) services.

## Context

There is limited research literature specifically concerned with the experiences of court users with mental health conditions, learning disabilities and limited mental capacity. However, previous research suggested this group was more likely both to be a victim or party in a case, and to experience greater difficulties accessing justice. In addition, research has highlighted issues around the identification of these vulnerabilities among court users. Despite the development of a series of legislative and policy initiatives to meet the needs of this group more effectively, the need for further work in this area has been highlighted.

## Approach

The research comprised two phases: a scoping study (phase 1) and a main stage of research (phase 2). Phase 1 mapped the range of policies and structures in place within and outside different court settings to support people with mental health conditions, learning disabilities and mental capacity issues. It involved three stages: desk research; interviews with 27 key stakeholders; and consultation with the 25 Area Directors for Her Majesty's Courts Service (HMCS). Phase 2 built on phase 1, and developed a more localised and in-depth understanding of the experiences of these vulnerable court users. It focused on London and the North East and involved court observations, 143 interviews with practitioners, 61 interviews with court users with mental health conditions, learning disabilities or limited mental capacity, 23 interviews with carers, and journey mapping with the court users.

## Findings and recommendations

Report 4 outlines experiences of court users receiving verdicts and case outcomes, and moving on following case closure.

## Experiences of the court process

Court users tended not to understand the language and terminology of the courtroom, and were intimidated by the formality of the setting. This could prevent them from understanding their case outcome or the reasons behind decisions, resulting in a sense of exclusion from proceedings. Where judges adapted language, and legal representatives held meetings at which case outcomes were explained, court users had a more positive experience. Particularly in public family court proceedings, this could promote their acceptance of the case outcome, and help them gain a greater sense of inclusion in the case.

Carers or advocates were often relied upon to relay case outcomes. However, they too often lacked the legal knowledge to do this effectively, and court users generally preferred the support of legally qualified professionals at this point. Legal representatives should be encouraged to offer explanations of legal terminology and case outcomes, following court appearance.

The stress of proceedings left court users in a fragile and emotional state, and 'moral support' was particularly appreciated at this time. Simple activities, such as going for a coffee with a carer or support worker, were valued. It was important to court users that they avoided encountering case opponents when leaving the courtroom; solicitors or court staff generally made sure that this was the case. Separate entry and exit routes for civil as well as criminal cases should be available to facilitate this. In the family courts, protocols for vulnerable adults in public law cases should be extended to those in private family law.

Court users receiving verdicts at home felt they needed support at this time to help them understand the information and to provide moral support, as this could be a particularly emotional point. Isolation at such a time could be particularly severe for those with serious mental health conditions. Protocols should be developed to ensure sensitive handling of the delivery of verdicts to victims and witnesses.

Informing court users about the grounds for appeal did not appear to be routine. Litigants in person could find that time limits for appeals gave them insufficient opportunity to prepare. Fixed legal aid fees may constitute a disincentive for solicitors to continue to work on appeals.

### **Statutory support**

There were no protocols or provisions for support for court users following their appearance in court. Cross-referrals between support organisations with involvement at different stages of the case depended on the strength of local organisational networks, and their links to the courts. Where this worked smoothly, court users benefited from a constant point of contact who managed the transition between agencies; for example, in criminal cases effective liaison between the police, the Witness Service and support workers were very helpful. However, the continuation of contact tended to be organised in an ad hoc and unsystematic way. In criminal cases, this was most apparent in the termination of contact from the Witness Care Unit, Witness Service and Victim Support.

Following case closure, an assessment of the court user's ongoing needs and a referral to any appropriate agencies should be undertaken, in response to the changed circumstances and coping strategies of the court user. Feedback from mental health services to the courts following referrals should also be improved, to ensure referrals for support are working effectively. There is a need for stronger inter-agency communication, and clearer designation

of professional responsibility for managing support transitions. Agencies should bear in mind the consequences of isolation for vulnerable adults. Where no support is available, the Witness Service or Victim Support might consider providing a home visit.

There was virtually no co-ordination of care after civil and family court cases, with dependence upon legal representatives' knowledge of existing support agencies. Solicitors should be provided with comprehensive information and points of contact at support organisations and agencies, so that they can make appropriate referrals. To improve access, better guidance for court staff on how to provide support, widely publicised access to support services in courts, and information about the availability of support is required. Furthermore, civil court staff need up-to-date information on legal services which can be provided to litigants in person to assist appeals.

# 1. Introduction

Improving the experiences of victims and witnesses is a key priority for the Ministry of Justice and this is reflected in the Court Experience of Vulnerable People Research Programme. As part of this programme, the Ministry of Justice commissioned BMRB and Professor Roger Evans, Director of the School of Law, Liverpool John Moores University, to undertake research into the experiences of court users with mental health conditions, learning disabilities and limited mental capacity.

Overall, the research aimed to determine how the courts system (and all other agencies involved throughout case progress) supports the complex and specific needs of adults with mental health conditions, learning disabilities and limited mental capacity. The study places a strong emphasis on exploring the direct experiences of court users in criminal (excluding defendants and young witnesses), civil and family courts.

This report is the fourth in a series of six reports presenting the findings from the research. Report 1 provides an overview of the research, while reports 2 and 3 consider the experiences of court users with mental health conditions, learning disabilities and limited mental capacity before going to court and at court. This report considers the experiences of court users with mental health conditions, learning disabilities and limited mental capacity after their attendance at court, and compares the experiences of court users involved in criminal, civil and family cases.

This report begins with an outline of the after court process. It then explores the provision of support for court users at this stage in proceedings; discusses the barriers and facilitators to support; provides examples of good practice; and suggests improvements to the system. The findings presented in this report are from interviews with key stakeholders, practitioners, court users and their carers as part of Phase 1 and Phase 2 of the project.

## 1.1 Methodology

### Research design

The research comprised two phases: a scoping study (Phase 1) and data gathering and analysis (Phase 2). Phase 1 consisted of desk research, mapping the range of policies and structures in place to support people with mental health conditions, learning disabilities and mental capacity issues within the courts system. Twenty-seven interviews with key stakeholders (including court staff and agency representatives), and email consultations with 25 Area Directors for Her Majesty's Court Service were also undertaken, between January and April 2008.

The primary focus of Phase 2 was on the experience of court users with mental health conditions, learning disabilities and limited mental capacity. A range of methods and approaches were used to explore this, including the following.

- **Court familiarisation visits.**
- **In-depth interviews with practitioners:** 143 interviews with practitioners in London and the North East of England were carried out between December 2008 and May 2009. Interviewees were court staff (27), legal representatives (34), staff from in-court support organisations (17), public agency staff (26), and staff from voluntary support organisations (27).
- **In-depth interviews with court users and carers:** 61 interviews with court users and 23 interviews with carers were carried out between December 2008 and May 2009. Of the court users interviewed, 26 self-identified as having experience of a mental health condition, 20 as having a learning disability, and five as having limited mental capacity. Initially it was planned to conduct these interviews **only** in the same case study areas as the interviews with practitioners. However due to recruitment challenges the sample area was extended to cover all of England.

The two case study areas were not intended to be representative of the UK as a whole. Rather, they were selected as regions in which good practice was in place, and where the courts carried large caseloads.

## Court users

In this report series, the term ‘court user’ refers **only** to court users with mental health conditions, learning disabilities and limited mental capacity, and **only** to people who use the court in a non-professional capacity (e.g. not lawyers) and as case participants (i.e. not as jurors). In addition, defendants were excluded from the sample. All court users in the sample had been involved in a justice process within the last three years; those currently involved in ‘live’ cases were excluded.

Twenty-six of the court users interviewed had been victims or witnesses in criminal cases (three of whom were defence witnesses), ten had been involved in civil cases, and 25 in family cases. Because court users involved in civil proceedings typically had a relatively low level of contact with the courts or related support services, this participant group was particularly difficult to recruit.

No specific legal definitions of ‘learning disabilities’ and ‘mental health conditions’ are used in relation to the court setting. Consequently, court users who took part in the study self-identified as having one or more of these conditions, in response to open questions and examples of conditions. They were also asked whether they required any support in their day-to-day life (e.g. from social services, counsellors, advocates, key workers, psychiatric nurses, or friends and family).

For the purposes of this study, ‘carers’ were defined as relatives, friends or other unpaid individuals who had supported a court user through the process. Eleven carers had supported court users through criminal cases, eight through civil cases and four through family cases.

The target population for this study constitutes a particularly 'hard to reach' group for social researchers, and recruitment presented a number of challenges. Various recruitment methods were employed to achieve quotas and access the widest range of individual experience. The most successful of these was through individual staff from local support organisations and advocacy centres. These individuals had an interest in, and commitment to, the study. As well as identifying users, they acted as local conduits within and between organisations, gaining the support of other practitioners working in the field. This motivation helped to overcome time and resource pressures for voluntary organisations. The time taken to build a network of organisations and establish co-operative, trusting relationships with individual staff posed the greatest barrier to achieving quotas within the time frame.

### **Informed consent**

Given the highly sensitive nature of the research study, an extremely thorough process was required to ensure that court users gave informed consent. The process was tailored to meet individual needs, and ensure that participants fully understood what they were consenting to.

Informed consent was gained directly from participants at the point of interview. In order to aid communication, the researcher explained the details of the research verbally, and used leaflets written in an easy-read style specifically for the project (including information in written and picture format). Where present, carers and support workers were encouraged to assist in explanations, but consent was always gained from the participants themselves rather than a third party. Researchers also led participants through a consent form which checked their comprehension of the subject of research and the nature of the interview.

### **Fieldwork and data**

Court users chose the interview locations which they felt would provide the most comfortable and secure environment. Researchers guided interviews using a topic guide which allowed questioning to be responsive to the issues arising. Interviews with court users also included a 'journey mapping' exercise as a facilitating tool to explore experiences of the court system.

Due to the variation in participants' competencies and the sensitive nature of the subject area, researchers adopted a flexible approach to interviews in response to participant need. The time required with participants ranged from 20 minutes to two hours, often with frequent breaks. Some court users requested the presence of carers or support workers, to provide moral support or assist communication.

The detail and coherence with which court users were able to recount their experiences varied a great deal. Memory lapses, communication difficulties and challenges in recalling events in a linear fashion all affected participants to a greater or lesser extent.



## Analysis

In the fieldwork and analysis for this project, a qualitative approach was adopted, in order to allow attitudes and experiences to be explored in depth. It should be noted that qualitative methods neither seek nor allow the quantification of data; for example, the number of people who held a particular view or underwent a particular experience would not be included in any discussions.

An analytical procedure called 'Matrix Mapping' was used to analyse interview data. In Matrix Mapping, researchers work from verbatim transcripts of data to identify key issues and themes. On the basis of this, a thematic framework is constructed. This provides a grid into which qualitative material is summarised. On the basis of the thematic matrices generated, key features of the data are identified, and individual accounts are turned into a thematic story. Concepts are defined, typologies created, associations identified and explanations advanced.

Alongside the main analysis, some of the 'journey maps' generated during interviews were chosen for inclusion in the final report. Examples were selected which reflect the full range of user experience in a 'snapshot'. Journey maps were produced by presenting court users with a plain graph on which to map the events and key junctures in their experience. This was used to produce a visual chart of varying levels of satisfaction through the process.

## 2. The court process

This chapter outlines the 'after court' process including hearing outcomes in court, leaving court and making the journey home, awaiting outcomes and receiving news at home, and moving on from the experience.

### 2.1 Hearing verdicts, sentences and case outcomes

Most outcomes and sentences were delivered after the judge gave a summing up of the case, at the end of the trial or hearing. Quite commonly in criminal cases, verdicts were given several days or weeks after the session which an interviewee had attended. Where this occurred, the news was relayed in a telephone call from a police officer.

Experiences of receiving outcomes varied across court types and were influenced by the same issues, so civil, criminal and family cases are discussed together here. Court users held different feelings about receiving outcomes. These varied according to the extent to which they cared about the case outcome. Court users in child proceedings, and victims of highly distressing crimes in particular, felt this was the most emotional part of the court experience because of the impact the outcome would have on their lives. Those who felt less affected by the outcome felt relieved just to have succeeded in reaching the end of the case.

#### Verdicts, sentencing and outcomes

Both the terminology used by the judge and the level of court users' anxiety and emotions impacted upon their comprehension of the outcome, and their satisfaction with the process. Some interviewees stated that they could not make sense of the judge's summing up. Both the stress of the formal setting and anxiety about the outcome caused court users with anxiety disorders to panic, and this impeded their understanding of the outcome.

Court users acknowledged that judges would not necessarily know whether they had understood the proceedings or fully understood the judgment because they did not give any visible signal themselves. However, intimidation at the formality and authority of the setting, and the wish to escape from the court prevented them from seeking further clarification. In addition, court users did not know what behaviour was appropriate in the courtroom, such as whether they were allowed to ask questions, or where they could go afterwards to get more information.

More immediately, court users with learning disabilities felt the judge would have made greater effort to adapt their style throughout proceedings if they had known of their condition.

*'I didn't have a clue what was going on. The judge didn't explain to me...I don't know if he knew I had learning disabilities, but if he did know he would, like, treat me, like, he should treat me fair, like. He should have made sure I understood.'*

(Female court user, learning disability, family case, North)

Particularly in public law family cases where a decision was taken to remove children from parental care, parents tended to feel excluded from proceedings and to believe that professionals were dismissive of their concerns. Court users felt resentful when a judge did not allow time to explain the outcome of proceedings in language that they understood. This strengthened the beliefs of court users who felt that the court had made the wrong decision, as they thought that the court had misunderstood their condition, or had not acknowledged it during the case as a whole.

However, some judges in civil and family courts made a point of addressing the court user directly, using terms which were easily understood. Where this occurred, court users felt more able to accept the case outcome. When vulnerabilities had been disclosed, judges adapted their communication to some extent, in order to accommodate court users with learning disabilities. For example, they might slow their pace of speech and alter their language to be as direct as possible. Court users felt it had been helpful when outcomes were directly addressed to them, and judiciary and barristers considered this to be good practice. However, barristers noted that it was not always viable to take the time to adapt communication throughout the case.

Gestures which appeared to acknowledge their anxiety could aid a court user's comprehension of the case without appearing to bias proceedings. When judges used sympathetic expressions and tone of voice, court users felt that their presence was acknowledged as meaningful and valued. It helped to prevent a sense of demoralisation and increased court users' acceptance and sympathy with decisions. This was an important start in helping them to come to terms with outcomes.

*'Because they explained things. They explain stuff to you, like they read what solicitors have wrote and that ... And it were like the solicitors, they weren't all just speaking like we weren't there.'*

(Female court user, mental health condition, family case, South)

### **Explanations from legal representatives**

A brief meeting on leaving the courtroom allowed court users or carers to discuss the outcome with legal representatives and pose any questions. Interviewees had found this extremely helpful. This tended to occur as a matter of course in public family law proceedings and social workers would generally be invited to attend. A meeting outside the courtroom was not common in criminal cases. Where it did occur, this was at the discretion of the barrister, or on court users' or carers' requests. In these instances, barristers found a private place, such as a waiting room, to relay the outcome and the reasons behind it in full. In civil cases with representation by a solicitor, any such meeting tended to occur some time after the hearing itself. Litigants in person generally had no access to further information on their case outcome.

A discussion of the case outcome with a legal representative was not felt necessary where the case outcome was well received. However, court users across court types who received a negative case outcome found this discussion (where offered) to be critical to their comprehension and acceptance of the result. It also influenced their satisfaction with the court process as a whole, as it could be the last contact they experienced in relation to their case. Court users felt their legal representatives provided a unique authority, perspective and understanding, which reassured them that they had understood what happened. The explanation also enabled court users to gain a sense of personal achievement from realising that their own role had not undermined the case.

On most occasions, court users represented by solicitors could rely on them to explain the outcome. However, for litigants in person, there was no recourse to further information on their outcome.

### **Explanations from advocates and carers**

Where a barrister or solicitor did not provide an explanation of case outcome to the court user, advocates or carers across court types were relied upon to explain the outcome. However, these supporting individuals reported that they did not understand the legal terminology used in many cases, and could not translate the reasons given for the decision taken. Consequently, participants could hear an outcome but still feel unsure of the reasons for this decision, such as why a defendant had been considered not guilty, or in a civil case why a fine must be paid. In civil cases, court users were unsure as to what their appropriate course of action should then be.

Court users with learning disabilities could sometimes give the impression of understanding statements even when they had not. For example, advocates described court users nodding when asked whether they had understood an outcome, as though they had grasped its meaning, when in fact they had not. Advocates and carers felt that this was one of the main reasons why their presence was crucial. They would be able to gauge the extent of the court user's comprehension in a way that the untrained or unfamiliar person would not.

## **2.2 Leaving the courthouse**

Across courts, court users leaving the hearing relied on existing networks such as family, advocates, community psychiatric nurses or social workers to accompany them. At this time, the stress of proceedings left court users feeling emotionally fragile and so they particularly appreciated having company. Negative outcomes naturally left people with strong emotions to come to terms with regardless of their type of vulnerability, whilst the rapidity of civil hearings could create a sense of anticlimax.

Although a small minority of victims and witnesses in criminal cases were approached by a Victim Support volunteer as they left the courtroom, this was not common practice. In

criminal cases, most court users were protected from encountering defendants as they left the courtroom, through the provision of separate side exits or efforts by solicitors or other professionals to avoid crossing paths by staggering their exits. This was particularly important across all cases where they had to face parties whose presence upset them, such as an ex-partner or neighbour who intimidated them.

## 2.3 Travelling home

No court types had any official provision for accompanying court users to their homes. Again, court users depended on existing support networks and individuals such as a CID officer, social worker or solicitor if family members were not available. Those without co-ordinated support were left to make their own way home. For court users who were not disturbed by proceedings, or who had mild conditions which they did not feel affected their state of mind at the time, this was unproblematic. However, despite efforts in criminal cases to keep parties apart as they left the courtroom, they might use the same public transport. If so, the court user risked meeting the defendant or those who had attended the trial as an audience. Where participants were intimidated or fearful of the other party and their peers, this could heighten anxiety and create unpleasant situations regardless of the direction of the outcome.

Travelling home was a particular issue for those with anxiety disorders; a few court users became nervous whenever they used public transport alone. Those with depression described a worsening of their symptoms when they had received a negative outcome, or due to the sense of anticlimax following a case. Before setting off, simple activities such as being taken for a coffee to discuss the case were common. Court users felt that this type of activity was important in helping them to relax and consider their reaction to the events. They relied on pre-existing support networks, such as a social worker, advocate, family or a friend to accompany them in this activity.

## 2.4 Updates out of court

### Informing court users of outcomes

Even for court users in short cases, who only had to wait for a single day before hearing the case outcome, the hiatus between the court appearance and news of the outcome was a period of particular stress and low mood. People with depression, who experienced sleep disturbances and difficulties when left alone, reported particularly severe problems with this. However, it was an issue to some extent for all court users.

*'When I came home on my own I did feel low, I don't know why or anything (laughs), but you feel like it's hurtful, yes I felt low, but on the next day I felt yesssss! [upon hearing the outcome]'*  
(Female court user, learning difficulties, criminal case, North)

Witnesses in criminal cases who had an ongoing police contact throughout the case were usually telephoned by this officer if they received the outcome at home. Alternatively, they might be contacted by a member of the Witness Care Unit, or by a key worker or support

professional. However, practitioners suggested this call was primarily a source of information rather than support. Court users depended upon the presence of a family member or carer to comfort them, as the conversation tended to be brief and the officer did not usually offer support or ask after the court user's emotional or medical state.

The lack of a supportive environment where they could receive the news of criminal cases constituted a risk to those with more severe mental health conditions. Even in serious cases where advocates and mental health practitioners provided intensive support and monitoring, court users could be alone when being informed of the outcome. This can constitute an emotional 'flashpoint', and the consequences of isolation at this time could be serious for those with severe mental health conditions. There is an increased risk of self-harm, and of later difficulties in recovering from news which they received in traumatic circumstances, as the following case study illustrates.

#### Case study

Karen had been a victim of serious abuse by a neighbouring family. During the case, her evidence was called into question as it was alleged that she suffered from false memory syndrome. The case had taken over a year and had been traumatic. Feeling disbelieved had undermined her confidence and upset her a lot. She suffered from depression and was extremely anxious about her safety if the defendants were not imprisoned. Soon after the hearing she received a call from the police officer who told her that most of the defendants had been acquitted. She could not cope with the news. Alone in the house, she went straight upstairs and took an overdose of painkillers sufficient to be fatal. She called her support worker at MIND, who ensured an ambulance got her to hospital soon enough to save her life.

Reflecting on her experience, Karen felt that she should have been accompanied when she received the news.

*'The police told me over the phone and I was on my own and that is disgusting, even after, if it wasn't for [...] I could have been dead, me and I think it's disgusting that it could be done like that. I think if anything, Victim Support should have somebody to go out and tell the person.'*

(Female court user, mental health condition, criminal case, North)

Defence witnesses in criminal cases were informed of case outcomes by letter, but did not always understand legal terms such as 'bail'. Court users frequently relied on a support worker or carer to explain the meaning of this letter. Court users with learning disabilities and their carers in particular felt that the information would have been easier to understand if it had been explained over the phone.

In civil cases, court users tended to learn of case outcomes in the courtroom, or at a meeting with a solicitor. Occasionally, court users attempted to contact the courts by telephone to find out what the outcome for their case was. They did not always understand what the outcome meant, and were left unsure what to do next. No participants in family cases in this study reported hearing case outcomes out of court.

### Information about appeals

It appeared that court users were not routinely informed about whether there were grounds for an appeal, in any of the courts in this study. This was the case even though the decision as to whether there were grounds for an appeal could rest with the appellant in civil cases. Incomplete understanding of the case added to a sense of exclusion for court users. Where court users did not hear information about appeals in court, a final meeting in which solicitors relayed and explained the outcome of cases was preferable to phone contact. This meeting gave an opportunity to pose questions about the case, including clarification of terminology.

*'As I have never heard of a gagging order and I would love to know what a gagging order is'*  
(Male court user, learning disability, family case, North)

Occasionally where an outcome was considered unfair, court users became concerned over whether the judge had been aware of the court user's condition when deciding the outcome. They feared that if the judge had not been aware of their condition, he or she might not have known the full context and reasons for their behaviour relating to the case. Several court users in civil and family cases who suffered from depression felt that the judge might have considered their case differently had this been known.

In civil cases, there is a restriction on the period following the conclusion of a case within which the appellant can pursue an appeal. This adversely affected court users who were slow to take the necessary steps to bring their appeal to court and so missed this opportunity. This could cause frustration and anxiety for litigants in person seeking legal advice on their appeal, with a resultant sense of unfairness and lack of closure in relation to the case overall. Although the time limit could be suspended for court users with severe mental illness or lack of capacity, such a suspension (see Civil Procedure Rules 52.4) would depend upon proof of the condition. Legal aid funding did not cover the resources expended by solicitors in obtaining such proof. As a result, solicitors suggested there was a strong disincentive for their profession to continue to work on appeals for clients in this group. Court users therefore often had no source of legal advice once the initial court case was over.

*'I want to know how I can overturn my case and be heard and be listened to properly'*  
(Female court user, learning disabilities, family case, South)



Problems in accessing legal advices, similar to those experienced in the early stages of the case, could also occur following its conclusion. Court users felt that knowing whether further proceedings were viable, and why this was the case, was important to moving on. Legal representatives felt that court users should be able to access trained lawyers, rather than relying on support organisations whose staff lack the legal training to offer useful advice.

### Case study

Victoria had been a party in a civil case with her housing association which had lasted for four years, in which she had avoided eviction after complaints about the noise from her stereo from her neighbours. She found the ending to the case extremely abrupt when it finally finished. She had no final meeting with her solicitor and felt extremely scared of the housing association, and was not sure what rules she would now have to follow. She had no follow-up meeting with her solicitor, and would have liked to have asked him where she now stood in relation to the housing association. Still anxious six months later, she called her solicitor to get this information, but was informed he had left the practice.

## 2.5 Moving on

Many court users felt that no further contact was needed after case closure. A letter from the Probation Service with the offer of continued information on the defendant was offered in a few cases. Some court users did not want this contact as they wished to distance themselves from the experience. Following criminal cases, the Witness Service and Victim Support offered assistance in completing compensation forms, but contact with these agencies continued only where clients seeking reassurance for their anxiety actively maintained it themselves. Specialist police support continued in domestic violence cases, with assistance in signposting and handing over responsibility for support to another agency. Court users considered this to be good practice.

Court users' experiences of the support they received from advocates following decisions in all courts varied widely, according to individual levels of need and their relationship with the advocate. Court users with greater needs received support from services which was general and ongoing for their day-to-day activities. Other court users felt they required specific support only for the duration of the case, to assist representation in court and in coping with the outcome. However, some court users expressed surprise that certain advocacy services ceased contact immediately following the trial, which left them feeling abandoned at the time they felt that they need the most support.

*'It just felt like after I had been to court and after I had lost [her son], that was it, and I was on my own basically, and I just felt alone and that emptiness and just a horrible feeling after that...you know what annoyed me, she [the advocate] never phoned up to see afterwards how I was, nothing, you know it was just as though she didn't care.'*

(Female court user, learning disabilities, family case, South)



It was helpful when support workers gave practical suggestions for ways to bring resolution and closure to cases, such as visiting the courtroom to 'say goodbye' to the court case, or arranging a brief meeting with a barrister, where they were willing. This helped court users to understand and move on from the experience.

Court users with mental health conditions often found the case led to a worsening in their condition, and they became more depressed or anxious in the weeks and months after their case had ended. Case-related informal support tended to have finished by this point so court users could only access counselling, therapy or support services independently accessed through a GP or local charitable organisation.

### 3. Providing support after court

This section considers the various sources of support after court, the relative benefits of types of support, and court users' experiences of receiving support.

#### 3.1 Provision of support

There are only a few sources of post-court support for court users compared to the pre-court and at-court stages of the process. The official sources are outlined in Table 3.1, while the informal support is described in Table 3.2. Both show what support is available at each type of court, and details of providers, their roles, and their credentials.

#### Official support

**Table 3.1 Official support available for vulnerable court users 'after court'**

Support	Court	Role	Credentials	Referred by
Witness Care Unit	Criminal	<ul style="list-style-type: none"> <li>● Feed back trial results to court users within 24 hours.</li> <li>● Witness Care Officer to identify the needs of individual witnesses through a needs assessment and make a referral to a specialist support group with consent of the witness if this is required</li> </ul>	<ul style="list-style-type: none"> <li>● No structured training or specialism reported.</li> </ul>	<ul style="list-style-type: none"> <li>● Police</li> </ul>
Court staff	Criminal	<ul style="list-style-type: none"> <li>● Following the Witness Charter: review entry and exit points to ensure vulnerable witnesses do not come into contact with defendants.</li> </ul>	<ul style="list-style-type: none"> <li>● Training on disability awareness, mainly focused on physical disabilities.</li> </ul>	<ul style="list-style-type: none"> <li>● In contact with all court users</li> </ul>
Victim Support	Criminal	<ul style="list-style-type: none"> <li>● Continue support where requested: keep court users up to date on case progress before outcomes.</li> <li>● Signpost to counselling for cases of rape, sexual offences and domestic violence.</li> </ul>	<ul style="list-style-type: none"> <li>● Three weekends' training for all volunteers; shadow cases before taking clients. Further training to prepare for supporting people in 'major' crimes. No specific training on mental health or learning disability awareness.</li> </ul>	<ul style="list-style-type: none"> <li>● Police</li> </ul>

**Table 3.2 Informal support available for vulnerable court users ‘at court’**

Support	Court	Role	Credentials	Referred by
Advocate	Family	<ul style="list-style-type: none"> <li>Variable roles, ranging from no support following case closure to ‘as long as it takes’ – up to several months after case closure</li> </ul>	<ul style="list-style-type: none"> <li>Training can vary.</li> <li>Some advocates are specifically trained in legal issues; other sources of informal support offer more generic advice with no specific legal training.</li> </ul>	<ul style="list-style-type: none"> <li>Referred by public agencies/ voluntary organisations/ self-referral</li> </ul>
Voluntary organisation Domestic violence support	Criminal	<ul style="list-style-type: none"> <li>Continue support until referred on to other services.</li> </ul>	<ul style="list-style-type: none"> <li>Training can vary.</li> </ul>	<ul style="list-style-type: none"> <li>Referred by police/ other voluntary organisations</li> </ul>

## 3.2 Forms of support required

### Legal support

As described above (section 2), adaptation of language by judges when summing up helped court users to understand and feel included in the case. A meeting with a barrister or solicitor could help to ensure that any questions had been answered about the case.

### Practical and moral support

Court users found that the presence of a supportive individual to discuss the outcome and comfort them was important both in ensuring that they fully understood the meaning of the outcome, and in helping them come to terms with it. This applied to news received both in and out of court. Where court users waited to receive an outcome at home, support during this period was helpful in alleviating anxiety. As discussed, this was a particularly vulnerable point for those with mental health conditions, who felt their support needs increased a lot during this period. To ensure the court user received this information at a time when they were sufficiently supported required co-ordination between a support worker and the police or Witness Service for criminal cases, or a solicitor or social worker for family cases. In civil cases, court users could fall between services at this stage in the process.

The need for further support could continue for some time following the case outcome.

This occurred for court users who took some time, after receiving the outcome, to realise or acknowledge that they needed to address their condition. Our findings suggest that a time-lag occurred because they had not recovered from the news as they anticipated they would.

## 3.3 Experience of support

### Access to legal support across court types

The lack of availability of legal support and professional time to explain proceedings were the main barriers to legal support for court users across case types.

Legal terminology can be difficult to understand for lay people in general. Litigation Friends and advocates said that they encountered some difficulty understanding court proceedings. Legal representatives suggested that advocates may lack the requisite legal training and experience to offer interpretations of case outcomes, particularly on technical aspects of the case. Judges who were unaware of a court user's mental health conditions, learning disabilities and limited mental capacity would not know to adapt their communication style.

In criminal, civil and private family proceedings where a social worker was not present, the responsibility fell to legal representatives to ensure case outcomes had been fully comprehended, either by the court user or a support worker if present. In public family proceedings, this role was also held. Where outcomes were considered successful for the court user, there was little need for explanations or further contact between legal representatives and their clients, post-proceedings. For example, a victim of harassment whose opponent was proven guilty was able to celebrate the result with her carer, but wished to leave the experience behind her and 'forget' about the experience.

Court users involved in private family proceedings were acknowledged by a variety of practitioners to 'fall through the net' in support provision. Although agencies such as the Children And Family Court Advisory Support Service (CAFCASS) expressed their concern and awareness of the court user's need for support, they did not have the resources to consider court users involved in private proceedings. Legal representatives may be the only personal contacts for this group. However, the strength of this relationship and the solicitor's relationship with support services could depend upon the personalities involved.

The Personal Support Unit is an independent charity established in 2001, based in the main building at the Royal Courts of Justice in Strand, London, in Wandsworth County Court, and the Manchester Civil Justice Centre. It provides non-legal advice, help, information and support to litigants in person and to any member of the public attending the courts in need of help or assistance. It is unable to provide legal advice, although litigants in person often requested it. However, they could signpost these court users to alternative services.

The presence of both a Citizens Advice Bureau (CAB) and Personal Support Unit at the Royal Courts of Justice provided a simple link between pastoral and legal services. In the absence of this service, legal representatives suggested that court staff could signpost court users to legal, counselling and other services. However, court staff themselves did not consider this aspect of customer service to be part of their remit, and were unsure who the appropriate local service contacts would be. Civil court staff themselves suggested that guidance on referrals, when court users asked for them directly, would be helpful.

## Access to practical and moral support across court types

There are few protocols for support provision following court appearances. In criminal cases, this was most apparent in the termination of contact from the Witness Care Unit, Witness Service and Victim Support.

## Witness Care Unit, Witness Service and Victim Support

The criminal justice system has no protocol in place for personal support after hearings. Under the *Victims' Code*, the *Witness Charter* and the *No Witness No Justice* minimum requirements, the Witness Care Unit is responsible for communicating case outcomes. The Witness Care Unit also wrote to encourage victims of violent crime to apply to the Criminal Injuries Compensation Authority. However, Witness Service staff reported that they were contacted by court users enquiring about case outcomes, because the Witness Care Unit was not always prompt in communicating outcomes to victims and witnesses. They also communicated outcomes when requested by court users.

Beyond this, no protocols are in place for post-proceedings support in any of the courts. Carers and support workers noted that court users without immediate support networks would have nobody with whom to talk over the outcomes of cases. Court users felt that court services should proactively signpost them to temporary counselling or befriending services.

There was a hiatus in court or police-led contact and support for court users awaiting and then receiving an outcome out of court.

*'Just thinking about it all, because at that time I still had it all in my head and I just couldn't get it out of my head, I just went so downhill.'*

(Female court user, learning disabilities, criminal case, North)

When relaying new information in criminal cases, there was a potential overlap between a police contact, the Witness Service and the Crown Prosecution Service. These agencies, in turn, relied on communication with the individual's existing support network, where one existed. This could require communication across a range of agencies, according to the particular arrangement of the individual's care. In this study, support workers found they needed to take responsibility for ensuring they were the point of contact for the call conveying the outcome of the case, or that they were given advance warning of the time of this call to guarantee their availability to support the court user.

Where a practitioner's role was seen to end at case closure, it was vital that links were made with any social service or other support professionals, to oversee a transition between court-specific and general support. It appears that the final task in court case support or advocacy, i.e. identifying whether there is a need for ongoing support and co-ordinating transition to another agency, is not clearly defined or designated to any one practitioner.

With the exception of domestic violence cases, court users in the study were not offered counselling or signposting to further support services after their case had ended. Those who accessed new forms of support following their cases, such as counselling and therapy, were those with mental health conditions, who did so by seeking help from mainstream services on their own. For example, court users requested counselling by visiting their GP, or through another contact within mainstream community services such as Sure Start. However, generally speaking, court users did not access support unless it was offered, and arranged for them. Being told support existed or being directed to another service was not sufficient, as court users tended not to take action themselves, despite a wish to receive support.

*'Because the social worker said after court we should go and see a psychologist, nowt's happened.'*

(Female court user, mental health condition, family case, North)

### **Legal representatives**

A post-court meeting with a solicitor in civil and family cases provided an opportunity for case workers to assess need and signpost on to support services if this was deemed appropriate and the individual was not already provided with support. Here, solicitors varied widely in their awareness and use of appropriate support organisations. If solicitors wished, they could easily make themselves aware of a client's contact with social services and/or a support worker. Because of the nature of public law family cases, solicitors would usually have this information already, or it would be more directly obvious, due to the recent presence of social workers at court and possibly also the presence of advocates in family cases.

In civil cases, solicitors had fewer opportunities to become familiar with a client's care needs. The research found that some solicitors went to greater efforts than others to obtain this information, and to be more active in liaison with support workers and care providers. Others ended contact once they had communicated the outcome of the case, and court users were unable to access them post-proceedings. Individual interpretations of the duty of the solicitor, as well as differing levels of personal or professional sympathy and interest in vulnerable clients, underpinned these differences in approach. Again, solicitors were torn between the wish to provide a fair service to clients, and the lack of legal aid funding to deliver this.

*'There's this sort of pretence that everyone's doing everything that they can, where they set up a system where you know, the financial incentive is not to help people. You're relying on the goodwill of solicitors and it sounds like a bad joke, the goodwill of solicitors...you know it's not a profession that's renowned for its goodwill.'*

(Solicitor, London)

## 4. Barriers and facilitators to support

Key factors that affected court users following their court case were the support available when they received news of the outcome, the designation of responsibility for organising support, signposting to support services, multi-agency working, and ongoing support.

### 4.1 Support when receiving an outcome

#### **Barrier: lack of protocols for after-court support**

There were no protocols or provisions for support for court users following their appearance in court. The continuation of contact was therefore organised in an ad hoc and unsystematic way, allowing court users to go unsupported at a vulnerable point in court proceedings.

#### **Facilitator: communication between service providers**

Good communications were established between service providers. Liaison between the support worker, advocate or social worker, and the police and Witness Service in criminal cases, was important to co-ordinating support. Awareness of the necessary conditions for receiving information from other professionals was also essential.

### 4.2 General support provision

#### **Barrier: lack of clear roles and responsibilities**

Offers of support varied widely in relatively similar circumstances, implying the need for clearer lines of responsibility and designation of duties between professionals. For example, counselling was offered by social services in certain cases, while in others which appeared very similar none was made available.

#### **Facilitator: case management of care pathways by a designated practitioner or carer**

Proactive management of a court user's case, and the use of case notes to indicate vulnerability, allowed all staff to see clearly that support should be in place. Examples in this study included a carer liaising with police or the Witness Care Unit, and practitioners' accounts of the 'umbrella' role of an FLO (family liaison officer) in serious criminal cases.

### 4.3 Signposting for support (in civil cases only)

#### **Barrier: lack of co-ordination in civil cases**

There was virtually no co-ordination of care after a civil court case. This is related to the lack of co-ordination noted for earlier stages in the civil court process (please see reports 3 and 4).

#### **Barrier: fixed legal aid funding**

For solicitors funded by legal aid, no further contact with court users was covered by the fixed fees. This could only be undertaken, therefore, at personal cost or on a pro bono basis. This is a key barrier to any after-court explanation of outcome, signposting to further services, or other roles the solicitor may have considered undertaking.

### **Facilitator: legal representatives' knowledge of support agencies**

Legal representatives' knowledge of existing support agencies was important for ease of referral of court users for support or further assessment.

## **4.4 Multi-agency working**

### **Barrier: lack of a database of organisations for referral**

A lack of information for courts on support organisations and contacts within them meant court staff had no resources on which to call when arranging referrals for court users. It should be noted, however, that this was not their professional responsibility.

### **Barrier: lack of feedback on successful referrals**

There is no feedback from support organisations to the courts on successful client referrals. Participants in the study felt that this would help strengthen links between the courts and other support organisations, to encourage closer working.

### **Facilitator: cross-referrals between support organisations**

Cross-referrals between support organisations with involvement at different stages of the case depended on the strength of local organisational networks, and their links to the courts. Where this worked smoothly, court users benefited from a constant point of contact who managed the transition between agencies.

## **4.5 Moving on**

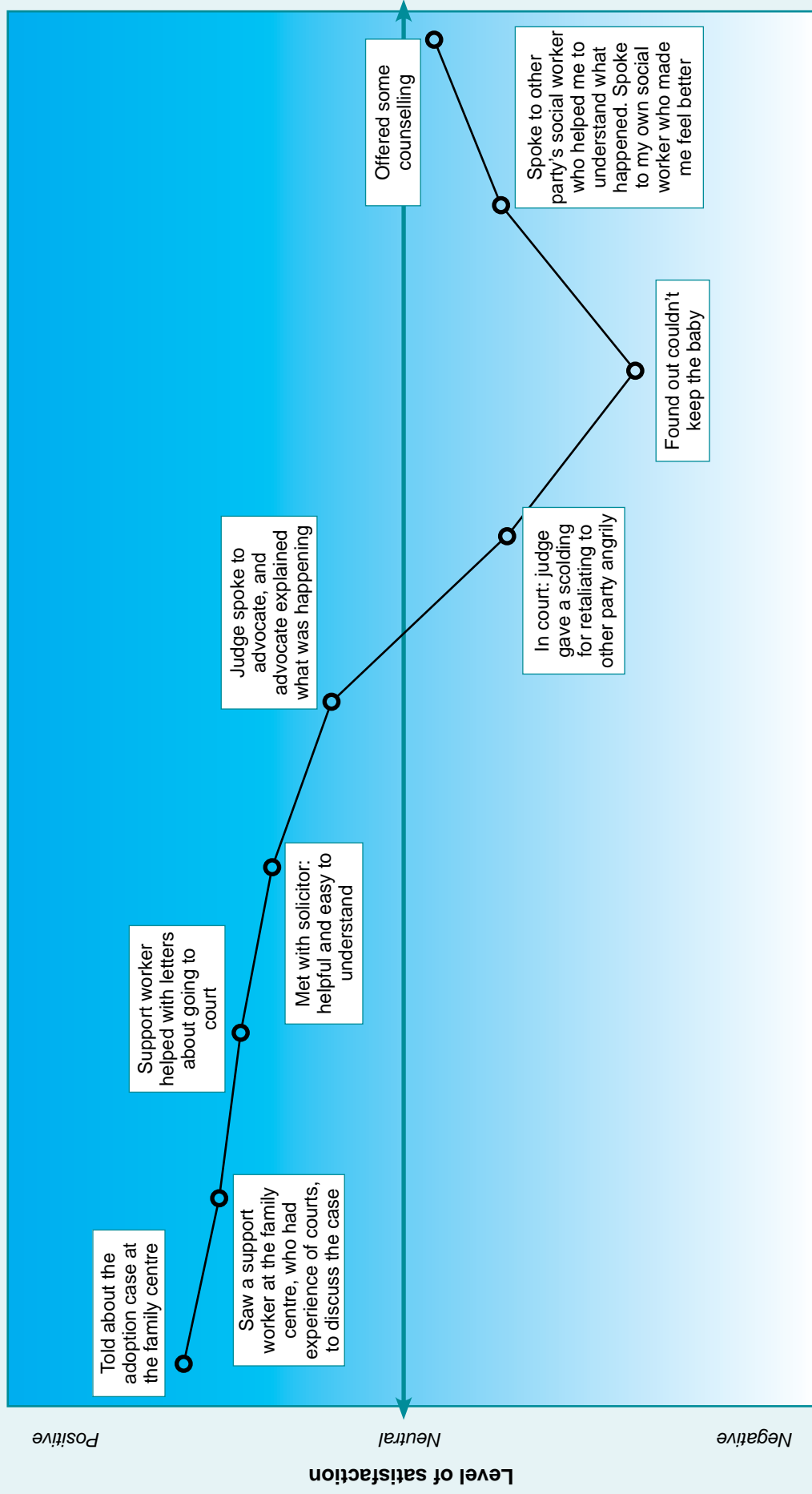
### **Facilitator: support from mental health or learning disability charities over the months following the court case**

In the longer term, court users and carers emphasised the pivotal role played by mental health practitioners and support workers, from charities such as Mind, in the weeks and months following cases. Continuity and sustained support were key, both to emotional adjustment back to 'normal' life, and to identifying whether further therapy was appropriate. This care was conditional on funding for local resources. For example, a support worker from Mind who accompanied a witness when they gave evidence maintained regular telephone contact with them following the court case, meeting their community psychiatric nurse (CPN) and providing reassurance that they were still available for support.

The journey map below highlights the intensive support that a court user may need from a range of different practitioners at different stages in the court process, continuing beyond case closure. It highlights the importance of explanations of case outcomes to mitigate the impact of negative outcomes, and of signposting to counselling or other support, which could help the participant to accept the outcome and move on from the case. The map indicates the difficulties the court user felt she experienced throughout the case, in spite of the measures her advocate took to assist and support her. Although she felt the support she received was important, it could only serve to minimise the inevitable distress.



Figure 4.1 Family court experience – journey map



## **5. Good practice**

### **5.1 Witness Service, Witness Care Unit and police co-ordination in domestic violence cases**

The Witness Service and Witness Care Unit maintains a comprehensive list of domestic violence advice, support and safe house agencies. It is current procedure for a Witness Care Officer to act as a single point of contact in these cases, and to offer to refer court users on to these services. Specially trained officers in domestic violence units also have access to contacts in sanctuaries and counselling services, both during trials and after case closure, to which they can refer court users. Participants felt that this system of referral and contact procedure could also be created and followed for court users with specific learning disabilities or mental health conditions.

### **5.2 Practices to ensure support is provided at the point of communication of outcome**

In a few cases, a carer or support worker, with client consent, provided the Witness Service with their contact details as well as those of the court user, and asked the Service to inform them of the outcome of proceedings. This allowed practitioners working close to court users to take responsibility for support, and ensure that the court users would be accompanied when they received the news.

In some criminal cases, the Witness Service would ask whether a client had a carer or support. Where there was no support network or key contact, the Witness Service, Victim Support or other court-led agency made provision for home visits, when they could relay case outcomes to court users. This scheme has been piloted, but is currently only a local discretionary practice within these services. In civil and family cases, this responsibility for co-ordinating support falls to legal representatives who are familiar with their clients' needs.

### **5.3 Cross-referrals from legal to general support**

Cross-referrals from support organisations, where a court user was referred to an organisation who could support them with general needs, was important both during the case and following case closure. This provided continuity of care and ensured court users were helped to make any adjustments required because of a case outcome. Newcastle CAB, for example, learned about housing cases from the charity Shelter and supported court users with advocacy throughout the case, before referring the client back to Shelter so the charity could continue supporting them with housing access.

### **5.4 Advocacy explanations of processes in family court**

In reported best practice, advocates with training in legal support provided post-hoc explanations of the court process to parents in family proceedings, which was particularly important for those with learning disabilities, to help them gain a better understanding of

the process they had been through. This demystified the court process and increased court users' confidence in proceedings. Particularly for those parents who had more than one experience of involvement in child protection proceedings, some further familiarisation could be important to preparation for any court appearances in future that they may need to face, to prevent the same difficulties in comprehension arising again.

## 6. Recommendations

Areas where recommendations for improvements or innovations have been made include the provision of training opportunities; ensuring court users' understanding of outcomes and sentencing; co-ordination of support; and signposting to further support provision.

### 6.1 Training opportunities

#### Identification

- As discussed in report 4, court staff suggested they need specific and dedicated training to raise awareness and understanding of the specific needs of court users with a range of vulnerabilities (report 1, recommendation 3).

### 6.2 Ensuring court users' comprehension of processes

#### Outcome and sentence

- Develop protocols to ensure sensitive handling around delivering case outcomes to witnesses (report 1, recommendation 9).
- Ensure that the court user has received a full explanation of the outcome and the reasons for the decision, and/or has access to support outside the courtroom (report 1, recommendation 9).
- Support good practice among the judiciary in adapting their language for court users with learning disabilities and directly addressing all court users when delivering a outcome, in particular by ensuring that they are aware of vulnerabilities (report 1, recommendation 7).
- Improve co-ordination between legal representatives, carers or support workers to offer further advice and information when leaving the courtroom, and availability of ushers to offer the court users advice and information when leaving the courtroom (report 1, recommendation 4).

#### Appeal process

- Ensure that court users and practitioners understand their right to appeal, what this process entails and what they may be required to do. This is important in ensuring their access to a full and fair court process. This depends on:
  - encouraging legal representatives to explain all aspects of the court process to court users (report 1, recommendation 12);
  - encouraging the judiciary to adapt their language for litigants in person when explaining decisions (report 1, recommendation 13);
  - training for advocates on the legal process (report 1, recommendation 8);
  - considering producing an information leaflet in easy read format explaining what happens after a hearing and grounds for appeal (report 1, recommendation 10).

### **6.3 Co-ordination of support for outcomes received out of court**

- Agencies should co-ordinate support between advocates, courts and police services in all cases when delivering outcomes to court users at their homes, bearing in mind the consequences of isolation for vulnerable adults. Where no support is available, the Witness Service or Victim Support may consider providing a home visit to court users with potentially serious vulnerabilities (report 1, recommendation 9).
- Agencies should improve the availability of after-court explanations of legal terminology and case outcomes, by arrangement with barristers or solicitors (report 1, recommendation 10).

### **6.4 Signposting to appropriate support**

#### **Immediate signposting to support following court appearances**

- The offer of signposting to counselling is important, and need not depend on clear identification or disclosure of vulnerabilities. Legal representatives suggested that identification may draw unnecessary and unwanted attention to difficulties. Professionals should therefore avoid stigmatising court users by:
  - improved guidance for staff on how to provide support
  - widely publicising access to support services in courts; and
  - providing information about the availability of support as part of standard practice (report 1, recommendation 8)

#### **Signposting to legal services in civil courts**

- Civil court staff need up-to-date information on the best contacts for referrals to solicitors and access to duty solicitors, so they can pass this on to court users before they leave the building (report 1, recommendation 8)

#### **Signposting to ongoing support**

- Following case closure, an assessment of the ongoing needs of court users with mental health conditions, learning disabilities and limited mental capacity, and a referral to any appropriate agencies should to be undertaken, in response to the changed circumstances and coping strategies of the court user (report 1, recommendation 1).
- This requires designation of responsibility for managing support transitions (report 1, recommendation 1).
- Solicitors should be provided with comprehensive information and points of contact at support organisations and agencies for referrals (report 1, recommendation 8).
- Improved feedback from mental health services to the courts following referrals would ensure referrals for support are working effectively and strengthen inter-agency communication (report 1, recommendation 4).

## 6.5 Special provisions for leaving the courthouse

- Ensure that courts offer separate entry and exit routes to the courthouse for civil as well as criminal cases, to protect court users from encountering opponents and creating anxiety.
- Extend protocols in family courts for vulnerable adults in public family law cases to those in private family law.

**Ministry of Justice Research Series 11/10**

**Court experience of adults with mental health conditions, learning disabilities and limited mental capacity. Report 4: After court**

This is Report 4 in a series of six reports on a research project exploring the court experience of adults with mental health conditions, learning disabilities and limited mental capacity. The research relates to victims and witnesses in criminal cases, and to participants in civil and family cases. This report outlines the 'after court' process.

Hearing a verdict in court and receiving news of the case outcome at home were times of particular stress and low mood. They needed clear explanations to understand their case outcome, and emotional support to come to terms with it. Careful management of co-ordination between agencies helps to achieve this, but few protocols are in place for support at this point. Many interviewees did not feel any further support was necessary following case closure. However, where it was required, communication and cross-referrals between service providers were important.

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