

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

Final Report

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Executive Summary

Introduction

As part of a wider package of work being led by the Victims Taskforce Trauma Informed Workforce Working Group, NHS Education for Scotland (NES) Psychology Directorate Trauma Team received funding to develop and deliver a Knowledge and Skills Framework and training resource for all organisations and staff that have contact with victims and witnesses in the criminal justice process in Scotland. A key element of a trauma informed justice system is that its workforce, across the wide range of organisations and staff roles involved, should have a shared understanding about the impact of trauma on victims and witnesses, and consistently have the additional knowledge and skills appropriate to their role in order to do no harm, minimise re-traumatisation, support recovery, and gain and interpret best evidence for victims affected by trauma.

The aim of the framework is to identify and summarise the key competencies and areas of knowledge and skill required by different staff roles within the justice system to work in a trauma informed way, with particular focus on supporting victims and witnesses.

Interviewees were identified and recruited by the Working Group as being key justice leaders who understood the different roles in their respective workforces, with views being sought on the knowledge and skills that leaders thought staff within their workforce and sector need to have to support a trauma informed justice system. Interviews averaged an hour in length and were digitally voice recorded to allow verbatim transcripts to be produced. In some cases, interviews were supplemented by written feedback provided by interviewees after the interviews, and these were merged with the interview data for analysis purposes.

Key Findings

The main findings from the research are that:

- clear definitions for 'trauma', 're-traumatisation' and 'vicarious trauma' are needed, with simple guidelines that staff can rely on to understand these key concepts;
- understanding the impact of trauma and avoiding re-traumatisation, as well as empathy and compassion (i.e. fundamental principles of good care) were seen as core elements of a trauma-informed justice system;
- all parties involved in administering justice need to develop an increased awareness and understanding of the impact that the system has on people experiencing it;
- court processes and the current adversarial nature of the justice system were not seen as trauma responsive and may be inherently re-traumatising;
- interviewees perceived that best evidence will inevitably be undermined by a disregard for, or misunderstanding of, trauma;
- a trauma-informed approach was seen by the vast majority of respondents as crucial to an effective justice system, and to encouraging victims and witnesses to come forward in the future and to remain engaged in the process;
- a trauma-informed system should not create an unfair advantage for either side and indeed should create a system in which all parties can equally participate;

- ensuring that justice is delivered in a timely way is essential to prevent victims and witnesses from disengaging, becoming disenchanted and feeling unable/unwilling to go on with the process;
- the adversarial nature of the youth and criminal justice systems was seen as a barrier to achieving a trauma informed system, particularly in respect of legal language, adjournments, churn and timescales for case processing, and aggressive cross-examination;
- key skills and structures required included:
 - understanding the nature of trauma, the impact of trauma and how to prevent re-traumatisation - needed at all levels of an organisation;
 - striking a balance between being trauma sensitive and eliciting best evidence;
 - developing communication skills that are trauma sensitive/trauma responsive; and
 - providing safe environments for those likely to have suffered trauma at all access points to the system.

It was suggested that all staff need to have the basic skills to be 'trauma informed' and more specific skills training needs to be cumulative, based on remit rather than status. Overall, a justice workforce framework was seen as useful but only where the outcome was clear and the process monitored. Various systemic and training challenges would also need to be overcome.

Challenges

The main challenges facing organisations in achieving a trauma-informed justice system were broadly split between systemic challenges and challenges linked to training:

- systemic - adversarial nature of the justice system, conflicting roles and responsibilities of staff, rigid legal frameworks, poor partnership working, environmental challenges (need for better spaces) and the need for language and communication improvements; and
- training - lack of investment in staff (time and resources), variability in staff confidence and experience and the need for practice monitoring post training (which may be hard to achieve).

It appears that having the time (especially during and post-COVID-19) to undertake training was more likely to be a barrier than willingness to engage.

Conclusion

The interviews with justice leaders suggest a strong willingness to engage with trauma informed practice and to achieve a trauma informed justice workforce as a priority. It seems that even a basic level of trauma awareness and the provision of a consistent trauma language for professionals and those who interact with the system may help to improve people's journeys.

When considering the tiers of the original Transforming Psychological Trauma Framework (2017), developing a trauma skilled justice workforce also seems achievable (if some of the systemic and practical training barriers can be overcome), and the main challenge appears to be around knowing which staff and at which levels the more nuanced enhanced and specialist training should be delivered. Within this, there was some suggestion that the incremental difference between

enhanced and specialist categories was unclear, suggesting they could potentially be merged, creating a three tier framework.

An incremental approach to achieving a trauma informed justice system seems inevitable and the higher-level skills and practice may need to evolve over time once more fundamental skills and knowledge have become embedded throughout the workforce.

Introduction

Background

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The aim of the framework was to identify and summarise the key competencies and areas of knowledge and skill required by different staff roles within the justice system to work in a trauma informed way, with particular focus on supporting victims and witnesses.

Methodology

To inform the framework, interviews with 17 individuals were carried out. Interviewees were identified and recruited by the Working Group as being key justice leaders who would understand the different roles in their respective workforces and the work that they do with victims and witnesses. There was no expectation that they hold specialist expertise in the impact of psychological trauma on victims and witnesses, but views were sought on the knowledge and skills they thought staff within their workforce and sector need to have to support a trauma-informed justice system for adults and children who are victims and witnesses.

Data collection was via one-to-one and two-to-one virtual interviews¹. To help them prepare, all leaders were given an information sheet detailing the background to the work, and summarising the questions they would be asked. The information sheet and question summary can be found in Appendix A and B respectively.

Interviews ranged in length from 46 to 93 minutes and all were digitally voice recorded to allow verbatim transcripts to be produced. In some cases, interviews were supplemented by written feedback provided by interviewees, especially in cases where there had been insufficient time to cover all questions in interview. These written contributions were merged with the interview data for analysis purposes.

All interviews were carried out by one NES researcher to allow consistency and all were transcribed by the same independent transcriber. Two independent researchers were involved in the analysis of interview data and each was responsible for cross-checking the other's work.

Respondent Profiles

A total of 16 interviews with 17 key leaders were carried out, including representatives from:

¹ A total of 17 people were interviewed, as one session involved two respondents

- ASSIST Domestic Abuse Advocacy Service
- Children 1st
- Community Justice Scotland
- Criminal Injuries Compensation Authority
- Crown Office and Procurator Fiscal Service (COPFS)
- Faculty of Advocates
- Law Society of Scotland
- Moira Anderson Foundation
- Parole Board for Scotland
- Police Scotland
- Rape Crisis
- Scottish Children's Reporter Administration (SCRA)
- Scottish Courts and Tribunals Service
- Scottish Prison Service
- Victim Support Scotland
- Lord Advocate's Office

Overall, 4 organisations were victim/witness focused, 4 organisations were accused focused, and 8 were generic to the needs of both accused and victims/witnesses. Twelve respondents stated that their remit was strategic, 2 were deemed operational and 3 said they held both strategic and operational roles. All but one of the 17 interviewees suggested they were familiar to varying degrees with trauma-informed practice. For the purposes of reporting, all data extracts were anonymised.

Analysis

A grounded theory approach to analysis was adopted². All transcripts were read in full to allow the identification of categories within the data, e.g. clusters of data which could be grouped together and given descriptive labels to illustrate key concepts. Clustered data were then coded by assigning analytical rather than descriptive labels and categories of data were further broken down into higher and lower-level categories (using words, phrases or concepts introduced by the research participants themselves) to highlight any nuances in the categories that emerged.

All data were subject to constant comparative analysis whereby, as more data were analysed, new categories that emerged were isolated and existing categories were broadened or made more sophisticated to accommodate new data samples (e.g. sub-categories). Analysis continued until theoretical saturation had been reached, i.e. all new possible extractions from the data had been exhausted and no new themes were identified.

Reporting conventions and caveats

It should be noted that questions asked in different interviews varied to a small degree meaning that that it was not always possible to compare feedback like-for-like between different leaders. For the most part, all interviews did focus on definitions of a trauma informed justice system,

² Glaser, B., & Strauss, A. (1967). *The Discovery of Grounded Theory: Strategies for Qualitative Research*. Mill Valley, CA: Sociology Press

knowledge and skills required of staff, perceptions of the workforce tiers, and challenges of achieving a trauma informed workforce. These are the main headings used below to summarise the interview data.

As interviews progressed, some of the questions that were asked changed and became differently focussed, often based on early learning from the preceding interviews. This also meant that it was not possible to reflect views from all respondents on all of the study areas and so findings should not be generalised too broadly.

Finally, given the relatively 'new' and still evolving area of trauma informed practice, some respondents were admittedly unfamiliar with some of the key terms used in the interviews and/or were unclear of how trauma informed practice may apply to their wider workforce. This means that in some cases respondents gave a 'best guess' rather than evidence or experience-based responses and this again is noted where relevant to highlight where findings are speculative rather than representing firmly expressed views.

Key Components of a Trauma Informed Justice System

“It’s about making sure that we approach them in the right way, in the right circumstances, in the right environments, that we’re using the right language. Most importantly, that we’re not making things any worse and certainly not re-traumatising to any extent.”

All interviewees were asked what they thought were the key features and elements of a trauma informed justice system for victims and witnesses. In particular, the focus was on such a system’s aspirations and importance (including how it might differ from good practice *per se*) and how success in such a system would be measured.

As the research was commissioned by the Scottish Government’s Victims Taskforce Trauma Informed Workforce Working Group, the emphasis of the interviews was inevitably on victims and witnesses more than on accused persons as such, although it was acknowledged by respondents, irrespective of their remit, that crime - its precedents and aftermaths - can have direct and indirect impacts on all who come into contact with the Criminal and Youth Justice systems:

“... the victims are not always the [only] victims of crime. The offender can also be... a victim.”

“... we know that a lot of the people who end up committing offences have had a really pretty traumatic childhood for various different reasons.”

Most respondents answered this first substantive question in one of two ways, by either:

- referring primarily to the need for a **trauma sensitive approach** as key to a trauma informed justice system; and/or
- taking a **‘systemic’ approach** to being more trauma informed.

“...there are both issues of practice at an individual level, the way that people are treated as individuals when they encounter the Justice System, and the way that those, whether they be police officers, Prosecutors, defence counsel, judges, court officials, just the way they interact with victims. And then there are structural and institutional issues which are both about the rules, the way in which the system operates, but are also issues like... capacity and resource.”

The first, trauma sensitive, approach included aspects such as awareness or understanding of trauma and its impact; avoiding the potential for re-traumatisation resulting from recalling difficult past events; and displaying person-centred characteristics such as being compassionate, empathetic or sensitive to people’s needs and experiences. The second, systemic, approach included the impact of an adversarial system on trauma, speed of the system in processing cases and the timeliness of interventions.

A trauma sensitive approach to trauma informed justice

The trauma sensitive approach was by far the most common consideration in identifying key elements of a trauma informed justice system. Respondents acknowledged that people (primarily victims and witnesses but also accused and criminal justice professionals) would not be able to contribute meaningfully to justice processes unless staff had a ‘feel’ for the causes, manifestations

and trajectories of trauma, and created environments within which traumatised people could safely recall and address the source of harm.

Awareness of trauma and its impact

One respondent suggested that being able to *identify* trauma in people was key to being able to *respond* effectively, but most respondents used the expressions 'trauma aware' or 'trauma informed' to portray this need for *understanding* of people's experiences and needs - past, present and future - both personal and structural:

"it's that heady mix of unemployment, poverty, poor education, ill health, all of that... if we don't get that bit right, then we're perpetuating the problem."

"I think an awareness of whether it's acute or chronic or complex trauma is really useful... how it affects them... an ability on how to respond to those signs of stress."

Several respondents commented on their belief that victim/witness statements and 'best evidence' would be undermined by professionals not being able to understand and respond appropriately to people's traumatic experiences:

"... our approach is such that we take into account the impact [of] that incident that somebody's coming to tell us about... because there is a real realisation that we won't get the best out of someone unless we do take cognisance of what's happened to them."

In this regard, several respondents agreed that 'a one size fits all' approach would not work for trauma-affected individuals, because trauma affects people in different ways.

Avoiding the potential for re-traumatisation

"... it's important that you do no harm where you can... if you're asking people to retell a really traumatic experience. I think it would be naïve to say that you can never cause any kind of re-traumatisation but you want to have a system which minimises the risk and reality of that as much as it can do. And, therefore, increases access to justice."

Nine respondents specifically mentioned that a trauma informed justice system would have as a key feature to *not* re-traumatise people through unnecessary re-telling of their stories or questioning the accuracy of them:

"Success must fundamentally be about the victims and witnesses not being traumatised or re-traumatised by the system or the trauma being - additional trauma being minimised."

These respondents came not only from victim/witness-focused organisations but also from accused-focused and youth organisations. Although the following quote was from a children's organisation, that respondent argued that *"if you design any system from the perspective of children, it's going to be right for everybody"*:

"... the child would make choices about the time [of the interview]...about which room they would go to... about what snacks they would have... It wouldn't be a police station... It would be a child-centred environment... high quality equipment that could record the interview so that you don't have the child essentially having to repeat their story over and

over again... Every time a child describes that story in that environment can be re-traumatising.”

From a court perspective, several respondents commented on the lack of immediacy or certainty about the process and timing of being invited to give evidence (see more below). However, it was suggested that some progress has been made in relation to this: evidence in court can be given remotely (electronically via a video link, for example), and prosecutor and defence questioning can now be undertaken by commission, with the questions to witnesses vetted in advance by the relevant judge.

Compassion, empathy and sensitivity

The vast majority of respondents mentioned compassion, empathy and sensitivity (i.e., fundamental principles of good care) as key aspects needed to develop a trauma informed justice system:

“Compassion, absolutely understanding that... the impact of trauma and the ability to be coherent, logical and make total sense, isn’t necessarily going to be the case... [so] being able to give that person the acknowledgement or encouragement to tell their story.”

“I think we have been guilty in the past of providing a system of what we think people want, as opposed to actually finding out what it is their needs are... an element of empathy... appearing in court and going through the evidence can be as traumatic as the actual experience that they’re there for.”

Humanity was also stressed as a key feature, including treating all victims/witnesses as individuals:

“...a very strong appreciation and commitment to the need for the system to treat... victims with respect as individuals.”

It was stressed, however, that such engagement on an individual and emotional level required the understanding and awareness that trauma informed training would provide. Likewise, compassion and empathy were the cornerstone to not further harming people in the process, as the following section illustrates.

A systemic approach to trauma informed justice

The need for consistency

Some respondents stressed the need for consistency and continuity in the justice journey, notably for victims/witnesses, in terms of how trauma was responded to, how many times somebody was required to re-tell their story, how many organisations they engaged with and over what period of time.

One respondent highlighted the idea of a 'single doorway for victims' i.e. trying to capture the information required from a victim or witness only once to meet the needs of all parties in the system, rather than requiring multiple interactions with different people. In the absence of such a single doorway, however, it was considered that the next best experience may be to ensure consistency of approach taken by parties interacting with traumatised adults and children.

The impact of an adversarial system on trauma and engagement

"... you have the complainers in one camp and you have the accused in the other camp."

Several respondents commented on the adversarial nature of the youth and criminal justice systems as currently constituted. In particular, they noted that the needs of victims and witnesses were bypassed in favour of gaining a conviction (or not, as the case may be):

"... if we got it right, there would be a more informed engagement by the victim/survivor because, at the moment, it's very concentrated on the incident of violence or abuse and then there's big significant gaps... I don't think it's always cognisant of the needs of the individuals who are going through that journey."

An existing area in the current system which was identified as potentially being particularly damaging to victims and witnesses was the experience of appearing in court. At present, the nature of questioning allowed by the defence potentially provides an opportunity and, indeed, inadvertently encourages exploitation of victims' vulnerabilities. In the absence of an understanding of the impact of trauma on a victim's ability to communicate and remember traumatic events, the defence agents can cast doubt on the victim's credibility and reliability as a witness in court:

"...if we're to have a system that serves the interest of justice, you have to put in place structural arrangements that ensure that the interest that the accused has in exploiting the way that a victim presents [in court], can't be used in a manner that's unfair to the witness."

While this may be firmly in the interests of the accused, it was not in the best interests of justice, it was suggested.

Some respondents suggested that appearing in court as a witness could be almost more traumatic than the original harm incurred by the offence because of a lack of understanding of the effects of trauma, past and current:

“In the past... evidence would be dealt with in open court and... it appeared to me that a lot of the case for the defence was actually trying to attack the credibility of the [witness]... it was almost designed to upset and affect the way the witness was giving evidence. Now, that sounds quite hard but I’d often seen occasions where, for example, the defence would attack the character, would take in previous experiences, previous history which wasn’t really relevant to what that case was about. They would look at trying to undermine the statements that the individuals had made which could have been quite a considerable time apart from when the initial statement was made to the police... there was a lack of understanding that when you’re reporting these crimes, you are in a traumatic position, you don’t always remember everything, things will come back to you later. If there’s a passage of time between when you gave your initial statement and when you appeared in court, there are things that you will forget. And what the defence was trying to do – and, of course, that is their job to do it - is to try and get their client found not guilty and they would use every trick they possibly could in order to do that.”

A few respondents mentioned that the system as it stands is not conducive to supporting trauma victims in particular when, in effect, they may “be made to feel responsible for the behaviour of their perpetrator”. One respondent suggested that victims cannot receive psychological support during the time that a court case is ongoing; even eye contact between a witness and a supporter in the court may be discouraged, and witnesses are thus very much left on their own. Indeed, one respondent noted that, to date, victims and witnesses are largely unrepresented legally and another noted the need for more independent advocacy or support to be made available in the system in general to ensure that victims and witnesses remain engaged:

“I suspect it’s the sense of having somebody who you feel is really unequivocally on your side...who is informed about the system... you can build up a much more of a sort of personal trusted rapport with a single individual over a period of time. Whereas going through the Justice System, where you’re dealing with the police, then you’re dealing with prosecutors and plus you’re dealing with the precognition officer and then somebody else comes along and asks you questions in court and it’s different people. So, I suspect there’s something about consistency of support through the process and someone who can help to interpret and explain to you why things are happening the way they are, who can provide perhaps a level of very direct sympathy that the prosecutor may not be either appropriate or possible for a prosecutor to do.”

More broadly, going forward, systemic change may be required to ensure that (even where it is not appropriate for all parties to meet the victim or witness in person) all those involved in prosecuting and defending cases become more sensitised to the perspectives, experiences and impacts of the those experiencing the justice system:

“The ability to bring forward a case critically depends on the complainer being engaged, being able to give evidence in a way that is effective and that those making decisions understand that the way the complainer gives evidence may itself be a reflection of the experience that [they have had]. So, there’s a combination of just treating people with humanity and the need for us to understand how we can best do that within the constraints of a system that has certain sort of, as it were, inevitable institutional imperatives of its own.”

One respondent commented that some victims ‘want their day in court’, and another thought that the actual conclusion of a court case gave victims closure and a chance to move on. However, because of the likelihood of adjournment, victims often do not get that opportunity in a timely manner, thus restricting their feeling of validation or legitimacy, as discussed below.

Timeliness and the Passage of Time

“[A trauma informed justice system] is sensitive to the situation... and brings things to a speedy resolution for all parties.”

Most respondents mentioned the re-traumatising effect of re-telling a story of harm and suggested that the whole process had to be streamlined and made as tight as possible, time-wise, not least when witnesses are routinely called to give evidence at court but the case is continually adjourned:

“[The system’s] cases have to be reported in 26 weeks, they have to do this, that, the next thing. And we lose the person and yet, the person is the most important thing in the whole of the Justice system... so people... get cited for court cases and then told to go away because we’re not ready 3 days in a row. And then we wonder when they don’t turn up.”

The main negative consequence of churn was potential for victims and witnesses to disengage, which in turn may lead to a breakdown in communication and ultimately an undermining of justice:

“...the impact that simply the passage of time has on victims because the case is taking a long time, that means that there can’t be closure, particularly [if] the victim is envisaging having to give evidence at a trial at the end of whenever this indefinite period is. And the very fact that that period is indefinite and maybe years in duration itself can be damaging...the complainer has disengaged from the process, is unwilling to go on and, very often, that’s a function of delay. And also, where there’s delay, communication becomes very difficult because you either have a long period with no communication which causes anxiety and unhappiness or you’re repeatedly communicating that there’s nothing more to say. And that itself - you know, so delay becomes a really compounding problem, both in terms of the impact on the victim but also on securing justice.”

Importantly, one respondent again highlighted that the duration of case journeys could also negatively impact on accused, and was not only an issue for victims and witnesses:

“I think this can be applied also to accused persons too, I would guess, in some contexts – [the system] actually does harm, compounds damage that has been done to them by the underlying crime or by the way they’ve been treated in their lives.”

For both parties, the corrosive effect of delay was seen as something which may compound trauma.

The importance of a trauma informed system

During interviews, respondents were asked how important a trauma-informed justice system was for victims and witnesses. The vast majority described being trauma-informed as ‘hugely’ or ‘extremely’ important, and as being ‘key’ or ‘fundamental’ to an effective justice system.

One of the reasons that it was so important to some respondents was the erosion of confidence and legitimacy in the system by victims and witnesses who were failed in terms of addressing trauma:

“... the current process seems to be done to them rather than with them... an ordeal rather than a process... particularly for victims of domestic abuse... their confidence, their self-esteem, their ability to engage in normal life has been... eroded to such an extent... [the system] is supposed to redress that balance and give them that agency back, but then that system does the same thing to them... if we were not in the process of changing, then you start to lose the credibility of everything within the Justice system... you start to lose people being able to have confidence to report crimes, to go through the process.”

“... we should be looking at how do we deliver justice and that’s not just about convictions... complainers don’t really have that many rights... who is championing them? So, I think doing what we can collectively to look at how do we work in partnership to make that as minimally traumatising and for people to have as good an outcome, not just in terms of convictions [but]... a sense of justice within that process.”

One respondent in particular noted various reasons why it was so important to have a trauma informed justice system for victims and witnesses, and those views are encapsulated below, backed up by the views of other respondents:

1. **Witness attrition:** they stop engaging with the process because of bad experiences of not being heard, being ‘harangued’, or being re-traumatised:

“... if you don’t have a trauma informed system, it’s not going to work as well as it should do, ‘cos you’re not going to get the best out of people... if you have a system where people feel put off to come into it or it causes more trauma from being in it and they regret it, it causes damage to them going forward.”

“... if we can’t support victims and witnesses, then why are we here in the first place? Because it’s as much about them as it is about the accused party... I think it’s absolutely vital [to be trauma informed].”

2. **Failure to report further crime:** victims themselves, but also the wider potential victim population, may lose confidence in the system to address their needs and may therefore refuse to come forward a second time. One respondent noted rape as a case in point with the low level of reporting and prosecution indicating that the system was failing victims and thus undermining legitimacy:

“... you’ve got a despondency going on around public trust and confidence in the Justice system... if the system is trauma-informed and they have been treated in a way that is recognising and sensitive to the trauma that they’ve experienced, then the negativity around the outcome will be lessened.”

3. **Deterrence and rehabilitation:** if the Justice system is effective, commands public respect, and justice is served, then that system is more likely to deter further crime and more likely to offer a rehabilitative service to the accused:

“... my personal view is that a truly trauma-informed Justice system will be more effective at rehabilitation [and] therefore in the long term, there will be less crime.”

It is also important to note that, while very much supported, some respondents questioned the extent to which trauma could ever be fully removed from a system which is inherently adversarial by design.

Informing a Knowledge and Skills Framework

What People Need to Know

All interviewees were asked what they felt were the key things staff needed to know and be able to do to support a trauma informed justice system. There was a great deal of consistency in the responses given.

Understanding 'Trauma'

At a very fundamental level, participants spoke about the need for the entire workforce to understand what 'trauma' is, the range of occurrences which may be perceived as traumatic and what they mean:

"...a need to understand what trauma is in the first place. If you've not been subjected to it, it's very difficult, I think, to actually try and understand what is trauma."

Using this as a baseline, staff would also then need to understand:

- how trauma impacts on an individual (directly);
- what re-traumatisation is and how to prevent it; and
- what vicarious trauma is (especially for staff) and how to avoid it.

Having clear definitions for 'trauma', 're-traumatisation' and 'vicarious trauma' was seen as important to remove interpretation bias from the system and there was a clear desire to see simple guidelines that staff could rely on for these key concepts, i.e. *"to instil across all parts of the system some common understanding."*

Understanding Impacts and Identifying and Interpreting Trauma Signals

Assuming that staff knew what trauma was, several respondents spoke about the need to be able to identify signs of trauma i.e. how it manifests itself. This included being able to identify behaviours, words and actions which may be indicative of past trauma histories as well as understanding what triggers an individual might react to, given their previous history. Some noted that this did not mean needing to be an 'expert' but instead having a reasonable awareness and sensitivity to trauma signals and an appreciation of how the interaction may add to or exacerbate trauma, unless handled well:

"I suppose the knowledge is that every interaction that you have has an impact beyond the function of that interaction."

Linked to this was a need to understand that some behaviours may be manifestations of trauma, and should not be taken at face value, for example, particularly aggressive, defensive or hostile behaviours presented by victims and witnesses. Respondents spoke about being able to see beyond the behaviour in front of them and understanding how previous trauma will have impacted people's subsequent behaviour:

"It's about not being linear in how things are remembered. It's also about how people may respond to scenarios where somebody might be trying to help but they get an aggressive response because the person's feeling threatened. Offers of help might not be seen as an offer of help. It might be seen as an attack."

Understanding the impact of trauma on a witness' evidence and presentation, and why people may recount information or retell events in a particular way was also cited by many as important:

"Also, I think quite important, is...to understand the way in which trauma may affect the witness's presentation because that may help the [prosecution], both in the way they take the evidence but also to think about whether there are things they can do in terms of informing the decision maker about that."

Having this understanding would allow staff to communicate with victims and witnesses in a way that would not inadvertently increase their sense of threat and would prevent potentially stressful, confrontational encounters. It would also help to prevent misinterpretation of the impact of trauma during the evidence giving and presentation stage.

What People Need to Do

Balancing Wants and Needs

Recognising the unique aims of the justice system, several respondents noted that staff in justice organisations, while needing to be empathetic and trauma sensitive, must at the same time be able to still focus on the outcomes that they (as justice partners) need to achieve. Staff needed to be able to get the right balance between eliciting evidence and sustaining what is needed from an evidential perspective, whilst supporting the recovery or not hindering the recovery of the person in front of them. Staff needed to know the boundaries such that they did not prioritise evidence too far over and above recovery and support for the individual.

All recognised that it was difficult to elicit some types of evidence or to unlock certain types of information without that also being potentially traumatic and a key skill for staff within justice was therefore being able to make appropriate judgements about when evidence was 'good enough' but still protecting the wellbeing of the victim or witness involved:

"Yes, of course they have to operate within the terms of the legislation we're working [with], the scheme that we're working with. But they can do that with respect and humanity and that should be at the forefront."

Appropriate communication was seen as key to this:

"Ensure that only questions that truly need to be asked are asked...Engagement has to be undertaken when one's fulfilling a public interest role and one has to be very clear about what you can say and what you can't say. But, nevertheless, treat people with respect and, I suppose, with the courtesy that they're entitled to have from the system."

"Consistent with the structures within which we operate, try to be as humane as we can in the system."

Appropriate and Adaptive Responses

It was identified that at a basic level, all staff should understand the impact of trauma and approach each conversation and contact from victims and witnesses in an appropriate, trauma informed way. This would ensure that staff reactions are appropriate.

Staff being able to adapt how they respond to different individuals was also seen as key, i.e. adaptive responses driven by an understanding of how they should interact in the different circumstances. This included being able to come up with strategies if someone is dissociating, using the information imparted to assess risks to the individual and others was also something staff needed to do.

Effective Communication Skills

In line with perceptions about the key features of a trauma informed justice system, several respondents stressed the need for staff to be empathetic, compassionate and person-centred (i.e. fundamental principles of good care). The main ways in which this would manifest itself would be through listening and communicating in a trauma-sensitive way:

“The system must allow them [victims and witnesses] to speak up effectively in the criminal justice process.”

“Staff have to listen. I think they’ve got to - they have to know that it’s important that they’re listening and actual listening, active listening, not just what they think is listening.”

A trauma informed system was seen as one which commanded confidence on all sides. Much could be learned through listening and hearing the experiences of others and this meant listening in a non-judgemental manner, being compassionate, not interrupting and giving individuals sufficient time to speak and express themselves with staff acknowledging what they are hearing.

Giving people a language to express their emotions, e.g. to know that anger may result from frustration, or aggression may be linked to fear was also cited as a skill. Staff should be able to help victims and witnesses express themselves, by providing a framework to allow them to understand their own reactions.

Staff should be able to question victims and witnesses appropriately and in a trauma-sensitive way, and for most, this involved using open rather than closed questions and avoiding use of leading questions. Some recognised that this was ‘best practice’ rather than necessarily trauma-informed practice, but nonetheless felt it was particularly important when dealing with individuals with trauma histories:

“I think they need to be empathetic. I think they need to be aware of how important it is for someone to feel listened to. And an awareness of body language is really important too, so it’s not obviously just what’s being said verbally, but just the signs that someone is giving off through their body language.”

“...it’s really important I think to understand the impact of the way that they ask and frame questions and the value of perhaps mitigating measures such as meeting the witness in advance if that can be arranged and so on.”

Again, asking only the questions that truly need to be asked, and reducing the need for victims and witnesses to repeat their experiences verbally were both stressed as key.

Closely linked to communication was the notion of patience - staff needed to be able to hold interactions which ran at the victim’s or witness’s own pace.

A final component of effective communication was allowing victims and witnesses to feedback on their interactions with the justice system and to feel that they had been heard (i.e. a feedback loop) - this was something that staff should be able to do through meaningful monitoring and evaluation.

Engender Feelings of Safety

Several respondents mentioned the need to make others feel safe - this could be achieved through creating safe physical spaces, as well as using appropriate spoken language and non-threatening body language:

“It’s back to making a physical environment, creating a safe space around the person, time and to be able to go at their own pace, to be able to tell their story but also to be able to do some of that kind of - not putting words in their mouth again - but it’s about gentle probing about, you were telling me about that, etc. So, staff need listening skills and being able to create a comfortable relaxed space for the person.”

Importantly, staff also needed to feel safe, it was suggested. Some staff may feel nervous about doing harm or doing the wrong thing and this fear or anxiety could translate into non-productive interactions. Staff need to be provided with safe spaces and ongoing support to practice a trauma-informed approach.

Empowerment, Choice and Collaboration

Respondents spoke about the importance of trust and honesty in empowering victims and witnesses and in listening without judgement and being able to be supportive yet realistic and honest about what staff can do with the information imparted, and how. Key to this was open and honest discussions, explaining things clearly to victims and witnesses and giving them time to consider information and come back with queries/questions, etc.

Linked to this was ensuring that victims and witnesses know they are being taken seriously, about sharing appropriate information, enabling them to feel in control and feel involved in the process of justice and making sure that information imparted is accurately captured, recorded and checked with victims and witnesses themselves.

Making sure that people feel properly informed in a way that they can understand and engage with the justice system means making sure that information is accessible, is given at the right time and that people feel as in control of the situation as they can possibly be. Staff should question if victims and witnesses have the supports available that allow them an element of choice and recognise that having one type of support is not necessarily going to meet the needs of everybody.

Recognising Limitations and Boundaries

Staff needed to be able to recognise their own limitations when engaging with victims and witnesses and to know their own boundaries, it was stressed. This included knowing when it might be appropriate to refer or defer to different services for the benefit of the victims/witness, as well as knowing boundaries of personal resilience. It was noted that staff would be unable to help vulnerable and distressed people if they themselves felt vulnerable or distressed. Staff needed to maintain professional boundaries and know the appropriate balance between empathy and self-care. This included considering how to mitigate the impact of vicarious trauma:

“...the training would have to allow people to recognise if they are getting too involved in the circumstances or situation and actually how do they protect themselves from the trauma being shared, if you like, if that’s possible.”

Respondents also spoke of staff needing to not take things personally and to be reassured that reactions and responses could be to the system, rather than to them as an individual practitioner. A key skill for staff was also to be able to reflect on their own experiences and use this self-reflection to inform their approach to the most vulnerable.

Work with Children and Young People

For children and young people, a view was expressed that policies, procedures, environments and processes which had been written and designed with adults in mind needed to be turned on their head, since to date the approach has been that organisations “*squeezed children and other vulnerable witnesses in*”. Instead, designing systems that are for children instead of adults may ensure that they are fit for everyone. Such fundamental transformational change, with systems and processes seen from the perspective of the person with the most vulnerability, would be a significant step forward, it was felt.

Generational trauma was also seen as a unique challenge when working with children and young people, including recognising the propensity for young people to protect and hold back and this was something that most justice professionals may need to be aware of:

“...this is something that we need to get better at working with - understanding the views/feelings on the young people but without putting them and their parents in a situation that is more difficult.”

Particularly important when working with children and young people was the ability to elicit best evidence and the most complete evidence in a trauma-informed and sensitive way. This meant knowing the right way to approach young people, the right language to use and the best environments to work in. For those working with children and young people, it was key to recognise that their primary function was to protect the child’s recovery.

For anyone working with children and young people going forward, high quality training on child development and human development and attachment were needed, in particular, to allow staff to have confidence in working in a trauma-informed way.

Best practice and trauma-informed practice

In a number of interviews respondents were asked what was different between what the respondents suggested was trauma informed and what constituted ‘best practice’. Overall, it was felt that best practice should be trauma informed and the main difference was, perhaps, always ensuring that actions were made with trauma awareness in mind:

“I think if you have trauma-informed practice, it will be good practice. I think also, if you follow good practice, hopefully a lot of that will be trauma informed.”

Challenges in Achieving a Trauma Informed Justice System

The main challenges facing organisations in achieving a trauma informed justice system were broadly split between systemic challenges and challenges linked to training.

Systemic Challenges

Adversarial Nature

The adversarial nature of the justice system was again cited as the main barrier to achieving trauma sensitivity and, in particular, how to overcome the conflict in roles/responsibilities between those who work in the justice system to support recovery and those who need to get best evidence. Cross-examination was seen as one of the main processes where trauma and re-traumatising would remain unless the approach to evidence gathering and examination was shifted:

“...the fundamental issue here is that it’s an adversarial system and the right to question and to cross-examine is absolutely fundamental within that system.”

At present, the system in which victims and witnesses know that they will be required to retell their experiences “*keeps people in a frozen moment of trauma*” it was suggested, and this was important to remove. The adversarial nature of justice was seen as a particular obstacle in the Children’s Hearing System where the approach should be investigative but, in recent years, had become more combative, at times. Breaking down long embedded traditions and cultures among some defence solicitors was seen as a major challenge, although it was recognised that challenging views within the legal profession alone was not sufficient and that wider institutional recognition across every agency would be needed which reduced potential for re-traumatisation but still provided evidence to be challenged in a democratic way.

People could only practice in a certain way if the system allows them to practice in a certain way and transformational change rather than ‘tinkering’ with the existing system was suggested.

Conflicting Roles and Responsibilities

The binary nature of the way that professionals within the system often perceive it was also raised as a challenge, i.e. with accused and accused’s organisations on one side and victims and victims’ organisations on the other:

“And that kind of binary way of looking at the system, I think, hinders all kinds of things including the ability to recognise that trauma is something that links across both sides of that system. I think if we could start to get beyond that and maybe recognising the importance of trauma as one of the levers to get under that unhelpful duality of the system, maybe an understanding that offenders themselves are often victims of trauma might be useful to unpick some of that. But, at the moment, I see that as a key blocker in the Justice system.”

The main challenge was one of building trust between the two sides, such that both had a focus on trauma prevention for all stakeholders and could recognise that reducing and removing trauma from the process of achieving justice may enhance participation in the process for both sides (consequently leading to better justice for all). It was emphasised that a trauma-informed system

should not create an unfair advantage for either side and indeed should create a system in which all parties can equally participate. Achieving greater trust necessitated more regular and more open and honest discussions, and closer working between partners, it was suggested.

It was suggested that the national work across Police Scotland to develop a greater trauma awareness is one of the key components and this needs to be developed further. The police are normally the first contact and the nature of that contact and those that follow immediately is critical in terms of how the case is processed and the experience perceived.

Legal Frameworks

Views were expressed that some of the legal language, rules and practices within the wider criminal justice system, and which all organisations must comply with, may not be particularly conducive to a trauma-informed approach. This included, for example:

- certain court programming decisions which may contribute to churn or excessive waiting times, with uncertainty and delay increasing anxiety (something that had been exacerbated by the impacts of COVID-19);
- rules of law and evidence that require opportunity for cross-examination, which can be re-traumatising for victims (with current limited ability and availability to pre-record adult victims/witnesses' evidence both at the outset of the police interview stage and later by way of evidence by commissioner); and
- prosecution in the public interest requires the state prosecutor to make decisions which take account of a range of factors, including the victim/witness' views, but their views are not necessarily determinative, and therefore victims and witnesses cannot exercise absolute choice and control over the process.

The boundaries of the law would always impact to some degree on what might be achieved unless there was a fundamental shift:

“Some of the key trauma-informed principles of trust, safety, choice, collaboration, and control and empowerment (particularly the last 4) can be difficult to achieve in a legal system where we don't act as the complainer's lawyer but prosecute in the public interest and must do so within the confines of legal rules and procedures, including timescales, not set by [us].”

Partnership Working

Encouraging justice partners to recognise that they are not standalone was cited as key, with each partner being cognisant of the role they played in a bigger process which was being experienced by victims and witnesses. Early decision making by those that victims and witnesses first come into contact with may impact on all subsequent interactions and so shared commitment to trauma-informed principles among all was key for consistency and to ensure a smooth journey through the system:

“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 on their effectiveness unless there are complementary improvements in other organisations.”

Giving a greater voice to third sector partners and making them more integrated into exchanges and interactions that victims, witnesses and accused have with more traditional justice establishments (e.g. courts, police, prison, etc.) was also seen as key.

Greater collaboration and partnership working with specialist services for domestic abuse and rape was also seen as essential to ensure victims' voices and views were better heard, that information was shared appropriately between agencies and provided greater choice to victims over the identity of a court supporter.

Environmental Challenges

The justice estate itself was cited as a key challenge in achieving trauma sensitivity, with many physical environments not lending themselves to the principles of protecting individual wellbeing. This includes, for example, police stations, interview rooms, court rooms, witness rooms, etc., all of which could, in their current design, be counterproductive in reducing re-traumatisation.

Several respondents highlighted that environments can make a significant difference in supporting a trauma-informed approach:

"I think environment is really important because that is where people will actually be uneasy or at ease. I think that we need to create the environment where you are able to give evidence and you are comfortable doing that and I don't think that's a court environment. I think experience has told us that that is external to a court environment."

In particular, the physical environment in which someone gives evidence was seen as having the potential for re-traumatisation and solutions should and could be found, it was felt, to reduce this barrier in the short term. Improvements in remote evidence facilities was cited as a significant step forward in recent years, as well as availability of special measures. The extension of pre-recorded evidence, including both visually recorded witnesses' statements at an early stage in the police investigation and the extension of Evidence by Commissioner (EBC) hearings to remove vulnerable witnesses from the court environment was also praised and seen as a solution to be more widely applied. Joint investigative interviews (JIIs) and visually recorded interviews for some rape complainers were also cited as progressive.

Similarly, the court environment was seen as currently being particularly unsupportive (including waiting areas, processing areas, etc.).

Other environmental changes and improvements may include:

- requiring forensic examinations in rape cases to take place in health facilities rather than police stations and improving availability of female medical examiners to improve choice and reduce re-traumatisation; and
- providing safe and secure child-friendly environments for child victims and witnesses for them to be interviewed and to receive medical treatment, assessment, and support for recovery.

Making interactions with the physical justice environment more trauma friendly may mean investing in a better understanding of the process of interacting with spaces from the perspective of victims, witnesses and accused, i.e. viewing spaces as part of a process rather than 'a place':

“...everyone involved in the process needs to be trauma informed and to understand the way that evidence is presented, the way the evidence is told, the way that people behave, the language that you use, the environment that you create in order to allow them to give evidence.”

While further developments in environment change, and in remote evidence provision were welcomed, the issue of phasing to avoid overwhelming the justice system was raised, as well as recognition that such changes would require significant additional resources.

Communication and Language

Providing a trauma language and encouraging the justice workforce to better understand the need to regularly communicate in ways that keep people informed through the process was seen as a challenge. Preventing silences or gaps in communication for victims and witnesses would better help to support recovery, it was felt.

At a fundamental level, some of the language used in the justice system was seen as inaccessible and as something which could contribute to anxiety when interacting with justice organisations and professionals. Solutions may include:

- offering bespoke communication solutions to different victims, witnesses and accused in accordance with their wants and needs;
- making improvements to written and electronic communications; and
- introducing a sensitive records policy which was adapted to ensure it was more conducive to a trauma-informed approach with the trauma-informed principles of choice, collaboration, trust, etc. being paramount. For example, this could entail giving them choice over attending court with someone for support; ensuring that adequate explanations are offered over what records are being sought and why; giving the person time to consider their response and seek guidance/advice elsewhere before doing so.

Miscellaneous

Other less frequently mentioned barriers or challenges that arose during interviews included:

- the need for more/greater financial compensation for victims and witnesses;
- smoother/more efficient compensation application processes for victims and witnesses (including digital solutions);
- better relationships between justice organisations and third-party representatives of victims/witnesses/accused, e.g. lawyers; and
- review of internal justice organisation policies which may be counter-intuitive to a trauma-informed approach.

The ever-changing landscape, and the need to keep abreast of changes in legislation and changes in procedures and maybe not getting as much information through or maybe having to seek out information was also cited as a general challenge. Other respondents highlighted the importance of buy-in from senior leaders and decision makers and the centrality of having them on board with the aspirations and importance of trauma-informed approaches. At a much less strategic level, the availability of resources to support change was mentioned by several respondents and was seen as an ongoing challenge.

Training Challenges

Investment in Staff

Justice organisations finding time and resources to invest in staff development and training was cited as a potential barrier by many, including investment not only in training but also for post training coaching and supervision and embedding reflective practice into routine ways of work. This may mean thinking differently about how staff are deployed within organisations and considering the balance of work demands, with increased prioritisation of opportunities for reflective practice:

“...trying to find the time for people to be able to upskill and reflect and all the rest of it is a constant challenge.”

Given the vast reach of the justice system and the number of stakeholders involved, prioritising who should receive the training would also be difficult. Training everyone too early or at different workforce tiers may result in wasted time/resources (as some staff may leave or disengage from the system), whereas focussing on only a limited number of staff or those at particular levels would leave the system exposed.

Staff Confidence and Experience

It was recognised that there would be varying degrees of confidence among the workforce in relation to trauma-informed practice and principles, based largely on the experience that different justice partners have in the field. There would, based on respondents' experience, also be different levels of willingness to learn, and some cultural challenges may exist among sub-sets of the workforce which may be hard to break down:

“It would have to make people think about themselves and make people think about their own judgements and about their own perceptions and perspectives...Probably a little bit linked to the bias training that we've all done, the conscious and unconscious bias and making sure it's reinforced that, when you're dealing with people, that you're not allowing that to influence the way that you're actually working with these people.”

“I think the more explanation of the thinking behind it, the better. And also giving them confidence that this isn't about undermining the commitment to a fair trial and it goes back to...if you understand the person that you're dealing with, you can actually perform your professional obligations in terms of the defence just as effectively, if not more effectively, because you know how the questions ought to be asked in a way that doesn't re-traumatise but does what needs to be done.”

One respondent recognised that there may be particular challenges with training more experienced staff, compared to less experienced staff, insofar as they may be more likely to hold strong views about how things should be done. More experienced staff may also have preconceived ideas about what trauma is and how it manifests, and who is more likely to be affected by trauma. Stereotypes around vulnerabilities and susceptibility to trauma may also exist based on staff's previous experiences, and these may need to be broken down.

Strong Leadership

Alongside ground level training, strong leadership from senior managers would be required to endorse and support the importance of adopting trauma informed approaches. This was something that was seen as generally already in place among most partners within the sector, but momentum must be maintained and responsibility for oversight and monitoring also put in place:

“So there may be an element of education, training. And then there is a very strong element of leadership from the bench, from professional leaders and of putting in place processes like ground rules hearing and judges then enforcing the rules, in effect. I should say also in the context of cross-examination, prosecutors not being afraid to object where defence counsel are behaving badly... So, there is something about - it’s both leadership, processes and then, actually, those who are responsible for making sure the rules and norms are being observed actually stepping up and requiring observance.”

Practice Monitoring

Monitoring the application of training would also be key to ensure that it was being used and applied appropriately, and this may entail a degree of oversight from leaders/managers as well as potential for ongoing coaching and feedback:

“...it is about almost checking, within the organisation, that you’re still delivering what you anticipated you would be delivering and things haven’t sort of slipped.

This may necessarily involve also gaining feedback from justice system users (including victims, witnesses and accused) to check on delivery standards, and create a feedback loop which was seen by some as key to a trauma-informed approach.

Specific Resources and Supports Required

While some indicated that there were no specific resources that they required or were not sufficiently equipped to be able to suggest what their needs may be, generic suggestions included:

- the availability of support/resources in a structured and easy to access fashion;
- a comprehensive and free set of development tools and training opportunities;
- experiential case studies to share with staff as part of training and awareness raising;
- training and development opportunities linked to ongoing Continuous Professional Development (CPD) to ensure that the workforce is up to date and skills do not atrophy;
- development of training modules aimed specifically at the justice sector;
- leadership training for all justice organisations to ensure future decision-making and justice planning within the wider justice system is seen through a trauma-informed lens;
- ongoing work with stakeholders who work directly with victims and witnesses, which is already well established, to ensure appropriate trauma-informed input; and
- continuation of specialist approaches already adopted by some organisations in relation to certain crime types involving vulnerable witnesses subjected to trauma, including working with key stakeholder organisations, to improve understanding around the impact of trauma and to identify suitable improvements.

A view was also put forward that it would be beneficial if trauma-informed training was delivered to all justice partners together (or joint training between affiliated professions, e.g. defence, prosecution, judiciary, police, etc.) This may feel less of an imposition and be more like a mainstreamed practice, it was suggested.

Justice Workforce Tiers

All interviewees were presented with the proposed Framework Tiers and asked to share their views on the suitability and application of the framework to their own workforce.

Trauma Informed	Trauma Skilled	Trauma Enhanced	Trauma Specialist
<p>All staff should be trauma informed</p> <p>Limited to those who are unlikely to have direct contact with anyone that has experienced trauma, whether known about or not, and will not be exposed to trauma material indirectly (through evidence review for example)</p>	<p>Staff who are likely to <u>come into contact with</u> children or adults who may have been affected by trauma whether or not trauma is known about and/or</p> <p>who are regularly exposed to trauma material including <u>correspondence, statements, narratives and other evidence</u> in the course of their work.</p>	<p>Staff who have a specific remit to respond to those affected by trauma because they</p> <p>are required to effectively obtain information or evidence relating to potentially traumatic experiences directly from people affected by trauma or</p> <p>are required to provide advocacy, support or interventions or</p> <p>are required to manage those who do either of the above</p>	<p>Staff who have a specialist remit to interpret and present information or evidence relating to traumatic events obtained from people known to be affected by trauma. and/or</p> <p>Staff who are required to make decisions based on information or evidence relating to traumatic events obtained from people known to be affected by trauma.</p>

General perceptions of the workforce tiers

The four tiers were broadly described as follows: ‘informed’ refers to every member of staff who is unlikely to have direct contact with trauma victims/events; ‘skilled’ refers to any staff member likely to have contact with trauma victims/events; ‘enhanced’ refers to those with a role of collecting evidence from trauma victims/events; and ‘specialist’ refers to any member of staff who has a role in making decisions based on trauma-affected evidence.

Whilst several respondents thought the conceptual framework was good, or useful - *“it’s an excellent benchmark”* - many respondents gave the impression of being overwhelmed or confused by the complexities, nuances and potential contradictions within the framework. Importantly, one respondent commented that the framework needed an outcome:

“... what’s the outcome that we’re actually trying to achieve?... so when you’ve done this work, you almost need to set what the outcome is for us and then say ‘you all need to sign up for this... to make sure this goes through all of your organisation... to be continuous’... it needs to be driven and we should never take our foot off the gas.”

It was also suggested by several respondents that support and evidence gathering were not mutually exclusive, and that each tier is not stand-alone, a ‘silo’ or hierarchical, but a cumulative tool box of skills and knowledge, thus requiring those in the fourth tier to also need the basic skills that the first tier have:

“... they’re not silos... you’re trying to fit people into different categories and I suppose the conclusion that I came to is that there are people in different roles who would fit across them all.”

*“[The specialists] are definitely the highest paid... [but] advocacy workers... are there throughout the whole journey, they are doing the pre-engagement, they’re building the rapport, they’re building the support, they’ve got to really understand about trauma, they’ve got to navigate that, they’ve got to relate that to the system, look at specific measures... **they** are the trauma specialist... I suppose it’s just a discomfort with the downgrading of some of the really specialist work that does happen in terms of someone’s journey and making the whole process trauma informed.”*

“... language like enhanced or specialist or expert [gives] all the power to the professional... what do you need... in order that the power and the authority sits in the relationship between you and the person you support? So that’s why we would use trauma-responsive language. I think it’s really disempowering and really hard for people to hear that somebody else holds expertise in their trauma. I don’t think it helps recovery.”

Confusion among interviewees perhaps arose from the use of the word ‘specialist’ and this was something which may cause resistance if the framework was more widely applied.

Again, respondents stressed the importance of: being aware of vicarious trauma (and hence the need for training in resilience); including intersectionality (based on vulnerability, race, age or gender); including practicalities as means of awareness (child care arrangements, time delays at court, travel restrictions, etc); including volunteers as well as paid staff in any training; recognising the need for multi-agency working in criminal justice (“*everybody has the same direction of travel*”); including campus and SOLO police officers, receptionists, jury teams, forensic medical examiners, amongst others; and finally, striking a ‘fair’ balance between the needs of victims/witnesses and accused persons. This latter issue was, understandably, raised primarily by court-related organisations (e.g., those representing defence or prosecution agents).

Whilst the above findings relate to the framework in general, the following points address the four tiers more specifically, which members of the workforce each related to and the skills required from a trauma perspective. It should be noted that many of the skills required at each level were perhaps inevitably the same as those discussed above in relation to the knowledge and skills required to inform the Framework, however, they are repeated here as they relate to specific tiers.

Trauma Informed

For the most part, it was suggested that **all** staff working in a justice organisation (whether or not they are likely to come into contact with victims or witnesses) should be trauma informed. Having a clear definition of ‘trauma’ and ‘trauma informed’ would provide a baseline understanding for all organisations and all workforces to ensure that they were all speaking the same language. A

commonality of training wherein all staff were, at a minimum level, trauma informed was deemed essential.

The specific skills mentioned at this tier were:

- language and communication skills: one respondent cited the words 'victim' versus 'survivor' as a case in point, and the need to not give the impression of disbelieving, dismissing or judging victims when they relate their stories;
- a general understanding of trauma and an awareness of the potential impact of one's actions on victims/witnesses, to avoid injustice; and
- empathy, intuition, responsiveness and warmth (i.e. fundamental principles of good care).

Trauma Skilled

This level would be most appropriate for those tasked with taking actions following contact with victims or witnesses, i.e. being able to understand the trauma and its impact and being able to develop responses and actions relevant to the individuals that would reduce or remove any potential for re-traumatising. The key staff at this tier included those making assessments and those making decisions on those assessments (the latter thus creating a level of ambiguity with the 'specialist' tier), complaint handlers, and those managing those who are trauma skilled.

The main additional skills to those included above were:

- planning interventions that are trauma informed but tailored to the individual;
- interviewing skills;
- engagement techniques;
- the impacts of trauma on memory and behaviour;
- being non-judgemental; and
- being able to identify, recognise and manage one's own vicarious trauma.

Trauma Enhanced

The types of professionals cited in this tier included therapists, client support teams, advocacy staff, risk assessors, SOLOs, sheriffs/judges, jury teams, high court staff at a more generic level, VIA staff and solicitors (for both family and criminal law).

The skills mentioned at this tier were more focused and practical than in previous tiers (but by inference also included those skills required in previous tiers). These were:

- to know how to elicit information after a period of time had elapsed;
- to know when enough information is enough and not counterproductive;
- a clear grounding in the justice process and its agencies, how to navigate that and how to refer on to specialist workers when required; and
- an understanding of what a 'safe environment' means to victims/witnesses.

Trauma Specialist

“I can think of a few decision makers where there’s a bit of a gap in getting them to the trauma specialist [level]. They might be a specialist in weighing up evidence and stuff like that but doing it in a trauma sensitive manner still needs some investment”.

It was evident from discussions that decision makers are not necessarily trauma specialists, and several interviews revealed the need for the tiered response to be cumulative, in terms of training. Equally, interviews revealed that some trauma specialists are not decision makers *per se* but part of their remit is to *inform* decision makers and decision making (clinicians and expert witnesses being a case in point).

The specific skills mentioned at this tier included:

- an awareness of ‘hidden’ or ‘unspoken’ evidence from trauma-affected victims and witnesses;
- management training in trauma (e.g., STILT training); and
- skills in different methods of evidence gathering.

Other propositions about the Framework

When asked about the specific needs of children and young people as victims or witnesses, it was acknowledged that this group are more vulnerable because of their young age and may interpret the world differently to adults. One respondent noted that the criminal justice system is not child-friendly and there is also a lack of specialist provision for children. But access to, for example, visual aids, pictures and story boards were mentioned as important tools for reducing trauma or re-traumatisation in young people.

In terms of the framework itself, one respondent suggested that consideration should perhaps be given to whether there actually needed to be 4 tiers or if, in re-designing a justice model of the trauma framework, it may be preferable to have only 3 levels of Informed, Skilled and Enhanced (since some were confused by the difference between enhanced and specialist), but with revised descriptors. This may ensure sufficient differentiation without creating unnecessary artificial barriers between the levels.

Another respondent questioned whether a ‘trauma impact assessment form’ might help clarify which tier, which staff, and which skills may be required in any given case.

One respondent also raised the question of where jurors (as decision makers) would sit within the framework. While members of the public are chosen for this role on the basis that they bring with them experience of life and experience of people, people’s general experience and understanding of trauma and the way that it manifests itself may be limited. As key individuals in serious cases, it was essential that jurors understand how trauma may impact on the way that victims and witnesses present themselves in court and, as such, this may indicate a need for wider public messaging and awareness raising around trauma. An alternative suggestion was put forward that compulsory jury direction may be used to convey trauma impacts in relevant cases (i.e. that additional directions could usefully be given to a jury in an appropriate case about the way in

which someone who has suffered trauma may behave or present in court). An absence of trauma awareness in the general population may also point towards some cases being unsuitable for trial by jury and instead being reserved for judges alone.

Finally, one respondent noted that legislation is currently before the Scottish Parliament to involve victims virtually in parole board hearings, but that such legislation would require additional thought in terms of supporting victims to avoid re-traumatisation, and in terms of the potential for the illicit sharing of confidential case file information.

Discussion

Main findings

The key features of a trauma-informed system identified by interviewees were:

- A trauma sensitive approach - this included aspects such as awareness or understanding of trauma and its impact; avoiding the potential for re-traumatisation resulting from recalling difficult past events; and displaying person-centred characteristics such as being compassionate, empathetic or sensitive to people's needs and experiences (i.e. fundamental principles of good care).
- responsive systems - respondents stressed the need for consistency and continuity in the justice journey, most notably for victims/witnesses, including how trauma was responded to, how many times somebody re-told their story, how many organisations they engaged with and over what period of time.

The vast majority described being trauma-informed as 'hugely' or 'extremely' important, and as being 'key' or 'fundamental' to an effective justice system. However, interviewees were interested (and unsure) about what such a system's aspirations may look like, as well as how to establish its importance (including how it might differ from good practice *per se*). Clear criteria should be in place to allow success of such a system to be measured, it was felt.

It was broadly recognised that wider justice sector improvements could support a trauma-informed justice system and, while some of these may take time to achieve, others could more easily and speedily be implemented.

Interviewees agreed that developments in existing policies, procedures, environments, and processes would all be required to assist with supporting the development of a trauma-informed justice process. Trauma-informed practice would also need to be viewed as equally important across the system in order for it to be achieved.

Having clear definitions for 'trauma', 're-traumatisation' and 'vicarious trauma' was seen as important to remove interpretation bias from the system and there was a clear desire to see simple guidelines that staff could rely on for these key concepts. Importantly, for all, being able to *identify* trauma in people was key to being able to *respond* effectively to it. In addition to this fundamental understanding, the range of knowledge and skills required across the workforce was vast but focussed mainly on:

- understanding impacts of trauma;
- being able to identify and respond to trauma signals;
- what re-traumatisation is and how to prevent it; and
- what vicarious trauma is (especially for staff) and how to avoid it.

In addition, staff should be able to:

- carefully balance justice goals against the wellbeing of individuals in the system;
- use appropriate and adaptive behaviours;
- communicate and listen in a trauma sensitive way;
- engender feelings of safety;

- facilitate empowerment, choice and collaboration; and
- recognise their personal boundaries and limitations.

The main challenges facing organisations in achieving a trauma-informed justice system were broadly split between systemic challenges and challenges linked to training:

- systemic - adversarial nature of the justice system, conflicting roles and responsibilities of staff, rigid legal frameworks, poor partnership working, environmental challenges (better spaces) and the need for language and communication improvements; and
- training - lack of investment in staff (time and resources), variability in staff confidence and experience and the need for strong leadership and practice monitoring post training (which may be hard to achieve).

Having the time (especially during and post-COVID-19) to undertake training was more likely to be a barrier than willingness to engage, it seems.

An alternative Justice Workforce Framework

Based on feedback from the interviews, an alternative Framework (including key competencies and skills training needs) which may be more acceptable and applicable to the justice workforce is presented, as follows:

Level of Awareness	Staff	Core competencies	Skills Training
Trauma sensitive	All staff, including administration, reception, assessment, Interviewing, support, decision making.	- Language and communication; - Empathy	- General understanding of trauma, its triggers and impacts
Trauma responsive	Assessors, interviewers, support staff, clinicians, police, solicitors, report writers, decision makers.	- Interviewing and engagement; - understanding of vicarious trauma	- Impacts of trauma on memory/ behaviour; - Understanding of safe environments
Trauma led	Decision makers - judges, sheriffs, clinicians.	- Grounding in Justice system; - Intuition - Patience - Listening skills	- Enhanced interviewing techniques; - Evidence gathering techniques; - STILT training; - Interpreting evidence; - Child development; - Trauma-based risk assessment

This model focusses on the roles that people already play in the system in either managing (at the roots level), responding to or leading justice interactions. These roles emerged from the data as more ‘naturally occurring’ or familiar roles which justice organisations may more easily be able to map against their workforce. Reducing the complexity of the Framework may also be welcomed,

it seems, especially given the uncertainty around differentiating between trauma enhanced practitioners and specialists.

Gaps in the data

Despite a reasonably representative sample, there was not a great deal of feedback from people working with children and young people and some lack of clarity around what the specialist skills and knowledge may be for working with this group.

Several respondents seemed unsure about the definition and boundaries of the trauma enhanced versus the trauma specialist and there was some anxiety around classifying people into these two groups respectively, and possibly some suggestion that the two categories could be merged.

Although the needs of victims, witnesses and accused were separately represented by different interviewees, the focus of the interviews was inevitably on the first two, and this means that there was perhaps insufficient discussion of how the justice system should and could respond to individuals who are both accused and victims. This may be an area of work that requires separate and more detailed focus.

Conclusion

The interviews with justice leaders suggest a strong willingness to engage with trauma informed practice and to achieve a trauma informed justice workforce as a priority. It seems that even a basic level of trauma awareness and the provision of a consistent trauma language for professionals and those who interact with the system may help to improve people's journeys.

When considering the tiers of the original Transforming Psychological Trauma Framework (2017), developing a trauma skilled justice workforce also seems achievable (if some of the systemic and practical training barriers can be overcome), and the main challenge appears to be around knowing which staff and at which levels the more nuanced enhanced and specialist training should be delivered. Within this, there was some suggestion that the incremental difference between enhanced and specialist categories was unclear, suggesting they could potentially be merged, creating a three tier framework.

An incremental approach to achieving a trauma informed justice system seems inevitable and the higher-level skills and practice may need to evolve over time once more fundamental skills and knowledge have become embedded throughout the workforce.

Appendix A - Justice Leaders: Pre interview information and questions

Introduction

The Victims Taskforce Trauma-Informed Workforce Working Group are currently in the process of developing a Knowledge and Skills Framework for all organisations and staff that have contact with victims and witnesses in the Scottish criminal justice system.

A previous survey of taskforce members has highlighted examples across justice organisations of excellent training for staff relating to the impact of trauma on victims and witnesses. However, the survey also highlighted inconsistency across the content, breadth and availability of training, indicating that there was perhaps a limited shared understanding or agreement across organisations as to the knowledge and skills that different staff groups may need, and the training they receive as a consequence.

The purpose of this research is to help to address this, by creating an agreed knowledge and skills framework. This framework will define staff roles by tier, according to their role and contact with victims and witnesses (see **Appendix A**). For each tier, the framework will identify the increasing knowledge and skills required of staff to be trauma informed, in order to enable all organisations and individuals to adapt, develop or commission trauma training in line with their needs. To inform this work, NES will be carrying out an extensive literature review but also want to learn from those with significant experience of the justice system, including key leaders, subject experts and victims and witnesses.

You have been identified by the Working Group for this project as being a key justice leader who understands the different roles in your workforce and the work that they do with victims and witnesses. We would like to ask you about the knowledge and skills that you think staff within your workforce and sector need to have to support a trauma-informed justice system for adults and children who are victims and witnesses. For the sake of clarity this includes:

- I preventing re-traumatisation;
- II supporting or not hindering recovery from the impact of trauma;
- III understanding and correctly interpreting the impact of trauma on a witness or the evidence they provide;
- IV adapting processes and procedures to collect best evidence from witnesses affected by trauma;
- V mitigating the risk of vicarious traumatisation on staff.

There is no expectation that you hold specialist expertise in the impact of psychological trauma on victims and witnesses, we ask you to answer as best as you can.

The interview should take no longer than **1 hour** - you do not have to answer any questions that you do not wish to and you can stop the interview at any time. With your permission the interview will be digitally recorded. Anything you say will be treated anonymously - it will not be linked back to you. We may wish to use some anonymised quotes from participants in our reporting for this work but, if we do so, we will never use your name or any of your personal details and any information you share will be reported in a way that does not reveal your identity. If you are willing for us to record the interview, we will use the recording to write up your feedback (using an independent transcriber) and we will then securely, confidentially and permanently destroy the

recording. The transcript will be used primarily to inform a knowledge and skills framework for this project, and will not be kept by us for any longer than is necessary to complete the research. Any personal information, including your contact details, will be held in accordance with the General Data Protection Regulation (GDPR). All personal information will be deleted at the end of the project.

To help you prepare for the interview, a summary of the contents are given in **Appendix B**.

Appendix A - Proposed Framework Tiers

Trauma Informed	Trauma Skilled	Trauma Enhanced	Trauma Specialist
<p>All staff should be trauma informed</p> <p>Limited to those who are unlikely to have direct contact with anyone that has experienced trauma, whether known about or not, and will not be exposed to trauma material indirectly (through evidence review for example)</p>	<p>Staff who are likely to <u>come into contact</u> with children or adults who may have been affected by trauma whether or not trauma is known about and/or</p> <p>who are regularly exposed to trauma material including <u>correspondence, statements, narratives</u> and other evidence in the course of their work.</p>	<p>Staff who have a specific remit to respond to those affected by trauma because they</p> <p>are required to effectively obtain information or evidence relating to potentially traumatic experiences directly from people affected by trauma or</p> <p>are required to provide advocacy, support or interventions or</p> <p>are required to manage those who do either of the above</p>	<p>Staff who have a specialist remit to interpret and present information or evidence relating to traumatic events obtained from people known to be affected by trauma. and/or</p> <p>Staff who are required to make decisions based on information or evidence relating to traumatic events obtained from people known to be affected by trauma.</p>

Appendix B - Summary of Interview Questions

A. Background Questions

1. Can you give a brief description of your role?
2. How important do you consider a trauma-informed justice system to be for victims and witnesses?
3. What, in your view, are the key features and elements of a trauma-informed justice system for victims and witnesses? What should it achieve?
4. What do you think are the key things staff need to know and be able to do that will support that?
5. Do you have any thoughts on the four tiers (as described in the **Appendix A** Table) and the extent to which they adequately encapsulate or reflect the workforce of your organisation?

B. Workforce questions

This part of the interview will cover in greater detail anything you think staff at the informed, skilled, enhanced and specialist levels (as defined in Appendix A) specifically need to know and do to be trauma informed as they work with victims and witnesses.

C. System Questions

11. Aside from staff training, what do you think are the key **systemic factors** (for example, policies, procedures, environments, processes) that will support or hinder the development of a justice system that is trauma informed?
12. What would you say are the **key challenges** that exist for your organisation and among your workforce in developing and implementing trauma-informed practice when working with victims and witnesses?
13. Are there any specific **resources or supports** that would help your workforce to overcome these barriers and become more trauma informed going forward? If so, please describe
14. Do you have any other thoughts or reflections that you would like to share about the development of a knowledge and skills framework for the justice workforce in Scotland, or is there anything else that you would like to add that hasn't been mentioned already?