

**VULNERABLE WITNESSES (S) ACT 2004 IMPLEMENTATION STEERING  
GROUP**  
**EQUIPMENT AND ACCOMMODATION SUB-GROUP**

**NOTICE OF STANDARDS FOR REMOTE SITES**

**Introduction:**

1. The Vulnerable Witness (Scotland) Act 2004 is aimed at making it easier for child and adult vulnerable witnesses to give their best evidence by formalising existing special measures for giving evidence and introducing new measures and other provisions. In some circumstances this will include the provision to take the witness's evidence at a location outwith a court building. These locations are generally referred to as 'remote sites'. Applications for the use of a remote site under the Act may be made in criminal cases and in certain civil cases and are governed by statute.
2. A Vulnerable Witness is defined as someone who is "under the age of 16" or if there is a significant risk that the quality of the evidence to be given by the person will be diminished as a result of a mental disorder; or fear or distress in connection with giving evidence at the trial.
3. On application, a child witness (all under 16s) may give evidence from a remote location using live TV link, being any place outwith the court building in which the courtroom is located. The child is likely to be accompanied by a supporter whilst giving evidence. The child may be accompanied by other persons during any waiting time or breaks in evidence. The child will view the 'examiner' through the TV monitor. The court (and accused or in Children's Hearing court proceedings, the parties) will view the child through court TV monitors.
4. On application, a child witness may give evidence on commission. The child is likely to be accompanied by a supporter whilst giving evidence. In criminal proceedings a number of others may also be present at the commission whilst the child gives evidence: the commissioner, lawyers for both parties (prosecution and defence if a criminal case), and a clerk. Other persons may accompany the child during waiting time and breaks in evidence. The proceedings will be video recorded and other parties may be required to view the proceedings live through a monitor, either in a court or elsewhere.
5. On application, a combination of these measures may be used reflecting the different models available for the evidence on commission measure and clarification is awaited as to any additional technical requirements this may entail.

6. It should be noted that applications may also be made to enable any vulnerable witness to give evidence via a live TV link or on commission from a place outwith the court building in which the courtroom is located.

### **General**

7. In support of the implementation of phase 1 of the Act as it relates to special measures for child witnesses, the VWAISG recognises the need for
  - a. non-technical standards to enable the identification and operation of remote locations for providing live TV links to courts and the taking of evidence on commissionand
  - b. a technical specification for equipment to be used at remote locations
8. All remote sites will be expected to comply with these standards in so far as the accommodation is used for taking evidence in criminal or civil proceedings at court. Individual agencies will be expected to refer to the standards to assist them in their consideration of potential sites and to ensure consistency of minimum requirements. The standards may also be referred to in order to satisfy all parties that a particular site has met the minimum requirements as contained in this document. Thereafter the court will be expected to refer to the standards when reviewing the continued suitability of any site. .
9. The standards aim to ensure that a remote site is sensitive to the needs and comfort of the child whilst ensuring that the accommodation and operation of equipment does not hinder the interests of justice or the witness's ability to give their best evidence.
10. Likewise the standards will ensure a commitment to providing accommodation which does not discriminate on the grounds of race, religion, disability, gender, sexual orientation or age.
11. Sites must be seen to be capable of operation without inference of undue influence or any suggestion that prejudice might be caused to any party to the proceedings or the quality of the evidence obtained.
12. Detailed specifications for accommodation and technical equipment are attached at Annex A. These may require to be revised at intervals. The annex refers to the special measures of Live TV link. An additional annex will be attached to take account of the requirements of Evidence on Commission, and if necessary, any additional technical or accommodation requirements of a combination of the two measures.

**Accommodation: see AnnexA for details**

13. All remote accommodation must be accessible to child witnesses and their supporter/family. Sites should be within reasonable travel distances from the main centres of population across the country failing which facilities should be available whereby mobile IT units can be employed to like effect.
14. Sites must also be accessible to witnesses with different mobility needs: e.g. wheelchair use, visual impairment.
15. Sites must be, and be seen to be, secure. Sites will have standard restricted access through a reception area or staff pass system or alternatively require to be 'policed' either routinely or on request if public safety issues are likely to arise.
16. Sites must have access to toilets and a separate room to use as a waiting area during breaks in evidence and for any accompanying persons. It should be possible to have access to refreshments.
17. Sites must be available for use as and when required (other uses will require to be managed accordingly). Sites will have to be managed and maintained in accordance with the agreed interagency protocol.
18. All dedicated remote locations will be expected to meet the requisite standards as detailed in this notice and annex in order to be accredited for purpose, bearing in mind the various civil and criminal purposes caught by the evidence on commission measure. The standards are subject to consideration of all parties involved in such proceedings including COPFS, the judiciary, SCRA and the Law Society of Scotland.

**SEJD**  
**Victims and Witnesses Unit**

February 2005

## TV LINK REMOTE LOCATION

### FUNCTION

Use	Facilities provided to have the evidence of a vulnerable witness given by live TV link from a site remote from a court building.  Children under the age of 12 will not be required to be present in the courthouse in order to give evidence.
Occupancy	Minimum 2 persons seated. Seating to be separate units rather than bench or sofa style.
Area	6 sq m. Typical min size 2 x 3.0m. Larger area to be provided by preference.
Relationship	Located in restricted area with controlled access from public areas. Accessible toilet to be available nearby with preference for facilities separate from those available in public areas. Separate waiting area/room required for adjournments and accompanying persons. All areas to be accessible to wheelchair users.

### PERFORMANCE

Design requirements	A room providing aural and visual privacy.
Finishes	Carpet flooring. Furnishings to be child friendly and surroundings to promote a calm atmosphere (appropriate choice of wall coverings, posters etc). Wall and floor colours to be compatible with use of CCTV equipment and conducive to a calm atmosphere.
Waiting area	As above re furnishings. To be equipped with broad range of appropriate cultural and age related toys and books for waiting periods and breaks. Access to refreshments required.

### ENVIRONMENT

Design temperature	19 deg C.
Ventilation	Natural preferable. Fresh air rate=16lt/sec/person (variable). 6 air changes per hour.
Acoustics	Sound absorption necessary where the room is in close proximity to others or the waiting area. Rooms not to be in close proximity to excessive background noise from operating machinery or traffic which may cause distraction or interference with sound quality of transmission.

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Lighting	Artificial lighting to be suitable for CCTV facility.
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### **SERVICES**

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Power & comms	3 - 5 x ISDN enabled telephone lines or Network/Gateway system. One three gang network point close to the TV link equipment and two double sockets. One double network point on wall at high level and one double socket. Both provided for overview camera. Access to or socket and network point for fax.
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### **EQUIPMENT**

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Fixed	Entrance door to be provided with controlled access, e.g. digital lock. Any vision panels to be screened
	Overview camera to provide a full clear angle of vision of the whole room.
	Video conferencing unit and "overview camera" as per IT specification. Fax machine.
Moveable	Tables for TV link equipment and fax. Height adjustable seat for witness (non-rotating). Separate seat for supporter. Screens for windows.

