



JUDICIARY OF
ENGLAND AND WALES

**THE LANCASHIRE CROWN COURTS
LOCAL PRACTICE DIRECTION 2/2023**

**RE: Independent Sexual Violence Advisors (“ISVA’s”) and Independent
Domestic Violence Advisors (“IDVA’s”)
Witness Support**

Introduction

This Practice Direction is designed to assist the Court, witnesses, parties, ISVA’s, IDVA’s and Witness Support in fulfilling their role in the Crown Courts in Lancashire. I attach a link to the Home Office Guidance (“Essential Elements of the ISVA Role”)¹.

In relation to ISVA’s the Home Office Guidance provides that there be a “formal approval process” which should be made to the Judge “in advance of the hearing”.

This Practice Direction requires that the Court be informed at the time of making of an application for Special Measures that an ISVA/IDVA is assisting the witness and the assistance which the witness wishes the ISVA/IDVA to give. That application will be considered at the next hearing (typically at the eight week PTR). The Judge hearing the PTR will give directions at that hearing so that the witness can be informed eight weeks ahead of the trial what assistance they will receive.

The procedure is slightly different where there is a s.28 direction. Here, the application for the assistance of the ISVA/IDVA must be made at the PTPH.

Whilst the giving of assistance and the extent of assistance given will be within the discretion of the Judge, all Judges in Lancashire are aware of the Home Office Guidance and, in particular, paragraph 4.13 thereof whose principles will be applied (where appropriate) in relation to IDVA’s also.

Where a witness wishes to have assistance from Witness Support the requirement is that the Court is notified on the day of the hearing via the advocate calling the witness. This is because it is not generally known before the hearing day if Witness Support will be assisting the witness.

¹ [Essential Elements of the ISVA Role](#)

The Direction

- Where the witness does not have the benefit of a s.28 order:
 - the ISVA/IDVA must, as soon as practically possible, ensure that the CPS are aware that they are assisting the witness and of the assistance which the witness wishes the ISVA/IDVA to give.
 - The CPS must at the time of making any application for Special Measures and, in any event, in advance of the eight week PTR, upload a written application to Section Q of the DCS setting out:
 - The name of the witness in question;
 - The extent of the assistance which it is proposed the witness should receive.
 - Prosecution Counsel must, at the eight week PTR, draw the attention of the Court to the application to allow the ISVA/IDVA to assist the witness. The Judge hearing the PTR will give directions as to any assistance which the ISVA/IDVA may provide at trial. The Defence will be given the opportunity to make submissions.
- Where the witness has the benefit of a s.28 order:
 - the ISVA/IDVA must, as soon as practically possible, ensure that the CPS are aware that they are assisting the witness and of the assistance which the witness wishes the ISVA/IDVA to give; and
 - The CPS must, in advance of the PTPH, upload a written application to Section Q of the DCS setting out:
 - The name of the witness in question;
 - The extent of the assistance which it is proposed the witness should receive.
 - Prosecution Counsel must, at the PTPH, draw the attention of the Court to the application to allow the ISVA/IDVA to assist the witness. The Judge hearing the PTPH will give directions as to any assistance which the ISVA/IDVA may provide at the recording. The Defence will be given the opportunity to make submissions.
- In any case where a witness wishes to be assisted by Witness Support:
 - The Witness Support worker should, as soon as practically possible (accepting that this is likely to be on the day of the hearing), ensure that Counsel calling the witness is aware that the witness wishes to be assisted; and
 - Counsel must draw the attention of the Court to the application to allow Witness Support to assist the witness. The Judge hearing the case will give directions as to any assistance which may be provided during the hearing. The party/parties not calling the witness will be given the opportunity to make submissions.

HHJ Altham

17th August 2023