

## PROCEDURES AND GUIDANCE

### Pre-Trial Therapy

**This guidance is applicable for children and young people who are offered support and intervention work pre-trial**

Date of original document	July 2009
Date document reviewed	August 2015 July 2018
Date for next review	December 2020



## PRE-TRIAL THERAPY

1. The aim of this protocol is to set out procedures in relation to child witnesses who are to be provided with therapy prior to a criminal trial. It is designed to complement the joint Home Office/Crown Prosecution Service/Department of Health Practice Guidance.  
*'Provision of Therapy for Child Witnesses Prior to a Criminal Trial'*  
<https://www.cps.gov.uk/legal-guidance/therapy-provision-therapy-child-witnesses-prior-criminal-trial>
2. Any person who is to conduct therapy with such a child witness must be conversant with the above Practice Guidance. If there are concurrent civil proceedings in the family court, guidance should be sought as to whether leave of the court is required.
3. Prior to a case being allocated to a therapist, the social worker/area child care manager should liaise with the Police officer in the case/Detective Inspector from the Child Protection Team involved with the matter. The purpose of this liaison is to establish whether there are any investigative matters outstanding and/or any other issues that might affect the advisability of commencing therapy.
4. The identified Police officer should then inform the Crown Prosecutor with responsibility for the case that a need for therapy had been identified and should ascertain if the Crown Prosecution Service has any views on the possible impact of the proposed therapy upon the criminal proceedings.
5. The identified Police officer informs the social worker/area child care manager of any views that may have been expressed as above and a decision can then be made as to whether it is in the best interest of the child to proceed with the therapy at that stage.
6. If therapy is to commence, the therapist should be made aware of any pending criminal proceedings and should be provided with a document prepared by the identified Police Officer setting out a summary of the allegations made by the child witness (Appendix A).
7. Before therapy commences the therapist must inform the child and carers that confidentiality cannot be guaranteed in advance and should reach an understanding with them of the circumstances under which material obtained during the therapy sessions may be required to be disclosed.
8. Therapy may then commence under the following conditions:
  - The child receives individual sessions with the same therapist.
  - The child is not involved in any group sessions prior to giving evidence.

The therapeutic process should follow the guidelines in part 5 of the Practice Guidance (*'Provision of Therapy for Child Witnesses Prior to a Criminal Trial'*) and should represent a child focused way of working i.e. no direct questioning of the child about his/her experiences, and should go at the child's pace.

When/if a child chooses to talk about his/her abusive experiences, for which the perpetrator is awaiting trial, the therapist should acknowledge what the child has said and make appropriate generalised comments but should not ask probing, investigative questions. It is recognised that the disclosure by adults of a traumatic event rarely occurs as a one off event and is seen, in practice, as a process in which facts and details evolve over a period of time. Children are no exception to this.

Should a child disclose further abusive experiences, the therapist should follow the Local Safeguarding Children Board procedures as to reporting those allegations.

The therapist completes a form (Appendix B) after each session in which the following data is included: date and location of the session, name of therapist, names of anyone else present, length of session, confirmation whether written records were made, an indication as to whether any disclosure of materially new allegations was made by the child, an indication as to whether the child gave any details of the allegation against the alleged perpetrator and, if so, whether anything was said by the child which was inconsistent with the allegations as outlined in the summary referred to at paragraph 5 as above.

8. A copy of the completed form should be forwarded to the identified Police Officer who will keep a copy and forward a further copy to the Crown Prosecution Service.

If, following discussion with the child and carer, agreement is reached that details of what has been said about the allegation can be disclosed then such details should be provided to the Crown Prosecution Service.

Upon receipt of the form, any further details as may be disclosed as above, the Crown Prosecutor will then have to consider the question of disclosure of such information to the Defence. It may thereafter be necessary for an application to be made to the court, as outlined in paragraph 3.14 of the Practice Guidance (*'Provision of Therapy for Child Witnesses Prior to a Criminal Trial'*).

***N.B. Where a young witness is an inpatient in a therapeutic unit; all members of staff need to be made aware of this protocol and, in the event of a discussion relevant to the criminal proceedings taking place, should follow the same notification procedure.***

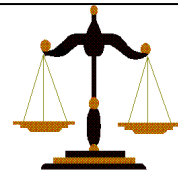


HUMBERSIDE YOUNG

WITNESS SERVICE

**Child Witness Pre-Trial Therapy  
Summary of Allegations Form  
(To be completed by the identified Police Officer)**

<b>Child witness:</b>	<b>Date of birth:</b>
<b>Name of defendant:</b>	<b>PTI number:</b>
<b>Has defendant been charged: Yes/No (please delete as appropriate)</b>	
<b>Brief details of charges:</b>	
<b>Summary of the allegations made by the child witness:</b>	
<b>Dated:</b>	<b>Signed:</b>
<b>Name of officer in case:</b>	<b>Address:</b>
<b>Contact number:</b>	



HUMBERSIDE YOUNG

WITNESS SERVICE

**CHILD WITNESS****NOTIFICATION OF PRE-TRIAL THERAPY**

(to be forwarded to the Identified Police Officer for onward transmission to the Crown Prosecution Service)

**This Form Should be Completed in Conjunction with the 'Pre-Trial Therapy Protocol' and 'Provision of Therapy for Child Witnesses Prior to a Criminal Trial Practice Guidance'**

Name of child witness:	
Date of birth:	PTI number:
Date of therapy session:	Location:
Start time:	Finish time:

Details of the Session*(please circle)*

1.	<b>Has the summary of the allegations made by the child witness been read prior to the session?</b>	Yes	No
2.	<ul style="list-style-type: none"> <li>• <b>Has a written/audio record been made?</b> <i>(indicate which)</i></li> </ul>	Yes	No
3.	<b>Did the child witness discuss any details of the allegations against the alleged perpetrator?</b>	Yes	No
4.	<b>If yes, were there any inconsistencies between the details given and the allegations made by the child contained in the Police summary?</b>  <b>If <u>yes</u> give details overleaf.</b>	Yes	No
5.	<b>Did the child witness disclose any new allegations against the alleged perpetrator?</b>  <b>If <u>yes</u> give details overleaf.</b>	Yes	No
6.	<b>Did the child disclose any further abusive experiences by or toward any other persons?</b>  <b>If <u>yes</u> proceed with ACPC procedures.</b>  <b>Date reported _____ Who to _____</b>	Yes	No

Signed \_\_\_\_\_ Dated \_\_\_\_\_

**Name, base address  
and contact telephone  
number of therapist:**

**Name:**

**Address:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ **Telephone** \_\_\_\_\_

**Further Details**

4) **Inconsistencies:**

5) **New Allegations:**

6) **Further Abusive Experiences:**