

1. Introduction:

Advocacy has been identified as an important component of the services that a Rape Crisis Centre provides. In a RCC context advocacy means providing supports and interventions which address the difficulties survivors encounter when seeking help from other organisations and agencies. It also means providing support in overcoming barriers to full participation in community life. It is not just about service delivery improvement but also stopping secondary victimisation.

Accompaniment is one of the core services for survivors through which Rape Crisis Centres provide significant personal support and advocacy. Without this, it is difficult and may even be traumatic for all but the most determined and resilient survivors to undertake, for example, either attendance at Garda interview or a Court appearance. Recent research demonstrates that “survivors who have the assistance of an advocate are significantly more likely to have police reports taken seriously and are less likely to be treated negatively by the legal system”.¹

Advocacy is empowering for the survivor or supporter and is led by the premise of supporting clients to help themselves. Advocacy is not organising or disempowering clients, but is meant as an aid to grow into their own powers, supporting them to become more confident and competent in their lives. _____ Rape Crisis Centre is committed to advocating for survivors of sexual violence, in addition to providing counselling.

2. Purpose:

The purpose of this policy is to outline the scope of advocacy undertaken by _____ Rape Crisis Centre, the criteria for providing that advocacy and the process by which advocacy is undertaken. The appendices contain specific task information for Garda accompaniment and Criminal Court accompaniment.

3. Criteria:

Any staff member or volunteer providing advocacy will have completed the training necessary for their role as specified in the Training Policy. The first preference for volunteers who provide advocacy is that they have the appropriate training to provide a variety of forms of advocacy. This allows our volunteers to regularly use their skills and have their knowledge and experience broadened, potentially providing a better service for survivors.

Any staff member or volunteer providing advocacy will have, or know where to access, up-to-date information about the range of rights and entitlements of survivors and supporters have in the areas of: (a) health, (b) law, (c) social welfare, (d) housing, (e) education, (f) services for persons with disabilities, (g) child care, (h) child protection, (i) asylum and immigration.

Any staff member or volunteer providing advocacy will either have, or know where to access, current knowledge of and information about other services (including how to access those services) in the areas of: (a) medical, (b) legal,

¹ Rebecca Campbell : “*Rape Survivors’ Experiences with the Legal and Medical Systems*” (2006), Violence against Women Vol 12 Number 1 - 59% of survivors who had a victim advocate had reports taken seriously by the police, while only 41% of survivors who had had no victim advocate had reports taken seriously. In addition, across several different measures of legal secondary victimisation, there were significant differences, with survivors who had had a victim advocate being statistically less likely to be victimised in this way than those who had had no victim advocate.

(c) social welfare, (d) alcohol and drug, (e) services for person with disabilities, (f) safe housing, (g) child protection, (h) asylum and immigration, (i) financial supports.²

4. Process:

4.1 Advertising

In order for survivors to be aware of options and make informed choices, we will prominently advertise our advocacy services, particularly, Court, Garda (& SATU) accompaniment by way of wall notices, posters, information sheets and/or leaflet(s) in public areas of our Centre as well as: (1)GP surgeries, (2)HSE Health Centres and Community Welfare Service Clinics, (3)Hospital A & E Areas and SATUs, Garda Station(s), (4)Citizens Information Centre, if any, (5)Library(ies), (6)Courthouse(s),(7) Domestic Violence Service, if any, and (8)Any NGO or service for particularly vulnerable or marginalised groups.

Any leaflets about our Centre that we produce will include all of our advocacy services.

Any advertisements/leaflets will include the hours that our services operate and how to get help outside of those hours.

4.2 Provision

4.2.1 Accompaniment

Our accompaniment services are available to any survivor, regardless of whether the survivor is using other services at our Centre, another Rape Crisis Centre or no Rape Crisis Centre.

We will provide Garda, Criminal Court (& SATU or other forensic) accompaniment to any survivor who requests it, regardless of whether she or he is currently using other services in our Centre or not.

We will (via our managers, administrators and advocates) ensure that in the making of arrangements for Garda and/or Court or other Accompaniment, the utmost care is taken to ensure that where possible, the same person accompanies the survivor throughout the proceedings, at every stage;

Where it is not possible, or may not be possible, for the same person to provide continuous accompaniment throughout e.g. Court or Tribunal proceedings, for whatever reason, we will ensure that the survivor knows this and as far as possible, is comfortable with it.

We will ensure (via our managers and administrators as well as our advocates) that the utmost care is taken to note details of appointments and hearings accurately and to convey that information accurately, to the person doing the accompaniment;

We will take the greatest care to ensure that the survivor is kept informed of all accompaniment arrangements, and especially of any necessary changes thereto.

If we are not in a position to provide Criminal Court, Gardaí (& SATU or other forensic) accompaniment due to lack of trained volunteers and/or staff, we will put in place arrangements to recruit enough new volunteers and or/staff members to provide the services. While we are waiting for the new volunteers/staff to be recruited and trained, we will make temporary arrangements with neighbouring Centres to share resources so that we can ensure provision of

² This is in accordance with Council of Europe *Combating Violence against Women: Minimum Standards for Support Services*, 2008 and UK National Standards for Domestic and Sexual Violence: Core Standards, draft 2009

these services to any survivor who wants them. These temporary arrangements will be set out in writing and will have an expiration date.

We will provide, or make arrangements for the immediate provision of, accompaniment to Refugee Hearings, other medical appointments, MABS, Civil Court and the Media. (Please refer to Guidance for Survivors considering going public.)

When discussing with a survivor or supporter what services our RCC can provide, we will include all advocacy services.

The terms of confidentiality that apply to counselling also apply for advocacy and support. Please refer to the Confidentiality Policy.

For the specific tasks associated with Garda Accompaniment please refer to Appendix 1.

For the specific tasks associated with Criminal Court Accompaniment please refer to Appendix 2.

For the specifics associated with SATU Accompaniment please refer to *SATU Guidelines*.

4.2.2 Other Advocacy Services

Examples of specific advocacy actions, in addition to accompaniment are:

- A letter to support a survivor's housing application
- A phone call to the social welfare office to enquire about specific entitlements

We aim to have the survivor present whenever we talk about their situation. The survivor needs always to be fully aware of what will happen at a meeting/hearing/call/contact and what details might be disclosed, 'with whom' and 'about what issue' one of our staff members or volunteers is going to talk on their behalf. Each survivor needs to be informed and explicitly consent to every action taken throughout the advocacy and support process.

Aside from accompaniment and unless the survivor chooses to be identified, any staff member or volunteer contacting another organisation, agency or government department to get information for a survivor will attempt to do so without disclosing the survivor's name or the fact that they are from a RCC.

4.4 Staff/Volunteer Supervision

If advocacy is being undertaken by the survivor or supporter's counsellor, that interaction is to be discussed in clinical supervision. If advocacy is being done by another staff member, supervision specifically for the advocacy work is to be undertaken by the staff member's line supervisor or another designated person. If the advocacy is being undertaken by a volunteer, the volunteer coordinator or another designated person is responsible for supervision. In the later two instances, the supervision can be individual or group and a minimum of monthly. All of these supervision requirements are in addition to line supervision.

Signed _____

Review Date _____

Date _____

Appendix 1: Task Description: Garda Accompaniment

In general the task of a volunteer/member of staff (advocate) undertaking Garda accompaniment is to ensure that the survivor is properly supported and empowered throughout the Garda interview process, so that she/he does not incur any further unnecessary trauma and so that she/he is afforded the best possible opportunity to provide a coherent, full statement about the crime and to debrief fully afterwards, if she/he so wishes.

NB: It is vital in this role to be prepared to ensure that proper procedures with regard to the survivor are followed as far as possible, as the more relaxed and comfortable the survivor is, the fuller and more coherent her/his statement is likely to be.

An advocate is responsible for:

- Arranging and sometimes attending a preliminary informal conversation between a member of An Garda Síochana and the survivor, so that the survivor may explore her/his concerns and wishes directly with the Garda. This is done if the survivor wants or requests it.
- Accompanying the survivor to the Garda Station or other venue while she/he makes her/his formal statement on which the formal investigation will be based.
- Asserting the survivor's need for the advocate to be present during the interview, if that is something which the survivor feels is necessary for her/his own reasons.
- Ensuring that the survivor is not pressed to go ahead with the interview when she/he is exhausted or unwell or for any other reason does not feel able to proceed with it. It may be necessary to arrange another date and time for the interview, if that is what the survivor needs.
- Reminding the Gardai that it is vital that the survivor feels comfortable in the chosen venue, and that that venue may include a private secure environment, such as the local Rape Crisis Centre.
- Ensuring that the survivor is being interviewed by a Garda of the same gender, assuming that that is what she/he wants. The Garda Charter itself specifies this.
- Ensuring that the survivor understands what will happen during the interview beforehand: she/he will be asked questions, her/his answers will be taken down in longhand, and she/he should be shown the handwritten pages and allowed enough time to read and check them carefully before she/he indicates that they are correct. She/he should also be reassured that she/he will be given an opportunity to make corrections.
- Ensuring that enough time is given to the survivor to check the handwritten pages and make any corrections and should check herself with the survivor to ensure that he/she is happy that their statement has been recorded correctly.
- Doing her/his best to ensure that the interview room is private, quiet, well ventilated and well heated, so that the survivor is not distracted by physical discomforts. Ensure that any obvious flaw in the room is corrected before the statement is taken. Depending on the circumstances, it may be necessary to confer with the survivor and ask for the statement taking to be deferred until a defect can be corrected (e.g. the heating not working).
- Ensuring adequate breaks for drinks, etc. The survivor should be told beforehand not to hesitate to ask for a break which she/he feels she/he needs, for any reason. It may sometimes be necessary to intervene on her/his behalf, if she/he becomes obviously tired or otherwise uncomfortable.
- Intervening if the survivor is being hectorred, bullied or insulted. Generally speaking, it is not the advocate's role to intervene directly during the questioning process. It should be remembered that any such intervention will be recorded and disclosed to the defence, who will pounce on anything which might put the survivor in a bad light.
- Refraining from any comments on the evidence itself other than in private conference with the survivor, as any such intervention has to be recorded and disclosed, and could be branded by the defence as an attempt to tamper with the evidence, in Court.
- Ensuring that the survivor knows in advance that it is quite in order for her/his to ask any questions she/he wishes of the Garda taking the statement, if there is anything she/he wishes to enquire about.

- Ensuring that the survivor is offered all possible practical and emotional support after the statement has been taken, in terms of a debriefing session, transport home, and so on.
- Giving the survivor a service evaluation form and invite her/his to fill it in and forward it if she/he so wishes.
- Telling the survivor about other sources of support and/or agencies, as appropriate in a particular case.

Appendix 2: Task Description: Court Accompaniment

In general the task of a volunteer/member of staff (advocate) providing criminal court accompaniment is to ensure that the survivor is properly supported and empowered throughout the Court appearance process, so that the impact of any further trauma is minimised and so that she/he is afforded the best possible opportunity to provide full, coherent evidence in Court and to debrief fully afterwards, if she/he so wishes.

An advocate is responsible for

- Ensuring as far as possible that s/he contacts the survivor before the hearing directly, to arrange where, when and how to meet and to find out if there are any special circumstances about which it might be necessary to alert the Garda in the case, or others (such as a physical disability necessitating the use of a ramp, or the fact that it is not possible for the survivor to get to the Court before a certain time by public transport). While these things are not strictly speaking the responsibility of the advocate, nevertheless it is good practice to be alert to their discovery and to ensure that the right information reaches the right person or agency, as far as possible;
- Treating the survivor at all times with the utmost sensitivity and consideration, always being mindful of the effects of the trauma of the appointment or hearing itself upon the survivor and for this reason, taking the utmost care to ensure that all advice, instructions, directions etc on practical matters, is understood well by the survivor;
- Arriving at Court herself as early as possible on the day of the hearing, to maximise her/his chances of finding a private conference room or other space in which the survivor will feel safe. She/he should arrange to meet the survivor outside the Court and enter the Court with her, so that the survivor is accompanied if she/he has to face the accused and/or his supporters.
- Asserting the survivor's need for the advocate to be present during the trial, if that is something which the survivor feels is necessary for her/his own reasons. It will be necessary to liaise with the Garda in the case to ensure that application is made for leave for the advocate to be present in Court. It is rare for such leave to be denied.
- Asking the survivor if he/she wishes to have a meeting with the prosecution team, and ask the Garda in the case to arrange it if so. This should take place as far in advance of the start of any trial as possible, and presents an opportunity for the survivor to ask any questions she wishes about procedure, the charges being brought, whether any plea bargain has been or is likely to be proposed, and similar issues. It is not an opportunity to go over the evidence, as the prosecution team must not engage in "coaching" of their witnesses.
- Checking that the survivor has with her/his a copy of her/his statement(s), so that she/he can refresh her/his memory before she gives her/his evidence. The Garda in the case can be asked to get hold of a copy if she/he does not.
- Ensuring that the survivor understands what will happen during the Court appearance beforehand: she/he will be asked questions, her/his answers will be taken down in longhand, the first person to ask questions will be the prosecuting barrister and the second, the defence barrister. The defence barrister's questions will be more hostile and challenging. The trial judge can and usually does make interjections, asking questions as he/she sees fit. The survivor's task is to give truthful, audible, clear answers, and to stay as calm and focussed as possible. She/he should also be reassured that she/he should feel free to make corrections and/or to say so if she wants a question to be explained.
- Refraining from talking to the survivor at any stage before or during the trial about the evidence itself. It is very important that nothing happens which could give even the appearance of "coaching" to any other party, particularly the defence team. In the unlikely event that the advocate herself is called to give evidence about any supposed coaching, it is desirable to be able to answer any question about discussions of the evidence in the negative.
- As much as is possible with the advocate's control and power, taking care (as much as is within the advocate's control and power) of the survivor's physical and psychological well being during the breaks in the Court day, by suggesting drinks, meal breaks, walks, and so on. Where requested, she/he should ensure she is available to the survivor as far as possible.

- Ensuring that the survivor is offered all possible practical and emotional support after the day's proceedings have concluded, in terms of a debriefing session, transport home, and so on. She/he should also satisfy herself that the survivor is aware of the time and/or day for any other day of hearing.
- Where it becomes impossible for the advocate to continue in the accompaniment role, for any reason, s/he should tell the survivor as soon as possible and make every effort to ensure that a replacement accompaniment person is arranged to cover for her/him. Where possible, the advocate should be present at the handover herself.
- Where it is not possible for the advocate to be present for the handover, s/he should take every care to ensure that the replacement person liaises directly with the survivor on the phone in advance of the meeting, and where this in turn is not possible, s/he should ensure that the replacement person knows when, where and how to meet the survivor to take over, and that that person has all the important information about the case, subject only to the survivor agreeing that s/he may share that information.
- Ensuring that the survivor is given an opportunity to raise any questions with the prosecution team, via the Garda in the case, during any breaks and after proceedings have finished for the day. It is vital that she understands the process fully.
- Giving the survivor a service evaluation form and invite her/his to fill it in and forward it if she so wishes.
- Telling the survivor about other sources of support and/or agencies, as appropriate in a particular case;
- Taking care to mind her/himself in the accompaniment role, which means among other things ensuring s/he takes advantage of any opportunity to have supervision and/or debrief at the Centre after the event(s) with her manager

RCNI LPD/SSM c 2011

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