Book Review

Addressing Vulnerability in Justice Systems
Edited by Professor Penny Cooper and Linda Hunting, Wildy, Simmonds & Hill Publishing, 2016, £19.95, hardback, 170pp

‘How we treat those who are exposed and weak is a barometer of our moral worth as a society... protecting the vulnerable goes to the root of the quality of justice.’ These are compelling comments by The Hon Mr Justice Green in his concise Introduction to this book. Addressing Vulnerability in Justice Systems is a compendium of papers arising from The Advocate’s Gateway’s inaugural conference in June 2015, and edited by Professor Penny Cooper, co-founder and Chair of The Advocate’s Gateway (TAG), and Linda Hunting, Research and Development Coordinator at TAG. The collection is a treasury of expertise on and experience of vulnerability within the legal system, and as such the issue is viewed from a variety of perspectives.

Dr Jacqueline Wheatcroft, Forensic Psychologist, describes the stresses experienced by vulnerable witnesses during cross-examination, questions the effectiveness of traditionally-taught cross-examination of such people – suggesting that it can lead to less accurate oral evidence, and makes alternative recommendations including the use of Ground Rules Hearings (see TAG website, Toolkit 1). Dr Andreas O’Shea, barrister, perhaps more controversially contemplates the vulnerabilities of some adult defendants in the international arena and in particular in the International Criminal Tribunals. We are reminded that ‘psychiatric problems and health issues... abound amongst the international defendants’; notorious names are cited. Such witnesses as these also require safeguarding measures, but instead ‘ad hoc’ measures still feature in these international arenas.

Professor Cooper explores the current disparity between the approaches by the UK’s criminal and family justice systems towards vulnerable and intimidated witnesses, and Charles Geekie QC reflects historically on what has been in place since the Children Act 1989 was implemented, considers the present arrangements and their shortcomings, and views proposals for the future. Felicity Gerry QC sets out to provide an overview of this issue as within civil proceedings generally, but actually provides such a broadly comprehensive chapter on the subject of vulnerability within the legal system that it could stand as a practitioners’ potted guide in itself.

From the practical perspective, Dr Sue O’Rourke, clinical psychologist and sign language interpreter, and Clare Wade, criminal barrister, enlighten the reader to complexities likely to be well beyond the reader’s initial comprehension concerning deaf witnesses’ oral evidence. Were you aware that British Sign Language is a ‘visual language created in three dimensional space’? This chapter is vital reading if you have a deaf client or witness. Dr Brendan M O’Mahony, psychologist and intermediary, focusses on trial experience from the standpoint of the vulnerable witness; Conor Gillespie, a barrister practising in Northern Ireland, provides his own geographical experience and perspective; and Dr Michelle Mattison, psychologist, describes current guidance relating to Aids to Communication for vulnerable witnesses. Lastly we hear from two vulnerable witnesses themselves, both of whom have learning disabilities, whose personal experiences of the criminal justice system are set out by Jenny Talbot OBE.

The book is hardback but compact so light to carry, easy to read yet invaluable for future reference. Highly recommended.

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