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AJM Expert Witness Evidence - 20231124

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Advanced-Professional-Award-in-Expert-Witness-Evidence-APAEWE-FI-Criminal-2021

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Pearson SRF BTEC Level 7 Advanced Professional Award

in EXPERT WITNESS EVIDENCE

is awarded to

ALAN MILLS

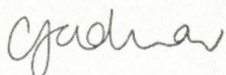
who has completed an approved programme at

LEGAL EXPERIENCE TRAINING LTD

AWARDED : JULY 2023

THIS DOCUMENT CONSISTS OF MORE THAN ONE PAGE

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Cath Jadhav
Responsible Officer
Pearson Education Ltd



Notification of Performance

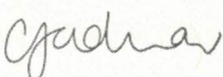
RF86891 ALAN MILLS

LEVEL 7 ADVANCED PROFESSIONAL AWARD (SRF)
in EXPERT WITNESS EVIDENCE

UNIT	VALUE	LEVEL	GRADE
LEGAL EXPERIENCE TRAINING LTD			
EVIDENCE, LAW AND PRACTICE	3.0	7	PASS
ADVANCED REPORT WRITING, CASE PREPARATION AND COURT SKILLS	3.0	7	PASS

THE LEARNER HAS QUALIFIED FOR THE ABOVE AWARD IN JULY 2023

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Cath Jadhav
Responsible Officer
Pearson Education Ltd





ADVANCED PROFESSIONAL AWARD IN EXPERT WITNESS EVIDENCE

Expert and professional witnesses have an important role within the justice system. It is essential that they can fulfil their roles and responsibilities to collect, write and if required give evidence at hearings in accordance with the prescribed law and practice for witnesses.

These accredited courses have been designed to give expert and professional witnesses the knowledge, practical skills and confidence to perform their role as witnesses. The courses are not designed to turn witnesses into lawyers, but rather to assist them to work effectively with lawyers, clients and courts. Expert and professional witnesses will be given clear guidance through fun, innovative, online interactive training.

Who is the training for?

The Advanced Professional Award in Expert Witness Evidence ensures compliance with the Criminal Procedures Rules (CrimPR) & Practice Directions. The training is cross mapped to the legal modules of the Skills for Justice Level 5 Certificate in Fire Investigations and highlights the importance of the “Code of Practice for Investigators of Fires and Explosions for the Criminal Justice Systems in the UK” in guiding professional fire investigation practice

Delegates consider rules of evidence, best practice fire investigation records and reports, attending expert witness meetings and the presentation of evidence at coroners and court.

Delegates who pass the 3 assessments are eligible for the Advanced Professional Award in Expert Witness Evidence (APAEWE) a level 7 BTEC awarded by National Awarding Body Pearson Learning – Edexcel.

Who has designed these courses?

Penny Harper; Solicitor and Director of Legal Experience Training. Penny is the principal author of “*The expert witness*” a practical guide published by Sweet and Maxwell. Penny has particular expertise in the design and delivery of accredited training. Penny sat on the “Skills for Justice” Working Group to develop training for fire investigators to ensure compliance with NOS Fi1, Fi2, Fi3 and DA5 for fire investigators collecting, writing and giving evidence in court proceedings. Penny has over 15 years’ experience of designing and delivering training for witnesses. She was on the Board of the AFI - UK with responsibility for legal skills and training for fire investigators from 2010-2016.

Penny is assisted by a team of subject experts, including **Mark James, Barrister, Temple Garden Chambers, London**, who is the author of “*Expert Evidence: Law and Practice*” published by Sweet and Maxwell. This is the seminal text book on expert evidence. It deals with expert evidence in civil, criminal and other cases. It is the primary reference book for courts and practitioners on expert evidence. Mark is regularly instructed in complex cases involving expert and professional witnesses and regularly cross examines witnesses at trial. He was instructed in **Drake v Harbour [2008]** EWCA Civ 25, a leading case on establishing the cause of a fire.

Module 1 Expert Evidence: Law and Practice (ELP) 1 day:

Fire investigators have an important role within the justice system. To fulfil their roles and responsibilities they need to understand the litigation process and be aware of the legislation, regulations, rules and guidance applicable to their expert or professional work.

Learning outcomes

- Understanding the criminal litigation process and the roles and responsibilities of witnesses
- Evaluating the principles governing the admissibility, reliability and weight of evidence
- Analysing the role of an expert fire investigator
- Understanding Criminal Procedure Rules and Practice Directions & Code of Practice for Fire Investigators
- Considering the key stages in the litigation process and working effectively with the lawyers
- Understanding disclosure, privilege, confidentiality, bias, PII and other legal concepts in evidence
- Practical case studies will be used to enhance learning and understanding

Module 2 Advanced Report Writing (ARW) 1 day:

The fire investigation report is disclosed to the defence and may thus play a significant part in the decision of the defence as to whether they will continue to trial. If there is a trial it forms the basis of evidence giving at court. The fire investigator is in a difficult position at court without a Criminal Procedure Rules Part 19 compliant report. Delegates consider the structure, content, format and style of FI reports. Delegates learn how to structure a report, allowing it to flow from the identification of issues and key questions, to a foundation of factual evidence followed by an opinion consisting of analysis of the possible hypotheses for the cause, origin and spread of the fire. This opinion section in the report must be objective and well-reasoned and anticipate any possible alternative theories as to the cause of the fire. The training will give delegates a suggested methodology for report writing with tips on how to deal with a range of opinions including explanations by the defence, as to the cause of the fire. Delegates will understand how to give a clear conclusion on whether the fire was accidental, deliberate or cause unknown.

Delegates review the content of reports to determine how to include reliable evidence that will have weight. They consider different types and sources of evidence to include in the report; documents, photos, plans, calculations, tables, research and the work of others relied on. Delegates gain an understanding of how their report will be challenged in the legal process. They consider how to write the report in a clear, concise and accessible style. The training includes discussing a suggested sample fire investigation report writing template. The formalities of witness report writing will be illustrated including getting the most up to date statement of truth, compliance, conflict and declaration.

Learning outcomes

- Identifying the key stages in writing a report/statement
- Dealing with strengths and weaknesses in facts, assumptions and opinions
- How to write in a clear, concise and accessible manner
- Analysis of the structure, content and style of a report/statement
- Considering how to set out a well-reasoned and objective opinion
- Using objective competency criteria to assess report/statement writing
- Consideration of relevant rules in the Criminal Procedure Rules and Practice Directions
- Getting the formalities right; statements of truth, statements of compliance and statements of conflict
- Practical exercises and critiquing of reports to demonstrate best practice

Module 3 Expert Witness Meetings – Discussions 1 day:

The Lord Chief Justice recently handed down Criminal Practice Direction 19C which states that;

“To assist the court in the preparation of the case for trial, parties must consider, with their experts, at an early stage, whether there is likely to be any useful purpose in holding an **experts’ discussion** and, if so, when. These directions are listed in the magistrates’ courts Preparation for Effective Trial form and in the Crown Court Plea and Trial Preparation Hearing form as one to be given by default, and therefore the court can be expected to give such a direction in every case unless persuaded otherwise. The purpose of discussions between experts is to agree and narrow issues and in particular to identify:

- (a) the extent of the agreement between them;
- (b) the points of and short reasons for any disagreement

The experts must produce a joint statement setting out the areas of agreement and disagreement. This joint statement is for the court. It may well assist the parties in deciding if the case should proceed to trial.

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It is thus a vital part in the process of achieving justice during criminal proceedings. Experts participating in expert witness discussions must comply with their duty to the court. Using a rolling fire investigation case study, experts will work in pairs to use the case preparation model to prepare for a meeting. They will learn how to effectively explore and exchange the strengths and weaknesses in the prosecution and defence evidence during the meeting. Experts will identify what they agree and disagree with reasons and work towards drafting the Joint Statement. The case study will allow delegates to role play a meeting and receive feedback on the management of the meeting. Theory is kept to a minimum, delegates work in pairs to prepare meetings and run them. Each meeting is observed and reviewed by the tutor who will give individual tailored feedback on the expert's conduct and skill in running the meeting. In the context of fire investigations this training will strengthen the ability of the fire investigator to anticipate and challenge possible explanations or defences raised. This will improve their report writing skills and evidence giving skills. The questioning skills gained will also assist them in their initial investigations as well as in structured meetings.

Learning outcomes

- Practical role plays and feedback on expert witness meetings working in pairs/teams
- Complying with the Criminal Procedure Directions 19C about expert witness discussions - meetings
- Understanding the roles, responsibilities and duties of the expert witness at the meeting
- Dealing with experts who refuse to discuss the evidence or their opinion or to sign the joint statement.
- Considering the case preparation model to identify the issues, facts and opinions
- Preparing and agreeing an agenda and how to keep notes during the meeting
- Learning effective questioning skills
- Evaluating the strengths and weaknesses in the evidence before trial
- Identifying agreed/disagreed fact and opinion with reasons and working towards a joint statement.

Module 4 Witness Familiarisation – Court Skills (WF-CS) 1 day:

Witness evidence is a vital part of any hearing and the training ensures that delegates obtain an understanding of the practice and procedure in giving evidence. Hearings are expensive and stressful, and it is essential that witnesses have a clear understanding of their role and can handle the process with confidence. This training will provide delegates with an understanding of the layout of the Magistrates and Crown Court or coroners, the likely sequence of events when the witness is giving evidence, and a balanced appraisal of the different responsibilities of the various participants, including the cross-examination techniques used. Cross-examination role play will show them how to handle cross examination tactics with confidence. Delegates will gain an understanding of the theory, practice and procedure of giving evidence. Delegates will learn about the difference between witness familiarisation and witness coaching which is prohibited in the United Kingdom.

Delegates learn how to prepare for hearings, obtaining and using all relevant exhibits and materials and liaising with relevant parties prior to proceedings. They consider how to present evidence effectively, comply with the rules of evidence and relevant procedures and standards. They learn how to provide jargon free opinion on the cause, origin and spread of the fire based on the strengths of their evidence. Delegates will divide into teams to prepare for and participate in cross-examination role play. A mock hearing will be carried out and delegates will play the role of witnesses. Some delegates will be cross-examined by the course tutor, a solicitor or barrister, in relation to realistic fire investigation reports designed to bring out the key learning outcomes for withstanding cross - examination. Delegates will receive supportive feedback based on Witness Familiarisation Competency Criteria.

Learning outcomes

- Understanding the court procedures, processes and practices and protocol
- Effective case preparation before a hearing and liaison with others
- Evaluating the strengths and weaknesses in the evidence
- Dealing with attacks on the evidence and the witness
- Understanding the purpose of examination in chief, cross- examination and re-examination
- Dealing with questioning under cross-examination with confidence, credibility and clarity
- Learning how to advance strengths in evidence and deal with challenges to evidence
- Understanding how to use documents and other exhibit evidence in hearings
- Do's and don'ts for witnesses
- Developing a toolkit for giving effective evidence
- Practical mock cross-examination role-play with feedback

Can this training lead to a qualification?

If delegates choose they may undertake 3 online assessments and they will be eligible for the Advanced Professional Award in Expert Witness Evidence a level 7 BTEC awarded by National Awarding body Pearson Learning – Edexcel.

Module 1 Open book online written assessment - 80 minutes

Module 2 Open book online written assessment - 120 minutes

Module 4 Online Cross-examination one to one assessment - 20 minutes plus 10 minutes practice session one to one with feedback

What the delegates say:

“The APAEWE course was one of the most informative and enjoyable courses I have attended, and I learnt so much, proving you can teach an old dog new tricks. The trainers were excellent and communication throughout the process was exemplary”.

Jason Dean, Watch Commander West Midlands Fire and Rescue Service.

“Penny Harper and Legal Experience Training delivered one of the most fundamental and important courses I have attended as a Fire Investigation Officer. The content, subject knowledge and delivery was excellent and has led to significant Policy and Procedural changes within Royal Berkshire Fire and Rescue Service. The impact of this course and qualification has now become the key criteria prior to any Fire and Rescue Officer achieving competent status”.

Jess James, Watch Manager Royal Berkshire Fire and Rescue Service.

“Excellent, fantastic having an FI based course. Very knowledgeable. Good case studies and very enthusiastic tutor”.

Steve Johns, Station Manager Oxfordshire Fire and Rescue Officer.

“Excellent course, highly recommended. Excellent and first-class tutor”.

Brian Griffiths, Station Manager Staffordshire Fire and Rescue Service.

“Very good and interesting course. Very informative A+++.Very knowledgeable and very good teacher A+++”.

Alan Monk, Kent Fire and Rescue Service.

“Brilliant. Very knowledgeable and with an ability to encourage the participation of all candidates”.

Sean Fearon West Yorkshire Fire and Rescue Service.