



Ministry
of Justice

The Witness Charter



- Looking after Witnesses



The support you can get and how you should be treated when telling the police about a crime right up to when it is heard in court and afterwards.

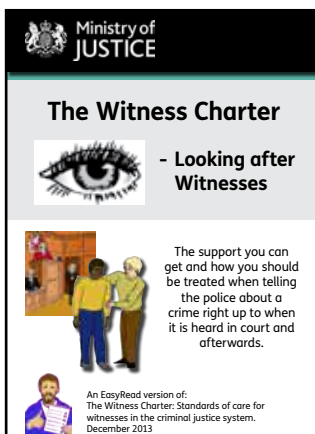


An EasyRead version of:
The Witness Charter: Standards of care for
witnesses in the criminal justice system.
December 2013

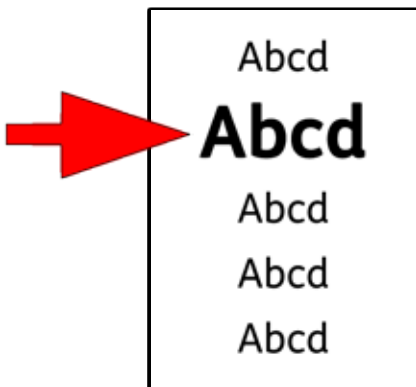
About this guide



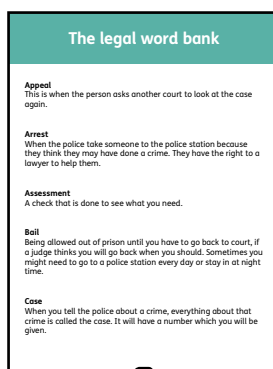
The **Witness** Charter is an EasyRead guide to what to expect if you are going to court to talk about something you saw or that happened to you.



This guide has been written by the Ministry of Justice. It tells you the support you can get and how you should be treated from when you first tell the police about a crime to after it has gone to court. These are called **standards**.



Courts use a lot of difficult words. There are some in this guide, when we use a difficult word it is in **bold** and we explain what it means.



There is also a **word bank**, a list of other difficult words you might hear people use, at the end of this guide.



When you have seen something, or something happened to you, and you are asked to talk about it in court, you are called a **witness**. What you say is called **evidence**.



The court wants to hear you give the best evidence you can, which is one reason to give you good support.



You might also be a witness because you know someone well and you have been asked to speak about what they are like.



What you say will help the court decide if someone did a crime (**guilty**) or not (**not guilty**). There are 2 sides in court, the side who think someone is guilty and the side who think someone is not guilty.



Depending on what you saw you could be asked to speak for either side. You will still get the support promised here whoever you are a witness for.

This support could be from:



- The Police



- The staff in courts



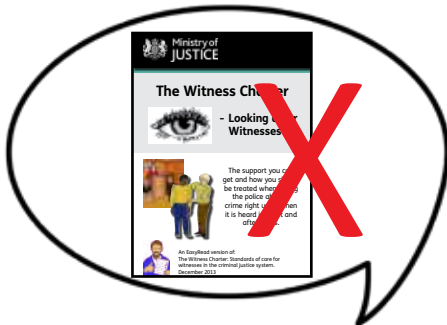
- The **CPS or Crown Prosecution Service** (an organisation that decides to take someone to court because they think they did a crime).



- The Witness Service, a service that is there to support you.



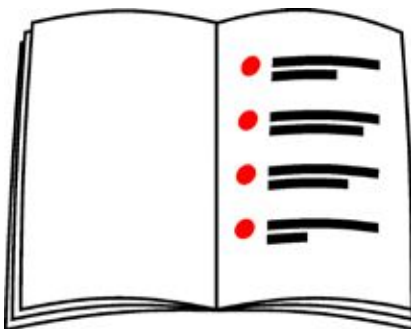
- Lawyers for the **defence** (these are people who are speaking up for the person said to have done the crime).



If any of these people cannot follow any of these standards they should tell you why not and what else will be done to meet your needs.



You should be treated equally, fairly and with respect by everyone.



This guide starts by saying who can get support. It then goes through what will happen, and what support you should get at each step of the way.



If you are also a **victim** of crime, (this means you were directly affected by a crime) the law gives you some extra rights. Please ask for a copy of the **Victims' Code to read about this.** You can also find the Victims' Code if you click [here](#).



If a child is the witness ask for a copy of the **Young Witness Pack**.

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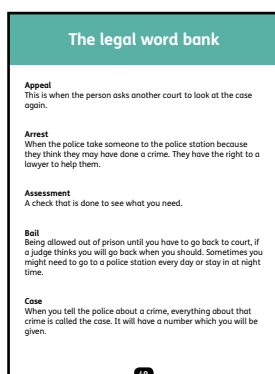
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The Witness Charter

Part 1



Getting Support

What types of support or help are there?



The types of support you can get when giving evidence we call **Special Measures**.



They depend on what you need to give the best evidence you can. It could be things like:

- Speaking from behind a screen so you can't see the person charged who is charged with the crime.
- Speaking by video from another room.





- Making a video of what you have to say that is played in court.



- Making the court a bit more friendly by not wearing wigs and gowns.



- Having support to help you understand questions you are asked and help you give your answers (these are called **Registered Intermediaries**).



- Giving evidence in private. This means the public will be asked to leave the court but it only happens in serious cases.



Depending on what you need you could get one or more of these things at the times you need them.



Can I get support?

There are 2 reasons why you can get support to help you give evidence in court.



1. You are at risk (called **vulnerable**)

This includes people:



- under 18



- with a learning disability



- with a mental health problem



- with a physical disability.



2. You are scared about giving evidence because of the crime (called **intimidated**)

This includes people who:



- were victims of a sexual crime



- saw a crime where a gun or knife was used, or



- have been very scared by the crime.

In this guide we talk about being at risk or scared.



If you think you need support please ask the police, the **Witness Care Unit** or a lawyer you are in touch with.



They should know if you are in one of the groups above and be asking you about support.



If they haven't you can ask them and they will talk with you about what might be best.



It is important to do this as soon as possible to get things arranged.



They need to ask the judge or the magistrates about what you want. They decide if you can have it or not.

Part 2



When the police are trying to find out what happened

Standard 1. Treating you properly

If you are a **witness** you will be:



- treated equally and fairly
- treated with respect whatever your needs are



- given the support you need

Information



- have information in the way you need it.



Standard 2. Telling the police what happened

If you are telling the police about a crime they will make sure they:



- understand what you are saying to them and you understand what they say to you



- tell you what they are going to do



- say how long this will take



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- give you a number to keep so they can find your details quickly



- give you the details of someone to talk to if you have any questions.

Standard 3. Making a statement



The police might ask you to make a **statement**. A statement is a written list of what you say happened. The police will write it down for you.



You do not have to give a statement but you might still be asked to go to court and say what you know.

When you make a statement the person taking it will:



- tell you what the statement is for
- talk to you about any help you need
- explain what will happen next





- tell you about the Witness Service if they think it might go to court



- make sure they understand what you are telling them
- make sure they have got it right



- let you read the statement so you can check it is right, or ask someone else to read it to you if that helps



- change anything that is not right
- add anything else you want to say



- ask you to sign the statement to say you agree with everything it says. After you have signed it, it cannot be changed, but you can add another one to it.



Standard 4. Checking your needs

The police will check what your needs are. This includes:



- the best way to get in touch with you



- any other language needs



- any support you need to say what you want



- if you are at risk or scared about giving evidence because of the crime



- asking you what help you might need



- to say what you know to them and in court



- anything else you might need

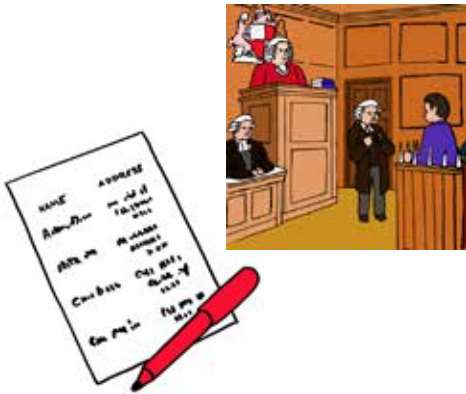


- when you are free to go to court.



The police will use this information to make sure you get the support you need. They will only pass it on to others who need to know.

Standard 5. After you have given a statement



Your personal details will be given to the court and support organisations.



If you are a witness for the person who is charged with a crime they will also be given your details.



You will be asked to agree for your information to go to other people, unless the law says it has to be given.



You will have the chance to look at your statement again before you speak in court.

Keeping you up to date



If the crime is serious the police will let you know how it is going and what's happening.



If it is less serious they will give you a number to call for details.



The police will tell you what has happened after they have finished looking into a case.



If you are a witness for the person who is charged with a crime you can ask their lawyer how it is going.



Standard 6. If someone threatens you about giving evidence



It does not happen often but sometimes someone might try to scare a witness into not going to court, or changing what they say.



This is very serious and the police need to know straight away. If you are in danger **ring 999** straight away.

The police will:



- make sure you are safe



- check to see if you are at risk



- tell the right people if you think someone should be kept in jail until they go to court (called not getting bail)



- think what else might need to be done before court.

Part 3



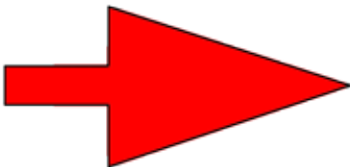
Before you have to speak in court

Standard 7. Being told what is happening



The person charged with a crime will have to go to court for a first hearing. You will not usually have to go to this.

If you are speaking for the **prosecution**, the people trying to show someone did a crime, you will be told:



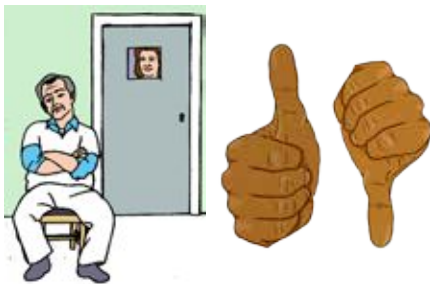
- what happened at that first court hearing
- what happens next
- when the main court hearing (**trial**) will be



- where this will be



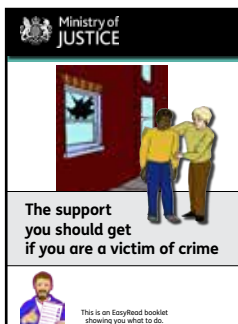
- how things are going



- if the person charged with the crime is in prison or let out on **bail**



- any other rules that person has to follow.



If you are the victim you should be told this information within a week. See the Victims' Code for more details. You can find the Victim's Code [here](#).



If you are speaking for the person charged with a crime (the defence) their lawyers will keep you up to date.

Standard 8. Checking your needs again after the first court hearing



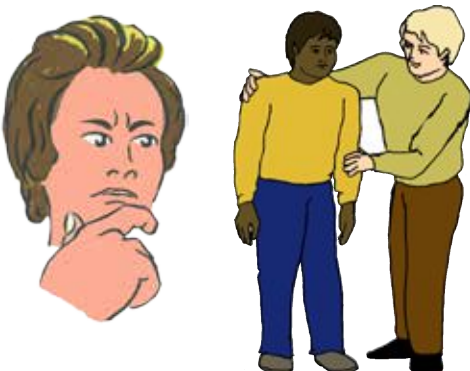
If you are speaking for the **prosecution** the Witness Care Unit will talk to you about your needs and any worries you have about going to court.



This includes any worries you have about being safe and any other support you need.



If you are speaking for the person charged with a crime (the **defence**) their lawyers will do the same.



If it is decided you need extra help and support they will sort them out and ask the court. It is up to the judge or magistrates to agree.



Please tell them all about your needs so they can try to help. This could be anything from having to go to the toilet a lot to needing a hearing loop.

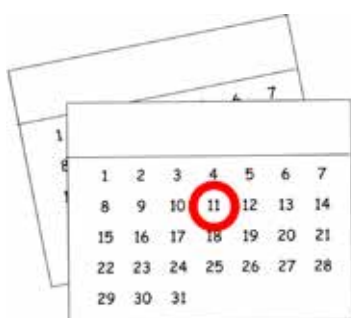
Standard 9. The court date



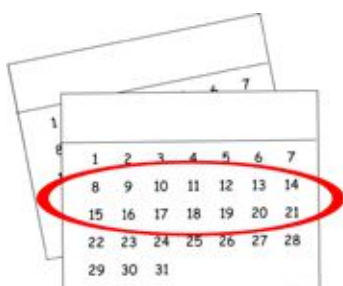
The court will try to make a date for the court hearing on a day you said you could do.



You will be told when it is.



If it is in a magistrates' court you will be given a day for it to happen.



If it is in a Crown Court you will be given a warning of a week or 2 weeks when it might happen. You will then be told the day before when it is going to happen.



If you are at risk or scared or it is a serious crime you will be given a set date and time to get to court. They will try to make sure you don't have to wait too long on the day.



If your work or someone in your family does not want you to go to court the lawyers can ask for a **witness summons**. This tells them you have to go to court.



If you do not want to go to court a witness summons might also be made to say you have to go.

Part 4



Going to court

Standard 10. Support at court



You can get free help and support from the Witness Service. They cannot talk to you about the case itself.



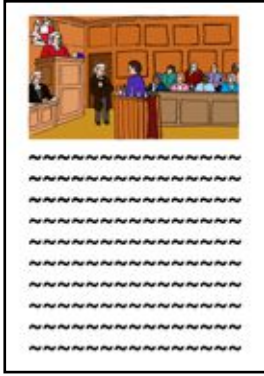
They are in every court in England and Wales.



They are also the ones who will sort out other support you need. They can give you:



- an independent and private service that treats you with respect



- information about what happens in court and how it is laid out



- help with other things like forms



- answers to any questions you have or tell you who can help

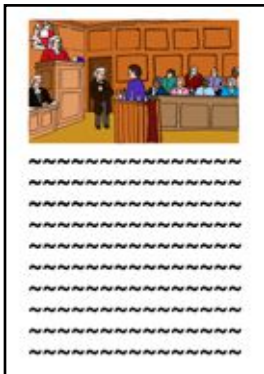


- support you with worries you have about being in court.



If the court agrees they can also come into the court or the video room with you when you are giving your evidence.

Standard 11. Information about the court and how it works



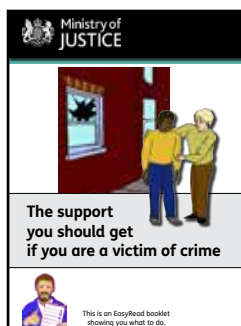
You will be given information to help get ready for court or told where to get it. This includes:



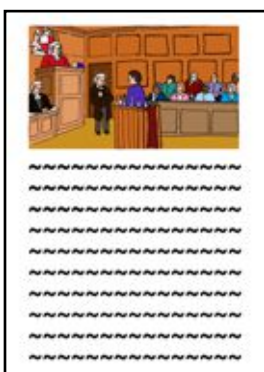
- the Going to Court DVD. This is also online at www.gov.uk/going-to-court-victim-witness



- the Young Witness Pack if you are under 18



- the [Victims' Code](#), if you are a victim.



- information about the court and how to get there



- the support at the court



- where to get food and drink



- separate waiting areas so you don't have to see people



- access for people with disabilities
- the chance to visit before the day



- practise the video link, if you are using that



- seats in the public area of court for anyone coming with you (you will not be able to go into this area in court until after you have given your evidence)



- youth courts are private so the public are not allowed into these.

Part 5



The day at court



When you get to court you must not speak to other witnesses about what you or they are going to say.

Standard 12. At court

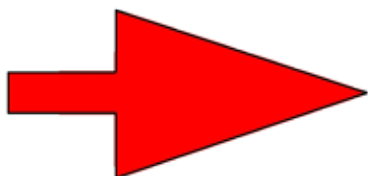
When you get to court you should find:



- staff who are polite and helpful



- staff wearing name badges



- clear signs to help you find your way around



- clear signs for witness support



- a list of what is happening that day in court



- accessible and clean toilets



- clean and comfortable waiting areas



- clean and comfortable places for food and drink or staff who can tell you where to go



- clean and safe waiting areas with things to read and toys for children.

Standard 13. Before you go into court



Before you go into court:

- lawyers will say hello and answer any questions, if they can
- everyone will try to make sure you don't have to wait more than 2 hours
- if you are at risk or scared, everyone will try to make sure they keep to time as far as possible
- there is a contact place in court where you can find out how the case is going, or you can ask the witness service to tell you





- lawyers can ask staff to help you because of a disability, illness or other problem you need help with to speak in court



- any other support (listed in Part 1) that has been agreed will be there.

Standard 14. Safety at court

Being safe in court is important:



- everyone who goes into court is searched



- anyone who might be dangerous or stop court work will be asked to leave



- if special worries have been talked about extra safety will be given



- staff will try to keep people in different parts of the court if they are told it is needed



- you can ask to wait in a separate area



- victims can go into the court building through a different door if they ask.

Part 6



In the court room itself

Standard 15. The witness box



This is the place where you speak from to give your evidence.



Each court has an **usher**, these are court staff.



When it is time to go into court they will come and show you where to go.



You then have to **swear** (promise) to tell the truth.

You do this by putting your hand on a holy book like the bible, Koran or other religion.



Or if you are not religious you can **affirm**.



You then have to read out loud the words on a card you will be given, or you can ask the usher to read it out for you to say.



You will also have to say who you are.

You should say if:



- you do not understand anything



- you feel unwell



- you are getting very upset.



You might be able to have a rest before carrying on.



Once you have finished you will be told you can leave the court and thanked for coming.



If you are over 13, you can now go into the public area if you want to watch the rest of the case.

Standard 16. Being asked questions



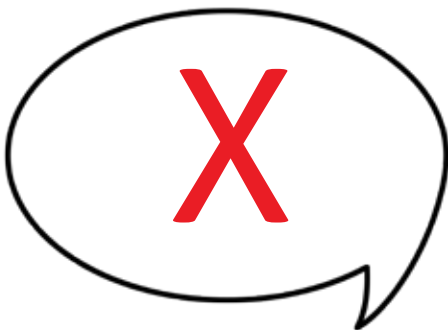
You will be asked questions in the witness box. This is to make sure you are telling the truth.



If questions are unfair, hurtful or nothing to do with the case they might say you don't have to answer them.



If you need help to understand what is happening, they will make sure you have that help. They will also make sure the court understands your answers.



Say if you think something you are asked is wrong. Your job is to tell the truth.

Part 7



After the trial



Standard 17. Being told what happened

If you are speaking for the **prosecution**, the people trying to show someone did a crime, you will be told:



- what happened
- the sentence or punishment, if any
- what the sentence means.



This should happen by the end of the day they get the information.



If you are a witness for the person who is charged with a crime you can ask the court or their lawyer for information.

Standard 18. Appeals



When someone thinks the wrong decision has been made in their case they can ask for it to be looked at again. This is called an **appeal**.



Sometimes you might be asked to give evidence again. If you are, these standards will still apply.



If you were a witness for the **prosecution** you will be told what happens by the Witness Care Unit.



If you are a witness for the person who is charged with a crime their lawyer will give you as much information as they can.



If you think a sentence is too low you can ask the Attorney General to look at it again. You must do this in 28 days after the court decided.

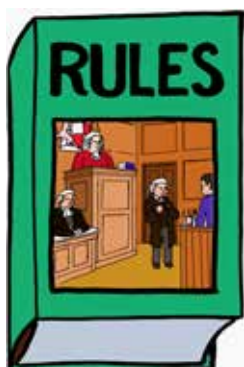


If it is looked at again the court could:

- keep it



- make it bigger

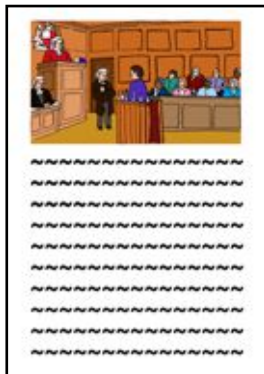


- give judges a new guide to follow for the future.

Standard 19. Support after the trial



The Witness service or other support will give you the chance to talk about the case after it has finished.



They can give you more help and information. This includes if you think you are in any risk or danger because you spoke in court.



They will tell you where to get more help if you need it.

Standard 20. Getting costs paid



You will be told how to get your costs back and they will give you help to fill in the forms.



You might be able to get back:

- costs getting to and from court



- money you would have earned from work.



If you were speaking for the defence about the person you will not usually be able to get costs back.



Tell the Witness Care Unit if you don't have enough money to get to court, they will help.

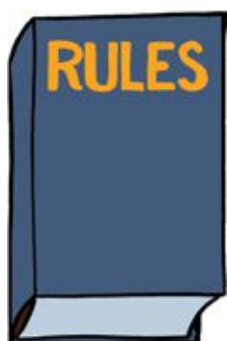


If you were speaking for the defence tell their lawyer.



If you were given a **Witness Summons** you will be asked if you want money to come to court.

Standard 21. Complaints



All the services in this guide should follow these rules.



If you are unhappy with any service you should make a complaint to them.



First you should talk to the person themselves, if you think you can.



If you are still unhappy it needs to be written down and sent to them. They will have their own complaints form to tell you what to do.



This is not about the decisions made in court, like the sentence.

Services will always:



- be clear about how to complain



- treat your complaint seriously



- try to deal with it quickly



- tell you what to do if you are still unhappy



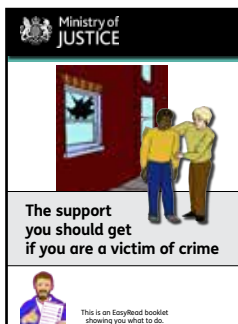
- reply to you in a clear way.



If you think your complaint has not been looked at properly you can you should tell your MP and ask for it to go to the **Parliamentary and Health Service Ombudsman**.



The police and **CPS** have their own complaints organisations.



If you are a victim, look in the Victims Code for more help.

The word bank

Appeal

This is when the person asks another court to look at the case again.

Arrest

When the police take someone to the police station because they think they may have done a crime. They have the right to a lawyer to help them.

Assessment

A check that is done to see what you need.

Bail

Being allowed out of prison until you have to go back to court, if a judge thinks you will go back when you should. Sometimes you might need to go to a police station every day or stay in at night time.

Case

When you tell the police about a crime, everything about that crime is called the case. It will have a number which you will be given.

Charge

When the police officially tell a person which law they think they have broken.

Compensation

It is money you get if you lose something, have problems or are injured and it is not your fault.

Crime

When a person breaks the law.

Criminal Justice System

All the services involved in law, crime and punishment working together.

Crown Prosecution Service

This service decides how to charge someone for a crime and take the person to court.

Defence

You or a lawyer saying why you did or didn't do something.

Evidence

Information that can be used to try and prove something.

Family Liaison Officer

A police officer who is trained to support you and be a link to the police.

Guilty

When a court decided that you did something wrong.

Investigation

When the police look at the facts and try to find out what happened.

Parliamentary and Health Service Ombudsman

They look into complaints that people have been treated unfairly or have received poor service from government departments and other public organisations and the NHS in England.

Probation Service

This service checks a prisoner does things like training, getting treatment or helping in the community when they leave prison.

Prosecutor

The lawyer who tries to show someone did a crime.

Punishment

What happens to someone who breaks the law. For example, if the court sends them to prison.

Registered Intermediaries

People that help you understand questions you are asked and help you give your answers.

Restorative justice

Which means trying to make things better for the victim instead of just punishing someone for a crime.

Sentence

The punishment you get in court.

Special Measures

Support you can get to help you give your best evidence in court.

Spokesperson

Someone who speaks for a group of people.

Standards

The support you can get and how you should be treated from when you first tell the police about a crime to after it has gone to court.

Statement

Writing down what really happened. Someone else can write this down for you and if you agree you have to sign it.

Suspect

Someone the police think broke the law.

Threatened

Being made to feel afraid someone will hurt or upset you.

To swear

To promise by putting your hand on a holy book like the bible or other religion.

To affirm

To promise.

Trial

When a case goes to court and the court decides if the person is guilty of the crime.

Victim

A person who is harmed because of a crime.

Usher

Court Staff that will come and show you where to go when in court.

Vulnerable

Someone who is at greater risk of being taken advantage of.

Witness

Someone who can tell the court what happened.

Witness summons

A court paper saying you must go to court to give evidence.