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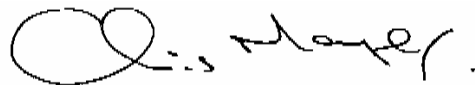
FOREWORD

Victims and witnesses are at the heart of the Criminal Justice System. Her Majesty's Courts Service (HMCS), with other Criminal Justice Agencies, is committed to transforming the experience of victims and witnesses within the Criminal Justice System, to ensure that all witnesses, whether they are for the prosecution or the defence, are *and feel* **safe, informed, valued and appreciated.** 'Every Witness Matters' is the title of Her Majesty's Courts Service's strategic plan to make real that vision.

This Handbook is a central part of that Strategy and is a valuable reference guide for all staff within HMCS who are responsible for looking after victims and witnesses in the criminal courts. It provides relevant and practical information, on the care of victims and witnesses to which all staff should adhere.

I know that you all make every effort to provide the best possible service to victims and witnesses when they come to court, however, we need to ensure that victims and witnesses receive the same consistent high level of care at all of our courts across England and Wales. I believe that the way forward is to concentrate on treating witnesses as individuals with different needs and fears.

This edition of the Handbook contains a useful 'Suggested Reading' chart to make it easier for you to pinpoint the information that most closely reflects your own responsibilities. I urge all staff to read this revised Handbook to ensure that they are up to speed with the latest good practice and that they are following the correct guidelines in appropriate situations.



Chris Mayer CBE
Chief Executive
Her Majesty's Courts Service

What a great tool: simple and precise. It is of great value that we have these types of resources; so that all members of the court who are dealing with every victim and witness of crime have a point of reference which then ensures both a professional and empathic starting point. It is so important to both victims and witnesses alike that they feel both heard and a part of what is going on. Every one that comes forward can now know that they will receive the same level of services as everyone else. I therefore fully support these updated guidelines.

Sara Payne
Victims' Champion

INTRODUCTION TO THE HANDBOOK

This Handbook is a resource and toolkit for all members of staff in the Youth, Magistrates' and Crown Courts. In particular staff who have a role to play in directly serving and supporting victims and witnesses, including; Witness Liaison Officers, Case Progression Officers, Listing Officers, Ushers/List Callers, Court Clerks, Legal Advisers, receptionists, security staff and any other frontline staff should read the sections of this document relevant to them. The document should be kept and updated at court level.

Included is practical guidance and information, all aimed at ensuring that HMCS, working with other agencies, meets its obligations to, and the expectations of, witnesses.

The themes and guiding principles which have helped shape and determine the contents of the Handbook are straightforward and based on detailed research into what witnesses have said they need.

Witnesses tell us they need to:

- feel safe and comfortable
- be kept fully informed
- feel their time is valued
- feel their contribution is appreciated.

Bearing these simple messages in mind, listening to our customers and placing ourselves 'in the shoes' of those who are due to come to court to give evidence, will help ensure that HMCS develops and delivers excellent service.

Diversity

The Department's approach to diversity is about changing hearts, changing minds and changing lives. It is essential that we place all our customers, and especially victims and witnesses, at the heart of our work.

HMCS serves a diverse society. A society made up of men and women; of people of different races, cultures and religions; of people with and without disabilities; of young people and older people; of people across the spectrum of sexuality; of people with and without caring responsibilities; and of people with many other differences.

The guidance set out in the Handbook respects and values that diversity and will serve the interests of people from all these sections of society. The Handbook refers to many different aspects of diversity that will need to be managed by HMCS staff and it is important that staff consider the needs of all the different groups outlined above when supporting victims and witnesses on a day to day basis.

When new local policies or protocols are devised in relation to victim and witness care, courts must ensure that an Equality Impact Statement is undertaken.

What is an equality impact assessment (EIA) and why do I have to complete it?

The Race Relations Amendment Act, Disability Discrimination Act and Equality Act all include statutory duties that require Government departments to eliminate unlawful discrimination and to promote equality of opportunity. In order to meet these duties HMCS must be able to demonstrate that the way it delivers legislation, policies and services meets the needs of a diverse range of people that those most likely to be affected by its policies were consulted with and involved during their development.

The EIA is a business tool to help you to:

- Consider whether existing legislation policies and services have adverse impacts or disadvantages for different groups of people;
- Consider whether new legislation, policies and services are likely to have adverse impacts;
- Think about who is most likely to be affected by your proposals and ensure you consult and involve them;
- Decide what changes you need to make to your proposals to minimise or eliminate any adverse impacts you have identified;
- Set up monitoring and review procedures to enable you to assess the actual effects of legislation, policies and services after implementation.

Therefore, when implementing any change in procedure or drafting any protocol, which will have an effect on the services you provide to victims and witnesses at an individual court, an EIA should be undertaken. The process of undertaking the EIA will help you to determine whether any particular group are being disadvantaged by what you are proposing and will enable you to make the necessary adjustments.

If you need any help or assistance in completing an EIA please contact the Equality & Diversity Unit in MOJ Headquarters. Please also see the guidance on the Intranet for completing an assessment:

<http://libra-infonet.lcd.gsi.gov.uk/justice/equdiv/equal-impact.htm>

A 'read only' copy of this Handbook may be accessed and downloaded via the HMCS website. <http://libra.lcd.gsi.gov.uk/documents/centre/VictimsAndWitness-EveryWitnessMatters.pdf>

Future updates and editions will be available in electronic format

AN INTER-AGENCY APPROACH

The experience of victims and witnesses within the Criminal Justice System has been described as a journey of encounters with the many organisations that make up the system.

The key to success in improving the experience of witnesses is effective partnership working between police, prosecuting agencies, defence advocates, the Witness Service (and other support organisations) and HMCS.

This is particularly important at 'grass roots' level, where the practical arrangements, support, facilities and information flows are put into effect. We must ensure that inter-agency planning, liaison, working and monitoring is seamless and effective. This requires systems to be established which are sensible and sound, supported by protocols which are clear and workable.

A good deal of work is already underway in this regard, with the launch of the Witness Charter from April 2009 and the introduction of the Code of Practice for Victims' of crime in April 2006 along with the establishment of joint CPS/Police Witness Care Units across the country. This work has been developed and overseen by the Office for Criminal Justice Reform (OCJR). Useful reference points and guidance documents (**see 'On Line Publications' in Section 4**).

Suggested Reading

The table details those sections of the handbook which should be read as a minimum in relation to your role.

		Section 3						
		✓	✓	✓	✓	✓	✓	✓
	Victims Code of Practice	✓	✓	✓	✓	✓	✓	✓
	Facilitating a pre-trial visit	✓	✓	✓	✓	✓	✓	
	Learning & Development Courses	✓	✓					
	Directory of Local Services	✓	✓					
	On-Line publications	✓	✓					
	Leaflets & Posters	✓	✓					
		Section 2						
	Local Protocols	✓	✓	✓	✓	✓	✓	✓
		Section 1						
	Seeking Feedback and Managing Complaints	✓	✓	✓	✓	✓	✓	✓
	Oath Taking and Naming Systems	✓	✓		✓	✓	✓	
	Special and Other Measures	✓	✓	✓	✓	✓	✓	
	Children and Young Witnesses	✓	✓	✓	✓	✓	✓	
	On the Day of Trial	✓	✓	✓	✓	✓	✓	
	Planning a Court Visit	✓	✓	✓	✓			
	Providing Information	✓	✓	✓	✓	✓	✓	✓
	Good Practice	✓	✓	✓	✓	✓	✓	✓
	Witness care - our responsibilities	✓	✓	✓	✓	✓	✓	✓
	Foreword, Intro & Interagency working	✓	✓	✓	✓	✓	✓	✓
ROLE*		Area Witness Champion	Witness Liaison Officer	Listing Officer	Court Usher	Court Clerk	Legal Adviser	Administrative Staff

* n.b. job titles may vary

WITNESS CARE – OUR RESPONSIBILITIES

Research has shown that witnesses want to feel **safe, informed, valued** and **appreciated**. Court-delivered services to witnesses are primarily concerned with the provision of:

- Information, support and assistance
- Accommodation and facilities
- ‘Special’ and other measures ordered by the court.
- In **servicing, supporting and caring for witnesses** (defence and prosecution, including child witnesses), there are a number of responsibilities and actions for HMCS to undertake, including:
 - Providing a dedicated point of contact and information for:
 - *all* witnesses
 - external agencies, including Witness Service, prosecuting agencies, defence practitioners and police
 - Treating all witnesses as individuals who have sufficient needs and concerns and as far as practically possible, providing a tailored service
 - Providing, in advance, information on the court, available facilities, and the standards of service to be expected
 - Ensuring the application and implementation of special and other measures that the court has directed
 - Working effectively with other agencies in supporting witnesses, including facilitating pre-hearing familiarisation visits
 - Ensuring an appropriate standard of accommodation and facilities within a safe and secure environment
 - Minimising witness waiting times and keeping witnesses informed on an hourly basis
 - Meeting equality and diversity standards, for example, ensuring the availability of Holy Books and oath taking cards in court, providing directional signage for people with disabilities and ensuring good access arrangements
 - Ensuring compliance with the Victims’ Code of Practice (**see Section 4**)
 - Ensuring compliance with the Witness Charter (**see Section 4**)
 - Ensuring that nationally agreed standards and local protocols are being adhered to, and that good practice is being adopted
 - Periodically evaluating the local provision of facilities, information and support for witnesses, and making improvements as necessary
 - Regularly encouraging feedback and ensuring that suggestions, comments and complaints are recorded and acted upon appropriately
 - Ensuring that all staff who, as per their duties, are left alone with vulnerable or intimidated witnesses have been CRB (Criminal Record Bureau) checked.

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- Ensuring that members of staff who will have a role to play in delivering services to witnesses are trained and supported in order to equip them for the task.
 - Thanking witnesses for their attendance
 - Ensure that if a member of HMCS staff is asked by the Judge or Magistrate to accompany a child into the video link room on their own, the relevant member of staff has been cleared by the CRB or alternative arrangements are put in place **(see further information in the Children and Young Witness Section page 17)**

Useful extracts from the Victims' Code and Guidance for courts staff on the Witness Charter can be accessed at pages 77 and 91

GOOD PRACTICE

HMCS will ensure that identified good practice is disseminated in the expectation that Areas will review local practice and make appropriate decisions in light of local circumstances and available resources.

Good practice is identified by a combination of mechanisms, including HMICA inspections and reports, WISP Updater Newsletter for Area Witness Champions and staff and via the Witnesses: Improved Services Programme Consultative Group. Witness Liaison Officers and local management are encouraged to share any new and innovative practices they have developed with the wider HMCS community (see 'Contact Points' section).

Many good practices exist. The examples below are by no means exhaustive, and will be updated periodically.

Examples include:

- Information being made available in accessible formats (language, audio, large print etc)
- Using a Checklist for pre-trial visits (**See 'Planning a Court Visit' – page 13**)
- Encouraging and sharing feedback (e.g. via comments logs or suggestion forms placed in waiting rooms)
- Establishing local inter-agency protocols and once in place, ensuring they are regularly reviewed
- Representatives from Witness Service/Victim Support attend Court User Groups
- Undertaking joint 'Witness Care' training initiatives with other agencies such as Witness Service
- Providing a courtroom model for children
- Providing information displays about courts, courtroom layout and complaints and feedback procedures in witness waiting room and elsewhere
- Provide notice of the Victims' Code and Witness Charter in witness waiting areas
- Wrapping Holy Books in different coloured cloths to help distinguish them (**see Oath Taking and Naming Systems section page 37**)
- Conducting exchange visits to/with local Witness Care Units
- Have a user-friendly oath taking file or resource pack readily available for each courtroom/usher
- Establishing a simple 'yellow and red card system' to allow a child giving evidence by video link to indicate a need for a break. The yellow card is shown if the child needs to use the toilet or a red card if the child is becoming distressed. The cards should be visible to the judge/magistrates, who can take the appropriate action
- Decorating and equipping child witness room appropriately, eg providing reading and drawing materials
- Staggering start times and witness arrival times for trials listed in the same courtroom

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- Providing aids to enable witnesses to familiarise themselves with their surroundings, eg courtroom plans and/or photographs of the interior of the courtrooms
 - Checking ahead of a hearing to ensure that the video link equipment is working properly and ensuring that there are always sufficient members of court staff available on the day of trial who know how to operate the video equipment
 - Ensuring that basic instructions for operating vulnerable link equipment are available in each courtroom to include a contact number if help is required
 - Including security staff in training on reception of witnesses
 - Standing agenda item on Court User Group and other liaison forums 'Services to Witnesses' (Witness Service/Victim Support should be members of the CUG)
 - Establishing local Team Briefings on important developments eg Witness Charter and publication of the 'Every Witness Matters Handbook'
 - Undertaking Risk Assessments in respect of victim and witnesses, health and safety, and security matters within the precincts of the court
 - Ensuring that Equality Impact Assessments are undertaken (where appropriate) on initiatives that are likely to impact significantly on victim and witnesses
 - Sound protecting Witness and Video Link Rooms. If not, action should be taken to minimise noise and ensure privacy is maintained for those within the room
 - Liaising with CJS staff to ensure seats in the courtroom, and separate accommodation in the courthouse, are available for witnesses/family members when requested

Other good practice examples are provided in the Victims Code and Witness Charter Guidance documents (see 'On Line Publications' in Section 4).

A further good practice example is provided by HMCS Cambridge, Norfolk and Suffolk 'Diverse Culture and Religions OATHS, HOLY BOOKS, AFFIRMATIONS and OTHER USEFUL THING TO KNOW' document (to be available on the HMCS Intranet in due course)

Providing Information

Victims and witnesses need to be kept informed, a responsibility shared by a number of agencies, among them Her Majesty's Courts Service (HMCS). The Code of Practice for Victims of Crime sets out a number of obligations for HMCS in relation to the provision of information to victims. Obligations 8.2, 8.3, 8.8, 8.10, 8.11 & 8.12 of the Code apply. In the Witness Charter, standards 16 (information about the court and its location), 20 (court facilities and signage) and 24 (waiting times at court and being updated on progress) all contain elements of information provision to which HMCS staff are required to abide. **See Victims Code and Witness Charter Guidance (page 77 and 91).**

Information will be provided by HMCS in written form (leaflets, letters, orders etc.), electronically (DVD) and verbally through direct contact by telephone or at court.

Information must be readily accessible, both in terms of how it is presented (language, DVD, audio, large print etc), and where it is available. The Prosecution and Defence Information leaflets (available on the HMCS Internet site under court finder <http://www.hmccourts-service.gov.uk/HMCCourtFinder/>) should be publicised with Witness Care Units and local solicitors' offices so that they can inform their witnesses of their availability and/or provide them with printed copies once they have downloaded them from the site. At court the Witness Liaison Officer should ensure they can locate the leaflets on the HMCS internet site and ensure that printed copies are available for customers at court.

The Witness Liaison Officer will be a point of contact at court, and his/her contact details must be made available to Witness Care Units, Witness Service and any other relevant agencies

Examples of information that might be sought/provided to witnesses or other agencies are:

- Arrangements for attendance at court
- Directions to court + map
- Interpreter contact details
- Who/where to report to on arrival at court
- Details of telephone/pager systems
- Facilities available - e.g. car parking, refreshments, facilities for people with disabilities
- Ensure witnesses are aware of fire evacuation procedures
- Hearing dates and outcomes and results of :
 - special measures applications
 - bail applications that may affect witnesses
- Reasons for a case not going ahead as listed
- Transfer of case to another court centre
- How to claim expenses for attendance at court
- Complaints procedure
- Equality and diversity policy

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- Contact details for agencies who may be able to offer additional support or guidance, including:
 - Witness Care Unit
 - CPS/other prosecuting agencies
 - Police
 - Probation Service
 - Victim Support
 - Witness Service
 - Local Authority
 - Social Services
 - Community Legal Services
 - CAB
 - NSPCC
 - Criminal Injuries Compensation Authority (CICA)

Local and other contact details can be inserted in Section 4

PLANNING A COURT VISIT

Facilitated pre-trial court visits should be normal practice, particularly for young and vulnerable witnesses. These are designed to familiarise the witness with the court environment and procedures including, where applicable, the use of video-link equipment. Such visits need to be planned and undertaken in a co-ordinated fashion. **Usually a Witness Service representative will be the escort, but local practices may vary.**

Boundaries must be respected and not overstepped, particularly if a witness appears to want to discuss his/her evidence. **The witness's evidence must not be discussed, only the procedures involved in the giving of evidence are to be discussed.**

Any officer of the court accompanying a witness whilst giving evidence must ensure that the witness is not coached in giving of evidence (its content or manner in which it is given), and must take care in their demeanour not to show emotion or reaction which might influence the witness.

The following matters/issues need to be considered (with the Witness Service as appropriate) when arranging/carrying out pre-trial familiarisation visits:

PRE-VISIT PLANNING

- Arrange the date and time of visit (to suit witness's convenience where possible)
- Consider carefully the timing of a visit to facilitate a demonstration of the video link equipment in operation**
- Arrange who will meet the witness and where
- Special needs or requirements to be ascertained

THE VISIT

- Introductions and Introduction to the Witness Service staff if they are not carrying out the visit
- If an usher will be accompanying a child witness in the video link room, ensure that he/she meets the witness and their carer at the pre-trial visit
- Front-desk security procedure and security at court
- Where witnesses should present themselves on attending court
- Who will meet, greet and escort the witness on the day of hearing
- Tour of building (including entrances, witness waiting area, video link room and courtroom)
- Where appropriate, provide an opportunity to stand in the witness box and speak from there
- Inform the witness that we will try to keep witness waiting time to a minimum but advise them to bring a book etc
- Facilities explained
- Refreshment facilities

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- What will happen when the witness is called to give evidence
 - Oath/Affirmation taking procedures
 - Who will be present in court, where they will sit, and what their roles are
 - Provide enough details on what special measures will entail that are relevant to the witness. If possible, demonstrate the video link equipment in operation (or screens) if this is going to be used
 - Tell VIWs that when they give evidence via video link the defendant will see their face on the screen in court
 - Role play some of the process - i.e. oath taking, who sits where etc
 - If using video link, let the witness see the link in operation and use it. (research has highlighted that for witnesses using the video link, particularly young witnesses, experiencing the video link in advance of the hearing, including in court aspects, is highly beneficial)
 - Explanation of any pager/mobile telephone system
 - Car Parking and transport arrangements to be discussed

FOLLOWING THE VISIT

- Seek feedback on the visit
- In the case of child witnesses, where possible, ensure that if an usher has undertaken the familiarisation visit, the same usher is assigned to the trial so that the child has a familiar face on the day
- Make arrangements to put into place matters identified during the visit

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Guidance for a Pre-Trial Visit produced by Victim Support is provided in Section 4.

ON THE DAY OF TRIAL

Ensure that appropriate arrangements are in place for witnesses' arrival at court, a responsibility for the Witness Liaison Officer or other nominated officer. These will ordinarily be systematic and may be managed by the Witness Service, but particular attention will be required where special arrangements are in hand for young or vulnerable witnesses, or those who have special needs, for example because of a medical condition or disability.

Any officer of the court accompanying a witness whilst giving evidence must ensure that the witness is not coached in giving of evidence (its content or manner in which it is given), and must take care in their demeanour not to show emotion or reaction which might influence the witness.

Evidence from surveys and feedback consistently informs us that victims and prosecution witnesses do not wish to be visible to, or themselves see, the opposing parties or their families. Wherever possible this should be borne in mind when making arrangements in receiving and supporting witnesses at court. Self evidently, in the majority of circumstances, planning should be undertaken before the day of trial

Arrangements may include:

- Liaison with the Witness Service
- Meeting the witness as he/she arrives at court
- Use of separate/discreet entrance where considered necessary
- Directing or escorting the witness to the waiting area
- Ensuring that witnesses are kept informed about progress of the case on at least an hourly basis
- Ensuring, through the appropriate advocate, that the court's attention is drawn to the fact that witnesses are being kept waiting, or are likely to be kept waiting beyond 2 hours
- Ensuring that the court is informed of any specific request by a witness to leave the court temporarily
- Introducing witnesses to prosecuting/defending counsel or solicitor
- Issuing mobile telephone/pager to allow a witness to leave the precincts of the court where appropriate
- Ensuring witnesses have safe/secure access to toilet facilities (if necessary by escort)
- Ensuring witnesses are aware of fire evacuation procedures
- Ensuring witnesses have access to refreshment facilities (where available)
- Confirming what special arrangements have been made, e.g. use of screens, video- link
- Ensuring any additional access requirements are met, e.g. hearing loop is operating

- Ensuring video link equipment is working where required and ensuring camera angles are adjusted so witness does not see the defendant on their TV screens, but can see the questioner
- Ensuring the judiciary is aware of any additional needs or requests, e.g. that the witness needs to be seated, is in need of breaks due to a medical condition, needs to collect children from school
- Addressing any identified diversity issues, e.g. setting aside a room for prayer.
- Arrangements for victims' families need to be considered including the provision of separate seating within the court room and separate seating within the court precincts if possible. Such arrangements should be considered before the day of the trial

HMCS and OCJR issued Live Link Protocols in June 2008 (**see page 63**), subsequently amended in August which provide a national framework of guidance for those agencies responsible for the use of live links during the criminal trial process. The protocols include practical guidance to court staff and court users in Magistrates' Courts, the Youth Court and the Crown Courts on how to make arrangements for live link facilities to support witnesses

CHILDREN AND YOUNG WITNESSES

For many children and young people, being called to give evidence in court can be very daunting. The court environment is not an environment that children/young people will be familiar with and it can seem very strange and alien to many of them. It will be helpful to develop a local protocol outlining the roles and responsibilities of all agencies in respect of the support that children/young people may need in order for them to give their best evidence.

A research study sponsored by the NSPCC and Victim Support into the experience of 50 young witnesses “In their own words” *Joyce Plotnikoff and Richards Woolfston* identified the very poor experiences that children and young people have when required to be a witness.

There are a number of **ways in which the court staff can assist** in making children/young people’s experiences more positive by:

- identifying cases that involve young witnesses (for the prosecution or defence) at an early stage in the proceedings (PCMH)
- prioritising cases involving young witnesses
- having arrangements for pre-court visits so that young witnesses can become familiar with the court layout and equipment
- having a range of standby arrangements so that children/young people are not kept waiting at court for long periods
- having separate waiting facilities which provide refreshments and age-appropriate activities and which are close to toilet facilities
- advising young witnesses, parents, carers to bring books etc
- having a discreet entrance for the young witness (making special arrangements if there is no dedicated separate entrance, e.g. use of staff entrance), as many witnesses are anxious about coming into contact with the other side and their family
- ensuring that there is a suitable TV link room that is not too cramped
- having a named point of contact in respect of these issues
- where possible, ensure that if an usher has undertaken the familiarisation visit, the same person is assigned to the trial so that the child has a familiar face on the day
- If possible and where appropriate (this might be particularly appropriate for young and vulnerable witnesses), demonstrate some of the process – eg oath taking, who sits where, the link in operation within the courtroom, so they will know that the defendant can see their face on the screen in court, during familiarisation visits

Matters which need co-ordinating include:

- identifying which special measures have been granted and ensuring their availability
- liaising with the (Child) Witness Service and, where they exist, specialist young witness support schemes

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- liaising with the Listing Officer to ensure that cases involving young witnesses are/have been prioritised
 - checking that standby arrangements have been made in order to minimise the time that young witnesses are required to attend court *
 - checking that the young witness has had access to pre-trial support, where that support has come from and who will be supporting them on the day, especially in the TV link room [see Crown Court Manual, Section 21, Applications for Special Measures, Persons accompanying a child; also Consolidated Criminal Practice Direction, Part 3.29 Support for witnesses giving evidence by live television link]**
 - ensuring that all equipment is working and that the sound quality is good
 - where applicable, explaining the oath/affirmation taking procedure before going into court
 - ensuring that all witnesses (prosecution and defence) have had access to support services.
 - where possible, ensure that the usher undertaking the familiarisation visit is assigned to the trial so that the child has a familiar face on the day

*In December 2004, prompted by research carried out for the NSPCC, The Rt. Hon. Lord Justice Judge wrote to all Resident Judges. His letter highlighted a number of areas of concern to consider. Included were the following comments “In cases where a child alleges that he or she is a victim of crime, could the possibility be explored ...of organising the listing so that the child does not attend court at all on the first day of trial? That day is to be used for any legal argument, jury selection[etc]. Starting the child’s evidence at 2 pm is better than having him or her hanging around all morning, but by the afternoon children are often tiring anyway. They can give their evidence more effectively if they are fresh in the morning”.

**Where a special measures direction is made enabling a vulnerable, intimidated, or child witness to give evidence by means of a live television link, the trial judge will make a decision as to the identify of the witness supporter. The judge will balance all relevant interests in deciding who can act as supporter. The supporter should be completely independent of the witness and that family and not be involved in the case, but need not now be an usher or court official. The role may be performed by a Witness Service representative. (Consolidated Witness Practice Direction, part 3 .29). When a intermediary has been appointed to assist a child or vulnerable adult to give, their evidence, consideration needs to be given to how this will work in practice, particularly when the evidence is to be via a live link.

Criminal Record Bureau (CRB) Checks:

CRB checks for court ushers and other relevant staff were introduced on 1 December 2006. This followed an HMICA Report recommendation to ensure that child and other vulnerable witnesses were protected when entering a video link room on their own with a member of HMCS staff. Whilst the checks on existing members of staff were undertaken, interim guidance was brought into effect to protect both ushers and child and other vulnerable witnesses. The guidance advised the use of Witness Service Staff (who are CRB checked) and the ‘doubling up’ of ushers where staffing allowed. The majority of court ushers already in post have now been cleared by the CRB. Staff should, however, continue to ensure that if a member of HMCS staff is asked by the Judge or Magistrate to accompany a child into the video link room on their own, the relevant member of staff has been cleared by the CRB or alternative arrangements are put in place.

SPECIAL AND OTHER MEASURES

Special Measures

The term '**special measures**' refers to provisions introduced by the Youth Justice and Criminal Evidence Act 1999 designed to assist eligible witnesses to give their best evidence in criminal proceedings.

Section 143 of the Serious Organised Crime and Police Act 2005 extends Special Measures to applications for Anti-Social Behaviour orders in civil or criminal proceedings in the Crown and Magistrates' Courts

Witnesses are eligible **if it can be shown to the Court** that they are vulnerable or intimidated. There are also special provisions relating to a particular category of vulnerable witness, namely children. The special measures provisions are available for prosecution or defence witnesses but NOT defendants.

OCJR Delivery Toolkit 5 is a useful point of reference (see On Line Publications in Section 4).

Definitions of Vulnerable and Intimidated Witnesses (VIWs)

(Youth Justice and Criminal Evidence Act 1999)

Vulnerable witnesses (Section 16)

- **All child witnesses** – defined as a witness aged under 17 years (at the time of a relevant hearing). This group contains a subgroup known as 'child witnesses in need of special protection' for whom the strongest measures are available.
- A witness, whose quality of evidence would, in the opinion of a court, be diminished by reason of a mental disorder, or significant impairment of intelligence and social functioning (learning disability), or a physical disability or physical disorder.

Intimidated witnesses (Section 17)

- All complainants in sexual offence cases – unless they say that they do not want to be so categorised.
- A witness, whose quality of evidence would, in the opinion of a court, be diminished by reason of their fear and distress in connection with testifying. The factors which should be taking into account include:
 - The social and cultural background and ethnic origins of the witness
 - The domestic and employment circumstances of the witness
 - Any religious beliefs or political opinions of the witness; and

-
- Any behaviour towards the witness on the part of the accused, members of the family or associates of the accused, or any other person who is likely to be an accused or a witness in the proceedings.

Notes

- The definition includes witnesses for the prosecution and the defence.
- The accused is specifically excluded from the above definitions.
- “Quality of evidence” means completeness, coherence and accuracy.

Procedural Requirements for Special Measures Applications

(The Criminal Procedure Rules 2005 – Part 29 and Criminal Case Management Framework)

- A Special Measures direction may be made at the trial and of the Court’s own motion but most applications will be made by one of the parties at a Case Management Hearing
- Applications must be made in writing in the form set out in the Rules (see Form of Application on page 27?)
- The relevant time periods for making an application are:
 - Youth Court – within 28 days of first appearance
 - Magistrates’ Court – within 14 days of not guilty plea
 - Crown Court – within 28 days of committal, transfer, service of documents forming basis of sending or service of Notice of Appeal
- A party wishing to oppose the application must notify the applicant and the court within 14 days and give reasons as to why they oppose the application. The court will then arrange a hearing
- After the hearing the court must, within 3 days* notify the parties in writing of the decision
- The rules provide for extensions, late applications, renewed applications, variations and discharges.

* **Please note that under the Victims’ Code of Practice, decisions in cases involving VIWs must be notified to the WCU no later than one working day after the day on which the decision is made.**

Measures in respect of all Victims and Witnesses

No Witness, No Justice (NWNJ) Initiative - Minimum Requirements

- **Police:** complete the MG11 form, which includes an initial assessment of victim/witness needs and asks officers to indicate whether consent for referral to Victim Support or the Witness Service has been given
- **CPS Charging Lawyers:** consider witness needs at point of charge. This might include special measures
- **Joint police/CPS Witness Care Units (WCUs):** identify witness needs and issues from the time that a suspect is charged until the completion of the case. They are required to undertake a detailed needs assessment for every witness in cases where a not-guilty plea is entered, (this includes the identification of potential vulnerable and intimidated witnesses [VIWs]). This is additional to the police code of practice requirement – it is another opportunity to identify VIWs.

Victims' Code of Practice

This sets out the obligations of all agencies in meeting the needs of victims as witnesses. This Code has a statutory footing, and a formal complaint procedure is prescribed (extracts from the Code are reproduced in Section 3).

The primary responsibilities for HMCS under the Code are:

- To inform the Witness Care Unit of decisions within one working day where the case is identified as a vulnerable or intimidated witness (VIW) case
- To direct victims to separate waiting areas
- To seat victims apart from the defendant and his supporters in court
- To keep waiting times for witnesses to less than 2 hours

Witness Charter

The Charter sets out the standard of service that all witnesses can expect to receive from criminal justice agencies at every stage of the criminal justice process, from the moment they report a crime or incident, whether or not they are a victim, through to court and post-trial support.

For the courts the standards include requirements that they ensure the availability of any special measure ordered by the court, and provide any assistance as required; also that they seek to ensure that the court environment is safe and suitable for witnesses' needs.

The Charter has been implemented in 10 Beacon Areas and will be rolled out nationwide from April 2009.

Police

- A duty to record any report of witness intimidation, (Section 51 of the Criminal Justice and Public Order Act 1994 or Section 39 of the Criminal Justice and Police Act 2001). The provisions cover all witnesses, including prosecution or defence, complainant or defendant
- A duty of care to provide assistance and protection for witnesses who are in fear of their safety.

Other 'measures' underpinned by legal provisions

- It is a Contempt of Court for a person to wilfully insult a witness going to, within or returning from the Court. (section 12(a) Contempt of Court Act 1981)
- It is an offence to photograph or attempt to photograph or sketch a person whilst in a court building or while he/she is entering or leaving the court (Section 41 Criminal Justice Act 1925 or inherent powers of Courts to prohibit contempt of Court)
- Restrictions on Publicity – Under 18s - Under Section 46 of the Children and Young Persons Act 1933 the names and addresses of child victims and witnesses in the Youth court shall not be published without leave of the Court - Under Section 39 of the Children and Young Persons Act 1933 any Court may direct that the identify of the child or young person concerned in the proceedings shall not be revealed
- Restrictions on Publicity – Over 18s -Under Section 46 of the Youth Justice and Criminal Evidence Act 1999 a part to proceedings may apply to the court for an order restricting the power of the press to report the identities of victims or witnesses. The Court will need to be satisfied that the victims or witnesses are eligible and that the reporting direction is likely to improve the quality of the evidence or the level of co-operation. Such orders may well be appropriate for homophobic crimes where the victim or witnesses may fear being "outed"
- Protection of witnesses from questioning by accused in person - Section 34 and 35 of the 1999 Act protect child witnesses and other victims of sexual offence from cross-examination by the accused in person
- Evidence by Live Link and Video Recorded Interviews - When provisions of the Criminal Justice Act 2003 are implemented the evidence of witnesses other than the accused may be admitted by live link (sec. 51) or video recorded interview (sec.137)
- Evidence by live television link may be given in the Crown Court where the witness is outside the United Kingdom (Section 32(1) Criminal Justice Act 1988 and Part 30 of The Criminal Procedure Rules 2005)
- The Criminal Evidence (Witness Anonymity) Act 2008 ("the 2008 Act"), which came into force on 21 July 2008, abolishes the common law rules relating to witness anonymity and provides a statutory framework in their place
The use of an anonymous witness should only be considered where it is justified under the 2008 Act and where such a course is consistent with a fair trial. Applications should be made only in those cases where it is absolutely necessary.

See Also Amendment No.21 to the Consolidated Criminal Practice Direction (Criminal Proceedings: Witness Anonymity Orders; Forms.

- Common Law Powers – Apart from the ability to order Special Measures under the Youth Justice and Criminal Evidence Act 1999, Courts have an inherent power to protect witnesses, (including the accused). These powers include:
 - provision of interpreters
 - use of screens

The power to give evidence out of sight of the accused is limited to “rare and exceptional circumstances,” having regard to the need to protect witnesses balanced against the Court’s duty to avoid prejudice and unfairness, real or perceived, to the accused.

It is important to note that the use of screens under these circumstances will not be subject to the procedural requirements specified in the 1999 Act for Special Measures.

Other measures generally

Whilst this section has concentrated on those special and other measures underpinned by legal provisions or inter-departmental initiatives (NWNJ), it must be borne in mind that other practical measures can be applied to meet the needs of witnesses. For example, a medical condition may result in a request to the court to be provided with regular breaks during the giving of evidence; or a witness with mobility problems may be provided with a convenient parking space usually reserved for staff or official visitors.

SUMMARY OF SPECIAL (AND OTHER) MEASURES AVAILABLE FOR VULNERABLE/ INTIMIDATED WITNESSES (VIWs) PURSUANT TO YOUTH JUSTICE & CRIMINAL EVIDENCE ACT 1999

Special Measure	Relative Benefits to witness	Limitations for witness	Current availability (England & Wales) – September 2008
Screens (Section 23)	Usually positioned around the witness box to ensure the witness does not see the defendant. Witness not exposed to defendant's non-verbal reactions.	This measure is not intended to stop the defendant from seeing the witness. In practice this will usually be the case, but in some cases the accused may be able to see the witness when a screen is used.	VIWs - Crown Court or Magistrates' Courts
Live TV link (Section 24)	Allows a witness to give evidence from outside the courtroom or even from a different building	The accused will usually be able to see the witness on the TV link.	VIWs – Crown Court or Magistrates' Courts
Evidence in private (Section 25)	Clears the court of most people (legal representatives & certain others must be allowed to stay). Avoids intimidation and distractions & helps when giving sensitive evidence.	Supporters of the witness are excluded while the witness is giving evidence.	VIWs - Crown Court or Magistrates' Courts. Predominately for use in sexual offence cases & some cases of intimidation.
Removal of wigs & gowns – by judges advocates etc (Section 26)	Reduces the formality of court leading to less anxiety by the witness.	Witness might want their day in a "proper court".	VIWs in the Crown Court only.
Video recorded evidence in chief (Section 27)	Allows an interview with the witness, which has been video recorded before the trial, to be shown as the witness's evidence in chief. The witness does not have to report what was said during police interview. May be more compelling - captures the full impact of the crime on the witness.	Defendant will see video recording as part of pre-trial defence preparation & when it is played in court. (Applications can be made to distort visual image & audio recording, although these are very rare). Witness still required for cross examination, usually on a live TV link. Videos may be edited. In court, witness goes straight to cross-examination.	The workability of this measure is currently under review in the context of a review of child evidence
Examination of a witness through an intermediary (Section 29)	Allows a registered intermediary to help a witness communicate with the police, legal representatives & the court.	In rare cases, there may be legal challenges to this measure where the intermediary is known to the witness (e.g. is a member of their family).	Vulnerable witnesses (Crown Court or Magistrates Courts, including Youth Courts)
Aids to communication (Section 30)	Allows a witness to use communication aids such as a symbol book or alphabet boards.	The Prosecution may still ask additional questions but this will take place on live TV link. In rare cases there may be legal challenges to the use of these.	Vulnerable witnesses (Crown Court or magistrates' courts, including Youth Courts).

SPECIAL MEASURES DIRECTIONS
(CRIMINAL PROCEDURE RULES, PART 29)

**Form of application for a special measures direction under s.19 Youth
Justice and Criminal Evidence Act 1999**
(Criminal Procedure Rules, r 29. 1(1), (2))

This form must be used when applying for a special measures direction in a Magistrates' Court or in the Crown Court.

An application in a **magistrates' court** must be made -

- (a) where the application is made to a youth court, within 28 days of the date on which the defendant first appeared or was brought before a court in connection with an offence; or
- (b) on any other application, within 14 days of the date the defendant first indicated his intention to plead not guilty to any offence.

An application in the **Crown Court** must be made within 28 days of -

- (a) the committal of the defendant
- (b) the consent to the preferment of the bill of indictment
- (c) a notice of transfer
- (d) the service of copies of the documents containing the evidence on which the charge or charges are based under the Crime and Disorder Act 1998; or
- (e) the notice of appeal.

This form may also be used where an extension of time has been granted for the making of this application.

A copy of this form must be given at the same time to the other party or parties to the case.

PART A	
To be completed by all applicants	
<i>Details required</i>	<i>Notes</i>
Details of witness:	
Name of witness: Date of birth of witness:	An application by the defence for evidence to be given through a live television link or by means of a video recording need not disclose who that witness is, except where the witness is to give evidence in support of an alibi.
If a previous application has been made to tender in evidence a video recording of testimony from the witness, give the date and (if known) result of that application.	If the applicant is the prosecutor, give the name of the witness (otherwise leave blank).

Case details:	
Name of Crown Prosecution Service office:	
Crown Prosecution Service number:	
Defendant(s): surname: Forenames:	
Case reference numbers: (a) unique reference number assigned by police: (b) trial number:	
Court area:	The area in which the court hearing is situated.
Charges:	Give brief details of those charges to which this application applies.
Details of application:	

Specify the special measures being sought:	
State the grounds on which the witness relies in support of the application for a special measures direction:	The statement should make clear whether the applicant seeks automatic eligibility (see Reasons for Application section below), or whether the applicant alleges that the quality of the evidence will be reduced unless a direction is given. In the latter case, the grounds on which the applicant alleges that the quality of the witness's evidence is likely to be diminished in terms of completeness, coherence and accuracy should be clearly stated.
	Give a description of evidence submitted in support of this application:
	This requirement is optional. Examples of evidence might be: birth certificate; medical report; expert evidence; police report.
<p>Arrangements which may be made available Give a brief description of the arrangements relevant to the measures applied for which may be made available in the area in which it is likely the hearing will take place:</p>	
<p>Reasons for application</p>	
<p>A. Is the application for special measures for any of the following? (i) video recorded evidence in chief only; (ii) live link only; (iii) both these measures? Yes/No</p>	

B. Is the witness a child witness in need of special protection at the time that any relevant recording was made? Yes/No	A child in need of special protection is defined by section 21 of the Youth Justice and Criminal Evidence Act 1999
C. Is the witness a child under 17 but not a child in need of special protection? Yes/No	
If the answer to both A and B is "Yes", information concerning the grounds of application and any views of the witness need not be provided.	Section 21 of the Youth Justice and Criminal Evidence Act 1999
If the answer to C is "Yes" and there is no application for either video recorded evidence in chief or live link, (or both), state the reasons why it is said that the special measures of video evidence in chief, live link, (or both) would NOT maximise the quality of the child's evidence.	Section 21 of the Youth Justice and Criminal Evidence Act 1999, sets out a primary rule in favour of providing child witnesses with video recorded evidence in chief and live link unless, for witnesses who are not child witnesses in need of special protection, this would not be likely to maximise the quality of the witness's evidence.

<p>For all witnesses over 17 years and for applications for witnesses under 17 years for measures other than video recorded evidence in chief or live link:</p>	
<p>Give the grounds for believing the special measures being sought in this application will improve the quality of the witness's evidence:</p>	
<p>Give the views of the witness as to why the measures sought in this application are required:</p>	
<p>Material change of circumstances</p>	
<p>Give a description of any material change of circumstances relied upon to support this application:</p>	<p>This requirement applies only where</p> <ul style="list-style-type: none"> (a) a special measures direction is already in force and application is being made to discharge or vary the direction, or (b) a previous application for a special measures direction was refused and this application seeks to reverse that decision.

PART B

To be completed if the application is for evidence to be given through a live television link

<i>Details required</i>	<i>Notes</i>
Details of application	
Give - (a) the address of any venue from which the witness will give evidence if the court's own live television link is not used:	
(b) the name of the person who it is proposed will accompany the witness:	An application by the defence need not disclose the name of the person proposed to accompany the witness if disclosure could lead to the identification of the witness.
(c) the occupation of this person; (d) the relationship (if any) of this person to the witness:	
Grounds State why it is believed that this person should accompany the witness:	

PART C	
To be completed if the application is to tender in evidence a video recording under section 27 of the Youth Justice and Criminal Evidence Act 1999	
<i>Details required</i>	<i>Notes</i>
Video recording(s)	
Statement as to circumstances in which video recording made:	These details need to be completed only to the extent that the information is not contained in the video recording itself.
Date(s) of video recording(s):	
Time(s) of video recording(s):	Give the times at which recording began and finished, Including details of any interruptions.
Location and normal function of premises where video recording made:	Give address of premises where recording made and state the usual function of those premises.
Details of those present while recording made	
Give details of each person present at any point during the recording.	Include name, age and occupation of anyone present; time for which present; relationship (if any) to witness and to the defendant.
Use of an intermediary	
1 Was any person used as an intermediary in the making of the video recording?	
If so, has the court's approval for the purposes of section 29 of the Youth Justice and Criminal Evidence Act 1999 been given?	The court's approval for the purposes of section 29 of the Youth Justice and Criminal Evidence Act 1999 must be sought before the Special Measures Direction is given. The court's approval may be sought at the hearing of the application for the Special Measures Direction.

If it has, give details.	If the court's approval has not been obtained the information required in Part C of this Form must be given
2 Did the intermediary make the appropriate declaration before the interview began?	
Is the declaration recorded on the video recording?	The declaration is - "I solemnly, sincerely and truly declare that I will well and faithfully communicate questions and answers and make true explanation of all matters and things as shall be required of me according to the best of my skill and understanding."
Equipment used	
Give a description of	The description must include the following information -
(a) the equipment used for the recording:	number and type of cameras used (fixed or mobile); the number and location of microphones; the video format used;
(b) any devices used as an aid to communication:	and whether it offered single or multiple recording facilities and if it did which were used. In the case of communication aids, describe how the device was operated. State also whether the equipment was provided for or owned by the witness or the intermediary and whether any additional needs arose for the witness or the intermediary as a result of using the devices (Refer to the examples given in Part C, paragraph 9(b)).
Recordings of part only of an interview	
State whether the video recording contains part only of the interview with the witness:	A copy of any video recordings of other parts of the interview with the witness which it is not proposed to tender in evidence must also be provided to the court and the other parties. The details of each such recording must be given as above. Use separate sheets where necessary.
Details of copy	

State in respect of each video recording whether it is a copy, and give the following details in respect of each copy -	
Name and address of person who has the master tape:	
When, and by whom, the copy was made:	

Attendance and supply of copies	
In the opinion of the applicant - (a) is the witness available for cross-examination? (b) if the witness is not available for cross examination, have the parties agreed that the witness need not be available?	
Has the agreement of the other parties to the video recording(s) being tendered as evidence been sought?	
Have copies of the video Recording(s) to which this Application relates been Disclosed to the other Parties?	

Has a copy of this notice and the video recording(s) to which it relates been served on each party to the proceedings?	Where the application is by the defendant, the video recording(s) do not have to be served on the prosecution until the close of the prosecution case at the trial.
Signature of applicant Or Applicant's Solicitor:	Date:

PART D	
To be completed if the application is for the examination of the witness to be conducted through an intermediary or if the court's approval is being sought retrospectively to the use of an intermediary in a video recording	
<i>Details required</i>	<i>Notes</i>
Details of application	
1 Give a description of the communication needs of the witness:	Where an assessment has been undertaken by a relevant professional, give details of where and by whom the assessment was carried out.
2 State why you consider that the quality of the evidence given by the witness would be improved by use of an intermediary:	
3 Give the name of the person through whom it is proposed the examination of the witness be conducted:	
4 What is the occupation of this person and what is the person's area of specialism?	
5 Is this person related to the witness? If not related to the witness, does the intermediary know the witness and, if so, how and to what extent?	
6 Is this person registered with the Intermediary Registration Board?	If the person is not registered with the IRB, give the reason why this person is preferred to an IRB registered person.
7 Why do you consider this person has the necessary skills to meet the particular communication needs of	

8 Has this person been used in the pre-trial investigation?	If so, give reasons why it is proposed to use the same person throughout the proceedings.
9 Communication aids	
(a) give details of any device used or which it is intended to use as a communication aid:	Give details of any devices that may be used and how they are operated.
(b) are there any issues which arise as a result of this device being used?	<p>Examples might be:</p> <p>(a) whether breaks might be needed for the witness and/or the intermediary:</p> <p>(b) the facilities that may be needed for the use of the devices, for example power sources.</p>

[Note: Formerly in the Schedule to the Magistrates' Courts (Special Measures Directions) Rules 2002 (SI 2002/687, as amended), relating to rule 2 of those Rules and in the Schedule to the Crown Court (Special Measures Directions and Directions Prohibiting Cross-examination) (Amendments) Rules 2004 (SI 2004/85), relating to rule 2 of the Crown Court (Special Measures Directions and Directions Prohibiting Cross-examination) Rules 2002]

OATH TAKING AND NAMING SYSTEMS

1 OATH TAKING

Key Points

- The Oaths Act 1978 permits witnesses the choice between swearing an Oath or making a solemn affirmation. The degree to which a witness considers their conscience bound by the procedure is the criterion of validity. It must also appear to the court that the oath is binding upon the conscience of the witness.
- The evidence of a child aged under 14 years is given unsworn.

The contents of this section should assist in:

- ensuring that sworn testimony meets all the requirements of the Oaths Act 1978.
- ensuring that the needs of all court users and witnesses are met with regard to their religious affiliation when giving sworn evidence or making declarations, and
- ensuring that all witnesses, whether they choose to affirm or swear an oath, are treated with respect and sensitivity.

Introduction

The Oaths Act 1978 makes provisions for the forms in which oaths may be administered and states that a solemn affirmation shall be of the same force and effect as an oath. In today's inclusive multi-cultural society all citizens whether or not they are members of faith traditions should be treated sensitively when making affirmations, declarations or swearing oaths.

As a matter of good practice:

- The sensitive question of whether to affirm or swear an oath should be presented to all concerned as a solemn choice between two procedures which are equally valid in legal terms
- The primary consideration should be what binds the conscience of the individual.

- One should not assume that an individual belonging to any community will automatically prefer to swear an oath rather than affirm
- All faith traditions have differing practices with regard to court proceedings and these should be treated with respect
- For witnesses who openly profess to be adherents of a particular faith which is scripture-based, the swearing of an oath is a profoundly solemn undertaking
- Some extremely strict believers may choose to affirm instead because they believe that swearing an oath is not a procedure to be undertaken in a non-religious context, such as some Orthodox Jews for example.

Guidance was given in the case of *Kemble*:

'We take the view that the question of whether the administration of an oath is lawful does not depend upon what may be the considerable intricacies of the particular religion which is adhered to by the witness. It concerns two matters and two matters only in our judgement. First of all, **is the oath** an oath which **appears to the court** to be **binding on the conscience of the witness?** And if so, secondly, and **more importantly, is it an oath which the witness himself considers to be binding upon his conscience?**' Lord Lane C.J. in *R.v.Kemble* (1990) 91 Cr App R 178 (emphasis added).

In this case a Muslim witness in the criminal trial had previously sworn an oath on the New Testament, although in the Court of Appeal the same witness swore an oath on the Qur'an. He told the Court of Appeal on oath that he considered himself conscience-bound by the oath he made at the trial. He added that he would still have considered the oath to be binding on his conscience whether he had taken it upon the Qur'an, the Bible or the Torah. The Court of Appeal accepted his evidence, finding that he considered all those books to be holy books, and thus that he was conscience-bound by his oath.

Holy Scriptures

Different faith traditions place varying emphases upon their holy scriptures in the context of their overall belief. Many faith traditions are oral, or not based on scripture as such, while others, such as Hinduism or Jainism equally revere a number of scriptures. For some, there is one central text which is the direct word of God and so signifies the actual Divine presence. For all, their books must be handled with respect and sensitivity.

Ritual Purity

- Certain faith traditions insist that anyone handling a holy scripture be in a

- state of ritual purity
- This ritual purity may be achieved by performing ablutions involving the use of water, or by other means (for example, the use of incense or earth, which may not be suitable in the courtroom context). If a witness indicates a need to wash, an opportunity to use a washroom for this purpose should be offered to the witness
 - In certain religious traditions, women who are menstruating/recovering from childbirth would be unable to obtain ritual purity and therefore may prefer to affirm rather than handle their holy scriptures
 - Great sensitivity is required when a witness indicates a preference to swear an oath on a holy scripture of a faith of which they are not an adherent because their particular holy scripture is not available in court. Even though according to the **Kemble** criteria that evidence might be acceptable, for the sake of clarity it is preferable that oath-taking is upon the appropriate scriptures and if there is any doubt, affirmations are declared.

Good Practice By Court Staff

- **Before** entering the court room, witnesses should be presented with a choice between the two equally valid procedures of making an affirmation or swearing an oath by court staff
- If they do wish to swear an oath, witnesses should be informed about the availability of different scriptures in court, in order to reassure them that asking for a particular scripture is not an inconvenience. They should not be persuaded to swear an oath on the New Testament for the sake of convenience
- **If** they indicate a preference to swear an oath, witnesses should be invited to identify the holy book on which they wish to swear an oath, and if it is not available, they should be encouraged to bring their own copy of the holy scripture to court
- If it is not possible to obtain the appropriate holy scripture, it is good practice for the witness to be invited to affirm, even if they are willing to swear an oath on the holy book of another religion
- Before entering the court the usher should ask the witness whether they wish to repeat or read the oath or affirmation
- It must not be assumed that all minority ethnic individuals are practising adherents of their faith; many consider themselves non-practising/secular
- Different witnesses from the same faith tradition in any one court proceeding should all be given the choice to affirm or swear an oath, and no assumptions should be made
- Keep the Holy Book covered and treat with utmost respect.

Specific Practices of the Different Faith Traditions

Bahais

- May choose either to affirm, or possibly swear an oath. For the Bahai their word is their bond
- The holy scripture containing the teachings of their Guide is called the *Kitabi- Aqdas*.

Buddhists

- May choose either to affirm, or possibly swear an oath
- A form of declaration to Buddhists which starts 'I declare in the presence of Buddha that . . .' is erroneous, and should be discontinued
- A Buddhist who wishes to swear an oath, should be asked to state the form of oath which they will regard as binding on their conscience. Oaths

are normally taken in front of a picture of a deity, a photograph of the Dalai Lama or any Lama of the witness's practice, if taken at all. Sometimes such a witness will take an oath by taking a religious textbook on his head and swearing by it. If such a witness does not stipulate such a practice and does not have the appropriate book with him, they should affirm.

Christians

- May choose to swear an oath or affirm
- Their holy scripture is the Bible, most often the part that is known as the New Testament will suffice.

Hindus

- May choose to affirm or swear an oath
- Of their many holy scriptures, the *Bhagavad Gita* is considered suitable for the purposes of swearing oaths
- The *Bhagavad Gita* may be kept in a covered cloth, and the suggested colour is red
- Only witness to handle Holy Book out of the cover should they wish to uncover it
- Oath, 'I swear by the Gita...'
- May ask permission to wash
- May wish to remove shoes
- May wish to bow with folded hands before and after taking the oath
- Questions of ritual purity may arise.

Indigenous traditions

- May choose to affirm or swear an oath
- Many peoples from Africa, Native Americans, and Aboriginal peoples maintain their own traditional religious heritage. Making affirmations would be in line with this heritage
- Some also follow other faith traditions as well, in which case they may choose to swear an oath on a holy scripture.

Jains

- May choose either to affirm, or possibly swear an oath
- Since there are many different groupings, no single text can be specified, but some may choose to swear an oath on a text such as the *Kalpa Sutra*. Sometimes such a witness will swear an oath by placing a holy scripture

- upon his head and swearing by it. If such a witness does not stipulate such a practice and does not have the appropriate text in court, they should affirm
- Questions of ritual purity may arise.

Jews

- May choose to affirm or swear an oath
- Their holy scripture is known as the *Hebrew Bible* or the *Pentateuch* sometimes also referred to as the 'Tenach'
- The *Hebrew Bible* may be kept in a covered cloth, and the suggested colour is black

- Jews should not be asked to remove their head coverings in court. Oath, 'I swear by Almighty God...'
- May decline to take oath, and rather affirm. If they unwittingly say something which is not true, then it would be a burden on their conscience. Judge should grant the request without rigorous cross-examination
- Questions of ritual purity may arise.

Muslims

- May choose to affirm or swear an oath
- Their holy scripture is known as the *Qur'an*
- The *Qur'an* should be kept in a covered cloth, and the suggested colour is green
- Muslims should not be asked to remove their head coverings in court
- Qur'an held in right hand
- May ask permission to wash
- Women may ask to affirm at certain times
- Only witness to handle Holy Book out of the cover
- Oath 'I swear by Allah...'
- Questions of ritual purity may arise.

Moravians/Quakers

- May choose either to affirm, or possibly swear an oath
- A suitable holy scripture is the Bible, most often the part that is known as the New Testament will suffice.

Paganism

- Witnesses may choose affirm or swear on oath
- Oath, 'I swear by all that I hold sacred
- Affidavit, 'I swear by all I hold sacred.....'
- Individuals will not need a holy book to swear by. However, if they do, they will supply their own personal holy book, which should not be touched by other without permission, other than for security purposes

Rastafarians

- May choose either to affirm, or possibly swear an oath
- A suitable holy scripture is the Bible, most often the part that is known as the New Testament will suffice
- Oath, 'I swear by Almighty God...'
- Willing to be conscience bound by swearing on either the old or new testament. It is for the Judge to decide whether the witnesses' conscience is bound. If in doubt must ask them to affirm
- Rastafarians should not be asked to remove their head coverings in court.

Sikhs

- The community usually affirm as there is no tradition on swearing in a judicial sense. However, if they do chose to swear:
- Their holy scripture is known as the *Guru Granth Sahib*. This is split into many parts and the part known as the *Jap Ji Sahib* may be suitable for the purposes of swearing an oath in court proceedings
- The *Jap Ji Sahib* should be kept in a covered cloth, and the suggested colour is orange or yellow
- The Holy Book should be kept in a non-smoking area
- Sikhs should not be asked to remove their head coverings in court
- Oath ' I swear by the Waheguru
- May ask permission to wash before taking the oath
- May wish to remove shoes
- Only witness to handle Holy Book out of the cover
- Questions of ritual purity may arise.

Taoists

- May choose either to affirm, or possibly swear an oath
- Many Taoists in the UK are members of the Chinese community and many of them would also consider themselves to be adherents of Confucianism

- Both Taoism and Confucianism permit the membership of and participation in the communal practices of other faith communities, so many may also be, for example, Buddhists, Christians or Muslims
- The Taoist holy scripture is the *Tao Te Ching*, although those who are also practising other faith traditions may choose to swear upon their appropriate holy scripture.

Zoroastrians

- May choose either to affirm, or possibly swear an oath
- Their holy scriptures are known as the *Avesta*.

Forms of Oath Taken in Court

For more detailed consideration regarding the different faith traditions please refer to the entries in the JSB's Equal Treatment Bench Book.

The most common wording of the oath is:

'I swear by [substitute Almighty God/name of God (such as Allah) or the name of the holy scripture] that the evidence I shall give shall be the truth, the whole truth and nothing but the truth.'

The most common wording for making an affirmation is:

'I do solemnly, sincerely and truly declare and affirm that the evidence I shall give shall be the truth, the whole truth and nothing but the truth.'

The form of oath for any child or young person aged 14 to 17 years, and for any person before the Youth Court commences 'I promise by Almighty God...'

The evidence of a child aged under 14 years is given unsworn.

For Interpreters

'...that I will well and faithfully interpret and true explanation make of all such matters and things as shall be required of me according to the best of my skill and understanding.'

Note: An 'Oath Taking – Quick Guide' is provided at page 56

2 NAMING SYSTEMS

Names and Forms of Address

What follows are some very basic explanations of certain minority ethnic community naming systems, but all must be read with the proviso: *there is no homogeneity only tremendous diversity and no assumptions can be made.*

Constructions of Names

Naming systems generally reflect how family and community life is organised. Where groupings have been historically significant (as in much of Africa and Asia), names which indicate membership of them will be important for individuals. Where family and community life has traditionally had a less structured character (such as across most of Europe), personal and parental names tend to receive greater emphasis

Many members of minority ethnic communities continue to name their children according to the traditional naming systems which comprise their cultural heritage/identity

- It cannot be assumed that everybody from that community will necessarily follow the same rules. Some members from minority ethnic groups may adapt their names to fit in with ethnic UK social conventions and official requirements.

Given below are:

- some examples of naming patterns from the various minority ethnic communities
- some dos and don'ts of names and forms of address.

The Ethnic UK context

- In the traditional ethnic UK naming system each person will have one or more personal names, followed by a surname/last name (often reflecting clans/origins e.g. McKenzie/York or occupation e.g. Baker/Taylor)
- Most personal names are gender-specific. The surname/last name is normally also a family name, shared by all members of the immediate family
- Traditionally on marriage a woman ceases to use her 'maiden' name and instead adopts her husband's family name, and the children of the marriage assume their father's last name. Unmarried couples may or may

not adopt this course, and some women retain their maiden name for professional (but not family) purposes.

Main components: personal name(s) + last name/family name
Examples: Robert Frederick McKenzie; Elizabeth Marie Baker

African names

- Traditionally across sub-Saharan Africa, names would consist of personal names only. Each of the many peoples of Black Africa had their own naming practices, and names indicated ethnic group and cultural background
- Most personal names are gender-specific, but there may not have been 'surnames', or family names, as in modern Europe
- These traditional naming practices have been transformed, on the one hand by religion and on the other by colonialism. The adoption of Christian or Muslim personal names has been widespread across Africa (varying according to the spheres of religious influence). Family names have also been introduced.

Main components: personal name(s) + last name/family name
Examples: Julius Nyerere; Kwame Nkrumah; Pauline Wanjiku Njuguna

Caribbean names

- As a result of colonialism and the influence of Christianity, the majority of African-Caribbeans may follow the Ethnic UK naming pattern of personal name(s) and last name
- In previous generations, greater use was made of Biblical names from the Old Testament.

Main components: personal name(s) + last name/family name
Examples: Moses John Joseph; Leroy Smith; Ruth Garfield

Chinese names

- Traditionally, the Chinese naming system consisted of a last name/family name followed by personal name(s)

- Most personal names are gender-specific. The importance of the family name is stressed by its being placed first in the sequence
- Many British Chinese have adapted their names to follow the Ethnic UK system. In addition to using their traditional Chinese names, many Chinese nowadays may also use a European personal name.

Main components: personal name(s) + last name/family name

Examples: Lan-Ying Cheung; Alison Wing; Wen-Zhi Man

Hindu names

- Generally, Hindu names have three components: a personal name, followed by a middle name, followed by a last name/family name
- Some Hindus do not use a family name, and use personal and middle names only. Most personal names are gender-specific
- Middle names can signify a gender designation such as Lal/Bhai (masculine) or Devi/Bhen (feminine)
- A Hindu woman usually takes her husband's last name/family name on marriage. Most Hindu names will follow the ethnic UK naming system

Main components: first name(s) + gender designation + last name/family name

Examples: Vijay Lal Sharma = personal name (Vijay) + gender designation (Lal) + last name/family name (Sharma)

Jyoti Devi Chopra = personal name (Jyoti) + gender designation (Devi) + last name/family name (Chopra)

Indira Gandhi = personal name + last name/family name

Muslim names

Muslim names vary considerably largely due to the vast cultural diversity of the adherents e.g. from Albania to China.

- The personal name may be a single word, or in itself comprise two words, in which case it would be incorrect to pronounce only one of the two, for example, in the name Abdul Rahman it would be incorrect to pronounce only Abdul or only Rahman

- Most personal names are gender-specific. In all instances it is better to ask the individual how they would like to be addressed
- In certain parts of the Indian subcontinent it is also common practice to have a middle name which designates a gender title like Begum/Bibi (feminine) or Miah/Agha (masculine). The last name/family name can often designate clan (e.g. Khan) or derive from the father's first name (e.g. Habib).

Main components: personal name(s) + gender designation + last name/ family name

Examples: Abdul Rahman Habib = personal name (Abdul Rahman) + last name/family name (Habib)

Aziz Ullah Baig = personal name (Aziz Ullah) + last name/ family name (Baig)

Amina Bibi Khan = personal name + gender designation + last name/family name

Talal El-Alí = Talal (personal name) + El-Alí (last name/ family name)

- name may also be preceded by an honorific title such as
- Hajji (masculine)/Hajja (feminine) (someone who has performed the obligatory pilgrimage); or
- Shaykh or Sayyed/Sayyeda or even the name Mohammed classifies as an honorific title
- or the gender designation Bibi/Begum (female), Miah/Agha (male), N.B. these may be spelt differently according to transliteration conventions.

Examples: Hajji Akbar Shah = honorific title (Hajji – masculine) + personal name (Akbar) + family/last name (Shah)
Sayyida Nusrat Mohammed Khan = honorific title (Sayyida – feminine) + personal name (Nusrat) + family/ last name (Mohammed Khan)

Sikh names

Most often Sikh names comprise a personal name, a (religious) gender designation and a last name/family name.

- In most cases Sikh personal names are gender-neutral and therefore gender can be designated by the addition of the male (religious) epithet

'Singh', or the female epithet 'Kaur', followed by the last name/family name, although this is by no means obligatory, and possibly becoming less common.

Main components: personal name + religious gender designation + last name/family name.

Examples: Manjit Singh Dhillon = personal name + male religious designation + family/last name

Manjit Kaur Dhillon = personal name + female religious designation + family/last name
or simply: Manjit Singh = personal name + family/last name

Note: A checklist and good practice point is provided at page 58

BASIC GUIDE TO TERMINOLOGY

Terminology in use for minority communities

Asian/Oriental/British Asian

People from the **Indian sub-continent** do **not** consider themselves to be 'Asians'; this term being one applied to them for the sake of convenience in Britain. People from the Indian sub-continent identify themselves rather in the following sets of terms: their national origin ('Indian', 'Pakistani', 'Bangladeshi'); their **region** of origin ('Gujarati', 'Punjabi', 'Bengali'); or their **religion** ('Muslim', 'Hindu', 'Sikh'). The term most appropriate to the context should be used; national, regional or religious.

However, the term 'Asian' may be **acceptable** in cases where the exact ethnic origin of the person is unknown. Strictly speaking, however, it would be **more accurate** to make a collective reference to people from the Indian sub-continent as being of '**South Asian**' origin, so as to distinguish them from those from South Eastern Asia (e.g. Malaysians and Vietnamese) and from the Far East (e.g. Hong Kong Chinese). The term '**Oriental**' should be **avoided** as it is imprecise and may be considered racist or offensive.

Young people of South Asian origin born in the UK may accept the same identities as their parents. However, this is by no means always the case, and some may choose to assert themselves as 'Black' or 'British Asians', although the use of either these phrases requires great sensitivity.

Asylum Seekers

A now almost **pejorative** term despite its origins being based in a noble and humanitarian tradition, and should only be used where **technically** and **factually accurate/necessary**.

Black

The term 'Black', which at one time in Britain was felt to be derogatory, now has a **positive** meaning as a result of the political civil liberties movements in the 1960s and 1970s. To the extent that the term is used in its political/sociological context, it may be used to refer to all minority groups. However as a descriptive term, Black can refer to all people of **Caribbean** or **African** descent.

British

Care should be taken to use the term 'British' in an **inclusive** sense, so that it includes all inhabitants or citizens of our multi ethnic, multicultural society. Exclusionary use of the term as a **synonym** for 'white', 'English' or 'Christian' is **unacceptable**.

Coloured

The once commonly used term 'coloured people' is now considered **offensive** as it assumes the inferiority of those who are not 'white' by focusing on the 'racial' origin of people.

Immigrants

The description of all people of minority ethnic origin as 'immigrants' is highly **inaccurate** given the period of time the majority have been settled in the UK. The term is **exclusionary** and liable to give **offence**. Except in reference to 'immigrants' in the strict, technical sense all such terms should be avoided. Likewise any expressions referring to 'second/third generation' immigrants is exclusionary and is likely to cause offence given the fact that these individuals are British citizens.

Minority ethnic/minority cultural/minority faith/multi-cultural/multi-faith

These terms for communities are now widely used and are considered **acceptable** as the broadest terms to encompass all those groups who see themselves as distinct from the majority in terms of ethnicity, culture, and faith identity. The terms encompass, for example, groups such as the Greek and Turkish Cypriots, Chinese and Irish.

The **reverse** order of words, '**minority ethnic**' has the advantage of making clear that ethnicity is a component of **all** people's identity **whether** from the **minority** or **majority**.

It is for this reason that the term ethnic UK or (ethnic English/Welsh/Scottish) is valuable because it signifies that everyone has an ethnicity, and it is not simply the 'prerogative' of those who are 'different' (i.e. 'we' are 'normal'). This dangerously ethnocentric view is sometimes conveyed by reference to minority communities as 'ethnics', a **patronising** expression which should certainly be **avoided**.

Similarly it is valuable to distinguish and **specify** the **context** of the term utilised and be specific: is it in terms of **ethnicity**, or **culture**, or **faith** that we wish to distinguish and why?

Mixed parentage/dual-heritage/mixed-race/half-caste

The term '**half-caste**' is generally found **offensive** and should be avoided.

The term **mixed parentage** connotes a **neutral** appraisal of the factual reality of being born to parents who are from a **mixture** of cultural and ethnic backgrounds, whilst **dual-heritage** may sometimes be used to describe children born of parents with **two** distinct backgrounds. The term **mixed race** may be considered slightly **pejorative** to the extent that it focuses upon the **racial** identity of the parents as opposed to other factors such as culture or ethnicity.

People of colour

This expression is more popular in the United States, although it is occasionally used in the UK. It also implies a status based on racial (and therefore **inferior**) categories, and so should be **avoided**.

Race, Ethnicity and Culture

Race: is often used in the specific context of delineating personal characteristics, such as physical appearance which are permanent, non-changeable, and not a question of choice but how one is perceived.

Ethnicity: is used to define those factors which are determined by nationality, culture, and religion and are therefore to a certain and limited extent subject to the possibility of change.

Culture: is more characterised by behaviour and attitudes which is determined by upbringing, nationality, society and religion.

Refugees/Migrants

Although not synonymous, the terms 'refugee' and 'migrant' in general refer to those people who have had to escape from **political crises** in their home countries, or those who consider themselves here on a **new** or **temporary basis**. Given the negative media attention to such peoples and those who are 'asylum seekers' care must be taken when using these terms to ensure **accuracy** in **factual** or **technical** terms.

Visible Minorities

The expression 'visible minorities' has gained ground in the last few years as an acceptable term whose scope is wider than 'black', but is itself **problematic**, as it seems to imply the existence of invisible minorities.

West Indian/African-Caribbean/African

The term '**West Indian**', although used in the UK as a broadly inclusive term to describe the first generation of migrants who came to the UK in the 1940s and 1950s from the Caribbean, was not in use in the Caribbean islands, where island origin was and remains the criterion of identity. Those who came from the Caribbean Islands at that time still think of and often describe themselves as 'Jamaican', 'Barbadian', 'Guyanese' and so on. The term 'West Indian' may not necessarily give offence, but in most contexts it is **inappropriate**. It may also be felt to have colonial overtones, and is better avoided unless people choose to actually identify themselves in this way.

The term '**African-Caribbean**,' (as opposed to **Afro-Caribbean**) is much more **widely used**, especially in official and academic documents, to refer to black people of Caribbean origin, although it is not generally used by black people amongst themselves. Where it is desirable to specify geographical origin, use of this term is both **appropriate and**

acceptable. The term does not however refer to all people of Caribbean origin, some of whom are white or of Asian origin. Young people born in Britain will probably not use any of these designations, and will simply refer to themselves as '**Black**' where racial identity is relevant, it will therefore be appropriate to describe them by this term (rather than to describe them as African-Caribbean or West Indian). However, increased interest among young black people in their African cultural origins is resulting in a greater assertion of the African aspect of their identity, and the term 'African-Caribbean' is now more widely used in some circles. Likewise, the term '**African**' is **acceptable** and may be used in self-identification, although many of those of African origin will refer to themselves in national terms as 'Nigerian', 'Ghanaian', etc.

Terminology for People with Disabilities

Disability Discrimination Act 1995 as amended by the Disability Discrimination Act 2005 and Mental Health Act 1983 as amended by the Mental Health Act 2007

Disability: Is defined as a physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities.

Physical impairments are those affecting the senses, such as sight and hearing.

Mental disorder is any disorder or disability of the mind.

For an effect to be substantial, it must be more than minor; inability to see moving traffic clearly enough to cross a road safely; inability to turn taps or knobs; inability to remember and relay a simple message correctly.

Long-term effects are those that have lasted at least 12 months, are likely to last at least 12 months or are likely to last for the rest of the life of the person affected.

Key points

- The word 'disabled' should not be used as a collective noun – 'the disabled' do not constitute a separate group and the phrase should be avoided. Avoid referring to someone as 'handicapped'. The phrases 'people with disabilities', 'disabled people' and 'disabled person' are acceptable
- Disability or impairment is not the same as an illness. It is a personal quality in the same way as is being tall, short, or red-haired. It is the experience of prejudice which places an inappropriate qualitative value on these attributes
- Avoid the terms 'mental illness' and 'mental handicap' – use instead 'person with learning difficulties (or disabilities)' and 'person with a mental health problem'
- Avoid also referring to 'the blind' or 'the deaf' – use instead 'people who are blind' (the same is true for 'deaf people')
- Other terms to use include: 'physical disability', 'sensory impairments', 'partially sighted', 'deaf without speech', 'cerebral palsy' and 'persons with special needs'.

- People are not medical conditions so do not label them as 'epileptic' or 'arthritic' – use instead 'person with epilepsy'.

The commonly used terms *impairment*, *disability* and *handicap* are frequently treated as if they mean the same thing, but they do not. It is necessary to distinguish the differing aspects of an illness or condition. It is suggested that a correct use of the common terms is as follows:

- an individual may suffer from an *illness* or *disorder*
- this may result in a *disability* which comprises:
 - the limitation imposed upon the individual by reason of his or her physical, mental or sensory *impairment*, and
 - the *handicap* which this imposes on the individual in his or her environment
- if the disability is of a sufficient degree the individual may be treated as legally *incapacitated* (or *incompetent*)
- this may be due to *mental incapacity* or *physical inability* or both.

Oath Taking – QUICK GUIDE

- Before the witness enters court and takes the witness stand, ascertain –
 - which oath they wish to take (or the Affirmation)
 - whether they wish to read the card or ‘repeat after me’
- When the witness is in the stand ask them to take the holy book in their hand (it is usual for the book to be held in the right hand)
- Show them the oath card and either ask them to read the words from the card or repeat after you as they have previously indicated
- If the witness is going to repeat the oath after you, it is best to break it down into small phrases

Note – All witnesses **must** be sworn in, using the holy book of their faith. Alternatively they may wish to affirm of which, you will give them the oath card appertaining to this.

- If an interpreter is required they will take their appropriate oath in English first. They will step into and then out of the witness box to allow the witness to enter the box
- Then they will read out the witness oath, in the witness’s own language for the witness to repeat.

Remember – Silence should be observed and no movement around the courtroom is to take place when an oath is being administered.

Hints and Tips for Oath Taking

- **Do Not** assume that all parties or witnesses etc wish to take the oath, they may prefer to affirm
- **Do not comment on any choices made**
- Ushers should always try to identify the religion of a witness/party prior to them coming into court in order they can be offered the correct holy book
- If the appropriate holy book cannot be offered ask the witness/party to affirm even if willing to take the oath on the Bible or another holy book, it is always better to do so
- Have available as many different holy books as permissible and possible for your court, to accommodate all of our customers needs
- Holy books must be stored in appropriately coloured covers
- Witnesses from Sikh and Muslim faiths may ask for permission to wash their hands, feet or other parts of their body prior to oath taking. Wherever possible this request should be accommodated
- When a minor is involved in a hearing, generally they will state their 'promise' to the court. However, there may be a request from the Judge to make their 'promise' on a Holy Book. If in doubt, always check with your Judge how they would like the oath to be administered
- Above all, sensitivity needs to be shown at all times and no one should be pushed into taking an oath by which they do not feel bound.

Names and Naming Systems

For each individual case, if in any doubt:

- **Do** check that a person's *full* name has been given
- **Do** ask which name is the *personal name*, which is the *family name* (if any) and which is to be used as a *surname*
- **Do** ask a person how he or she wishes to be *addressed*
- **Do** ask how a person's name should be *pronounced* and, if appropriate, how it should be *spelt*.

In general, please remember:

- **Don't** assume that everyone will have a 'surname' (in the usual British sense)
- **Don't** assume that everyone will have a 'family name'
- **Don't** assume that the family name will necessarily come last
- **Do** appreciate that traditional naming systems may be used in varied ways by people both in their countries of origin and in adaptation to the British context.
- **Don't** assume that names are always spelt in the same way.

GOOD PRACTICE

A good practice example is provided by HMCS Cambridge, Norfolk and Suffolk - 'Diverse Culture and Religions OATHS, HOLY BOOKS, AFFIRMATIONS and OTHER USEFUL THING TO KNOW' (to be available on the HMCS Intranet in due course)

SEEKING FEEDBACK AND MANAGING COMPLAINTS

Court Managers and staff should always be aware of issues affecting the quality of service to witnesses.

The results of Witnesses and Victims Experience Survey (WAVES) is an informative source of data at LCJB level. This comprehensive survey reflects the experience of witnesses as they journey through the criminal justice system.

In addition the courts should actively seek feedback from witnesses e.g. a suggestion/comments box should be placed in the witness room. Staff who have direct contact with witnesses should encourage them to provide direct feedback, preferably on the day of hearing. Where customers require assistance in order to complete a feedback form staff should record verbal responses on their behalf..

Feedback should be channelled through the **Witness Liaison Officer (WLO)** for collation and onward transmission to the appropriate management level at periodic intervals. The system should incorporate the sharing of information with witnesses and other agencies as appropriate, for example a 'You Said, We Did' notice within waiting areas, reflecting HMCS's commitment to providing excellent customer service. Positive and negative feedback will assist identifying of areas, such as customer facilities, which might require improvement.

Additionally, complaints must be handled in line with the formal HMCS complaint procedures and should be recorded on **Customer Analysis and Feedback** system (**CAFÉ**). Detailed guidance on complaint handling is available from the "**Handling Customer Feedback**" leaflet and the more extensive "**Complaints Handling Guide**"

The provisions of the **Victims' Code of Practice** may also apply in particular circumstances (**see Section 4**)

LOCAL PROTOCOLS

(All relevant Protocols should be inserted in this section)

LEARNING AND DEVELOPMENT

(Local Induction Packs to be inserted here)

CONTACT POINTS, USEFUL LINKS, REFERENCE AND RESOURCE MATERIALS

- **On Line Publications (see page 69)**
- **Directory of Local Services for Victims and Witnesses**
- **Guidelines for facilitating a Pre-Trial Visit (Victim Support)**
- **Victims' Code**
<http://libra.lcd.gsi.gov.uk/documents/criminal/VictimsAndWitness-TheCodeOfPracticeForVictimsOfCrime.pdf>
- **Victims' Code Guidance**
- **Witness Charter Guidance – For HMCS Staff (links)**
www.libra.lcd.gsi.gov.uk/documents/criminal/VictimsAndWitness-Guidance-ImplementingAndComplyingWithTheWitnessCharter.doc
- **Supporting Vulnerable and Intimidated Child and Adult Witnesses at Court (Example Protocol)** (Contact Karen Clark @karen.clark1@hmcourts-service.gsi.gov.uk)
- **Guidance for District Judges (Magistrates' Courts), Magistrates and Legal Advisers on Child and Other Vulnerable witness (Check link)**

www.estudo.co.uk/jsbmoodle/file.php/21/Guidance%20for%20magistrates/Child_and_vulnerable_witnesses/Vulnerable_Witness_Guidance_April_2008.pdf

- **Live Links Protocols (Links)**

[http://frontline.cjonline.gov.uk/ includes/downloads/guidance/better-trials/Live_Links_Protocols.pdf](http://frontline.cjonline.gov.uk/includes/downloads/guidance/better-trials/Live_Links_Protocols.pdf) .
<[http://frontline.cjonline.gov.uk/ includes/downloads/guidance/better-trials/Live_Links_Protocols.pdf](http://frontline.cjonline.gov.uk/includes/downloads/guidance/better-trials/Live_Links_Protocols.pdf)>

- **Persons accompanying a child to live link room** (Crown Court Manual, Section 21, Applications for Special Measures)

Keeping Witnesses Informed at Court

(See Bl.114/05/06)

- **Braille Oath Cards**

Gateshead Council, Central Library, Prince Consort Road, Gateshead NE8 4LN

- **Oath Cards**

Oath Cards are to be obtained via the Regional Librarian (contact details are to be circulated by the Head of HMCS Library Services to Regional/Area Directors)

- **MoJ Faith Forum ‘Swearing Oaths and Affirmations in Court and Tribunals (January 2008)’**

- **HMCS Cambridgeshire, Norfolk and Suffolk – Diverse Cultures and Religions ‘Oaths, Holy Books, Affirmations and Other Useful Things to Know’**

- **Crown Court Manual**

www.libra.lcd.gsi.gov.uk/courtswork/criminal/guidance/934.htm

- **Safe and Secure Policy**
- **Learning and Development Courses**
- Please contact Victim, Witness and Juror Branch at HMCS HQ by e-mail if you want a copy of any of these documents:

victim.witnessbranch@hmcourts-service.gsi.gov.uk

Leaflets and Posters – Where to obtain them:

Name of Leaflet/Poster	Where to obtain them from
<i>Advice Following a death on the Road</i> – leaflet produced by ‘Brake’ – Road Traffic Charity	0845 603 8570 or download from WWW.brake.org.uk
<i>Helping Witnesses Communicate</i> – leaflet produced by OCJR regarding intermediary scheme.	0870 241 4680 (Prolog) or e-mail homeoffice@prolog.uk.com
<i>You are a Prosecution Witness</i> - leaflet produced by HMCS providing localised information on the services and facilities available at each criminal court.	http://www.hmcourts-service.gov.uk/HMCSCourtFinder/CourtList.do Select the name of the court from the 'Court Name search' and select 'Get Court Details'. On the 'More information' for the court you have selected please click 'Leaflets'. Scroll down and select 'Prosecution witness leaflet' in the preferred language.
<i>You are a Defence Witness</i> - leaflet produced by HMCS providing localised information on the services and facilities available at each criminal court.	http://www.hmcourts-service.gov.uk/HMCSCourtFinder/CourtList.do Select the name of the court from the 'Court Name search' and select 'Get Court Details'. On the 'More information' for the court you have selected please click 'Leaflets'. Scroll down and select 'Defence witness leaflet' in the preferred language.
<i>Prosecutions – the Decision to Prosecute</i> – leaflet produced by CPS which sets out the basic principles Crown Prosecutors follow when they make decisions on cases.	CPS Publicity Branch – 020 7796 8442 or e-mail publicity.branch@cps.gsi.gov.uk or download from www.CPS.gov.uk
<i>Witnesses and Best Evidence – About Your Meeting with the CPS Prosecutor</i> – leaflet produced by the CPS, which includes details of what special court measures may	CPS Publicity Branch – 020 7796 8442 or e-mail publicity.branch@cps.gsi.gov.uk or download from www.CPS.gov.uk

help to give the best evidence in court.	
<i>Your Meeting with the Crown Prosecution Service</i> – leaflet produced by the CPS, sets out what special court measures may help to give the best evidence in court (aimed at persons with special needs).	CPS Publicity Branch – 020 7796 8442 or e-mail publicity.branch@cps.gsi.gov.uk or download from www.CPS.gov.uk
<i>Provision of Therapy for Child Witnesses Prior to a Criminal Trial</i> – leaflet produced by CPS, setting out practice guidance issued as part of the Home Office Co-ordinated Action for Justice Programme.	CPS Publicity Branch – 020 7796 8442 or e-mail publicity.branch@cps.gsi.gov.uk or download from www.CPS.gov.uk
Rape and Sexual Assault – Information for Woman (leaflet)	Local Victim Support Office or download from www.Victimsupport.org.uk 0845 30 30 900
Rape & Sexual Assault - Information for Men (leaflet)	Local Victim Support Office or download from www.Victimsupport.org.uk 0845 30 30 900
Domestic Violence (leaflet)	Local Victim Support Office or download from www.Victimsupport.org.uk 0845 30 30 900
Burglary (leaflet)	Local Victim Support Office or download from www.Victimsupport.org.uk 0845 30 30 900
Helping your child cope with the effects of crime (leaflet)	Local Victim Support Office or download from www.Victimsupport.org.uk 0845 30 30 900
‘Are you ok?’ (leaflet for young victims)	Local Victim Support Office or download from www.Victimsupport.org.uk 0845 30 30 900
Violence (leaflet)	Local Victim Support Office or download from www.Victimsupport.org.uk 0845 30 30 900
Help after racist crimes (leaflet)	Local Victim Support Office or download from www.Victimsupport.org.uk 0845 30 30 900
Murder & Manslaughter (leaflet)	Local Victim Support Office or download from www.Victimsupport.org.uk

	0845 30 30 900
Homicide Pack (leaflets etc.)	Prolog – 0870 241 4680 (code CC4) or e-mail homeoffice@prolog.uk.com
‘Going to Court – Information for Victims going to Magistrates’ Courts or the Crown Court’ (leaflet)	Local Victim Support Office or download from www.Victimsupport.org.uk 0845 30 30 900
Victim Support Posters: Victim Support line; Volunteering & General Victim Support Poster	Local Victim Support Office or download from www.Victimsupport.org.uk 0845 30 30 900
Working together for Justice (OCJR leaflet)	Prolog – 0870 241 4680 (quoting code: CJSBROCH.MAR05) or e-mail homeoffice@prolog.uk.com
Crime Sentencing & Your Community (OCJR leaflet)	Prolog – 0870 241 4680 (quoting code: CS1) or e-mail homeoffice@prolog.uk.com
Going to Court – Information for You (OCJR leaflet)	Prolog – 0870 241 4680 (quoting code: GIC) or e-mail homeoffice@prolog.uk.com
Giving Witness Statement to the Police – What happens next? (OCJR leaflet)	Prolog – 0870 241 4680 (quoting code: GWS/07) or e-mail homeoffice@prolog.uk.com
Helping Witnesses Communicate (OCJR leaflet)	Prolog – 0870 241 4680 (quoting code: HWC) or e-mail homeoffice@prolog.uk.com
Code of Practice – Guide for Victims (OCJR leaflet)	Prolog – 0870 241 4680 (quoting code: VCOP/GUIDE) or e-mail homeoffice@prolog.uk.com
Code of Practice – Guide for Victims (OCJR Poster)	Prolog – 0870 241 4680 (quoting code: VCOP/POSTER) or e-mail homeoffice@prolog.uk.com
Code of Practice for Victims of Crime (actual copy of Code)	Prolog – 0870 241 4680 (quoting code: VICTCODE/1) or e-mail homeoffice@prolog.uk.com
Victims of Crime – Support & Advice (OCJR leaflet)	Prolog – 0870 241 4680 (quoting code: VOC) or e-mail homeoffice@prolog.uk.com
Making a Victim Personal Statement (OCJR Booklet)	Prolog – 0870 241 4680 (quoting code: VPS/2006) or e-mail homeoffice@prolog.uk.com
Witness in Court (OCJR leaflet)	Prolog – 0870 241 4680 (quoting code: WIC/07) or e-mail homeoffice@prolog.uk.com
Young Witness Pack: Going to Court (OCJR publication)	Prolog – 0870 241 4680 (quoting code: YWP10-13) or e-mail homeoffice@prolog.uk.com
Young Witness Pack: Being a Witness (OCJR publication)	Prolog – 0870 241 4680 (quoting code: YWP14-17) or e-mail homeoffice@prolog.uk.com
Young Witness Pack: Going to Crown Court (OCJR publication)	Prolog – 0870 241 4680 (quoting code: YWP5-9CC) or e-mail homeoffice@prolog.uk.com

Young Witness Pack: Going to Magistrates Court (OCJR publication)	Prolog – 0870 241 4680 (quoting code: YWP5-9MC) or e-mail homeoffice@prolog.uk.com
Young Witness Pack: Preparing Young Witnesses for Court (OCJR publication)	Prolog – 0870 241 4680 (quoting code: YWPPYW) or e-mail homeoffice@prolog.uk.com
Young Witness Pack: Your Child is a Witness (OCJR publication)	Prolog – 0870 241 4680 (quoting code: YWPYCW) or e-mail homeoffice@prolog.uk.com
Victim Contact Scheme – An introduction to the National Probation Service Contact Scheme (Probation leaflet)	Prolog – 0980 241 4680 (quoting code: NPSV1) or e-mail homeoffice@prolog.uk.com

ON-LINE PUBLICATIONS

A New Deal for Victims and Witnesses July 2003 www.homeoffice.gov.uk

A Review of the Use of Sign and Foreign Language Interpreters in the Magistrates' Court Service
– MCSI Thematic www.hmica.gov.uk

Attendance of Interpreters within the CJS www.frontline.cjsonline.gov.uk/guidance/race-confidence-and-justice/

Criminal Justice Act 2003 www.probation.homeoffice.gov.uk or www.opsi.gov.uk/acts

Chaplaincy Guidance www.hmcourts-service.gov.uk/cms/files/multifaithchaplaincy.pdf

Disability Discrimination Act www.direct.gov.uk/en/DisabledPeople/index.htm

Disability Rights Commissions www.equalityhumanrights.com

Domestic Violence and Victims Act 2004 www.homeoffice.gov.uk or www.opsi.gov.uk/acts

Guidance on the Witness and Victims Experience Survey (WAVES)

Guide to Oaths/Affirmations www.jsboard.co.uk/etac/etbb/benchbook

Human Rights Act 1998 www.opsi.gov.uk/acts

Increasing Witnesses' Satisfaction with the Criminal Justice System

www.cjsonline.gov.uk/the_cjs/departments_of_the_cjs/ocjr/

Intermediary Procedural Guidance (Special Measures)

www.homeoffice.gov.uk/documents/intermediary-procedural-guidance/?version=1

Judicial Studies Board www.jsboard.co.uk

Justice For All CJS 2002 www.cjsonline.gov.uk

Local Criminal Justice Board Plans www.lcjb.cjsonline.gov.uk

No Witness No Justice Pilot Evaluation www.frontline.cjsonline.gov.uk/guidance/victims-and-witnesses/

OCJR - Victim and Witnesses' Delivery Toolkits www.frontline.cjsonline.gov.uk/guidance/victims-and-witnesses/

Planning for Confidence www.frontline.cjsonline.gov.uk/guidance/race-confidence-and-justice/

Race Relations (Amendment) Act www.opsi.gov.uk/acts

Speaking Up For Justice Report www.homeoffice.gov.uk

Use of Witness Intermediaries www.frontline.cjsonline.gov.uk/guidance/victims-and-witnesses/

Victim and Witness Consultation March 2005 www.homeoffice.gov.uk

Victim Support web-site www.victimsupport.org.uk

Witness Security at Court www.frontline.cjsonline.gov.uk/guidance/victims-and-witnesses/

Witness Service www.victimsupport.org.uk

Young Witness Packs www.frontline.cjsonline.gov.uk/guidance/victims-and-witnesses/

DIRECTORY OF LOCAL SERVICES FOR VICTIMS AND WITNESSES

(To be inserted locally)

LEARNING AND DEVELOPMENT

Crown Court and Magistrates' Court Witness Liaison Officer Awareness Training - to enable the Witness Liaison Officer to develop an understanding of the role of Witness Liaison Officer and to make them aware of the need to provide witnesses with a high quality service.

Vulnerable and Intimidated Witnesses Awareness Training for Court Ushers - to raise awareness in Court Ushers of the definitions, needs and treatment of vulnerable & intimidated witnesses.

NB: at local level, consideration should be given to joint/shared training initiatives with the Witness Service and/or other agencies.

JusticeAcademy

The JusticeAcademy provides an online home for learning at the Ministry of Justice. Offering e-learning via the academy is a key part of the Ministry's more flexible approach to learning, providing new ways that work for both the learner and organisation. The portal can be accessed at any time and any place offering the learner new flexibility in where and when they choose to learn. It is planned that new content will be coming online regularly and you should take the opportunity on a regular basis to view what is available that may be applicable to you.

If you have problems logging on or registering, for example, or questions about the learning itself contact the JusticeAcademy Helpline – JusticeAcademy Direct.

JusticeAcademy Direct can be contacted by emailing

justiceacademyhelpdesk@justice.gsi.gov.uk or by ringing 0844 406 8727.

Customer Service Courses

The MoJ intranet has a set of “quick learning guides”. There are 3 guides which relate directly to Customer Service:

- Customer Service essentials
- Meeting Diverse customer needs
- Disability awareness and the needs of our customers

To access these, from the MoJ homepage, type “quick learning guides” into the search facility, or go to the human resources page, then to learning and development, then select quick learning guides.

For all other needs relating to customer service training, please contact the Heads of Learning for the relevant HMCS region:

South West – Louise Warburton

London- John Davey

South East – Liz Nuckowska

Wales – Debbie Metcalfe

North West – Alan Wilson

North East – Karen Oseman

Midlands – Julie Barber

RCJ/HMCS HQ – Alan English

GUIDELINES FOR FACILITATING A PRE-TRIAL VISIT ISSUED BY VICTIM SUPPORT

Guidelines for facilitating a pre-trial visit

The purpose of the pre-trial visit (PTV) is to:

- familiarise witnesses with the layout of a courtroom
- explain the roles of the court personnel and their positions in court
- help the witness understand their own role in court.

PTVs are an important part of the service offered by the Witness Service. Witnesses will have received the *Going to court* leaflet and will thus have been informed of the facility.

Conducting a PTV should help to allay any fears of anxieties the witness may have about appearing in court.

General guidelines

All PTVs should be conducted in accordance with the *Court code of conduct*.

Ideally, PTVs should be conducted on a day prior to the trial date. However, where this is not possible witnesses may be offered a PTV on the day of the trial and shown an empty courtroom if one is available. Co-ordinators should consult with the court manager regarding local practice with regards to PTVs.

Before entering the court

Before the witness arrives, it is useful to familiarise yourself with any available paperwork/referral forms pertaining to their case.

At the start of the visit you should introduce yourself and the role of the Witness Service to the witness. You should consider issues of confidentiality and explain that you do not know the details of the case and that you are not permitted to discuss their evidence. You should then run through what the visit will consist of and answer any questions the witness may have at this stage.

Show the witness the waiting facilities if appropriate.

Enquire as to any friends/family/personal supporters the witness intends to bring with them and how they may be best placed to assist. Ask the witness who they wish to be present in court and who they don't.

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In the courtroom:

- Invite the witness to sit and take a look around at their surroundings
- Suggest the witness stands in the witness box and takes the appropriate oath
- Explain where the key court personnel will sit and briefly run through what their roles are
- Explain the following regarding court procedures and processes:
 - Entering the court with the usher, and a Witness Service volunteer if appropriate.
 - Oath-taking – informing the court of the appropriate oath to be taken and any requirements for differing holy books, or where affirmation has been indicated
 - The practice of giving their name in court, but usually not their address. Inform the witness that if their address is relevant to the case, they can ask to write it down rather than having to say it aloud in court
 - Where there is a microphone on the witness stand, it is for recording what is said and does not amplify sound
 - That they can ask for a glass of water, to sit down or have a break if they need to.
 - Cover issues in regard to answering questions such as:
 - If you don't remember, say so
 - If you don't understand a question, say so. It is OK to ask for a question to be repeated a number of times if needed

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- That people in court are making hand-written notes and therefore there may be a pause after their answer and before the next question
 - Explain cross-examination – avoid using terminology such as being ‘tripped up’ and explain that it is the role of this person to challenge aspects of what you have said Acknowledge that this can sometimes be difficult
 - That when they have finished and been officially released they can do any of the following: leave the court altogether; sit in the public gallery; leave the courtroom for a break and then go back to listen to the case
 - Explain why, when they have given evidence, they must not discuss the case with other witnesses waiting to give evidence themselves.

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After the PTV

Take the witness back to a quiet area and answer any outstanding concerns or queries they may have.

Check out any specific needs, child-care arrangements etc. Ensure that you gain the witness’ permission before informing the court of any specific needs, for example hearing difficulties or medical needs.

Reassure the witness about support that will be available on the day of the trial.

Confirm that they have considered their travel arrangements and explain what they should do when they arrive on the day, for example booking in at the witness desk.

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VICTIMS' CODE OF PRACTICE

The following are extracts from the Code

1. Introduction

- 1.1 This Code of Practice governs the services to be provided in England and Wales by the organisations listed in section 2 below to victims of criminal conduct which occurred in England and Wales. It is issued by the Home Secretary under section 32 of the Domestic Violence, Crime and Victims Act 2004.
- 1.2 This introduction does not form part of the Code of Practice and does not place any obligations on service providers.
- 1.3 Where a person fails to comply with this Code, that does not, of itself, make him liable to any legal proceedings. The Code is, however, admissible in evidence in both criminal and civil proceedings and the court may take failure to comply with the Code into account in determining a question in any such proceedings.
- 1.4 Breaches of this Code should be referred initially to the service provider(s) concerned. The complaints procedures of the organisations with obligations to provide services are included in the final section of this Code (section 16). If the complainant remains dissatisfied, the complaint can be investigated and reported on by the Parliamentary Ombudsman under the Parliamentary Commissioner Act 1967, as amended by Schedule 7 to the Domestic Violence, Crime and Victims Act 2005.
- 1.5 This Code represents a minimum level of service in England and Wales. In some parts of England and Wales, organisations, including organisations not mentioned in this Code, will be providing additional services in accordance with priorities agreed by Local Criminal Justice Boards (or equivalent groups). These additional services are not covered by this Code.

Support

- 1.6 All victims, including relatives of victims who have died as a result of relevant criminal conduct, should have access to a range of support services in their area. While no organisation has an obligation under this Code to ensure appropriate support services are available for every victim, the Government aims to ensure that every victim has access to appropriate support services in their local area. Such support needs to be

timely and of sufficient quality to meet the individual needs of every victim, including victims who require specialist support. For example, victims who are called to give evidence at criminal proceedings as witnesses in respect of relevant criminal conduct should expect to receive pre-trial court familiarisation visits before the court hearing if so desired and, where the court makes a special measures direction under section 19 of the Youth Justice and Criminal Evidence Act 1999, the victim being called to give evidence should expect to receive an enhanced level of support.

- 1.7 All victims are entitled under this Code to receive information about local support services in their area. As at paragraph 5.3, the police must ensure victims are provided with information about local support services and contact details for those services. With some exceptions outlined in the Code at paragraphs 5.5 and 5.6, the police must also ensure the victim's contact details are referred to the appropriate Local Victim Support Group.

2. Organisations required to provide services under the Code

- 2.1 This Code requires the following organisations to provide services to victims:

- The Criminal Cases Review Commission
- The Criminal Injuries Compensation Authority
- The Criminal Injuries Compensation Appeals Panel
- The Crown Prosecution Service
- Her Majesty's Courts Service
- The joint police/Crown Prosecution Service Witness Care Units
- All police forces for police areas in England and Wales, the British Transport Police and the Ministry of Defence Police
- The Parole Board
- The Prison Service
- Local Probation Boards
- Youth Offending Teams

3. Persons entitled to receive services under the Code

- 3.1 This Code requires services to be given to any person who has made an allegation to the police, or had an allegation made on his or her behalf, that they have been directly subjected to criminal conduct under the National Crime Recording Standard (NCRS). In the Code this will be referred to as 'criminal conduct'. This will include, for example, cases where the person has alleged that they have been subjected to racial insults or homophobic insults
- 3.2 The person who has made the allegation (or on whose behalf the allegation has been made) must be the **direct** victim of the criminal conduct. This Code does not require services to be provided to third parties or indirect victims such as witnesses of violent crime.
- 3.3 Where a person has died, or become incapacitated to such an extent that they are unable to communicate as a result of criminal conduct, it is not necessary that an allegation has been made to a police officer. It is sufficient that a criminal investigation into the conduct causing the death or incapacitation has started.
- 3.4 Where a person has died as a result of criminal conduct, or is unable to receive services as a result of a disability, the victim's family spokesperson is entitled to receive services under this Code. A family spokesperson should be nominated by the close relatives of the person who has died. If the close relatives cannot nominate a family spokesperson, the senior investigating officer (SIO) working on the criminal investigation must nominate a family spokesperson. If the person who has died has no identified close relatives, the SIO may nominate someone who appears suitable to receive assistance under the Code in respect of the death.
- 3.5 Where a person entitled to receive services under this Code is under the age of 17, then that person's parent or guardian is entitled to receive services under this Code as well as the young person. The parent or guardian is not, however, entitled to receive services under this Code if he or she is under investigation, or has been charged, in respect of the criminal conduct of which the young person is a victim or, in the reasonable opinion of the organisation providing the relevant services, does not represent the best interests of the young person.
- 3.6 If the family spokesperson is an independent arbiter there will be no requirement for the police to provide family liaison support to that person. The nomination of an independent arbiter does not remove the necessity for a family liaison officer to be appointed to family members as deemed appropriate by the SIO and subject to the family wanting Family Liaison
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Officer support. Decisions made by the service provider in relation to contact with the family and independent arbiter should be recorded.

- 3.7 Businesses are entitled to receive services under the Code, however, in order for them to do so, a named contact must be provided to the service provider. This person will be the contact for all communications between the service providers and the business.
- 3.8 A victim of crime as defined under the Code may opt out of receiving services under the Code, or request that the obligations that they qualify for be modified, at any time. Service providers are, however, under no obligation to provide services beyond the minimum requirements expressed in this Code. A victim of crime as defined under the Code may also choose to opt back into receiving services at any time while the case is under active investigation or receive an update if the investigation has been concluded. These decisions must be recorded by the service provider receiving this information and passed onto other service providers as appropriate on a case by case basis.

Exceptions

- 3.9 This Code does not require services to be provided to a person in circumstances where the criminal conduct is the subject of an investigation by an inspector under section 20 of the Health and Safety at Work etc Act 1974 or prosecution by an inspector under section 39 of that Act (for example where an incident in the workplace is the subject of an investigation by the Health and Safety Executive).

Deciding whether a person is entitled to services under the Code

- 3.10 In determining whether a person is entitled to receive services under this Code, the service provider should only take into account the nature of the allegation of criminal conduct made by, or on behalf of, the person to a police officer. It is immaterial that:
- (i) the service provider does not believe the allegation;
 - (ii) no person has been charged with an offence in respect of the criminal conduct;
 - (iii) a person has been charged with a different offence in respect of the criminal conduct (for example a person has been charged with handling stolen goods in circumstances where an allegation of theft was made);

(iv) no person has been convicted of an offence in respect of the criminal conduct (including where a person has been acquitted of an offence in respect of the conduct).

- 3.11 A person is entitled to receive services under this Code only if an allegation of **criminal** conduct (i.e. a crime which would be recorded under the NCRS) is made, this includes the additional requirements of paragraphs 3.13 and 3.14. If a service provider is satisfied an allegation of conduct which does not constitute a criminal offence has been made, the service provider is not required to provide services under this Code.
- 3.12 If following an investigation it is decided that the person is not a victim of a crime under the NCRS then the service provider is not required to provide any further services under the Code (subject to the additional requirements of paragraphs 3.13 and 3.14). The person must be informed of this finding and that they will not receive further services.
- 3.13 Where a person has died and a police investigation has started into the cause of death, the provisions of the Code will apply until a decision is made as to whether criminal conduct was the cause of the death. If the decision is that the death was not as a result of criminal conduct then the family must be advised of this fact and that they will no longer receive services under the Code. If the death continues to be investigated by the police as criminal conduct then the family are entitled to receive services under the Code.
- 3.14 Where a person has died as a result of a road collision and the police are investigating whether an offence under section 3 of the Road Traffic Act 1988 has been committed, the family and family spokesperson are entitled to receive services under the Code.
- 3.15 Victims not resident in England and Wales: If the victim of a crime is not at the time of the criminal conduct resident in England and Wales, then the basic provisions of the Code will still apply. The process of notifying the victim will, however, by default fall to either letter or e-mail to the victim's home address or SMS to a mobile telephone. If the victim is temporarily resident in England and Wales, then the full provisions of the Code will apply until they leave England and Wales at which time contact will revert to letter, e-mail or SMS as above.
- 3.16 If a service provider makes an incorrect assessment as to whether or not a person is entitled to receive services under this Code, then this can be investigated in the same way as any other breach of this Code.

4. Vulnerable or intimidated victims

- 4.1 Some services under this Code are to be provided only to vulnerable or intimidated victims based on the definitions given by sections 16 and 17 of the Youth Justice and Criminal Evidence Act 1999. For the purposes of this Code, vulnerable and intimidated victims are defined as such at the time of the offence, rather than at the time of hearing as specified in the 1999 Act.

Vulnerable victims

- 4.2 For the purposes of the Code a victim of crime is eligible for an enhanced service under the Code:
- (a) If under the age of 17 at the time of the offence; or
 - (b) If the service provider considers that the quality of evidence given by the victim is likely to be diminished by reason of any circumstances falling within 4.3.

- 4.3 The circumstances falling within this subsection are-
- (a) That the victim
 - (i) suffers from mental disorder within the meaning of the Mental Health Act 1983,
 - (ii) otherwise has a significant impairment of intelligence and social functioning;
 - (b) that the victim has a physical disability or is suffering from a physical disorder

- 4.4 In determining whether a victim falls within 4.3 the service provider must consider any views expressed by the victim.

- 4.5 In this Section references to the quality of a witness's evidence are to its quality in terms of completeness, coherence and accuracy; and for this purpose "coherence" refers to a witness's ability in giving evidence to give answers which address the questions put to the witness and can be understood both individually and collectively.

Intimidated victims

- 4.6 For the purposes of the Code a victim of criminal conduct is eligible for an enhanced service under the Code if the service provider is satisfied that the quality of evidence given by the victim is likely to be diminished by reason of fear or distress on the part of the victim in connection with testifying in the proceedings.

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- 4.7 In determining whether a victim falls within 4.6 the service provider must take into account, in particular-
- (a) the nature and alleged circumstances of the offence to which the proceedings relate
 - (b) the age of the victim
 - (c) such of the following matters as appear to the service provider to be relevant, namely-
 - (i) the social and cultural background and ethnic origins of the victim
 - (ii) the domestic and employment circumstances of the victim, and
 - (iii) any religious beliefs or political opinions of the victim
 - (d) any behaviour towards the victim on the part of-
 - (i) the accused
 - (ii) members of the family or associates of the accused, or
 - (iii) any other person who is likely to be an accused or a witness in the proceedings.
- 4.8 In determining that question the service provider must in addition consider any views expressed by the victim.
- 4.9 The complainant in respect of a sexual offence or domestic abuse and the relatives of those who have died as a result of criminal conduct are eligible for an enhanced service under the Code by virtue of this subsection unless the victim has informed the service provider of the victim's wish not to be so eligible by virtue of this subsection.
- 4.10 A victim's vulnerability may change during the course of an investigation due to health, intimidation or other reason. Service providers must give the victim the opportunity to be provided with an enhanced service if such a change in circumstance is brought to their attention.
- 4.11 All organisations with responsibilities under the Code should identify victims as vulnerable or intimidated as defined by this Code. Once the service provider has identified a victim as vulnerable or intimidated, that service provider must ensure that this information is passed on as necessary to other organisations with responsibilities in this Code.
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8. Her Majesty's Courts Service

8.1 Her Majesty's Courts Service (the "court staff") have the following obligations.

8.2 The court staff must notify the joint police/CPS Witness Care Units, in relation to all hearings including in any set down for the consideration of an amendment of the sentence originally passed, of the court date(s) in respect of relevant criminal conduct:

- no later than one working day after the day on which the date is set in cases which court staff have been notified involve vulnerable or intimidated victims and
- no later than three working days after the day on which the date is set in cases involving other victims.

8.3 In order for information about court decisions in criminal proceedings in respect of relevant criminal conduct to be passed to victims promptly, court staff must:

(a) in relation to first hearing bail/remand applications ensure that:

- in cases which the court staff have been notified involve vulnerable or intimidated victims, decisions reach the police and the joint police/CPS Witness Care Units no later than one working day after the day on which the decision is made and
- in cases involving other victims, decisions reach the police and the joint police/CPS Witness Care Units no later than three working days after the day on which the decision is made.

If this is not possible in a particular case, a record should be made of why the decision was not conveyed to the police and the joint police/CPS Witness Care Units within the appropriate time-limit.

(b) in relation to all later hearings, including any resulting in a significant amendment of the sentence originally passed, ensure that:

- in cases which the court staff have been notified involve vulnerable or intimidated victims, decisions reach the joint police/CPS Witness Care Units no later than one working day after the day on which the decision is made and

- in cases involving other victims, decisions reach the joint police/CPS Witness Care Units no later than three working days after the day on which the decision is made.

If this is not possible in a particular case, a record should be made of why the decision was not conveyed to the joint police/CPS Witness Care Units within the appropriate time-limit.

- (c) in relation to all adjournments and postponements of scheduled hearings agreed to without a court hearing, ensure that:
- in cases which the court staff have been notified involve vulnerable or intimidated victims, decisions reach the joint police/CPS Witness Care Units no later than one working day after the day on which the decision is made and,
 - in cases involving other victims, decisions reach the joint police/CPS Witness Care Units no later than three working days after the day on which the decision is made.

If this is not possible in a particular case, a record should be made of why the decision was not conveyed to the joint police/CPS Witness Care Units within the appropriate time-limit.

- 8.4 The court staff must ensure that, where possible, at criminal proceedings in respect of relevant criminal conduct victims have, and are directed to, a separate waiting area and a seat in the courtroom away from the defendant's family or friends.
- 8.5 Where the court hearing criminal proceedings in respect of relevant criminal conduct makes a special measures direction under Part II of the Youth Justice and Criminal Evidence Act 1999, the court staff must ensure the availability of those special measures so far as is possible, to help improve the quality of the evidence given by the victim.
- 8.6 The court staff must ensure, as far as is reasonably within their control, that victims who are witnesses do not have to wait more than two hours before giving evidence in criminal proceedings in respect of relevant criminal conduct in the Crown Court or Magistrates' Court.
- 8.7 Where victims are witnesses in criminal proceedings in respect of relevant criminal conduct, the court staff must, if appropriate, take contact telephone numbers for the victims so that the victims are able to leave the court precincts and be contacted when they are needed.

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- 8.8 The court staff must ensure, whenever possible, that there is an information point where all victims in criminal proceedings in respect of relevant criminal conduct can find out what is happening in their case whilst their case is being heard in court.
 - 8.9 If a person who has been convicted of an offence at the Magistrates' Court in respect of relevant criminal conduct gives notice of appeal against their conviction or sentence, the Magistrates' Court staff must notify the joint police/CPS Witness Care Units within one working day of the notice being lodged
 - 8.10 Staff at the Court of Appeal must notify the joint police/CPS Witness Care Units if a person who has been convicted of an offence in respect of relevant criminal conduct appeals against their conviction or their sentence no later than three working days after the Court receives the judge's decision granting leave to appeal.
 - 8.11 If leave to appeal is granted by any court above the Court of Appeal, the court staff at that court must notify the joint police/CPS Witness Care Units no later than one working day after the day on which leave to appeal is granted.
 - 8.12 The court staff at the relevant court must notify the joint police/CPS Witness Care Units of the result of the appeal no later than one working day after the day of the result.

16. Complaints about any of the service providers with obligations under the Code

- 16.1 If the victim feels that any of the service providers has not delivered their obligations under the Code, they should discuss their complaint with the person they have been dealing with at that organisation. Following this, they should make a complaint through the internal complaints procedure of that service provider.

Service Provider	How to complain
Police	The victim should ask at their local police station for a leaflet explaining how to make a complaint. Victims will receive a response within 10 working days
Crown Prosecution Service (CPS)	The victim should write to the CPS office which dealt with the case outlining their complaint. Contact details for CPS offices can be found at Police Stations, Citizens Advice Bureaux or the Yellow Pages. The CPS office will aim to reply within 3 working days.
Joint Police/Crown Prosecution Service Witness Care Units	The victim should write to the Witness Care Unit which dealt with their case, setting out their complaint.
Crown Court	If the victim has a complaint about the court process, the court will be able to provide a leaflet about the complaints procedure. Complaints should be made in writing to the Complaints Officer at the court. A reply will be sent within five working days
Magistrates' Court	If the victim has a complaint about the court process, the court will be able to provide a leaflet about the complaints procedure. Complaints should be made in writing to the Complaints Officer at the court. A reply will be sent within five working days.
Court of Appeal	The victim should make their complaint in writing to the Customer Service Manager, The

	Royal Courts of Justice, Strand, London WC2A 2LL
Youth Offending Team	The victim should write to the Youth Offending Team Manager at their local Youth Offending Team explaining their complaint.
National Probation Service	The victim should make their complaint to the local manager or Senior Probation Officer at the office they have been dealing with.
Prison Service	Complaints should be addressed to the Director General's Briefing and Casework Unit, HM Prison Service, Cleland House, Page Street, London SW1 4LN. In cases where the offender is held in a contracted prison, the Prison Service will refer the matter to the Office of Contracted Prisons as appropriate.
Parole Board	The victim should complain in writing to The Complaints Officer, Parole Board for England and Wales, Abell House, John Islip Street, London, SW1P 4LH
Criminal Injuries Compensation Authority	The victim should make their complaint in writing to The Manager, Customer Care Team, Criminal Injuries Compensation Authority, Tay House, 300 Bath Street, Glasgow, G2 4LN. The victim will receive a reply within 20 working days.
Criminal Injuries Compensation Appeals Panel	The victim should make their complaint within three months of the hearing by writing to Customer Service Manager, Criminal Injuries Compensation Appeals Panel, 11 th Floor Cardinal Tower, 12 Farringdon Road, London, EC1M 3HS.
Criminal Cases Review Commission	The victim should write to The Complaints Manager, Criminal Cases Review Commission, Alpha Tower, Suffolk Street, Queensway, Birmingham, B1 1TT.

16.2 Referral to the Parliamentary Ombudsman

16.2.1 If the victim makes a complaint regarding a breach of the Code using the procedures set out above for the relevant service provider, and they are not satisfied with the outcome, they may refer the issue, through a Member of Parliament, to the Parliamentary Ombudsman for consideration. Information about taking a complaint to the Parliamentary Ombudsman can be found at www.ombudsman.gov.uk.

Definitions

In this Code –

“close relative” means a spouse, co-habitee, parent (including a step-parent) or guardian, sibling (including half-siblings and step-siblings) or a child;

“co-habitee” means a person who is living in the same household with another person as a husband, wife or same or different sex partner;

“criminal conduct” means conduct constituting a criminal offence;

“independent arbiter” means a person who is not involved in the police investigation, is not a member of the bereaved family or a close friend of the deceased, who acts on behalf of the family in their communications with the police. Examples of independent arbiters could be: a lawyer, local religious or community leader or member of a community interest group;

“Family Liaison Officer (FLO)” means a police officer trained to work with bereaved families to secure their confidence and trust, to provide support and information about the investigation and support agencies, and to gather information which contributes to the investigation;

“guardian”, in relation to a person under the age of 17, means any person who, in the opinion of a service provider, has for the time being the care of that person;

"Local Victim Support Group" means a local group approved by Victim Support to provide services in the name of Victim Support;

“notifying a victim” means the posting of a letter, the making of a telephone call, making a personal visit, or the sending of an e-mail, fax, text message or any other mass communication method;

“relevant criminal conduct” means conduct in respect of which a victim is entitled to receive services under this Code;

“service provider” means a person required to provide services under this Code, as specified in section 2;

“victim” means a person entitled to receive services under this Code as specified in section 3 except where the context requires otherwise;

“Victim Support” means Victim Support National Office;

“working day” means a day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971.

WITNESS CHARTER

The following are extracts from the Charter

The Witness Charter has been developed to tell you how you, the witness, can expect to be treated by the police if you are a witness to a crime or incident and subsequently by other criminal justice agencies and lawyers if you are asked to give evidence for the prosecution or defence in a criminal court. It also sets out what help and support you can expect to receive at every stage of the process from all the agencies and lawyers involved, although it does not cover the work of judges and magistrates.

The standards of service set out in the Witness Charter apply to all witnesses, regardless of whether you may also be the victim. If you are also a victim of a crime, you have rights which are set out in full in the Code of Practice for Victims of Crime. Unlike the Code, the Witness Charter is not set out in law and there may be constraints which affect the ability of the various agencies to provide the service. For example, although the care of witnesses is important to them, the principal duty of defence lawyers is to represent and attend to the needs of their client. Agencies and lawyers will seek to comply with the standards, insofar as is practicable and their professional rules allow.

Standard 1: Ensuring fair treatment

As a witness you will be treated fairly and with respect according to your needs irrespective of race, religion, background, gender, age, sexuality or any disability.

Standard 13: Giving priority to cases involving vulnerable witnesses, including child witnesses

If you are a vulnerable witness, including if you are a child witness, or your case involves a vulnerable witness, the prosecution or the defence lawyer will ask the Court to give the case priority in respect of times and dates of hearings.

The defence lawyer may not ask the Court to give the case priority if it is not in the best interests of the defendant.

Standard 14: Notice of trial date and minimising unnecessary attendance

You will not be required to attend court for every hearing.

If you are a prosecution witness, your Witness Care Unit will inform you of when you need to attend court to give evidence at the trial by the end of the working

day after receiving this information from the Court. If you are a defence witness, you will be informed of when you need to attend court by the defence lawyer.

All those involved in your case will make every effort to ensure that you are only asked to attend court on the day on which you are required to give evidence. On occasion, trials and hearings will be unable to take place on the day they are planned and you will be notified of any cancellations and adjournments.

You will be told:

- if a trial will not take place on the date that has been set;
- the reason for any adjournment of your case, if appropriate; and
- when your case is likely to be heard.

Standard 15: Information about the court process

The police, Witness Care Unit or defence lawyer will give you information to help you prepare for attending court. The Witness Care Unit or defence lawyer may give you a DVD explaining the court process or you can collect a copy from the Witness Service based at court. It can also be downloaded from www.direct.gov.uk/goingtocourtvideo.

The police, Witness Care Unit or defence lawyer can give you contact details for the Witness Service. If you are a child witness and are giving evidence, the police, Witness Service or other supporter will give you the Young Witness Pack and will seek to explain the content to you.

You can also obtain information on the internet, including an explanation of the process, from www.cjsonline.gov.uk or www.hmcourts-service.gov.uk.

Standard 16: Information about the court and its location

If you have to go to court, the Witness Care Unit or defence lawyer will inform you of, or help you find out:

- the court opening hours;
- the location of the court – a map showing where the court is with information about public transport and car parking;
- the facilities available at court, including food and drink, toilets, telephones, separate waiting areas and arrangements for people with disabilities;
- the support available at the court;
- arrangements for claiming expenses; and
- a helpline telephone number so you can get further information.

This information will also be available from court staff, the Witness Service or another witness supporter. It will also be available in information leaflets for prosecution and defence witnesses which may be given to you by the Witness Care Unit or defence lawyer. These leaflets can also be downloaded from www.hmcourts-service.gov.uk.

Standard 17: Visiting the court before trial

As a prosecution or defence witness, you will be offered the opportunity to visit the court before the trial. These pre-trial visits will be arranged by the Witness Care Units, defence lawyers and the Witness Service or other witness supporter in conjunction with the court staff. During your visit you should, where practicable, be given the opportunity to practise using the live TV link facility if the use of this measure has been granted.

Standard 18: Attendance of family and friends

Where the layout of the court permits, court staff will seek to arrange for seats to be provided in the public gallery for anyone accompanying you to your hearing, provided that you ask them to do this before the day itself. However, there is no public gallery in a youth court. Your family and friends can also use the public facilities at court, which are usually open to everyone.

If you are a witness and are accompanying another witness to court in the same case, you will be unable to sit in the public gallery until after you have given your evidence.

Standard 20: Court facilities and signage

When you come to court, you should find:

- polite and helpful court and Witness Service staff wearing identification badges;
- clear signs to help you find your way around; and
- a clearly signposted Witness Service or other witness supporter reception point.

All court buildings will:

- publicly display a list of cases to be heard that day;
- have functional, accessible and clean toilet facilities; and
- have clean and comfortable waiting areas.

In addition, courts will either have refreshment areas or court staff will tell you what arrangements can be made to obtain refreshments.

Standard 21: Safety at court

Court staff will seek to provide as safe an environment as possible for you and all other court users.

Court security officers are based in all Crown Court centres and most magistrates' courts and will seek to monitor everyone, including witnesses, defendants and supporters, who seeks to enter the court building. They have the power to exclude, remove or restrain individuals who may disrupt court business or pose a threat to the safety of other court users.

Court staff will seek to ensure that the defendant, defence and prosecution witnesses and their respective families and supporters are kept separate throughout the court building. If you are a vulnerable or intimidated witness, court staff will seek to review entrance and exit routes to limit the opportunity for you to come into contact with the other parties.

Standard 23: Waiting rooms and standby arrangements

When you come to court, there should be separate waiting areas for prosecution and defence witnesses (including your family and friends). If there is not a separate area available, other arrangements will be considered for you to wait separately from the other parties and their witnesses and supporters.

Court staff will seek to ensure that all witness waiting rooms:

- are well maintained and clean;
- are secure;
- offer privacy, e.g. have blinds on any windows;
- have reading materials;
- contain suitable toys and reading matter for children of different ages;
- have a means of summoning assistance or making enquiries; and
- have a courtroom lay-out plan on display.

If you are a vulnerable or intimidated witness, you may be able to wait somewhere near to the court until the time you need to give evidence. It is important that you do not speak to other witnesses about your or their evidence at any stage

Standard 24: Waiting times at court and being updated on progress

Everyone involved in your case will seek to ensure that, from the time you are asked to attend court and give evidence, you do not have to wait more than two hours in the Crown Court or more than one hour in a magistrates' court. However, there are sometimes delays which are unavoidable.

If you are a child witness who is giving evidence, every effort will be taken to reduce the chances of you being kept waiting to give evidence.

The prosecution or defence lawyer, court staff, Witness Service or other witness supporter will seek to:

- tell you as quickly as possible if your case cannot be heard on the day;
- inform you if you are likely to have to wait longer than expected and the reason for any delay; and
- give you an indication of how long you will have to wait before giving evidence and update you regularly.

Standard 25: Special arrangements for witnesses with disabilities or medical conditions

The defence or prosecution will ask court staff to make provision for any special needs you may have as a result of a disability, medical condition or age, which mean you need help attending court or in giving evidence.

Standard 26: Special measures for vulnerable or intimidated witnesses

If the Court has granted an application for one or more special measures to help you give evidence, court staff will ensure the special measure is available and provide any assistance as required.

Standard 27: Communication aids

You are entitled to give evidence in the language of your choice if English is not your first language.

If you have any language or communication needs, an accredited interpreter registered intermediary, signer or other assistance will be provided either by the court staff or the prosecution or defence lawyer, provided that this need has been identified in advance

Standard 28: The witness box

Before the usher calls you into the courtroom and shows you to the witness box, they will ask you how you want to promise to tell the truth. You will be able to promise to tell the truth on the holy book of your religion and court staff will ensure that they handle the holy book in the correct way. Alternatively, if you prefer, you can choose to 'affirm', which is a non-religious way of promising to tell the truth.

You will be expected to give your name in court when you give evidence. Judges, magistrates and court staff will only require you to disclose your address in open court if it is relevant to the case.

While giving evidence if at any point you feel unwell or particularly upset when giving evidence, you should tell the judge or magistrate, who may allow you to pause and have a rest. If at any stage you do not understand a question that you have been asked, you should make this known to the questioner or the judge or magistrate.

Once you have given evidence, you may remain in the court building and can watch the rest of the proceedings in the case from the public gallery if you are aged 14 or over. This does not apply in the Youth Court which does not have a public gallery.

Standard 30: Being informed of the result

If you are a prosecution witness, your Witness Care Unit will:

- notify you of the outcome of your case and, if relevant, the sentence by the end of the working day after receiving this information from the Court; and
- explain to you what the sentence means or refer you to the appropriate organisation if you have further questions.

If you are a defence witness, you will be informed of the outcome of your case by the court staff, on request, or by the defence lawyer as far as their professional rules allow.

Standard 33: Claiming expenses

In most cases you will be able to claim expenses for costs incurred while travelling to/from court. You may also be able to claim expenses for any loss of earnings while attending court to give evidence.

The Witness Service or defence lawyer will seek to inform you of the procedures for claiming your expenses and what allowances you can claim, and you can ask for help to complete the claim form.

However, if you are a defence witness giving evidence as a character witness, you will not be able to claim expenses unless the Court makes a specific order.

If you are a prosecution witness and, in exceptional circumstances, you require an advance payment to attend court or return home, the prosecuting lawyer will seek to make emergency arrangements.

Standard 34: Complaints

If you are unhappy with the level of service that you have received from any of the criminal justice agencies you can make a complaint in the first instance through the complaints procedure of that service. However, this does not extend to any complaint about the judicial outcome, verdict or sentence.

Agencies and lawyers will always:

- make it clear how to make a complaint;
- treat your complaint seriously;
- try to deal with your complaint as soon as possible;
- tell you how to take a complaint forward if you are not satisfied with the outcome of the initial investigation.

WITNESS SERVICE

Responsibilities and Services on Offer

The following description of the Witness Service is taken from Victim Support's *National Standards*:

The Witness Service is part of Victim Support and it helps victims, witnesses, their families and friends when attending any of the criminal courts in England and Wales. We help prosecution and defence witnesses, but not defendants in their particular case. The Witness Service works to a *Court Code of Conduct*, which stipulates that no discussion of the evidence will take place.

The Witness Service supports all prosecution and defence witnesses, their family and friends when attending court.

The Witness Service offers:

- a service which is free, independent of the police and courts, and adapted to individual need
- someone to talk to in confidence (but not about the evidence)
- emotional support in dealing with the impact and experience of attending court
- pre-court visits for witnesses, so that they are familiar with the court room and the roles of the various people in court before they give their evidence
- support, in the court room if necessary, on the day of the trial; and during and after the offender is sentenced
- information about court and legal processes
- practical help, for example, with expenses forms
- separate waiting areas for defence and prosecution where provided by the court
- special help and support for witnesses who are vulnerable or intimidated
- liaison with other statutory or voluntary agencies where required and/or requested
- referral to Victim Support community services or other agencies before and/or after the trial
- support to witnesses in getting information about the outcome of the case
- support from the community-based services, for witnesses whose cases do not continue to court.

The Witness Service also supports and works alongside other people who may accompany a witness, for example a carer, social worker, expert witness, interpreter or intermediary.

Referral arrangements are in place between Victim Support's Witness Service and the CPS and Witness Care Units for prosecution witnesses. The Witness Service also accepts referrals from other sources, for example defence lawyers and individuals.

Where additional funding is received the Witness Service provides an enhanced service to vulnerable and intimidated witnesses (VIWs). In addition to the core service provided to all VIWs, the enhanced service involves an earlier intervention with the witness (as identified by the police, Witness Care Unit, defence lawyer, Victim Support or other organisation); greater levels of pre-trial preparation, contact and support, normally away from the court; greater levels of advocacy with other agencies on behalf of the VIW to ensure that they receive the help that they are entitled to or need, and; support after the trial or if the case does not proceed to court. The enhanced service for VIWs is described in full and the standards and requirements that must be met are laid out in Victim Support's *Service framework for supporting vulnerable and intimidated witnesses* (like the *National Standards*, this is being updated to reflect Victim Support's new structure).

ACRONYMS/ABBREVIATIONS

AWC	Area Witness Champions
CAB	Citizens Advice Bureau
CAFÉ	Customer Analysis and Feedback
CICA	Criminal Injuries Compensation Authority
CPS	Crown Prosecution Service
CUG	Court User Groups
DDA	Disability Discrimination Act
HMICA	Her Majesty's Inspectorate of Court Administration
LCJB	Local Criminal Justice Board
NCRS	National Crime Recording Standard
NWNJ	No Witness No Justice
MoJ	Ministry of Justice
OCJR	Office for Criminal Justice Reform
PCMH	Pre Court Management Hearing
PTR	Pre Trial Reviews
PTV	Pre Trial Visit
SIO	Senior Investigating Officer
VIW	Vulnerable and Intimidated Witnesses
WAVES	Witness and Victims Experience Survey
WCU	Witness Care Units
WISP	Witnesses: Improved Services Programme
WLO	Witness Liaison Officer
WS	Witness Service
YOT	Youth Offending Team

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