

Frequently asked questions and answers for witnesses who are required to attend Court

Introduction

Witnesses play a vital part in society and in the Criminal Justice System by helping to solve crime and stop injustice taking place. It is not unusual for people to feel anxious about giving evidence in Court.

This information sheet has been prepared in order to try and help you understand how the Court process works by providing answers to some frequently asked questions. In preparing this form we have used feedback from survey forms completed by witnesses who have already attended Court to give evidence.

If you attend Court to give evidence it is possible you will be asked to complete such a survey – we very much hope you will take the opportunity to do so. The feedback from victims and witnesses is very important to us and it is one of the methods by which we can improve our standards of service to the communities we serve.

These questions and answers are by no means all encompassing so if there is something which concerns you, or if you would like further information please contact your Witness Care Officer who will be pleased to help you. The name of your Witness Care Officer and contact details will be on the letters sent to you about the case.

There is also additional information available. You may find it useful to visit the Criminal Justice Website: www.cjsonline.gov.uk which provides a more detailed interactive guide about being a witness.

Answers to the following most frequently asked questions are listed below:

- Q. Where can I park?*
- Q. Who will be in the Courtroom?*
- Q. Will I be allowed to see my statement before I go into Court?*
- Q. How long will I have to wait at Court?*
- Q. What happens if see or meet the defendant and his/her friends or family at the court?*
- Q. Is there any help for me with giving evidence?*
- Q. What will happen when I go into the Court room?*
- Q. What happens next? Will I be cross-examined?*
- Q. What happens when I have given my evidence?*
- Q. Will I get told the outcome of the trial?*
- Q. Can I claim my expenses?*
- Q. I am a victim of crime will I be eligible for compensation from the offender?*

Where can I park?

If you live on or near to good public transport routes it is advisable to consider using this as an option. Not only is this more environmentally friendly but also apart from Cannock Magistrates' Court (where there is a public car park) there is no public car parking available at the other Court centres in Staffordshire.

The leaflet and booklet which you should also receive will have details of the court location, its facilities and details of car parks near to the Court.

If you are a victim or witness attending either of the Crown Court Centres at Stafford or Stoke on Trent you are advised to use a long stay car park.

Whilst there are car park details provided on the leaflets this should not be taken that any or all come with a recommendation. The information has been taken from local authority sources.

Who will be in the Courtroom?

In most cases there will be the Defendant, a Judge, a Jury, a court clerk and a tape recording operator (if the case is at the Crown Court), three Magistrates and a Legal Advisor supporting them (if the case is at the Magistrates Court), the Prosecution Lawyer, the Defence Lawyer (so long as the Defendant is not representing themselves), volunteers from Witness Service, the Court Usher and most importantly the witness who is giving evidence.

Will I be allowed to see my statement before I go into Court?

If you made a statement you will normally be allowed to read it before you go into the Court. Usually the Witness Service Volunteer at court will arrange this for you. However if this does not seem to be happening you should ask the Witness Service Volunteer if it is possible to see and read a copy of the statement you made. If you have any difficulty or need assistance the Witness Service Volunteer will be pleased to help you.

How long will I have to wait at Court?

When a Defendant enters a not guilty plea, amongst other things, the Court will set a date for the Trial to take place and will also estimate how long the trial is expected to last. If the trial is only expected to last a morning, afternoon or one day the Witness Care Officer who will have been speaking to you on the telephone prior to the trial or the Defence Lawyer (if you are a defence witness) will let you know what time you are required to attend Court. Generally you shouldn't have to go back to Court the following day but this cannot be guaranteed.

When a Trial is expected to last more than one day your Witness Care Officer or the Defence Lawyer will let you know a specific time to attend Court to try and prevent you from having to wait around at Court a long time. Some

witnesses choose to take along a book or crossword puzzles. In the Crown Court Centres there are WIFI areas so it is possible to take along a laptop computer for work purposes.

You will be able to have breaks for lunch and other breaks during the day but it is very important that throughout the trial and when you are on any breaks you do not speak to anybody about your evidence. The Witness Service Volunteer will be in a position to advise you if you are free to leave the court building, for example at lunch time.

Everyone at Court tries to ensure that witnesses do not wait for more than two hours (in the Crown Court) and more than one hour (in the Magistrates' Courts) but this isn't always possible. This might be because another case which started earlier has taken longer than expected.

Sometimes cases do not start at all and the case has to be adjourned to another date. This might be for legal reasons or because someone who should attend has failed to do so.

There are also occasions if you have been asked to attend Court to give evidence when you may not be required to do so because the Defendant enters a guilty plea at court on the day of the trial.

What happens if see or meet the defendant and their friends or family at the court?

Many of the court buildings in Staffordshire have separate waiting areas for witnesses. However If you are at all concerned about accidentally meeting the defendant or his/her friends or family members of the defendant at court you should tell the court usher or a member of the Witness Service who will escort you to the separate waiting area or find somewhere for you to wait where you can be more comfortable.

If you are at all worried before the trial about entering or leaving the Court building please speak with your Witness Care Officer who may be able to advise or assist you.

If you are harassed or threatened in any way before, during or after the trial you should tell the police or the CPS representative. If you are not sure who to tell at Court then tell the usher.

Is there any help for me with giving evidence?

Some people find the process of giving evidence in court particularly difficult or daunting for reasons such as the nature of the crime or their relationship with the alleged offender. These people may be allowed to use "special measures" to help them give their evidence in the best possible way.

The police officer who took your statement may have discussed this with you at the time of taking your statement, and the Witness Care Officer will have

spoken with you to assess your needs during which the question of special measures will have been discussed with you to see if they are applicable to you.

If you need any further information or guidance about special measures please contact the Witness Care Officer whose contact details will be on the letter sent to you about attending Court to give evidence.

What will happen when I go into the Court room?

When the Court is ready for you to give your evidence, you will be shown to the witness box. You should remain standing up in the witness box. However if you find standing up difficult you should ask the Judge or Magistrates if you can sit down.

You will then be asked to take the oath and this means that you have to swear to tell the truth on the holy book of your religion or if you prefer you can “affirm”, that is to promise to tell the truth.

What happens next? Will I be cross-examined?

If you are a witness for the Prosecution, the Prosecution Lawyer will ask you questions first followed by questions (cross examination) from the defence lawyer. If you are a witness for the Defence the questions will be asked by the defence lawyer first followed by questions from the prosecuting lawyer.

A lot of people worry about being cross-examined but if you remember the following it should help you:-

- It isn't personal – it is the Lawyers job to make sure you have not made a mistake, and to test your evidence.
- You are not on Trial. If the questions become too aggressive, the Lawyer who called you as a witness has the right to ask the Judge or Magistrates to stop the line of questioning. The Judge or Magistrates can also tell the lawyer to stop the questions if they are felt to be inappropriate or irrelevant.
- The law in England and Wales is based on the assumption that a defendant is innocent until proven guilty. Making sure the evidence of a witness really proves something is such an essential part of the process.
- A Magistrate or his or her clerk or the Judge may also ask questions. In a Crown Court trial the jury can write down questions which they pass to the Judge. The Judge then asks the question for them.

What happens when I have given my evidence?

After you have given your evidence, you are usually free to leave the court and go home or return to work, although you cannot leave without the court's permission. If in doubt the Witness Service Volunteer will be able to advise

you or make enquiries on your behalf. If you wish to remain in Court to watch the trial you will normally be able to do so.

Will I get told the outcome of the trial?

Yes you will. If you had a Witness Care Officer they will let you know the result of the Trial once the result is available from the Court. Sometimes this can be up to three days after the hearing although efforts are made by the Witness Care Officer to get results much sooner. The Witness Care Officer will let you know the result as soon as they are able to do so. If you didn't have a Witness Care Officer you should contact whoever asked you to attend Court and they will be able to let you know the outcome.

Can I claim my expenses?

You can claim certain expenses for travelling to and attending Court to give evidence. These include travel expenses, lost wages, childcare and an allowance towards meals. The amount you can claim depends on how long you have to be away from home or work in order to attend Court.

There are guidelines laid down by the Government which set out what can be claimed and how much can be claimed, for example for loss of earnings. Because these rates are subject to review it is not possible in this document to set out what they are. The Witness Service Volunteer or CPS representative at Court will be able to tell you what they are.

If you are a Prosecution witness then normally the Witness Service Volunteer will provide you with a claim form but please ask for one if you think this may have been overlooked. If you are a Defence witness in the Crown Court you should ask a member of the Court staff or Witness Service Volunteer in the building to provide you with a claim form. If you are a defence witness in the Magistrates' Court the Defence solicitor will provide you with a claim form.

If you need any help completing the form you should speak with Witness Service or the Court staff and they should be able to assist.

You can claim expenses only up to when the court says you are free to leave. Expenses are not paid on the day at the courtroom but from a CPS central administrative support office. The CPS aim to pay prosecution witnesses within five to ten days of receiving a properly filled in claim form. Defence witnesses in the Crown Court and Magistrates' Courts will be paid within five working days.

I am a victim of crime will I be eligible for compensation from the offender?

If you are the victim of a violent crime and have suffered loss, damage or injury you may be entitled to compensation. However it is the court's duty to consider whether a compensation order should be imposed.

For loss or damage claims you should have been provided with a compensation claim form by either the police officer to whom you gave the statement or from someone working for the police, for example the Criminal Justice Support Unit. To support your claim you will need to get estimates to repair the damage or a copy of an invoice if the work has already been done.

When setting the amount of compensation to be paid the courts must have regard to the circumstances of the offence and the offender, including their ability to pay the sum awarded.

A victim will only receive the compensation awarded after the offender has paid the money into the court. Efforts are made by the court towards getting the offender to comply with the order.

If the Courts do not make a compensation order it may be possible to sue the offender in the civil courts. Staff at the Witness Care Unit will upon request be able to provide you with an information pack which will give you some guidance about what to do if you want to issue a summons in the County Court to recover monies

If you have been injured because of a crime of violence you can apply for compensation under The Criminal Injuries Compensation Scheme.

The scheme deals with injuries suffered in Great Britain, that is England, Scotland and Wales. Northern Ireland has its own scheme.

Your local branch of Victim Support can explain how you make your claim and your Witness Care Officer can provide you with contact details if you do not already have them.

Further Information

For further information please see the 'Detailed Information' and 'Links' channels on the Staffordshire Criminal Justice Board website:

<http://lcjb.cjonline.gov.uk/Staffordshire/home.html>

The Staffordshire Criminal Justice Board is made up of chief officers from the seven public sector criminal justice agencies in Staffordshire and Stoke-on-Trent: Courts Service, Crown Prosecution Service, National Probation Service, Police Service, Prison Service and the Staffordshire and Stoke-on-Trent Youth Offending Services and deals with inter-agency performance issues. It is supported by a three-member team dealing with business management, performance management, marketing and communication management. The business support team manages all inter-agency work, interfaces with central Government and focuses attention on improving public confidence in the criminal justice system and gaining victim and witness satisfaction on how they are dealt with.