



## Being a witness in court FREQUENTLY ASKED QUESTIONS

### **Q: Will you pay for my travel to court?**

**A:** Yes. The Crown Prosecution Service will pay for you to travel by public transport (at standard, second class rates) and you can claim a fuel allowance if you come by motor vehicle. When you get to court, you'll be given a form to complete so you can claim back your travel expenses. If you are unable to pay for travel to court, please let your Witness Care Officer know as soon as possible and s/he will arrange travel for you. Please note that you will not be able to claim back the cost of travelling by taxi except in exceptional circumstances (emergency, illness, disability) – and if you have to travel by air or sea, the cost will be reimbursed at economy class fare only. If you are travelling from a considerable distance, your Witness Care Officer can also help arrange accommodation for you.

### **What about loss of earnings?**

If your employer will not pay you, or you are self-employed, you may make a claim to the Crown Prosecution Service for loss of earnings (up to a maximum amount). You will need to get your employer to sign the expenses form that you will be given at court, or provide proof that you are self-employed.

### **Will I have to stay at court throughout the trial?**

No, you will be free to go once you have given your evidence and the Court has formally released you. On very rare occasions, witnesses are called back again – so please don't arrange to travel anywhere further than a day away during the period the trial is listed for, even after you have given your evidence.

### **Will I be able to see the defendant?**

The defendant will be in the court room whilst you give your evidence and you will be able to see each other. However it may be possible for you to give your evidence from behind a screen or by video link. These special measures must be applied for and can only be agreed by the court – so if you feel unable to give your best evidence without special measures, please speak to your Witness Care Officer as soon as possible.

### **Is there a dress code?**

There is no official dress code, but the court room is a formal setting and most people feel more comfortable if they are dressed smartly – for example, in smart trousers/skirt and a blouse/long-sleeved shirt.

### **Do I really have to go to court?**

Yes. If your Witness Care Officer has advised you that your attendance is required, then you must attend. The witness list is decided by the Crown Prosecutor and the defence lawyer. It is your Witness Care Officer's duty to tell you if you are required but s/he cannot make the decision that you need not attend.

### **If I retract my statement will I still have to go?**

Yes, it is likely that you will still have to attend court even if you retract your statement.

### **What will happen if I don't go to court?**

If you are required to attend but do not go, the trial may be adjourned to a later date and a summons issued for your attendance. If you do not attend when under summons, a warrant may be issued for your arrest. Please speak to your Witness Care Officer if you have concerns about any aspect of attending court; we are here to provide whatever information you need and help in any way we can.

### **Which court will the trial be at?**

Your Witness Care Officer will let you know where the case will be heard and will provide a map showing the location of the court, train stations and car parks, etc.

### **Can I visit the court before the trial?**

Yes; we encourage you to visit in advance so that Witness Service volunteers can show you around the court and explain what will happen. Your Witness Care Officer will talk to you about arranging a convenient time; and if you can't manage a pre-trial visit, s/he will send you a DVD "Going to Court" which explains the process.

### **What about childcare?**

You will be able to claim back the cost of childcare (up to a set limit) by completing the expenses form you are given at court. Please be aware that you cannot normally claim both childcare costs *and* loss of earnings – as you would usually *either* be working *or* looking after children. If you do claim both you must state why on the form.

### **Can I bring my children with me – and is there someone to look after them?**

We do not encourage you to bring your children to court, and there will not be anyone at court who is qualified to look after them. If you do bring children, you must bring a friend/family member/partner with you to look after them whilst you give evidence. And it's a good idea to bring some toys or books to keep them busy!

### **Will I be waiting with the defendant's family and friends?**

No, not unless they are witnesses for the prosecution. Prosecution and defence witnesses have separate waiting rooms.

### **Is there anywhere to buy food and drinks?**

Yes, most courts have a tea bar or a vending machine.

### **What should I bring?**

It's a good idea to bring something to read or to keep you (and your children) entertained as there can sometimes be a long wait. You may also want to bring lunch or money to buy lunch (you can claim back a fixed allowance for your refreshments). There's no need to bring anything else, unless you take regular medication (please make your Witness Care Officer aware of any medical needs).

### **Can I bring a friend?**

Yes, your friend can sit with you in the waiting room and then in the public gallery in the court room while you give evidence (provided they are not a witness in the same trial). But please note that the Crown Prosecution Service is unlikely to pay for travel for a friend/family member unless you are under 18 or you require a carer.

### **Why can't I have more advance warning?**

If you have been asked to attend a **Magistrates Court**, you will usually be given a few weeks notice. Your Witness Care Officer will inform you as soon as s/he finds out that you are needed.

If you have been asked to attend a **Crown Court** (at Lewes, Brighton, Hove or Chichester), you may be told of several periods of time during which the trial could take place; these are called 'warned periods'. Alternatively, your case may be given a fixed date when the trial is scheduled to start. Your Witness Care Officer will inform you as soon as s/he finds out when you are needed.

If the case is in a 'warned period', you will be asked to remain on standby, ready to attend – and you may not be informed that you should attend until the day before. We appreciate this can be frustrating, but trial lengths can vary and unexpected events can occur (such as legal discussions, or a witness taking longer/shorter than expected to give evidence) so the court can never plan exactly when a witness will be needed or when the trial will start. We appreciate your patience and understanding about this – your Witness Care Officer will give you up-to-date information about timings as soon as it becomes available, and try to minimise the time you have to spend at court.

### **Will the lawyers shout at me?**

No. Although the questions may be challenging and cross-examination can be difficult and sometimes distressing for witnesses, the Magistrates and Judges are there to ensure that you will not be bullied.

### **Will my name be in the paper?**

Although rare, it's possible. If there are no press restrictions imposed by the court (such as in child abuse cases) and the case is of media interest, your name may be reported in the paper.

### **Do I need legal representation?**

No. If you are attending court as a witness you do not need legal representation.

### **When asked for dates to avoid, what are acceptable reasons to give for being unavailable?**

Acceptable reasons for not attending court include holidays, medical operations, examinations or business trips abroad. (Other work commitments are not an acceptable reason to not attend court, because your employer is required to release you to attend). If you do not specify these dates to avoid when asked, and the trial is fixed for a date you cannot attend, you will be asked to provide evidence of the booking/appointment.

### **Will my address be read out in court?**

Your address will not usually be read out, but if your address is relevant to the case (such as in cases of burglary or if the crime happened at your address) it may be stated or you may be asked to confirm your address.

### **Is there Wi-Fi at the court?**

No, Wi-Fi is not currently available. It's a good idea to bring a book or magazine to read while you wait.

### **Is there parking?**

Only if you have a disabled permit. If you have a permit and will require parking, please let your Witness Care Officer know. Unfortunately there is no other public parking at any of the court houses. Your Witness Care Officer will provide a map showing the location of the court, train stations and car parks, etc.

**If you have any further questions, please do not hesitate to ask your Witness Care Officer.**