

# The Witness Charter

OUR PROMISE TO YOU



CRIMINAL JUSTICE SYSTEM





## The Witness Charter

This leaflet sets out your entitlements under the Witness Charter. It tells you what you can expect from each of the criminal justice agencies and from lawyers involved in the case after you become a witness.

### About the Witness Charter

The Witness Charter tells you how you can expect to be treated by:

- the police, if you are a witness to a crime or incident; and
- other criminal justice agencies and lawyers, if you are asked to give evidence for the prosecution or defence in a criminal court.

The Witness Charter 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. The standards of service set out in the Witness Charter apply to all witnesses, regardless of whether you are also the victim. If you are also a victim of a crime, you have rights that 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 comply with the standards where possible and as far as their professional rules allow.

This leaflet sets out our promise to you under the Witness Charter in brief. A full version of the Witness Charter can be downloaded from [www.cjsonline.gov.uk](http://www.cjsonline.gov.uk)

### **Being a witness**

As a witness in an investigation, you are helping to ensure that justice is done.

If a suspected offender is identified and the case proceeds to a criminal court, you may be asked to give evidence for the prosecution or defence in court if you know:

- something about a particular crime, incident or dispute; or
- one of the people involved in a case (you may be asked to be a character witness).

In either event, your evidence can be crucial to securing the conviction of the guilty or the acquittal of the innocent.



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## Our standards of care

### Fair treatment

1. 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.
5. If you are asked to make a statement, we will arrange to take it as soon as possible and at a time that is convenient to you. We will also ensure that it is an accurate record.

### Reporting crime

2. We will make it easy for you to report a crime or other incident and, when you do, your report will be handled efficiently.
6. When you have given a statement, we will tell you what will happen next.

### Making a statement

3. We will identify whether you are a vulnerable or intimidated witness and ask whether you would like special support.
7. After you have given a statement, if the offence is serious and you are likely to give evidence in court, you will be updated at least once a month on the progress of the investigation.
4. When you make a statement, we will make a basic assessment of your needs as a witness and will seek your views on measures that might help you.
8. If you report any intimidation, we will consider whether you need additional support and will seek to provide it.

## Support following a charge

9. If someone is charged or released on bail, we will keep you informed about the case's progress through the court process.
10. If you are a witness in a case that is going to trial, we will make a detailed assessment of your needs.
13. We will ensure that cases involving vulnerable witnesses, including child witnesses, are brought to trial as quickly as possible.
14. We will give you advance notice of the trial date and any changes to it and try to ensure that you only attend court when you are to give evidence.

## Preparing for court

11. We will make arrangements for your attendance at court to meet your personal circumstances, and we can refer you to specific organisations if you need further support.
12. We will take account of your availability when setting a date for the trial.
15. We will give you information about what happens at court and help you to give evidence in court.
16. We will give you practical details about the court where you will be giving evidence.
17. We will offer you the opportunity to visit the court building ahead of the trial.



### **In the court building**

- 18.** You will be able to bring someone to support you at court.
- 19.** You can receive practical and emotional support at court, before and during the trial, from the Witness Service and other support agencies.
- 20.** When you attend court, we will provide you with information about the building layout and where and when your case will be heard.
- 21.** We will take action to help keep you safe at court, including keeping prosecution and defence witnesses separate where possible.
- 22.** The relevant lawyer, where practicable, will seek to introduce themselves on the day and will seek to answer any practical questions you may have.

- 23.** We will provide you with a clean and comfortable waiting area.
- 24.** We will try to ensure that you wait no more than two hours in the Crown Court or more than one hour in a magistrates' court to give evidence; if you have to wait longer than this, we will regularly update you on progress.

### **In the courtroom**

- 25.** At court, we will make provision for any disability or medical condition that you have.
- 26.** We will make sure that any special measure granted by the court is made available.
- 27.** If you have any language or communication needs, we will provide an interpreter or signer.



28. You will be able to use the holy book of your religion to give your oath, or you can choose to 'affirm' that you promise to tell the truth. We will respect your needs in the witness box.
29. We will challenge inappropriate cross-examination.
30. After the trial, we will inform you of the result of the case.
31. We will inform you of any appeal against conviction or the sentence.
32. We will help you get further support after the trial if you need it.
33. We will tell you how to claim expenses for travel costs or loss of earnings, where you have an entitlement.
34. If you are unhappy with the level of service that you have received, we will tell you how to make a formal complaint.

### After trial

### Further information

You can get general information about the Criminal Justice System (the police, the courts and the Crown Prosecution Service) and more information about being a witness from [www.cjsonline.gov.uk/witness](http://www.cjsonline.gov.uk/witness)

Visit [www.cjsonline.gov.uk/victim](http://www.cjsonline.gov.uk/victim) for more information for victims of crime.



Criminal Justice System: working together for the public