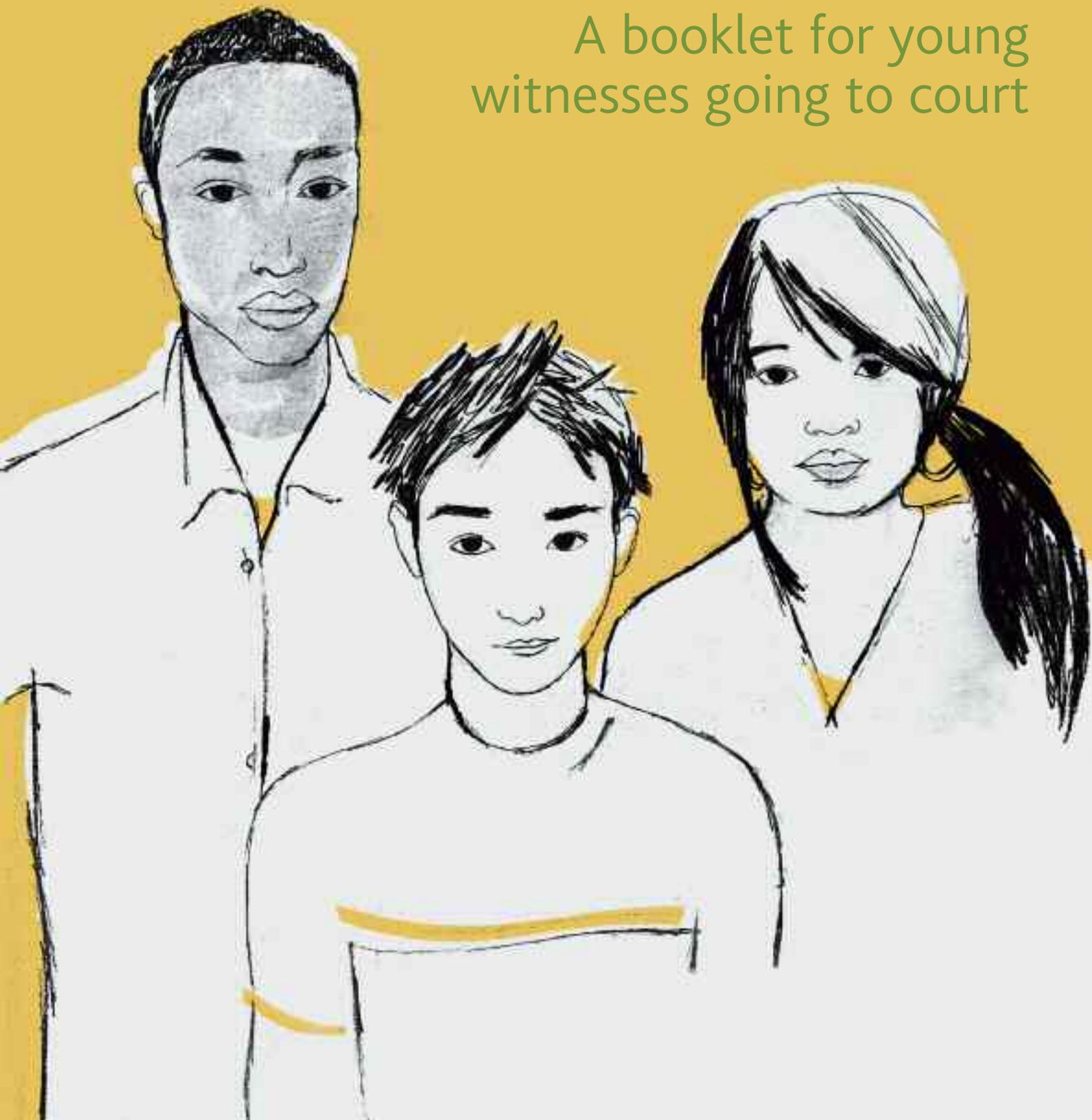


Being a witness

A booklet for young
witnesses going to court



Being a witness

A booklet for young
witnesses going to court

For further details please contact

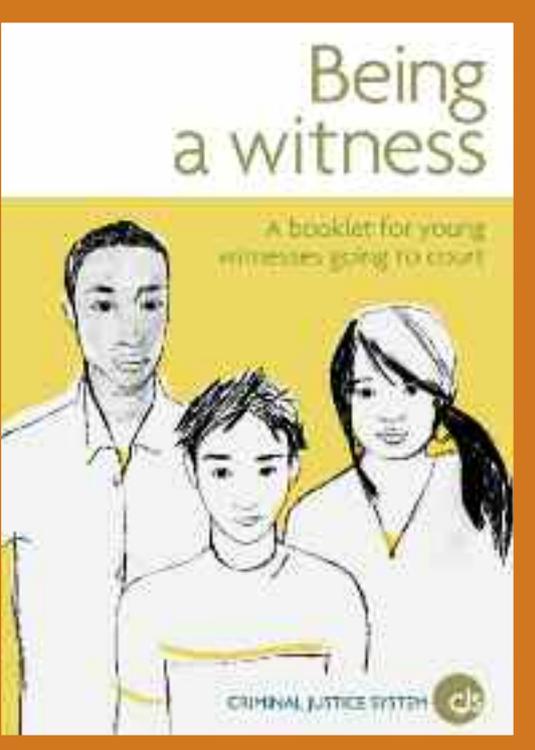
(name of supporter)

This book should be read with the assistance of an adult supporter who knows about court procedures and can answer the young witness's questions. The supporter can then pass on information about the young witness's needs at court to the police, Crown Prosecution Service and court staff.

Arrangements for supporting child witnesses vary in different parts of the country. The police will be able to give advice about the best person to talk to.

Most magistrates' courts have a witness booklet containing information about the court, how to get there and local transport.

Introduction



Being a witness

A booklet for young witnesses going to court

Lots of young people go to court as witnesses. So don't feel that you're alone.

It's not always easy to do something for the first time. But many young people feel better about going to court if they know what to expect beforehand.

This booklet explains:

What a witness does

Who will be at court

What happens at court

Ways to help you give evidence (special measures)

What happens after the trial

WHY HAVE I BEEN ASKED TO BE A WITNESS?

You have already told the police about something you saw or heard, or about something that happened to you. The police made a record of what you said, either by making a visual recording or by writing it down (in your statement). The police and the Crown Prosecution Service have decided that someone may have committed a

crime and must go to court. Now the court needs you to answer questions about what happened. What you tell the court is called your "evidence". It is important that anyone who helps you to prepare for court does not talk to you in detail about your evidence. The court needs to hear from you, in your own words.

Why does there need to be a trial?

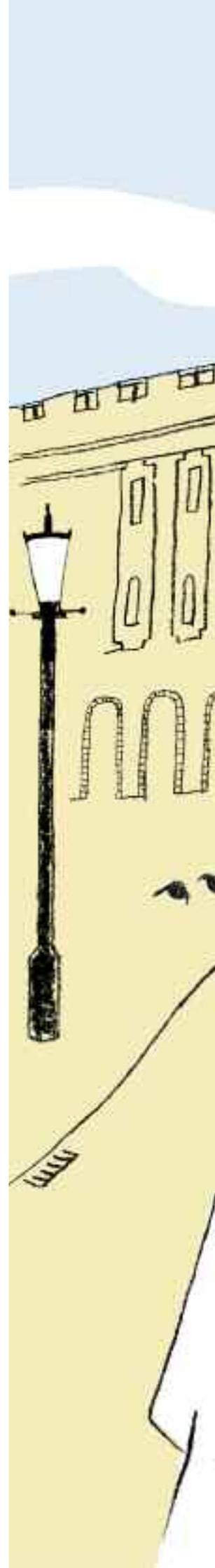
A trial happens when a person, called “the defendant”, is accused of committing a crime. If the defendant states that they are “not guilty”, a trial in court is needed to decide whether or not this is true. People in the court hear both sides of the argument and then decide whether or not the defendant is guilty. The court can only reach this decision with the help of information given by witnesses like you.

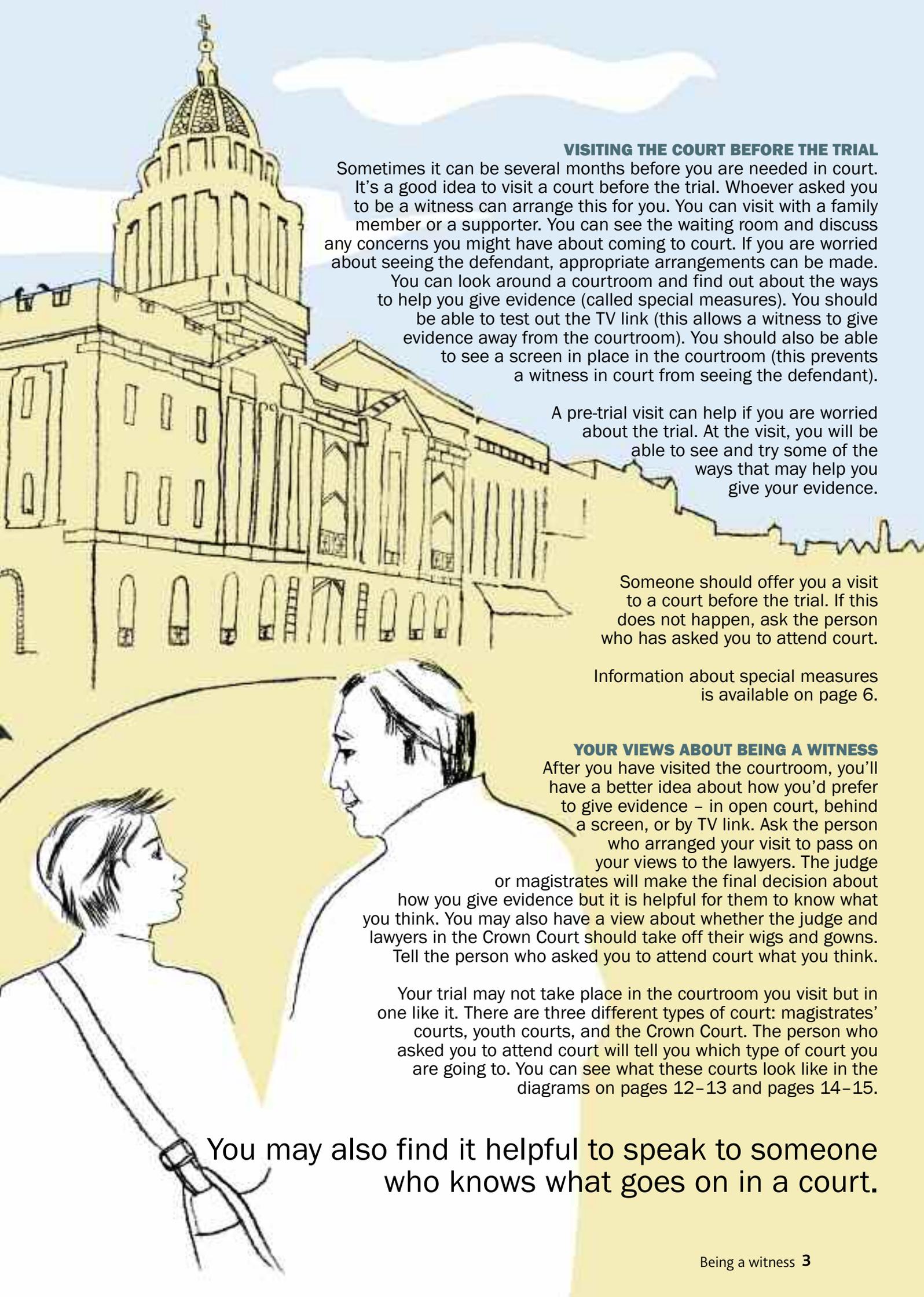
WILL THE TRIAL DEFINITELY GO AHEAD?

If the defendant agrees that they broke the law, they plead “guilty”. If this happens, you will not have to give evidence. Sometimes the defendant pleads guilty at the last minute, after everyone has come to court. If this happens, the magistrates or judge will say that you don’t have to give evidence after all and that you can leave.

A lot of planning and preparation is needed before a trial can start. Sometimes problems arise. For example, a witness may not be able to come to court on the trial date. Or a report needed by the prosecution or defence may not be ready on time. If these problems cannot be solved, the trial might have to be put off until a later date. If the problem is serious, the trial might be cancelled altogether. In some cases, problems come up after the trial has started. If this happens, the court may decide that the trial should stop. The witnesses will be told that they can go. The defendant may be free to leave the court, too.

When a person accused of a crime says they are “not guilty”, witnesses – like you – must go to court for a trial.





VISITING THE COURT BEFORE THE TRIAL

Sometimes it can be several months before you are needed in court. It's a good idea to visit a court before the trial. Whoever asked you to be a witness can arrange this for you. You can visit with a family member or a supporter. You can see the waiting room and discuss any concerns you might have about coming to court. If you are worried about seeing the defendant, appropriate arrangements can be made. You can look around a courtroom and find out about the ways to help you give evidence (called special measures). You should be able to test out the TV link (this allows a witness to give evidence away from the courtroom). You should also be able to see a screen in place in the courtroom (this prevents a witness in court from seeing the defendant).

A pre-trial visit can help if you are worried about the trial. At the visit, you will be able to see and try some of the ways that may help you give your evidence.

Someone should offer you a visit to a court before the trial. If this does not happen, ask the person who has asked you to attend court.

Information about special measures is available on page 6.

YOUR VIEWS ABOUT BEING A WITNESS

After you have visited the courtroom, you'll have a better idea about how you'd prefer to give evidence – in open court, behind a screen, or by TV link. Ask the person who arranged your visit to pass on your views to the lawyers. The judge or magistrates will make the final decision about how you give evidence but it is helpful for them to know what you think. You may also have a view about whether the judge and lawyers in the Crown Court should take off their wigs and gowns. Tell the person who asked you to attend court what you think.

Your trial may not take place in the courtroom you visit but in one like it. There are three different types of court: magistrates' courts, youth courts, and the Crown Court. The person who asked you to attend court will tell you which type of court you are going to. You can see what these courts look like in the diagrams on pages 12–13 and pages 14–15.

You may also find it helpful to speak to someone who knows what goes on in a court.

Before you go to court



Both the prosecutor and the lawyer for the defence ask witnesses questions in court. “The prosecution” is the name for the people accusing the defendant of breaking the law. “The defence” is the name for the people who try to prove that the defendant hasn’t broken the law.

THE WITNESS SERVICE

The Witness Service operates in every Crown Court, magistrates’ courts, and youth courts. This service is run by the independent charity, Victim Support. It provides support for both prosecution and defence witnesses attending court. You will meet someone from the Witness Service when you go to court. They cannot talk about why you have been asked to be a witness but they will be a friendly face to welcome you. If you have not already visited the court, they may be able to show you around and remind you what will happen when you give evidence.

IF YOU ARE A WITNESS FOR THE PROSECUTION...

If you have any questions about:

- **being a witness**
- **ways to help you give evidence (special measures)**
- **having a supporter in the TV link room with you when you give evidence**
- **what is happening with the case**

you should ask the police or the person who asked you to attend court. On the day of the trial, the prosecutor will come and meet you before you go into court.

You can see your written statement before you go into court to give your evidence to remind you what you said. If you made a visually recorded statement, you should be able to see it before the day of the trial. Ask the police officer, prosecutor or the person who asked you to attend court to arrange this for you.

If you are nervous about seeing the defendant, and have not already done so, tell the police or

the person who asked you to attend court before you go to court. You may be able to wait “on standby” somewhere nearby, outside the court building, or you may be able to enter the court by a different entrance. If you are waiting at court, someone from the Witness Service or court staff should be able to show you a place where you can wait away from the public area.

Is there anything you still have not told the police? Or perhaps you are worried that you have told different things to different people? It may be that you were scared or confused. If this has happened, or if you have any other worries at all, just tell the police or the person who asked you to attend court before you go to court.

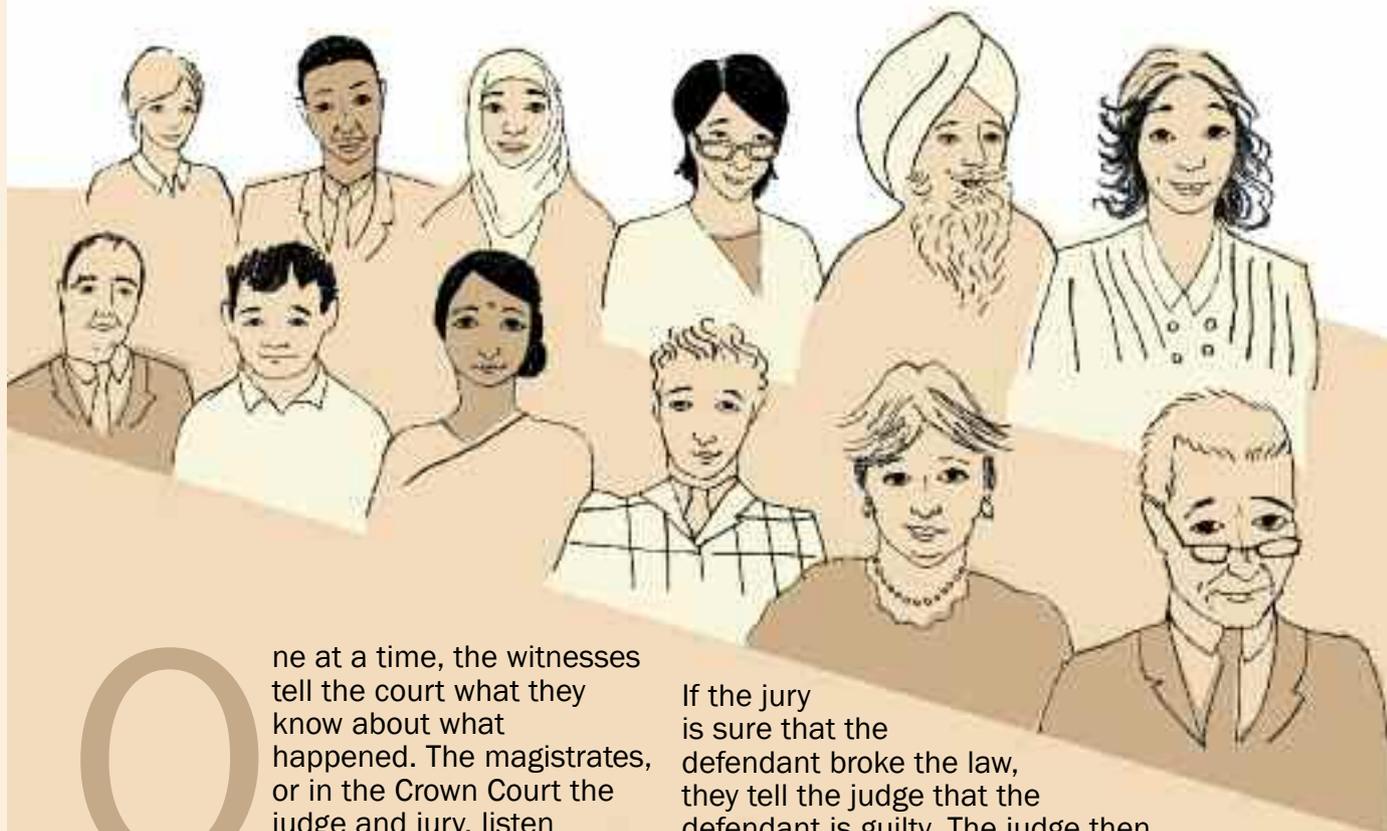
As a witness for the prosecution, you will be given a form complete. This means that some of your travel and other reasonable expenses will be paid for you.

IF YOU ARE A WITNESS FOR THE DEFENCE...

If you have any questions about being a witness, if you want to find out what is happening with the trial you are involved with, or if you want to visit the court beforehand, ask the defence lawyer. On the day of the trial, the defence lawyer should come and meet you before you go into court.

If you have questions about where to wait at court, just ask the staff at the court or the Witness Service. You can also ask them about claiming travel and other expenses to get to the court.

What happens at a trial?



One at a time, the witnesses tell the court what they know about what happened. The magistrates, or in the Crown Court the judge and jury, listen carefully to all that is said.

The prosecutor and the defence lawyer take turns to ask each witness questions.

In a magistrates' or youth court, when the magistrates have listened to everyone, they go out of the court to a private room. They talk together and decide whether or not the defendant is guilty.

In the Crown Court, it is the jury that decides whether or not the defendant broke the law. When all the evidence has been heard, the members of the jury leave the courtroom. They talk about what they have heard and come to a decision.

Without witnesses like you, courts wouldn't be able to work.

If the jury is sure that the defendant broke the law, they tell the judge that the defendant is guilty. The judge then decides how to punish the defendant for what he or she has done on the day or at a later date.

If the magistrates or jury think that the defendant did not break the law, or if they are not sure, they must say that the defendant is not guilty. If this happens, **don't think that they did not believe you** or the other witnesses. Perhaps they could not be sure what happened. If the defendant is not guilty, he or she is usually free to leave court. Bail conditions may no longer apply.

For more information about the different people in Crown Courts, magistrates' courts and youth courts, see the diagrams on pages 12–13 and pages 14–15.

On the day of the trial, you may have to wait a while before you are called to give evidence. It is a good idea to bring something to read or a game to pass the time. You may want to bring a snack and a drink, too.

Giving evidence



When it's your turn to give evidence, you will be shown where to go. Once the trial has begun, witnesses cannot go into the courtroom

before they have given evidence. Someone can usually go with you into court – normally a relative, friend, teacher, or other supporter. But this person cannot also be a witness who is waiting to give evidence.

WAYS TO HELP YOU GIVE EVIDENCE (SPECIAL MEASURES)

All young people can have help when they are a witness. This help is called 'special measures'. Young people tell us that special measures help them feel more confident about being a witness. The special measures are:

- **giving evidence via a TV link** – this means that you give your evidence away from the courtroom. You go into another room in the court building (or sometimes away from the court building) with a supporter agreed by the court. You sit in front of a TV link. On the top of the TV link there is a camera which is connected to the courtroom. You are seen on the TV link by everyone in court, including the defendant.
- **screens in the courtroom** – prevent you from seeing the defendant while you give your evidence. The defendant cannot see you.

- **evidence given in private** – if the case involves a sex offence, or someone has been making you feel worried or frightened about giving evidence, then members of the public might not be allowed into the courtroom during your evidence.
- **removal of wigs and gowns** – worn by judges and lawyers in the Crown Court.
- **visually recorded evidence** – where the police interviewed you using a visual recording and it is played at trial as your main evidence. It is seen by everyone in the courtroom including the defendant. You are allowed to watch the recording again before the trial to help refresh your memory.
- **use of an intermediary** – an intermediary can help you to communicate with the court. The intermediary helps you understand the questions you are asked and can help the court understand what you say.
- **aids to communication** – sometimes you may use an aid, such as a sign and symbol board, to assist you when communicating your answers.

It is very important that young witnesses, like you, are asked about which special measures you think will help you. You may want to give evidence by a TV link, or you may prefer to go into the courtroom with screens to prevent the defendant seeing you.

Tell the person who asked you to come to court what you think about using special measures. This person can tell you more about how they work in practice. Ask this person if you have any questions. The court makes the decision about using special measures but needs to know what you think.

WITNESS SUPPORTER

It may be possible to have a supporter who knows you to accompany you while you give evidence. This could be the person who has helped you prepare for going to court, or an adult friend or family member who has not been involved in any way with the case. It is important to tell the person who asked you to go to court who you'd like to be with you while you give your evidence. The judge or magistrate will decide whether to allow this, but they must consider what you say.

HELPING YOU UNDERSTAND WHAT IS SAID TO YOU (THE INTERMEDIARY)

People at court often use difficult words. Questions may seem long or complicated and be difficult to understand. An intermediary can help you understand what is said to you. They will also help people at court to understand what you are saying to them.

You can ask for an intermediary if you are worried that:

- **you might not understand questions at court**
- **it would be difficult to say you do not understand**
- **the court will not understand what you say.**

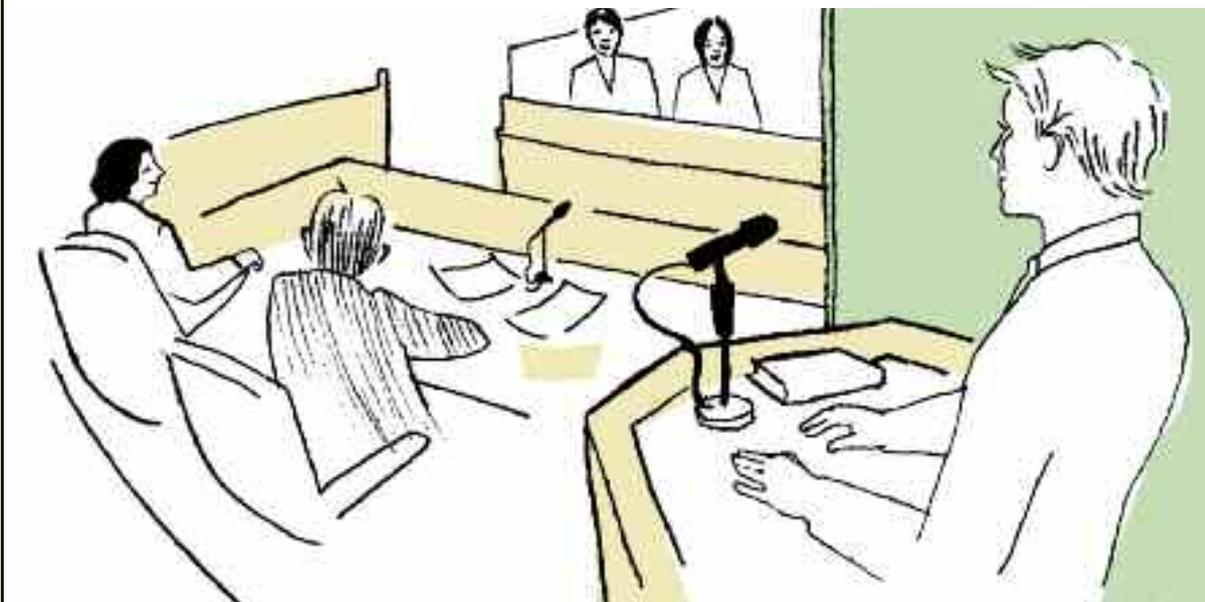
If you would like an intermediary to help you, tell the person who asked you to be a witness. You must do this before the day of the trial.

The magistrates or judge will decide whether you can have help from an intermediary. If they decide an intermediary can help you, you will meet the intermediary before you go to court. The intermediary will:

- **sit with you while you give your evidence**
- **help you understand the questions**
- **help the people asking you questions to understand your answers.**

SCREENS IN THE COURTROOM

If a young witness gives evidence in the courtroom, a screen may be placed between the witness and the defendant so that they cannot see each other. The judge or magistrates need to know if you would like a screen but they will make the decision.



Taking the oath

If you are 14 or over, the usher will ask you to “take the oath” before you answer questions as a witness. This means that you promise to tell the truth. Before you go into the courtroom, tell the usher:

- **if you have a religion, which Holy Book you use;**
- **if you are not religious – you can make a different promise that does not mention God;**
- **if you have any difficulty reading – the usher will say the words first and ask you to repeat them.**

You should also tell the usher if there are other religious practices you need to follow while you are at court.

You will be asked your name and how old you are. Usually you do not need to give your address. If you are asked for your address and do not want to say it out loud, tell the judge or magistrates that you would prefer to write it down. Speak slowly and clearly as the clerk will be writing down what you say.



Being questioned

3 things you need to remember:

- 1 Listen carefully to the questions and make sure you understand them
- 2 Answer the questions as clearly as you can
- 3 **Most importantly** – tell the truth

LISTENING TO THE QUESTIONS

Lawyers often use words or phrases that are hard for witnesses to understand. It is important to be sure that you know what each question means before you answer it.

- **If you don't understand, say: "I don't understand. Can you ask me that again in a different way?"**
- **If someone asks you the same question again and you still don't understand it, it is OK to say: "I'm sorry, but I still don't understand."**
- **Someone may ask you two or three questions together. If this happens, it's OK to say: "Please ask me the questions one at a time."**

ANSWERING THE QUESTIONS

Think carefully before you answer and take your time. If you know the answer, tell the court. Say what happened, and try not to leave anything out. Never make anything up, and don't guess. Speak as clearly and loudly as you can.

If you don't know the answer, it's OK to say: "I don't know" or "I can't remember." If you forget to say something or if you make a mistake, tell the judge or magistrates.

Some questions may be about something the defendant did or said.

The questions might make you feel embarrassed or upset.

It's all right to use any words you need to. The most important thing is telling the court everything you know.

Nobody is allowed to tell you what to say. If anyone tries to, just ignore them. The court wants to hear what happened – from you in your own words.

Telling the truth

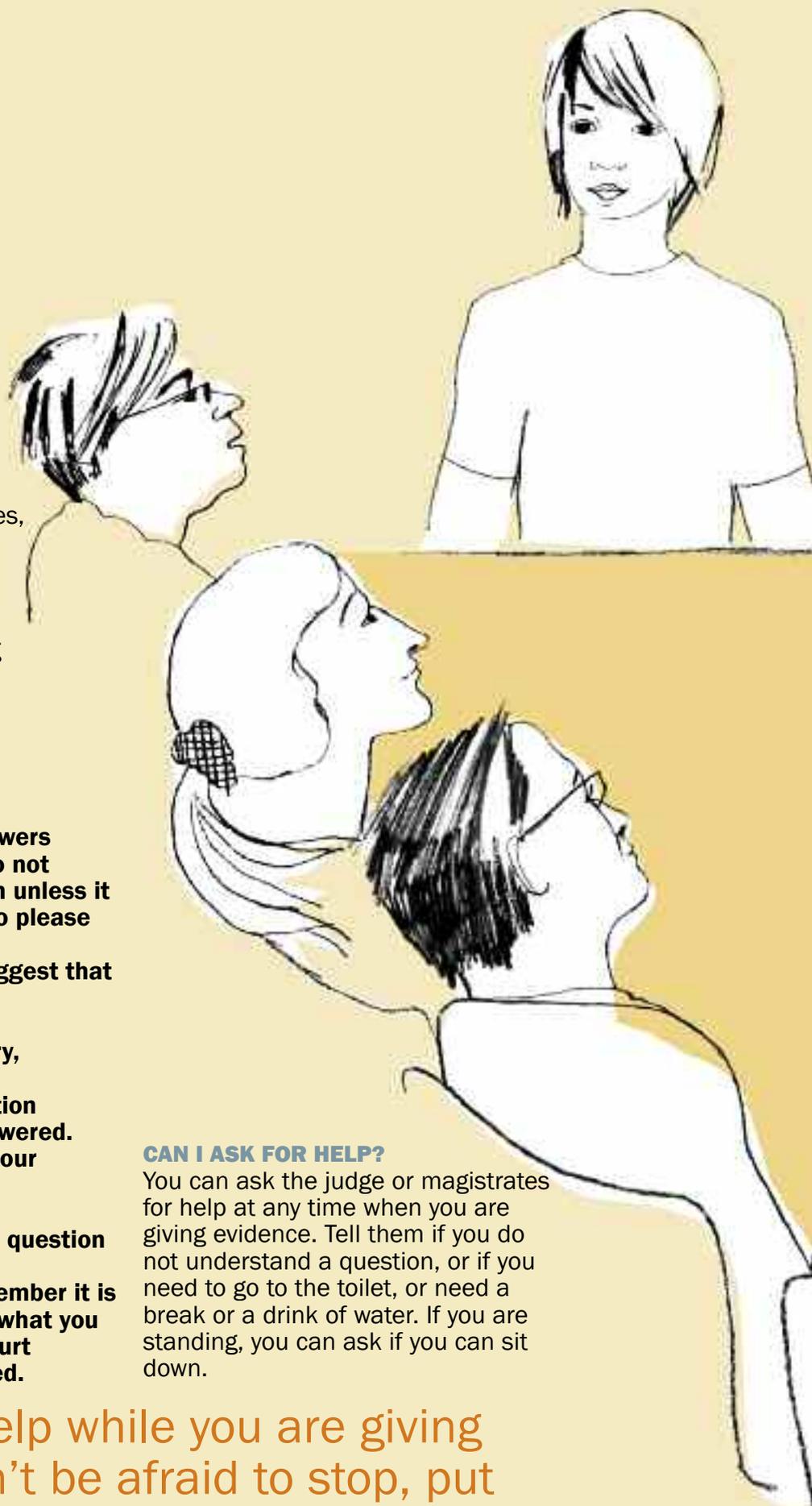
Telling the truth is the most important thing a witness has to do. The magistrates, or the judge and jury, need to know what you – as a witness – remember seeing or hearing. The lawyers asking you questions need to make sure you are telling the truth. There are a number of different ways in which their questions may check this.

- **Lawyers may suggest answers to their own questions. Do not agree with any suggestion unless it is true. Never agree just to please that person.**
- **Some questions might suggest that what you say at court is different from what you told the police. Don't worry, just tell the truth.**
- **You may be asked a question that you have already answered. This does not mean that your first answer was wrong. Just answer again.**
- **Don't be angry or hurt if a question suggests that you are not telling the truth. Remember it is the lawyers' job to "test" what you have to say to help the court understand what happened.**

CAN I ASK FOR HELP?

You can ask the judge or magistrates for help at any time when you are giving evidence. Tell them if you do not understand a question, or if you need to go to the toilet, or need a break or a drink of water. If you are standing, you can ask if you can sit down.

If you need help while you are giving evidence, don't be afraid to stop, put your hand up or say, "Excuse me".





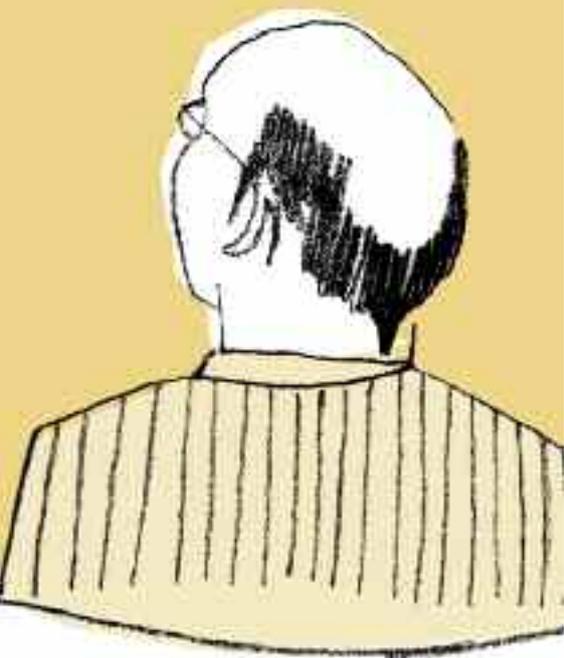
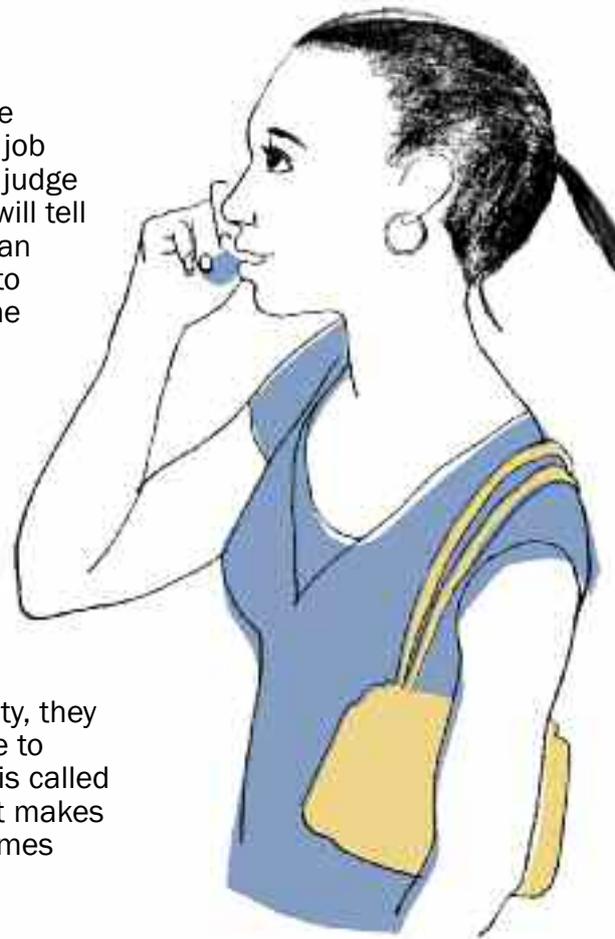
After the trial

After you have answered all the questions, your job is finished. The judge or magistrates will tell you when you can go. If you want to know what was decided at the end of the trial, ask the police or the person who asked you to attend court to let you know. Or to find out more quickly, you can telephone the court. A newspaper may report the court's decision but cannot mention your name.

If the defendant is found guilty, they might ask for another chance to prove that they are not. This is called "an appeal". If the defendant makes an appeal, witnesses sometimes have to come to court again. However, this is very rare.

Thank you for being a witness

Witnesses are very important. Our justice system relies on them to come to court and tell the truth about what happened. But remember, each witness is only part of the system. When you are a witness, you are not responsible for what the court decides.



Who's who in a magistrates' court?

THE MAGISTRATES

The magistrates are in charge of the courtroom. Usually there are three of them. The magistrates wear ordinary clothes; they don't wear wigs or gowns like judges in the Crown Courts. The magistrates decide if the defendant broke the law.

THE CLERK

The clerk sits at the front of the court and takes care of all the papers that are needed during the trial.

THE DEFENDANT

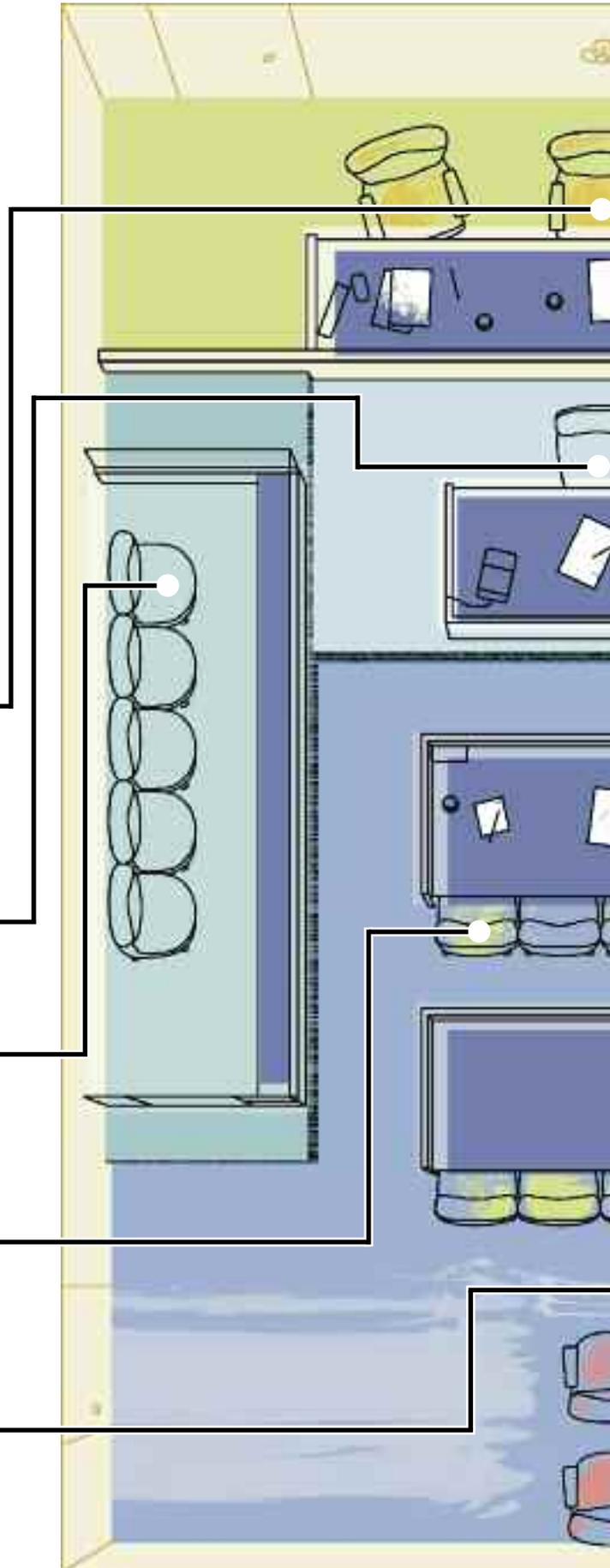
The defendant is the person who has been accused of breaking the law. The defendant sits in the dock and is not allowed to speak to you, unless they are representing themselves. Sometimes a uniformed officer sits next to them.

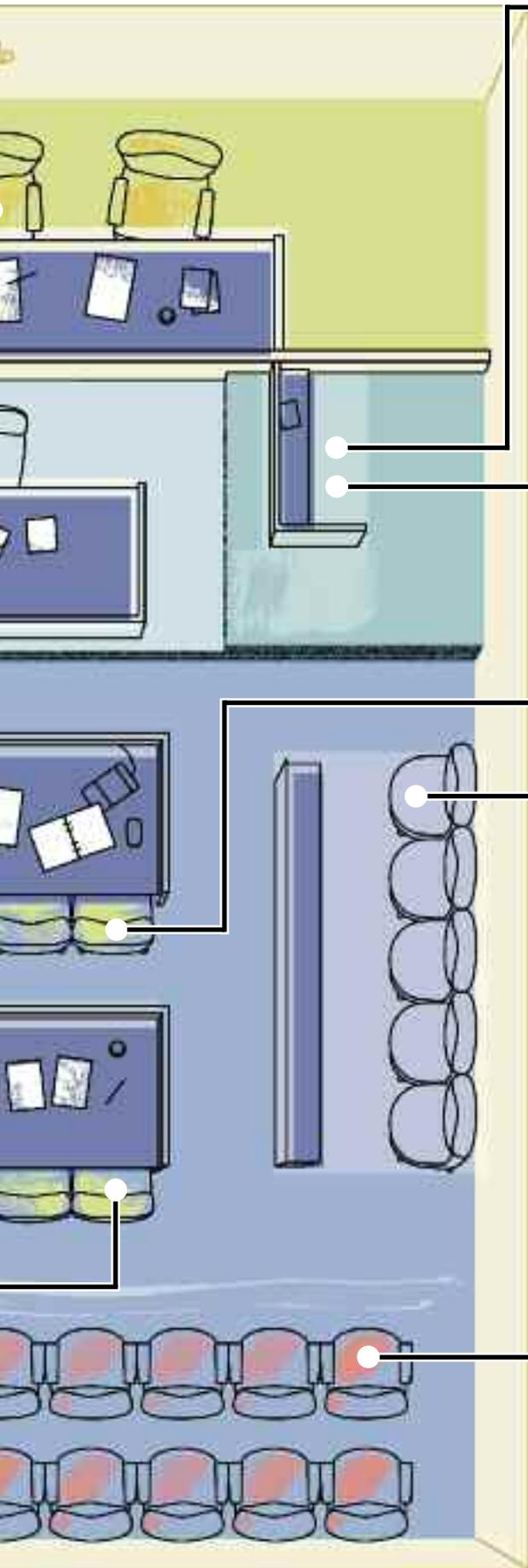
THE DEFENCE LAWYER

It is the defence lawyer's job to help the defendant. This lawyer also asks the witnesses questions and tries to show that the defendant didn't break the law. Sometimes a defendant will represent themselves but this is very rare.

THE USHER

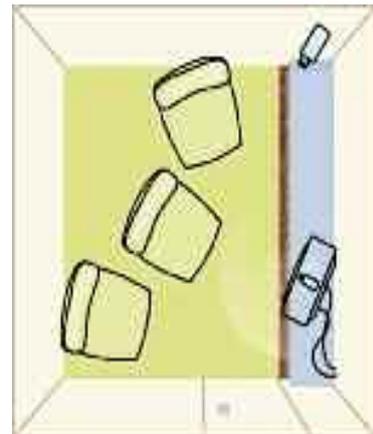
The usher usually wears a black robe and tells you when it is your turn to give evidence. While you are waiting, you can ask the usher for help if you need anything. If you leave the waiting area, let the usher know.





THE WITNESS

The witness answers questions from a place in the courtroom called the witness box. A young witness can give evidence from another room in the court building (shown right) using a TV link – the usher can usually sit with you. Your supporter may be able to sit with you; however, this will be up to the magistrates.



THE INTERMEDIARY

The intermediary helps make sure you understand the questions. If the court gives you an intermediary, you will meet him or her before the trial.

THE PROSECUTOR

The prosecutor is a lawyer who tries to show the defendant has broken the law. The prosecutor does this by presenting evidence and asking you questions about what you saw or heard, or what happened to you.

THE WITNESS SUPPORTER

You are allowed a grown-up family member or friend with you or someone who has helped you to prepare for going to court as a supporter at court. Your supporter may be able to sit with you while you are giving evidence, but it is up to the magistrates to decide if they are allowed to.

THE PUBLIC

A magistrates' court is open to the public. They can sit quietly and listen at the back of the court.

YOUTH COURT – THE DIFFERENCES

A youth court is part of a magistrates' court, dealing with people under the age of 18 who have been accused of breaking the law. The main differences are that in a youth court:

- the magistrates sit at a table;
- the defendant sits in front of the magistrates;
- there is no dock;
- members of the public are not allowed in.

In a youth court, young witnesses usually give evidence from behind a screen or by using a TV link. Otherwise, young witnesses may stand in the witness box or sit in a chair. It is a good idea to ask to visit your youth court before the trial so that you can see what the courtroom looks like. All youth courts are private. This means members of the public cannot sit and listen. You should come to court with a parent or other supporter. Because this court is private, tell the usher if your supporter wants to come into the courtroom with you. The usher will ask the magistrates for permission.

Who's who in the Crown Court?

THE JUDGE

The judge usually wears a traditional white wig and black gown. It is the judge's job to make sure that all witnesses, including young witnesses, are able to tell the court what happened. The judge will make sure that you understand the questions.

THE CLERK

The clerk sits at the front of the court and takes care of all the papers that are needed during the trial.

THE JURY

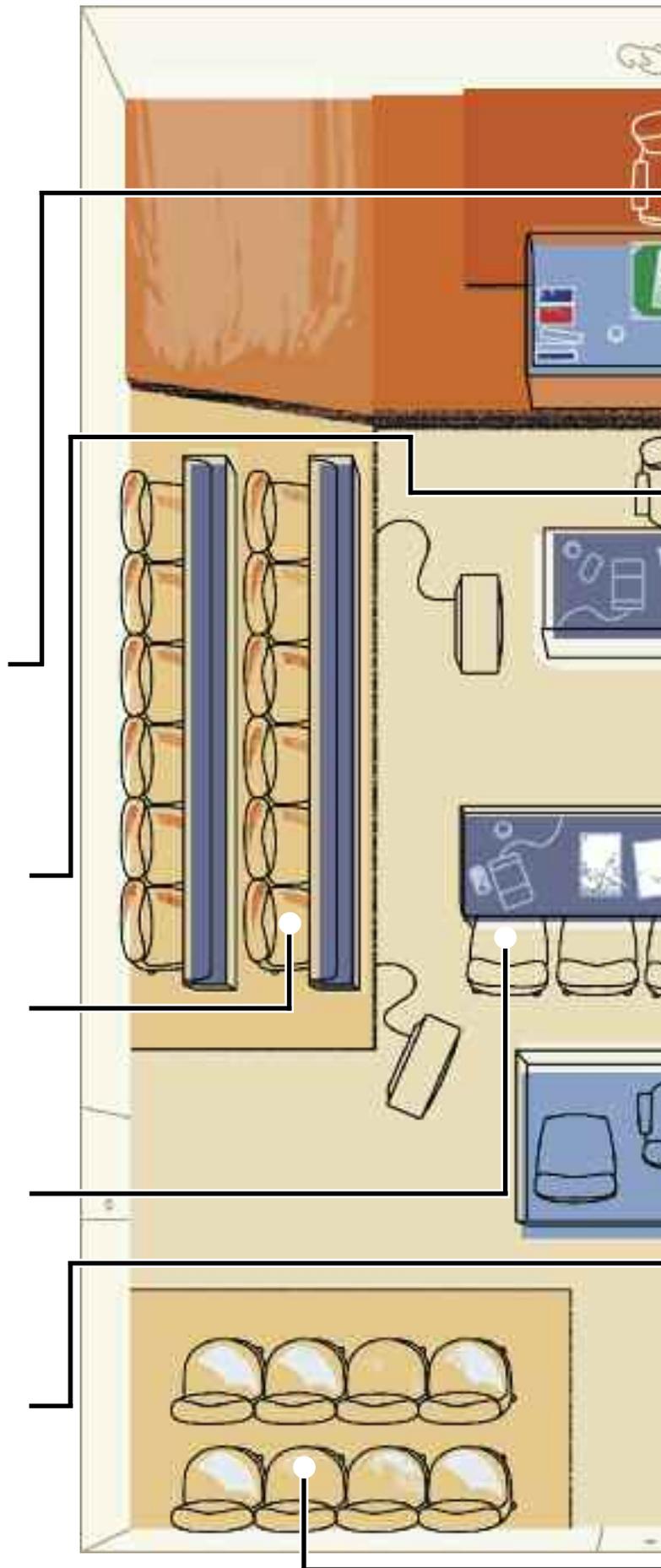
The jury is made up of 12 people who know nothing about the trial before they come to court. It is their job to listen to all the witnesses and then to decide whether or not the defendant is guilty.

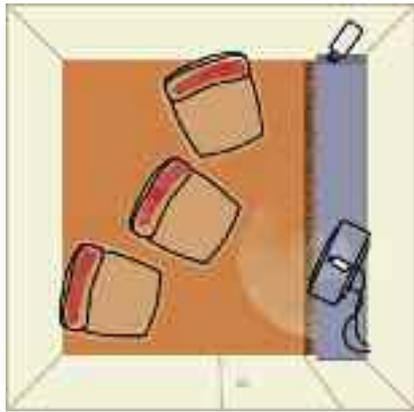
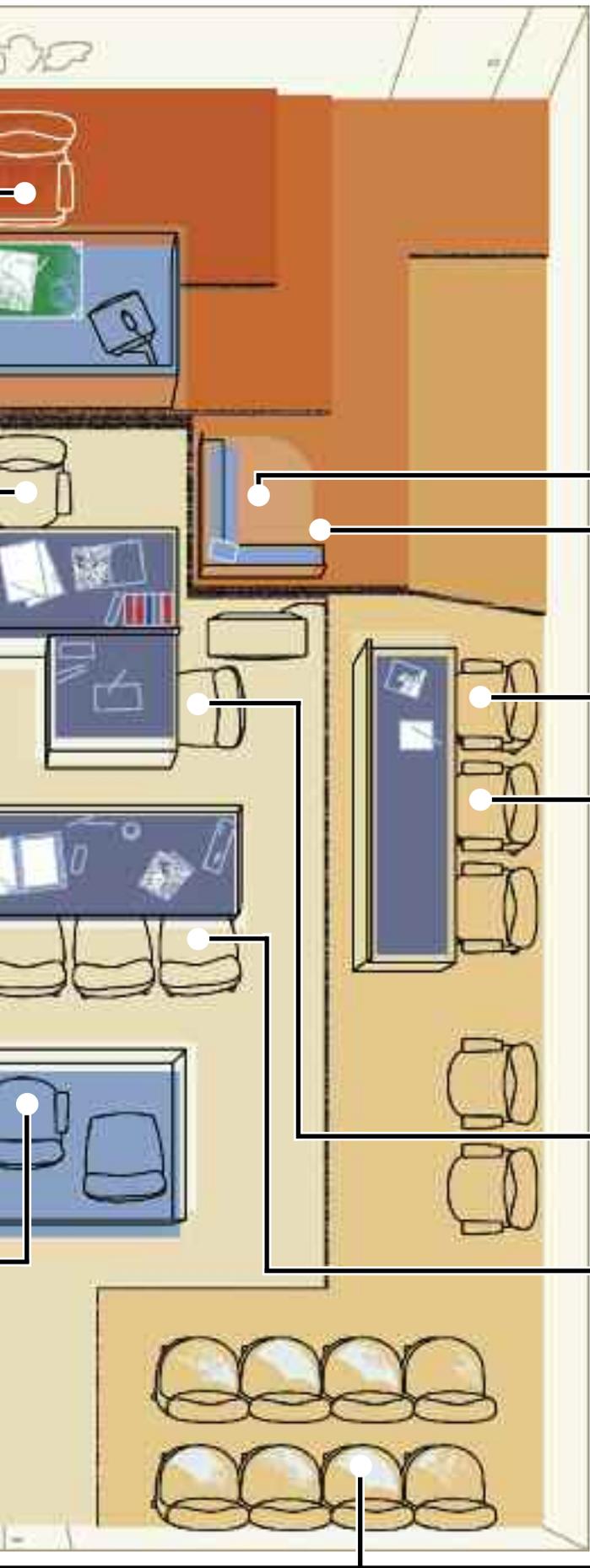
THE DEFENCE LAWYER

It is the defence lawyer's job to help the defendant. This lawyer also asks the witnesses questions and, by presenting the defendant's point of view, tries to show the defendant didn't break the law. Sometimes a defendant will represent themselves but this is very rare.

THE DEFENDANT

The defendant is the person who has been accused of breaking the law. The defendant sits in the dock and is not allowed to speak to you, unless they are representing themselves. Sometimes a uniformed officer sits next to them.





TV LINK ROOM
 Most young witnesses give evidence from a separate room in the court building, using a TV link which allows you to see and talk to the judge and the lawyers. If you use a room like this, the usher can usually sit with you. Your supporter may be allowed to sit with you however, it is up to the judge.

THE WITNESS
 The witness answers questions from a place in the courtroom called the witness box. A young witness can give evidence using a TV link from another room in the court building (above).

THE INTERMEDIARY
 The intermediary helps make sure you understand the questions. If the court gives you an intermediary, you will meet him or her before the trial.

THE WITNESS SUPPORTER
 You are allowed a grown-up family member, friend or someone who has helped you to prepare for going to court as a supporter at court. Your supporter may be able to sit with you while you are giving evidence, but it is up to the judge to decide if they are allowed to.

THE USHER
 The usher usually wears a black robe. The usher tells you when it is your turn to give evidence. While you are waiting, you can ask the usher for help if you need anything. If you leave the waiting area for any reason, let the usher know.

THE NOTE-TAKER
 There may be someone who types out what everyone says.

THE PROSECUTOR
 The prosecutor is a lawyer who tries to show the defendant has broken the law. The prosecutor does this by presenting evidence and asking you questions about what you saw or heard, or what happened to you.

THE PUBLIC
 The Crown Court is usually open to the public. People may sit quietly and listen at the back of the court.

Useful contacts

CHILDLINE

Telephone: **0800 1111**
www.childline.org.uk

Operates a free, 24-hour helpline for children who need counselling, advice or help with any kind of problem.

CHILDREN'S LEGAL CENTRE

University of Essex
Wivenhoe Park
Colchester
Essex CO4 3SQ
Telephone: **0808 802 0008**
Email: **clc@essex.ac.uk**
www.childrenslegalcentre.com

Offers advice by telephone, letter or email on matters of law and policy affecting children in England and Wales.

VOICE UK

Room 100 - 106
Kelvin House
RTC Business Centre
London Rd
Derby DE2Y 8UP
Telephone: **0808 802 8686**
Email: **voice@voiceuk.org.uk**
www.voiceuk.org.uk

Provides advice and support for people with learning disabilities who go to court, and for their families and carers. Produces publications designed to support witnesses with learning disabilities.

CITIZENS ADVICE BUREAU

Can put you in touch with useful local and national organisations. Look in your phone book for the address of your nearest branch.

NSPCC

Weston House
42 Curtain Road
London EC2A 3NH
Telephone: **0808 800 5000**

The National Society for the Prevention of Cruelty to Children (NSPCC) has local projects supporting child witnesses in some areas of England, Wales and Northern Ireland.

To find out if there is a project in your area, contact your nearest divisional NSPCC office:
Belfast **02890 351135**
Cardiff **029 2026 7000**
Leeds **0113 229 2200**
Leicester **0116 276 9999**
London **020 7825 2500**
Taunton **01823 346350**

The NSPCC also operates the NSPCC Child Protection Helpline, a free, 24-hour service which provides counselling, information and advice to anyone concerned about a child at risk of abuse. The Helpline can also respond to child witness enquiries.
Telephone: **0808 800 5000**
Textphone: **0800 056 0566**

RAPE CRISIS CENTRES

Can offer counselling for children who have been raped or sexually abused. Look in your phone book for details of your local centre.

LOCAL AUTHORITY CHILDREN AND YOUNG PEOPLE'S SERVICES

Formerly known as "social services", they offer a variety of help and support. For details of your local social services department, look in your phone book under the name of your local authority.

VICTIM SUPPORT SCHEMES

Offer a variety of help and support, including help with applications to the Criminal Injuries Compensation Authority. Look in your phone book for details of Victim Support schemes in your area, or call the Victim Supportline on **0845 30 30 900**.

THE WITNESS SERVICE

Victim Support runs the Witness Service at each Crown, magistrates' and youth court, staffed by a paid co-ordinator and trained voluntary workers. The Witness Service produces a leaflet, *Going to Court*, which gives more information about the service provided. The leaflet is available from court, or from Victim Support headquarters (telephone: **020 7735 9166**).

THE WITNESS LIAISON OFFICER

Each court has a named member of staff who, as the Court Witness Liaison Officer, is instrumental in ensuring the consistent and appropriate care of witnesses, including young witnesses, while they are at court. The role varies from court to court according to local arrangements made with the Witness Service and Witness Care Unit, and could include:

- **familiarisation visits to the court before the trial;**
- **answering questions about court procedures and facilities;**
- **demonstrating TV link equipment before the trial in appropriate cases;**
- **minimising the child's waiting time at court;**
- **arranging for the child to arrive at and depart from a side entrance of the court, if local conditions permit;**
- **separate waiting areas for young witnesses; and**
- **providing a local information leaflet for those supporting child witnesses.**

The Witness Liaison Officer usually works closely with the Witness Service.

WITNESS CARE UNITS

Every area has a Witness Care Unit which acts as a single point of contact for prosecution witnesses. (Sometimes police child protection units continue to deal directly with young witnesses and their families instead of the Witness Care Unit). The Witness Care Officers in these units are responsible for carrying out detailed needs assessments for witnesses and for maintaining a local contact directory of organisations that can provide support. They are also responsible for liaising with the court and Witness Service.

