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# The justice system

## About this guide

When you have been the victim of a crime, it can feel as if you have entered a new world of processes and procedures you may never have heard of or experienced before. Any new situation can feel overwhelming, but even more so at a time like this, when you are probably experiencing a range of different emotions after a crime has happened.

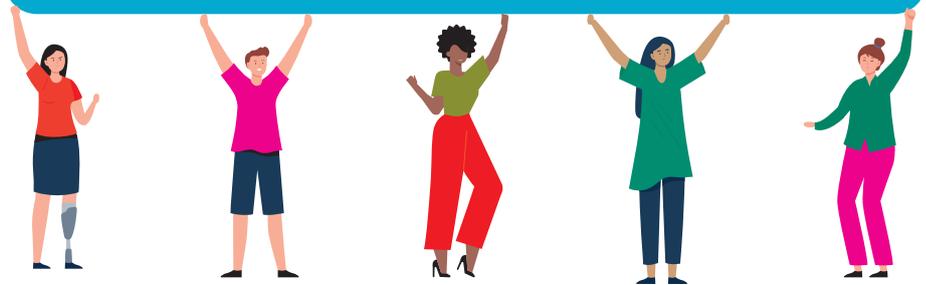
### TOP TIP

You may want to make a note of some of this information in the notes section at the end of the booklet. Please remember not to make a note of any personal or identifiable information in case you misplace the booklet.

This workbook has been created to guide you through the justice system as a victim or witness of crime. You can use this workbook however you like, and at your own pace. You can explore the criminal justice system and the agencies that make up the criminal justice system in detail, or you can read about your legal rights and entitlements as a victim. You may choose just to focus on the section that is most relevant to where you currently are in your journey.

The workbook contains links to useful websites. If you don't have access to the internet, please speak to your victim services caseworker and they will help you.

The journey to justice can be a difficult one, and one that you should not face alone. If you'd like more information or support after crime, you can call our free and confidential Supportline any time, on **08 08 16 89 111**. In an emergency always call **999**.



# What is the 'criminal justice system' and who's who?



It's likely that you'll hear the term 'criminal justice system' a lot often over the next days, weeks or months. But what exactly is the criminal justice system?

Simply, it's a term to describe a range of different agencies which work together to deliver criminal justice. There are several different agencies within the criminal justice system, and, sitting alongside these agencies, there are also a range of support services specifically for victims and witnesses of crime.

In this section, we cover the key agencies that make up the criminal justice system. You may come into contact with some or all of these agencies over the next few weeks and months. We know every journey is different and so it's important to recognise that you may come into contact with these agencies in a different order, and you may only come into contact with some of them, not all.

## Police

The purpose of the police service is to uphold the law, prevent crime and bring offenders to justice, as well as generally protect the community.

Depending on the nature of the crime, you may come into contact with a police officer or a police community support officer (sometimes shortened to PCSO). The role of a police officer and a PCSO are similar, with PCSOs generally providing a visible presence in the local community. However, PCSOs do not have the power to arrest and can't undertake some of the more complex and high-risk tasks that police officers can. There are also specialist police officers who deal with offences of a sensitive nature such as sexual offences, or who support families if they have been bereaved. You may also come into contact with a police detective, depending on the nature of the crime. Detectives are still police officers, and share the same ranks, but their job is solely to investigate crimes rather than take on some of the more general tasks of a police officer, such as patrolling the streets and responding directly to emergency calls.

In the UK, there are 43 different police forces across England and Wales. These include county forces, the British Transport Police, the Metropolitan Police who cover all London boroughs and City of London Police. There are four police forces in Wales, which cover North, South, Gwent and Dyfed-Powys Police.

You may not be sure exactly which police force area you live in, you may live on the border of two police force areas, or a crime may occur in a different area to where you live. If you are unsure which police force you need to deal with, the police force will identify themselves when you call either 101 or 999 (depending on the circumstances) or visit the Police website.





Police officers have a varied role. They come to help in emergency situations but they are also trained to support victims during difficult times, such as providing a witness statement or exploring options regarding accessing support services. Police officers and any police staff you come into contact with are here to help you in any way they can.

In line with your rights under the *Victims' Code*, the police service will keep you updated at key stages during any investigation (for example, if a suspect is arrested), and they will also offer you a referral to local support services.

## Witness Care Units (often shortened to WCUs)



Witness Care Units are a single point of contact for victims and witnesses, and are often run by police forces together in partnership with the Crown Prosecution Service. WCUs are staffed by witness care officers (often shortened to WCOs) and at your first contact with the WCU, you will be given the name of the WCO who will be your single point of contact, from the time when a suspect is charged until the court case has ended.

The WCO's role is to ensure that you are provided with enough support and information to allow you to feel confident and willing to support the prosecution process. We have explored the role of the WCO and the support you can expect to receive in the Going to court section of this booklet.

## Crown Prosecution Service (often shortened to CPS)



The Crown Prosecution Service is independent from the police and the government. As a body, it is the job of the CPS to prosecute criminal cases in England and Wales, after a case has been investigated by the police.

In order for the CPS to decide whether a case will go to court, they must be satisfied that there is enough evidence to be confident of a prosecution, and also they must be satisfied that it is in the public interest for the case to go to trial. The Victims' Right to Review scheme enables victims to seek a review of certain CPS decisions not to start a prosecution or to stop a prosecution.

In some cases the police will be able to make the decision to go ahead without the involvement of the CPS.

For most victims, the only interaction they will have with the CPS is with the prosecutor on the day of the trial. The CPS prosecutor is the person who will present the case to the court on behalf of the CPS, with the evidence from you and other evidence was collected by the police.

The CPS prosecutor will speak with you at court before the trial begins. You will be treated with dignity and respect and have the opportunity to ask any questions you may have.

## Her Majesty's Court & Tribunal Service (often shortened to HMCTS)

Her Majesty's Court & Tribunal Service is responsible for the administration of all criminal, civil and family courts and tribunals in England and Wales. It is the responsibility of HMCTS staff to deliver a fair, efficient and effective justice system.

The majority of the staff you will interact with at court will be employed by HMCTS. This includes ushers, administrative staff and sometimes the security staff.



## Her Majesty's Prison and Probation Service (sometimes shortened to HMP/PPS)

Her Majesty's Prison and Probation Service is made up of the National Probation Service (often shortened to NPS) and HM Prison Service. The NPS is responsible for supervising high-risk and medium-risk offenders in the community and in custody. The NPS's primary purpose is to reduce reoffending in order to protect the public.

The NPS works in partnership with HM Prison Service. The primary role of the prison service is to keep those sentenced to prison in custody while also supporting offenders to rehabilitate while in custody.



## Criminal Injuries Compensation Authority (often shortened to CICA)

The Criminal Injuries Compensation Authority deals with compensation claims from people who have been physically or mentally injured because they were a victim of crime in England, Wales or Scotland.



## Police and Crime Commissioners (often shortened to PCCs)

Police and Crime Commissioners are people who have been elected by the public to hold Chief Constables of police forces to account. The role of the PCC was introduced to be the voice of the local community, making the police answerable to the local community through the PCC. PCCs are also responsible for the provision of some services to victims of crime to help them to cope and to recover.

Each police force has its own PCC, except for London and Greater Manchester, where the Mayor also acts as the PCC.





## Your rights

As a victim or a witness of crime, you are at the heart of the criminal justice system. You should expect to be treated with dignity and respect by every agency within it.



Well-supported victims and witnesses are essential to the effectiveness of the criminal justice system. Your rights are recognised through two important documents: the *Code of Practice for Victims of Crime* (often just referred to as the *Victims' Code*) and *The Witness Charter*.

While not essential, it can be useful for you to know some level of detail about these two key documents so that you are aware of the minimum standards of service you should expect from all the agencies within the criminal justice system.

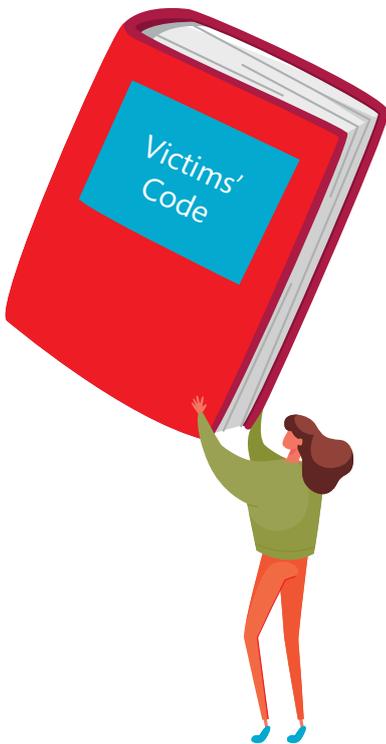
By understanding your rights, you will know if the standard of service you receive falls short for any reason.

### Code of Practice for Victims of Crime (the Victims' Code)

Often known as the *Victims' Code*, this document sets out the minimum level of service that victims should receive from the criminal justice system. It is a statutory code, which means you have the right to a minimum level of service by law. It sets out what criminal justice agencies must do for victims and the timeframe in which they must do it.

As a victim, you have the right to:

1. To be able to understand and to be understood
2. To have the details of the crime recorded without unjustified delay
3. To be provided with information when reporting the crime
4. To be referred to services that support victims and have services and support tailored to your needs. This includes the right to be told about extra help when giving evidence in court (special measures) if you meet certain criteria
5. To be provided with information about compensation
6. To be provided with information about the investigation and prosecution. This includes right rights to seek a review of a decision not to prosecute
7. To make a Victim Personal Statement where you can explain the impact the crime has had on you and your life
8. To be given information about the trial, trial process and your role as a witness
9. To be given information about the outcome of the case and any appeals. This includes if the defendant is convicted, an explanation of the sentence, and the right to be told if the offender appeals against their conviction or sentence



10. To be paid expenses and have property returned
11. To be given information about the offender following a conviction
12. To make a complaint about your rights not being met.

It's important to know your rights so that you can know if the criminal justice system is not supporting you in the way it should. Every agency is committed to supporting victims and so there is no reason to think that you wouldn't be supported in the right way, but, as in any environment, sometimes things can fall short of expectations.

If you feel that your rights under the *Victims' Code* haven't been met then you can make a complaint to the organisation concerned, such as your local police force, the CPS or the court. If you are not satisfied with the response to your complaint then you can ask your MP to refer it to the Parliamentary and Health Service Ombudsman.

It's absolutely fine to question any service or support you may experience with any agency. The *Victims' Code* is there to give you the confidence to question your experience at any time.

## The Witness Charter

If you are a victim of crime and you have chosen to report it, then there is a chance there may be a court case at some point in the future.

You will still be classed as a victim of crime but at this point, you also become a witness. *The Witness Charter* sets out the basic standard of service you should expect to receive from agencies within the criminal justice system as a witness in a criminal court case.

*The Witness Charter* sets out the basic standard of service you should expect to receive from agencies within the criminal justice system when you are a witness in a criminal court case. These minimum standards of service include:

- having a main point of contact who will keep you informed of the progress of the case
- being told how to submit your expenses for travel to and from the court
- being told how to claim compensation for loss of earnings incurred as a result of attending court
- having a needs assessment conducted to identify any help you may need to give evidence
- receiving special measures if you are considered to be a vulnerable or intimidated witness
- being given information, or details of where information can be found, about the court and the court process
- being treated with dignity and respect at all times.

### TOP TIP

When you are going through a potentially stressful or emotional time, it can be hard to remember exactly what your rights are. If at any time, you think your rights are not being met or you're simply unsure, feel free to ask.

**You could say: "Am I entitled to this under the Victims' Code?" or "Please could you remind me of my rights under the Victims' Code?"**



### TOP TIP

As with the *Victims' Code*, if you feel at any point in time that the service or support you are receiving is not meeting the standards set out in *The Witness Charter*, feel free to ask questions.

**You could say: "What does the Witness Charter say on this matter?" or "Please can you explain my rights under the Witness Charter?"**

## Reporting the crime (or thinking about reporting the crime)



We know from our experience of supporting victims of crime that people find themselves in various situations, contemplating different options during their journey and find themselves contemplating different options.

The information below describes some scenarios for victims. Please do not feel disheartened if you feel or are thinking about something different from the areas we cover here. There is no right or wrong way to feel, think or act when you have experienced a crime.

### **I'm not ready to report the crime and may never be ready. Where do I go from here?**

When a crime has happened, reporting it to the police may feel like the obvious next step for many. However, we understand from our interactions with victims that not all victims choose to report a crime and that some victims may take some time to decide whether or not they wish to report a crime. The decision to report a crime is a very individual choice and it depends on many factors, such as the type of crime, pressure from those around you who offer their opinion on reporting a crime, and any past experiences you may have had. Ultimately, the decision to report a crime is yours alone.

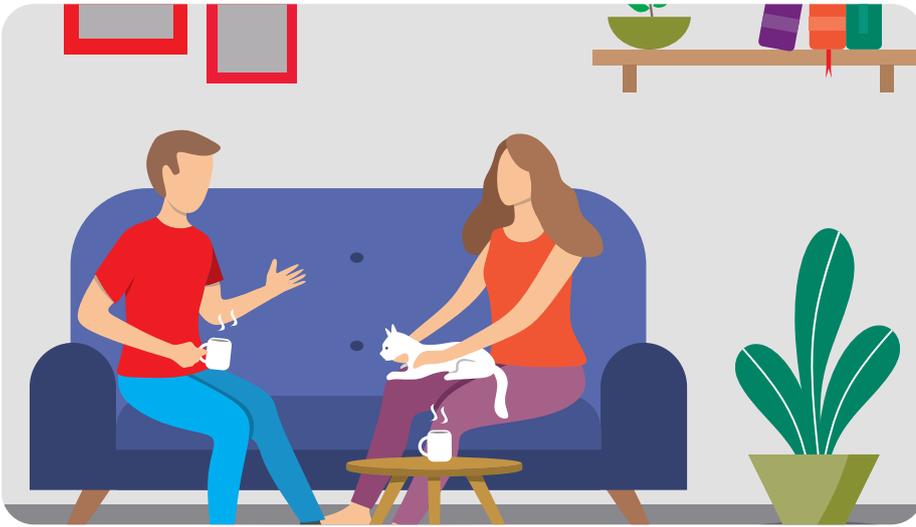
It's important to know that support is available for all victims of crime, whether or not you choose to report the crime to the police. You will not be judged or treated any differently by support agencies which are independent from the police. Support agencies can also support you if you are considering the option of reporting the crime to the police. They will allow you to explore your feelings and barriers to reporting in a safe and confidential space.

There are many reasons why someone may consider not reporting a crime to the police. For example, people may believe that the crime is "too trivial" to report or that the police "won't be able to do anything" or "wouldn't be interested".<sup>1</sup> Remember, every victim has a right to a standard of service from the police, and the *Victims' Code* is there to make sure victims have the confidence to feel assured that the police and other agencies will provide certain standards of service.

I'm not ready  
to report it



<sup>1</sup> Quotes taken from the *Crime Survey for England and Wales 2016/17*.



When deciding if you wish to report the crime, it can be useful to talk about your thoughts and feelings. You may have a family member or close friend you feel you can share your feelings with, but you can also seek support from victim support services, such as Victim Support (there may be alternative providers depending on where you live), so you can discuss your feelings. The support services can't advise you whether or not to report as that choice can only be made by you, but we can provide a safe and confidential space for you to explore your feelings and options.

The only exception to confidentiality would be if you shared information with us that led us to believe that you or others were currently at risk of harm.

If you are considering reporting a crime, you may be considering what benefits to reporting are. These benefits can include:

- helping yourself, by speaking out about what has happened and allowing the criminal justice system to support you
- helping to bring the person who committed the crime to justice and potentially preventing other people from becoming victims of crime
- helping your community, as all crimes have an effect on the people around you and reporting can help the crime be identified and addressed.

Depending on the nature of the crime, there are possible alternatives to reporting the crime directly to the police. For example, if you have been a victim of or a witness to a hate crime, you can use a third-party reporting centre to report the incident. Third-party reporting centres can provide you with support and pass details of the incident on to the police. You do not have to provide your contact details if you don't want the police to investigate the crime, but using a third-party reporting centre to report issues such as hate crime means that the police will be notified, which can alert them to areas with particular issues such as hate crime. Depending on where you live, you should be able to access information on third-party reporting centres in your area via your police force's website.





For victims of rape or sexual assault, there is the option of accessing support through a Sexual Assault Referral Centre (often shortened to SARC). SARCs have specialist services and medical and forensic staff available to be able to provide support to anyone who has been a victim of a sexual assault. SARCs will also provide you with the option of collecting forensic evidence and securely storing any evidence at the SARC, in case you wish to report the crime to the police in the future. However, there is absolutely no pressure to report to the police and you do not have to report the crime to the police to access the specialist services from a SARC. You can find more information on how to locate your local SARC by going to the NHS website.

## TOP TIP

If the person you bring along has no involvement in the crime (ie they were not a witness to the crime or have any other link to the crime), then they can make notes for you during reporting, in case there's any information you might want to record for later.

## I've decided I'm going to report the crime to the police – what would be helpful to know so that I'm as prepared as possible?

For many people, especially if you have been debating whether or not to report, it can be helpful to consider the practical steps you need to take before reporting. These could include:

1. Are you going to report the crime over the phone (via 111) or in person at your local police station?
2. Would it be helpful to have a friend or family member accompany you if you're reporting in person?
3. It can be helpful to make notes before reporting, so that you don't forget to share any key information. Key information can include specific days or times, or perhaps names and contact details of any potential witnesses.
4. It may also be helpful to take a notepad and pen so that you can make a note of the key information you receive during the reporting process. For example, you may wish to record:
  - the name of the officer who takes your statement – this officer will be known as the officer in charge of your case (sometimes shortened to OIC)
  - the date you reported the crime
  - the crime reference number – the OIC will provide you with this number when you make your statement.

There may be other practical steps to consider, as every person and every set of circumstances are different, but the list above is a good starting point.

## TOP TIP

It's important to keep a record of the crime reference number as you may be asked for it in the future – for example, if you contact the police at a later date for an update in the case or if you are completing any compensation or insurance applications.

It's important to recognise that reporting the crime to the police may be an emotional experience, particularly if you have spent some time deliberating over whether to report it or not. Every person is different, but the feelings you experience might range from a sense of relief and feeling unburdened to experiencing much more upset as a result of having to explain what happened to the police. There is no right or wrong way to feel after reporting a crime, but it's good to be aware that reporting it could be an emotional experience.

We know that it can be hard sometimes to speak openly to a family member or friend about how the crime, or the emotions following the reporting of the crime, are affecting you. Please remember that you can always access support services. Even if you haven't engaged with support services before, and you declined a referral to support services from the police when you reported the crime, you can change your mind at any time. The offer of support from victim support services is there for you at any point in this journey.

You may feel that interaction with a support worker is not for you at this stage but you would like some guidance. Victim Support's online platform, My Support Space ([www.mysupportspace.org.uk](http://www.mysupportspace.org.uk)), contains lots of guides you can work through covering a range of topics such as sleep, wellbeing, difficult emotions and trauma.

## What can I expect when I actually report the crime?

As the victim, the police will want to take a statement from you. The police will listen to what you have to say and will ask questions to gather as much information as possible. Depending on the nature of the crime, you may have a specially trained officer take your statement or you may be offered the chance to record a video statement instead of having a written statement taken. When you are reporting the crime, the police officer will let you know if a video statement is an option for you. Regardless of the options available to you, remember you have a right to be treated with respect and dignity, according to the *Victims' Code*.

While police officers take statements every day, they will recognise that this could be a daunting, stressful or upsetting experience for you. You are very welcome to ask for a break at any time and the police officer will take everything at a pace that is comfortable for you.

If your statement is taken down in a written format, usually written by a police officer, you'll be asked to read through the statement carefully to check everything is correct, before signing it.

## TOP TIP

If you have decided to report the crime on your own, it may be helpful to make plans to meet with a family member or close friend after reporting so that you know you have someone to talk to if you feel the need.



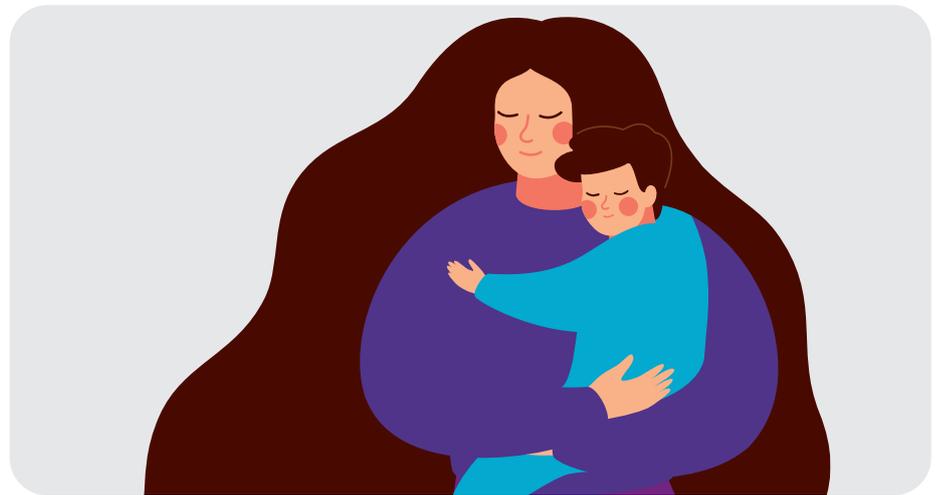


Many people in the UK struggle with reading and writing to some degree. Please do not be embarrassed to mention this when you are giving your witness statement. What is most important is that you understand what is written in your statement and the statement reflects all the key facts. There is support to help you, which might include a registered intermediary, who can help you to communicate and give evidence. The police officer will take steps to make sure you are happy and comfortable with what is written in your statement before you sign it.



At this point, you should be asked if you would like your contact details passing to the local victim support service so that they can discuss any support you may require. You do not have to agree to your details being passed to the support services at this time and you can always request this support at a later date.

If you are a victim of sexual or domestic violence, there are different procedures and support processes available when reporting a crime to the police. This also applies to crimes affecting children. For these types of crime, it is recognised that victims may require specialist police officers to take the statement in environments which feel more comfortable and safe to allow you to give your statement in your own words and at your own pace. Support arrangements can be different depending on where you live. If you would like to know more information about the local provision in your area before reporting the crime, please feel free to ask a victim support services supporter for clarification on what is available in your local police force area.



## I've heard about a Victim Personal Statement – what is this?

When you are reporting a crime, the police should also give you a chance to make a separate Victim Personal Statement (sometimes shortened to VPS). While your witness statement explains what has happened and the crime that has occurred, the VPS is an opportunity to show how the crime has affected you. It is your chance to explain how the crime has had an impact on your life, in any way you feel is important to you: physically, emotionally, psychologically or perhaps financially.

Every VPS is personal to the individual victim but some people will also mention the wider impact of the crime on their family and friends and any impact on their day-to-day lifestyle. If there is a future court case and the defendant pleads guilty or is found guilty, the VPS will be taken into consideration, alongside all other evidence and appropriate information, when a decision regarding sentencing takes place. Under the *Victims' Code*, you have a right to be offered the chance to provide a VPS. If for any reason you are not offered this opportunity, or VPS isn't mentioned while you are giving your witness statement, feel free to ask the police officer about this. You could say: "Will I get a chance to make a statement about the impact of the crime?"

Will I get a chance to make a statement about the impact of the crime?



The VPS is often taken at the same time as a witness statement, as it can be hard to predict the future path of a police investigation. Depending on the case and the circumstances, a suspect could end up in court very quickly. When a case moves through the criminal justice system quickly, it's important that the VPS is ready and waiting so that your opportunity to say how the crime has affected you is not missed. However, some cases may take several weeks or months before a case comes to court. In this instance, it could be appropriate to request to give a new VPS or to add to an existing VPS. Depending on the nature and specific circumstances of the crime, if there is a significant time period between the initial VPS and the court case, you may have a clearer description of how the crime has affected you. If you wish to make a further VPS, feel free to speak to either the officer in charge of the case (you should have their details from when you initially gave your statements) or your Witness Care Officer (they should have been in contact once it is confirmed a case is going to court).

The VPS can be a very important document for a lot of victims as it gives them the opportunity to describe the impact of the crime to the court, in their own words. If the case proceeds to trial the contents of the VPS may be used by the media. It will also be shared with the defence. As with other evidence in the case, if the court agrees it is relevant to the case the defence can cross-examine them about the contents of their VPS.



# I've reported the crime – now what?



After you have reported a crime, depending on the type of crime that has taken place and the specific circumstances, the police will begin an investigation. The purpose of their investigation is to gather as much evidence as possible, and it can include speaking to you further for more details than you gave in your original statement, speaking to potential witnesses to the crime, looking for CCTV, collating physical evidence such as fingerprints or DNA, and also speaking to the alleged perpetrator if a suspect is identified.



Depending on the nature of the crime, some victims can feel that the investigation process is intrusive. It's important to try to remember that it is the police's role to gather as much information as possible to present to the Crown Prosecution Service so that a decision can be made as to the future path of the crime report.

## How long does a police investigation take?

We know that this period can be frustrating for a victim, but it is difficult to say how long a police investigation will take, as every crime has a unique set of circumstances. There will be an officer in charge of the case who will keep you updated on key developments, but if you require an update you can contact them by calling 101.



The officer in charge may not be available to speak with you immediately, as they could be away from their desk conducting investigations, but they should call you back with an update as soon as possible.

As defined in the *Victims' Code*, the police must give you an update on their investigation at key points and they will tell you within five working days if a suspect is:

- arrested or charged
- released on bail or released from custody with no bail conditions
- given a caution, reprimand, final warning or penalty notice.

Please can you clarify what that means?



When the police provide you with an update, feel free to ask any additional questions you may have and don't be afraid to ask for clarification if you don't understand any of the terminology they use. For example, if they refer to bail conditions, you can ask for clarity on exactly what the conditions mean for you.

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## What happens when the police have finished their investigation?

Every investigation will be slightly different but the police have the option to pass the information they have gathered to the Crown Prosecution Service (often shortened to the CPS) and it is the role of the CPS to decide if there's enough evidence to take the case to court. Unfortunately, sometimes the CPS will decide that there is not enough evidence available to take the case to court and this means the case will be labelled as 'no further action' (often shortened to NFA). The CPS does have a Victims' Right to Review scheme, where victims can seek a review of a CPS decision not to prosecute. You can find more details about this scheme online on the CPS website.



If your case is labelled as no further action from the CPS, this can be extremely upsetting. If this happens to you, it can be a stressful and confusing time. It's important to remember that victim support services are available to you regardless of the outcome of any police investigation.

Another potential outcome, depending on the nature and severity of the crime, is that someone is given a caution or a warning. Both a caution and a warning are formal reprimands and will be recorded on a person's criminal record.

If the police have gathered enough evidence and if the CPS decide to take the case to court, you will be informed of this development. Depending on the circumstances of the crime, it is very likely that you will be required to give evidence in court on the information you supplied in your initial police statement when you reported the crime.

You can find more information on the CPS's Code for Crown Prosecutors, which outlines the general principles that Crown Prosecutors should follow when they make decisions on cases, on the CPS website.

Finding out that the case is going to court can be a point where you need some extra support. Many people feel nervous when faced with the prospect of a court case, but you are not alone. Victim support services can support you up until the case and there are specialist court support services to guide you through the court process.

If the case is progressing to court, then this means that the suspect has been charged. When a suspect is charged with an offence, victims can often be concerned about whether the suspect will be given bail conditions or will be remanded in custody until the court case. You may have heard the terms 'bail conditions' or 'custody' before, but we'll explain what these both mean on the following page.



Bail is the temporary release from police custody of a person who is either a suspect in an investigation into a crime or an accused person awaiting trial. Bail can be granted by the police during an investigation or it can be granted by the courts if the person has been charged and the case is going to court. Bail conditions are the conditions on which the person's temporary release is granted.



Custody is where a person is not released while an investigation is ongoing or where they have already been charged and the case is going to court. Custody is usually granted if the courts (informed by the police or CPS) believe that there is a threat to victims or witnesses in the case or a chance that the defendant will not return for the court date or may commit further offences. This is sometimes referred to as 'remand'.

Bail conditions and custody arrangements can be complicated and will vary from one case to another. If and when you are informed about bail or custody relating to a suspect in the case, feel free to ask the police officer in charge for more information or clarification if you are unsure about anything at all. If you don't feel able to ask the police officer when you are informed of an update, you can ask for clarification at any point. If you are being supported by a victim support service, you can also ask them to seek clarification on your behalf.



## What should I be doing while the crime is being investigated?

The period after making a witness statement and while the case is being investigated can feel like a bit of a strange and quiet period for some victims, almost like they are in limbo. Often there can be a great deal of activity immediately after the crime, such as reporting the crime, accessing support services, dealing with any practicalities and hopefully receiving support from friends and family. However, once the crime has been reported, many victims can find it hard to move forward with their lives until they know what the outcome of the police investigation is going to be.

Victim Support has a number of workbooks, guides and resources that can help you cope during this period. For more information visit the Victim Support website ([www.victimsupport.org.uk](http://www.victimsupport.org.uk)) or Victim Support's online interactive platform, My Support Space ([www.mysupportspace.org.uk](http://www.mysupportspace.org.uk)).



During this time, it's important to find the right balance for you, between accessing support and speaking to friends and family, as well as taking positive steps to exercise self-care. Please try to manage your expectations of yourself at this time. Everyone is different; some people may be able to return to their everyday lives and some people will need time to adjust after the crime. There is no right or wrong way to feel or behave.





# Going to court

## TOP TIP

Every person you come into contact with wants to support you through the criminal justice system. They do not expect you to know the criminal justice process well and they will expect questions from victims.

## Witness support

For many people, going to court will be a daunting experience. It's absolutely normal to feel scared and anxious about the prospect of going to court. As a victim or witness of crime, you will be supported throughout the process of going to court. *The Witness Charter* (a charter which sets out the standard of care you can expect to receive as a witness – see Your rights section) recognises the importance of victims and witnesses in the criminal justice process, and steps have been taken to support victims attending court as witnesses as much as possible.

Once it is confirmed that the case is going to trial at court, you will be contacted by a Witness Care Officer (often shortened to WCO). They will update you after the first hearing at court, which is usually when the trial date will be set. Once the trial date is booked, it is very difficult to reschedule, and the court will only amend the date in exceptional circumstances. However, if you identify an issue with the date, please mention this to the WCO as soon as possible. The WCO will also be able to tell you the name of the court where the trial will be held and they should ask you how often you'd like to be contacted with updates on the case and which form of communication suits you best, such as a telephone call or letter. You will also receive the details of the trial (date and location) in a letter.

A key part of a WCO's role is to ensure that any needs you may have as a witness are identified, and steps are taken to meet them. For example, if you have a medical condition or a disability where you feel you may need extra support to enable you to give evidence, you can mention this to the WCO who will take steps to ensure support is arranged.

The WCO should also provide you with details of the Witness Service, which has staff and volunteers in every Crown Court and magistrates' court in England and Wales, as per the guidance in *The Witness Charter*.

## Special measures

Going to court as a witness is extremely daunting for most people and every agency involved in the court process, from the court staff to the judges and police officers, will recognise and appreciate this. However, in addition to this, the criminal justice system recognises that some people will require more support than others. If you are deemed to be a 'vulnerable or intimidated witness', there is additional support available, usually called 'special measures'. This is not guaranteed, however, as some of these special measures require approval from a judge or magistrate. Some examples of special measures include:

- the use of screens or a curtain in the courtroom so that you don't have to see the defendant and they can't see you



- giving evidence from another room within the court building which is then shown to the court via a live video link (which means you can't see the defendant but they will be able to see you on the video)
- clearing the public gallery so that you can give evidence in private
- pre-recording your evidence by video prior to the trial date so that you are not in the same court building on the same day as the defendant
- if children are giving evidence, there is the option for judges and barristers to remove any formal attire such as wigs or gowns.

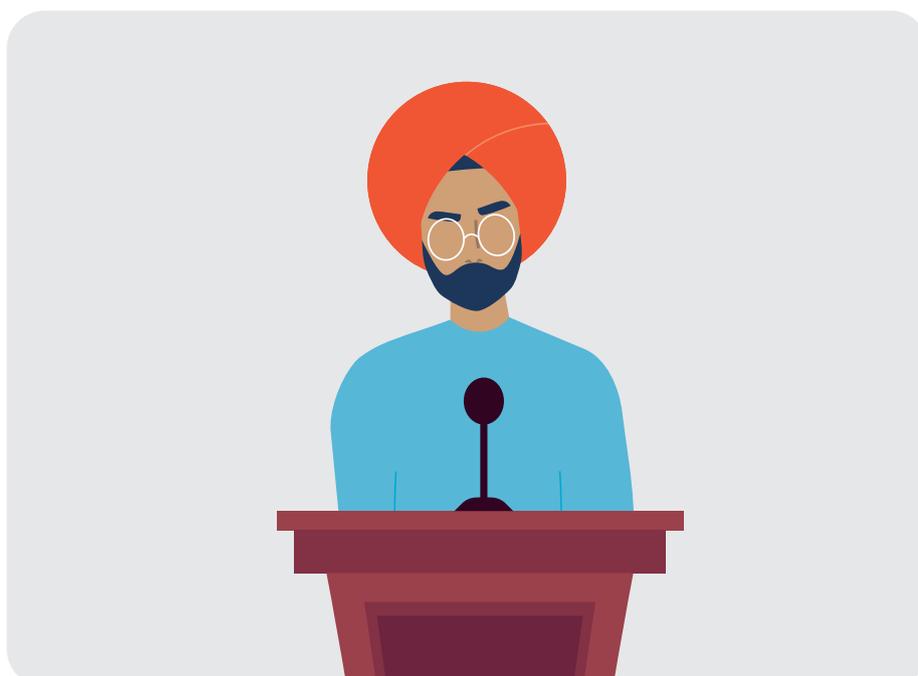


If you are concerned for your safety or about coming into contact with the defendant it may be possible for extra steps to be taken for your arrival at and exit from court. This does depend on the layout of the court building and security provisions.

If your child is giving evidence at court, please feel free to discuss with your WCO any additional steps that you feel will make your child most comfortable at court. Depending on the court building you are attending, and whether your child is giving evidence via video link, there may be rooms in court buildings that are especially designed to put children at ease. Remote video links are also another option which a WCO may discuss with you. This would mean your child would give evidence to the court from another location such as a specialist support centre. As a parent, you know what will help your child give their best evidence so please be as open as possible with your WCO, and they will do everything they can to provide as much support as possible to help you and your child.



If you feel very worried about giving evidence at court, be open about how you're feeling and speak to your WCO about your concerns. The role of the WCO is to support you through this process and can refer you onto services who provide Pre-Trial and Outreach



## TOP TIP

If there is anything at all concerning you that could impact on your ability to give your best possible evidence at court, please do feel free to share this with your WCO. WCOs are there to support witnesses and they will do everything they can to ensure you are supported through the process of giving evidence at court.



Support to witnesses. If you don't feel able to discuss your concerns with the WCO and you are receiving support from another agency, such as a victim support service, you can ask them to contact the WCO on your behalf.

The phrase 'vulnerable or intimidated witness' can, understandably, put people off speaking to their WCO about any concerns, as they may assume they would not qualify for any additional support. Although the terms do have their own legal definitions, it is the responsibility of the WCO to identify what support you require and what support you are entitled to, depending on the information you share about your concerns and your personal situation. We understand that victims may feel embarrassed to label themselves as vulnerable or intimidated, but please do not let this stop you from mentioning any issues or concerns you have about giving evidence at court.

## Practical considerations

You may find it useful to think about the following list of key practical considerations ahead of the trial.

Although you may be given a specific time to attend court, you should expect that you may be waiting quite some time before you are actually called into court to give your evidence. The delays are because there are often several different cases running at the same time and cases often have several witnesses to give evidence, but before the trial can officially start all witnesses usually need to be present and therefore it is likely that you will be in the court building for several hours waiting for everyone to arrive.

There may be practical steps you can take to help make the trial day run as smoothly as possible.

### Childcare

Will you need extra support on the morning of the trial day to help get your children to school, so as to allow yourself enough time to arrive at the court calmly, without feeling rushed?

Do you need to consider childcare after school? Trials can sometimes run into the afternoon and so it might be best to make sure you have someone collecting your children from school, so you don't need to be worrying about the school run while you're in court.

Do you have children who are younger than school age? If so, please be aware that a court building is not a suitable environment for young children and there will be no childcare available in the court building while you give evidence. You may need to arrange professional childcare for children under school age. If this is proving problematic or incurs extra costs, please speak to your WCO as soon as possible about any concerns or issues, to see if they are able to offer any support. You may be able to claim back any extra costs of childcare through expenses but a WCO can confirm this for you.



Do you have a very young child or are you breastfeeding? If so, please mention this to your WCO. If you have any specific requests, such as times to avoid or needing a break if your evidence runs over a long period, please explain this to your WCO in advance of the trial. It may be advisable to bring along a family member or friend (who is not a witness in the case), so that they can support you while you wait to give evidence and while you give your evidence. If your requirements change between the time you have spoken to your WCO and the trial day, please make your requirements known to the CPS, a Witness Service volunteer or a court staff member.



## Finances

Attending court can mean unexpected financial costs, such as travelling to the court, childcare costs, parking costs, and possibly lunch and refreshment costs. Depending on your employment, you may have had to take a day off work unpaid or decline work if you are self-employed. You can claim expenses for attending court as a witness – just ask for a form at court. The CPS is responsible for paying expenses to witnesses and they aim to pay correctly completed witness expense claims within ten working days of receipt.

If you would like more details on the amount of expenses and allowances you can claim, please go to the CPS website.

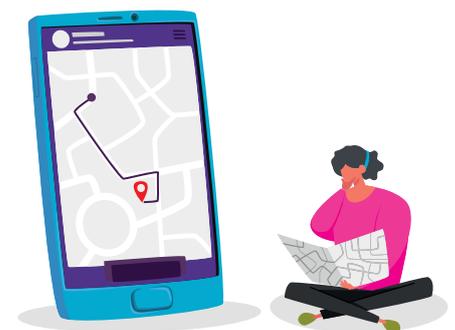
If you are unable to wait for any expenses to be reimbursed, please mention this to your WCO at the earliest opportunity. Advance payments can be made in exceptional circumstances, or WCOs can make arrangements in advance such as purchasing train tickets. WCOs will take steps to support you in all situations, so please be as open as possible with any issues you are experiencing. It is much better to discuss any issues rather than not attend court, as this not attending court is seen as a serious matter by the court and, in some situations, can result in a warrant for your arrest.



## Transport

Taking the time to plan your journey in advance can save unnecessary stress on the morning of the trial, especially if the court location is not somewhere you are familiar with. Key points to consider include:

- How long will the journey take?
- Shall I leave more time as it's likely to be morning rush hour traffic?
- Where will I park?
- Do I need change for parking?
- Do I know the train or bus times?





You are welcome to take a friend or family member to court to support you. If you are planning to, then perhaps you could consider handing over to them the responsibility for managing the practicalities of the journey, so you can focus on the day ahead?

If you are particularly concerned about the journey, could you conduct a practice journey a few days beforehand, so that you are sure of any journey times, bus routes, parking spaces etc? Please be aware, however, that you wouldn't be able to claim expenses for any practice journeys so only consider a practice journey if it's financially possible for you and if you feel you would benefit from the preparation.

## TOP TIP

You don't have to spend money on a suit or any sort of formal clothing. The judge or magistrate will not be concerned with your attire as long as it isn't too casual or inappropriate for a daytime setting.

## Dress code

There is no dress code for attending court. Judges and court staff may be wearing more formal attire, but it's best for you to wear something you feel comfortable in, while still looking smart. Consider wearing layers you can take off if you feel too hot or put on if you start to get cold.

## Items to take with you to court

You are welcome to bring refreshments into the court building, but you may want to ensure that you have loose change as well, if you'd like to purchase something from a vending machine. There may also be a canteen in the court building you are attending.

As you may be in the court building for several hours, consider whether you need to bring along any necessary medication.

Every person is different and it does depend on the nature of the case but you may like to bring something along to keep you occupied or distracted until it is time to give your evidence. You could consider bringing a book, magazine or tablet.

If you choose to wait in a Witness Service room (see Support at court, below), rather than the main waiting area, there will be advocate supporters there to help you. So if you have forgotten something important, then please do feel free to ask – they are there to support victims and witnesses by making their experience as smooth as possible. If you do choose to wait in the main waiting area, there should be court staff around if you have any questions or require information on any practical issues such as where to purchase refreshments.

## Support at court

### Before the trial

When you are contacted by your WCO, they should explain to you that there is a service called the Witness Service, which supports witnesses at court and will be in the court building to support you on the day of the trial. Pre-trial services such as visiting the court before your case goes to trial will also be offered to you.



If you choose to decline support from the Witness Service in advance of the trial but change your mind about this, you can refer yourself online by going to the Citizens Advice website.

Once you are referred to the Witness Service, they will contact you within two working days by whatever method you gave as your preference to the WCO or on the self-referral form. Depending on your needs and requirements, the Witness Service will offer you a range of services, including the opportunity to visit the court building in advance (this is usually called a pre-trial visit) and the possibility of an outreach service, which involves having a dedicated supporter who you can meet before the trial to discuss the court process in more detail and any questions you may have. This meeting can take place at a location away from the court building, such as your home, a community centre or perhaps even a local coffee shop, somewhere where you feel comfortable, and then you can decide if you'd like a pre-trial visit to the court building itself. The dedicated supporter can also be available to support you on the day of the trial if you wish, so that you have a familiar face in the court building.

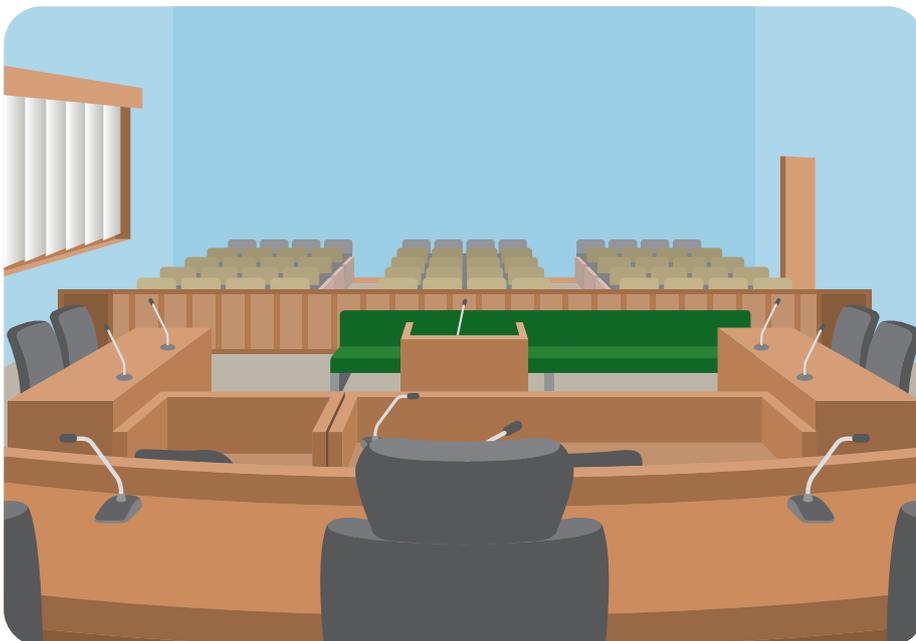
Please could you tell me about the Witness Service?



### On the day of the trial

You don't need to be referred to the Witness Service in advance to access support from them on the day of the trial. The Witness Service will be aware that you are giving evidence and will be waiting to welcome you. This is the support you can expect from the Witness Service on the day of the trial:

- A safe and secure waiting area away from the main court waiting area. This can be very reassuring for victims and witnesses as it means you won't be sat in the same waiting area as the defendant and anyone else they have brought along to court with them.
- A Witness Service supporter can show you around an empty courtroom and explain who the key people will be in the room during the trial, such as the judge, CPS prosecutor and defence solicitor. You will also be shown where you will standing, or seated





when you give your evidence. The supporter can also answer any questions you may have about the courtroom setting. For many people, it will be their first experience in a real-life courtroom setting and it can be different from what they imagined or have seen in TV shows or films. Most of the time, a real-life courtroom is a lot less intimidating than people imagine.

- The Witness Service will act as the 'go between' link between witnesses and court staff or CPS staff. For example, if you have been waiting a long time, the Witness Service will liaise with court staff for an update on how the trial is progressing.
- The Witness Service can explain the court process to you and answer any questions you may have, such as "How do I address the Judge?". The main purpose of the Witness Service is to support witnesses at court, to allow you to give your best evidence. Please feel free to ask any questions you like, as they will only be too happy to give you a full and thorough explanation.
- The Witness Service also works with a wide range of other agencies, such as Victim Support, local Citizens Advice and specialist domestic abuse or sexual abuse support services. The Witness Service supporters are trained to identify when a witness may benefit from support from other agencies, even if the support you require is not directly linked to the crime. If a supporter believes you may benefit from some extra support, they will discuss this with you and ask if you wish to be referred. You may wish to decline this support or you may ask for the contact details yourself, so that you can consider if you would like this support in the future and make contact yourself.

## Will I get the opportunity to speak to a solicitor?

When you are attending court as a victim or witness, you do not need to seek legal advice of your own. The CPS prosecutor is the legal support for the case on behalf of the state. This means that they present the case, but they do not represent the victim or witnesses. When you arrive at court, the CPS prosecutor for your case should introduce themselves to you and explain the court procedures, if this has not already been done by the Witness Service. The CPS prosecutor will also give you an opportunity to ask any questions you may have regarding giving evidence.

The morning of a trial in a court building can sometimes be a busy environment, but the introduction and discussion with the CPS prosecutor is your time to ask any specific questions you may have. The CPS prosecutor will want to put you at your ease as much as they can, so that you can give your best evidence, so don't be afraid to ask any questions you may have. If there is anything they mention that you don't understand, just say so and ask for further explanation. They will be happy to take the time to make sure you have all the information you need before giving your evidence.

The CPS is committed to treating victims and witnesses with respect and dignity, explaining procedures and keeping victims and witnesses updated in court. This is outlined in the CPS guidance on the care and treatment of witnesses, which is then explored in more detail in a guidance document specifically named Speaking to Witnesses at Court. This outlines that CPS prosecutors should always:

- introduce themselves
- provide assistance about procedure
- provide assistance about giving evidence
- provide assistance for cross-examination
- update witnesses on progress
- thank witnesses after they have given evidence, if able to do so.

Court buildings can be busy places and the availability of the CPS prosecutor does depend on how much preparation work is happening behind the scenes, how many witnesses there are in the case and how early witnesses arrive before the trial start time. The CPS prosecutor may ask the Witness Service supporter to step in to provide additional information regarding procedure, but you should always meet the CPS prosecutor before the trial begins, however briefly.

If you would like further information on these key CPS documents, you can visit the CPS website.

## When will I know the outcome of the trial?

It's likely that you could leave court without knowing the outcome of the trial. Some victims want to stay at court until the end of the trial, so that they hear the outcome for themselves. However, a lot of victims are keen to leave the court building once they have given their evidence. They may be concerned about seeing the defendant if they stay until the end of the trial or they may wish simply to leave the unfamiliar court environment. It could be that there are numerous witnesses still to give evidence and they could be waiting several hours, or if it's a Crown Court case, several days or even weeks, depending on the complexity of the case.

If you do leave court without knowing the outcome of the trial, you will usually be informed by your WCO, or potentially by the police officer in charge of the case. You will be informed by the end of the working day on which the WCO receives the information from the court. If the sentencing is known at this stage, the WCO will explain to you what the sentence means and offer to refer you to a victim support service if you feel you may require further support at this point.



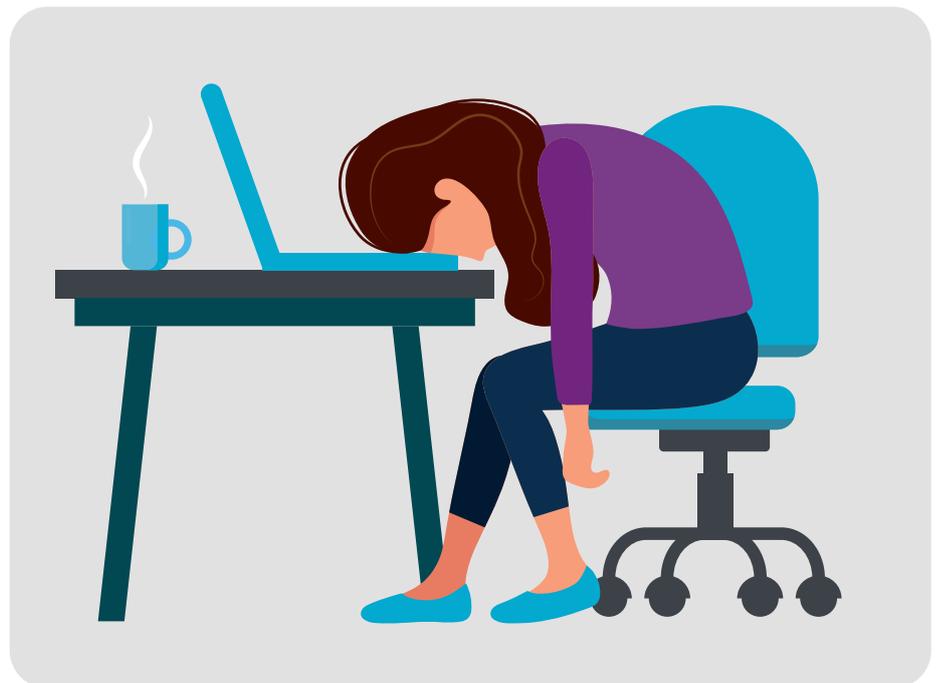
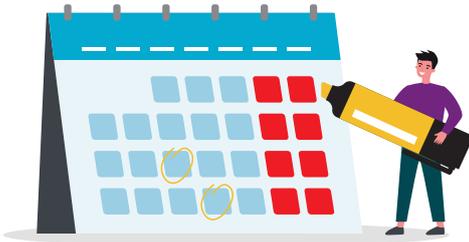


If the court case is due to continue for several days, or potentially weeks in very serious or complex trials, you may wish to plan how you are going to spend that time so that you manage any stress or worry while you are waiting. Some people may wish to spend time with friends and family, have pre-planned activities to distract them or simply take time to reflect on the journey so far and begin to make plans for the future, regardless of the outcome. It is never too late to access support from victim support services or specialist services. Some victims don't feel the need for any support outside their personal support system of family and friends, but the court case may have changed that. Support is always available for you.

## Sentencing

If the outcome of the trial is that the defendant is found guilty, then sometimes offenders will be sentenced immediately but often there can be a sentencing hearing set for a few days, weeks or months ahead. The length of time between the outcome of the trial and the sentencing hearing can depend on many things, but it is mainly so that the judge or magistrate has all the information they require to appropriately sentence the offender. While this wait can be incredibly frustrating for victims, it's worth noting how important it is for the courts to correctly sentence the offender, firstly to make sure the sentence is appropriate but also to make sure that legal procedure is followed.

It is completely understandable to feel frustrated, impatient, angry or worn out with the entire process. It can be helpful to be open about your frustrations, especially if you are being supported by a victim support specialist as they will be familiar with the process and how long it can feel for some victims.



## After a court case



At this point in your journey, the court case has now come to an end and the person will either have been found guilty or not guilty.

It's important to remember that, regardless of the outcome of the court case, you are still classed as the victim in the case and are welcome to access victim support services for as long as you need to. If you have not felt the need to access these services before this point but now wish to do so, the outcome of the case does not change your status as a victim. Support is there and waiting for you if you would like it, for as long as you need it.

### What to expect if the court case outcome is 'not guilty'

If there has been a 'not guilty' outcome, the criminal justice process for this case now comes to an end. On rare occasions, in very serious cases, there is the possibility of a retrial, but in the majority of cases, once a case has gone to trial and there has been a 'not guilty' outcome, the matter is now concluded in the eyes of the law.

If you weren't in court to hear the outcome for yourself, you may find it useful to hear the judge or magistrates' summary and the reasons why they ended up at the 'not guilty' outcome. If you would like some further information on the judgement, such as the summary, please contact your Witness Care Officer or the police officer in charge of your case. Both the WCO and the OIC understand that some victims like to know more detail than simply the outcome.

You may also need support in other areas of your life to help you move forward – for instance, assistance from an agency such as Citizens Advice, who can provide support with housing, debt and money issues or queries to do with benefits. All victim support services supporters can put you in touch with a wide range of agencies, even if any issue you are experiencing isn't directly linked to being a victim of crime.

### What to expect if the court case outcome is 'guilty'

If the case has received a guilty outcome, you are likely to be experiencing a wide range of emotions now and over the coming weeks or months. For many people, a guilty outcome often brings about a feeling of relief and satisfaction, you may feel justice has been done. However, the emotions you feel immediately after a guilty outcome can vary greatly from person to person, depending on the nature of the crime and a range of other factors, including how the crime has affected you up until this point. There is no right or wrong way to feel at this point but hopefully a guilty outcome and the end of the criminal court case brings about a sense of closure, which allows you to think about moving forward past this experience.



Depending on the nature of the crime, even though the court case has come to an end, there could be more to your journey. Below, we run through the various possible pathways for the rest of your journey, but it is complicated and if you need any further support, please do not hesitate to contact your Victim Support supporter.

### **If the offender has received a community sentence**

If the offender received a community sentence, you won't receive any correspondence from probation or prison services.



Some victims can feel disappointed with a community sentence as a way of punishing the offender, since there can be a social perception that community sentences are a soft form of punishment. However, alongside the overall aim of a community sentence to punish an offender, it's important to recognise that community sentences are also designed to change offenders' behaviour so that they don't reoffend in the future, as well as making amends to the victim of the crime or to the local community. Community sentences play a big part in helping the offender understand the impact of crime by making amends for the crime.



### **If the offender has received a custodial sentence for a period of less than 12 months**

As the offender has received a custodial sentence for less than 12 months, they will not be under any supervision from the probation service and therefore you should not expect any contact from the probation service regarding updates or developments on the offender.

As the offender is serving a custodial sentence, it's important to be aware that HM Prison Service offers a helpline (0300 060 6699) for all victims to report unwanted contact (such as letters, phone calls or texts) from offenders while they are serving their sentence in custody. If this happens, you are encouraged to contact the HM Prison and Probation Service Victims Helpline to report these incidents.

### **If the offender has received a custodial sentence for a period longer than 12 months and was convicted of a violent or sexual offence**

The National Probation Service is responsible for managing the statutory Victim Contact Scheme (sometimes shortened to VCS), which is offered to victims of violent and sexual offences where the offender has received a custodial sentence of 12 months or more. The purpose of the VCS is to provide victims with information and key updates from a designated Victim Liaison Officer. Key updates to victims can include:

- information on how long the offender will be in prison for and if there are any changes to the sentence length
- clarification on when the offender will be released from prison
- when an offender is eligible to apply for parole and how to make a victim statement at the parole hearing, if you wish to do so
- how to apply for a 'licence condition', which restricts the things offenders can do when they are released from prison on licence, such as contacting you
- how to challenge a parole decision if you disagree with a decision made, such as the decision to release the offender from custody.

Joining the Victim Contact Scheme is completely optional for victims. Even if you decide not to join the scheme, you can change your mind in the future by simply emailing the Victim Contact Scheme directly.

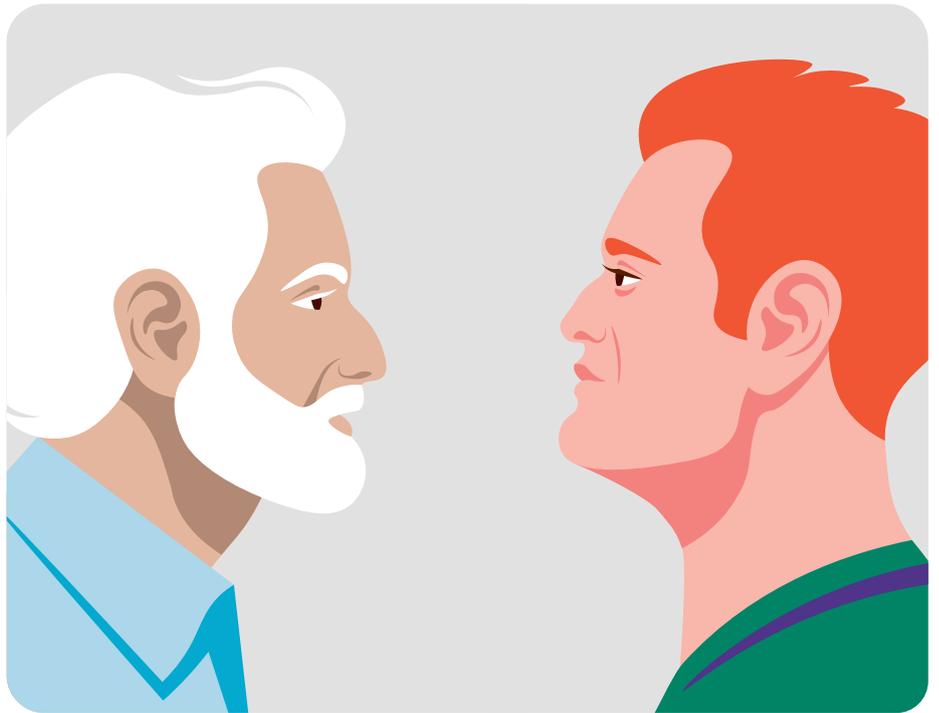
### **Restorative justice**

Restorative justice is a scheme that gives victims the chance to meet or communicate with the offender to explain the impact of the crime and ask questions.

It is a victim-led initiative and this means it will only happen if you agree to communicate with the offender. There is absolutely no pressure or requirement for any victim to consider taking part in restorative justice.

It can empower victims by giving them a voice and a safe, controlled environment to discuss the impact of the crime, and potentially discuss ways to repair any harm caused by the crime.





For offenders, the restorative justice experience can be extremely impactful as it gives them the opportunity to see first-hand the affect their crime has had on another person.

There are various assessments undertaken before a restorative justice intervention can happen, including:

- the offender having admitted to the crime
- both the victim and the offender wishing to participate and other circumstances including the nature of the offence
- any prior relationship between the offender and the victim
- any other circumstances that may affect the success of a restorative justice intervention.



If these conditions are met, the kind of approach will be discussed with you. For example, if you don't want to come into contact with the offender face-to-face, you could explore passing letters between you and them.

If a restorative justice conference does go ahead, the session itself (with the offender) would always be facilitated by a trained restorative justice expert who prepares the people taking part to make sure the process is supportive and safe.

If you would like to take part in some sort of restorative justice conference with the offender please ask your witness care officer or any victim support service you are in contact with.

## Criminal Injuries Compensation Authority (often shortened to CICA)

If you have been the victim of a violent crime, you could be eligible to receive compensation from the Criminal Injuries Compensation Authority (often shortened to CICA). The CICA deals with compensation claims from people who have been physically or mentally injured because they were a victim of crime in England, Wales or Scotland.

While any amount of with you compensation will never be able to make up for the injury you've received, it is the government's way of recognising that you have been a victim and suffered injury as a result. It is completely free to apply and you can submit a claim online or by telephone.

You can find more information on the CICA website.

## Victim support services or specialist support

For some victims, the end of a court case means that this chapter of their lives has come to an end and they can begin to move forward. Others may feel that the end is not in sight yet and they need to continue to access support from victim support services or a specialist service depending on the nature of the crime.

There is no right or wrong length of time before you feel able to move forward after being a victim of crime and experiencing a court case. Support services are there for you for as long as you need them.







We are an independent charity offering free, confidential support to people affected by crime and traumatic incidents.

For information and support, contact us by:

- calling: Supportline **08 08 16 89 111**
- using Next Generation Text (add **18001** before any of our phone numbers)
- Online: **victimsupport.org.uk**
- Live chat: **victimsupport.org.uk/live-chat**

**victimsupport.org.uk**

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