



Ministry
of Justice

The Witness Charter

Standards of care for witnesses
in the criminal justice system

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Introduction

The Witness Charter sets out the standards of care you can expect if you are a witness to a crime or incident in England and Wales. This Charter applies to all witnesses of a crime and to character witnesses but not expert witnesses.

As a witness, you are helping to ensure that justice is done. If you know something about an incident you may be asked to give evidence in court for the prosecution or defence. If you know one of the people involved in a case, you may be asked to provide evidence as a character witness, usually by the defence. In either event, your evidence can be crucial to securing the conviction or the acquittal of the defendant.

This Charter covers both prosecution and defence witnesses and sets out what help and support you can expect at every stage of the process from each of the service providers involved in the criminal justice system. The service providers covered by the Charter are the police¹, the Crown Prosecution Service (CPS), staff in Her Majesty's Courts and Tribunal Service (HMCTS), the Witness Service and defence lawyers. The work of judges and magistrates is not covered.

Although the standards in this Charter are not legally binding, they set out the level of service that you can expect as a witness. In circumstances where a service provider is unable to meet a standard, you should be informed of this and

efforts will be made to accommodate your needs. You should be treated by all those who work in the criminal justice system in a respectful, sensitive and professional manner, without any kind of discrimination.

If you are a victim of a crime and have been called as a witness, you have specific legal entitlements that are set out in the Code of Practice for Victims of Crime (Victims' Code).

If you are the parent or guardian of a child who is a witness, information about this process is available in the Young Witness Pack. Service providers will give you a copy of this pack or tell you where it can be found.

Note: an explanation of the key words in the Charter can be found in the Glossary at the end.

¹ Reference to the police throughout the Charter applies to all law enforcement agencies where applicable.

Summary of key standards of care for witnesses

- You will be treated with dignity and respect at all times by each of the service providers you have contact with in the criminal justice system (*standard 1*).
- You will have a main point of contact at all stages of the process. As well as keeping you informed of the progress of the case, your point of contact will support you through the process or refer you to relevant support agencies (*standards 7 and 19*).
- The police will conduct an initial assessment of your needs. If you are required to give evidence in court, the Witness Care Unit, police or defence lawyer will offer you a full needs assessment where appropriate. These assessments identify any help you may need to give evidence during the investigation or in court, including any special measures you may need if you are a vulnerable or intimidated witness (*standards 3 and 8*).
- Applications for special measures should be made on your behalf to the court in good time and, if approved, should be available when you give your evidence in court (*special measures section*).
- The date that you are due to give evidence should be arranged with your availability in mind. Your waiting time to give evidence in court should be kept to a minimum and, where possible, not exceed two hours (*standards 9 and 13*).
- Measures will be taken in court to ensure that it is a safe environment for all and to ensure that prosecution witnesses, defence witnesses and their family and friends wait in separate areas (*standard 14*).
- You will be given information (or the details of where information can be found) about the court and court process in advance of giving evidence so that you know what to expect (*standard 11*).

- **You can visit the court before the trial and will be shown around by the Witness Service. Pre-trial visits are particularly helpful for witnesses who have been granted special measures as they will be able to get a feel for how those measures will operate beforehand (*standard 11*).**
- **You can refresh your memory of what you said in your statement or in video-recorded evidence in advance of giving evidence in court (*standard 5*).**
- **You can claim expenses for travel to and from the court and compensation for loss of earnings incurred as a result of attending court. This does not apply to defence character witnesses (*standard 20*).**
- **As a prosecution witness, you will be informed of any appeal against conviction and/or sentence. If you are requested to provide further evidence at an appeal, you will still be covered by the relevant standards in the Witness Charter (*standard 18*) and**
- **You can complain if you are unhappy about the level of service received from any service provider referred to in this Charter (*standard 21*).**

Special Measures for vulnerable and intimidated witnesses

Who is eligible

You are entitled to special measures to help you give your best evidence if you are considered to be a vulnerable or intimidated witness.

Everyone under 18 years is considered to be **vulnerable**. You may also be considered to be vulnerable if: the quality of your evidence is likely to be affected as a result of a mental disorder (within the meaning of the Mental Health Act 1983); you have a significant impairment of intelligence and social functioning; or you have a physical disability or are suffering from a physical disorder.

You are automatically considered to be **intimidated** if you are a victim of a sexual offence or of human trafficking, or if you are a witness to a gun or knife offence. Whatever the nature of the offence, you may also be considered to be an intimidated witness if the quality of your evidence is likely to be affected by your fear or distress about testifying in court.

Types of measures

Special measures should be tailored to your needs to enable you to give your best evidence during the police interview or in court. Special measures include:

- giving evidence from behind a screen around the witness box in the courtroom.
- giving evidence from outside the courtroom via live video link (occasionally this may be done away from the court building).
- video recording your statement, which is then played in court.
- removal of wigs and gowns by judges and lawyers.
- the assistance of a Registered Intermediary to help you to understand the questions you are being asked during the police interview or in court, and to give your answers accurately (Registered Intermediaries are communication specialists who can assist victims and witnesses who have difficulty communicating. They are not interpreters) and

- giving evidence in private – the public gallery can be cleared in cases involving a sexual offence, human trafficking, or in exceptional cases where the court is satisfied that someone other than the accused may seek to intimidate the witness.

Assessing your needs

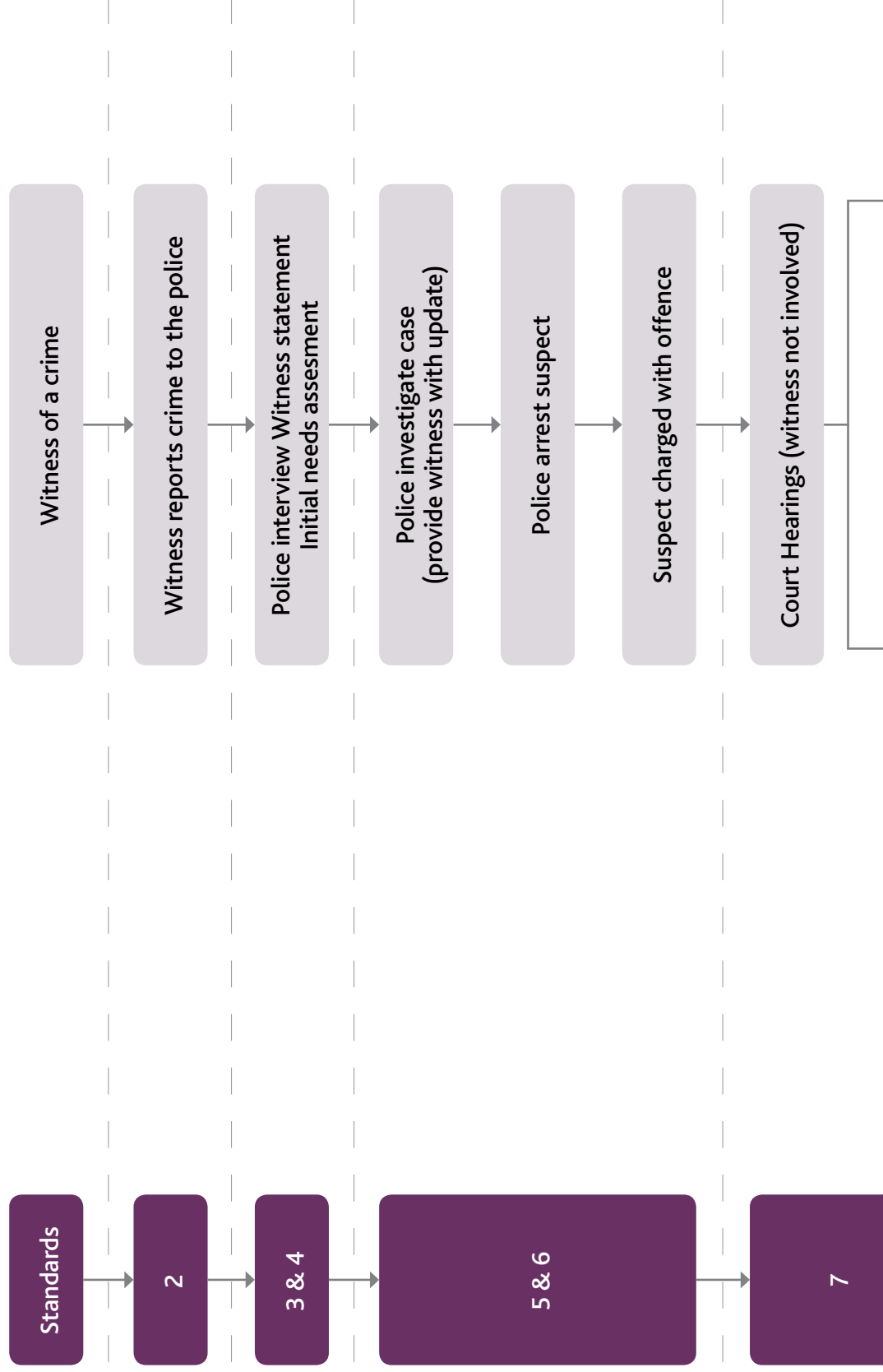
The police, Witness Care Unit and the prosecution/defence lawyers are responsible for identifying, at an early stage and throughout the process, whether you are a vulnerable or intimidated witness. They are also responsible for discussing with you whether you might benefit from any special measures. If you feel that any of the special measures might assist you when giving evidence, it is important that you inform one of the above service providers at the earliest opportunity.

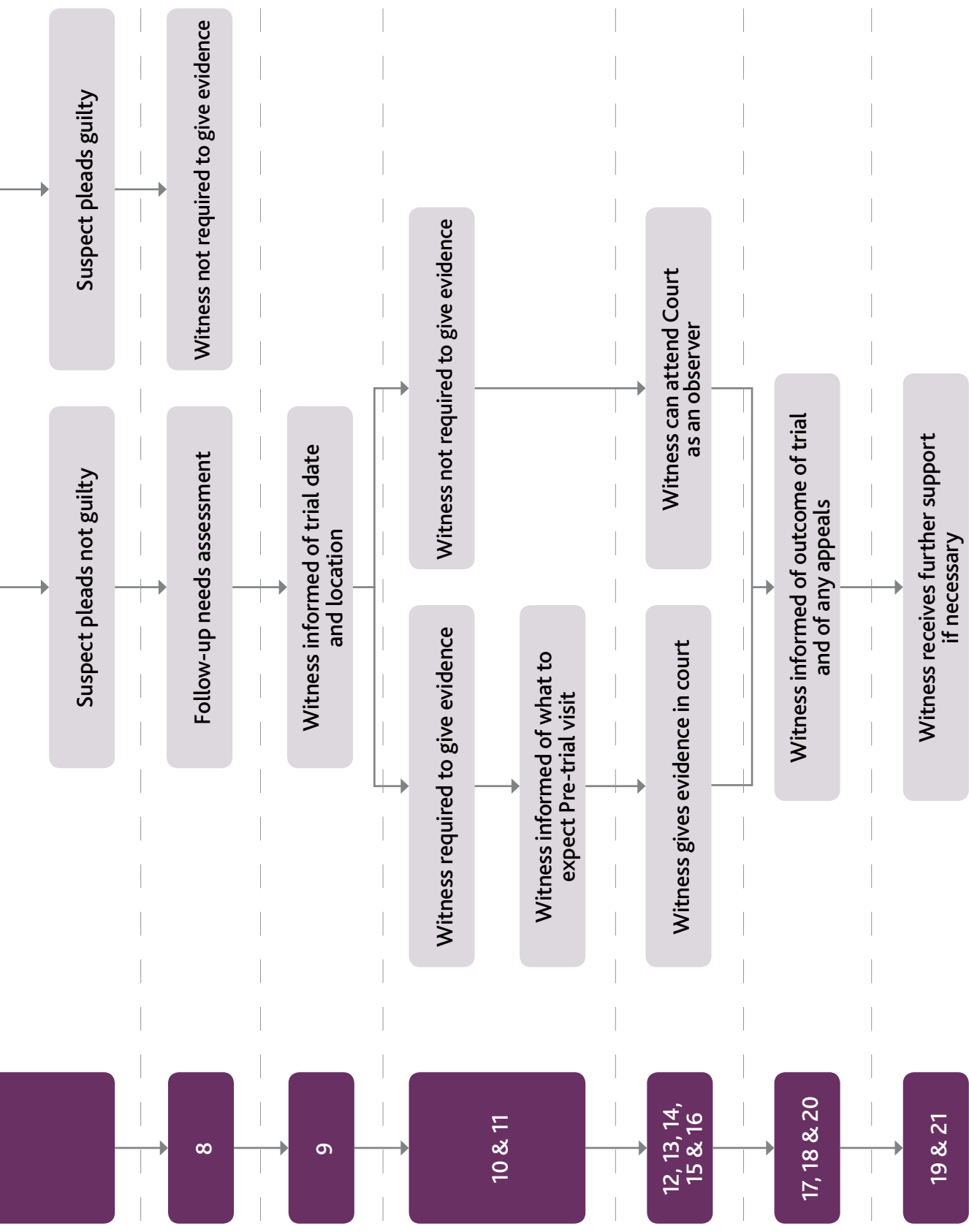
The prosecution or defence are responsible for making a timely application for special measures to the court ahead of a court case. The judge or Bench will then decide whether such measures should be made available and you should be informed of the outcome of any special measures application.

If the judge or Bench has granted an application for one or more special measures to help you give evidence, HMCTS staff will ensure the measure(s) is (are) available and provide any assistance as required on the day in court.

- John, aged 17, witnessed a car accident caused by reckless driving. He has mild learning difficulties and was not confident that he would be able to give his best evidence during the police interview. To help overcome his difficulties, a Registered Intermediary was provided to ensure that he understood the questions being asked of him and to help convey the answers he gave in response.
- Jasmine witnessed an armed robbery and felt intimidated by the thought of the defendant seeing her give evidence. To overcome this, screens were placed around the witness box so that the defendant could not see her and she could not see the defendant while she gave evidence.
- Jane was a victim of fraud. She was vulnerable because she has some difficulties in communicating due to mental health conditions including anxiety and obsessive compulsive disorder. To help her overcome these difficulties, she was able to give evidence remotely via live-link and with the assistance of a Registered Intermediary to ensure that she understood the questions being asked of her and to help convey the answers she gave in response.

A witness' journey and the standards of care related to each stage





Standards of care for witnesses

Police Investigation

Standard 1: Ensuring fair treatment

As a witness, you will be treated fairly and with respect according to your needs irrespective of race, religion, background, gender, age, sexuality or any disability. Where required, additional support will be provided and any reasonable adjustments will be made to ensure that you have equal access to information and support services. This could include the use of an interpreter, a hearing induction loop and accessibility adaptations.

Standard 2: Reporting a crime or incident

If you report a crime or other incident, the police will need to ensure that they:

- understand what you are telling them and that you understand what they are telling you;
- explain how they are going to deal with the matter; give an indication as to how long this will take; and
- give you a reference or crime number and details of a person to contact for further enquiries.

Standard 3: Making a statement

The police will decide whether to ask you to provide a statement and become a prosecution witness. Making a statement is voluntary although you may still be asked to give evidence if you do not make one.

If you are identified as a potential defence witness, you may be asked to make a statement to the defendant's lawyer and in certain circumstances, the police may also ask you to make a statement. The police or the defence lawyer will seek to arrange an interpreter or a Registered Intermediary if this is necessary to help you give evidence.

When you make a written statement, the person taking it will:

- explain the purpose of the statement, consider what help you may need to make the statement and explain what will happen next, including referrals to the Witness Service if the case is likely to go to court.
- ensure that they understand what you are telling them and that this is accurately recorded.
- allow you to read it to check that it is an accurate record, or ask someone else to read your completed statement back to you.

- change any inaccuracies you point out.
- add any further information you want included and
- ask you to sign your statement to confirm that you agree with what has been recorded in it.

Witnesses under 18 years old and all other vulnerable and intimidated witnesses can ask for their statement to be video recorded. In such cases, the person taking the statement will ensure that the recording is of sufficiently good quality to be used in court as evidence if necessary. You may still be required to attend court to be questioned about your evidence. In such cases, special measures could be put in place to assist you (see 'Special Measures' section).

If you are a victim, you are entitled to make a Victim Personal Statement (VPS) at the same time as giving your statement (and in some cases afterwards). This enables you to explain in your own words how a crime has affected you, whether physically, emotionally, financially or in any other way. More information is available in the Victims' Code.

Standard 4: Initial needs assessment by the police

If you are providing a statement to the police, they will carry out an initial assessment of your needs as a witness. This will cover when and how you can be contacted and what language and communication needs you may have.

The police will also assess whether you are a vulnerable or intimidated witness and seek your views on special measures that might help you give your best evidence during the investigation and court stage, such as being assisted by a Registered Intermediary (see 'Special Measures' section). They will also look at what other arrangements you may require and your availability to attend court.

Your information will be used to decide how the investigation of the case will proceed and to ensure that arrangements are made to meet your needs if you are called to give evidence in court. It will be passed to the defence lawyer if you are to be called as a witness for the defence and to a Witness Care Unit if you are to be a witness for the prosecution.

Standard 5: After a statement is given

Once you have signed your statement, the content cannot be changed. However, if you do need to alter or add anything later you can make an additional statement.

Unless it is relevant to the case, your personal details will not be shared beyond criminal justice agencies and relevant support organisations. You will be asked for your consent for this information to be shared more widely unless it is a legal requirement. Personal details about defence witnesses have to be shared with the defendant but they will only be shared more widely with your consent.

If your case goes to court, you will be given the opportunity to refresh your memory of what you said in your statement or video-recorded interview immediately before you give oral evidence.

The police will keep you regularly updated on progress during the investigation of a serious criminal offence. If the crime is less serious, the police will provide you with contact details so you can find out what stage the investigation has reached. You will be informed on the conclusion of the investigation (e.g. charge, caution). If you have given a statement to a defence lawyer, you can ask them about the progress of the case.

Standard 6: Action on intimidation

Both prosecution and defence witnesses should immediately bring any act of intimidation – or risk of intimidation – to the attention of the police, who will carry out an investigation and take appropriate action to ensure your safety. The police will also seek to identify whether you are at risk of intimidation. While rare, it is a serious offence to intimidate a prosecution or a defence witness.

If you are a prosecution witness who has suffered or is at risk of intimidation:

- the police will inform the prosecution if you have concerns about the grant of bail or if the defendant has a history of witness intimidation and
- the prosecution will consider what additional measures may be appropriate at the time the defendant is charged and throughout the period up to trial.

You should always dial 999 if you think you are in immediate danger.

Pre-trial information

Standard 7: Being kept updated on progress after charge

If you are a prosecution witness to any offence, the police or Witness Care Unit will contact you after the first court hearing to let you know the outcome. They will inform you about what happens next, the trial date and the location of the court. They will keep you fully informed of the progress of the case once the defendant has been charged.

The police will inform you when the defendant has been charged, whether the defendant has been released on bail to attend court or held in custody, and what relevant bail conditions apply.

If you are a victim, you will be given this information within one to five working days depending on the situation. You should refer to the Victims' Code for more information about this.

You will be given the name and contact details of a Witness Care Officer (or in some cases of a police officer), who will be your single point of contact for all enquiries or concerns that you have.

Defence witnesses will be kept informed of progress by the defence lawyers.

Standard 8: Follow-up needs assessment

If you are a prosecution witness, your first contact with your local Witness Care Unit or the police after the first court hearing is a good opportunity for them to identify if you are vulnerable or intimidated or have particular support needs. The Witness Care Unit will also inform you how to contact them in the future if you have any concerns about attending court or giving evidence.

If you have been identified as vulnerable or intimidated, or you are a witness with particular support needs, the Witness Care Unit will offer you a full needs assessment to discuss with you your concerns about attending court. This may include any fears relating to your safety and whether to apply for any special measures to help you give your best evidence in court (see 'Special Measures' section).

If you are a defence witness, the defence lawyer will seek to provide you with similar support and information.

If following a needs assessment it is considered that you might benefit from special measures either the prosecution or defence lawyers will be responsible for making a timely application to the court for special measures where appropriate. In all cases, the court will decide whether and which measures are appropriate.

Do not feel embarrassed to volunteer personal information that may help the court plan ahead to take care of your needs, for example, if you are hard of hearing or need frequent breaks.

Standard 9: Setting a court date

In setting the trial date or if the case is adjourned, the prosecution or the defence lawyer will ask the court to try to meet your availability to attend court and will then inform you of when the trial will take place.

If your case takes place in a magistrates' court, the trial will be scheduled on a specific date. If your case takes place in a Crown Court, the trial will be scheduled for a given week/fortnight (the date is placed on a 'warned list'). In this case, the Witness Care Unit or defence lawyer will inform you the day before the trial takes place. However, if you are a vulnerable or intimidated witness, or the witness of a serious offence, the trial date will be fixed to a specific day.

If you are a vulnerable or intimidated witness, the prosecution or the defence lawyer will ask the court to give the case priority when setting the times and dates of hearings. This is to minimise pre-trial delay and waiting times on the day of the trial.

All those involved in your case will make every effort to ensure that you are only asked to attend court on the day(s) on which you are required to give evidence. They will provide you with the time that you should aim to arrive at court to reduce any unnecessary waiting.

Your employer or a family member may be reluctant to let you make yourself available to attend court. If this occurs, an application can be made by the prosecution or defence lawyer to the court for the issue of a witness summons, which you can then use to show that

you are required to attend. A witness summons may also be used if witnesses themselves are unwilling to give evidence.

Going to court

Standard 10: Support at court – Witness Service

As a prosecution or defence witness attending court, you can receive free help and support from the Witness Service, which has staff and volunteers in every Crown Court and magistrates' court in England and Wales. The prosecution or defence may also arrange other support for you, with the permission of the court. This may include specific help with arrangements for your appearance in the witness box or in the live TV link room.

The Witness Service will provide you with practical and emotional support in the following way:

- provide an independent, impartial and confidential service and treat you with respect and understanding.
- provide information on court procedure and layout.
- provide any practical assistance you require at court e.g. help with expenses forms.
- answer any questions you have or refer you to someone who can.
- support you in coping with any anxieties you might have about appearing in court.

The Witness Service, where permitted by the court, can also accompany you into the courtroom or the live TV link room whilst you give evidence.

The Witness Service is a free and impartial service and will not offer an opinion on the case, discuss the case or the evidence before the trial or provide legal advice.

The police, Witness Care Unit or defence lawyer can give you contact details for the Witness Service.

Standard 11: Information about the court and court process

The Witness Care Unit (or in some cases the police), defence lawyers, HMCTS staff or the Witness Service will either give you information to help you prepare for attending court or indicate where this information can be found. This should include:

- the '*Going to Court*' DVD explaining the court process. You can also collect a copy from the Witness Service based at court at your pre-trial visit, or watch the video online at www.gov.uk/going-to-court-victim-witness;
- the '*Young Witness Pack*' if you are under 18 and giving evidence in court.
- Information about the *Victims' Code* if you are a victim in the case.
- information on the court location and transport links, the support available at court, the facilities available such as food and drink, separate waiting areas and arrangements for people with disabilities.

- the opportunity to visit the court before the trial. If the judge or Bench has accepted your special measure application to give evidence using the live TV link, you can practise using this facility during your visit.
- the possibility of seats being provided in the court room public gallery for anyone accompanying you. You will not be able to sit in the public gallery yourself until you have given your evidence. There is no gallery in youth courts as they are closed to the public.
- clean and secure waiting areas (with window blinds) with general reading material or toys for children.

Standard 13: Waiting times and supportive measures

Before you enter the court room:

- where circumstances permit, the prosecution/defence lawyer or representative will introduce themselves to you and will answer any practical questions you may have.
- everyone involved in your case will seek to ensure that you do not have to wait more than two hours at court before giving evidence. There are sometimes delays which are unavoidable and a prosecution/defence representative, HMCTS staff or the Witness Service will, wherever possible, keep you informed about this. It is recommended that you make arrangements in case delays do occur (e.g. bring reading materials, make childcare arrangements).
- every effort will be made to ensure that you will give your evidence promptly if you are a vulnerable or intimidated witness.
- the Witness Service will inform you, on request, of the progress of your case (or will tell you how to find this information). If you are a victim, you are entitled to be given a specific contact point at the court so that you can find out what is happening in the case while it is taking place.

At court – on arrival

It is important that you do not speak to other witnesses about your or their evidence at any stage.

Standard 12: Court facilities and signage

When you come to court, you should find:

- polite and helpful HMCTS staff and Witness Service staff wearing name badges; clear signs to help you find your way around; and clear signs for the Witness Service or other witness supporter reception point.
- a list of cases to be heard that day; accessible and clean toilet facilities; clean and comfortable waiting areas, and refreshment areas (or HMCTS staff who can tell you what arrangements can be made to obtain refreshments).

- the prosecution or defence will ask HMCTS staff to make provisions for any particular needs you may have as a result of a disability, medical condition or your age that mean you need help in giving evidence.
- an accredited interpreter, a Registered Intermediary, signer or other assistance will be provided either by the prosecution or defence lawyer if you have any language or communication needs, provided that this need has been identified in advance.

Standard 14: Safety at court

Court security officers carry out searches on all court users, including witnesses, when entering the court building. They can ask anyone who may disrupt court business or pose a threat to the safety of other court users to leave the premises.

In addition, where specific concerns have been raised with the court, court security and HMCTS staff will ensure that appropriate safety measures are in place in court for vulnerable or intimidated witnesses.

When requested, they will seek to ensure that the defendant, defence and prosecution witnesses and their respective families and supporters are kept in separate areas throughout the court building. If there is not a separate area available, other arrangements will be considered. If you are a vulnerable or intimidated witness you can arrange to wait in a separate location near the court until the time you need to give evidence.

If you are a victim, you can ask the HMCTS staff if you can enter the court building through a separate entrance from the defendant and their family and friends.

At court - the court room

Standard 15: The witness box

Before the usher calls you into the courtroom and shows you to the witness box, they will ask you how you would like to swear to tell the truth while giving evidence. You can swear to tell the truth on the holy book of your religion ('the oath') and HMCTS staff will ensure that they handle the holy book in the correct way. Alternatively, if you prefer, you can choose to 'affirm', which is a non-religious way of swearing to tell the truth. You can also indicate if you would like to read the oath yourself from the card or repeat it after the usher.

You will be expected to give your name in court when you give evidence. Judges, magistrates and HMCTS staff will only require you to disclose your address in open court if it is relevant to the case.

While giving evidence, you can tell the questioner, judge or magistrate if you do not understand a question, or if you feel unwell or particularly upset. The judge or magistrate may allow you to pause and have a rest before continuing. If you are giving evidence by live link and feel that you will need emotional support in doing so, you can ask in advance to be accompanied by a trained witness supporter. The court will then decide whether to allow this and you should be informed of the outcome.

Once you have given evidence, you should be thanked for your contribution to the court case and informed when you can leave the court by the judge or Bench, HMCTS staff or the Witness Service. You may remain in the court building and can watch the rest of the case from the public gallery if you are aged 14 or over.

Standard 16: Cross-examination

Cross-examination is an essential element of a fair trial. This involves being questioned by the prosecution or defence lawyer to test the accuracy and truthfulness of your evidence. Lawyers may also put another version of an event to you for your comment. Defendants can represent themselves and are entitled to cross-examine you, except for certain cases such as sexual abuse cases.

The prosecution or defence lawyers may ask the court to intervene when questions that may be put to you if the cross-examination is considered to be unreasonable, for example if it is unfair, offensive or aggressive, or has no relevance to the case or issues being considered.

If you have been granted the assistance of a Registered Intermediary, it is their role to ensure you can understand the questions you are asked and that the court understands your answers.

The questioner may say or suggest something that you think is wrong. If this happens, you should clearly say that you disagree. Your role as a witness is to tell the truth.

Post Trial

Standard 17: Being informed of the outcome of the trial

If you are a prosecution witness, your Witness Care Unit (or in some cases the police) will notify you of the outcome of your case and, if relevant, the sentence. This will happen by the end of the working day that they receive this information from the court.

They will also explain to you what the sentence means or refer you to an appropriate organisation if you have further questions.

If you are a defence witness, you can contact the court to be told the outcome of your case or you can contact the defence lawyer who will provide information as far as their professional rules allow.

Standard 18: Appeals

If the defence (and in limited cases the prosecution) is unhappy with the court's decision, they may appeal or ask for a review of a sentence/conviction in a higher court. Depending on the nature of the case, witnesses might sometimes be required to provide evidence during the appeal process, where they can expect to receive the same standards of care as outlined in this Charter.

If you are a prosecution witness, your Witness Care Unit (or in some cases, the police) will notify you of any appeal against a conviction or sentence and inform you of the outcome of the appeal. If you are a defence witness, the defence

lawyer will seek to notify you of any appeal as far as their professional rules allow.

If you feel that a sentence given in a Crown Court is very low (or 'unduly lenient'), you can ask the Attorney General to examine the sentence, within 28 days of sentencing. The Attorney or Solicitor General may then ask the Court of Appeal to look at the sentence, who may decide to keep the sentence, increase it, or issue guidance for future cases.

Standard 19: Post-trial support

The Witness Service or, when applicable, your pre-trial/court supporter, will give you the chance to discuss the case when it has ended and provide you with more help or information. This includes advice on what help is available if you think you are at risk of intimidation after appearing as a witness.

If you need further help after the trial, the Witness Care Unit, police, Witness Service or other witness supporters will refer you to relevant support agencies.

Standard 20: Claiming expenses

The Witness Service or defence lawyer will inform you of the procedures for claiming your expenses from the CPS and can help you to complete the claim form.

In most cases you will be able to claim expenses for costs incurred while travelling to and from court. You may also be able to claim compensation for loss of earnings while attending court to give evidence. However, if you are a defence witness giving evidence as a

character witness, you will not be able to claim expenses unless the court makes a specific order.

If you are unable to get to and from court for financial reasons, you should inform the Witness Care Unit as soon as possible in advance. They will inform the CPS who can organise the payment or advance of the cost of your travel. If you are a witness for the defence you should inform the defence lawyer. If you are issued with a summons, you will be offered 'conduct money' to ensure that you can attend.

Standard 21: Complaints

All the service providers covered by this Charter should, wherever possible, comply with its standards. However, if you are unhappy with the level of service that you have received from any service provider you can make a complaint through the internal complaints procedure of that service provider. This does not extend to any complaint about the judicial outcome, verdict or sentence.

If you feel comfortable doing so, you should discuss your complaint with the person you have been dealing with at that service provider. If you do not feel comfortable doing so or remain dissatisfied, you can make a complaint through the internal complaints procedure of that service provider. If you send your complaint to the wrong service provider, that provider will redirect your complaint to the relevant service provider and inform you that they have done this.

Service providers will always:

- make it clear how to make a complaint.
- treat your complaint seriously.
- try to deal with your complaint as soon as possible.
- tell you how to take a complaint forward if you are not satisfied with the outcome of the initial investigation.
- respond to your complaint in a clear way.

If you feel that your complaint has not been dealt with appropriately, you can refer it to a higher authority. In most cases, this involves approaching the Parliamentary and Health Service Ombudsman via your Member of Parliament. The police and CPS have their own independent complaints bodies.

If you are a victim, there is a specific complaints process, which is outlined in the *Victims' Code*.

Glossary of Useful Terms

This section provides an explanation of the key words or phrases found in this Charter.

Acquittal

A formal direction or finding that the accused is not guilty of the criminal charge.

Adjournment

The temporary suspension of the hearing of a case by order of the court.

Affirmation

The non-religious declaration by a witness that the evidence he/she is giving is the truth.

Appeal

A legal process by which a case is brought before a higher court for review of the decision of a lower court.

Bail (and bail conditions)

The release of a suspect from custody, until his or her next appearance in court. This is sometimes subject to security being given and/or compliance with certain bail conditions, such as periodically reporting to a police station.

Bench

A group of magistrates that hear cases in the magistrates' court.

Best Evidence

Evidence given by a witness to the best of their ability.

Charge

A formal accusation against a person(s) by the state.

Court of Appeal Criminal Division

A court that hears appeals against decisions made in criminal cases in the Crown Court.

Conviction

When an offender has pleaded or been found guilty of an offence in a court, he or she is said to have been convicted.

Cross-examination

The process by which a prosecution or defence lawyer orally challenges the evidence given by a witness in court.

Crown Prosecution Service (CPS)

The CPS is responsible for prosecuting criminal cases investigated by the police in England and Wales.

Crown Court

A court where criminal proceedings are heard before a judge and a jury. The Crown Court also acts as an appeal court for cases heard and dealt with by the magistrates' and youth courts.

Defendant

A person charged with a criminal offence.

Lawyer

The general term used in the Witness Charter to describe barristers and solicitors. Prosecution lawyers present the case against the defendant(s) while defence lawyers represent the interests of the defendant(s).

Magistrates' court

A court where less serious criminal proceedings are heard before magistrates or district judges, without a jury.

Needs assessment

An evaluation carried out by service providers to determine the kind of support that a victim may need following a crime. This process can also be used to identify any Special Measures that a victim might need if they are going to be giving evidence in court.

Oath

A verbal promise by a person with religious beliefs to tell the truth.

Registered Intermediary

The role of a registered intermediary is to facilitate communication at the investigative and/or court stages of a criminal case. They help witnesses to understand the questions asked of them and to clearly communicate their answers.

They are accredited by the Ministry of Justice to help vulnerable witnesses give their best evidence. The intermediary can explain the questions and answers so far as necessary to help the witness but without changing the substance of the evidence. Registered Intermediaries are not investigators and their role is not the same as appropriate adults, witness supporters or expert witnesses.

Special measures

The various measures that a court can order to assist vulnerable or intimidated witnesses to give their best evidence in court as set out under sections 16 to 30 of the Youth Justice and Criminal Evidence Act 1999. These measures

include live video links, video-recorded statements, screens around the witness box and assistance with communication, including the use of an intermediary. The full list with an explanation is included on page 4.

Statement

A written or video account by a witness of the facts and details of a crime or an incident.

Vulnerable or intimidated witness
The Youth Justice and Criminal Evidence Act 1999 defines 'vulnerable' witnesses as being children and young people under 18 years of age and any person who suffers from a physical or mental incapacity and as a consequence is less able to give evidence; and 'intimidated' witnesses as victims of sexual offences and those who are in fear or distress about giving evidence, which may reduce the quality of that evidence.

Warned list

This is a list of cases likely to be heard in the near future, but the actual date of the trial is only fixed the day before the trial is to take place. If, for whatever reason, the trial does not take place during that week, it will either be given a fixed date or will be assigned to a new warned list.

Witness Care Unit

Units that have been set up across England and Wales to provide information and support to victims and witnesses in cases progressing through the criminal justice system. Support and information will be tailored to the needs of the individual witness.

Witness Service

A national service offering free assistance to witnesses. Service staff and volunteers are present in every Crown Court centre and magistrates' court in England and Wales.

Witness Summons

Order to produce evidence to a court that is generally issued when a witness' presence needs to be guaranteed or when a witness is not willing to do so of their own free will. A summons is normally binding, which means that court attendance is obligatory.

