

# Going to Court and being a witness

A booklet for young witnesses  
(12–17 years)



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

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



# Introduction

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

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

This booklet explains:

- What a witness does
- Who will be at court
- What happens at court
- Ways to help you give your best evidence (special measures)
- What happens after the trial.

This booklet covers being a witness at a Crown Courts, Magistrates Courts and Youth Courts.

**Crown Courts** – deal with serious criminal cases. There is normally a jury which decides whether the defendant is guilty or not and a judge who decides the sentence the defendant will get if found guilty.

**Magistrates' Courts** – all criminal cases start in the magistrates' court. Cases are heard by two or three magistrates or a district judge. There isn't a jury in these courts.

**Youth Courts** – Are less formal than adult courts. There are normally three magistrates or a district judge. Your parent or guardian must come with you if you are under 16. There is no jury and members of the public are not allowed into the court unless they have permission of the court.



## Why have I been asked to be a witness?

You have already told the police about something you saw or heard, or about something that happened to you. The police made a record of what you said, either by making a visual recording or by writing it down (your statement). The police and the Crown Prosecution Service have decided that someone may have committed a crime and must go to court. Now the court needs you to answer questions about what happened. What you tell the court is called your 'evidence'. It is important that anyone who helps you to prepare for court does not talk to you in detail about your evidence. The court needs to hear from you, in your own words.

## Why does there need to be a trial?

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



# Will the trial definitely go ahead?

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

A lot of planning and preparation is needed before a trial can start. Sometimes problems arise. For example, a witness may not be

able to come to court on the trial date. Possibly a report needed by the prosecution or defence may not be ready on time. If these problems cannot be solved, the trial might have to be put off until a later date. If the problem is serious, the trial might be cancelled altogether. In some cases, problems come up after the trial has started. If this happens, the court may decide that the trial should stop and all witnesses will be told that they can go and the defendant may be free to leave the court too. If this happens, the prosecution lawyer will come to explain this to you.



# Are you worried about being a witness?

If you are worried about what happens in court, tell the person who asked you to go to court. There are things that might help you. These are called special measures.

Special measures are things that might help you to give evidence. If the Judge agrees, you can give your evidence by talking to the court by TV link. This might be from another room inside the court room or a building way from the courtroom. If you want to go into the court room to answer questions, you can ask for screens so that you don't have to look at the defendant (the person who might have broken the law). If you have a screen, the defendant cannot see you. The types of special measures available are explained in this guide (page 10).

There are a number of other useful guides that can give you further information about being victim and / or a witness.

These can be found here:  
Victim Support – [www.youandco.org.uk](http://www.youandco.org.uk)  
and the NSPCC – [www.nspcc.org.uk](http://www.nspcc.org.uk)



# Visiting a courtroom before the trial

Sometimes it can be several months before you are needed in court. If you are going to give evidence, it is a good idea to visit a court before the trial to have a look round. The person that asked you to be a witness can arrange this for you. You can visit with a family member or a supporter of your choice not linked to the case. You can look round a courtroom and waiting room and discuss any concerns you might have about coming to court.

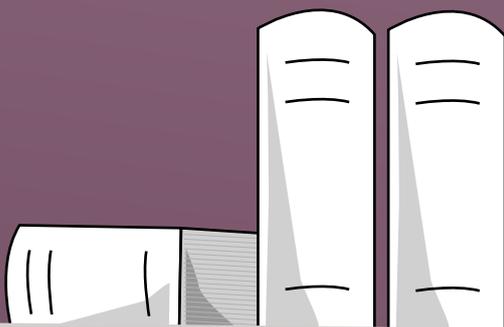
If you are worried about seeing the defendant, arrangements can be made for you to be screened from the defendant in court or you could give your evidence by remote TV link to the courtroom from a different room in the court building, or from a building away from the court. You should be able to test out the TV link on your visit.

# How will you give your evidence?

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

Your trial may not take place in the courtroom you visit but in one like it. There are three different types of court: magistrates' courts, youth courts, and the Crown Court. The person who asked you to attend court will tell you which type of court you are going to. You can see what these courts look like in the diagrams on pages 18 to 21.

If you are unsure about anything ask the person who has taken you to visit the courtroom.



# The Witness Service

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

# What happens at a trial?

One at a time, the witnesses tell the court what they know about what happened. The magistrates, or in the Crown Court the judge and jury, listen carefully to all that is said. The prosecutor and the defence lawyer take turns to ask each witness questions.

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

**In the Crown Court**, it is the jury that decides whether or not the defendant broke the law. When all the evidence has been heard, the members of the jury leave the courtroom. They talk about what they have heard and come to a decision. If the jury is sure that the defendant broke the law, they tell the judge that the defendant is guilty. The judge then decides how to punish the defendant for what he or she has done on the day or at a later date.

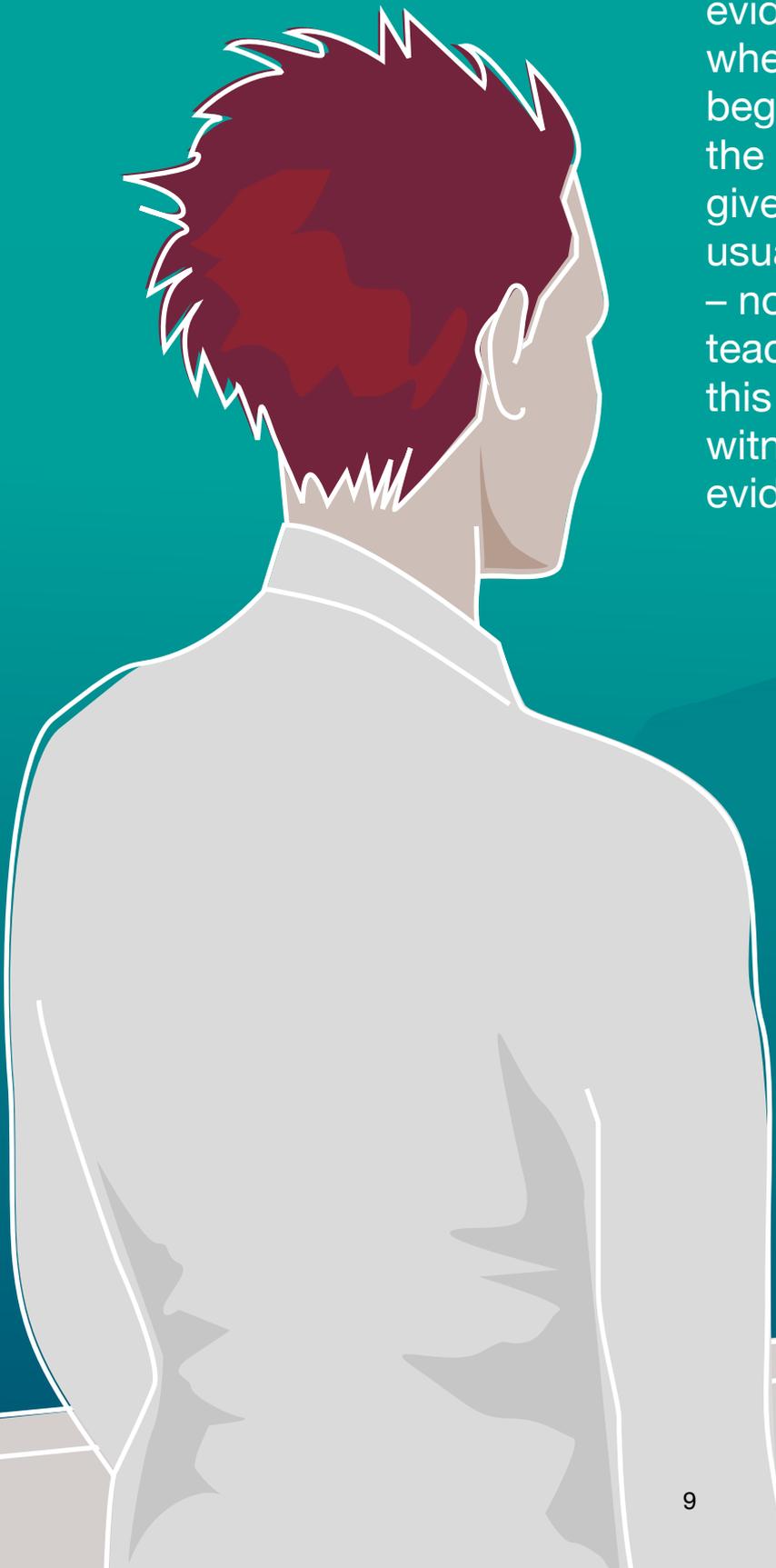
**Without witnesses like you courts wouldn't be able to work.**

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



# Giving evidence

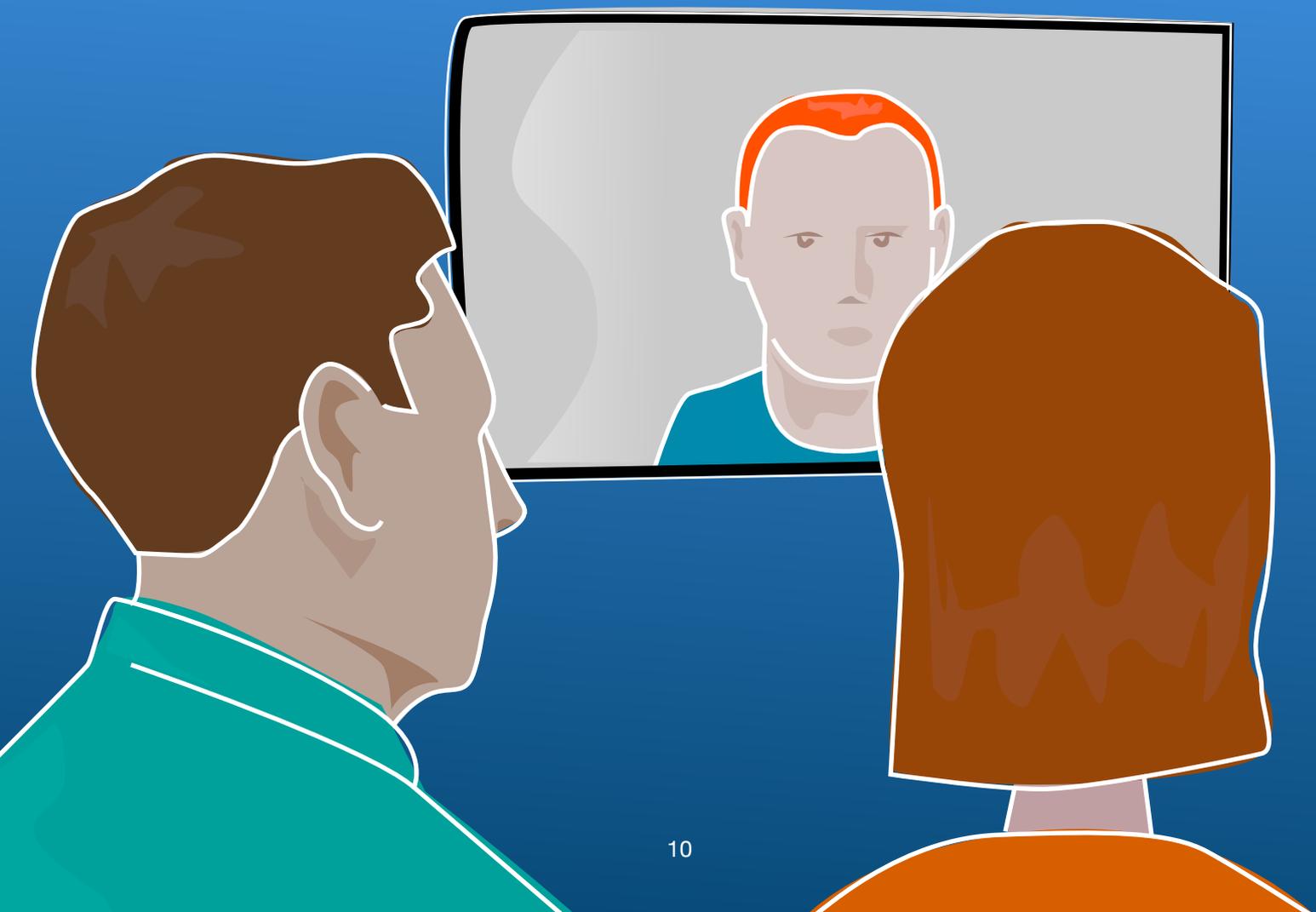
When it's your turn to give evidence, you will be shown where to go. Once the trial has begun, witnesses cannot go into the courtroom before they have given evidence. Someone can usually go with you into court – normally a relative, friend, teacher, or other supporter. But this person cannot also be a witness who is waiting to give evidence.



# Ways to help you give evidence (special measures)

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

- 1. Giving evidence via a TV link** – this means that you give your evidence away from the courtroom. You go into another room in the court building (or sometimes away from the court building) with a supporter agreed by the court. You sit in front of a TV link. On top of the TV link there is a camera which is connected to the court room. You are seen on the TV link by everyone in court, including the defendant.
- 2. Evidence recorded in advance for courtroom** – It may be possible for you to give evidence in advance of the main trial in front of the judge, lawyers and the defendant only. This evidence will be recorded and played at the trial so that you may not need to attend court. This measure is only available in a few courts at the moment and will be provided in more courts in the future. The police and WCU will be able to advise you about this.
- 3. Screens in the courtroom** – this prevents you from seeing the defendant while you give evidence and the defendant from seeing you.



**4. Evidence given in private** – if the case involves a sex offence, or someone has been making you feel worried or frightened about giving evidence then members of the public might not be allowed into the courtroom during your evidence

**5. Removal of wigs and gowns** – worn by lawyers and judges in the Crown Court.

**6. Visually recorded evidence** – where the police interviewed you using a visual recording and it is played at trial as your main evidence. It is seen by everyone in the courtroom including the defendant. You are allowed to watch the recording again before the trial to help refresh your memory.

**7. Use of an intermediary** – an intermediary is an adult who can help you to communicate with the court. The intermediary helps you understand the questions you are asked and can help the court understand what you say. An application may be made to

the court to appoint an intermediary if it is considered to be the best option for you to give your evidence. What they do is explained later in this guide (page 12).

**8. Aids to communication** – sometimes you may use an aid, such as a sign and symbol board to assist you when communicating your answers.

Once you have had a chance to consider whether any of these measures can help you, tell the person who asked you to come to court what you think about using special measures. This person can tell you more about how they work in practice. Ask this person if you have any questions. The court makes the decision about using special measures but needs to know what you think.

**Witness supporter** – it may be possible to have a supporter who knows you to accompany you whilst you give evidence. This could be the person who has helped you prepare for going to court, or an adult friend or family member who has not been involved in any way with the case. Tell the person who asked you to go to court who you'd like to have with you when you give your evidence. The Judge or Magistrates will decide whether to allow this, but they must consider what you say.



# Helping you understand what is said to you (the Intermediary)

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

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

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

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

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

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



# Taking the oath

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

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

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

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

It is important that you tell the court the truth whether you swear an oath or not as the court wants to hear what you saw or heard, or what happened to you.



# Being asked Questions

Three things you need to remember:

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

# Listening to questions

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

If you don't understand, say: **"I don't understand. Can you ask me that again in a different way?"**

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

# Answering the questions

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

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

Some questions may be about something the defendant did or said. The questions might make you feel embarrassed or upset. It's all right to use any words you need to. The most important thing is telling the court everything you know.

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

**"I don't know."**

**"I can't remember."**

**"I'm sorry, but I still don't understand."**

**"I don't understand. Can you ask me that again in a different way?"**

**"Please ask me one question at a time."**

# Telling the truth

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

## For example

Lawyers may suggest answers to their own questions. Do not agree with any suggestion unless it is true. Never agree just to please that person.

Some questions might suggest that what you say at court is different from what you told the police. Don't worry, just tell the truth.

You may be asked a question that you have already answered. This does not mean that your first answer was wrong. Just answer again.

Don't be angry or hurt if a question suggests that you are not telling the truth. Remember it is the lawyers' job to **"test"** what you have to say to help the court understand what happened.

# Can I ask for help?

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

If you need help while you are giving evidence don't be afraid to stop, put your hand up or say, **"I don't understand – please explain what you are asking me"**.



**"I don't understand –  
Please explain what  
you are asking me".**

## After the trial

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

## What happens if the defendant is guilty?

If the people in the jury or magistrates decide the defendant did something wrong they will say the defendant is guilty. The judge or magistrates will decide what will happen to the defendant. The punishment could be anything from a money fine or community service (where they have to work for free to help the community), to time in prison.

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

## What if they are not guilty?

If the jury or magistrates decides the defendant is not guilty, he or she are usually free to leave.

Hearing that the defendant is not guilty can be difficult. It might make you think that you didn't do a good enough job, or that the jury or magistrates thought you weren't telling the truth but this is not the case.

Remember the court may have heard from a lot of witnesses and they have to think about all the evidence. Your only job as a witness is to tell the court what you saw. You are not responsible for what they decide.

## What happens after I've been to court?

If you want to know what the judge and jury or magistrate decided in the end, the person who gave you this booklet will tell you. If you want to talk about what happened at the court, ask an adult who knows you and knows about your day at court.

## Can the defendant contact me?

No. Whether they are guilty or not, the defendant isn't allowed to contact you, if they really want to, for whatever reason, they have to get permission.

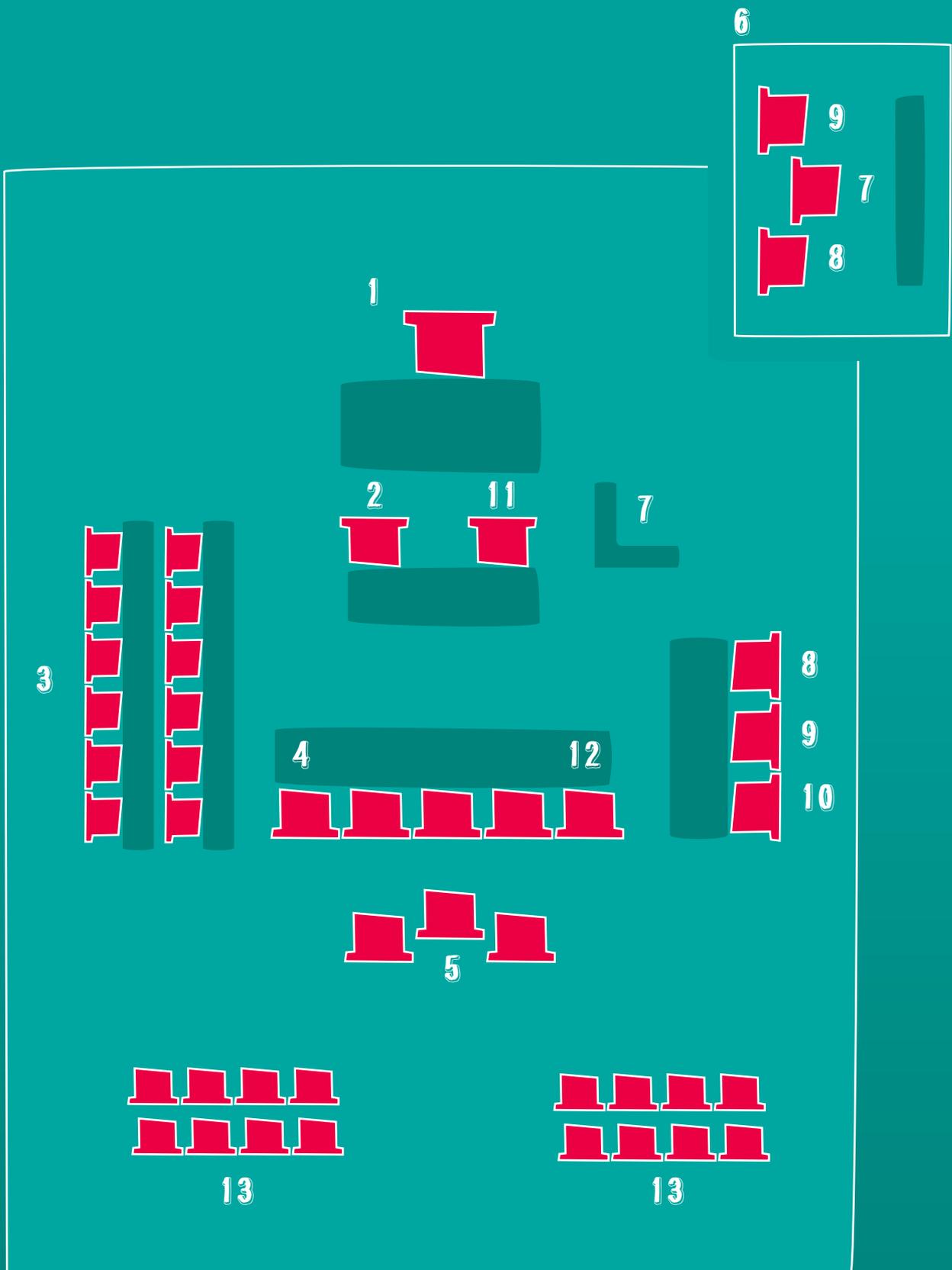
If you do hear from the defendant – in person, or by phone, text or email – you should tell an adult you trust, such as your witness supporter who should contact the National Offender Management Service Victim Helpline on 0300 060 6699.



## Thank you

After you have talked to the court, you can go home. Well done! Thank you for being a witness. You have done a very important job.

# Who's who in the Crown Court?



## **1 THE JUDGE**

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

## **2 THE CLERK**

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

## **3 THE JURY**

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

## **4 THE DEFENCE LAWYER**

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

## **5 THE DEFENDANT**

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

## **6 TV LINK ROOM**

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

## **7 THE WITNESS**

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

## **8 THE INTERMEDIARY**

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

## **9 THE WITNESS SUPPORTER**

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

## **10 THE USHER**

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

## **11 THE NOTE-TAKER**

There may be someone who types out what everyone says.

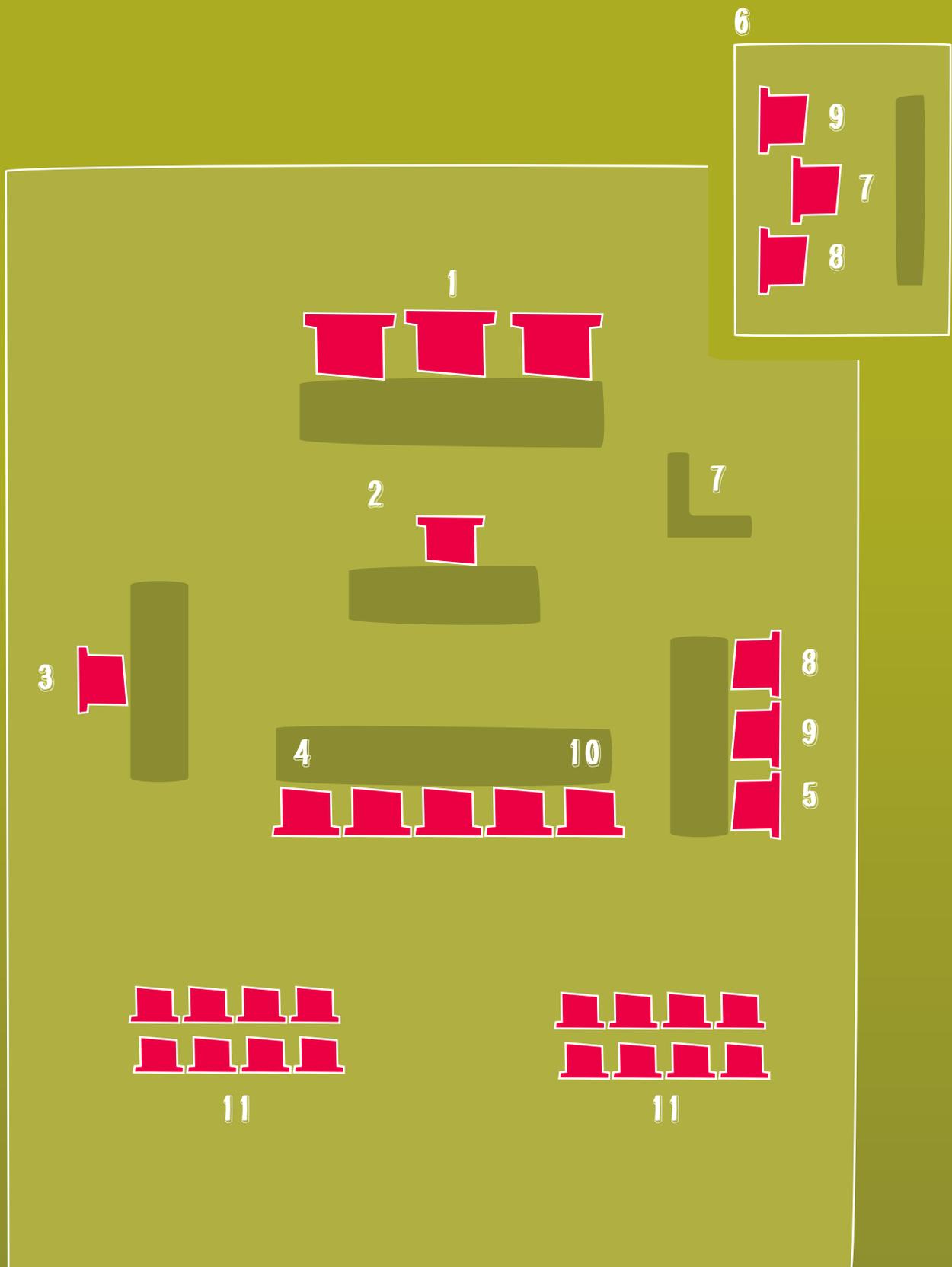
## **12 THE PROSECUTOR**

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

## **13 THE PUBLIC**

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

# Who's who in the Magistrates' Court?



## **1 THE MAGISTRATES**

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

## **2 THE CLERK**

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

## **3 THE DEFENDANT**

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

## **4 THE DEFENCE LAWYER**

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

## **5 THE USHER**

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

## **6 TV LINK ROOM**

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

## **7 THE WITNESS**

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

## **8 THE INTERMEDIARY**

The intermediary is a person who the court may appoints to help make sure you understand the questions and to help you give your best evidence. If the court gives you an intermediary, you will meet him or her before the trial.

## **9 THE WITNESS SUPPORTER**

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

## **10 THE PROSECUTOR**

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

## **11 THE PUBLIC**

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

# Useful contacts

## **ChildLine**

Freepost 1111  
London E1 6BR  
Phone: 0800 1111  
[www.childline.org.uk](http://www.childline.org.uk)

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

## **Children's Legal Centre**

University of Essex  
Wivenhoe Park  
Colchester  
Essex CO4 3SQ  
[www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)  
Email: [clc@essex.ac.uk](mailto:clc@essex.ac.uk)

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

## **VOICE UK**

Rooms 100–106  
Kelvin House  
RTC Business Centre  
London Rd  
Derby DE2Y 8UP  
[www.voiceuk.org.uk/](http://www.voiceuk.org.uk/)  
Email: [voice@voiceuk.org.uk](mailto:voice@voiceuk.org.uk)

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

## **Citizens Advice Bureau**

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

## **NSPCC**

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

To find out if there is a project in your area, contact your nearest divisional NSPCC office.  
Belfast: 02890 351135  
Leicester: 0116 276 9999  
London: 0207 825 2500

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

## **Rape crisis centres**

Can offer counselling for children who have been raped or sexually abused.  
Phone: 0808 8029999  
[www.rapecrisis.org.uk](http://www.rapecrisis.org.uk)

## **Local Authority Children and Young People's Services**

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

## **Victim Support schemes**

Offer a variety of help and support, including help with

applications to the Criminal Injuries Compensation Authority. Please visit [www.victimsinformationservice.org.uk](http://www.victimsinformationservice.org.uk), or call the Victim Supportline on 0845 30 30 900.

## **The Witness Service**

Citizens Advice runs the Witness Service at each Crown, magistrates' and youth court, staffed by a paid co-ordinator and trained voluntary workers. For more information, please visit [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

## **The Witness Liaison Officer**

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

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

# Glossary

- providing a local information leaflet for those supporting child witnesses.

The Witness Liaison Officer usually works closely with the Witness Service. The Witness Liaison Officer will be put in touch with you by the police.

## Witness Care Units

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

## Acquittal

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

## Adjournment

The temporary stopping of a hearing of a case ordered by the court.

## Bail

The release of a suspect from custody until his or her next appearance at the court, sometimes this is subject to restrictions like security being given or regularly reporting to a police station.

## Barrister

These are the lawyers who talk to the judge or magistrates.

## Charge

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

## CPS (Crown Prosecution Service)

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.

## Entitlement

Services that are provided to the victims of criminal conduct from the relevant service provider.

## Magistrates' court

A court where cases are heard by magistrates' or district judges.

## Needs Assessment

An evaluation carried out by service providers to determine the kind of support that someone may need following a crime.

## Offence

Any Crime punishable in a Crown Court, Magistrates' Court or by an out of court disposal.

## Offender

The person who committed the crime.

## Out of Court Disposals

Alternatives to prosecutions such as giving the offender a caution, usually for low level crime where a prosecution would not be in the public interest.

## Police Bail

Where the Police let a suspect out of the police station but they will have to return to the police station or a court on another day.

## Prosecutor

The lawyer who presents the case against the suspect(s).

## Sentence

The punishment given to a suspect found guilty.

## Suspect

Someone who the police believe may have committed a crime.

## Trial

The court process that decides whether someone who is accused of a crime is guilty.

## Victims' Services

Organisations providing emotional and practical support to the victims of crime.

## Witness Care Units

Units set up across England and Wales to provide information and support to victims and witnesses in cases progressing through the criminal justice system.

## Witness Statement

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

