



AUTHORISED PROFESSIONAL PRACTICE

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Prosecution and case management

Victim and witness care

Victims and witnesses play an important role in prosecution and case management, but are unlikely to be familiar with the processes involved. They, therefore, need additional support. There are several arrangements in place to guide and protect victims and witnesses involved in the criminal justice system before and after a suspect has been charged.

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Support to victims and witnesses

When involved in the prosecution process, a victim or witness is entitled to support through different measures and from organisations which form part of the criminal justice system. [Victim Support](#) provides information and counsel to victims and witnesses through services including the Supportline and the Witness Service.

Victim personal statement

The victim personal statement (VPS) gives victims of crime an opportunity to tell criminal justice agencies and the courts about how the crime has affected their lives. It also helps the agencies to understand the impact of the crime on the victim so that they can make informed decisions about the case. The victim may wish to include:

- any physical, financial, emotional or psychological injury that they have suffered and/or any treatment they may have received as a result of the crime
- if they feel vulnerable or intimidated
- if they no longer feel safe
- the impact on their family
- how their quality of life has changed on a day-to-day basis
- if they need additional support, eg, because they are likely to appear as a witness at the trial.

The VPS should not contain the opinions of the victim or the victim's close relatives on what the sentence should be.

Under the [Ministry of Justice \(2015\) Code of Practice for Victims of Crime](#), the victim can request to [read out their VPS in court](#) after the defendant is convicted. They can also request for another person, usually the prosecutor, to do so on their behalf. The court decides whether the victim or another person is allowed to read out the statement.

Witness care units

As part of the government's ongoing programme to transform the experiences of victims and witnesses of crime, the Cabinet Office introduced

Further information

[Ministry of Justice: Making a Victim Personal Statement](#)
[Victim Personal Statements – Officer Guidance](#)
[A Working Protocol on Reading Victim Personal Statements in Court](#)

witness care units (WCUs) across England and Wales. They are run by police and Crown Prosecution Service (CPS) staff, in joint partnership.

The units are a single point of contact for victims and witnesses, and provide support and information from the point of charge through to the conclusion of the case, tailored to the needs of the victim or witness. By being better equipped, witnesses are more likely to feel confident and be willing to support the prosecution process. WCUs aim to achieve positive outcomes for the criminal justice system, by having fewer failed cases and more offences brought to justice, in addition to improving the experience for victims and witnesses.

Each CPS area should have a local protocol which clearly sets out the roles and responsibilities for each WCU. WCUs do not affect the obligations placed on the police and prosecutors to inform victims of decisions as set out by [Ministry of Justice \(2015\) Code of Practice for Victims of Crime](#).

Responsibilities

WCUs oversee the provision to court of relevant documentation relating to victims and witnesses, for example, the [victim personal statement](#). They also work closely with [Victim Support](#).

The witness care officer (WCO) is the central point of contact in a WCU for a victim/witness, from the time an offender is charged to the end of the court case. Arrangements for managing contact should be clarified and agreed by the WCO with the officer in the case on a case-by-case basis. The WCO:

- informs a victim/witness of trial dates
- monitors dates that they cannot attend court
- carries out a detailed needs assessment to identify the support needed to enable witnesses to attend court and to give their [best evidence](#). This includes any requirement for special measures for vulnerable and intimidated witnesses.

The WCO ensures that these special measures, including, for example, pre-trial court familiarisation visits, are made available via the [Witness Service](#). If help is required on the day of the trial, eg, childcare provision, the WCO will arrange this. They also update victims/witnesses of a trial outcome within one day of the court's decision.

For victims/witnesses in cases of rape, domestic violence and those involving crimes against children, a specially trained police officer may be assigned as the point of contact and fulfil a similar role to that of a WCO.

Further information

[Achieving Best Evidence in Criminal Proceedings: Guidance on interviewing victims and witnesses, and guidance on using special measures](#)

Special measures for vulnerable and intimidated witnesses

A [vulnerable and intimidated witness](#) may require special measures, which are provided on the basis of a witness's vulnerability. An [application for special measures](#) is made to the court by a prosecutor or the defence. The court can also raise the question, and decide on whether special measures and other support should apply.

The police and the prosecutor should consider special measures options at the earliest stage in the proceedings.

Special measures options

These include, but are not limited to:

- screening a witness from the accused
- giving evidence by live link
- giving evidence in private in a sexual case or where the court considers that the witness may be vulnerable or intimidated
- ordering the removal of wigs and gowns
- video-recorded evidence in chief
- witness intermediaries to enhance witness communication (available only to eligible vulnerable witnesses)
- aids to communication, eg, alphabet boards (available only to eligible vulnerable witnesses).

Further information

[Vulnerable and Intimidated Witnesses: A Police Service Guide](#)

Very young witnesses

Very young children are particularly vulnerable within the criminal justice process. They may find the process frightening and stressful and they are likely to forget details more quickly than other witnesses. Special measures may not be sufficient to enable them to give their best evidence.

In recognition of this, ACPO, the CPS and Her Majesty's Court and Tribunals Service have adopted a [protocol to expedite cases involving witnesses under 10 years](#). It applies to cases charged on or after 1 April 2015 where a witness is under 10 at the time the incident is reported to the police and that witness has provided an evidential statement or ABE interview about the incident. The child can be a witness for either the prosecution or the defence. The protocol sets out the signatories' obligations to be expeditious at all stages of the investigation and prosecution.

Victim/witness withdrawal of support for prosecution

Victims and witnesses may withdraw support for a prosecution for a number of reasons. This could be because of a fear of reprisals, witness intimidation, anxiety caused by a forthcoming court case or because they lack support and information about an impending court case. A request to withdraw support for the prosecution might be made directly to the police or via the CPS, through a statement of withdrawal of support for prosecution.

The reviewing prosecutor must apply the evidential and public interest tests to this statement of withdrawal. When considering the public interest, the consequences on the victim/witness of the decision made whether or not to prosecute should be taken into account. This includes any views expressed by the victim/witness. In assessing the statement of withdrawal, there are specific [public interest considerations](#) for the prosecutor.

In some cases an [application for special measures](#) may provide sufficient reassurance to the victim/witness for them to decide to reconsider and to support a prosecution.

However, if after receiving a request from the investigator or prosecutor a third party refuses to cooperate, the prosecutor can consider whether to make an application for a witness summons.

Statement of withdrawal of support

This should contain:

- confirmation of whether the original statement given to the police was correct (if the account given in the original statement has to be amended, an application for this should be included)
- whether the victim has been put under pressure to withdraw or has been subjected to threats or intimidation
- nature of the original allegation (if not fully covered in a previous statement)
- victim's reasons for withdrawing support for the prosecution
- with whom the victim has discussed the case, particularly anyone who has advised them (a solicitor, for example)
- whether any related civil proceedings have been or are likely to be instigated (this is particularly relevant in domestic serious sexual offences)
- the likely impact on the victim's life and that of other witnesses or people affected if the case continues.

Statements of withdrawal of support can be used as evidence in current or future criminal proceedings, or as evidence within the family court system. These statements should be retained as information that might be relevant to future investigations.

Witness summons

In some cases a witness summons may be necessary to compel a witness to give evidence. If this is required a summons will issued under [section 97](#), Magistrates' Courts Act 1980. The [Criminal Procedure Rules 2011](#) set out how to apply for a witness summons.

If a decision is made to issue a witness summons this will be done in consultation with the CPS lawyer.

Victim and witness protection

Keeping the victim informed of case progress should include a requirement for information on court hearing dates, court bail and court bail conditions.

The victim must be informed and updated by the police and/or CPS as appropriate if a suspect is:

- charged with an offence in relation to relevant criminal conduct and is released on police bail
- given bail conditions or the bail conditions are amended
- remanded in custody or is administered a neighbourhood justice disposal.

All details of persons granted bail by the police or granted bail by the courts with conditions are entered onto the police national computer (PNC). Suspects failing to meet the terms of their bail are circulated on the PNC with a wanted/missing entry.

Where a remand in custody is sought, consideration must be given to whether there is a risk of the defendant trying to intimidate witnesses (directly or indirectly) while remanded in custody. If there are grounds to believe that this is likely, full details of witnesses and their contact details must be included on the [MG6 form](#). This information can then be passed to HM Prison Service in order to prevent the defendant from contacting witnesses while on remand.

Further information

[Ministry of Justice \(2015\)](#)
[Code of Practice for Victims of Crime](#)

Compensation

Victims of a violent crime can be compensated for physical or mental injury either through the court or by application to the Criminal Injuries Compensation Authority (CICA).

Court award

The court may order a defendant to pay compensation for any injury, loss or damage resulting from an offence for which he or she has been convicted. The police should supply the victim with an [MG19 compensation claim form](#) as soon as possible after a defendant has been charged, so that the victim can provide details of any financial loss or injury. In cases where a defendant pleads guilty at the first hearing, the court may make an order based on information contained in an [MG5 police report](#).

Further information

[The Prosecution Team \(2011\)](#)
[Manual of Guidance: For the preparation, processing and submission of prosecution files](#)

Criminal Injuries Compensation Authority

The Criminal Injuries Compensation Scheme is a government funded scheme administered by the Criminal Injuries Compensation Authority (CICA).

Further information

[Criminal Injuries Compensation](#)

The scheme can consider claims for:

- mental or physical injury following a crime of violence
- sexual or physical abuse
- loss of earnings – where the victim has no or limited capacity to work as the direct result of a criminal injury
- a fatality caused by a crime of violence, including bereavement payments, payments for loss of parental services and financial dependency, and funeral payments
- special expenses payments – these cover certain costs incurred as a direct result of an incident. CICA will only consider special expenses if the injuries incurred by the victim mean that they have been unable to work or have been incapacitated to a similar extent for more than 28 weeks.

Not all claims for compensation will be successful. A victim must be eligible under the rules of the scheme. The scheme is intended to be a last resort. Where the opportunity exists for the victim to pursue compensation elsewhere they should do so.

The rules of the scheme and the value of the payments awarded are set by Parliament and are calculated by reference to a [tariff of injuries](#). Although the size of the award varies to reflect the seriousness of the injury, it is acknowledged that this will never fully compensate a victim for what they may have suffered or lost.

Investigators responding to victims enquiring about criminal injuries compensation

Investigators must not discourage a victim from making an application for criminal injuries compensation as this may affect their eligibility under the time limits.

Concerns have been raised that applications for compensation may be cited in subsequent court proceedings to undermine a victim's credibility, particularly in cases relating to allegations of sexual abuse. In all cases, however, victims enquiring about compensation should be advised that claims must be made as soon as possible and should not be delayed until the conclusion of an investigation or trial.

CPS prosecutors will manage any challenges in relation to compensation claims during the trial if this is raised by the defence.

Investigators should refer victims to [Victim Support](#) where they can obtain independent advice about making a claim.

Time limits for making applications

Victims must apply for compensation as soon as it is reasonably practicable to do so. If they were an adult at the time of the incident, this should not normally be later than two years after it occurred.

Time limit for applicants under 18 years of age on the date of the incident

Special provision is made in the scheme for victims under 18 at the time of the incident. Although CICA will consider later applications in those circumstances, it is better to apply as soon as possible.

If the incident or period of abuse was reported to the police before the victim became 18, and no one made a claim on their behalf, they can make a claim up until the day of their 20th birthday.

If the incident or period of abuse took place before the victim became 18 but was not reported to the police at the time, they can apply within two years from the date of reporting the incident or abuse to the police.

If the victim wishes to extend these periods, they will need to provide evidence that shows why the application could not have been made earlier.

Victim Support can provide victims with free independent advice on how to make a claim.

Contacting Victim Support:

- telephone the Victim Support line on 0845 30 30 900 (England and Wales) or 0845 60 39 213 (Scotland)
- visit their website at www.victimsupport.org.uk or www.victimsupportsco.org.uk
- email supportline@victimsupport.org.uk or info@victimsupportsco.org.uk

Victims and witnesses in court

Victims and witnesses involved in an investigation may be required to attend court and provide evidence against or in defence of the accused. In court, victims and witnesses are informed and protected by staff of Her Majesty's Court and Tribunals Service (HMCTS), which is an agency of the Ministry of Justice. HMCTS is responsible for the administration of criminal courts in England and Wales.

Her Majesty's Courts and Tribunals Service

HMCTS provides victims, witnesses and their families with separate waiting areas and court seats away from defendants and their families during the trial. They also ensure that:

- any special measures for vulnerable and intimidated victims and witnesses are maintained while in court
- the wait prior to giving evidence is no longer than two hours
- an information point is provided in the court for victims to be updated on their case while it is being heard.

HMCTS has specific procedural obligations towards [very young witnesses](#) at all stages of the court process.

Further information

[Justice – Her Majesty's Courts and Tribunals Service \(HMCTS\)](#)

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