



sovereign

Being a witness in court

Frequently asked questions

What is a witness?

A witness is someone who can give a firsthand account of something seen, heard or experienced.

Why have I been asked to be a witness?

Witnesses are the most important part of any legal action we take to resolve anti-social behaviour. Sometimes, in cases that are very serious, we need to attend a civil court to request the Judge to make an order. If there is a breach of tenancy or the Housing Act we can ask for one or more of the following orders:

- Injunction - order telling someone how to behave or not to behave. This sometimes includes an order excluding them from a certain area and/or a power of arrest by the Police in case they breach the conditions.
- Possession - order to evict someone from their home.
- Demotion of tenancy - order to make a tenancy less secure, so that any further breaches of tenancy can be addressed more quickly.

A judge is the only person who can make these orders. When we apply and go to court we must present evidence, usually in the form of witness statements. In a civil court a judge needs to determine if something 'probably happened'. This is a lower level of evidence than the police use in criminal courts where they have to make a case 'beyond reasonable doubt'. They also need to agree that it is 'reasonable' to make the order we are requesting.

What will I need to do?

Firstly, we will need to write down what you have seen or heard and how it has affected you. This is in the form of a witness statement. It is essential that this is truthful and detailed. We will help you to do this. We then use your statement as part of our paperwork to apply to the court for a hearing to present the case to the Judge.

At a hearing you may be required to tell the Judge what has happened and how it has affected you. You will have a copy of your statement to read.

Your statement will be disclosed to the defendant. As part of the court process, the defendant has the right to see what evidence is going to be presented in the case.

Support

We are very aware of the stress and anxiety that can be caused by being a witness in a court case. Once you decide to take a stand by becoming a witness, we will support you throughout the process.

Witness support plan

When you agree to be a witness, in a potential court case, we will complete a witness support plan with you. This plan helps us to identify what support we can provide you. This could be emotional support or practical, it will be personal to you and the case.

What support to expect **before** a court hearing:

- A visit to the court before a court hearing or trial so that you know what to expect.
- A chance to meet our legal representative before the case.
- If necessary, an out-of-hours number to call.
- If necessary, an alarm in your home which is directly linked to our 24-hour call centre.
- An assessment of your home to see what additional security measures could help. These could include security lights, extra bolts or other physical adaptations to help keep you safe. These are usually only needed in the most serious cases.
- We can make sure the police are aware of the situation and ask them to raise a flag for your address so that they may respond quicker to any call you make to them.
- In some cases we may be able to arrange for someone who has previously been a witness for us to talk to you about their experience.
- Put you in touch with any existing local agencies who can offer specialist advice and support.
- In areas where we have a neighbourhood warden service, they are also able to provide extra support.
- You will have a single point of contact and we will keep you updated regularly about what is happening.

What support to expect **throughout** a court hearing:

- Transport to and from the court.
- Although we are unable to book rooms at court, we will arrive early enough to have the best chance of obtaining a private room.
- We will request the court to avoid booking hearings on any dates that you can't make.
- A member of staff to support you on the day of any hearings.
- We will consider any reasonable expenses for travelling to court, car parking, child care costs and refreshment's at court. (Please agree these with your case manager and keep all your receipts).
- We can request the court to provide any special measures you need. For example, a translator.

In all cases that have been resolved following a court hearing, we will continue to support you after the case has been closed. We will consider other ways to support you in being a witness, please speak to your case manager for more information.

Court

What's it like in court?

The court we use is a civil court. This is different to magistrates or crown court. There is no jury. There will be one judge and possibly a clerk in the room. The court room itself depends on the court and which judge is hearing the case. We can go with you to court before the hearing to show you around.

Who's who?

Judge	The person who presides over the court hearing. The judge hears the evidence and makes the ruling.
Court Office	The office provides the administrative support for the court.
Security	There is usually a security person on the front door of the court.
Solicitor/Legal representation	This person represents Sovereign or the defendant and speaks to the judge about the case.
Witness	Any person who attends court to tell a judge what they saw or heard.
Defendant	This is the person who is allegedly causing the problem.

What will I be required to do when I give evidence?

If you are required to give your evidence in person, we will give you a copy of your statement so you are not expected to memorise it. You will have this with you in the court room. You will be asked to promise that you will speak the truth. Our solicitor will speak to you and ask you questions about what has happened and how it has affected you. The defendants solicitor will request to ask you questions too.

How long will it take?

It is not possible to say how long the court case will take on the day. You may need to stay all day if necessary. However, if you need to be elsewhere please let us know and we will ask the judge to allow this.

What happens next?

Once the judgement has been made in court, we will go to a private room to discuss what this means. We will have prepared you for likely outcomes and will answer any questions. Depending on the outcomes, we will plan our next steps and how we can support you.

Can I have my expenses paid?

We will consider any reasonable expenses. We will cover costs of childcare, travel and refreshments. Speak to your case manager about this in advance so we can confirm with you what we will pay for and keep your receipts.

Other frequently asked questions

Can you use my evidence without me being a witness?

Often witnesses are not comfortable with the defendant knowing they have made reports to us and do not want to make a statement. This is understandable and sometimes we can make anonymous statements as part of the case. However, a judge will regard this as 'hearsay' and it may not be viewed as strongly as you giving evidence yourself. When we make statements anonymous we have to miss out a lot of detail about what happened and the affect it had on you. This could weaken the case further. A defendant may be able to work out who has made the statement anyway.

A defendant can request the judge orders us to disclose who has made the anonymous statements. Whilst this is very rare you should be aware that if making an anonymous statement, your name may possibly be disclosed at a later date.

Will the defendant be given a copy of my statement?

Yes. A defendant is entitled to know what case is being made against them. We will keep you updated at every stage and let you know if your statement is passed to them.

Is there anything you can do to help me to feel safer?

Throughout the case we will continuously assess your safety with all parties involved. We can liaise with other agencies and provide physical safety measures on your home. We could also apply for an injunction to order any relevant people to behave or not behave in certain ways. In extremely serious cases we may move witnesses to emergency accommodation.

Am I the only person who is doing this?

We will let you know if there are any other witnesses. Usually a member of staff will be a witness and sometimes a police officer.

What do I need to put in my statement?

The statement is a truthful account of what you have seen or heard and how the issues have affected you. It is written in time order, from the oldest incidents to the most recent. It includes specific details about what happened and the impact such as lack of sleep, or damage to property. We will include any incident diary sheets or other evidence you provide. We will help to complete the statement with you, but it is important it is in your words and true to your experiences. Tell us anything that you feel is important.

Why do you need all that information, you have my incident diary sheets?

We need to tell the judge what has happened in a specific and detailed way. It must be written in a certain format and be clear about what happened, where, when and who was involved. It may be the defendant denies the incidents and so we have to make sure our evidence, including your statement, makes a good enough case. We can only do this by making sure we have all the information available when we prepare our case.

Do I have to attend court?

The judge may be able to make an order without you attending court. For example, a judge may make a court order at the first hearing if the defendant doesn't attend.

If the defendant denies any of the incidents occurred, the case could go to a trial. This means all witnesses are required to attend court to tell the judge what happened. If you don't attend, the judge cannot hear your evidence and may ask why you haven't attended. If there is good reason our solicitor can advise the judge of those reasons and they may use your statement without you being there.

How long will it take for the case to get to court?

It depends on what we are applying for, the court availability, legal processes and the defendant's response. For example, if the defendant denies the evidence given, the case will be adjourned for a trial. It can sometimes take around 9 months from application to court for possession to an outcome. However, if the defendant does not attend and avoids the court process the case could be completed in as little as 6 weeks. If we are applying for an injunction we could be through the court process in a couple of weeks. It's important that you are aware that we do not know how the case will progress in coming weeks or months, but we will keep you up-to-date throughout.

Who can I talk to about the case?

It is very important that you have support throughout the case. You can talk to close friends and family about any concerns, and the case in general. You are not allowed to share any of your evidence with other witnesses involved in the case. We also suggest that you do not speak to neighbours or other people who may have some interest as this can make the situation more complicated.

If you would like to speak to a counsellor at any point please contact your case manager who may be able to arrange this.

Attending court can be a daunting process. Sometimes it is the only way to resolve serious anti-social behaviour and we will not be able to achieve results without your help and courage.

Please don't hesitate to contact us if you have any questions or requests for support.



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