



“NO WITNESS, NO JUSTICE”

CPS/ACPO/HO/OPSR VICTIM AND WITNESS CARE PROJECT MINIMUM REQUIREMENTS

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“NO WITNESS, NO JUSTICE”

CPS/ACPO/HO/OPSR VICTIM AND WITNESS CARE PROJECT MINIMUM REQUIREMENTS OF THE NO WITNESS, NO JUSTICE PROJECT

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1 Introduction

This document outlines the minimum requirements for the No Witness, No Justice (NWNJ) project that is commencing national roll out in 2004/05. An independent evaluation of the pilot No Witness No Justice project, expected to report in October 2004, will inform the revision of the national standards of witness care and best practice guidance to be issued to Local Criminal Justice Boards. In the meantime, **the minimum requirements for national implementation have been defined as a result of an interim evaluation and costing exercise conducted by the central project team and a wider consultation exercise with pilot area staff, Chief Crown Prosecutors, Chief Constables, and Victim Support / Witness Service.**

In addition to the NWNJ pilot areas, the minimum requirements have also been informed by the Warwickshire VIP project, the Metropolitan Police's Operation Emerald and the earlier work conducted by the West Midlands Witness Care Initiative, who are all thanked for their contributions.

This document will assist areas in preparing their implementation plans for delivering the No Witness, No Justice project.

It is important to note that the No Witness, No Justice project does not replace existing CJS commitments for the treatment of victims and witnesses (as outlined in Annex A); it supplements arrangements that are already in place.

While areas will be required to implement the minimum requirements of the scheme, areas will have flexibility in designing services for victims and witnesses to meet local needs.

1.1 No Witness, No Justice in the context of the Criminal Case Management Programme

Whilst the focus of this document is on No Witness, No Justice, it is important to understand the context within which this project is to be designed and implemented. No Witness, No Justice is part of the Criminal Case Management Programme (CCMP) which brings together four main elements of CJS Reform: Charging, Effective Trial Management Programme (ETMP), No Witness, No Justice and Criminal Justice IT. Figure 1 below illustrates the various building blocks of CCMP.

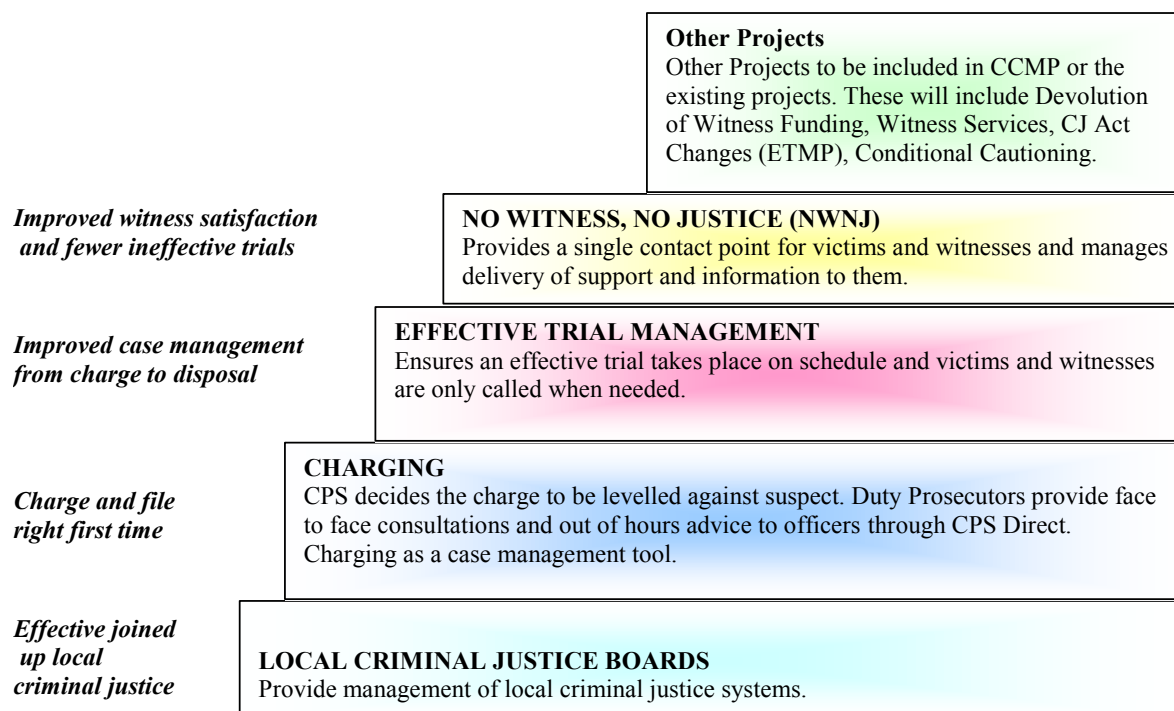


Figure 1 - Criminal Case Management Programme Building Blocks

Through better case preparation by the prosecution team, cases arrive at court better prepared and with the correct charge. At court, cases progress more effectively due to the in court and out of court preparation afforded by ETMP. Victims and witnesses of crime are therefore offered more certainty of hearing dates, and will be warned to attend court when trials are in a sufficient state of preparedness. The No Witness No Justice Project will support victims and witnesses through the criminal justice process, providing updates of future hearing dates and working with the ETMP case progression function to ensure that they are only warned to attend court when absolutely necessary, and not for unnecessary hearings.

Figure 2, overleaf, further illustrates the links between Charging, ETMP and No Witness, No Justice in the criminal justice process.

THE CRIMINAL CASE MANAGEMENT WORKSTREAM

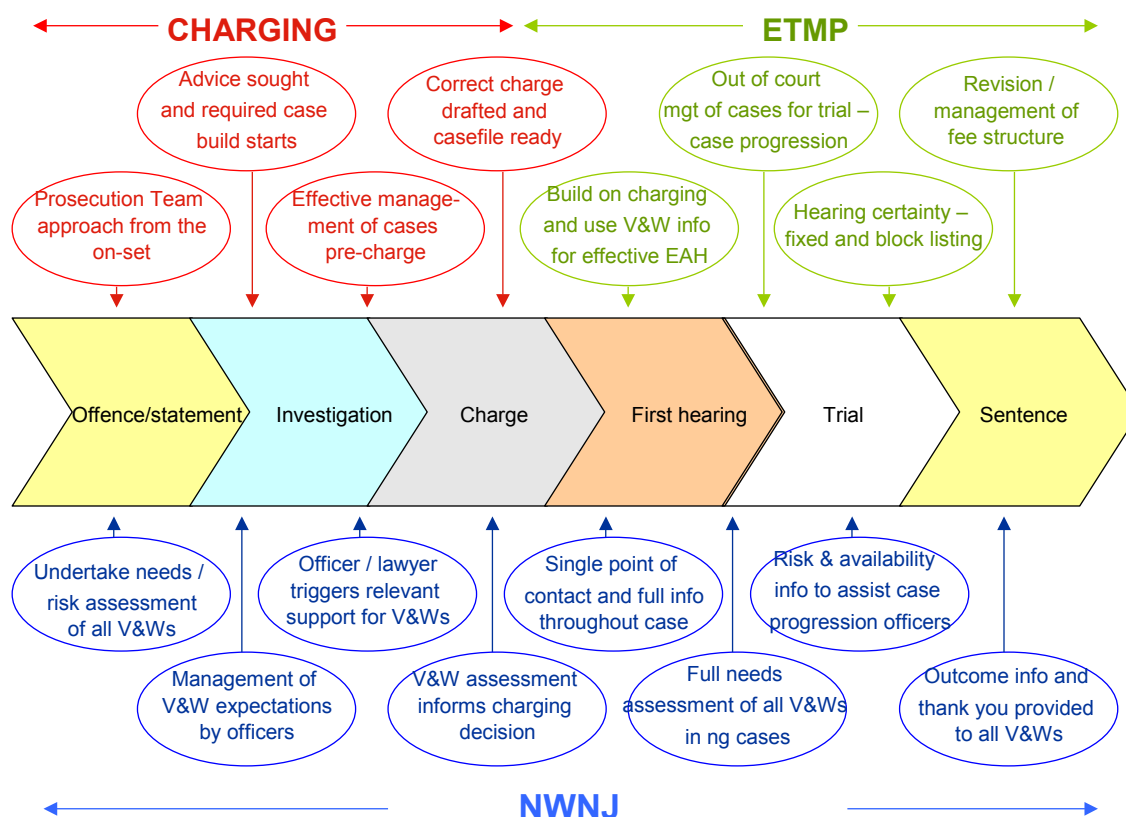


Figure 2 – Links between Charging, ETMP and NWNJ in the criminal justice process

It should be noted that both the Charging Programme and ETMP are also in the process of being rolled out nationally. The stage of implementation will vary from area to area for both programmes. The implementation of No Witness, No Justice needs to be co-ordinated carefully with the implementation of Charging and ETMP although the implementation is not dependent on either programme.



2 Background To The No Witness, No Justice Project

Currently, responsibilities for victim and witness care at a local level are shared but not necessarily co-ordinated. There is no local system-wide management of victim and witness care on a day-by-day basis. Nor is there a seamless focus on victim and witness care from the beginning to the end of a case. Consequently insufficient attention is paid to assessing the needs of victims and witnesses, let alone ensuring that those needs are met. As a result many cases fail because prosecution witnesses fail to attend court, and public confidence in the CJS is reduced. The Home Office Witness Satisfaction Survey 2002 showed that just 32% of witnesses were very satisfied with their experience of the system.

In March 2003, the Prime Minister and the Attorney General commissioned a partnership of the Crown Prosecution Service (CPS), the Association of Chief Police Officers (ACPO) the Home Office (HO) and the Prime Minister's Office of Public Services Reform (OPSR) to establish 5 pilot sites in England and Wales.

The objectives of the pilot were to:

- Deliver a more customer focused service to victims and witnesses;
- Enable more victims and witnesses to give evidence;
- Reduce the rate of ineffective trials through improved victim and witness attendance at court; and
- Increase victim and witness satisfaction.

Since July 2003, the 5 pilot areas (Essex, Gwent, North Wales, South Yorkshire, and the West Midlands) have been developing processes to test the efficiency and effectiveness of new approaches to victim and witness care. The emerging results from the pilots are encouraging - we are seeing a positive impact on attendance rates and anecdotal evidence from the staff dealing with witnesses suggests the level of satisfaction is improving.

An interim evaluation of the pilots was conducted in March 2004 and a final independent evaluation is due to be conducted in June 2004 (due to report in October 2004). Results of the interim evaluation have secured initial funding for the national roll out of the No Witness, No Justice project.

The interim evaluation and wider consultation exercise alongside a costing exercise conducted by the central project team has led to the minimum requirements being defined for the national roll out of the project.

The independent evaluation will inform more detailed guidance on the minimum requirements. It will also inform the revision of the national standards of witness care and best practice guidance to be issued to Local Criminal Justice Boards.

3 Overview of the No Witness, No Justice project

The minimum requirements of the No Witness, No Justice project are based on the following two principles that will deliver a more customer-focused approach to services for civilian prosecution victims and witnesses:

- **A needs assessment approach to each prosecution victim and witness** - the needs of each victim and witness will be considered and regularly reviewed;
- **Dedicated Witness Care Units (WCUs) staffed by CPS and Police Witness Care Officers who provide information and access to support to victims and witnesses from the point of charge through to case completion** – the WCUs will continue to provide a service to victims and witnesses in the event of any appeals against conviction or sentence or referrals to the Attorney General for review of unduly lenient sentences.

Figure 3 below provides an overview of the minimum requirements of the No Witness, No Justice project.

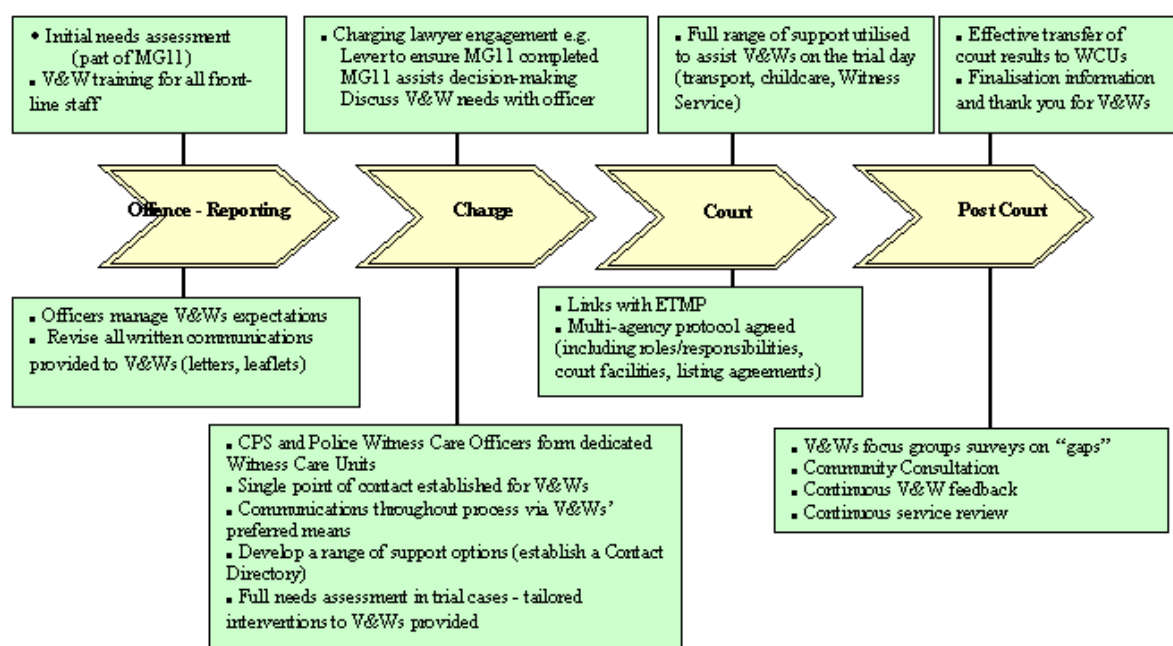


Figure 3 - Minimum requirements of No Witness, No Justice project



4 Actions To Prepare For Implementation Of The No Witness, No Justice Project

Activities that should be undertaken to assist in preparation for implementation of the No Witness, No Justice project include:

- locally auditing current standards of victim and witness care to identify gaps and problems to be addressed;
- local consultation to engage with the community regarding standards of witness care; and
- considering how the implementation of NWNJ can be best co-ordinated with the implementation of ETMP.

Good practice materials and tools will be issued to areas to assist with implementation.

5 Minimum requirements at the point of statement

This section outlines the minimum requirements of the No Witness, No Justice project at the point of statement. It also describes the minimum requirements that are not criminal justice stage specific but apply throughout the process, such as training and the review of communications materials.

5.1 The initial needs assessment

At the point of statement taking the police officer will **complete an initial needs assessment** for each civilian victim and witness (excluding professional witnesses such as store detectives and doctors). The aim of the initial needs assessment is to provide a snapshot of victim and witness needs at the earliest stage, trigger relevant support and assist the charging prosecutor's decision. This forms part of the revised MG11 that was distributed to areas in January 2004. A copy of the revised MG11 can be found at Annex B.

The initial needs assessment will set out issues of concern, such as intimidation, whether the victim wants to make a victim personal statement (VPS) and whether special measures are needed (as defined by the Youth Justice and Criminal Evidence Act 1999). The revised MG11 also requires the officer to establish the victim/witness' preferred means of contact, identify any specific needs (such as childcare and transport) and assess the willingness of the witness to attend court.

For those victims/witnesses whose evidence is recorded by video, the information should be recorded on the MG2.

A minimum requirement of the No Witness, No Justice project is that an initial needs assessment is undertaken for all civilian victims and witnesses at point of statement. The MG11 has been revised for this purpose.



5.2 Training of front line staff

The engagement of all staff is critical to improve the service to victims and witnesses. In order to ensure all front line staff are equipped with the appropriate knowledge and skills, it will be important to make sure that all witness care officers, police officers, prosecutors, caseworkers and other relevant staff are provided with appropriate training.

A training needs analysis has been undertaken. Details of the training that is available for the implementation of NWNJ have been issued to areas in their NWNJ starter pack.

A minimum requirement of the No Witness, No Justice project is that all front line officers, prosecutors, caseworkers and other relevant members of staff will receive appropriate communications and training.

5.3 Review of materials provided to victims and witnesses

The scoping study conducted for the No Witness, No Justice project included a review of the locally produced written materials distributed to victims and witnesses across the pilot areas. The exercise identified that the quality and presentation of information provided to victims and witnesses was variable – often poor (including factual inaccuracies in several communications).

Areas will be expected to review the written materials currently provided to victims and witnesses at each stage of the criminal justice process (witness warning letters, result letters, leaflets etc) and revise as necessary. Areas will also be expected to consider equality and diversity issues ensuring that materials are available in languages and formats that cater for the needs of the local community.

Best practice guidance on written materials will be issued following the independent evaluation of NWNJ.

A minimum requirement of the No Witness, No Justice project is that all locally produced written materials provided to victims and witnesses will be reviewed and best practice materials developed. The review will include consideration of issues of equality and diversity. Regional Equality and Diversity Officers should assist in these reviews.

6 Minimum requirements from the point of charge through to trial

This section outlines the minimum requirements of the No Witness, No Justice project from the point of charge to the trial day. This will detail the actions required of the charging prosecutor and the functions of the Witness Care Unit – the key focus of the No Witness, No Justice project.



6.1 Engagement of the charging prosecutor

Where in position, the charging prosecutor has a vital role to play in the provision of improved services to victims and witnesses. The prosecutor supports the No Witness, No Justice project from the earliest stage.

Key functions of the charging prosecutor as part of the No Witness, No Justice project include:

- Provide a gatekeeper role to ensure officers fully complete the MG11;
- Discuss victim and witness needs with the officer and identify cases that may require early intervention/support;
- Discuss possible needs for special measures with the officer; and
- Check whether a Victim Personal Statement has been offered and taken and advise to do so if appropriate.

The completion of the initial needs assessment for each victim and witness will provide the prosecutor with additional information that will assist with their charging decision.

A minimum requirement of the No Witness, No Justice project is that charging prosecutors will ensure that victim and witness needs have been considered at the point of charge.

6.2 The Witness Care Unit – staffing/where are they based?

The Witness Care Units are typically built around existing witness warning teams. They will have responsibility for all victims and witnesses except for those that are already supported through specialist support units such as domestic violence specialists and Family Liaison Officers.

Areas will need to consider how their Witness Care Units liaise with specialist support units to ensure that the minimum requirements of the No Witness, No Justice project are delivered for all victims and witnesses. Areas will also need to consider how the Witness Care Units are co-ordinated with the existing arrangements for Direct Communication with Victims where charges are dropped or substantially altered.

The preferred staffing mix of the Witness Care Unit (CPS, Police and possibly Victim Support/Witness Service) will be a local area decision. However, the emerging pilot findings strongly suggest that a multi-agency approach is preferable. The perceived benefits are:

- Information sharing - opening up direct channels of communication e.g. easy access to prosecutors, police officers and caseworkers;



- Single point of contact for the witness (the ‘prosecution team’);
- Joint working partnership leads to early and effective resolution of witness issues;
- Continuity of care for the witness ensures that the same message is being given out for witnesses; and
- Joint working partnership improves working relationships and the team environment between the police and CPS, thereby creating increased job satisfaction.

The health and safety standards for Witness Care Unit staff will need to comply with the requirements of their employing agency.

Supporting materials on the structure of Witness Care Units have been provided in the NWNJ starter pack.

A minimum requirement of the No Witness, No Justice project is that areas will establish dedicated multi-agency Witness Care Units to manage victims and witnesses from the point of charge through to the conclusion of a case including witness warning responsibilities.

6.3 The Witness Care Unit – information provision

In the Witness Satisfaction Survey 2002, it was found that only 19% of witnesses were regularly kept informed about progress of a case. This can result in dissatisfaction and possible withdrawal of support for the prosecution.

A key objective of the NWNJ project is to significantly improve the amount of information that is provided to victims and witnesses. This should improve the satisfaction of victims and witnesses and also keep them “engaged” with the criminal justice process reducing the likelihood of withdrawal of support.

Evidence suggests that the earlier that a victim or witness is contacted by the Witness Care Units the better in terms of engaging and supporting the witness. Ideally Witness Care Units would contact all victims and witnesses following the reporting of an offence. However, at present, resources provided for the implementation of NWNJ are only sufficient for Witness Care Units to engage with all victims and witnesses following the point of charge.

Table 1 below provides a summary, for different types of cases, of the additional requirements for providing witnesses with information that are minimum requirements of the No Witness No Justice project. More details of the additional information provision requirements are provided in Annex C.



In terms of timeliness, the expectation is that witnesses will be provided with information or letters sent at the latest by the end of the working day following the relevant court hearing.

It is expected that the responsibility for providing witnesses with information will lie with the Witness Care Unit that is responsible for the court in which the relevant court hearing has taken place.

Table 1 – No Witness, No Justice information provision minimum requirements

Type of case	Existing information provision requirements	Additional NWNJ information provision requirements
Guilty pleas not indicated at first hearing or appeals against conviction	<p>Victims informed following charge or caution</p> <p>Victims informed of significant variations in bail conditions. All witnesses who have previously expressed concern informed if a defendant is granted bail or conditional bail following being remanded in custody</p> <p>Victims informed if charges dropped or substantially altered</p> <p>All witnesses contacted for availability to attend court, warned of trial dates, and notified of any adjournments. Victim, if they wish, will be informed of trial date even if not required to attend court</p> <p>Victims informed of case outcome and sentence</p> <p>Victims informed of successful bail applications, date of appeal hearing and results in appeals to the Court of Appeal, where the victim has expressed a wish to be kept informed of developments, or where the case involves a death or sexual offence</p>	<p>All witnesses contacted following first hearing and informed of bail status of defendant</p> <p>All witnesses contacted following a not guilty plea or notice of appeal for a needs assessment to be conducted</p> <p>All witnesses informed following successful bail application after a defendant has been remanded in custody</p> <p>All witnesses informed case discontinued</p> <p>All witnesses informed of outcome of special measures applications relevant to them</p> <p>All witnesses informed following preliminary hearings, committal hearings, or committals for sentence</p> <p>All witnesses informed of case outcome and sentence</p>



Type of case	Existing information provision requirements	Additional NWNJ information provision requirements
Guilty pleas indicated at first court hearing	Victims informed of case outcomes and sentences	All witnesses informed of case outcome and sentence
Cases discontinued prior to or at first hearing	Victims informed of charges dropped	All witnesses informed of discontinuance
Appeals against sentence	Victims informed of successful bail applications, date of appeal hearing and result in appeals to the Court of Appeal, where the victim has expressed a wish to be kept informed of developments, or where the case involves a death or sexual offence	All witnesses informed of sentence

A minimum requirement of the No Witness, No Justice project is that areas will provide information to witnesses as follows:

For cases where a guilty plea is not indicated at first hearing or for appeals against conviction all witnesses will be informed:

- following first hearing
- following a not-guilty plea or notice of appeal
- if a case is dropped
- of any successful bail application if a defendant is initially remanded in custody
- of the outcomes of any relevant special measures applications
- of the outcome of any preliminary hearing
- following any committal hearing
- following any committals for sentence
- of outcomes and sentences

For cases where a guilty plea is indicated at first hearing, or where the case is dropped prior to or at first hearing, or for appeals against sentence, all witnesses will be informed of the outcome and, if applicable, sentence.

It is expected that witnesses will be provided with the information or letters sent by the end of the working day following the court hearing.



6.4 The Witness Care Unit – preferred means of contact

The No Witness, No Justice scoping exercise identified that post charge, the majority of formal communications that criminal justice agencies make with victims and witnesses is in a written form. It was found there was limited consideration into the way in which victims and witnesses would prefer to be contacted. Therefore, as part of the initial needs assessment, the officer will identify the victim or witnesses' preferred means of communication on the MG11.

Where the victim or witness has not indicated a preferred means of contact the Witness Care Officer will make the initial contact via a telephone call (the default preferred means of contact) and confirm the preferred means for ongoing communication.

A minimum requirement of the No Witness, No Justice project is that Witness Care Officers will communicate with victims and witnesses via their preferred means of contact wherever possible (including phone calls, written, e-mail or text). The default preferred means of contact is via telephone.

6.5 The Witness Care Unit – single point of contact

In the pilot areas, the Witness Care Units have aimed to provide a single point of contact throughout a case to victims and witnesses. Areas have achieved this through a variety of means including “multi-skilling” staff to carry out all witness related activities including witness warning and establishing a system of file ownership.

In the context of a joint police/CPS Witness Care Unit, the Unit is *the* single point of contact for the ‘prosecution team’. It is, though, important to note that the single point of contact must be seen from the witness’ viewpoint. Witnesses should therefore be given the contact details for a named individual within the Unit.

It follows from having a named individual that there is file ownership, i.e. that a nominated individual in the Witness Care Unit is responsible for all the prosecution witnesses in a single case. Of course, that named individual will not always be available and in his/her absence another member of the Witness Care Unit will deal with any communication. This should be communicated to the witness in the initial contact. In South Yorkshire, for example, Witness Care Unit staff work in pairs providing continuity. Contact details for both members of staff are given to witnesses in all communications.

A minimum requirement of the No Witness, No Justice project is that areas should structure their Witness Care Units to provide victims and witnesses with a single point of contact.



6.6 The Witness Care Unit – conducting a follow-up needs assessment

In all cases where a not-guilty plea is entered the Witness Care Officers will conduct a follow-up needs assessment with all civilian victims and witnesses (excluding professionals such as doctors and store detectives).

A number of areas including Gwent and the Metropolitan police have sought to exceed this minimum requirement and are conducting the follow-up needs assessment following the first hearing unless a guilty plea has been indicated. Areas are encouraged to do this if resources are sufficient.

For particular types of offences where witnesses are more likely to be vulnerable or in need of support it may even be appropriate to conduct the needs assessment prior to first hearing at court (particularly if the first hearing is not on the day following charge) or following the reporting of an offence. Areas are asked to consider which witnesses might be given such an enhanced service beyond the minimum requirements.

The follow-up needs assessment will explore a range of issues that may influence their attendance at court and overall satisfaction with the process. These include:

- Identification of vulnerable or intimidated witnesses;
- Any intimidation concerns;
- Any needs for special measures;
- Whether a victim personal statement has been taken;
- Transport issues;
- Childcare issues;
- Other dependants (e.g. relatives or pets);
- What to expect on the court day;
- The need for pre-court visits;
- Referral to relevant support agencies including Victim Support/Witness Service; and
- Any employment concerns to address (e.g. self employed, reluctant employer).

Examples of good practice for follow-up needs assessments from the pilots will be issued to assist areas in due course.

A minimum requirement of the No Witness, No Justice project is that areas will conduct a full needs assessment for all civilian victims and witnesses (excluding professionals such as doctors and store detectives) in cases where a not-guilty plea is entered.

6.7 The Witness Care Unit – support/contact directory development

One of the tools a Witness Care Unit will need to develop locally to meet the needs of victims and witnesses will be a comprehensive support/contact directory. The directory will outline a range of options that will be used by the Witness Care Officers



to provide tailored interventions to address the needs of victims and witnesses identified in the follow-up needs assessment.

It will be important to treat the support/contact directory as a “live” document that will require constant review and updating.

Examples of good practice of support/contact directories and guidance for their development from the pilots will be issued to assist areas in due course. The guidance will include steps that need to be taken to ensure that only safe and credible organisations are used.

A minimum requirement of the No Witness, No Justice project is that areas develop a support/contact directory and that the directory is reviewed and updated on an ongoing basis.

7 Minimum requirements during the court day

This section outlines the minimum requirements of the No Witness, No Justice project on the trial day itself.

7.1 Agreeing a multi-agency protocol

A key aspect of victim and witness care is that criminal justice agencies have to focus on their commitments to victims and witnesses to improve the overall level of service provided. To ensure victims and witnesses fully access the support they need, areas will need to develop local multi-agency protocols that outline the roles, responsibilities and commitments of each agency (this would include issues such as court facilities and the “witness-friendliness” of listing).

A minimum requirement of the No Witness, No Justice project is that areas will develop and agree a multi-agency protocol that outlines the roles, responsibilities and commitments of each agency.

8 Minimum requirements post-court

This section outlines the minimum requirements of the No Witness, No Justice project after the trial day – post court.

8.1 Provision of information post-court

As outlined in section 6.3, information provision, a minimum requirement is that all victims and witnesses are provided with outcome and sentence information in a timely manner. Witnesses must be thanked for the role they have played in the delivering of justice and also made aware of support available from relevant agencies post-court.

The Metropolitan police are currently developing a debrief strategy for witnesses who have attended court that will also be issued to areas in due course.



It is also recognised that the Probation Service already have commitments to provide victims with information where defendants are sentenced to custody of 12 months or more for violent or sexual offences. It will be important to ensure the links between the Witness Care Units and Probation are made.

A minimum requirement of the No Witness, No Justice project is that all victims and witnesses are provided with outcome and sentence information in a timely fashion and that they are thanked for their contribution to the case and are offered support from the relevant support agency.

8.2 Victim and witness engagement and community consultation

The service that is delivered through the No Witness, No Justice project will evolve over time. It will be important to ensure that consultation with victims, witnesses and community groups continues over time (and is not a one-off exercise prior to roll-out of the project).

A minimum requirement of the No Witness, No Justice project is that arrangements are put in place to consult with victims, witnesses and community groups on an ongoing basis.

8.3 Performance information requirements.

In order to track the ongoing performance of the Witness Care Units and monitor the impact that the No Witness, No Justice project has had on the PSA targets it will be essential to establish and follow key performance measures.

The No Witness, No Justice project will aim to use existing performance data where available (and credible) and will minimise the collation burden of front line witness care staff.

The national project team will work closely with the national criminal justice IT teams to build the performance monitoring into existing IT systems. However, until the performance monitoring requirements are captured on national systems a simple electronic monitoring system will be in place in each Witness Care Unit. Details of the monitoring requirements will be issued to areas in due course.

A minimum requirement of the No Witness, No Justice project is to use the simple electronic monitoring system in the Witness Care Unit to monitor the performance measures in local areas.

ANNEX A

“NO WITNESS, NO JUSTICE”

CPS/ACPO/HO/OPSR VICTIM AND WITNESS CARE PROJECT

EXISTING AND FUTURE CJS COMMITMENTS VICTIM AND WITNESS CARE

When agreeing the ‘No Witness, No Justice’ minimum requirements for national implementation the existing or planned CJS commitments for the treatment of victims and witnesses outlined in the following documentation have been taken into account:

Trials Issues Group National Standards of Witness Care

The Victim’s Charter (shortly to be replaced by the Victims’ Code of Practice)

CPS Policy for Prosecuting Cases of Domestic Violence

CPS Policy for Prosecuting Racist/Religious Crime

CPS Policy for Prosecuting Cases with a Homophobic Element

The CPS Direct Communication with Victims Scheme

The Youth Justice and Criminal Evidence Act 1999 and The Criminal Justice Act 2003 (Special Measures – Vulnerable/Intimidated Witnesses)

Referral of Victims’ Details to Victim Support (Home Office Circular 44/2001)

Agreement between Victim Support and the CPS – List of Witnesses to Attend Court

Information to Victims about Cases in the Criminal Court of Appeal (CPS Casework Bulletin 23/2000)



CPS Legal Guidance - Referrals to the Attorney General for Reviews of Unduly Lenient Sentences



ANNEX B

“NO WITNESS, NO JUSTICE”

CPS/ACPO/HO/OPSR VICTIM AND WITNESS CARE PROJECT THE REVISED MG 11 FORM

See attachment.



ANNEX C

“NO WITNESS, NO JUSTICE”

CPS/ACPO/HO/OPSR VICTIM AND WITNESS CARE PROJECT

DETAILS OF THE MINIMUM REQUIREMENTS FOR INFORMATION PROVISION

Below are details of the minimum requirements with respect to information provision for the No Witness, No Justice project. Existing responsibilities with respect to information provision including establishing witness availability, warning witnesses of court dates and notifying witnesses of adjournments are not detailed here although it is a requirement that these responsibilities are carried out by the Witness Care Units.

The cases are divided into those where a guilty plea is not indicated at the first court hearing or that are appeals against convictions, those where a guilty plea is indicated at first court hearing, those cases dropped prior to or at first court hearing, and appeals against sentences.

In terms of timeliness, the expectation is that witnesses will be provided with information or letters sent at the latest by the end of the working day following the relevant court hearing.

Cases where guilty pleas are not indicated at first court hearing or appeals against convictions

First court hearing

In cases where a guilty plea is not indicated at the first court hearing, the minimum requirement is that all civilian witnesses are informed of the outcome of the hearing and informed of the bail status of the defendant.

Follow-up needs assessment following not-guilty plea or notice of appeal

In cases where a not-guilty plea is entered at the first court hearing or on notice of appeal against conviction, the minimum requirement is that all civilian witnesses (excluding professionals such as doctors and store detectives) are contacted for a follow-up needs assessment to be conducted and are informed of the bail status of the defendant. The follow-up needs assessment should be conducted by telephone although this may first need to be arranged through the witness' preferred means of communication if they cannot be directly telephoned.



Cases dropped

In cases that are dropped following the first court hearing, the minimum requirement is that all witnesses are informed that the case has been discontinued. Witnesses are to be informed by their preferred means of communication.

It is assumed that victims are already being informed of discontinued cases through the existing provision for Direct Communication with Victims.

Bail applications

In cases where a defendant has been granted bail after initially being remanded in custody, the minimum requirement is that all witnesses are informed. Witnesses are to be informed by their preferred means of communication.

It is assumed that victims are already being informed of significant variations in bail conditions through existing provision. National Standards also already state that the police should notify those witnesses who have previously expressed concern about a defendant being granted bail or conditional bail that a defendant, who was in custody, has been granted bail.

Special measures applications

It is a minimum requirement that witnesses are informed of the outcome of any applications for non-mandatory special measures relevant to those witnesses. Witnesses are to be informed by their preferred means of communication.

Preliminary hearings

In indictable only cases, it is a minimum requirement that all witnesses are informed of the outcome of preliminary hearings for indictable only offences. Witnesses are to be informed by their preferred means of communication.

Committal hearings

It is a minimum requirement that all witnesses are informed if a case is committed or transferred to the Crown Court. Witnesses are to be informed by their preferred means of communication.

Committals for sentence

It is a minimum requirement that all witnesses are informed if a case is committed to the Crown Court for sentencing and are informed of the venue and date of sentence. Witnesses are to be informed by their preferred means of communication.



Outcomes and sentences

It is a minimum requirement that all witnesses are informed of the outcome and sentences for cases following a trial or where a late guilty plea is entered. Where there is an adjournment for sentence following an outcome it is a minimum requirement that an additional contact is made to inform witnesses of the sentence. Witnesses are to be informed by their preferred means of communication although a letter should also be sent (if this is not their preferred means of communication) when the final outcome and/or sentence is communicated unless witnesses have indicated that a letter is not an appropriate means of communication.

It is assumed that victims are already being informed of outcomes and sentences through existing provision.

Cases where guilty pleas are indicated at first court hearing

Where a guilty plea is indicated at the first court hearing, the minimum requirement is that all witnesses are informed, in a single communication, of the outcome and sentence. If the case is adjourned for sentence, for a Newton hearing or is committed for sentence to the Crown Court the witnesses will be informed once the defendant has been sentenced. Witnesses are to be informed by letter unless another preferred means of communication has been indicated.

It is assumed that victims are already being informed of case outcomes and sentences through existing provision.

It is noted that there is also a commitment under the proposed Victims' Code of Practice that 'the police must inform victims of the date of all criminal court hearings in respect of relevant criminal conduct within 1-4 days (depending on the particular circumstances)' so victims, if they wish to, can attend court on hearing and sentence dates.

Cases dropped prior to or at first court hearing

Where a case is dropped prior to or at the first hearing, the minimum requirement is that all witnesses are informed that the case has been discontinued. Witnesses are to be informed by letter unless another preferred means of communication has been indicated.

It is assumed that victims are already being informed of discontinued cases through the existing provision for Direct Communication with Victims.

Appeals against sentence

Where there is an appeal against a sentence, the minimum requirement is that all witnesses are informed of the sentence passed on appeal. This should also apply where there are referrals to the Attorney General for review of unduly lenient



sentences. Witnesses are to be informed by letter unless another preferred means of communication has been indicated.

In appeals to the Court of Appeal, existing provision means victims should be informed of successful bail applications, date of appeal hearing and result where the victim has expressed a wish to be kept informed of developments, or where the case involves a death or sexual offence.

Useful Link - [A guide for Witness Care Units on monitoring compliance with the Code](#)