

# The Witness Charter

New standards of care for witnesses in  
the criminal justice system

Summary of Responses to Consultation and  
Government Response

July 2006

CRIMINAL JUSTICE SYSTEM



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# Introduction

1. Improving victim and witness care and support is at the heart of the current reforms to the criminal justice system. The new Code of Practice for Victims of Crime, now implemented in all areas, ensures that victims receive minimum standards of service from all the relevant agencies. The proposed Witness Charter will complement and build on this, setting out the specific standards of service which non-expert witnesses, whether for the prosecution or the defence, can expect to receive at every stage of the criminal justice process, from the moment they report a crime or incident, through the investigative stage, to attending court, giving evidence and post-trial support. The aim of the Witness Charter is to improve services across all the agencies, to ensure that witnesses are kept informed, that their specific needs are catered for in a tailored fashion, and that they feel secure and safe, as well as valued for their contribution.

## The consultation process

2. The Witness Charter consultation paper was published on 28 November 2005 and the three month consultation period ended on 28 February 2006. A total of 85 responses were received from a variety of interested groups and stakeholders, including former witnesses who attended focus groups. A list of respondents to the consultation is at Annex A.
3. The consultation paper invited responses to 20 specific questions on the summarised and detailed versions of the 34 standards in the Witness Charter, and on the impact on criminal justice agencies in terms of resourcing, timing, implementation support and monitoring.
4. Further information about the Witness Charter consultation, including summaries of individual responses, is available from:

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Office for Criminal Justice Reform  
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# Summary of Responses

5. The majority of respondents to the consultation welcomed the proposed standards. Several respondents said that the Witness Charter represented a holistic approach to supporting victims and witnesses through the criminal justice system. Effective monitoring was regarded as a key to ensuring consistency and impact.
6. Many respondents said that the standards reflected a fair balance between services that agencies have an obligation to provide to all witnesses, and those that they should aspire to provide, subject to the constraints, for example, of resources and facilities. Some respondents were concerned that the extent of the obligations would stretch the operational capacity of agencies. Others were concerned that the standards would unduly raise witness expectations, which agencies might not always be able to meet.
7. It was suggested that greater clarity was required to ensure that witnesses understood that the standards were not binding on the judiciary. Questions were also raised about the extent to which the standards could be met by defence lawyers, given the different considerations that applied to them, the principal of which was their duty to their client, and there was a consequential concern about raised expectations for defence witnesses.
8. Most respondents said that the standards met the needs of minority groups. Several commented that there needed to be more links to further information for minority groups, and that the Witness Charter itself and any further information should be provided to witnesses in appropriate languages and formats.
9. Several respondents said that the Witness Charter should cover civil proceedings in relation to Anti-Social Behaviour Orders, where similar needs arose throughout the process. However, many were against extending the scope of the Witness Charter in this way, reflecting their concern about the resource implications, particularly for local authorities. The majority of respondents said that the standards should apply to criminal prosecutors other than the Crown Prosecution Service. However, several respondents recognised the difficulty of ensuring their compliance, and the potential resource implications.
10. Several respondents said that extra funding would be required in order for agencies and practitioners to meet all the standards, although some said that they should be in a position to meet most of the standards immediately as they already represented best practice. There were some concerns that extra resources needed to be made available for defence practitioners in order for defence witnesses to receive the full benefit of the Witness Charter. Many of the police responses highlighted that the standards relating to the pre-charge phase, particularly Standard 7 (being kept updated on progress during the investigation), would impose resource and financial burdens on forces. While there was general agreement to the principle of keeping witnesses informed, there were concerns about the amount of additional work this would cause if it applied to all witnesses. It was suggested that it should be limited to witnesses likely to be called to give evidence in court, and also that witnesses should be able to opt out of receiving updates.

11. There were a number of concerns expressed by police forces about meeting the proposed April 2007 implementation date. Taking into account police force restructuring, it was suggested that more time be allowed to ensure that their systems, policies and training supported the implementation of the Witness Charter. Several respondents also noted that the timetable for compliance was constrained by the need to improve court buildings.
12. In order to help agencies prepare for implementation, several respondents said that additional staffing and training would be required. Many responses highlighted the need for awareness-raising and the provision of information on the Witness Charter. Some respondents commented that data systems would need to be upgraded to support performance management. It was also suggested that the Witness Charter be piloted before implementation, as a means of assessing the preparation and resource implications involved.
13. There was consensus amongst respondents that it was essential to have proper monitoring systems in place to ensure compliance with the Witness Charter, although some respondents were not convinced that agencies would comply with a non-statutory set of standards. It was recognised that monitoring compliance of defence lawyers would be more difficult to achieve. Several respondents said that it was important to receive feedback from witnesses themselves and suggested that witness surveys be used for that purpose.

# Government Response

14. The Government is grateful to all those who responded to the consultation exercise on the Witness Charter. It is evident that there is a strong commitment to improving services for witnesses, reflected in respondents' desire to ensure that the Witness Charter provides a comprehensive, realistic and achievable response to the needs of witnesses.
15. The consultation has shown that it is important that the Witness Charter should retain the balance between those standards which reflect existing provision for witnesses, and those which seek to extend the services on offer. This will enable the charter to reflect the direction in which agencies and legal practitioners should travel in order to provide a holistic and excellent service from start to finish of the process.
16. The consultation has raised a number of important issues and the individual draft standards in the Witness Charter will be reviewed to reflect specific comments. In particular, we will take account of the views on Standard 7 (keeping witnesses updated on progress during the investigation) to minimise any burden on police forces.
17. We recognise the potential resource implications for criminal justice agencies and legal practitioners, and will seek to take these into account in implementation. In particular, in order to integrate implementation with police force restructuring, we have decided to proceed with a phased implementation in selected pathfinder areas. This will include a cost/benefit evaluation to inform national implementation, which we now plan to complete in all areas by April 2008. The Office for Criminal Justice Reform will work with individual areas to support the planning process.
18. We acknowledge that witnesses in civil cases have similar needs and concerns to witnesses in criminal cases. However, we also recognise that extending the scope of the Witness Charter to civil matters could place a significant additional burden on the organisations involved, particularly local authorities. Therefore we have decided not to extend the scope of the charter in that respect at this stage. However, as with the Code of Practice for Victims of Crime, the Witness Charter will be an evolving set of commitments. Once implemented, it will be regularly revised, in order to build on and strengthen the standards of care for witnesses. A similar approach will be taken in relation to extension of its scope to include prosecutors other than the Crown Prosecution Service.
19. Finally, we will make it clear that the standards in the Witness Charter will apply to defence witnesses as far as practicable, reflecting the aspiration to provide a consistent service to all witnesses but recognising the different considerations that apply, as well as the practical difficulties of ensuring compliance by defence practitioners.

# Annex A

## List of Respondents

Association of Chief Police Officers

Anne McDonald (Miss)

Avon & Somerset Constabulary

Aylesbury Crown Court

Bedfordshire Police

Brake

British Psychological Society

British Transport Police

Cambridgeshire Victim Support & Witness Service

Cheshire Constabulary

Christine Reay (Mrs)

Coroner's Office Association

Council of Her Majesty's Circuit Judges

Criminal Bar Association

Criminal Injuries Compensation Authority

Crown Prosecution Service

Croydon Magistrates' Court Witness Service

Cumbria Criminal Justice Board

Derbyshire Constabulary

Derbyshire Criminal Justice Board

Devon & Cornwall Constabulary

Dorset Police

Durham Constabulary

Financial Services Authority

Greater Manchester Police

Gwent Police

Hampshire Constabulary

Her Majesty's Courts Service Cumbria

Her Majesty's Courts Service Derbyshire

Her Majesty's Courts Service Dorset

Her Majesty's Courts Service Durham

Her Majesty's Courts Service Humber

Her Majesty's Courts Service North West Surrey

Her Majesty's Courts Service Staffordshire

Her Majesty's Courts Service Suffolk

Her Majesty's Courts Service West Mercia

Her Majesty's Inspectorate of Court Administration

Home Office: National Offender Management Service

Independent Police Complaints Commission

Judicial Policy and Practice Committee

Justices' Clerks' Society

Kent Police

Law Society

Leicestershire Constabulary

Leicestershire Constabulary Police Federation

Lexicon Ltd

Liberty

Lincolnshire Police

London Criminal Court Solicitors' Association

London Criminal Justice Board

Luton and South Bedfordshire Magistrates' Court

Magistrates' Association

Maidstone Combined Court

Manchester Housing Nuisance Strategy Group

Mayor of London

MENCAP (National Society for Mentally Handicapped Children)

National Society for the Prevention of Cruelty to Children

Neath Port Talbot Magistrates' Court

Network for Surviving Stalking

NHS Counter Fraud and Security Management Service

No Witness, No Justice Project Team

Northampton Crown Court

Northamptonshire Police

Northumbria Criminal Justice Board

Nottinghamshire Police

Office for Criminal Justice Reform: Witness Protection Team

Personal Support Unit at the Royal Courts of Justice

Police Federation of England and Wales

Portsmouth City Council

Religious Society of Friends in Britain

Safer Southwark Partnership

Social Landlords Crime and Nuisance Group

South Yorkshire Police

Stonewall

Suffolk Criminal Justice Board

Surrey Police

Sussex Criminal Justice Board

Tenant Participation Advisory Service

Thames Valley Police

Transport For London

Truro Crown Court

Victim Support National Office

Warwickshire Police

Wigan and Leigh Magistrates' Court

Wiltshire Constabulary



