

Guide Seven - Preparing for Court

If there is enough evidence to make the case to prosecute the person who sexually assaulted you then it is likely that you will need to go to court to give evidence. Your evidence can be a big part of making the prosecution case and getting a conviction against the person who assaulted you. It can sometimes take a long time for you to get a court date.

The court process could take longer if there are multiple victims and witnesses or if there is a lot of evidence to present. You won't need to be in the court on the days you are not giving evidence. You can be if you want to, but only after you've given your own evidence.

The Witness Care Unit and you will have a personal Witness Care Officer. The Witness Care Officer will be your single point of contact and will tell you about anything important in your case, including court dates. The Officer will make sure that you are put in touch with all the support you need and are prepared for giving evidence in court. You can ask a family member to talk to the Officer if you're worried about doing it yourself.

Support ahead of court

Whilst you are waiting for the court date you are entitled to support. The police should have offered you a referral to support services when you reported the crime, but if you are not getting the support you need take a look at Guide Two to find out what help you can get.

As you are going to court you might be able to get support from an Independent Sexual Violence Adviser, often called an ISVA. An ISVA will be able to help you understand how the court works and support you through them. They may be able to attend court with you. You can ask the police or your Witness Care Officer to find an ISVA for you, or one of the support services mentioned in Guide Two may be able to help you.

As a witness you can also get support from the national Witness Service which is run by Citizens Advice. They can help you understand the court process and give you support to help you feel more confident when giving evidence. You can contact Citizens Advice on [03444 111 444](tel:03444111444) or you can visit their website at <https://www.citizensadvice.org.uk/law-and-courts/legal-system/going-to-court-as-a-witness1/> and use their chat function to talk to someone directly.

All court buildings are different and what you might need to do in court will be different depending on each case. This may make you feel nervous or uncertain ahead of the court date. The court based Witness Service (Citizens Advice) can help you understand more about the court process and you can ask to have a pre-trial visit ahead of the trial date so you can familiarise yourself with the court building, what the courtroom will look like and understand how any special measures you have asked for will assist you.

There is also an outreach services for vulnerable victims that you can ask for if you want it. The Witness Care Officer can talk to you more about this and can refer you to the Witness Service who will help you contact an appropriate outreach service.

You might also want to get therapy as part of your support, Guide Two can help you work out where to find support and Guide Ten can help you understand how therapy might be relevant to your case

Going to court

Friends or family members can come to court and sit in the public gallery if you need support, unless it is a closed court. The court may be closed if the trial involves a young person, or to protect the

identity of anyone involved in the case. Even in a closed court you can apply to have friends or family there to support you. Your Witness Care Officer can help you arrange this. If you have an Independent Sexual Violence Adviser they can go into the court with you to offer you support, as can some members of the national court based Witness Service.

The person who assaulted you can also have friends and family members in the court to support them, so you should be prepared for this, but they won't be able to say anything. If you're worried about seeing those people there are some changes that can be made in the court to protect you. You can get support to help you feel comfortable with going to court, and to understand the way court works and your part in the process.

Giving evidence

If the person who assaulted you pleads not guilty you might need to go to court to give evidence. Your Witness Care Officer will contact you to let you know if you will need to give evidence and should ask you if you need any support. If they don't ask you, you can ask them.

Giving evidence can be traumatic. You might be nervous about giving evidence or of having to see or be seen by the person who assaulted you in court. As a victim of sexual assault, you are entitled to 'special measures'. The police should offer to ask the prosecutor to apply to the judge for these things. If they don't offer, you can ask. Special measures are:

- **Screens:** screens can stop the person who assaulted you or their friends or family members seeing you whilst you're giving evidence.
- **Live link:** a live link means that you can give evidence from outside the courtroom through a video link to the courtroom so you don't need to be in the same room as the person who assaulted you.
- **Clearance of the public gallery:** this means that members of the public can be asked to leave the courtroom when you are giving evidence. This includes the friends and family of the person who assaulted you. You can also ask that someone stays to support you, like a friend, family member or ISVA.
- **Removal of wigs and gowns by judges and barristers:** this can help to make the court feel less strange and scary.
- **Visual recorded interview:** this means that you can have your evidence recorded before the trial and played in court on the day, so you don't have to give evidence in court. You may still need to go to court so that the defence can cross-examine you, but you could use one of the other special measures if you don't want to do this.
- **Pre-trial visual recorded cross-examination or re-examination:** just like the video recorded interview, if you're giving your evidence through a recording you can also be cross-examined, which is when the defence ask questions about the things you have said in your evidence, before the trial and have it recorded. This means that you won't have to answer questions from the defence in court.
- **Examination of the witness through an intermediary:** sometimes you can have someone called an intermediary help you to give evidence. They are specialists in language and speech and can explain or simplify questions to you if you don't understand them, or explain your answers to the court if you find it difficult to say it clearly. The court will need a report from a doctor or psychiatrist saying that you have physical or mental disabilities or disorders or a learning need for this special measure.
- **Aids to communication:** if you have trouble hearing or speaking, or you speak a different language, including sign language, then you can have someone, or a machine, help you give your evidence to the court.

You could have one of these measures or a few of them together. As a victim of sexual violence, you are considered a vulnerable witness and so the judge should say yes to special measures unless there is a good reason that saying yes would mean the trial wasn't fair, but your prosecutor will still need to apply to the judge for them, you won't get them automatically.

There are also rules about what the defence can ask you. For example, the defence can only ask you about your sexual history or any previous convictions you may have if strict legal tests are met. The defence have to apply to the judge if they want to ask about these things, and if they are going to be allowed your prosecutor will tell you before the trial.

You might decide that no matter what help you get you don't want to go to court to give evidence. This is called withdrawal of support for a prosecution. You will need to make a formal statement of withdrawal to the police, who will provide it to the CPS. Even if you withdraw your support the prosecutor can choose to continue with the case. The prosecutor can apply to the court for a witness summons, which could mean you would still need to give evidence. Your statement and any evidence you provided can sometimes still be used in court without your support.

Attending the hearing and sentencing

When you attend court someone from the court based Witness Service can be there to provide practical and emotional support to you. If you have an ISVA, they can also come with you to court to support you.

You may want to attend the entire hearing of the case, not just go to court to give evidence. You won't be allowed to watch the case until you have given evidence. This is so you can't hear what other witnesses say, to make sure that when you give evidence it is all from your own memory. Once you have given evidence you can go to court every day and watch, but you won't be able to speak in the court.

If the person who assaulted you is found guilty you can be in the court when they are given a sentence. Your victim personal statement will be provided to the sentencing judge and you may have the opportunity to read it to the court, if you want to do so. If you want to know more about the victim personal statement then take a look at Guide Three or Guide Four, depending on how long ago your sexual assault took place.

If the person who assaulted you pleads guilty to the charges then you won't have to go to court to give evidence. You could still go to court for the sentencing. You will still have your victim personal statement taken into consideration or read to the court.

You do not have to go to court for the sentencing if you do not want to.