

1.1) We welcome this opportunity to comment on the diversity aspects of the Witness Charter. This is a valuable and worthwhile initiative that we believe has the potential to make a notable difference to the experiences of witnesses, the quality of the evidence they give and so the exercise of justice.

1.2) Our interest is in the experiences of vulnerable witnesses, particularly those with learning disabilities, and we were pleased to note that the Witness Charter pays attention to the needs of this group. While we are broadly happy with what the Witness Charter has to say in respect of vulnerable witnesses, there are some small observations and suggestions we would like to make. We hope these constructive comments will be of value to the Office for Criminal Justice Reform.

2) The identification of vulnerable and intimidated witnesses

2.1) It is not possible to emphasise enough the importance for fair, equal justice of the early identification of vulnerable and intimidated witnesses by the police and others in the criminal justice process. Recent Home Office research¹ has shown that special measures for vulnerable and intimidated witnesses are under-used and one of the main reasons for this is the poor rate of identification of vulnerable and intimidated witnesses by the police. A conservative estimate is that 24% of witnesses fall into the vulnerable and intimidated category, significantly higher than the proportion recognised by criminal justice agencies in the research (at 3-6%).

2.2) We therefore welcome the specific references in the Witness Charter to the identification of vulnerable and intimidated witnesses.

2.3.1) However, we ask that more detail be given in the Witness Charter about the types of special measures available to vulnerable and intimidated witnesses. This will give vulnerable and intimidated witnesses an understanding of what they can expect from the criminal justice system, as well as give these witnesses and their carers the awareness necessary to ask for special measures if needs have not been identified.

2.3.2) In particular, we believe that reference to the Intermediaries Scheme (currently not mentioned in the Witness Charter) would greatly help many vulnerable witnesses.

3) The role of family and carers

3.1) Vulnerable witnesses often require the support and assistance of family members, friends and / or other carers from the beginning of the investigation, through to court and beyond. This is particularly the case where the witness has a learning disability. In addition to ensuring the wellbeing of vulnerable witnesses, the support and assistance that family and carers provide can ensure that these witnesses give clear, effective evidence. We therefore welcome the references within the Witness Charter to the role of family and carers, e.g. Standard 18.

3.2.1) The Witness Charter needs to be particularly clear in cases involving child witnesses, witnesses who lack capacity and witnesses with learning disabilities, that family and carers can be involved in helping the witness through the process. The Witness Charter refers to “you” when it describes what witnesses can expect, their rights and where they can obtain assistance. This unintentionally seems to preclude the involvement of the family and carers.

3.2.2) We ask that it be made clear that “you” in the Witness Charter can refer to family and carers in certain circumstances. This would guard against situations where, for instance, a carer of a person

¹ Burton, Evans and Sanders, *Are Special Measures for vulnerable and intimidated witnesses working? Evidence from the criminal justice*, Home Office Online Report 01/06.

with learning disabilities was told that they could not be informed of the progress of a case, despite this carer needing to know the date of the next hearing in order to help the witness attend. Equally, on a strict reading, the Witness Charter means that a child witness is the main point of contact for criminal justice representatives and not this child's parents.

4) Other formats

4.1) We trust that the Witness Charter will be available in other formats (e.g. easy-read, Braille, audio) once completed.

4.2) If the Office for Criminal Justice Reform requires assistance in the production of an easy-read version of the Witness Charter, then this is an area in which we have extensive experience and we would be happy to assist.

November 2006

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