



Information about being a witness in an RSPCA investigation and prosecution

WHAT HAPPENS IF I MAKE A STATEMENT ?

Your statement will be evidence which will form part of an investigation conducted by the RSPCA inspector.

Once the RSPCA inspector has completed the investigation they will send all of the evidence to the RSPCA's Prosecutions department. A Prosecution Case Manager will carry out an independent review of the evidence as they are responsible for making all the decisions on how the case will proceed.

A decision whether to prosecute will be made following a full review of the evidence and is made in accordance with guidance set out in the CPS Code for Crown Prosecutors. The Code says that there has to be sufficient evidence for a realistic prospect of conviction and that it is in the public interest to institute criminal proceedings. Not all cases investigated result in a prosecution.

WILL I NEED TO ATTEND COURT TO GIVE EVIDENCE?

You will be required to attend court as a witness if:

- the defendant pleads 'not guilty' to the charge(s)
- a date is fixed for a trial
- your evidence is not accepted by the defence and you are required to give your evidence from the witness box.

However, you may not be required to attend court and be a witness in court if:

- the defendant pleads 'guilty' to the charge(s)
- the defendant pleads 'not guilty' to the charge(s) but your evidence is accepted because the defendant agrees with what you say and so your statement will be read to the court.

HOW WILL I KNOW IF I NEED TO ATTEND COURT?

You will be contacted by either:

- the RSPCA Inspector
- the solicitor who is conducting the case on behalf of the RSPCA.

They will need to know:

- about any dates when you cannot attend court e.g., because of a holiday or medical appointments etc in the near future.

Whether you require any assistance at court for any of the following reasons:

- whether you need an interpreter
- whether you need assistance with access into court because for example you are a wheelchair user
- whether you have any other disability which you think you need some assistance with, for example, poor eyesight or hearing

- whether you are fearful about giving evidence in front of the defendant because you truly fear for your own personal safety
- or anything else which you think we need to know about you which will assist you to attend court and be able to give your evidence – e.g. you will need to take regular breaks when you are giving your evidence for medical reasons.

The court will fix the date of the trial and you will be advised of the place, date and time of when you will need to attend.

You can bring a friend, or relative, to court with you if you are worried about giving evidence but you will not be able to claim expenses for their attendance.

WHAT HAPPENS IF I CAN NO LONGER ATTEND ON THE COURT DATE?

If your circumstances change and you are unable to attend the trial date you must:

- notify the RSPCA Inspector, or the prosecuting solicitor IMMEDIATELY.
- give the reasons why you can no longer attend, for example, urgent medical treatment or bereavement are common acceptable reasons.
- obtain any supporting documents to prove why you can no longer attend for the prosecutor.

Your attendance is very important and the court will not want to delay or adjourn the hearing without just cause. If the court is not satisfied with the reason for your non-attendance they can issue a witness summons requiring you to attend.

In every court the Witness Service are there to assist you. The Witness Service is a free and independent organisation run by victim support volunteers. You can contact them as soon as you know that you are a witness and ask for their assistance.

You can contact them any time, or make an online referral on their website <https://www.citizensadvice.org.uk/law-and-courts/legal-system/going-to-court-as-a-witness/get-help-and-support-being-a-witness/witness-referral/>.

The Witness Service will be able to assist you with the following:

- arrange a pre-court familiarisation visit where someone will show you around the court, show you where you will give your evidence and talk you through who else will be in court.

- arrange to meet you and arrange for you to sit in the designated witness room so that you will not have to sit around outside the court on your own, if applicable.
- support you whilst you are at court and answer any questions you may have, albeit they cannot talk about your evidence or the case with you.

You can also call the Victim Support Line on: 08 08 16 89 11 to speak to an adviser or go to their website at www.victimsupport.org.uk/ to find out more.

WHAT SHOULD I DO WHEN I ARRIVE AT COURT?

DO

- Arrive at court in good time.
- Let the Court Usher know who you are and the name of the defendant. The Court Usher will tell you where to wait.
- Make contact with the Witness Service, they will be able to introduce you to the volunteer at court who will be there to help.
- Ask the prosecuting solicitor for your statement to refresh your memory of what you said before you get called into court.
- It is an offence to intimidate (frighten) a witness, if you think you have been intimidated by anyone because you are a witness in a case then report it to the Police immediately and make sure you tell the prosecuting solicitor or RSPCA inspector. This maybe before the trial, during the trial or after the trial.

DON'T

- Discuss your evidence, or other evidence, with anyone else.
- Sit in court at the start of proceedings; you can only do so once you have given your evidence.

WHO WILL BE IN COURT?

All RSPCA prosecutions start in the Magistrates' Court. The case will be heard by lay Magistrates or a District Judge who will sit alone. If a case is appealed it will be sent to the Crown Court. An appeal will be heard by a Crown Court Judge and two Lay Magistrates. Wigs are only worn by the Judge and lawyers in the Crown Court. Remember an accused is innocent until proven guilty. It is for the prosecution to prove the case and the Magistrates or the Judge to decide whether they are sure beyond reasonable doubt that the accused is guilty or not.

IN COURT THERE WILL BE:

- a Legal Adviser who sits in front of the Magistrates or District Judge who assists the court on matters of the law
- a Court Usher who calls in witnesses and assists witnesses when they take the oath (they will be wearing a black gown)
- a Prosecuting solicitor
- if the defendant has legal representation then his/her legal team will be present
- the defendant
- members of the public and press are entitled to be in court and they may be sitting in the public gallery.

WHAT HAPPENS WHEN I AM A WITNESS IN COURT?

1. Remember you are not the person on trial.
2. You will be asked to swear an oath on a holy book of your choice or to 'affirm' your intention to tell the truth. Being a witness and giving evidence may make you feel nervous. The most important thing is for you to tell the truth. If you can't answer a question then tell the court you can't.
3. The Prosecuting solicitor will take you through your evidence first.
4. You will then be asked questions by the Defence solicitor.
5. The Prosecuting solicitor may ask you to explain some of your answers again – and so may the court.
6. Once you have given your evidence the court will 'release' you and you can then leave the court.
7. If you want to stay in court and listen to the rest of the case you should ask the court if you can.

CAN I CLAIM EXPENSES FOR ATTENDING COURT?

If you attend court as a witness you will be able to claim your reasonable 'out-of-pocket' expenses, such as travel costs to the hearing and any loss of earnings relating to your giving evidence. You will need to:

- provide receipts for your travel expenses etc.
- provide proof from your employer such as a letter confirming your loss of earnings and the sum involved.

An expenses claim form is available from the RSPCA and if you wish to make a claim you need to email costrecovery@rspca.org.uk and one will be sent to you.

If you do not have access to email then you can request a form in writing from:

Cost Recovery Team
Prosecutions Department, RSPCA, Wilberforce Way,
Southwater, Horsham, West Sussex RH13 9RS

