

# being a witness

A BOOKLET FOR YOUNG PEOPLE  
IN CHILDREN'S HEARING COURT PROCEEDINGS



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SCOTTISH EXECUTIVE

# being a witness

A BOOKLET FOR YOUNG PEOPLE  
IN CHILDREN'S HEARING COURT PROCEEDINGS



Special thanks to the children of Albert Primary School of Springburn  
and Glendale Primary School of Pollokshields.

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## introduction

**You have been given this booklet because you are going to be a witness in a children's hearing court case.**

You have probably received a letter about this from the children's reporter or a lawyer.

Some people worry about being asked to be a witness.

Some people don't know what being a witness means.

**This booklet will tell you more about being a witness and will try to answer some important questions.**

Courts often use words you may not have heard before. To help you understand, there is a list of some of the words used at the back of this booklet.

# what is a witness?

**A witness is someone who may know something important.**

A children's hearing court case usually starts with concerns about a child or young person. You may have seen or heard something or perhaps you have had something happen to you.

You have probably spoken to the police, a social worker or a lawyer, and told them about what you know.

After the police and social workers investigated everything they may have sent a report to the children's reporter. The reporter's job is to decide whether the case should go to a children's hearing.

**Sometimes people at the children's hearing do not agree about what happened; or it might not be clear what's happened. The children's hearing case may then need to go to court.**

**Now you might have to tell the court about what you know. This is called your 'evidence'.**

Once you and any other witnesses have given their evidence a decision can be made about what has happened and what should happen next.

**The court can only make a decision with the help of information from witnesses like you.**



# how do you feel about being a witness?

**Lots of young people are witnesses, so you don't have to feel that you are alone.**

Being a witness is very important. It's about telling the truth.

**Some people don't know a lot about being a witness or going to court. Don't worry. There are lots of things that can be done to help you.**

You will have received a letter, which will give you a date and time when you are needed as a witness.

**You should tell the reporter or the lawyer as soon as you can if there is some important reason why that date might be difficult for you, for example, if you are sitting an exam at school.**

Here are some things that other young people have asked about.

**What happens at court?**

**Who will be at the court?**

**Will I have to see anyone I'm frightened of?**

**Will I be safe?**

**Will I be on my own?**

**Have I done something wrong?**

**What will I say at school or to friends?**

**Who can help me when I am a witness?**

The information in this booklet will help to answer these questions.





# who can help you?

## **There are lots of people who can help you.**

Talking to your friends can sometimes help, but if you don't want to do this, you might find it easier to talk to someone in your family or to someone at your school.

Here are some people whose job it is to help you:

**The children's reporter** can help you. Perhaps you have spoken to them when they asked you questions about your evidence. They will tell you about the court and explain what will happen.

**A lawyer** may have asked you to be a witness. You should ask them to help you.

**A social worker** is someone who works with people who need extra help. They will listen to you and try to answer your questions.

**A safeguarder.** In some cases a person called a safeguarder will be there to help you.



# what happens before you go to court?

**The children's reporter or the lawyer may want to ask you questions. This helps them to prepare the case for court.**

They will send you a letter telling you when they would like you to come to meet them. You can bring an adult with you for company and support. Ask them if it's ok for this person to sit beside you during the meeting.

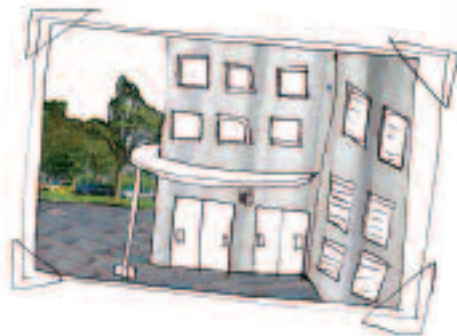
Other lawyers may also want to speak to you and you should think about where you would like to meet them. Some young people like the lawyers to come to their house; other

young people prefer to see them at an office. You can decide this. You can also suggest a time that suits you best. Again it's ok to have someone to sit beside you, as long as they are not a witness too.

**When you are being asked questions by the reporter or the lawyers, you should always tell the truth.**

After you have read this booklet you may still have some questions. They will try to answer them for you.





## the court

There are courts all over Scotland and they deal with different sorts of cases.

Sometimes the courts deal with trials when there is someone accused of breaking the law. At other times, the courts deal with decisions for children's hearings.

**The sheriff is the person in charge of the court. Their job is to make sure that all witnesses including young witnesses are able to tell the court what they know.**

The sheriff will listen to your evidence and make the final decision about what should happen next.

Most courts are buildings with more than one courtroom inside.

# who is in the courtroom and what is their job?

**The sheriff** is always in court. The most important part of their job is to make sure that everything is done fairly and that the court rules are followed.

**The children's reporter or a lawyer:** These are the people who will ask the questions so that witnesses can give their evidence.

**The clerk:** This person is responsible for the court's papers and records.

**The court officer (sometimes called a macer):** This person is responsible for helping the sheriff and other people in the court. The court officer will also let the witnesses know when it is their turn to give their evidence.

**Some family members and a safeguarder** may be present too. A safeguarder is an independent person who may have been appointed to look after your interests.

The person who asked you to come to court will be able to explain who else might be there.

**Members of the public are not allowed in when the court is dealing with a children's hearing court case.**



# the court hearing - what you have to do

If the people agree about what has happened in the children's hearing, you may not have to come to court or answer any questions or give any evidence.

If they don't agree, there may have to be a court hearing and then your job is to tell the court what you know.

The sheriff needs witnesses, to give their evidence so that they can build up a picture of what has happened. Without witnesses the sheriff will not know what has happened and will not be able to come to a proper decision at the end of the case.

One by one, the witnesses will tell the court what happened or what they know. This is their evidence.

To help you give your evidence you will be asked questions, usually by the reporter and the lawyers. The sheriff may also ask you questions.

The reporter or the lawyers may ask you questions about something that may have happened to you or to someone else. Or they may ask you about something you may have seen or heard.

You should listen carefully and try your best to answer as accurately as you can.

As a witness, your job is to answer the questions truthfully and tell the court what you know.

Some questions may be difficult to answer or involve telling a secret. This is ok. You should remember that the court often hears people talking about personal things and they will understand how you feel. You should take your time and keep telling the truth.

The reporter and lawyers will want to check what you've said. They may also test what you have said by repeating some questions. This is normal. The only thing you should think about is telling the court the truth.



## telling the court what you know

**The sheriff and lawyers don't know what happened. You need to help them by telling the court what you know.**

There are some important things that can make this easier.

- **Always listen carefully** to each question. Answer the question but try not to rush.
- **Speak clearly.** If you speak clearly the sheriff will be able to hear you properly and won't have to ask you to repeat everything.
- In many courts, everything that happens is recorded on a tape. This is another reason to speak clearly. It also means that **you can't just nod or shake your head. You have to speak out loud.**
- **What you tell the court is your own evidence.** The court needs to hear from you in your own words. **Nobody should tell you what to say.**



- **You must make sure that you understand what each question means before you answer.** If you don't understand a word or phrase or part of the question, you should **ask them to explain it or say it differently.** Don't just guess. Keep asking until you are sure that you understand.
- If you are not sure of an answer or can't remember something, just tell the people in the court. **You shouldn't try to guess or make up an answer.**
- **Remember that you don't have to agree with everything the reporter or the lawyers say to you** and you don't have to say anything just to please them. You shouldn't make things up or leave anything out.
- **Telling the truth is the most important job you've got to do. Always tell the truth.**



# special measures to help you give evidence

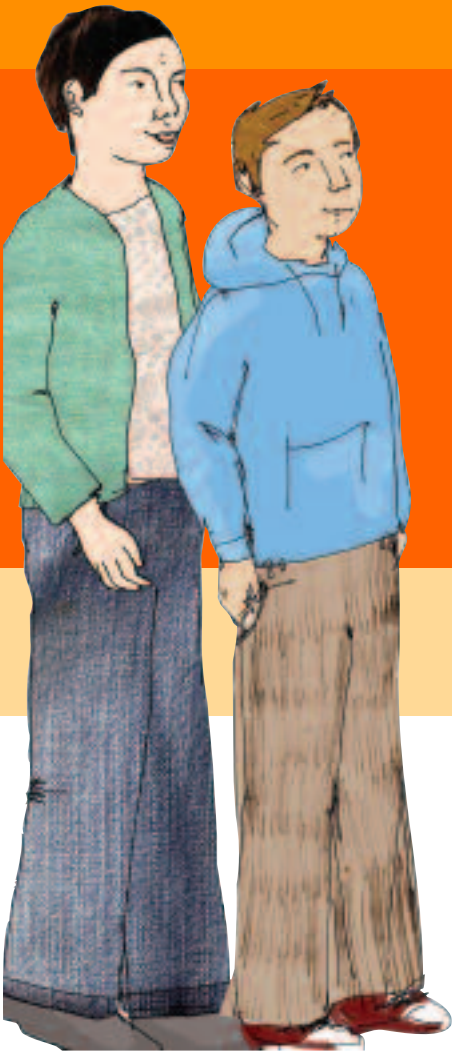
Being a witness at court is not always easy, especially for young people. Adults will understand that you may be worried.

**The law allows the court to provide you with different ways to help you give your evidence.**

The reporter or the lawyer will ask you if you would like to give your evidence by:

- **using a screen in the courtroom;**
- **using a television link in another room within the court building;**
- **having a support person with you when you use a screen or a television link.**

The reporter, lawyer or social worker can all help to explain these different ways to you. **These different ways are called 'special measures'.**



# using a television link

**You can be a witness by using a television link without going into the courtroom.** This can help you if you are worried about going into a courtroom full of people. **You can use this television to give your evidence to the court.**

The television link room is usually in the same building as the court. The television is linked to the courtroom where the sheriff, reporter and lawyers also have televisions and cameras. When these are switched on, **you will be able to see and hear the person asking you questions but you won't see anyone else. Everyone in the courtroom will be able to see and hear you.**

The television and cameras are controlled by the sheriff. Even when the lawyers are speaking to you, the sheriff can always see and hear you and anyone else who is in the room to support you.

If you decide to use the television link, there are some things you should know about:

- The sheriff, reporter and lawyers still have to write things down and this can sometimes be quite slow. Don't worry if there are gaps between questions.
- Sometimes the reporter or lawyers turn away to speak to the sheriff or other people in the courtroom.
- Sometimes the sheriff will switch the camera off so that they can discuss a legal problem. This is all normal.

If you notice any problems with the television or cameras, you should tell the sheriff. For example:

- if you can only see part of the reporter or lawyer's face or head;
- or if you can't hear the questions properly when they speak to you.

If there is a particular reason why you can't go to the court building, you may be able to use a television link in a room in another building away from the court. You can ask about this.





## using a screen

**Some people may prefer to go into the courtroom to give their evidence.**

**You can be a witness using a screen.**

This can help you if you are worried about seeing a particular person in the courtroom.

A screen can be put up in the courtroom, so that you don't have to look at that person. The screen is a 'room divider' like a curtain.

You will not be able to see the person, but you will still be able to see the sheriff, reporter, lawyers, and other court staff.



The screen is usually used with a camera so that the person on the other side of the screen can see you.



## using a support person

**You can also have a ‘support person’ as well as the screen or television link. Some young people find it helpful to have an adult support person to sit with them the whole time at court, in the courtroom or in the television link room.**

The court will ask if you want this and you should think about who might be the best person to sit with you.

Your support person could be someone from the Witness Service, someone from another support organisation, a teacher, a social worker or a relative.

**If you don’t want a screen or television link, you can still ask about having a support person in court with you.**

# another special measure to help you give evidence

## **Evidence on commission**

From November 2005, in some cases, the reporter or lawyer may also decide to let you give your evidence before the rest of the court case starts. This may be helpful if the court case is going to be delayed for a long time. If they want to do this they will talk to you and explain what this means and how it can help you.





# choosing a special measure

**The court must be told which special measures you prefer to use before you come to give your evidence.**

It is really important that you let the reporter or the lawyer know what you think about being a witness and what things you might be worried about.

They will then be able to help you decide what special measures will be best for you. You might already have an idea about what measures you would like to use just from reading this booklet.

You might be happy to be a witness without any extra support. You might not want the television link or screen.

You should think very carefully about this and ask for more information to help you fully understand what it will be like.

**Remember that the court will expect all young people to have some help.**

As the court date approaches, you might decide you prefer a different way of giving evidence. Tell the reporter or lawyer and they will discuss what can be done.



# visiting the court

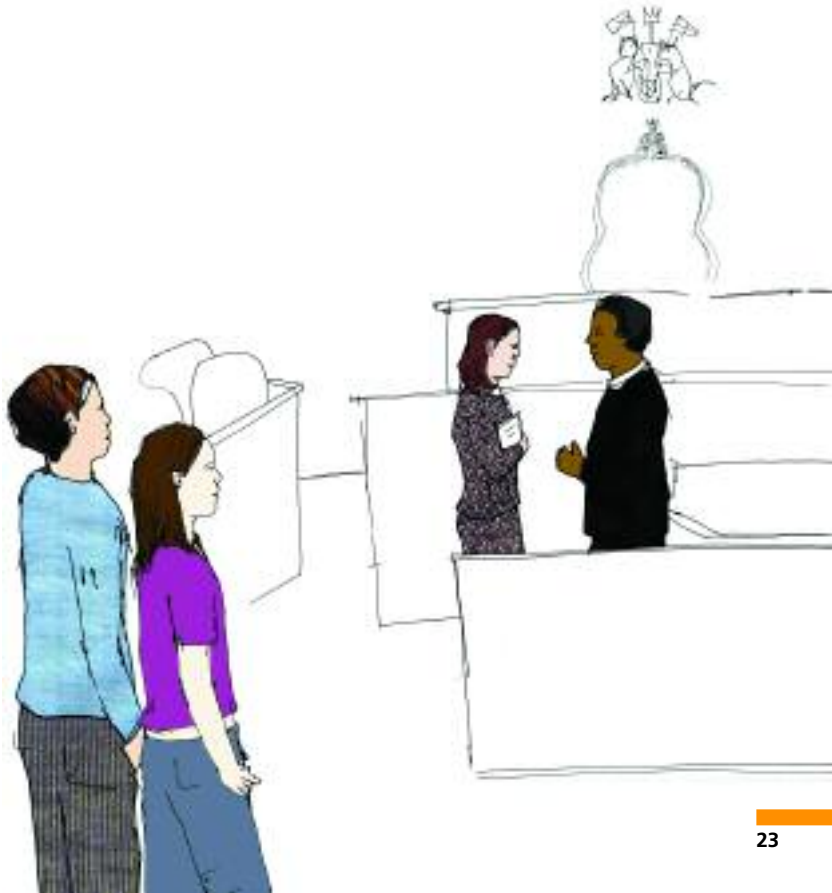
You might not have been to a court before.

**Most young people feel better about being a witness if they know what to expect and have visited the court beforehand.**

You can arrange these visits with the reporter, a social worker or a lawyer.

You may also be able to look round a 'virtual' courtroom on a CD ROM.

This is a really good idea. You can look around, meet some of the court staff and if you want, you can practise using the screen or television link. If you are going to give your evidence from some other place you should arrange to visit this instead.





## waiting to be a witness

**Courts are busy places and a lot of planning and preparation is needed before everything is ready to start.** If it has taken a long time to get a date, you may already be feeling a bit fed-up. If you are feeling like this, tell the reporter, lawyer, or your social worker if you have one.

Sometimes you might be told that the date has been changed or you may have started to give your evidence and be told to come back to finish on another day.

You may have to wait a while before it is your turn to give evidence. The reporter or lawyer will try to make sure that you don't have to wait too long, but **it's a good idea to bring something to help you pass the time.** Most courts have some books or magazines but it's probably better to bring your own favourites. **In some courts, you may be able to buy things to eat and drink and you should check this before you go.** Otherwise it's ok to bring something with you.

# what happens after you have given your evidence?

After the sheriff, reporter and any other lawyers have asked their questions, the sheriff will tell you when you are finished being a witness.

**You will have done a very important job.**

**Well done and thank you.**

The sheriff may not be able to reach a decision immediately because there may be other witnesses. Some court cases can last more than one day.

The sheriff can decide to send the case back to a children's hearing so that they can discuss the concerns about a child or young person and decide what needs to be done to help.

Or the sheriff can decide that the case is over and doesn't have to go back to the children's hearing.

The reporter or lawyer may be able to tell you about the result. If you're not sure about the result or don't quite understand it, you should speak to the reporter or the lawyer to ask them if they are allowed to explain it to you.

Whatever the result, remember that your job as a witness was a very important part of the case.

# remember to ask for help

**Before the case starts you should ask the reporter, social worker or lawyer about anything you are not sure about.**

You should always tell them about anything that's worrying you. Talk to them about how you feel.

You should make sure you get an opportunity to visit the courtroom or any other television link room.

**You should think about:**

- **What special measures you prefer to use**
- **What you want to take with you**
- **Who will be going with you**
- **Who will be your support person**
- **What other help you may need**

When you are giving your evidence, you should ask the people in court about anything you need help with.

**You should always tell the people in court if:**

- **you don't understand something**
- **you need a tissue or a drink of water**
- **you start to feel unwell or tired**

Everyone will try to help you as much as they can.



# questions?

It may help you to write down any questions you have about being a witness, so that you can show these to the reporter, social worker or lawyer or to the person who shows you around the court.

Here are some things to think about and try to answer:

QUESTIONS?	ANSWER
Who do I want to be with me if I meet the reporter or lawyer?	
Where do I want to meet the reporter or lawyer?	
Do I want to use a screen or a TV link?	
Do I want a support person?	
Who could be my support person?	
What things am I worried about?	
Do I want to visit the court?	
What will I call the sheriff?	

# do you have any other questions?

QUESTIONS?	ANSWER

The reporter, the lawyer or a social worker will try to answer all your questions.

**Our justice system relies on witnesses to come to court and to tell the truth about what they know.**

**Without witnesses the courts cannot work properly.**

Remember each witness is only one part of the whole case.

When you are a witness, you are not responsible for what the court decides to do.

**Thank you for being a witness.**



# glossary - what do these words mean?

In court, people use a lot of words that you may not have heard before. Here is a list of some of them:

**allegation:** something that someone says has happened

**citation:** the official form or letter that tells a witness to go to a particular court on a certain date

**clerk (of court):** the person who keeps the court papers and records

**cross examination:** being questioned by the other lawyer(s) after the person who has asked the witness to come to court – see examination (in chief)

**court case:** an individual trial or action in court – see hearing

**court officer (sometimes called a macer):** a person who helps the sheriff – they also call each witness into court

**court visit:** a visit to the court before the court hearing to allow a witness to see what a court looks like and learn more about court procedures

**children’s hearing:** this is when the reporter and other people meet to discuss concerns about a child

**evidence:** what a witness says in court – it can also be things like photographs, clothes or drawings that are brought to court to show what happened

**examination (in chief):** being questioned by the lawyer who has asked the witness to come to court. This lawyer asks the witness questions first, before any other lawyers – see cross examination

**hearing:** this may be a children’s hearing or a court hearing. It is the date and time when all the people meet to discuss the case or hear the evidence – see children’s hearing

**identification:** when a witness points out the person he or she has been talking about – this sometimes happens before the court case starts or it can happen in court

**oath:** the religious promise a witness makes that they will tell the truth when they give evidence in court – a witness can also promise to tell the truth without the oath – you can ask about this

**precognition:** an interview of a witness by the reporter or lawyer to help them prepare before the court case

**productions:** things which are shown in court as evidence like letters or clothes

**reporter:** the person who looks after a child's interests and is present at a children's hearing and at a court hearing

**safeguarder:** an independent person appointed to look after a child's interests

**sheriff:** the name for a judge in the sheriff court

**social worker:** a person who works with children and adults when they need extra help or supervision

**special measures:** different ways to help a child witness or vulnerable adult give evidence – e.g. a television link or a screen – see support person

**statement:** a note or recording made by the police of what the witness has said

**support person:** a person who can stay with a witness when they come to court – see special measures

**witness:** a person who has information about something and may have to tell the court about it – see evidence

**Witness Service:** people at the court who provide support and advice to all witnesses

your notes

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