



Ministry
of Justice

Going to court

Support ahead of going to court.

Court stages.

Before you have given evidence.

Giving evidence at the trial.

After the trial.

If you are a victim of rape or sexual assault, this guide will help you to understand what happens if your case goes to court.

You can access a **glossary** for more information on the terms used in this guide (<https://www.gov.uk/government/publications/user-friendly-guides-for-victims-of-rape-and-sexual-assault/glossary-of-terms>).

Information about how your case may get to court can be found in our **'Investigating a rape or sexual assault'** guide (<https://www.gov.uk/government/publications/guides-for-victims-of-rape-and-sexual-assault>).

Support ahead of going to court

Under the Victims' Code you have a right to be kept updated about the trial and your role in the process (<https://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime>).

It may take some time before a trial takes place. You can speak to your Independent Sexual Violence Advisor (ISVA) or Witness Care Officer to understand the timing of your trial.

There are several different services to help you understand what might happen at court and support you to give evidence during the trial.

- **Independent Sexual Violence Advisor (ISVA)**

An ISVA should help you understand the process and support you through it. They may be able to attend court with you. There is more information on how an ISVA can support you in the guide titled 'Support following a rape or sexual assault' (<https://www.gov.uk/government/publications/guides-for-victims-of-rape-and-sexual-assault>).

- **Witness Care Unit**

The police should refer you to the Witness Care Unit, which will provide you with a personal Witness Care Officer.

A Witness Care Officer can be your single point of contact and will keep you up to date on your case. This includes court dates and travel arrangements. More information on this service can be found in the Victims' Code (<https://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime>).

- **Witness Service**

You can also get support from the national Witness Service, or the London Victim and Witness Service (<https://www.citizensadvice.org.uk/about-us/about-us1/citizens-advice-witness-service/about-the-citizens-advice-witness-service/>) if you live in London. They can help you understand the court process and feel more confident when giving evidence. This is different from a Witness Care Unit and is run by Citizens Advice, which is based at all magistrates' courts and the Crown Court.

You can ask your ISVA or Witness Care Officer to arrange this for you. You can also contact Citizens Advice yourself:

- call 0300 332 1000
- visit their website, which includes a chat service (<https://www.citizensadvice.org.uk/law-and-courts/legal-system/going-to-court-as-a-witness1/>)

Pre-trial visits

You may need to go to court to give evidence. You can arrange a visit to a court building before your trial takes place to help familiarise yourself with the layout of the court and what to expect on the day. Your ISVA or Witness Care Officer can arrange this.

Court stages

Pre-trial hearings

Your case will go through 'hearings' before it goes to trial. You do not need to be at court for these hearings.

The first hearing takes place at the magistrates' court. Serious crimes such as rape and serious sexual assault will then be passed from the magistrates' court to the Crown Court.

The first hearing at the Crown Court is where the defendant will be asked to enter a plea (this is sometimes called arraignment). This means telling the court whether they are 'guilty' or 'not guilty' of the offence they have been charged with (the crime).

If the defendant pleads 'not guilty', a date for a trial will be set where a jury will decide if they are guilty or not.

If the defendant pleads 'guilty', at this stage they will be sentenced either at that hearing or a later sentencing hearing.

More information about criminal courts can be found on GOV.UK: <https://www.gov.uk/courts>.

Going to the trial

When the case goes to trial, you may be asked to give evidence. This involves describing what happened to you in your own words and answering questions about it from the prosecution barrister and from the defence barrister.

If you need to give evidence, the Witness Care Unit will tell you. The Witness Service will be present, and your ISVA can also provide support in the court building on the day of the trial.

Before you have given evidence

You will be given a time and date to be in court. There will be a place away from the court room where you can wait away from the defendant and others.

The prosecutor at trial will usually be an independent barrister who will present your case and represent the Crown Prosecution Service (CPS). The prosecutor will introduce themselves to you before you give evidence. They will answer any questions you might have.

You won't be able to watch the trial until after you have given your evidence. This is so you can't hear what other witnesses say, as it might affect or change what you remember. Any other witnesses are also not able to watch the trial until they have given their own evidence.

Giving evidence at the trial

Before you give your evidence, you can re-read your written statement or re-watch your video statement that you gave to the police.

If you are giving evidence in a court in Wales, you can give evidence in Welsh.

To help you give evidence to the court, there are steps called special measures which can be taken to support you. A police officer, ISVA or Witness Care Officer should talk to you about them. The CPS can apply to the court for these measures for you and the judge will decide whether to agree them.

More information about giving evidence can be found on GOV.UK (<https://www.gov.uk/going-to-court-victim-witness>).

Special measures

Screens



Screens are usually curtains or panels that the court places between the witness box and the defendant when you are giving evidence. This means that you won't see the defendant, and they won't see you while you give your evidence.

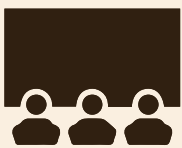
Giving evidence through a video link



This means you can give evidence through a live video link. This could be from a special room which is separate to the courtroom, somewhere else in the court building, or in another building.

People in the courtroom will be able to see you but you may be able to have the video link screened so the defendant can't see you.

Clearance of the public gallery



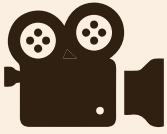
This means that anyone who doesn't legally need to be there can be asked to leave the courtroom when you are giving evidence. You can ask that someone stays to support you, like a friend, family member or an ISVA.

Removal of wigs and gowns



Judges and barristers in the Crown Court may remove the wigs and gowns which they usually wear in court so that the court feels less formal. This measure is usually used for child victims and witnesses.

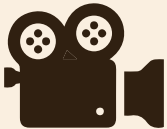
Pre-recorded evidence



This is the video-recorded account you gave of what happened to you. It is played in court so you don't need to repeat all the details.

You may still need to go to court so the defendant's lawyer can ask you questions about the evidence you have given. This is called cross-examination.

Pre-recorded cross-examination



If your evidence is pre-recorded before the trial, you may also be able to have your cross-examination pre-recorded. This means you wouldn't have to attend the trial at all. You may need to go to court to record your cross-examination but you would do this in a private witness room. This is often referred to as a Section 28.

Examination of the witness through an intermediary



You may be able to use an intermediary to help you to give evidence. An intermediary is a specialist in language and speech. They can explain or simplify questions and explain your answers to the court.

Help to communicate



If you have trouble hearing or speaking, you can ask for a language or sign language interpreter or a special visual aid such as a body map. It is your right to have an interpreter in court if you need one.

Withdrawing your support from the case

You might decide that you no longer want to give evidence in the trial.

This is called 'withdrawal of support for a prosecution'. You will need to make an official statement of withdrawal to the police.

The CPS can still choose to continue with the case. To make this decision they will carefully consider the evidence and the public interest. Your statement and any evidence you provided can also still be used in court without your support.

What you may be asked in court

After you have given your evidence, you may be asked questions by the defendant's lawyer, the judge or the prosecutor. When the defendant's lawyer asks questions, this is called cross-examination. There are rules about what the defendant's lawyer can ask you when you give your evidence.

For example, unless the judge allows them to, they cannot ask you about your sexual history or any previous convictions you may have. If they are allowed to ask you questions like this, the prosecutor will tell you before the trial. You can find out more in the CPS guide for victims of rape and sexual assault (<https://www.cps.gov.uk/rasso-guide/trial>).

Friends, family and support services in court

If you would like, friends or family members can come to court with you and sit in the public gallery, unless they are witnesses in the case. Your ISVA and the Witness Service can come into the courtroom with you. The law says that anyone can come into the courtroom unless there is a reason for the judge to refuse.

The defendant may have friends and family members in the court to support them. They aren't allowed to say anything to you and court staff will do everything they can to prevent this.

Security will always be on site and any inappropriate behaviour, including threatening or intimidating behaviour, will be dealt with either by the judge, court staff, security or police.

After the trial

You do not have to attend the rest of the trial after you have given your evidence. If you choose not to be there, you have a right to be told what happened. The Witness Care Unit will keep you updated.

If the jury can't agree

If the judge establishes that the jury can't agree on whether the defendant is guilty or not, the CPS will decide whether or not to hold another trial. The CPS will also consider your views when deciding. If they decide to hold another trial it would have to start afresh, hearing all the evidence again, with a new jury.

If the CPS decides not to hold another trial, the defendant will be found not guilty.

If the defendant is found not guilty

If the defendant has been found not guilty, the jury couldn't be sure that the defendant was guilty. That means the case is now over.

Remember, no matter what the outcome of your case is, you are entitled to support. You can find out more in our support guide (<https://www.gov.uk/government/publications/guides-for-victims-of-rape-and-sexual-assault>).

If the defendant is found guilty

If the defendant is found or pleads guilty, they will now be called the offender.

The judge will decide on a sentence (punishment) at a sentencing hearing. The sentencing hearing might be right away, or it might be at a later date. You can choose to be present in the court when this happens.

Under the Victims' Code (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/974376/victims-code-2020.pdf), you have a right to make a Victim Personal Statement (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/264625/victims-vps-guidance.pdf) at the sentencing hearing. This statement tells the court how the crime has affected you. The judge can give you permission to read this out at the hearing or someone else can read it on your behalf. The judge will take your statement into consideration when deciding what sentence the offender should receive.

The sentence could be:

- a custodial sentence – this means the offender will be sent to prison
- a suspended sentence – this is where the offender will not be sent to prison immediately but may go to prison if they commit another offence or do not comply with any conditions set by the judge, for example a curfew

- a community order (for example a curfew or unpaid work)
- a fine
- a discharge

More information can be found here:

How sentences are worked out (<https://www.gov.uk/how-sentences-are-worked-out>)

Types of prison sentence: Concurrent and consecutive sentences (<https://www.gov.uk/types-of-prison-sentence>)

If you choose not to go to the sentencing hearing, the Witness Care Unit or ISVA can tell you about the sentence the offender received. They should do this within six working days of the hearing. However, you may see information about the trial reported in the news or on social media before they contact you.



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