



Remote link sites – responsibilities and detailed process

for use alongside the National remote links protocol for witnesses
providing evidence via live video links at locations away from a court
building



October 2020

Responsibilities listed by Criminal Justice Service agencies and the Citizens Advice Witness Service

1. This document is for use alongside the **National Remote Links Protocol** for all prosecution and defence witnesses providing evidence via live video links at locations away from a court building. It describes specific responsibilities for:
 - the Police
 - the Police Witness Care Unit
 - Crown Prosecution Service (CPS)
 - the Citizens Advice Witness Service (or equivalent Ministry of Justice approved provider for witness support)
 - HM Courts and Tribunals Service (HMCTS)
 - and the remote link site.
2. It also provides an end-to-end process map on the use of remote link sites and a list of the sites' locations, to help criminal justice agencies follow the booking processes for a remote link facility. Booking processes should be tested and communicated to criminal justice agencies.

Police

3. The Police will:
 - carry out an initial assessment of witness needs and offer the option of giving evidence via video link, if a witness is proposed to give evidence using a video link
 - inform witnesses they will only be able to give evidence by video link if the court decides that the measure is appropriate
 - enter recommendations on the special measures assessment form (MG2), providing CPS with sufficient information to enable an application for testimony to be given by video link
 - ensure that the victim has the opportunity to view their video recorded interview prior to the date of the trial and record when a witness has seen their video recorded interview *
 - Police Officers can request that the CPS consider making an application if appropriate, so that they may attend by way of Live Link to minimise operational abstractions.

* **Note:** if the victim has not viewed their video recorded interview before the trial date, and there is no time before the trial starts, then the start of the trial would need to be adjourned. The Police is not responsible for facilitating/supporting Live Link witnesses (other than Police Officers/Staff)

Police Witness Care Unit

4. The Police Witness Care Unit will:

- assess the needs of the witness and share, with consent of the witness, any relevant information with the Witness Service
- consider the need for remote video link following discussion with a witness and bring this to the attention of CPS
- notify the witness of the dates of court hearings and the confirmed date and location of the video link booking
- highlight to the witness the Witness Service consent referral process to allow Witness Service support for Pre-Trial Visit and day of trial, unless the witness specifically does not give consent.

Crown Prosecution Service (CPS)

5. The CPS will:

- make appropriate oral or written applications for the witness to give evidence via video link at the earliest possible opportunity, ideally at the first hearing, completing a Preparation for Effective Trial (PET) or Plea and Trial Preparation Hearing (PTPH) form accordingly
- immediately inform the Police Witness Care Unit and Citizens Advice Witness Service of the result of an application for remote link, by including 'Remote Link' and the address on the List of Witnesses to Attend Court (LWAC)
- notify the Police Witness Care Unit every time the use of a video link site is approved. A replacement LWAC only needs to be provided if the trial date changes or if witness requirements change
- email the witness statement to the remote link site secure email address at least the day before the trial or directly email the witness the password protected statement prior to trial with the password shared on the day of trial. For sites without a secure Government agency email facility, or if the witness does not have an email account or prefers to have the statement read to them by the prosecutor, the witness statement may be read to them over the video link
- ensure any relevant exhibits are made available for the court clerk to share on screen via Clickshare to the remote link site by an appropriately secure means
- make arrangements to speak with the witness before the trial starts and ensure sufficient time is allocated, in accordance with the **Speaking to Witnesses at Court guidance**
- liaise with the court to update the Witness Service as soon as there are any changes in the scheduling of the witness's evidence
- liaise with the court to ensure the witness is not waiting longer than necessary, is kept updated about when they will give evidence, and when they are no longer required
- ensure the witness is provided with a paper or digital expense form.

Witness Service

6. The Witness Service (provided by Citizens Advice, or equivalent Ministry of Justice approved provider for witness support) will:

- following a consent referral, contact the witness to offer support through the trial, including a pre-trial visit or a virtual visit via the phone to the court room or remote site
- share, with consent of the witness, any necessary information about witness requirements with the remote site
- The Witness Service volunteer at the remote site will be assigned a team leader within the Witness Service to contact if any problems arise not related to the trial itself
- communicate with the court via the designated volunteer regarding witness needs, the witness's choice of oath or affirmation and for updates on trial progress
- ensure the witness receives a copy of the witness statement, where this can be provided via a Government secure email account
- inform members of the witness's family that they will not be able to accompany the witness into the video link room unless this has been permitted by the court
- support the witness throughout the hearing and when taking the oath or affirming over video link, and throughout the hearing
- alert the court to any problems during the hearing e.g. through the use of coloured card system.

* **Note:** Where there are no Witness Service staff or volunteers present in the court, a representative of HMCTS will need to be assigned to communicate with the Witness Service volunteer at the remote site.

HMCTS

7. HMCTS will:

- ensure CPS and defence obtain a copy of the finalised Preparation for Effective Trial (PET) form in Magistrates' courts- or the Plea and Trial Preparation Hearing (PTPH) form from the Digital Case System at Crown Court locations, and ensure they have Remote Site address/contact information
- contact the Remote Site to check availability of the video link and confirm the booking for an am/pm or full day slot. This should include sufficient time to allow for arrangements for CPS (Speaking to Witnesses) to contact the witness before the hearing
- retain a record of the video booking for MI purposes and ensure this is noted on the Crown Court Digital Case System (DCS) 'private section', or on Libra (Magistrates' courts system) 'session notes'
- if the application is not made in open court HMCTS will share confirmation of the booking with all agencies and the Remote Site via email
- test the video link to the Remote Site or to the witness in line with link protocols to ensure this is working prior to the hearing

- contact the HMCTS Digital Support Officer to carry out equipment checks if there are any technical problems. HMCTS staff should report faults to the Justice Video System (JVS) helpdesk on 0800 0469640 or dial 118 from a handset/remote control
- work with the designated Witness Service volunteer to ensure effective communication throughout day of trial with the Witness Service volunteer at the remote site
- call Witness Service volunteer/Independent Domestic Violence Advisor (IDVA's) and Independent Sexual Violence Advisor (ISVA's) for witness to proceed to the video room
- connect to video room and introduce parties
- assist witnesses in taking an oath or affirmation over video.

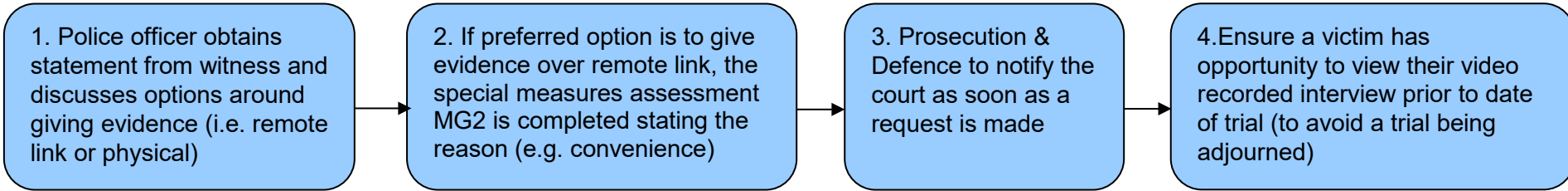
Remote site

8. After the remote site receives the booking from HMCTS court listings, the remote site SPOC will:
- work with Witness Service to facilitate pre-trial visit for witness
 - ensure the room is available for the hearing.



End to end process for use of remote link

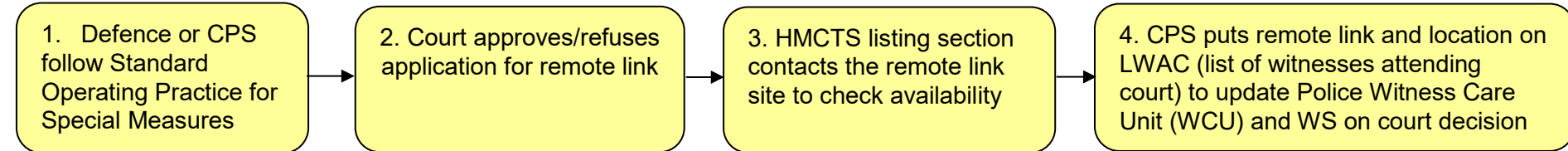
OFFICER TAKES STATEMENT



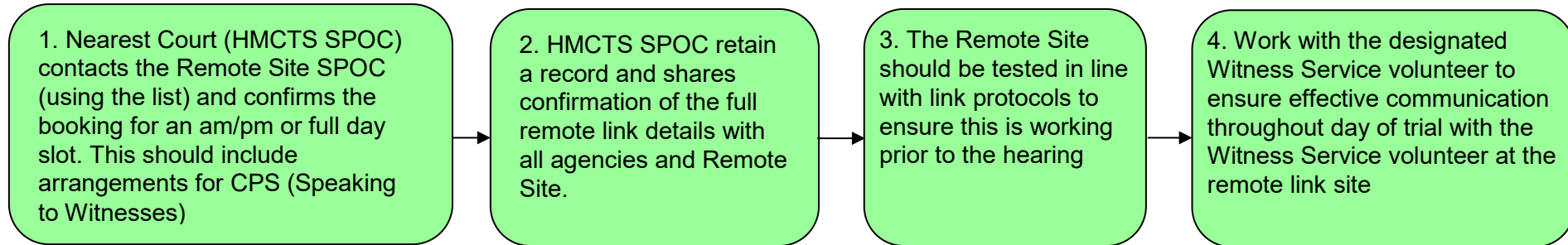
The CPS / Defence must be notified by the WCU/OIC that the witness would prefer the remote link so they can apply to the court who will then contact the remote link site, once granted

Witness Service (WS) ideally require a minimum of 4 weeks' notice after the application is agreed in order to ensure the witness is able to access the pre-trial support they are entitled to within the Victim's Code. This support gives witnesses the chance to give their best evidence. Where this is not possible, as much notice as possible should be given

REMOTE LINK APPLICATION FIRST HEARING OR SUBSEQUENT APPLICATION



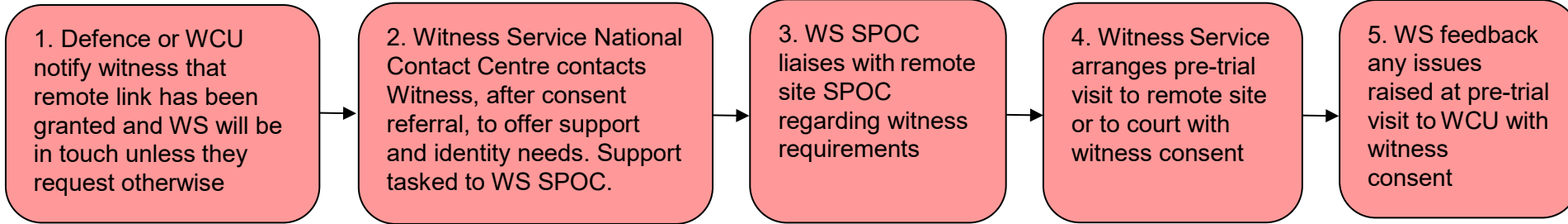
BOOKING REMOTE LINK (PCC owned, staffed, unmanned)



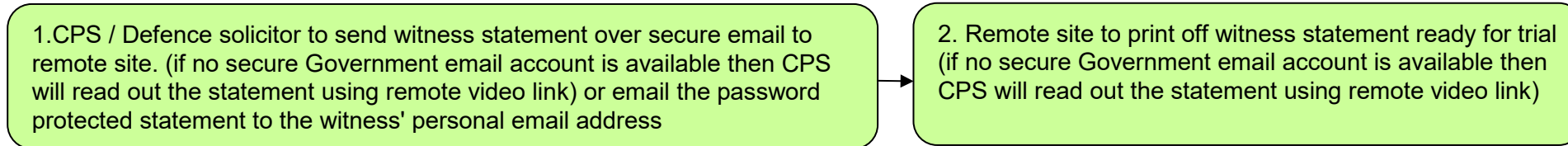
If an interpreter or intermediary is required, they will be asked to go to the remote link site

Court must allow WS sufficient time to ensure that the witness is ready to speak over the link

WCU & WITNESS SERVICE CONTACT (or alternative provider) PRE-TRIAL

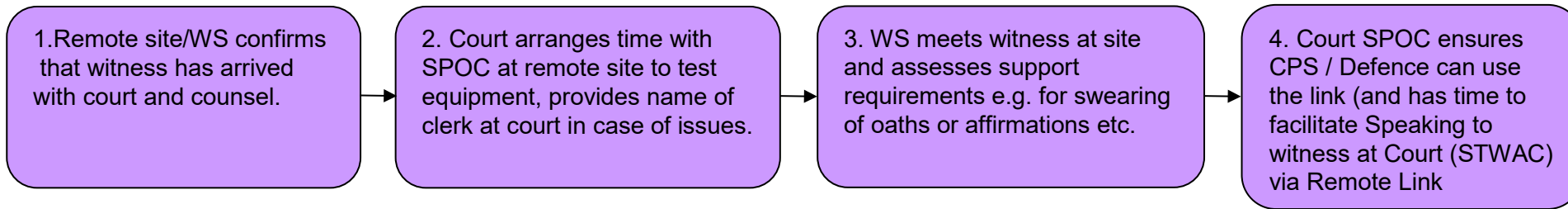


REMOTE SITE – PRE-TRIAL

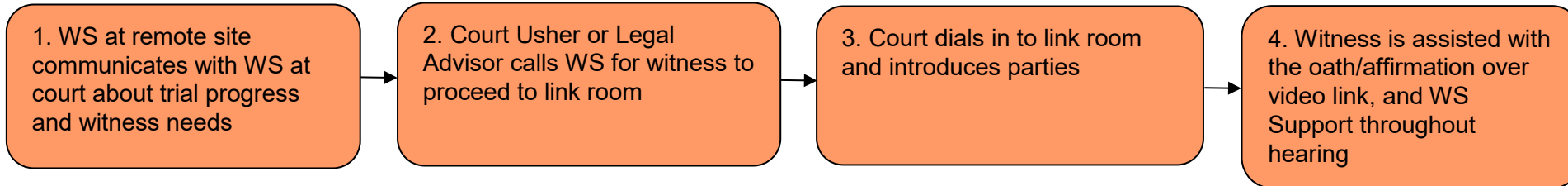


Remote site SPOC to ensure that CPS / defence has sent witness statement over secure email at least one day before trial.

DAY OF TRIAL



TRIAL



AFTER TRIAL

