

**Family Mosaic  
Witness Charter**

we can



# Family Mosaic Witness Charter

**This witness charter sets out the minimum standards of service that witnesses can expect from Family Mosaic, when they are involved in taking legal action.**

We understand the need to protect and work with communities if we are to reduce the level and fear of crime and anti-social behaviour. This may involve taking legal action against the perpetrator(s) and presenting evidence in court. Witnesses involved in giving evidence will receive our assistance and full support, as we recognise the vital role they play in helping to ensure a successful outcome and more importantly ensure the community at large are able to live in safety.

We understand that giving evidence in court can be challenging for witnesses and will require specific support and guidance from us. We realise that a witness needs to feel supported from the time they agree to be involved in taking court action. This charter therefore outlines the standards we aim to meet in supporting and guiding witnesses, from the initial complaint to preparing a case and attending court. We will continue to support witnesses after legal action has been concluded. We understand that the needs of a witness will differ from person to person and we will ensure that the support we provide is tailored to meet an individual's needs.





When you are considering becoming a witness we will meet with you to discuss this charter in detail, explaining the standards and the commitment it provides you, we will be available to answer any questions you may have. This charter should help you feel supported and reassured that your needs will be met.

## Reporting Incidents

- We will make it as easy as we can if you need to contact us to report any incidents of crime or anti-social behaviour.
- We will take all reports seriously and will assign a named Housing Officer to deal with the case. This person will be your main contact throughout this process.
- When you contact us, we will ensure that your report is recorded accurately.

## Making a Statement

- We will arrange to take your statement as soon as possible at a time and location convenient to you. We will ensure it is an accurate record and you are comfortable with what it says before you are asked to sign it. We will provide you with a copy of your signed statement.
- We will consult with you before using your statement in other proceedings.
- When you make your statement, we will make an assessment of your needs as a witness. We will explore options available to support you and ensure that these are reassessed on a regular basis.



## Progress of your case

- After you have given your statement, we will update you regularly on the progress of the investigation until its conclusion. We will inform you at key stages in the process of any legal proceedings such as when a notice is served on the alleged perpetrator, when an application for a hearing is made in court, when papers are due to be served and when a court date has been set.
- If you need additional support we will seek to provide it. If you are worried about your safety we will discuss with you how we, or other services, can ensure your needs are met.
- Family Mosaic is signed up to a multi-agency witness mobility agreement, which aims to provide access to fast-track relocation and support for vulnerable and intimidated witnesses giving evidence on our behalf in criminal or civil cases. Your Housing Officer can advise you further on the relevant criteria and whether use of this service is applicable in your case
- Please be advised that there may sometimes be long waiting periods, whilst other evidence is gathered and court dates are confirmed



## Preparing for Court

- We will ask you to advise us of any dates you will be unavailable and will liaise with the court to try and avoid such dates.
- If you would like us to do so, we can liaise with your employers to explain why you require time off work to attend court.
- Where possible we will give you advance notice of the hearing date and any changes to it and will try to ensure that you only attend court when you are needed to give evidence.
- We will help you with the practical arrangements for your attendance at court. This can include providing transport and an escort to and from court.
- We will provide you with information about what happens at court and discuss any concerns you may have.
- We will offer you the opportunity to visit the court building ahead of the trial and give you a full explanation of court procedures.
- Before any hearing, we will ask court officials to provide for any concerns or disability or medical condition that you may have. If you have any language or communication needs, we will organise an interpreter or signer for the hearing.
- We will make special arrangements at court if you are a child witness or a victim of a sexual offence. We can also make special arrangements if you have communication difficulties or feel intimidated.



## In the Court Building

- You may bring someone for support with you to court. We can seek permission for them to stay with you throughout the proceedings.
- You will receive support at court before and during the trial from your Housing Officer as well as other support agencies.
- Your Housing Officer will arrange for the lawyer to introduce themselves to you and answer your questions as far as he/she is able.

## After the Trial

- After the trial, we will discuss with you the outcome of the case and any other relevant matters.
- We will inform you of any developments such as an appeal, or a breach of the order, and keep you updated with progress.
- Your ongoing support needs will be discussed with you, support from your Housing officer will continue to be available and referrals to specialist agencies will be made if you need it.
- Your Housing Officer will discuss with you how to claim out of pocket expenses you may be entitled to, which could include reasonable travel, childcare costs or loss of earnings.

# A guide to legal action for witnesses in anti-social behaviour cases



## Who is a witness ?

A witness is somebody who either:

- (a) Has experienced harassment or other anti-social behaviour (ASB) in which case they are often referred to as the victim); or
- (b) Has seen something or was present when incidents of ASB took place.

## Why do we need witnesses ?

Family Mosaic wishes to take legal action against somebody responsible for harassment or other ASB, then the court needs to know what happened and when it happened. Anybody who has information about this can assist the court in reaching decisions about such a case by acting as a witness and providing evidence. Without witnesses we are usually unable to take legal action.

## Why have I been asked to be a witness?

You have been asked to be a witness because you have something to tell (called evidence) which may help in a legal matter

## Who is my case officer ?

The case officer is the person leading on your case and who will be the key person keeping in touch with you. For Family Mosaic, the case officer will usually be your Housing Officer, for others it may be an ASB officer or enforcement officer. Some Housing Association staff will take statements themselves, others will use solicitors.

## How does the information of witnesses get to court ?

Before a decision to take legal action is made you will be contacted by your Housing Officer or our solicitor, you will be interviewed and a statement will be taken. Before this is used for any court proceedings you will be asked to check it to make sure that it is accurate and correct. You will then be asked to sign it. You will be given a copy of your statement to keep. Once the case reaches court you will not be allowed to add any extra information so it is important that the witness statement includes everything which is relevant to the case.

The papers will be sent to the court and a summons issued with a date and time the court will hear the case. The summons is sent to the defendant who is the person against whom the court order is being sought.

These papers usually include the witness papers that the case is relying upon. In a very small number of cases you may be asked to swear an affidavit. This is similar to a statement, but you have to swear on oath that it is accurate.

## How long does it take before the case gets to court ?

It may take a number of weeks and sometimes even months before a case goes to court. The length of time depends on a number of issues, such as the type of case, how long it is expected to last and how busy the court is with other cases. In serious or urgent cases it is possible to go to court at short notice on an urgent application. These cases will often have to return to court at a later date when the court is able to set aside sufficient time to hear all the evidence and make a final decision.

## Which court does it go to ?

Most ASB cases are heard in the local county court. This is a civil court and deals with non-criminal matters such as proceedings to evict someone, injunctions, anti-social behaviour orders (ASBO's), debt and family proceedings.

ASBO's can also be heard in a magistrates or crown court which will then become a civil court for the case. All criminal cases will go to a magistrates or crown court and different rules apply.

In a magistrates court cases are heard by one magistrate or by a bench of lay magistrates. In county courts, cases are heard by a district or circuit judge. In the crown court it is a jury who decide whether somebody is guilty or not after considering the evidence and the judge decides on point of law. However, in the county court the judge decides on both the point of law and the point of fact (i.e. the evidence).

# A guide to legal action for witnesses in anti-social behaviour cases

## Before the court

Before the court hearing you can ask to visit a court room. Your Housing Officer or court staff can arrange this for you. If you have any additional needs (e.g. language or mobility needs) it is important you let your case officer know.

Decide what you are going to wear. You will need something comfortable but smart.

## What happens when the case gets to court ?

When you reach court, court staff will be able to tell you where to go if you give them your name and name of the case (this is the name of the person the action is being taken against e.g. Family Mosaic vs. Smith).

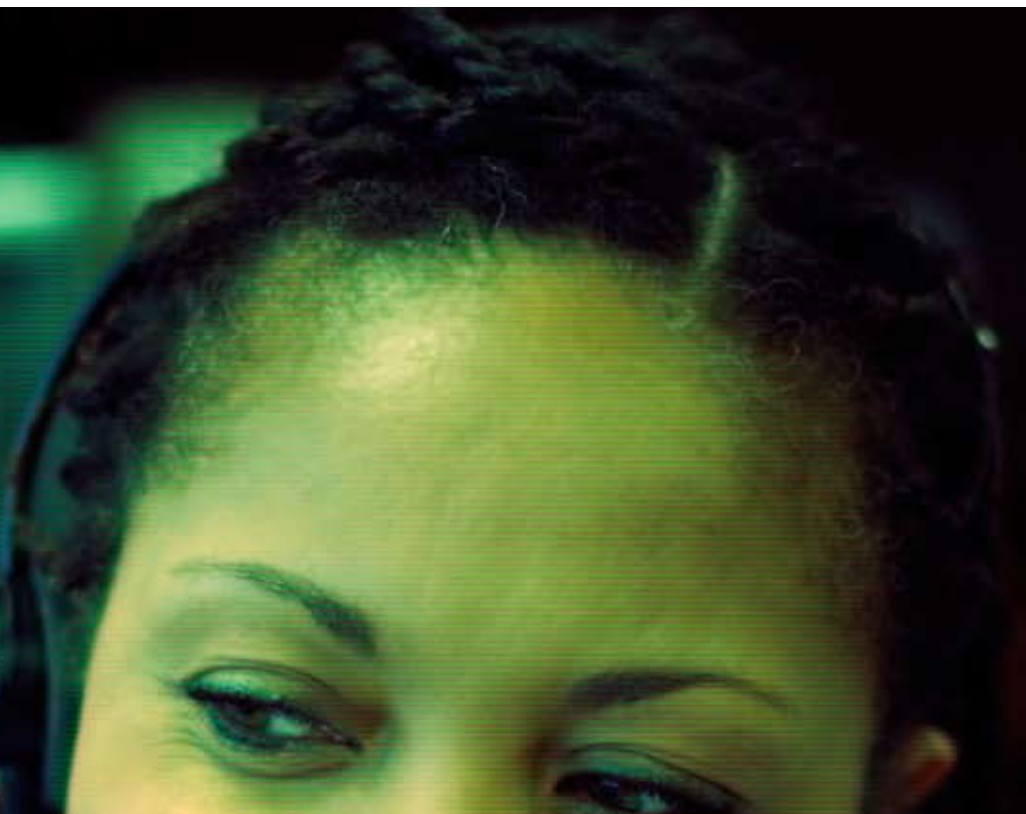
When you go into court remember that you can not take notes into the witness box.

If you wish or need to refer to notes or records this requires prior consent of all parties' legal representatives and/or the court. A copy of your witness statement will be available in the witness box for you when you give evidence.

On entering the witness box you will be asked to affirm or swear oath and you will be asked to give your full name and address. The legal representative who is presenting the case will then ask you questions about what happened. You should address your answers to the court and the correct forms of address are:

You will usually be asked questions on the contents of your witness statement. When giving evidence take your time and do not rush. If you do not understand a question do not hesitate to ask for further clarification.

Keep your answer brief and answer only the question that is put to you. Think about questions and answer honestly,



Do not attempt to answer questions to which you don't know the answer. "I don't know" or "I don't remember" is perfectly acceptable in these situations.

When you have answered all questions, you will be asked to leave the witness box. Most of the time you are then "released" and are free to go home. However very occasionally the court may ask you to stay in case they need to ask you further questions later. If you wish to stay after you have finished your evidence you can usually do so unless the matter is heard in private.

When all the evidence has been heard the judge or magistrate will have to decide whether the case has been proved. If the court decides that it has not been proved this does not mean that they disbelieve you. Such an outcome can be based on a number of factors including, legal arguments based on points of law only, insufficient evidence overall, and/or the view of the court that the case was not proved to the high degree of proof which is required by law.



# Glossary

<b>Affidavit</b>	A written description of events that a witness must swear on or affirm is true in court.
<b>Affirm</b>	Confirm the truth of something in court (a non-religious alternative to swearing an oath).
<b>Barrister</b>	A legal representative who can put a case to court and question witnesses.
<b>Complainant</b>	The person who has suffered (and complained of) anti-social behaviour.
<b>Defendant</b>	The person we're bring the complaint about.
<b>Injunction</b>	An order from the court that tells someone to either do or not do a certain thing.
<b>Plaintiff</b>	The person or organisation bringing the case.
<b>Possession case</b>	A hearing to decide if a tenant should be evicted.
<b>Solicitor</b>	A legal representative who can put a case to court and question witnesses.
<b>Statement</b>	A written record of events that a witness signs as a true record.
<b>Suspended possession</b>	The judge sets a time period (usually one or two years) when the tenant must not repeat the behaviour or we will go back to court for immediate possession.
<b>Swear on oath</b>	Confirm the truth of something in court- sworn on a bible or other similar religious book.
<b>Tenancy agreement</b>	The legal contract or rules between landlord and tenant.
<b>Undertaking</b>	A promise made to court by a perpetrator to either do or not do a certain thing.



16. **Side Agreement:** The side agreement between the parties specified in this contract is a contract that will be honored to the extent that it does not conflict with the terms of this contract.

The undersigned agrees to

On behalf of the C...

On behalf of the Developer (authorized signature)

Data

Call: 020 7089 1000

# Talking your language

English	If you need any part of this information in Braille, on CD or explained in your own language, please contact us on the number shown.	Ev belge di derbarê çawa em ser rewîşt û tevgerên dijçavati dikevin da agahiyan dide. Heke hewceya we ji bo vê belgeyê bi herf û tîpên mezin, bi alfebeya koran, li ser CDyê, li ser kasêtê an jî bi zimanê we bi xwe hebin; ji	Kurdish
Arabic	تمك هذه الوثيقة بالمعلومات اللازمة عن كيفية تعاملنا مع السلوك المعادي للمجتمع. إذا كنت ترغب في الحصول على أي جزء من هذه المعلومات مطبوعاً بأحرف كبيرة أو بطريقة برايل أو مسجلاً على اسطوانة مدمجة أو شريط صوتي أو مشروحاً باللغة التي تتحدثها، يرجى الاتصال بنا على الرقم الموضح	Niniejszy dokument zawiera informacje o naszych sposobach postępowania w przypadkach zachowania aspołecznego. Jeżeli potrzebujesz aby całość lub część tego tekstu były przedstawione większą czcionką, w języku Braille'a, na nośniku CD, na kasecie audio lub zostały przetłumaczone na Twój	Polish
Bengali	এই দস্তাবেজটি আমরা কিভাবে সমাজ-বিরুদ্ধী কার্যকলাপের মোকাবেলা করি সেই সম্বন্ধে তথ্য সরবরাহ করবে। যদি আপনি এই তথ্যগুলোর যে কোন একটির সম্বন্ধে বিস্তারিত জানতে চান, অথবা আপনার নিজের ভাষাতে ব্রেল, সিডি, অডিও টেপ-এ পেতে	Dokumentigan wuxuu ku saabsan yahay in sida noo qaybinno dabeecadda xun ee bulshada. Haddaad u baahan tahay warkan afkaaga-hooyo, afka loogu talagalay dadka aan arki karaan – afka faraha ama CD-ga	Somali
Farsi	این نوشتار اطلاعاتی درباره نحوه برخورد ما با رفتارهای ضد اجتماعی در اختیارتان قرار می دهد. اگر مایل به داشتن هر بخش از این اطلاعات به صورت چاپ شده با حروف بزرگ، خط بریل، روی CD، نوار صوتی و یا توضیح داده شده به زبان خودتان هستید، لطفاً با استفاده از شماره تلفن زیر با ما	Este documento proporciona información sobre cómo actuamos frente al comportamiento antisocial. Si necesita esta información en fuentes grandes, Braille, en CD, cinta o en su propio idioma, póngase en	Spanish
French	این نوشتار اطلاعاتی درباره نحوه برخورد ما با رفتارهای ضد اجتماعی در اختیارتان قرار می دهد. اگر مایل به داشتن هر بخش از این اطلاعات به صورت چاپ شده با حروف بزرگ، خط بریل، روی CD، نوار صوتی و یا توضیح داده شده به زبان خودتان هستید، لطفاً با استفاده از شماره تلفن زیر با ما	Bu belge dostça olmayan davranışlara yaklaşımımız konuları hakkında bilgi verir. Bu bilginin herhangi bir kısmının büyük boyutlu harflerle, Braille alfabesiyle, CD'de, ses kaseti şeklinde veya ana dilinizle	Turkish
Gujarati	આ દસ્તાવેજ અમે અસામાજિક વર્તણૂક કરનાર સામે કેવી રીતે કાર્યવાહી કરીએ છીએ તેની માહિતી આપે છે. જો તમારે કોઈ પણ ભાગની આ માહિતી બ્રેઈલ, સીડી ઉપર, ઓડિયો ટેપ અથવા તમારી પોતાની ભાષામાં સમજી શકો	Tài liệu này cung cấp thông tin về cách chúng tôi xử lý hành vi phản xã hội. Nếu bạn cần bất kỳ phần nào trong thông tin này bằng chữ in to, chữ Braille, CD, băng tiếng hoặc giải thích bằng ngôn ngữ riêng của	Vietnamese

Registered as a Charitable Industrial and Provident Society (IP30093R) and with the Housing Corporation (L4470)

Family Mosaic  
Albion House  
20 Queen Elizabeth Street  
London  
SE1 2RJ

Tel: 020 7089 1000  
Fax: 020 7089 1001  
Email: [enquiries@familymosaic.co.uk](mailto:enquiries@familymosaic.co.uk)  
[www.familymosaic.co.uk](http://www.familymosaic.co.uk)