

Matthew McGonagle
Witnesses at Court Consultation
Crown Prosecution Service
9th Floor, Rose Court
2 Southwark Bridge
London SE1 9H

The logo for the Legal Services Consumer Panel is located in the top right corner. It consists of a blue circular shape on the left and a blue rectangular shape on the right. The text "LEGAL SERVICES CONSUMER PANEL" is written in white, uppercase letters within the blue shapes. "LEGAL" and "SERVICES" are stacked vertically in the circle, while "CONSUMER" and "PANEL" are stacked vertically in the rectangle.

LEGAL
SERVICES
CONSUMER
PANEL

16 February 2015

Dear Mr McGonagle,

Draft guidance on speaking to witnesses at court

The Panel would like to make a brief response welcoming this draft guidance on providing greater assistance to victims and witnesses giving evidence at court. Although the relationship between victims and witnesses and the courts is outside our statutory remit, which relates to the regulation of the legal services market in England and Wales, we do have an interest in the behaviour of advocates towards victims and witnesses.

The consultation sets out the need to better assist victims and witnesses so they know more about what to expect before they give evidence and aims to ensure that witnesses are better prepared before they go to court, with the intention that they should feel more comfortable about giving evidence and be able to give their best.

This approach resonates with the Panel's own work for a number of reasons, in particular because of the focus on vulnerability. Your guidance considers the needs of those who are already defined as vulnerable – for example making sure that any witnesses identified as vulnerable are considered for a pre-trial special measures meeting. But significantly, it also acknowledges the imbalance that exists between advocates, for whom the court room is their place of work, and victims and witnesses, for whom it may be an unfamiliar and unsettling place. This goes to the heart of recognising how the court room can make anyone feel vulnerable and is in line with the Panel's own recent guide to help legal regulators recognise and respond to vulnerable consumers in legal services.

The Panel's guide and our broader approach recognises that vulnerability is dynamic, can be due to the characteristics of the market, the particular circumstances of the individual consumer, or a combination of the two. It acknowledges that the way legal services operate can cause or contribute to consumer vulnerability and place consumers at a disadvantage in accessing products and services and in seeking redress. We welcome the similar focus in the draft CPS guidance and would like to voice our support

both for the draft guidance itself and for the important emphasis it puts on victims and witnesses. A copy of our own guide is enclosed for reference.

I hope this brief response is helpful. Please contact Harriet Gamper, Consumer Panel Associate, with any enquiries.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Elisabeth Davies', with a horizontal line extending to the right.

Elisabeth Davies
Chair