

Your choice to have a voice **in court**

CRIMINAL JUSTICE SYSTEM



Contents

What scheme is being tested?	4
What's new about the test scheme?	4
What's the point of making a statement?	4
What happens next?	5
What about advice on social and personal issues of a legal nature?	5
How can I get social and personal legal advice?	6
Do I have to pay for this legal advice?	6
How do I make a statement to the court?	6
Making a written statement	7
Giving a statement to the court in person (oral statement)	7
Having your statement read out loud to the court	7
Who can make a family impact statement?	8
How many family members can make a statement?	8
Do I have to make a family impact statement?	8
I want to make a family impact statement.	
How does the procedure work?	9
Why does the judge decide about my family impact statement before the trial?	10
When will the court hear the family impact statement?	10
What happens if the defendant pleads guilty?	10
What happens if the defendant is found not guilty?	11

What should I say in my family impact statement?	11
Will a lawyer help me with my family impact statement?	12
What will the lawyer do?	12
Can anyone else read out my family impact statement for me?	12
Do I have to pay for legal advice?	13
What support will I have at court?	13
What happens if my case is not heard at a court taking part in the test scheme?	14
Why should I take part in the evaluation?	14
Who can I contact for more information?	15

What scheme is being tested?

A new scheme is being tested in the area where your family member died. Under the scheme, you may be allowed to make a statement to the court about how the death has affected you and your family.

This leaflet explains the test scheme. Your Family Liaison Officer (FLO) will read through the leaflet with you. They will also ask if you would like to be referred to Victim Support, a free and confidential service that can provide you with emotional support and practical help. Your FLO will also tell you about other local groups that can offer support and help.

What's new about the test scheme?

In the past, family members could only make a written statement. They were not offered legal advice in order to make the statement.

Now you:

- > have the chance to make an oral (spoken) statement;
- > will get free legal advice if you make the statement; and
- > have the opportunity to take some additional legal advice on personal and social matters arising from the death.

What's the point of making a statement?

These statements give the families of murder and manslaughter victims a voice in the criminal justice system. Making a statement enables you to tell the court about how the murder or manslaughter has affected your family.

What happens next?

You can take part in the test scheme for making statements if a suspect has been charged with the murder or manslaughter of your family member.

After a suspect is charged, the case is put in the hands of a prosecutor, a Crown Prosecution Service lawyer. They are in charge of prosecuting the suspect.

The Crown Prosecution Service prosecutor will contact you through your FLO to see if you want a meeting. At the meeting they will explain what happens during the prosecution process and talk to you about your chance to make a statement to the court. The Crown Prosecution Service prosecutor will try to answer any questions that you have about the case, although they might not be able to discuss the details of the evidence.

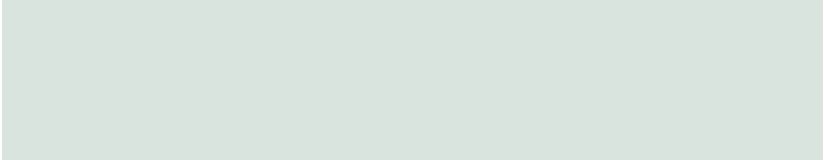
What about advice on social and personal issues of a legal nature?

Organisations like your local Citizens Advice Bureau can provide free and confidential advice.

However, there may be matters on which you require legal advice resulting from the death of your family member. The Government is offering help with this under the test scheme.

How can I get social and personal legal advice?

You can get this advice right from the beginning. You can choose any lawyer from an approved panel to give you a limited number of hours of legal advice. Details are available from:



This legal advice cannot relate to the criminal investigation or trial of the defendant (the person charged with the death of your family member).

The lawyer may also help you to make the statement in court should you wish to do that at a later stage.

Do I have to pay for this legal advice?

No. You are entitled to a limited number of hours of free legal advice from a panel lawyer on social and personal issues.

How do I make a statement to the court?

If you decide you want to tell the court about how the death of your family member has affected you and your family, you can make your statement in three ways.

Making a written statement

You can tell the court in writing. Some family members want the judge to know about the effect of the death on them and their families, but prefer their words to be read by the judge rather than spoken aloud in court.

Giving a statement to the court in person (oral statement)

You can speak directly to the court, with the help of a Crown Prosecution Service lawyer or an independent lawyer. The lawyer will talk you through your statement by asking you questions.

Having your statement read out loud to the court

The Crown Prosecution Service prosecutor, an independent lawyer or a lay person (someone who is not a lawyer) who you are close to can read your statement to the court for you. You might prefer this option if you are worried about speaking in court.

These types of statement are called **family impact statements**. However you choose to make your family impact statement, the judge will give it equal consideration.

Who can make a family impact statement?

Close family members of the dead person are allowed to make a family impact statement. This normally means parents, guardians, spouses, civil partners, partners and children of the victim.

How many family members can make a family impact statement?

Normally one family member should speak for the family, as there is no need for more than one person to repeat the same information in court. But the judge decides on who speaks in court and may allow more than one family member to speak.

Do I have to make a family impact statement?

No. You may decide you do not want to make a family impact statement at all. Your FLO, local Victim Support contact or other local support groups can help you understand the options so that you can decide what suits you best.

Your FLO will be able to give you the contact details for these groups.

I want to make a family impact statement. How does the procedure work?

- > Your FLO will ask you and your family if one of you wants to make a family impact statement.
- > If you do want to make a family impact statement, the FLO will ask you to talk about the effect the death has had on you and your family. They will write down what you say and it will be seen by the judge, the defence (the lawyer representing the defendant) and the prosecution.
- > The FLO will also ask you how you would like to present your family impact statement to the court – written down and handed in to the judge to read; read out on your behalf; or spoken by you – and who you would like to help you with the family impact statement (either the Crown Prosecution Service prosecutor or an independent lawyer).
- > The FLO will pass this information to the Crown Prosecution Service, who will ask the court to agree to what you want at a hearing before the trial. The judge will consider your application.
- > If the defendant is convicted (pleads guilty or is found guilty by the jury), the Crown Prosecution Service prosecutor will meet you to talk about your family impact statement. They will normally do this at the court. If an independent lawyer is advising you, you will meet them before the trial to work on your family impact statement. Whoever is advising you, you will have the chance to review your family impact statement after the defendant is convicted.

- > The family impact statement will be shown to the judge, the defence and the prosecution before the defendant is sentenced.
- > At the sentencing hearing, you will speak or your family impact statement will be read out for you. If you have made a written family impact statement, the judge will read it in advance of the hearing.

Why does the judge decide about my family impact statement before the trial?

The judge needs to decide who will make the family impact statement before the trial, so that:

- > the court can make preparations to hear the family impact statement; and
- > if you want an independent lawyer, one can be designated.

When will the court hear the family impact statement?

The court will hear the family impact statement after the defendant is convicted, but before they are sentenced by the judge.

What happens if the defendant pleads guilty?

You will still be able to make your family impact statement to the court.

What happens if the defendant is found not guilty?

You will not be able to make a family impact statement because there will be no sentencing hearing.

What should I say in my family impact statement?

The family impact statement is your chance to tell the court – in your own words – about how the death of your family member has affected you and your family. You should describe the effects of your grief, including any emotional, medical or financial issues that may have come from it, and how the death has changed your life.

Remember, the judge has to sentence on the facts of the case, taking into account any relevant aggravating and mitigating factors and legal guidelines. (An aggravating factor is a feature of the case that means a higher sentence may be appropriate; a mitigating factor is one that means a lower sentence may be appropriate.) If you decide to make a family impact statement, please do not tell the judge how long you think the defendant should spend in prison, as the judge cannot take this into consideration.

Will a lawyer help me with my family impact statement?

Yes. Before you make your family impact statement to the court, a lawyer will help you to prepare it. The Crown Prosecution Service prosecutor can help you with the family impact statement, as they will know all the details of the case. However, if you prefer, you can ask for help from an independent lawyer (from a panel of lawyers) with suitable experience.

What will the lawyer do?

There are some legal issues you should know about before the court hears your family impact statement. Also, the defence might want to ask you questions about your family impact statement.

The lawyer will tell you about these legal issues and how they relate to your family impact statement. They will also be there in court to help you give your family impact statement or to read it out for you.

Can anyone else read out my family impact statement for me?

If you want anyone other than your legal adviser (the Crown Prosecution Service prosecutor or the independent lawyer you have chosen) to read out your family impact statement, such as a friend, a relative or someone else who you are close to, the judge has to agree.

Do I have to pay for legal advice?

No. Advice on your family impact statement from the Crown Prosecution Service prosecutor or from an independent lawyer from the panel is free.

What support will I have at court?

Your legal adviser (the Crown Prosecution Service prosecutor or the independent lawyer you have chosen) will answer any questions you have about what happens on the day of the sentencing hearing.

The court staff and the Witness Service are also there to help you. Witness Service staff can arrange for you to visit the court before the trial and/or the sentencing hearing, so you can learn more about court procedures. On the day, they can give you a quiet place to wait and arrange for someone to go into the courtroom with you and other practical help (such as with expense forms).

What happens if my case is not heard at a court taking part in the test scheme?

The scheme is being tested at five Crown Courts:

- > the Old Bailey in London;
- > Birmingham Crown Court;
- > Cardiff Crown Court;
- > Manchester Crown Square Crown Court; and
- > Winchester Crown Court.

If your case is sent to one of these courts and the judge decides before the trial that you can make a family impact statement, you will be able to make the family impact statement even if your case is moved to another court.

If your case is not sent to a court that is testing the scheme, you will not be able to make an oral statement or take free legal advice. However, you will be able to make a written statement for the judge to read before the sentencing hearing.

Why should I take part in the evaluation?

As we are testing this new scheme to let family members make a family impact statement in court, we need to find out how you feel about the experience, so that we can learn for the future.

We hope you can tell us about your experience so that we can try to make sure that bereaved families get the best possible treatment from the criminal justice system.

If you decide to make a family impact statement, your FLO will ask you if a researcher can contact you to ask you about your experience. They will contact you at a time and in a way that suits you. Anything you say to the researcher will be kept confidential.

Who can I contact for more information?

Your FLO can give you the details of your local Victim Support group and other support groups in your area. They can also help you to arrange to talk to one of these groups if you want to discuss the test scheme.

Use the space on this page to write the details of your FLO and any other useful contacts:



Criminal Justice System: working together for the public