



HM Courts &
Tribunals Service

Justice matters



National remote link sites protocol

for use by criminal justice service agencies and partner
agencies for witnesses providing evidence via live
video links at locations away from a court building



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This document contains links and embedded supporting documents, these are highlighted in **bold**

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Partnership agreement

Officers named below jointly support the national remote links protocol and commit their agencies to implement and follow the principles and processes within the protocol.

Organisation	Named signatory	Role	Date
HM Courts & Tribunal Service	Susan Acland-Hood	Chief Executive	15 October 2018
Crown Prosecution Service	Jean Ashton	Director of Business Services	23 November 2018
National Police Chiefs' Council	DCC Tony Blaker	NPCC Courts Lead & Digital First SRO	29 October 2018

This protocol was developed in collaboration with Citizens Advice as providers of the court based Witness Service

Introduction

1. A 'remote link site' is where witnesses, including defence and expert witnesses may give evidence via a live video link from a location away from a court building. This protocol sets out the nationally agreed operating model for remote link sites for staff in all agencies and partner agencies to work to. It should be read in conjunction with the Criminal Practice Directions¹, **the Witness Charter**, and where appropriate the **Victim's code**.
2. Much of the court estate is video enabled so that witnesses can give evidence from one court to another. These video link facilities are not covered by this protocol.

Where remote link sites can be found

3. Remote link sites can be found at many different locations, including in buildings owned by organisations within the criminal justice system, or those provided by victim and witness support groups. They may also be found at other locations – such as local council buildings.

Knowing which witnesses are eligible to provide evidence by a live link

4. The use of a live link for the evidence of a witness is permitted by:
 - Section 24 of the Youth Justice and Criminal Evidence Act 1999
 - Section 32 of the Criminal Justice Act 1988
 - Section 51 of the Criminal Justice Act 2003.
5. Applications for use of the live link will need to be determined by the court applying the relevant test in the legislation. The court has the power to enable a witness to give their evidence over the live link and away from the court building if they are a vulnerable or intimidated witness, or in the interests in the efficient and effective administration of justice.
6. The court needs to be aware of the availability of remote link sites. The relevant HMCTS head of crime in each region will be best placed to advise on the range of sites available in that or a neighbouring region.
7. For every eligible witness who has been granted a link direction, it is important that HMCTS makes provision for that witness to give their evidence in that HMCTS region or a neighbouring region. This may be by a link provided by HMCTS or another agency.
8. It may be inappropriate for defence witnesses to give evidence in police premises (for example in a trial for assaulting a police officer). If this is the case all parties and the court should identify an alternative venue. If both prosecution and defence witnesses attend the same facility, they should be able to wait in separate rooms.
9. Care must be taken to ensure that all witnesses, whether prosecution or defence, are given the same assistance and security.

¹ Criminal Practice Directions I General Matters 3N USE OF LIVE LINK AND TELEPHONE FACILITIES and CPD I Annex: GUIDANCE ON ESTABLISHING AND USING LIVE LINK AND TELEPHONE FACILITIES FOR CRIMINAL COURT HEARINGS

Accountability

10. A remote link site temporarily becomes an extension of the court room when it is used by a witness to give evidence. For this reason, HMCTS has overall accountability (responsibility) for approval of new sites, even if they are funded, or to be operated by, another organisation. Any plans for a remote link site must be discussed before work is started with the appropriate HMCTS head of crime.
11. HMCTS heads of crime will be aware of the remote link provisions for witnesses across the whole of their HMCTS regions, and will lead on any suggested expansion of facilities. They will discuss proposals with the Presiding Judge, the relevant Resident Judge and other criminal justice service agencies. In brief, using the **Checklist for establishing a new remote link site**, they will make sure:
 - the proposed geographical location, site and facilities are suitable
 - the health and safety of witnesses and staff has been considered, and
 - local arrangements are compliant with the Criminal Practice Directions, the **Witness Charter**, and where appropriate the **Victim's code**.
12. As part of the assurance process, the HMCTS head of crime will organise for the local Resident Judge or their nominated representative judge to visit a proposed remote link site. The HMCTS head of crime will make sure any issues, concerns or problems highlighted by the Presiding Judge, Resident Judge or other visiting Judge, are resolved to the satisfaction of the judiciary before approving a site for use. The Presiding Judge of the circuit or any Resident Judge whose court uses the remote link site can ask for an inspection of the site at any time, which the relevant HMCTS head of crime must accommodate.
13. Once the HMCTS head of crime is satisfied a new site meets requirements in the checklist, they should email the signed and completed checklist to **CTDD-CrimeSupport@justice.gov.uk**, so that the team can update the HMCTS list and map of approved remote video link sites. A site should not be used until the HMCTS Regional Safety and Security Officer (or a corresponding officer for sites operated by a criminal justice partner agency) has certified it meets relevant safety, security and fire requirements.

The process to follow when arranging a remote link

14. Criminal justice service agencies and partner agencies work in partnership to facilitate use of remote link facilities and maintain the integrity of the evidential process. The **Remote link sites – responsibilities and process** document:
 - describes specific responsibilities for the police, HMCTS, Police Witness Care Units, CPS and the Citizens Advice Witness Service
 - provides an end to end process on use of remote links - running from the police officer taking a statement to the end of the trial
 - will assist in developing the booking process to support use of a remote link facility*.

* Booking processes should be tested and adapted as necessary for each individual remote link site. Booking arrangements for existing remote link sites may vary. There is no need to change these, providing arrangements are clearly defined for each criminal justice agency and are working effectively.

Using remote links - who does what

15. In addition to the information provided on roles in the **Remote link sites – responsibilities and process** document, the following high-level principles have been jointly agreed by criminal justice service agencies and partner agencies:

Pre-court visit to remote link site (prosecution and defence witnesses)	Video-recorded statement - witness memory refreshing (prosecution witnesses)	Witness statement - witness memory refreshing (prosecution witnesses)	Provision of witness statement to witness, and secure disposal of witness statement (prosecution witnesses)
The witness pre-court visit to the remote link site is organised by the Witness Service following a consent referral to the Witness Service National Contact Centre (or by an equivalent provider approved by the Ministry of Justice).	Where a witness has given their evidence in chief through a video-recorded statement, the police has responsibility for making sure the witness has a chance to view this before the day of trial, in accordance with published Achieving Best Evidence guidance.	The CPS emails the witness statement to a nominated contact for the on-site agency using secure government email account. The nominated contact passes the witness statement to the witness.	At an occupied remote link site, the relevant on-site agency will have responsibility for receipt of witness statement by a secure government email account. They will provide this to the witness. The on-site agency will securely dispose of printed witness statements.

16. Staff handling witness statements must have appropriate Disclosure and Barring Service clearance.
17. Further points are provided below.

Witness meeting judges and advocates in advance of hearing

18. Where possible the court should organise for the witness to meet the judges and advocates in advance of the hearing. This can be done using the link facility where necessary (for example, if there are time restrictions).

Allowing time for speaking to witnesses at court

19. CPS prosecutors play an important role in ensuring that prosecution witnesses give their best evidence. Meeting the prosecutor on the day of their appearance and having their questions answered can help a witness to feel prepared for their court experience and able to give their best evidence. For witnesses giving evidence remotely, HMCTS staff must make sure the prosecution counsel has time to speak with the witness over the remote link before the trial - so that counsel can follow mandatory requirements in the CPS's **Speaking to Witnesses at Court** guidelines.
20. Similarly, defence counsel may also wish to speak to a defence witness using a remote link facility (or by telephone) before the witness is called to give evidence. HMCTS staff must make appropriate arrangements to allow this.

Witness supporter

21. The witness must have access to appropriate and necessary support, as if they were giving evidence at the court building.
22. The live link room is an extension of the court room. The witness supporter will notify the court if there has been any witness coercion or interference.
23. If not acting as a witness supporter, the usher should continue to be available at court both to assist the witness and the witness supporter, and to make sure the judge's requirements are properly complied with at the remote link.
24. The trial judge will make a direction as to the identity of the witness supporter who will be with the witness in the live link room, balancing all the relevant interests as laid out in the **Achieving Best Evidence** guidance.
25. The witness supporter:
 - should be completely independent of the witness and their family
 - have no previous knowledge of, or personal involvement, in the case
 - should be suitably trained.

The witness supporter doesn't need to be an usher or a court official, providing they meet these criteria.

26. The role of witness supporter can be carried out by a representative of Witness Service with appropriate security clearance. Witness Service volunteers can support with refreshing the witness's memory before the hearing, but they should not be asked to transport statements to remote link sites, nor have responsibility for the secure disposal of statements. This will be the responsibility of the HMCTS, or the lead agency provider of the site.
27. The Witness Service supporter does not have responsibility for administering an oath or affirmation - the court will administer the oath or affirmation over the video link. The Witness Service representative will support the witness during the process.
28. If in attendance Witness Service staff or volunteers will be able to switch equipment on and off, and should receive appropriate training on use of the equipment and guidance by the partner agency responsible for the site - including who to contact in case of problems. Lead responsibility for technical equipment, is described at **paragraph 31** below.

Other witness support

29. Further support should be available and accommodated at the remote link site in accordance with the needs of the witness, such as from:
 - a parent/guardian
 - an Independent Sexual Violence Advisor (ISVA)
 - an Independent Domestic Violence Advisor (IDVA)
 - a homicide case worker
 - a registered intermediary

- an interpreter.

Any support must be agreed by the judge and all parties in the case.

Support in claiming expenses

30. Witnesses should be referred to their relevant counsel / solicitor for claiming expenses for attending the remote link site to provide evidence. CPS may provide copies of expense forms to be handed to prosecution witnesses by on-site agency staff or witness supporter (such as a representative of the Witness Service). Arrangements for defence counsel will vary.

Technical support for the link and ongoing maintenance

31. Responsibility for technical support for the remote link falls to the agency partner that operates the site:

- at HMCTS sites - the HMCTS Digital Support Officer will carry out equipment checks. HMCTS staff should report faults to the Justice Video System (JVS) helpdesk.
- at sites managed by Police and Crime Commissioners – Police and Crime Commissioner’s staff should contact their IT helpdesk in case of problems.

32. Ongoing maintenance is the responsibility of the provider of the facility.

Oaths and affirmations, Holy Books and Scriptures handling and storage

33. In relation to witnesses swearing oaths or affirming before giving evidence, HMCTS has responsibility for:

- the provision of the correct wording for oaths and affirmations
- the provision of the relevant Holy Books and Scriptures
- guidance to ensure their correct handling and storage in the remote link facility.

34. Holy Books and Scriptures should be respectfully and correctly handled, and stored appropriately.

35. The Witness Service will update the court on the witness’s choice of oath or affirmation, and will support the witness in swearing an oath or affirming over the live link.

36. Where new facilities are being established, queries should be directed to oaths_and_affirmations@justice.gov.uk.

Establishing a new remote link

37. Any proposed new sites should ideally install a Justice Video System (JVS) end point (video link), as used across the court estate. Justice Video System endpoints benefit from:

- help desk support
- fault logging and repair
- not needing a separate, secure bridging link between the site and the court (for which additional costs apply)
- staying up to date with any future IT improvements.

38. The relevant HMCTS head of crime will provide a contact in HMCTS Headquarters to cost and provide options and lead-in times on any Justice Video System end point.
39. Any alternative approaches must be discussed and agreed with the relevant HMCTS head of crime. Alternative systems must be fully compatible with the Justice Video System and provide at least an equivalent level of security.
40. The monitor, microphone, camera, or cameras installed in the room must be to a good standard to ensure that both the picture and sound quality from the room to the court, and from the court to the room, is fit for purpose. The agency arranging for the equipment to be installed has ongoing responsibility for its maintenance and ensuring it is working as required.
41. The link must enable:
- all in the courtroom to see and hear the witness clearly
 - the witness to see and hear all participants in the courtroom clearly.
- unless judicial direction places restrictions on these.

Preparation and maintenance of remote link facilities once operational

42. The preparation and maintenance of remote link rooms is the responsibility of the onsite agency.

Local promotion of the remote link site

43. All criminal justice agencies and partners should actively promote the availability of remote link sites for appropriate witnesses, subject to their needs. Leaflets for prosecution and defence witnesses can be helpful in raising awareness. Example wording for leaflets are available. HMCTS should ensure that defence advocates are aware of remote link sites.

Sites without a permanent criminal justice agency presence

44. There are currently five remote link sites without a permanent criminal justice agency presence. These sites are in Barry, Dolgellau, Llangefni, Neath and Newcastle. Arrangements at these sites will vary:
- local agreements are in place for the police to attend with witnesses at Barry, Neath and Newcastle
 - arrangements need to be negotiated between the CPS and police on a case by case basis at Dolgellau and Llangefni, but the police will not always be able to attend
 - police officers should provide memory-refreshing material in advance of the witness attendance where there is no arrangement for police attendance
 - the witness should be made aware that memory refreshing may be conducted using the video link in the presence of, and supported by, the Witness Service, where this support has been requested by the witness
 - where there is no arrangement for the police to attend with the prosecution witness, the CPS will read out a witness statement using the video link. Witness statements will not be available in hard copy
 - expense forms will be sent in the post to prosecution witnesses by the CPS.

Supporting documents

Checklist for establishing a new remote link site

Remote link sites – responsibilities and process

