

Witness statements explained

What is a witness statement?

A witness statement is a document recording the evidence of a person, which is signed by that person to confirm that the contents of the statement are true.

Witness statements are the way that we present evidence to a judge in court, and this is the only way that evidence can be presented. Your case manager or another relevant professional will also present their own witness statement, known as a "community impact statement".

A witness statement should record what you as a witness saw, heard, or felt. It should include any key incidents that have happened.

In Anti-Social Behaviour (ASB) we gather statements from those who have experienced ASB, for civil action rather than criminal action. We may in some cases take statements to support action being taken by the police.

We will usually begin asking residents if they are willing to provide a witness statement when we are considering taking legal action against someone and when we want our legal team to review all of the evidence in a case to help us decide the best course of action.

Do you have to provide a witness statement?

No. You do not have to provide a witness statement. Witness statements are voluntary and your choice. When your case manager asks you if you would like to provide a statement for a case, you should not feel pressured to do so. For us to be able to act against someone, we do need evidence through statements and so we will always try to gather as many witness statements as possible to make the case strong.

Can the ASB team take a case to court without witness statements?

Along with the statements of witnesses such as residents, the professionals involved in the case such as your case manager and the police will also provide their own statements. These statements include any extra evidence that those services have and the impact that they know that this person or property has had on others. Cases can go to court with just the professionals' statements, but the case may not be as strong. Resident statements really show a judge a first-hand experience of someone experiencing ASB living in the location, and so your case manager will always try to gather as many witness statements as they can.

What different witness statements are there?

We appreciate that you may be concerned about providing a statement and you may be concerned that the defendant/respondent (the person or people the statement is about) may identify who you are. Therefore, there are two options of providing a statement:

▶ **Named statement**

A named statement is a statement that includes your name. Statements that have names on them are seen to be a greater level of evidence when taking a case to court. Named statements will identify you as a witness in the case.

▶ **Hearsay statement**

Hearsay statements are anonymous statements that do not have your name included or anything that could identify you as a witness. In these statements you will be referred to as Person A or Resident A. Whilst these statements do not hold as much weight as evidence as a named statement, they are still very valuable to us and can sometimes show a judge that the situation is so serious that you are concerned about your identity being revealed. It is important to remember that if you mention any specific incidents in your hearsay statement, these could identify you as a witness and so you may not want to include them.

How is a witness statement used?

A witness statement is taken, and once signed it is provided to our legal team to be included in an evidence bundle. An evidence bundle contains all the information and evidence in a case that we are using to take action against someone. It is important to remember that everything that goes into this evidence bundle needs to be given to the defendant respondent (the person we are taking action against) before any hearing.

Why does the defendant respondent (person you are giving evidence about) have access to the evidence and statements?

This is done in all legal cases and it provides the person with a fair opportunity to have their own defence and response to any of the evidence that is being used against them.

How is a witness statement taken?

A member of the ASB team, usually your case manager will take your statement on a mutually agreed date and time and write it for you. Your statement can be taken virtually or in person. Taking a statement can generally take anything from 20 minutes to an hour – it may be shorter or longer depending on the amount of detail that needs to be included.

The person taking your statement will always send you a copy of your statement so you can check it before you sign it, they can also read it back to you. Any statement you give will all be in your own words. The person taking your statement may guide you on what is needed but they will not change the language or the content in your statement.

If your statement is a hearsay statement, it is signed in a different way by your case manager – this could be a mark or something like 'Person A'. This type of signature is confirmed by your case manager.

If you provide a named statement, this will need to be signed by you with your own true signature, this will be seen by the defendant respondent (person we are taking action against), but it will be in a photocopy format and not the actual document. Your named statement has to be signed by you before it can be used as evidence.

What does a witness statement look like?

1. It starts with the name of the case and the claim number (we add this detail to the statement).
2. It states the full name and address of you as the witness unless it is a hearsay statement.
3. It sets out your evidence clearly in numbered paragraphs on numbered pages.
4. The statement ends with this paragraph: 'I believe that the facts stated in this witness statement are true.'
5. It is signed by you as the witness and dated.
6. The following image shows the typical layout of a statement:

In the [Court name] County Court

Case number:

Parties [Name] Claimant

[Name] Defendant

WITNESS STATEMENT

1. I, [Name] of [Address] am [the Claimant in this claim].
The facts in this statement come from my personal knowledge [or as the case may be].
2.
3.
4. etc
5. I believe that the facts stated in this witness statement are true.

Signed

Dated

What information should you prepare to be included in your statement?

You may want to start with how long you've lived in your home and what you are experiencing. The main reason for your statement is to show the impact this has had on you and the area you live in and why there is a need for action to be taken. You should include examples of the issues you have been experiencing.

Try to think about some key examples of specific issues (only ones you are comfortable sharing). It can be very effective to include the most recent incidents that have happened as this will show that your situation is current, and the incidents are still happening.

Some key things to remember:

- ▶ Avoid including opinions (e.g. "I think this person is a drug dealer"). Statements need to contain facts (What did you see, what did you hear, what led you to believe that something was happening?).
- ▶ Do not worry about the language you use when your statement is being taken, it is important to include as much detail as you can remember, such as abusive language and swearing.
- ▶ Dates and times of when incidents have happened.
- ▶ Descriptions (For example, if you mention someone was on drugs – why do you think this/ how do you know they were on drugs?).
- ▶ The most recent issues/what is happening and how often it is happening.
- ▶ Crucially – the impact this has had. For example: how has this made you feel, how has this affected your life, are there any changes you've made because of the behaviour?

How long should a witness statement be?

There is no set word limit to a statement, but we generally say no longer than 1 – 3 pages. The statement needs to contain the main information and be easy enough for a judge and legal team to read along with all of the other evidence that is being sent.

If you provide a witness statement, do you need to attend a court hearing?

In most of our cases that go to court, the judge will be satisfied using the evidence and statements that we have included to decide on the case without witnesses needing to attend court.

In some cases where the case requires a longer hearing or a trial, and when you have provided a named statement, it is likely that as a witness you will be requested to attend court to give evidence, but witnesses will be given notice of this.

Each case is different, and your case manager will discuss this with you at the time of taking your statement and throughout your case.

If you provide a hearsay statement you do not need to attend court and your identity remains anonymous.

What happens after your statement and when all the evidence is sent?

Once you are happy with your statement and this has been signed by you, your case manager will send this to our legal team for review. A solicitor in the legal team will review all evidence including statements and provide legal advice based on the evidence. The solicitor may suggest a particular legal action we can take and we will decide as a council if we want to take the suggested action. If we decide to take legal action, the solicitor will make an application to the court for a court hearing.

During this time a notice about the hearing and the evidence bundle will be served on the defendant respondent (the person we are taking to court). The courts can take a long time to set a hearing, this could be anything between days to months depending on how busy the courts are.

Your case manager will keep you updated throughout the progression of your case and they will aim to make weekly contact to you with any new updates.

Does a witness statement guarantee action being taken against a person?

No. Only a judge on the day of the hearing can make the decision on whether the action or order can be granted. We will make every effort to ensure the evidence being used is as strong as it can be to win a case.

What happens if I provide a witness statement and the person makes threats towards me?

If at any time you feel threatened, you must call the police immediately on 999. You must also contact your case manager to inform them of this so that they can speak to the police about what has happened, your case manager will go through the next steps and the support that they can provide to help you manage this situation.

Housing Anti-Social Behaviour (ASB) team

