

Professional witnesses can be called to give their opinions as to matters within their expertise and can give evidence about their assessments of the respondent or his/her behaviour. Examples of witnesses who may be called as professional witnesses include council officials, health visitors, railway staff, teachers, doctors and police officers.

Care should be taken to ensure that a professional witness does not inadvertently enable vulnerable or intimidated witnesses to be identified, for example from their home address.

Vulnerable and intimidated witnesses

Witnesses who are willing to testify in court provide the best form of evidence and, where possible, should be encouraged to come forward. The new provisions introduced in Section 1 of the Crime and Disorder Act 1998 came into force on 1 April 1999, Taken from paragraphs 35, 36 and 37 of *Clingham (formerly C (a minor)) v Royal Borough of Kensington and Chelsea (on Appeal from a Divisional Court of the Queen's Bench Division); R v Crown Court at Manchester ex parte McCann (FC) and Others (FC)*,

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Simon Cordell's Skeleton Argument (2) Pdf

Simon Cordell Skeleton Argument (3).pdf

Use of hearsay and professional witness evidence

the Serious Organised Crime and Police Act 2005 make it easier for victims of anti-social behaviour to attend court and give evidence in person. The Act permits the 'special measures' that were formerly reserved for criminal hearings to be used in anti-social behaviour cases. This will enable witnesses who wish to give direct evidence to do so in private, from behind a screen or by video link.

Vulnerable witnesses are all witnesses aged under 17 years or whose quality of evidence is likely to be diminished because they have a mental disorder or learning disability or have a physical disability or physical disorder.

Intimidated witnesses are witnessing whose quality of evidence is likely to be diminished because they are in fear or distress about testifying. It is for the court to decide whether the quality of a witness's evidence is likely to be diminished.

Witness development and support

The principal purpose of an order is to protect those who directly experience antisocial behaviour. The protection provided should include, where necessary, those who are personally targeted by perpetrators, other witnesses who see this happen and the wider local community. It follows that engaging, developing, and supporting these individuals and groups of people must be a primary concern for any agency managing a case and seeking to use these orders. Without the initial complaint of the witness, the agency will have no detailed knowledge of the problem. Without their continuing engagement, there will be no evidence on which to build a case.

Local strategies to promote the use of orders should have the interests of the witnesses and the community at their centre. The welfare and safety of residents whose complaints form the basis of any action must at every stage of the process be the first consideration. The use of hearsay evidence and professional witnesses is one way of achieving this (see section on hearsay evidence above).

While professional witnesses may have a duty to engage, lay witnesses can only be expected to do so if they can see a point in doing it; if the agency is credible and authoritative; if the case work is visibly focused on the interests of the witnesses; if the order protects them and stops the anti-social behaviour quickly and effectively; and if the case manager offers them well-informed, practical personal support throughout the period of evidence collection, court proceedings and afterwards, as necessary.