

4 FACT SHEET



Going to court

A witness is someone who has suffered antisocial behaviour or has seen or heard it happening. As a witness you may be asked to give evidence in a court about what you have seen or heard.

This fact sheet tells you what happens if the case goes to court.

Evidence

We must have evidence to show a judge that a person has been guilty of antisocial behaviour. The person is called the perpetrator. This is why we ask you to complete our incident diary.

Statements

We will go through your incident diary with you and turn it into a written statement describing exactly what happened. It could also include information about how the problems started and how you and your family have been affected. You should know your statement well in case you are asked questions about it in court.

Which court?

Antisocial behaviour cases are mostly heard in a County Court because they are civil cases. This means that there are two sides contesting a case, us as the social landlord, and the perpetrator.

Sometimes we seek an Antisocial Behaviour Order in the Magistrates Court, acting in its civil capacity.

These are open courts and anyone can go.

What will we ask for?

The type and seriousness of the antisocial behaviour will depend on the type of legal remedy we will ask the court to consider. This can include:

- Injunction
- Possession
- Committal or undertaking
- Demoted Tenancy
- Antisocial Behaviour Order
- Suspended Possession

Granting any of these legal orders is the discretion of the judge.

Going to court

When going to court we will explain what happens and we can take you to look around the court before the day of the hearing. We can also arrange for you to receive support from Witness Support or we will arrange for one of our officers not involved in the hearing to help you on the day.

We will provide you with regular updates during the time leading to the day of the hearing and can provide transport to the court if you need it.

Going to court (continued)

On the day of the hearing we suggest you wear something smart but comfortable and we will try and find a separate waiting room away from the perpetrator. You may have to wait some time for the case to start, so you might want to bring something to read, or a friend to keep you company.

Giving evidence in court

When we bring a case to court we are known as the Claimant. The person we are bringing the case against is called the Defendant. You are a witness and it is a formal environment. If you speak to a District Judge call him or her 'Sir' or 'Madam'.

Sometimes the court will accept your witness statement without asking you any questions, but you may have to give your evidence personally by going into the witness box. You will be asked to swear an 'oath' that what you will say will be truth. You can 'affirm' your evidence if you are not religious. You may be asked questions by the judge and the perpetrator's solicitor. You should try and stay calm, take your time and always speak the truth.

The outcome

At the end of the hearing, the judge will make a decision. They will explain their reasons and say what the decision means for everyone involved.

We will talk to you after the decision has been reached and explain what happens next.

If the perpetrator contacts you during or after the hearing, stay calm and do not enter into any discussions. If you feel you are in danger of being harmed, telephone the Police immediately and then contact us.

Words and phrases used in court

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| Affidavit | A written description of events based on their incident diary that a witness must swear or affirm is true in court. |
| Barrister | A legal representative who can put someone's case to the court and question witnesses. |
| Committal | A court case held when someone breaks an injunction or court order. The judge could send or commit them to prison. |
| Contempt of court | Disobeying the court such as breaking an injunction or court order. |
| County Court | The court where civil cases are usually heard. |
| Defendant | The person we are bringing the case against. |
| Magistrates Court | The court where criminal cases are usually heard. |
| Perpetrator | The person causing the antisocial behaviour. |
| Claimant | The person or an organisation bringing the case. |
| Statement | A written record of events based on their incident diary. |
| Undertaking | A promise made to the court by a perpetrator to do a certain thing or not do something. |

Help and advice

Please call our Customer Service Centre on freephone 0800 111 4013 if you have any questions or concerns.

We can also put you in touch with other witnesses who have experienced going to court.