



POLICE ATTENDANCE AT COURT POLICY

Executive Summary

Magistrates Courts in the West Midlands Force Area have experienced difficulty in setting suitable trial dates due to a lack of reliable, up to date information on the availability of witnesses (civilian and police).

As a consequence, trial dates are fixed which sometimes results in police officers being required to attend court on annual leave, rest days or on night duty. Relevant dates are taken from statements for civilians, and provided by the Criminal Justice Case Management Unit, using My Time for police officers. It is therefore imperative that officers annual leave and duties are fully accurate and up to date on My Time.

Issues have also arisen where court warnings have been sent to police officers/staff to attend court as a witness when the officer / member of staff has been on sick leave. Unfortunately, no further information has been made available to the Witness Care Unit – resulting in the Crown Prosecution Service (CPS) and Courts not being sighted on the witness's level of sickness and likely return to work date. If an officer is on or expected to be on long term sickness absence, it is their line manager's responsibility to inform the Witness Care Unit at the earliest opportunity, for them to liaise with the Crown Prosecution Service.

There are circumstances where staff are clearly unable to attend court due to the nature of an injury or illness. However, in other cases while they may be unfit for duty or work, they may be able to attend court and give evidence and prevent the unnecessary discontinuance of a case.

Authorised Professional Practice (APP)

This policy has been checked against APP and there is none in relation to the subject matter of this policy.

Scope

The Chief Constable has overall direction and control of West Midlands Police (WMP) and is ultimately accountable for all policies and supporting documents of the organisation and its actions. Adherence to this force policy will be expected from all employees and representatives of WMP.

Objectives

This policy aims to provide clarity on when police officers are expected to attend court and what expectations and limitations apply.

Definitions/Acronyms

APP	Authorised Professional Practice
CPS	Crown Prosecution Service
LPA	Local Policing Area
FRU	Force Resourcing Unit
TOIL	Time off in Lieu
OIC	Officer In Charge
PHL	Public Holiday Leave
RDIL	Rest Day in Lieu
RRD	Re Rostered Rest Day
MyTime	WMP Time and Attendance System
WMP	West Midlands Police



Policy Information

1. COURT ATTENDANCE

- 1.1 Officers in charge (OIC) will not be routinely called to attend court unless their presence is required to:
- Give evidence
 - Assist in witness care arrangements involving vulnerable and intimidated witnesses
 - To produce exhibits that cannot lawfully be produced by the CPS (firearms/drugs) and where a photograph or live link view of the exhibit is inappropriate
 - Assist in complex, sensitive or high-profile cases where it is deemed appropriate for more effective conduct of the case.
- 1.2 Police witnesses MAY be required to attend court on rest days or night duty if:
- The civilian witnesses are only available on dates that affect these duties
 - There are multiple officers required to give evidence which has led to a clash of 'best' dates
 - It is the only available date to ensure an early trial date is set
 - use of live links will be considered in all appropriate cases.
- 1.3 The Witness Care Unit will warn all individuals concerned in a case if required for court, so it is imperative that contact details provided to witness care are up to date.
- 1.4 Duty Management will update My Time with relevant court duty. It is the officer's responsibility to keep this date. It is the expectation of Judges that officers are accountable for their own attendance where suitably warned by Witness Care.

2. APPEARANCE AND DRESS CODE FOR COURT

- 2.1 As per the [Uniform, Equipment and Appearance Policy](#), officers attending court will be correctly dressed in operational uniform and police staff will be dressed in smart attire.
- 2.2 A number of exemptions exist that are also detailed in the aforementioned policy.

3. TOUR OF DUTY & COURT ATTENDANCE

- 3.1 Individuals are reminded that a court abstraction itself is not a full duty.
- 3.2 If a court warning is for a full day and the trial concludes early, then the individual should complete a full duty day unless agreed otherwise by line manager or another manager of an appropriate rank.



4. AVAILABILITY RECORDING

- 4.1 All witness availability, both police and civilian will be recorded on Connect and Witness Management System.
- 4.2 All police and police staff witness availability will be recorded on My Time.
- 4.3 The information must be accurate and up to date for the use of the CPS and Courts.
- 4.4 CPS will use this information when fixing trial dates and to ensure witnesses will not be required to attend Magistrates court off nights and rest days, (except in exceptional circumstances) and during annual leave periods.
- 4.5 Crown Court will not consider officer rest days or courses, with the exception of highly specialist courses with prior agreement, and this is not guaranteed.

5. INDIVIDUAL RESPONSIBILITY

- 5.1 Individuals are responsible for:
 - Informing line managers and the Force Resourcing Unit (FRU) of changes to duties and abstractions
 - Informing line managers of Crown Court warnings that impact on duties (i.e. warned for the following day before a night duty)
 - Keeping contact details up to date on blue pages
 - Keeping personal contact numbers up to date on oracle for Crown Court overnight warnings
 - Giving at least 14 days' notice for leave requests
 - Contacting witness care immediately if you have been incorrectly identified as the OIC. The warning must also be responded to.
 - Ensure that annual leave is accurately recorded on the My Time system by identifying duty days, and rest days which form part of the leave period requested. (Rest days will not be deducted as annual leave, but will give a true representation of an officer's availability).
- 5.2 The above information will assist forward resource planning and operational resilience. Any resource issues can be identified and managed.
- 5.3 Incorrect contact details may result in officers dispatched to home addresses to deliver court warnings.
- 5.4 Due to the court warning process, leave requests submitted with fewer than 14 days' notice may not be captured when setting court availability.
- 5.5 Officers/Staff subject of misconduct proceedings are not necessarily precluded from attending court. Please contact Witness Care, via Supervision or Fed rep if necessary, in order to flag this to CPS.



6. LINE MANAGER RESPONSIBILITIES

6.1 Line managers or FRU are responsible for:

- Updating any changes to duties/shifts
- Accurately recording abstractions on My Time
- Authorising changes/abstraction requests in a timely manner (this should be within 5 working days)
- Regularly checking the My Time of officers on Sick Leave and Informing the Witness Care unit if officers are sick and unable to attend court at the earliest opportunity.

7. LEAVE REQUESTS

7.1 Line managers or FRU must check there are no court commitments already on My Time for the period in question.

7.2 If the person that inputs leave and inconvenient dates on to My Time identifies clashes (court or other commitments) with the period applied for, they will refer the application back to the officer's supervisor.

7.3 Where necessary, My Time should be recorded with the supervising officer's comments and agreed action.

7.4 A MG10 (witness non-availability) form must be fully completed with appropriate guides:

- C (Course) - All My Time abstractions specified as training courses
- L (Leave) - Annual Leave, Public Holiday Leave (PHL), Elected PHL, Time off in Lieu (TOIL)
- N (Nights) - Any shift due to start between 19:00 and 04:59
- (Other) - All other my time abstractions Inc. Re Rostered Rest Day (RRD), special leave, maternity etc.
- R (Rest) - Rest Day or Free Day
- S (Sickness) - Sickness i.e. Planned operations and recuperation periods

7.5 MyTime will only accommodate Court Warnings up to 12 months ahead. Court warnings over this period will need to be recorded individually.

8. SICKNESS

8.1 Individuals on restricted duties are still required to attend court.

8.2 Not all medical conditions will exempt an officer from attending court.

8.3 Line managers must explore attendance at court in the first instance.

8.4 CPS may be consulted to consider if officers can provide evidence by Live video link.

8.5 Court warning received directed to individuals off sick, the individual's line manager must make contact to:



- Discuss the current status of that witness
- Discuss the likely return to work date
- Discuss the ability of the person to attend court to give evidence
- Encourage attendance, if appropriate
- Provide support to facilitate attendance where possible.

- 8.6 Individuals who attend court whilst sick do so as a witness and keep the status of being sick for all purposes.
- 8.7 Occupational Health Department are able to advise and assist in assessment when requested.
- 8.8 Line Managers must complete an objection form if they conclude there is a sound rationale for non-attendance at court due to sickness.
- 8.9 The objection form must include the full detailed rationale and a copy of the current sick note.
- 8.10 Completed objection forms must then be submitted to Witness Care Unit.
- 8.11 Police Witness Care Officer must inform CPS of the ability/willingness or otherwise of individuals to attend court.
- 8.12 Considering the individual circumstances of the case, Courts have the power to:
- Adjourn
 - Discontinue
 - Issue a witness summons
- 8.13 There will be occasions where people considered unfit for work are fit to give evidence.
- 8.14 There can be no definitive list of circumstances where court attendance is viable despite being unfit for work.
- 8.15 Proper communications between the below will allow the court to make informed decisions on adjournments or discontinuance of a case
- The person absent through sickness
 - Police supervisors
 - Witness Care
 - CPS
- 8.16 Supervisors must consider arrangements to assist individuals who are sick to attend court.
- 8.17 This may include travel arrangements if the nature of the sickness causes difficulty.
- 8.18 Local Policing Area (LPA)/Departments must cover costs for any arrangements. These are not recoverable from the court or CPS in criminal proceedings.
- 8.19 The Police Witness Care Officer must inform CPS of:
- The nature of the illness or injury of a police witness
 - Circumstances of attendance at court by the witness



- Special arrangements required for sickness/restrictions. (i.e. seating or giving evidence from outside the witness box)

8.20 This will allow CPS to manage the conduct of the case and the presentation of evidence to minimise the time spent at court. It will also help CPS facilitate witnesses to give evidence.

8.21 Officers must attend court in civilian clothes. This is to avoid requests to perform functions required of them to undertake if they were fit for duty.

9. REST DAYS/NIGHT DUTIES

9.1 As an agreed general rule, police witnesses on a rest day or night duty will be considered UNAVAILABLE and NOT routinely called to give evidence.

9.2 There is an expectation that officer rest days will be highlighted and avoided when CPS/Courts set trial dates.

9.3 The needs of the civilian witness will always come first followed by the needs of the courts to set trials. Thus, rest days cannot always be avoided.

9.4 Officers usually receive two weeks' notice for a Magistrates court trial date so rest day can be re-rostered.

9.5 Police witnesses MAY need to attend court on a rest day or night duty but only when

- There are many other witnesses involved
- The witnesses work different shift patterns
- Only a significant minority are on rest day or night duty

10. MATERNITY/PATERNITY/ADOPTION LEAVE

10.1 Individuals on maternity, paternity or adoption leave are still expected to attend court.

10.2 If FRU receive warnings for individuals on extended maternity, paternity or adoption leave, line managers must contact the individual to advise.

10.3 In line with [Maternity Leave Policy](#), time spent at court will be recompensed as Time Owing. Payment for time spent may affect entitlement to maternity pay.

11. OBJECTIONS TO COURT ATTENDANCE – AVAILABILITY

11.1 Objection Form



Court Warning
Objection Form.docx



- 11.2 FRU will raise an objection to witness care if the court warning on an individual's behalf for the following reasons:
- Annual leave/ Rest Day In Lieu (RDIL)
 - Training
 - Existing Court Warnings already on My Time
 - Jury service
 - Large scale force operations, above and beyond the force capability
- 11.3 Courts need as much information as possible for objections relating to pre-booked leave. Objections must include the date(s) when the leave was booked and any evidence of the holiday booking.
- 11.4 Do not book leave after a warning has been received.
- 11.5 The Witness Care Unit will send a copy of received objections to the CPS for consideration by the courts.
- 11.6 Objections are not likely to be granted for rest days alone unless exceptional.
- 11.7 When booked a period of annual leave which incorporates a staff members rest days it is advised they are also booked to protect special dates/events.
- 11.8 It has been agreed, only in exceptional circumstances will ANY witness be expected to return from annual leave to give evidence in court.

12. OBJECTION PROCESS

- 12.1 Witness Care have implemented a process for objection consideration by the courts.
- 12.2 Submit objections as soon as possible upon receipt of the warning. All appropriate details must be completed on the objection form.
- 12.3 Whilst an objection is being considered, officers remain warned for court and are expected to attend.
- 12.4 If Witness Care receive a formal de warn from the CPS, only then is the objection considered to be upheld.

13. WITNESS CARE CONTACT DETAILS

- 13.1 Email: [REDACTED]

Relevant Legislation / Policies / Procedural Guidance

- [Maternity Leave Policy](#)
- [Uniform, Equipment and Appearance Policy](#)



Equality Impact Assessment

WMP places trust in their employees to comply with force policies and to work in accordance with and in support of:

- [WMP Vision and Values](#)
- [Code of Ethics | College of Policing](#)
- [Voice of the Child](#)

	What impact has this policy had on the nine protected characteristics in relation to the three general duties? (If applicable)	How will this updated policy positively impact each of the nine protected characteristics in relation to the three general duties? If not, explain why it will not.
Age (including children and young persons)	No Impact	No concerns, all parties will be treated the same. Younger more in experienced colleagues may feel anxious but others who have experience this can reassure.
Disability	No Impact	Reasonable adjustments as per force policy and consideration given to colleague who have to travel to Court. There are circumstances where staff are clearly unable to attend court due to the nature of an injury or illness. However, in other cases while they may be unfit for duty or work, they may be able to attend court and give evidence and prevent the unnecessary discontinuance of a case.
Gender Reassignment	No Impact	N/A
Pregnancy & Maternity	No Impact	Individuals on maternity, paternity or adoption leave are still expected to attend court. Pregnancy could cause duties to be restricted and each case assessed depending on involvement required. All necessary amends to working practices should have been completed and agreed with Line Management where a Colleague is pregnant. Accessibility to get to court should be considered and any adjustments required to make this possible. The stress that this could have on an individual should be considered and any risk assessments completed.
Marriage & Civil Partnership	No Impact	N/A



Race	No Impact	May be subject to hate crime motivated by hostility or prejudice.
Religion or Belief	No Impact	Possible concerns in relation to timings of investigations due to religious events. Considerations should be made to whether there should be specific mention to the provision of facilities to pray or to take breaks in interview to accommodate a person's religion.
Sex	No Impact	Considerations could be made in relation to Hormonal/ Menopause within females.
Sexual Orientation	No Impact	May be subject to hate crime motivated by hostility or prejudice based on a person's sexual orientation or perceived sexual orientation.

Publication Instructions

Suitable for publication to public.

Document Control

Strategic Lead: <i>[role and name]</i>	Chief Supt [REDACTED] – Head of Criminal Justice Services
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Effective Date:	21.07.2025
FET Lead: <i>[role and name]</i>	ACC Mattinson – Crime Portfolio
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Any enquiries in relation to this policy should be made directly with the Strategic Lead.

All policies are subject to a formal consultation process which encompasses Legal, Professional Standards, Faith Groups, Trade Unions, Independent Advisory Groups and wider force groups and any other relevant parties. A record of consultation can be found on the Policy Portal.

It is responsibility of the Strategic Lead to ensure that all links within the policy are correct and accessible.

**Amendment History:**

Version Number:	Effective Date:	Summary of Amendments:	Author:
1.1	21 July 25	Minor additions to the following sections: Individual responsibilities; Leave requests and Objections to Court Attendance. Replaced reference to Shared Services and RMU with Duty Management.	