**Report No.** **05/11**

 **Standards Committee**

**REPORT OF THE MONITORING OFFICER**

**SUBJECT: PROTOCOL FOR OFFICERS GIVING EVIDENCE IN COURT**

On two occasions since November 2008, I have been asked about the Authority’s policy on Officers attending court as witnesses in cases that the Authority is not involved in itself.

I have established that there is no guidance in place at the moment. I believe there should be a policy in place to ensure future consistency. I have drafted a policy and set it out below for discussion.

I have checked with other Local Authorities across Wales and the Dyfed-Powys Police Authority. Across Wales there is no consistent policy with some authorities not having any policy and some having similar policies to the one I propose. I have based this on the Dyfed –Powys Police Authority’s policy.

I recommend that we resolve to refer the policy to the next NPA for adoption by the Authority.

Protocol for Requests for Officers to attend civil court cases as witnesses of fact

This procedure note applies to situations where a request had been received from a non authority source for a National Park Officer to give evidence in a civil court case where the Pembrokeshire Coast National Park Authority is not a party to the case.

1 Request for interview/witness statement

1.1 If the request from a third party is for the Authority’s Officer to be interviewed with the intention of him or her providing a witness statement in the form prescribed by the Civil Procedure Rules 1998 as amended, the Authority shall make the officer available for interview, provided that another Officer of the Authority is also present. Payment for the cost of such Officer’s time is to be agreed in advance of any interview and provided in advance of the meeting.

1.2 A copy of any draft Witness Statement prepared by the interviewer following the interview, shall be submitted to the Authority’s Officer for signature, who shall refer it to the Authority’s Legal Advisor to consider for any potential breaches of the Data Protection Act 1998, Freedom of Information Act 2000 and inadvertent disclosure of confidential information held by or concerning the Authority.

1.3 A copy of any signed Witness Statement shall be made available to any other party or parties to the dispute.

1.4 No Officer shall attend court in relation to their position as an Officer of the Authority unless they have been served with a Witness Summons issued against him or her by the Court in accordance with the Civil Procedure Rules 1998, as amended.

1.5 They shall notify the Authority’s Legal Officer of the date of their attendance in court.

## 2 Attendance at court when summoned as a witness

2.1 When representing the Authority:

Where an individual is required to attend court on a working day, they will be released to attend, but will normally not be eligible to claim overtime.

2.2 For reasons not related to the Authority:

Where individuals are summoned to attend court on a working day the Authority will give them the necessary time off to attend.

2.3 In all instances where employees are summoned to attend court as a witness they **must** claim loss of earnings and travelling expenses from the party summoning them. The Payroll Section can advise on this.

## 3 Returning to Work

In cases where personnel who were originally required to attend court on working day(s) are no longer required to do so e.g. a court case has been delayed, it is expected that the individual will inform their line manager and return to their normal duties, where appropriate.

## 4 Attendance at Court for personal reasons

Where individuals are required to attend court for personal reasons e.g. as a defendant, they will be expected to attend in their own time, or request holiday. It is unlikely that time would be granted under any of the Authority’s “Time Off Work” provisions.

*(For further information, please contact John Parsons on ext. 4904)*