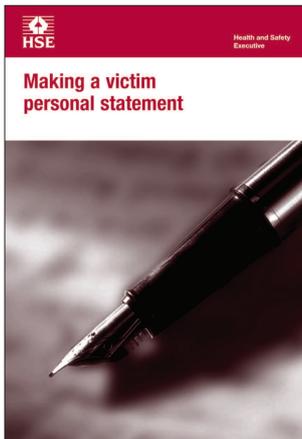


# Making a victim personal statement



## HSE's role

HSE is a government department which, along with local authorities, enforces health and safety law at work. This role includes the investigation of certain types of incidents arising out of or in connection with work activities. These may include some accidents, dangerous occurrences or cases of ill health.

HSE's role in an investigation is to find out what happened, and whether any health and safety law has been broken. We have powers to prosecute under these laws, and to require action to make sure employers and other duty holders comply with the law. HSE can prosecute organisations (eg companies), individuals, or both.

## Making a victim personal statement

This leaflet explains how you can make a victim personal statement. It tells you what sort of information you might want to include in your statement, and what we will do with that information.

## What is a victim personal statement?

A victim personal statement gives you the chance to tell us about how the incident has affected you (for example, you could have been affected physically, emotionally or financially). You can also use your victim personal statement to inform us about things such as any support you might need, and how you wish to be kept up to date on the progress of the case. If you have already given HSE a witness statement about the incident, then your victim personal statement will add to the information that you have given in your witness statement.

## Do I have to make a victim personal statement?

You should only make a victim personal statement if you want to. If you do not want to make a personal statement straight away, you can always ask HSE to help you make one later on.

## What happens if I don't make a victim personal statement?

We will follow up the investigation whether or not you choose to make a victim personal statement.

## What happens to my victim personal statement?

If you make a victim personal statement, it will become part of the investigation papers, and the prosecution case papers if legal proceedings are taken. This means it will be seen by everybody involved with the case (eg HSE, the police, the Crown Prosecution Service (CPS), the defence, and the magistrates and judges at the courts).

## How does HSE decide whether to prosecute somebody or not?

First HSE has to be satisfied that there is enough evidence. If there is, HSE will consider whether it is in the public interest to prosecute, and if it is in accordance with the Health and Safety Commission's Enforcement Policy Statement. Broadly speaking, the more serious the alleged offence, the more likely it will be that a prosecution will be taken in the public interest. When deciding whether it is in the public interest to prosecute an offender, HSE will take into account the consequences for the victim, or the victim's family, and also their views.

## Who decides how the offender is punished?

The judges and magistrates decide how an offender is punished when they pass sentence. You should not offer any opinion as to how the court should punish the offender. The court will not consider your opinion when they make a decision, but it will take account of how the offence has affected you.

## How can I make a victim personal statement?

During an HSE investigation, you can make a victim personal statement if you have made a witness statement to HSE. A witness statement (also called an 'evidential statement') is taken from a witness who can give information to HSE that might help their investigation. HSE will ask you if you want to make a victim personal statement when you have finished making the witness statement.

If you have given your witness statement in a different way (for example, on a video recording), you may also be able to give your victim personal statement in the same way.

### **You may also be able to make a victim personal statement if you have not made a witness statement.**

In addition, if a prosecution is subsequently taken in relation to your case, you will be asked if you wish to make a victim personal statement. This will be after the prosecution decision has been made, and before the case comes to court. You will be given the opportunity to make a victim personal statement at the prosecution stage, whether or not you have already made a victim personal statement during the investigation.

If you are a child or a vulnerable adult, your parent or carer can make the victim personal statement on your behalf if you wish.

## **What sort of information can I give?**

You can use the victim personal statement to give HSE any information you did not include in the witness statement. You can say whatever, and as much, or as little, as you like in your personal statement. Your statement may consist of a simple request to be kept informed of case developments, or you may want to describe in some detail how the incident has affected your life. For example, you may want to tell us:

- how it has affected you and your family if the incident has left you physically unable to do the same work as before;
- if the accident has caused, or made worse, any medical or social problems (such as marital problems);
- how the incident has affected your feelings about work (do you feel able to do a job confidently and safely);
- if you want to be told about the progress of your case;
- if you would like extra support (particularly if you are appearing as a witness at a trial);
- if you feel vulnerable or intimidated;
- how it has affected you if you feel racial hostility was part of the accident;
- how it has affected you if you feel that you were victimised because of your faith, cultural background or disability;
- if you think you will try to claim compensation from the offender for any injury, loss or damage you have suffered; or
- anything you think might be helpful or relevant.

## **Is there anything else I should know about when I make a victim personal statement?**

When you have made a victim personal statement, it becomes part of the case papers. If the offender is charged, the case papers have to be shown to the defendant and his or her lawyer. The defendant will see what you have said and, if the case goes to trial, you could be asked questions about the statement in court.

As a result, you should be ready to answer any questions about your statement. You could be asked about how the incident has affected you, or about any loss, injury or damage you have suffered. Once you have made a statement, you can't withdraw it or change it. However, you can always make another statement that clears up or changes something you said in an earlier statement.

If you want to seek compensation from the offender, you should take legal advice. This may be available from your own solicitor, from a Citizens Advice Bureau, or from a legal centre. In addition, some trade unions will give their members and members' families legal help.

## **How can I update my statement?**

If you did not make a victim personal statement when you made a witness statement and would now like to, or if you want to make a second statement describing the long-term effects of the incident, please contact the person named at the back of this leaflet. They will arrange to take your personal statement.

You can update your personal statement at any point before the case gets to court.

The HSE inspector who takes your personal statement will make sure it becomes part of the case papers. This means it will be available to everybody who is involved with your case.

## Will I get any feedback about my personal statement?

You will not get any direct feedback. However, your statement will be added to the case papers and read by all the criminal justice agencies involved with your case.

## Who should I contact if I want any more information?

If you need any more information about a victim personal statement you have made, or a victim personal statement you would like to make, you should get in touch with the HSE contact shown below.

Organisations such as Victim Support provide free and confidential support, and can provide practical help and emotional support to victims of crime and witnesses in court.

Your local Victim Support service is listed in the local phone book. Details can also be obtained from their website: [www.victimsupport.org](http://www.victimsupport.org)

You can contact the national Victim Support line on 0845 303 0900, or by e-mail: [supportline@victimsupport.org.uk](mailto:supportline@victimsupport.org.uk)

## HSE contact

If you want to contact HSE about a victim personal statement, you should get in touch with:

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Reference: \_\_\_\_\_

The above should be filled in by the inspector who is handing over this information.

## Further information

For information about health and safety ring HSE's Infoline Tel: 0845 345 0055  
Fax: 0845 408 9566 Textphone: 0845 408 9577  
e-mail: [hse.infoline@natbrit.com](mailto:hse.infoline@natbrit.com) or write to  
HSE Information Services, Caerphilly Business Park, Caerphilly CF83 3GG.

Health and safety information is also available on HSE's website: [www.hse.gov.uk](http://www.hse.gov.uk)

© *Crown copyright* This publication may be freely reproduced, except for advertising, endorsement or commercial purposes. First published 07/06. Please acknowledge the source as HSE.