

Historic Allegations

Next Steps when Charged

Jordans Solicitors LLP

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I am being charged what happens next?

If you originally attended your police interview as a volunteer, then you may simply receive a summons to Court (this is called a requisition) which will tell you about the charges you face and the date you must attend the Magistrates Court.

If you were on bail, you are likely to be asked to return to the police station where you will be charged with offences and given a date to attend the Magistrates Court.

The most unlikely scenario is that you are in custody and will be put before the Court, if this was to happen then you will be told your charges and then placed before the Court at the next available hearing for them to decide your bail. This however is exceptionally rare, and most cases are dealt with by requisition.

What should I do before the hearing?

You should let your solicitor know about the charges and court date so they can arrange representation. If you did not have a solicitor or had one whom you are not confident in now is the optimum time to change Solicitor, it may prove much more difficult to do so at a later stage.

If time permits it will be advisable to have a discussion with your Solicitor in advance of the hearing, this will also give you an opportunity to get your legal aid application sorted out. If you are a distance away from your chosen solicitor, then you can deal with it over the telephone or email.

Save for that, the most important thing to do at this stage is keep a level head, all sorts of things will be running through your mind, but you are just at the start of a process and very little is going to happen at that first hearing.

Applying for Legal Aid – What if I do not qualify?

For reasons we will explain it is important that you should apply for legal aid in each case even if you are certain, you will not qualify for it. If your Solicitor tells you not to apply for legal aid, they are doing you a dis-service because if you are found not guilty you can ask the Court to grant you a Defendants Cost Order so you can get some of your money back – but this can only happen if you have applied and been refused legal aid.

If you apply for legal aid and are granted it without any contribution, then your representation is covered fully from start to finish.

As an alternative you may be granted legal aid but with a contribution, this is usually a lump sum because you have capital or income sufficient to contribute to your legal aid. Whatever the lump sum, it will then be split into instalments usually over 6 months and this is then a debt you must pay.

Once paid you are then fully covered for Legal Aid and if you are found Not Guilty you can apply to get those contributions back.

If you are refused legal aid, then you will be issued a refusal certificate and must fund your case privately. If you are found Not Guilty you can get a Defendants Cost Order but that will only be for legal aid rates, and you may get roughly about 1/3 of what you have spent for your representation back.

Funding your case privately

Buying legal services is the same as any other service you might seek, and you should consider what you require and what is being offered. You will be balancing experience against cost, and it is obvious that if you want an experienced legal team this will cost you more than a team with limited experience.

There are many good teams out there with solid experience of these cases but there are equally those who assert they have more experience than they really have or those who unfortunately choose to charge people in your situation fees which are far higher than is fair or needed.

You should ask (at least some of these)

- What their experience is
- How will they work on your case
- Who will work on your case
- How they select your trial advocate
- What input will they seek from you
- Whether they offer fixed fees
- What their fee policies are
- Have they a complaint history over Crown Court Trial work
- Ask them to tell you (without names) about a recent case or two they have undertaken

The First Hearing

At your first hearing you will attend Court and it is important to make sure you get there in good time. If you feel you need support, feel free to take a family member or supporter with you.

Your solicitor will meet you at Court and by then they will have received some initial disclosure called IDPC. This usually is a list of the charges and a summary of the evidence; it might have a couple of statements, but it will not be all the evidence.

It is enough for the Court to make a basic decision and for you to be advised what your solicitor will do before you go into Court.

What advice will I get?

The charges you are facing will be discussed along with the basic facts so that you can explain your response to them.

The charges in historic abuse cases are what are known as Either Way Offences or Indictable Only. Either way means, as it's name suggests, they can either be heard in the Magistrates or the Crown Court, whereas an indictable only offence has to be heard in the Crown Court.

It is unusual for such a case to be heard in the Magistrates unless it is very minor and generally the Crown will want it tried in the Crown Court and you would in any event want it to be heard there before a jury.

Such offences if they are historic and before 2004 will be charged under the 1956 Sexual Offences Act, anything after May 2004 will be charged under the 2003 Sexual Offences Act and you might face a combination of both [We are producing a separate guide over this].

Your solicitor should then explain the procedure to be followed in Court.

What happens in the court room?

Your case will be called on and you will walk to the dock area where you will be told to stand whilst the charges are put to you. Generally, you may be given an opportunity at this stage to give an indication of plea which will also have been recorded on a form.

You will also be asked your name, address and nationality.

The Prosecutor will then outline the basic facts and tell the court what they seek. If there are indictable only offences, then the Court will have no choice and proceed to discuss how to send the case to the Crown Court. If you have any either way offences these can be sent along with the indictable offences to the Crown Court.

If the offences are only either way, then the Prosecutor will indicate where they would like them heard (usually in the Crown Court) and your Solicitor will then be given an opportunity to make representations

The Court will then decide which will be usually to direct Trial in the Crown Court.

In more minor offences the Crown may say it is suitable for a summary trial in the magistrates and then you will be given a choice, although this should have been discussed with your solicitor in advance.
If your case for any reason is to proceed in the Magistrates Court, then the Court will then go through a pre-trial review to give directions for your trial and fix a trial date.

If your case is now going to the Crown Court the case will then be adjourned to a Court date in the Crown Court which will be generally 4 weeks at the moment, although there are circumstances where it could be shorter.

What if I plead guilty?

If you want to plead guilty to any offences your solicitor will advise you about the process. The court will accept your pleas and assuming this disposes of all the allegations they will then decide whether they can sentence you or whether matters are so serious that you should be committed to the Crown Court for sentence.

If you attended on requisition or bail, then the Court will usually bail you to attend the Crown Court.

You will be given discount for your guilty plea and before you appear at the Crown Court a probation officer is likely to see you to undertake a report to assist the Court in sentencing you.

It is important to understand that your Solicitor has a professional obligation to ask whether you want to plead guilty to any offences and this does not mean they will not fully support you're not guilty defence.

What sentences you could receive will be dealt with in a separate guide.

What happens after the hearing?

In terms of the process very little happens initially. Cases are run digitally, and your solicitor will now have to wait for the case to be digitally uploaded to a link they have access to.

Shortly before the Plea and Trial Preparation Hearing in the Crown Court, the basic evidence should have been uploaded and your solicitor will share with you what they can.

Your solicitor also needs to arrange an advocate for you for the hearing and this will either be a solicitor advocate or an external barrister. It will not always be possible for it to be the same advocate you will have for the trial, as trial advocates are often tied up in other cases. You should be consulted over your choice of trial advocate by your solicitor.

Before the hearing your solicitor will also complete a questionnaire for the Court dealing with the basic issues and trial listing issues. It will be unnecessary to have any lengthy conferences before you get to the Crown Court for the initial hearing as the full evidence will not yet have been served, but your solicitor should still keep in touch and support you in advance of the hearing.

The Plea and Trial Preparation Hearing before the Crown Court

This is a direction hearing before the Crown Court Judge (not likely the Judge who will hear the trial).

You will meet with your advocate who will discuss the charges and your pleas with you. Again, they are required to enquire whether you wish to plead guilty as this is something, they must confirm they have asked. On the assumption you are pleading not guilty they will then discuss the next steps and the directions the Judge will give.

The case will then be called on before the Court and you will be "arraigned" which means that the charges will be put to you so that you can plead not guilty.

The prosecuting counsel will then give dates to the Judge of 4 Stages to the case and these are broadly:

Stage 1 – Service of the Case - This is the deadline when the crown will serve all the evidence, they have including the Interviews of the Complainants. It does not stop the Crown serving any additional evidence or disclosure later but is meant to include the key evidence they rely on. This will be 4-6 weeks from the PTPH.

Stage 2 – Defence Case - 4 weeks or so later there will be a deadline for service of your defence case statement. This is a document where you set out your basic defence and response to the prosecution evidence. In that document you will also make a request for all items of disclosure you want the CPS to provide.

If you know the witnesses you would like to call in your defence you must give basic details – Name, Address, DOB and Contact Number as the Crown are entitled to speak to those witnesses (they don't always do so).

Stage 3 – Response to the Defence Case - This is the stage where the Crown need to respond to the defence case statement and can be up to another 4 weeks later.

Stage 4 – Final Applications - This is a stage for any final applications that might be necessary.

The Judge might also put in a pre-trial review so that progress can be checked usually at or after Stage 3. A Trial Date will also be set.

Apart from any standalone applications either party may bring and the PTR you will not be required to attend Court again and are now expected to work with your legal team to prepare your case for trial.

After the directions have been given the Judge will address your bail and if you attended on unconditional bail then the Judge may simply re-admit you to that bail.

However, sometimes the Judge might want to take extra precautions to make sure you stay in touch with your legal team and might impose a condition of residence so everyone knows where you are or non-contact with prosecution witnesses to ensure that there are no accusations of interfering with witnesses

Once that is done that is the end of the hearing and usually these hearings are relatively quick.
We will consider in a separate guide what you can do after that hearing to help your legal team build a strong defence.

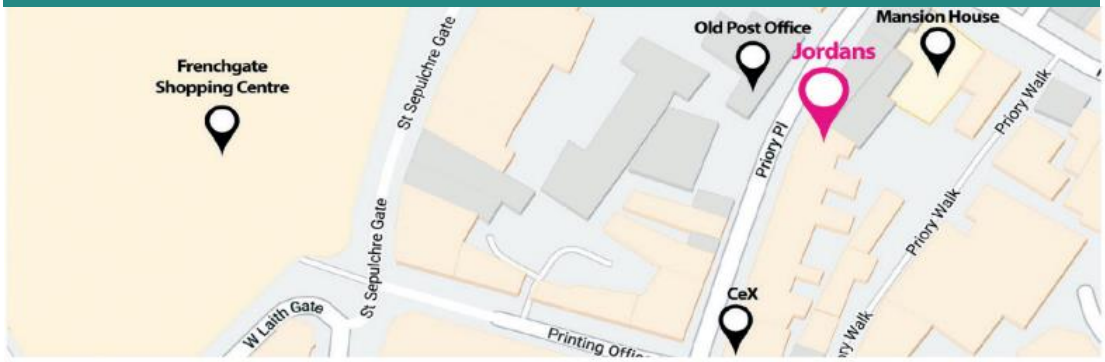
If you were pleading guilty the Judge may proceed to sentence but that is covered in a separate sentencing note.

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