

# The National Victims' Service

An initial response to the  
Victims' Champion's report





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Victims of crime already have a clear set of rights. We will review the Code of Practice to ensure that it is comprehensive.

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# Foreword

Crime can leave an indelible mark on victims' lives. It can be one of the most – and sometimes *the* most – traumatic experiences of someone's life. No-one can truly understand the effect it has unless they have been unfortunate enough to experience it.

Crimes of all kinds have come down. This is the first ever period since the war where this has happened. The chances of being a victim are now at their lowest since the British Crime Survey was established in 1981. But, there are still too many victims. Any victim of a crime is 100% a victim. It is the duty of Government at all times, one of its first, to offer care and support to those affected by crime. Standing aside is not an option, and nor is leaving people to suffer in silence.

Support for victims of crime has improved dramatically over recent years.

A decade ago, the primary focus of the criminal justice system was on the offender. Victims and witnesses told us that they were not informed of what was happening in their cases. They told us they were not given the right practical and emotional help to deal with the impact of crime. There was little help through a complex and often intimidating system, even for the most vulnerable. There were few mechanisms to ensure victims and witnesses were heard.

Contrast that with the situation today. Victims have a clear, legal entitlement to support and information about their case, set out in a statutory code of practice and implemented through pledges by individual agencies such as the police and the Crown Prosecution Service. In over 150 Witness Care Units across England and Wales, the police and CPS work together to help witnesses to attend court and give

their best evidence. Through initiatives such as Independent Sexual Violence Advisers and Specialist Domestic Violence Courts, we are supporting victims with particular needs.

The Government has also increased funding for victims' services. We have introduced the Victim Surcharge, so that offenders contribute directly to the support services which victims need.

Most importantly, the culture within the criminal justice system has changed. People working on the frontline know that meeting the needs of victims is not an optional extra, but is an integral part of delivering justice. They understand that providing a more positive experience for victims helps ensure that offenders are brought to justice, increases confidence in the justice system and encourages others to report crime.

These changes are reflected in what victims tell us. In 2008-09, 90 per cent of victims and witnesses said they were satisfied with the quality of service they received from criminal justice staff.

We know there is more to do. We need to ensure that the needs of victims are embedded in the DNA of the justice system. That is why we appointed Sara Payne as the Victims' Champion. Her report – *Redefining Justice* – draws on the experience of victims and witnesses across the country and their journey through the justice system. This paper is our initial response to her report.

Sara found that, while the service to which victims are entitled is clear, they have different experiences of the justice system across the country. Victims tend to be categorised by the offence that had been committed against them instead of how

they have been affected by the crime. Even where services are working well, Sara found that the system can be hard to navigate, especially for people in highly stressful circumstances.

We welcome Sara Payne's challenges. Our response is clear. We must work hard to continue the shift from a criminal justice system to a service focused more clearly on the people it serves; a service which engages the public and in which the needs of victims are considered fundamental to achieving justice at every stage of the process. In short:

- an effective and fair service depends on getting it right from the start. Our vision is that, whenever a person reports a crime to the police, the victim knows it is being taken seriously. Every contact counts.
- no-one should feel overwhelmed by the number of agencies involved in their case. The most vulnerable victims need dedicated support to ensure that they receive a seamless service.
- a consistent service depends on ensuring that victims understand their rights, and have a voice in making improvements. When appointed, the Victims' Commissioner will ensure that the views and experiences of victims inform policy making across the justice service and across government.

As part of our response to these challenges, we are introducing the first ever National Victims' Service. The National Victims' Service will make a reality of our commitment that support for victims is fundamental to justice.

It will bring together and strengthen existing services to ensure that there is a clear, minimum and guaranteed level of support to all victims. The needs of all victims will be fully assessed, so that they have prompt and effective access to the services they need. An enhanced level of assistance will be given to victims who have been seriously affected by the crime committed against them, whatever the crime may be. We will also develop our approach to risk assessment, based on the existing work of MARACs, to ensure that all agencies play a role in protecting those victims who are most vulnerable.

From February all those who lose a loved one to murder or manslaughter will receive support for as long as they need it. From March we will begin to extend the service to include victims of all crimes. We also plan to revise the Victims' Code of Practice to ensure that victims of anti-social behaviour receive appropriate support and information.

These changes, inspired by the work of the Victims' Champion, are part of a wider process of reform of the criminal justice system. Like all public services, criminal justice agencies are now more responsive, more transparent and more accountable to those they serve.

The challenges in a public service such as the criminal justice system are particularly acute. Those who work in this area deal with some of the most dangerous people in society while at the same time supporting those who are particularly vulnerable: victims of crime.

An effective service for victims builds public confidence in criminal justice, encouraging people to come forward to report crime in the interests of protecting others and delivering justice. Moreover, an effective service for victims underlines a crucial principle: that the criminal justice system is there to protect and support the law-abiding majority.

A more responsive, more transparent and more comprehensive service for victims of crime is a vital part of the continuing transformation of the criminal justice system into a criminal justice service; protecting the public, cutting crime and ensuring that victims receive the support they need and deserve.



A handwritten signature in black ink, appearing to read 'Jack Straw'.

Jack Straw,  
Lord Chancellor and  
Justice Secretary



A handwritten signature in black ink, appearing to read 'Alan Johnson'.

Alan Johnson,  
Home Secretary



A handwritten signature in black ink, appearing to read 'Baroness Scotland'.

Baroness Scotland,  
Attorney General

# Chapter 1

## Towards a National Victims' Service: Building on a decade of reform

**In the last twelve years, we have significantly improved the way that services are provided to victims of crime.**

**We have appointed a Victims' Champion to report on the experiences of victims.**

**We are introducing a National Victims' Service to ensure that victims receive seamless, consistent provision.**

**Those who have been bereaved through murder and manslaughter will receive enhanced support immediately.**

**The service will assess the impact of a crime on victims, so that they have access to the relevant services, as and when they are needed.**

**The National Victims' Service will be developed through partnership.**

**In the last twelve years we have transformed the way that services have been delivered to victims of crime.**

1. Confidence matters. A society which has confidence in the criminal justice system is more likely to report crime, ensuring that victims are supported and offenders are brought to justice. And we know that the experience of victims – both positive and negative – has a crucial impact not just on their own confidence, but that of family, friends, and the local community.

2. Our vision has been driven by three principles:

- victims should be supported to recover from the impact of crime on their lives;

- the needs of victims must be fully taken into account when they participate in the criminal justice process;
- The public should have confidence that victims will be supported if they come forward to report crime.

3. Table 1 summarises our reforms over the last thirteen years. To help victims overcome the effects of crime and move on with their lives we have:

- worked with the third sector to improve the emotional and practical support they offer;
- funded a range of specialist services, including organisations supporting victims of sexual violence, homicide, hate crime and trafficking; and
- helped victims with the greatest needs to access an even wider range of services.

4. To make the criminal justice process easier for victims we have:

- provided information through the internet, local campaigns and national media so that people know how to report crime and anti-social behaviour, and know what they expect from the police and local authorities;
- introduced 'special measures' in the court room so that vulnerable or intimidated witnesses feel safe and secure when giving evidence;
- made supporting victims and witnesses part of the culture of criminal justice agencies; and
- made the CJS more accessible and supportive by creating Witness Care Units and a legally-binding entitlement for victims and witnesses.

**Table 1: Transforming services for victims – Reforms 1997-2010**

1998	<i>Speaking Up For Justice</i> recommends improvements to the way in which vulnerable and intimidated victims and witnesses are supported.
1999	The Youth Justice and Criminal Evidence Act 1999 introduced special measures at court to help vulnerable and intimidated witnesses give their best evidence.
2001	The Victim Personal Statement scheme is introduced, ensuring that courts have information about the impact of a crime on the individual.
2002	The first Police Community Support Officers are appointed.
2003	The Safety and Justice white paper sets out proposals to tackle domestic violence. Local Criminal Justice Boards (LCJBs) are established.
2004	Domestic Violence, Crime and Victims Act 2004 created a statutory Victims Advisory Panel and powers to create a Code of Practice for Victims of Crime. A Victims Fund is established to support voluntary sector organisations dealing with the impact of serious offences.
2005	Through the 'No Witness, No Justice' programme Witness Care Units are set up, jointly run by police and CPS staff, to support victims and witnesses when attending court. The Rebuilding Lives green paper proposes reforms to support, including a new needs assessment and earlier response to victims. The <i>Prosecutor's Pledge</i> describes the level of service that victims can expect to receive from prosecutors.
2006	The Code of Practice for Victims of Crime creates a legal entitlement to a minimum standard of service for the first time. Offenders who are fined start to pay a surcharge as a contribution to services for victims. The Specialist Domestic Violence Courts programme begins, and Independent Domestic Violence Advisers are recruited. Victims' Advocate Pilot begins for bereaved relatives of victims of homicide.
2007	The Victim Support Plus scheme begins a new approach to supporting victims. Victims are now contacted by telephone within 48 hours and offered emotional and practical support as well as services such as fitting locks and organising childcare.
2008	Pilot projects focus on improving support for young victims of crime.
2009	The <i>Witness Charter</i> is implemented. The Violence Against Women and Girls Strategy sets out the minimum every victim needs and implications for Criminal Justice agencies. It also makes a commitment to improve specialist support for victims of domestic and sexual violence.
2010	Introduction of the National Victim's Service.

5. We believe it is vital that victims have a voice throughout the criminal justice process. It is their views which have been the basis for all our reforms. In 2006, we set up the Witness and Victim Experience Survey (WAVES) which now interviews nearly 40,000 victims and witnesses every year. As a result, staff in the criminal justice agencies can check their performance in providing care for victims and witnesses.

6. The evidence shows that we have come a long way. As our reforms have taken effect, victims' satisfaction with the criminal justice system has improved from 71 per cent in 2005-06 to 79 per cent in 2008-09<sup>1</sup>. In 2008-09 87 per cent of witnesses who were required to attend court did so. Compared with 2005, some 22,000 fewer cases now fail because of witnesses failing to appear.

7. There is more we need to do. We need to increase public confidence in the way victims are treated. In the 12 months to June 2009, 56 per cent of British Crime Survey respondents said they were confident that witnesses and victims had the support they needed. 70 per cent were confident that the criminal justice system takes the views of victims and witnesses into account.

8. WAVES, the British Crime Survey and other research tell us that victims need:

- straightforward information about the criminal justice system and their own cases, accessible from a single source;
- a compassionate, understanding response, where the police, prosecutors and court staff listen and treat them with respect;
- a sense of control throughout the criminal justice process;

- help to access appropriate emotional, practical, social and financial support; and
- protection from harm or intimidation.

9. The evidence also shows that victims benefit from services which are co-ordinated and work together effectively. They need to understand their role in the legal process. And they need criminal justice agencies to demonstrate that the actions they are taking address the impact which crime has on communities.

10. Statistics tell only part of the story. Sara Payne was appointed Victims' Champion in January 2009 to represent the views and experiences of victims. She met around 1,000 victims, witnesses and frontline staff to hear about their experiences. Three themes emerge from her report, *Redefining Justice*:

- **Fairness:** support should be driven by the impact of crime on individuals, rather than the type of offence, with effort directed at the greatest need;
- **Continuity:** there should be a seamless end-to-end service for victims and witnesses; and
- **Consistency:** victims should receive the same level of care and support, regardless of where they live.

11. Sara Payne's report says that:

- a large proportion of victims will, as now, require no support;
- a further, significant group will only require prompt information about the criminal justice system and progress with their cases;

<sup>1</sup> WAVES 2005/06 analysis, p. iii. Data cover the period from February 2005 to January 2006, and are indicative only.

- a small minority of victims of crime need support from an end-to-end victim and witness management service;
- victims with significant or complex needs should have a named person responsible for getting them the help they need.

**We are launching a National Victims' Service to ensure that victims receive seamless, consistent provision.**

12. We agree with the principles in *Redefining Justice*. That is why we are establishing a National Victims' Service, building on the reforms of the last twelve years. The service will ensure fairness by:

- assessing the needs of victims in a straightforward, objective and transparent way;
- targeting help and support according to need, rather than simply depending on crime type; and
- ensuring that the rights of victims and witnesses are promoted and protected, as are the rights of defendants.

13. The National Service will help victims and witnesses navigate their way around what is inevitably a complex system, making the experience as seamless as possible.

- by channelling information, advice and support through a single service, victims and witnesses will be relieved of the need to become experts in the criminal justice system.
- by advocating the rights of victims and witnesses, the Service will be a catalyst for change in the criminal justice agencies.

- if anything were to go wrong, victims can turn immediately to the National Service to put things right, rather than work out for themselves which agency is responsible.

14. The National Service will ensure that support is provided consistently. It will work closely with the criminal justice agencies to ensure that victims:

- receive timely information about their case and the support available;
- are offered practical and emotional support from a trained, professional volunteer;
- have the opportunity to make a Victim Personal Statement, so that police, prosecutors and courts are aware of the impact of a crime.

15. For all cases that get to court, the National Service will ensure that victims, and other witnesses:

- have their personal circumstances taken into consideration;
- are offered a visit to familiarise themselves with the court; and
- can apply for 'special measures' (such as the ability to give evidence via closed circuit television) if they are vulnerable, intimidated or need help to give their best evidence.

**Those who have been bereaved through murder and manslaughter will receive enhanced support immediately.**

16. We plan to introduce the service for those bereaved through murder and manslaughter. This will ensure those most in need get the support they require immediately. We will draw on the results of monitoring, evaluation and regular

conversations with victims and their representatives to ensure that the transition to a comprehensive, fully-functional National Victims' Service that serves all victims of crime is as smooth as possible and offers the public the best value for money.

17. The Victims' Champion was clear that services should be determined by the needs of victims which should determine the services to be provided, rather than the type of crime committed against them. We agree with this principle. Some crimes are so serious, however, that a range of needs can be predicted early in most cases. Murder and manslaughter require an exceptional response for the relatives left behind, based on empathy with the situation in which they find themselves. That is why the first stage of the National Victims' Service, being introduced in February, will provide enhanced support and care for all those bereaved by homicide.

18. This homicide scheme will:

- run from February in one region, and will be fully implemented across England and Wales by April 2010.
- provide support which is targeted to the needs of bereaved relatives, including children.
- appoint a specially recruited trained caseworker assigned to each family.
- offer support to victims for as long as they have needs – including after a trial.
- receive new Government funding of £2 million in 2010-11.
- be delivered in partnership with specialist third-sector providers.

19. Caseworkers will act as the single point of contact between a family, the criminal justice system and other agencies:

- offering information;
- directing family members to Government services; and
- commissioning specialist support where appropriate.

20. The caseworker will be responsible for assessing the family's needs and any risk they may face. Immediately, after the crime, needs may well include:

- protection and security;
- cleaning (if the crime took place in the home);
- childcare or other care needs;
- help with interest from the media;
- everyday needs such as shopping;
- accessing financial support; and
- help with informing other family members of the death.

21. The caseworker will continue to carry out an assessment at regular intervals, to ensure that the right services are available promptly, as the family's needs change. Needs may include services to help deal with the emotional impact of the crime, as well as social, education, housing, financial and health services.

## **We will test effective approaches in dealing with the needs of other victims of crime.**

22. Beyond the homicide scheme, the National Victims Service will offer support to all vulnerable victims of all crime. By phasing in the various elements of the service across England and Wales, we will ensure appropriate support will be available in an effective and consistent way. The service will ensure that victims have access to a wide range of services beyond criminal justice, to meet health, housing and social needs.

23. In line with the recent Home Office strategy *Together We Can End Violence Against Women and Girls*, the National Victims' Service will work closely with voluntary organisations supporting the victims of domestic and sexual violence, as well as Independent Domestic Violence Advisers and Independent Sexual Violence Advisers. The funding allocated to the National Victims' Service in addition to the £2.25m being provided by the Office for Criminal Justice Reform and Government Equalities Office to organisations supporting the victims of sexual violence.

24. We will begin the introduction of the service from March 2010 with additional funding of up to £6 million in 2010-11.

## **The National Victims' Service will be developed through partnership.**

25. Sara Payne has set out a set of significant and open-ended challenges for Government. Our long-term vision for the reform of support for victims under a National Service will take time to implement. To ensure a fair and effective service, we will need to carry out further analysis of the demand for various services at local level, and about the supply and capacity of services. We are committed to doing so promptly, and in partnership with victims, communities, frontline and third-sector staff.

# Chapter 2

## Getting it right from the start

**The first contact that victims have can be the most important.**

**Improving the way in which needs are assessed will mean that the National Victims' Service can target services more effectively.**

**The Victims' Champion has highlighted that services are not applied consistently – particularly for those who do not report directly to the police.**

**Assessing need is about empowering victims as well as offering support.**

### **The first contact that victims have can be the most important.**

26. When people become victims of crime, the first contact they have with the police or other agencies will shape their confidence in the criminal justice system. Victims and witnesses are entitled to have their call taken seriously, whatever type of crime is being reported. Every contact counts.

27. The Policing Pledge commits all police forces in England and Wales to answer all non-emergency calls promptly and, if a visit is needed, to do so quickly according to locally agreed priorities. Under the Prosecutor's Pledge, victims have a set of entitlements, regarding how the CPS will consider their views and treatment in the court room.

28. The Victims' Champion said that these commitments are valuable, but are not yet being delivered consistently. A recent joint thematic review of services for victims and witnesses by the criminal justice inspectorates has also highlighted inconsistencies in delivery of services.

### **Keeping victims informed in Lancashire**

Lancashire Police have introduced 'Re-contact Bureaux' to keep victims and callers informed of progress in relation to their case. The police are supported by a management system which tracks contact with the victims of crime and highlights the dates on which the next contact is due. The bureaux are open at times designed to be most accessible to the community, including weekends. Callers have the option to receive updates by e-mail, if they prefer.

### **Improving the way in which needs are assessed will mean that the National Victims Service can target services more effectively.**

29. The British Crime Survey tells us that in the majority of cases (75 per cent), victims did not want any form of advice or support. Of those who did, the most popular forms of support were:

- information from the police (11 per cent of incidents)
- protection from further victimisation (8 per cent of incidents).

30. It is essential that support is targeted effectively, so those victims who really need help receive it, and that the needs assessment quickly identifies any risk to the victim.

31. Especially vulnerable victims will sometimes need a more intensive approach. Some people will find the experience of crime devastating and may need support for some time to overcome both the physical and mental impact. We need to find an effective way of assessing

needs at the earliest possible opportunity, recognising that early intervention is best for the victim. We also recognise that the kind of support needed may change over time.

32. Currently, the police carry out an initial needs assessment for those victims and witnesses who make a full statement. As part of this process, they will identify if a person is vulnerable or at risk of intimidation, and take appropriate steps to help. Many victims of crime are offered a referral to Victim Support, an independent charity that can provide practical and emotional help.

### Victim Support Plus

Over the last three years, we have provided an additional £18.8 million to Victim Support to provide a more effective initial response. Victim Support Plus is there to:

- contact to all victims referred within 48 hours;
- carry out a structured needs assessment at the time of initial contact;
- deliver a wide range of services in addition to emotional and practical support (eg lock fitting, childcare, transport);
- buy-in additional services if necessary if these are not immediately available.

33. Other victims may need to be referred to more specialised services. In sexual violence cases, for example, the police will refer victims to Independent Sexual Violence Advisers.

### The Victims' Champion has highlighted that services are not applied consistently – particularly for those who do not report directly to the police.

34. The Victims' Champion acknowledges that initiatives such as these represent a substantial improvement on what has been available in the past. Yet her discussions with victims have presented a picture of inconsistent support, with the type of crime committed too often used as the main way of deciding what services to offer.

35. If every contact matters, then we must do more to ensure that the police, housing and local authorities work together better to respond to victims whose lives have been blighted by crime and anti-social behaviour including those who are most vulnerable such as in the recent, tragic case of Fiona and Frankie Pilkington.

36. We agree that providing support appropriate to vulnerable or intimidated victims and witnesses in cases of anti-social behaviour is one of the most urgent tasks in ensuring justice for these communities. That is why we recently announced £2.8m of new funding for this year and next to begin to improve the services on offer.

37. By March 2010, 85 high-priority areas will each have a local champion for victims of anti-social behaviour. Victim champions will provide a more intensive package of service for victims in areas where anxiety of ASB are high. They will promote the needs of victims and witnesses and co-ordinate local services to ensure that victims and witnesses receive the support and information they want and need. The champions will be a single point of contact for victims in their area, liaising with relevant agencies to improve

liaising with relevant agencies to improve the co-ordination of services for vulnerable victims. This may include working in partnership with agencies such as housing, environmental services or voluntary support organisations to ensure that victims get the practical and emotional support they need.

38. Dedicated neighbourhood policing teams will continue to be an important part of the picture: over 13,500 police officers and 16,000 police community support officers who work tirelessly to make sure that police are more visible and engaged with their communities. Under the proposals set out in the Policing White Paper published at the end of December 2009, new Neighbourhood Agreements will enable the police and other community safety bodies to work more closely with the public and councils to deliver reductions in crime and anti-social behaviour. A £2.5m Neighbourhood Partnership Fund has been provided to support this work.

### Supporting vulnerable victims of anti-social behaviour: Safer Birmingham Partnership Witness Support Project

Birmingham City Council pursued a Possession Order at court to secure the eviction of a perpetrator of anti-social behaviour. The main victim had many personal issues which affected her quality of life and this was made worse by the anti-social behaviour suffered. Due to fear of intimidation and reprisals from the perpetrator, the victim was too frightened to give evidence in court.

The Witness Support Project helped the victim put together a dossier of evidence which was passed onto the Birmingham City Council, who then took the perpetrator to court. But without the witness willing to go to court Birmingham used hearsay evidence to gain a suspended possession order.

The perpetrator went on to breach the order however with the continued support of the project, the victim was given the confidence and security to provide oral evidence at the second hearing in court and an eviction was gained against the perpetrator.

The project continued to assist the victim and provide support after the trial.

## Assessing need is about empowering victims as well as offering support.

39. One of the most effective ways of empowering victims is through restorative justice, which brings victims, offenders and members of the community together to address the harm caused by crime. Restorative justice can be managed by neighbourhood police officers in response to incidents of low level crime, or it can take the form of a more structured and facilitated conference between an offender, the victims and their supporters. As we develop the National Victims Service we will work with statutory and third sector partners to expand victim's access to restorative justice.

### The Youth Restorative Disposal

The Youth Restorative Justice Disposal is being piloted with first time offenders aged between 10 and 17 who have committed a low-level offence.

Its purpose is to enable police officers on the street to deal with low-level offending in an appropriate and proportionate way - without first-time offenders becoming part of the Youth Justice System.

If the victim does not agree to this approach, then the police will deal with the offender in the normal way. Otherwise, the victim has the opportunity to describe the impact of the offence and its effects. In return, the victim receives an apology from the offender and may agree on reparation or compensation.

# Chapter 3

## A seamless service

**Agencies across the criminal justice system and beyond need to work better together to reduce the burden on victims.**

**People who are providing a service to society by appearing as witnesses should be treated with respect and given the support they need.**

**For the most vulnerable victims, a seamless service can be best achieved through multi-agency case management.**

### **Agencies across the criminal justice system and beyond need to work better together to reduce the burden on victims.**

40. Much of the enhanced support for particularly vulnerable victims will need to be provided from agencies beyond the criminal justice system. The Victims' Champion has found that provision of these services can be inconsistent. Victims can also feel overwhelmed by the number of organisations which they must contact, particularly when in distress.

41. To deliver the comprehensive, joined-up service that vulnerable victims need will require strong partnership working between Local Criminal Justice Boards (LCJBs) and Crime and Disorder Reduction Partnerships (Community Safety Partnerships in Wales). Most LCJBs are widening their involvement with other local partners, particularly local authorities and the NHS, and many have a range of other agencies represented on their board or sub-groups. The National Victims' Service will draw on the many good examples of partnership working happening at local level, identified by the LCJBs.

### **Partnership Working in North-West London**

Brent Housing Partnership operates a scheme with the council which aims to:

- support tenants and leaseholders who are victims and/or witnesses of crime and serious anti-social behaviour;
- help victims and/or witnesses to be re-housed if necessary;
- increase the confidence of tenants and leaseholders so that they are willing to take a stand against crime and serious anti-social behaviour;
- increase the number of successful prosecutions
- improve community safety by tackling anti-social behaviour

The scheme takes referrals from a variety of agencies, including, the police, council staff, community and resident representatives.

### **People who are providing a service to society by appearing as witnesses should be treated with respect and given the support they need.**

42. We are committed to providing a seamless service to people who are helping to deliver justice by appearing as witnesses. That is why we established over 150 Witness Care Units across England and Wales, jointly run by police and CPS staff. We have given courts the power to offer special measures to witnesses who are intimidated or under threat, by giving their evidence through a video link or behind screens in court, for example. Last year, we ensured that all victims and witnesses

of cases of anti-social behaviour will get the same level of assistance from Victim Support in the magistrates court, as if they were taking part in a criminal case through the Witness Service. This includes someone to accompany the witness when they give evidence in court and follow-up support if needed when the court case is over.

### Delivering justice by supporting vulnerable victims

The introduction of special measures for vulnerable witnesses has transformed the experience for many victims. Examples include:

- Five defendants attempted to intimidate a victim into not giving evidence by setting fire to a car belonging to a member of the witness's family. Thanks to special measures, including a video link and screens in court, two young witnesses, aged 15 and 17, gave evidence. The five defendants received a total of 44 years in prison for their offences.
- A 64-year old man with severe learning difficulties was a witness. An intermediary was able to assist the judge with information about the kind of questioning which would be most appropriate. Without an intermediary, it is possible that questioning might not have taken an appropriate form, preventing the witness from giving his best evidence. That, in turn, may have given the jury the appearance that the witness was unsure of his account and therefore unreliable.

- A Witness Care Officer managed the interaction with six victims of serious sexual offences. The officer arranged special measures for four of the victims. Extensive travel arrangements were also made, since the victims had moved to different locations around the country. The defendant was convicted and sentenced to 18 years.

43. Independent research published in 2004 found that a third of witnesses would not have been willing or able to give evidence if special measures were not available<sup>2</sup>. The Victims' Champion also acknowledged the difference which special measures can make to the experience of witnesses, and identified a number of areas where they could work better. We are committed to making improvements. These include:

- in gang-related gun and knife homicides, witnesses now automatically qualify for special measures when giving evidence.
- under the Coroners and Justice Act 2009, young witnesses will have more choice about the way they give evidence. Video-recorded statements made by adult victims of serious sex offences will be automatically admissible as evidence in court.
- police are receiving training to identify vulnerable witnesses as part of a national programme.

<sup>2</sup> Hamlyn, B., Phelps, A., Turtle, J. and Sattar, G. (2004) *Are special measures working? Evidence from surveys of vulnerable and intimidated witnesses*. Home Office Research Study 283. London: Home Office. <http://www.homeoffice.gov.uk/rds/pdfs04/hors283.pdf>

44. The Victims' Champion also challenged the Government to do more to make sure that victims are clear about what the sentences given to offenders, and what they mean in practice. We agree that transparency and consistency in sentencing is crucial to building confidence, and we recognise that sentencing is not always easy to understand for those who are not part of the criminal justice system.

45. We have placed a duty on judges and magistrates to explain, in each case, why a particular sentence has been imposed, what the sentence requires the offender to do, whether the sentence could be reviewed in the future, and if so how.

46. When an offender commits a violent or sexual crime and is sentenced to 12 months or more in prison, the Probation Service has a duty to keep victims informed of an offender's movements. In the most serious cases, victims have the right to submit a statement to the Parole Board when it is considering if an offender is ready to be released on licence. We recently extended this right to cover victims of violent and sexual offenders who have been made the subject of restricted hospital orders.

47. As the National Victims' Service develops, we will consider what further practical measures will help the public's understanding of both the sentencing process and sentences.

### **For the most vulnerable victims delivering a seamless service can be best achieved through multi-agency case management.**

48. The National Victims' service will draw on the best practice when deciding how to allocate services to vulnerable victims. The Multi-Agency Risk Assessment Conference (MARAC) approach, for example, has proved a successful way to help victims of domestic violence at the highest risk of harm to access to all the services they need, including protection. The first MARAC started in 2003, and there are now over 225 across England and Wales. We plan to consult on putting MARAC's on a statutory basis with the outcome being that more victims are supported through this approach.. Over £5 million will be invested in 2010-11 to extend the MARAC approach and appoint more of the Independent Domestic Violence Advisers who are so important to making MARAC a success.

49. The MARAC approach is already being tested in some local areas to establish how it can help other vulnerable groups. Since multi-agency case management is resource intensive, the National Victims' Service will need to establish who will benefit most from this approach, and who is most at risk, either because they are under threat from the offender or friends of the offender, or because the victim is exceptionally vulnerable as a result of the crime committed against them.

50. We are committed to investment in Sexual Assault Referral Centres (SARC) to achieve our goal of a SARC in every area.

### Transforming services for young victims in Lewisham

Lewisham has been piloting a MARAC approach to help young victims with the most complex needs. The members of the MARAC meet each month, review ten priority cases and agree all the support that will be delivered to meet the individual needs of those young victims.

One young person who has benefitted from this joined-up approach is S. Having agreed to be a witness against a gang, S and his family were attacked and afraid to leave their house. S had received medical treatment for his injuries and had dropped out of college. His mother was struggling to cope with the stress and the care of her other three-year-old disabled son and was taking anti-depressants.

Through the MARAC approach, the family was assigned a social worker who supported the mother and other children. S's mother was helped to apply for new housing and to negotiate with a neighbouring borough to re-house the family. S was helped to re-apply for college in the new borough and get a mentor. Now in their new home, Victim Support is continuing to support S both as a victim and a witness.

51. Any new approach must add value for the victim, and focus on the issues which are the result of crime, rather than compensate for wider social problems which can be resolved by other means. In creating the National Victims' Service, we will consider how best to give dedicated support to particularly vulnerable groups such as children, young people and those with mental health issues.

# Chapter 4

## A consistent level of service from the CJS

**Victims of crime already have a clear set of rights. We will review the Code of Practice, to ensure that it is comprehensive.**

**We also need to communicate what these rights are, and be clear about what we will do to improve their delivery. We want all victims to know about their rights.**

**Giving victims a voice in the criminal justice service will help ensure they receive the services to which they are entitled**

**In creating a National Victims' Service, we will ensure that victims' rights are met more consistently, and will strengthen their right to enforce them.**

**Victims of crime already have a clear set of rights. We will review the Code of Practice to ensure it is comprehensive.**

52. Over the last decade we have given victims and witnesses a clear entitlement to the support they can expect to receive from the criminal justice system. For the first time, the Policing Pledge gives victims and the wider public a clear explanation of the services to which they are entitled from the police. The Prosecutor's Pledge gives victims reassurance that their views will be taken into account throughout the decision-making process. The Witness Charter sets out the rights and responsibilities for those who assist in delivering justice.

53. The National Victims' Service will work with the criminal justice agencies in meeting these rights more consistently. Victims should be confident that:

- details of how to contact the police are well-publicised and there are a range of ways to report a crime;
- when a statement is given, the police will identify whether the victim is at risk or vulnerable;
- they will be kept up-to-date about the investigation of their case, including when a suspect is arrested, bailed, charged or released without charge;
- they will be told if charges are subsequently dropped or substantially altered;
- a dedicated Witness Care Unit will provide regular information on how their case is progressing, if it reaches court, and offer support to attend court if needed;
- they will receive support in court if vulnerable or intimidated;
- they will continue to receive support after a verdict has been reached, including information about the outcome and sentence;
- they will receive support and help to determine the next steps for victim in the event of an acquittal;
- they will be kept in touch with progress of the offender's sentence in serious cases; and
- they have a right to make a complaint to any agency if they are not satisfied with the service received.

54. The Code of Practice for Victims underpins these entitlements. The Code sets out what victims have a right to expect, from the point of reporting a crime to the police, through charge, trial, sentencing and post-sentencing,

to receiving information from the Parole Board where applicable. It guarantees an enhanced service for vulnerable and intimidated victims, and provides information on the compensation process and complaints procedure where an agency has not complied with the Code.

55. Much of the Code is concerned with keeping victims informed of case progress. In 2005-06, just 63 per cent of victims were satisfied with the information they received about case progress<sup>3</sup>. By 2008-09, this had increased sharply to 75 per cent<sup>4</sup>. This demonstrates that the steps taken to implement the Victims' Code have had a real impact.

56. But there remain a number of gaps. The consistency with which these entitlements are delivered varies across England and Wales. Some victims are not currently covered by the Code, such as victims of anti-social behaviour and witnesses of crime. We are now starting a review of the Code to ensure that it sets out a comprehensive entitlement for victims. We will consult on how the Code should give victims of anti-social behaviour similar or equivalent rights to those who are victims of crime.

### **We want all victims to know their rights.**

57. *Justice Seen, Justice Done* is a programme to improve public confidence in how crime is tackled and justice delivered. One of its main objectives is to ensure that the public know about the rights they have from the police and other agencies. The campaign includes TV, radio and press adverts, as well as a leaflet delivered to 6.5 million homes in

priority areas. The leaflet explains what the public can expect from the criminal justice service, including support to victims and witnesses. This information is also available at [www.direct.gov.uk/localcrime](http://www.direct.gov.uk/localcrime): a website which brings together information about crime, policing and justice information at local level.

58. The Policing White Paper challenged all 338 Crime and Disorder Reduction Partnerships (Community Safety Partnerships in Wales) to sign up to minimum standards by March 2010 and to ensure that communities are aware of them. The standards will include:

- taking reported cases of anti-social behaviour seriously by recording, investigating and keeping victims informed of the action taken;
- telling the community every month what action is being taken to tackle anti-social behaviour; and
- support and practical help to victims of anti-social behaviour.

### **Giving victims a voice in the criminal justice service will help ensure that they receive the services to which they are entitled.**

59. Empowering victims means giving them a voice. That is why we have given victims the right to make the court aware of the full impact of the crime upon them by making a Victim Personal Statement. We have strengthened this measure by giving bereaved families the right to request that their statement be read out in court. We believe that this measure is critical in making the change from a criminal justice system to a criminal justice service.

<sup>3</sup> WAVES 2005/06 analysis, p. iii. - data covers Feb2005 to Jan2006, and are indicative only

<sup>4</sup> WAVES, Q1-4 2008/09.

When we piloted the Victim Personal Statement, we heard concerns that it would distort justice. Now, it is accepted as standard practice.

### Providing victims with a voice

The CPS 'Direct Communication with Victims' programme was introduced in Derbyshire in March 2002. The programme aims to make sure that victims of crime are kept up to speed with any developments in their case at the earliest opportunity.

The Victim Focus scheme was announced in June 2007. Under the new scheme prosecutors offer to meet bereaved families in homicide cases after charge in order to explain processes and procedures, including the making of the Victim Personal Statement.

60. To give victims a voice at national level, we have established the Victims' Advisory Panel: a statutory body comprising people with first-hand experience of being a victim of crime or experience of working with people who have been victimised. The panel was instrumental in making the case for the appointment of a Victims' Commissioner. We have recently advertised for applications and expect to make the appointment by March 2010.

61. We are determined to ensure that victims consistently receive the services to which they are entitled in the light of our reforms. The Victims' Champion's Report will provide the Victims' Commissioner with a valuable resource for making the case for change once appointed. The Commissioner will have a vital role

in making sure that the entitlements that victims have are delivered, and that the National Victims' Service directs victims promptly to the services which they most need.

### In creating a National Victims' Service, we will ensure that victims' rights are met more consistently, and we will strengthen victims' right to enforce them.

62. The evidence tells us that, while satisfaction levels have increased nationally, there can be considerable variations in performance in different areas of the country. In 2008-09, for example, 41 per cent<sup>5</sup> of victims recall being offered the opportunity to make a Victim Personal Statement. Yet local performance varied from 60 per cent in the best performing areas, down to just 30 per cent in the lowest performing areas.

63. The National Victims' Service will be a catalyst for change across the criminal justice agencies to close variations in the level of service, and ensure greater consistency. We will develop simple and effective performance management measures for the National Victims' Service to ensure that the government's increased investment delivers real results for those who need support the most. This will build on the continuous improvement already delivered throughout the criminal justice service and its partners over the last decade.

64. Services delivered through the National Victims' Service in 2010-11 will be subject to a full evaluation to ensure value for money. This will be used to inform funding decisions

<sup>5</sup> WAVES q1-4 2008-09

in later years. Ultimately, we will be judged by those the service is there to support through our work to ensure that all victims understand their rights and entitlements.

65. We agree with the Victims' Champion that feedback from victims will be influential in driving LCJB performance. She found little evidence that a coherent approach is taken to complaints. We have written new guidance for LCJBs, giving practical advice about effective mechanisms to learn from the experience of victims and witnesses. The National Victims' Service will act as another channel for feedback from victims, and so will play an important role in driving continuous improvement throughout the justice system.

66. In the Policing White Paper, we committed to set out national standards of service which the public can expect to receive from the criminal justice service as a whole. We will use this as an opportunity to set out clearly the standards which victims can expect, how they can be enforced, and how the National Victims' Service will help deliver them.

67. We are committed to ensuring all victims in need will be provided for. Victims will be treated as individuals and be supported for as long as they need to be. A website will be established following the launch of the Service that will provide information and news on the Service.

# Annex A

## Reforms to victims services, since 2005

### Key improvements for victims and witnesses since 2005

Year	Reforms
2005	<p>Over 150 police-CPS Witness Care Units are established to support victims and witnesses to attend court.</p> <p>The Rebuilding Lives Green Paper sets out proposals for reform to Victim Support, introducing a new needs assessment and quicker contact with victims.</p> <p>The Prosecutor's Pledge is introduced, setting out the level of service that victims can expect to receive from prosecutors.</p>
2006	<p>The Victims' Code of Practice is introduced, giving victims legal rights to support and information from CJS agencies.</p> <p>The Victims Surcharge on financial penalties for offenders is introduced, to increase funding for services to victims.</p> <p>Specialist Domestic Violence Courts (SDVC) programme and Independent Domestic Violence Advisers (IDVAs) are introduced.</p> <p>Victims' Advocate pilot scheme for bereaved relatives of victims of homicide</p>
2007	<p>The Victim Support Plus scheme is introduced.</p> <p>The CPS Victims' Focus scheme for bereaved relatives of victims is introduced, in the light of experience with the Victims' Advocate pilot scheme.</p> <p>The Witness Charter sets new standards of service in 10 beacon LCJB areas</p>
2008	<p>Pilot schemes are introduced to improve support for young victims of crime</p> <p>The Witness Charter is implemented in remaining LCJB areas</p> <p>Introduction of the Criminal Evidence (Witness Anonymity) Act 2008</p>
2009	<p>Implementation of the Witness Charter.</p> <p>The Violence Against Women and Girls strategy sets out the minimum every victim needs and the implications for Criminal Justice agencies. It also makes a commitment to improve specialist support for victims of domestic and sexual violence</p>
2010	<p>Pilot schemes are introduced to improve support for young victims of crime</p> <p>The National Victim's Service is created, beginning with improved support for bereaved relatives of homicide victims</p>

# Annex B

## Improvements in victim and witness satisfaction, since 2005

### Improvements in victim and witness satisfaction since 2005

Performance measure	2005/6	2006/7	2007/8	2008/9
Satisfied with information provided about the CJS process	74%	78%	81%	84%
Satisfied with how well they've been kept informed of case progress	65%	71%	75%	78%
Satisfied with the way they were treated by CJS staff	86%	88%	90%	90%
Satisfied with consideration shown before giving evidence in court	89%	89%	89%	90%
Satisfied with court facilities	83%	84%	85%	86%
Satisfied with how they were dealt with prior to attending court	84%	83%	86%	87%
Victims offered the opportunity to make a Victim Personal Statement	36%	40%	40%	41%
Victims who felt their views as set out in the Victim Personal Statement were taken into account during the CJS process	61%	62%	65%	68%
Of those who required emotional/practical support, those who were offered relevant services	67%	68%	66%	70%
Satisfied with their experience of the CJS	75%	78%	80%	83%

# Annex C

## Victims' Champion's recommendations from Redefining Justice

### Recommendation 1:

Local Criminal Justice Boards must ensure they have sufficient engagement with the NHS, Local Authorities including Social Services and housing providers to ensure services are co-ordinated at a strategic level and that commonly occurring problems are addressed promptly and sensitively. The National Criminal Justice Board must ensure it has sufficient engagement with the parent departments/agencies at national level.

### Recommendation 2:

Local Criminal Justice Boards should review the level of participation of Victim Support to ensure that they are fully involved in strategic planning; referral processes are robust and effective in line with the Victims' Code; and that CJS agencies fully understand the role of Victim Support so their services can be meaningfully offered to victims.

### Recommendation 3:

Multi-agency arrangements should be established to manage the needs of victims, with all relevant services represented. Participation should be a legal duty, as with Multi-Agency Public Protection Arrangements (MAPPA).

### Recommendation 4:

The Lord Chief Justice and Chief Executive of Her Majesty's Court Service should issue joint guidance to judges and listing officers providing detailed advice on how to balance the management of court costs, meeting victim and witness needs and protecting defendant rights when making listing decisions. The effectiveness of this guidance should be reviewed by the issuing parties and the Victims' Commissioner after one year.

### Recommendation 5:

The Ministry of Justice should commission research to determine the extent to which the use of special measures influences juries and the judiciary in their views of the evidence presented to them. The evidence collected should inform decisions as to the most effective use of special measures in meeting the needs of witness and ensuring the best possible testimony in court.

### Recommendation 6:

Assessment for the appropriateness and eligibility of special measures should be continuous in approach to trial, delivered through a model of end-to-end victim and witness management. Assessments should be made on the basis of victim need and impact exclusively, not characteristics of the witness such as age.

### Recommendation 7:

Local Criminal Justice Boards should ensure, via their police and CPS representatives, that guidance on how special measures are offered to witnesses is followed and expectations realistically managed. Performance data on the timeliness of special measures applications should be collected with a view to driving down the number of late (particularly same-day) applications, and levels of service that a victim or witness can expect to receive as part of the justice process.

### Recommendation 8:

The terminology used to describe all types of sentencing and the explanations the judiciary are required to provide in court should be reviewed with the aim of making them clear and easy for the public to understand.

### **Recommendation 9:**

Each Local Criminal Justice Board should audit the availability of third-party reporting in their area and ensure that such routes are well publicised. There should be a particular focus on availability for young people and vulnerable victims.

### **Recommendation 10:**

Support and engagement in the criminal justice process should be provided to those close to victims of crime according to their need and the wishes of the victim or, in the case of homicide, in consultation with the next of kin. Support and engagement should not be based on the nature of the relationship with the victim.

### **Recommendation 11:**

Victims should be better supported through civil proceedings, for example injunctions or care orders, where these arise as a result of having been a victim of crime. The support should be equivalent to that available as part of criminal proceedings.

### **Recommendation 12:**

Victims of offences dealt with under anti-social behaviour legislation should have the same support available as those whose cases are dealt with in the criminal courts.

### **Recommendation 13:**

All Local Criminal Justice Boards should have a clear process in place for delivering continuous improvement in response to victim and witness feedback.

### **Recommendation 14:**

Each Local Criminal Justice Boards should be asked to nominate examples of good practice in the support of victims and witnesses, with evidence of their success, to the Office for Criminal Justice Reform for evaluation and dissemination to all boards.

# Annex D

## Victims' Champion's challenges from Redefining Justice

### Challenge 1:

The Criminal Justice System must re-focus so that it addresses the total impact a crime has had on a victim rather than the type of offence committed. Victim need and impact must be assessed on an individual basis and interventions for victims based on those assessed needs.

### Challenge 2:

The government should develop and implement a model of end-to-end victim and witness management. A single point of contact should be available to all victims and witnesses to act as an advocate within the system and engage required services. This support should be provided on an ongoing basis while the victim/witness has outstanding needs resulting from their experience of victimisation or giving evidence.

### Challenge 3:

The current provision of emotional support for victims, especially specialist support for Post Traumatic Stress Disorder counselling, is insufficient. The Government should put forward proposals to raise the level of provision across England and Wales to an adequate level, including the allocation of necessary funding.

### Challenge 4:

The system of sentence discounts to reward guilty pleas should be amended to eliminate the discount for trial-day guilty pleas and increase the incentives to plead guilty earlier in the process.

### Challenge 5:

The Ministry of Justice should put forward proposals for a system of penalties to be imposed on counsel, both defence and prosecution, who are not ready for trial following an assurance that this is the case. This should balance the need to impose an appropriate financial penalty without having long-term consequences for the individuals involved or requiring undue court time to administrate.

### Challenge 6:

Building on the police and prosecutors' pledges, the Victims' Code and Witness Charter, the Office for Criminal Justice Reform should develop a single code that defines the requirement for all CJS and non-CJS agencies to address the total impact of a crime on a victim. This will provide a single set of expectations and levels of service that a victim or witness can expect to receive as part of the justice process.

### Challenge 7:

Delivered as part of end-to-end victim and witness management, a single point of contact should be established either nationally or area-by-area for the purpose of accessing at least basic information on investigation and case progression.

### Challenge 8:

Delivered through a single, CJS-wide point of contact, processes should be established by each Local Criminal Justice Board to deal with challenges to the level of service provided to victims and witnesses quickly and without recourse to a formal complaint route. This should be incorporated, eventually, into the proposed model of end-to-end victim and witness management.

### Challenge 9:

Each Local Criminal Justice Board should develop a single, formal complaints procedure for all agencies involved in meeting the needs of victims impacted by crime where informal resolution of the problem has failed. Victims and witnesses must be able to easily understand the process and escalation procedure. This process should be parallel but distinct from the proposed model of end-to-end victim and witness management to ensure objectivity in any inquiry.

### Challenge 10:

Through education of young people and criminal justice practitioners, the perception that young people are not victims of crime where adults would be considered to be must be challenged.

### Challenge 11:

Some behaviour which is deemed as 'anti-social' would be more appropriately dealt with in the criminal courts. A clear threshold should be agreed between ACPO and the Local Government Association, above which cases would be treated as primarily criminal.

### Challenge 12:

Each Local Criminal Justice Board should ensure that the processes in place for informing victims and witnesses about the progress of police investigations and post-conviction information on perpetrators are robust and continuously monitored. Monitoring information should be collected centrally to ensure performance can be effectively managed.





Criminal Justice System: working together for the public

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