



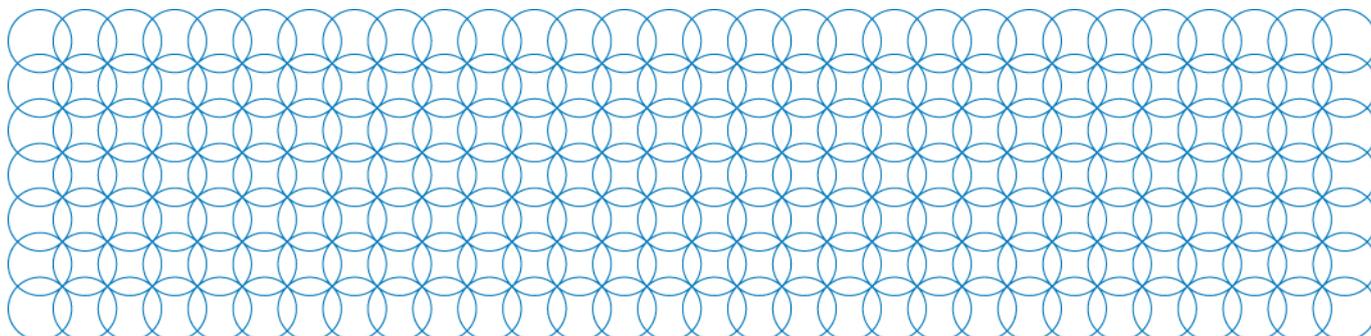
Ministry of  
**JUSTICE**

# **Improving the Code of Practice for Victims of Crime**

Consultation Paper CP8/2013

This consultation begins on 29 March 2013

This consultation ends on 10 May 2013







Ministry of  
**JUSTICE**

## **Improving the Code of Practice for Victims of Crime**

**A consultation produced by the Ministry of Justice. It is also available on the  
Ministry of Justice website at [www.justice.gov.uk](http://www.justice.gov.uk)**

## About this consultation

**To:** This consultation is aimed at the public, victims of crime, the criminal justice agencies, the judiciary, the advice sector, organisations that work with victims of crime and all with an interest in this area in England and Wales.

**Duration:** From 29 March 2013 to 10 May 2013

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alternatively please send your response by 10 May 2013 to:  
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## Foreword by Helen Grant MP, Minister for Victims and the Courts



As Minister of Justice with responsibility for victims, I am committed to improving services and support for victims in the criminal justice system. That is why I am particularly pleased to be able to launch this consultation on how to improve the existing 'Code of Practice for Victims of Crime' – the Victims' Code. Before becoming Victims Minister, I spent 23 years as a solicitor protecting survivors of violence in the home and victims of hate crime. This experience provided me with real insight into how people suffer not only the effects of the crimes against them, but also the ordeal of dealing with our Criminal Justice System in the aftermath.

The Government wants to do all it can to ensure the right guidance and support is in place to help victims through what is often a sensitive, worrying and emotional time. Last year we published our response to the '*Getting it right for victims and witnesses*' consultation and therein made a commitment to revise the existing Victims' Code.

We have carefully considered the views of around 150 organisations and asked individuals their views during last year's consultation. This consultation paper sets out an improved 'Code' which addresses many of the concerns that were raised. It is designed to provide clarity for victims about their entitlements at each stage of their journey through the Criminal Justice System. It also clarifies the obligations upon Criminal Justice agencies to ensure people do get the entitlements they need.

There is a new section of entitlements dedicated to victims under the age of 18 which is easy for children, young people, parents and guardians to understand.

The Victim Personal Statement scheme is also included in the Code for the first time. This scheme has been in place since 2001 and gives victims an opportunity to describe the wider effects of the crime upon them, express their concerns and indicate whether or not they require any support.

All businesses too, for the first time, will be able to submit an 'Impact Statement' to allow them to explain how a crime has affected them, highlighting the wider economic and financial impacts that crime can have on a community.

Restorative Justice is the process of bringing together those harmed by crime or conflict with those responsible for the harm, to find a positive way forward. It is a proven method of reducing re-offending and, again for the first time, the Code will include information about the benefits of this process for victims.

Finally, no matter how hard we try, sometimes things do not go as they should. This requires a clear, effective and efficient complaints procedure to be in place. That is why, under the revised Code, all criminal justice agencies will have to have clear and transparent complaints processes to provide quick and thorough responses to victims. As a matter of priority we are looking at other ways outside of the Code to make sure agencies are truly accountable to the needs of victims.

For so long our Criminal Justice System has focused heavily on the punishment of offenders, whilst giving too little heed to the needs of victims. I believe we have to change that. The provisions in this paper will, I hope, go some way to redressing the imbalance and aid our quest for social justice.

A handwritten signature in black ink, appearing to read 'Helen Grant', with a stylized, cursive script.

Helen Grant MP  
March 2013

## Impact Assessment and Equality Statement

To inform responses to this consultation document we have published separate analyses of the potential impacts of our proposals.

- Impact Assessment: their purpose is to identify the main groups affected by our proposals and the likely costs and benefits to those groups. The impact assessment can be found at <https://consult.justice.gov.uk/digital-communications/code-victims-crime>
- Equality Statement: in order to meet our obligations under the public sector equality duty in section 149 of the Equality Act 2010. These consider the potential effects of our proposals according to the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Statement can be found at <https://consult.justice.gov.uk/digital-communications/code-victims-crime>

We welcome comments about the accuracy and extent of the effects identified. We particularly welcome responses from those who identify themselves as sharing a protected characteristic or from interest groups representing those with protected characteristics. The responses received will be taken into account as the Government decides the best way forward following the end of the consultation period.

## Introduction – the case for change

1. Crime affects different people in different ways. For some victims the impact may be practical and short lived. For others, such as victims of the most serious crimes, the impact can be distressing or life-changing. In around 80%<sup>1</sup> of all cases, victims say they do not want any information, advice or support from the state or from other sources. But around 20% say they do, and the Government strongly believes victims should receive the assistance they need.
2. The Code of Practice for Victims of Crime (the 'Victims' Code') was introduced in 2006. Its purpose is to set out the services to be provided in England and Wales by criminal justice agencies.
3. The Code needs updating to reflect changes already in force and to set out in simple terms what victims can expect from the services criminal justice agencies must provide.
4. Last year, the Government carried out the '*Getting it right for victims and witnesses*' consultation and published the Response in July last year<sup>2</sup>. The consultation dealt with the principles behind revising the Victims' Code. The principles for reform were:
  - Victims are to be treated with dignity and respect.
  - Victims, their reports of crime and their concerns are to be taken seriously.
  - Families bereaved by murder or manslaughter are to receive the specialist support they need.
  - Information on their case is to be readily available to all victims and offered pro-actively.
  - Victims, who must attend court as witnesses, and need practical help to do so, receive the help and support they need upon arrival.
  - Victims who want to complete a Victim Personal Statement are to have the opportunity to do so and can expect it to be considered by the court.

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<sup>1</sup> Ministry of Justice, report forthcoming. Crime Survey for England and Wales (CSEW) 2007/08 and 2008/09 – the last years for which figures are available. The CSEW is a face-to-face victimisation survey in which people resident in households in England and Wales are asked about their experiences of a range of household and personal crimes. It excludes a number of types of crime, such as fraud, crimes against commercial premises, and homicide. The data presented here excludes children under the age of 16; in addition this estimate excludes victims of sexual violence

<sup>2</sup> <https://consult.justice.gov.uk/digital-communications/victims-witnesses>

- Vulnerable and intimidated victims will be supported to feel safe and protected.
  - Victims have the right to ask to participate in restorative justice and this should be provided when available and subject to resources.
  - Businesses which have been the victims of crime are to receive the information and support they need.
5. Respondents to the consultation felt that the current Victims' Code, which was introduced in 2006, is out of date. They felt that the Code as it currently stands is not victim-focussed and is rather process-orientated. A majority of respondents supported the idea of reviewing the Code. In the Government's response to the consultation, a commitment was made to reflect further on the responses received in order to inform the content of a revised Victims' Code.
  6. This consultation meets our commitment to consult on a draft Code in early 2013. In preparing the revised Code at Annex A of this consultation paper we have worked closely with criminal justice agencies and have consulted with the Home Secretary and the Attorney General in accordance with the requirements of the Domestic Violence, Crime and Victims Act 2004.
  7. Revising and improving the Victims' Code forms part of the Government's wider domestic policy strategy to reform the criminal justice system and improve services and support to victims and witnesses. In addition, the revised Code will also transpose part of the EU "Victims' Directive"<sup>3</sup> which lays down the minimum standards of support a member state must provide to victims of crime within its jurisdiction. The Directive complements the Government's reforms to the Victims' Code and is broadly compatible with a lot of existing practice in the UK. The Directive comes into force on 16 November 2015.
  8. The Code will also be used to transpose parts of other EU Directives relating to victims - on Human Trafficking and Child Sexual Exploitation<sup>4</sup> - to ensure victims of these crimes are treated in a sensitive and appropriate manner by criminal justice agencies.

### **Witness Charter**

9. We received positive feedback about the Witness Charter during the '*Getting it right for victims and witnesses*' consultation. Respondents liked the fact that the Charter focuses on outcomes and the results that witnesses can expect, rather than the process by which they are delivered. They agreed that the Charter is a reasonably straightforward and accessible document.

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<sup>3</sup> 2012/29/EU.

<sup>4</sup> 2011/36/EU and 2011/92/EU.

10. However the Witness Charter still needs to be updated and amended in line with the principles of the Victims' Code. We have also taken on board concerns that too few people are aware of the Charter and agree that it needs to be more widely publicised. That is why we are working closely with our criminal justice partners to ensure we are in a position to publish a revised Witness Charter alongside the new Code.

### **Proposals for a reformed Victims' Code**

11. The criminal justice agencies required to provide services under the Victims' Code have a duty to treat victims of crime in a respectful, sensitive and professional manner without discrimination of any kind. Support must be given throughout the justice process and beyond, where it is needed. The Victims' Code sets out the parameters within which such support must be given.
12. Victims and practitioners have told us that they do not find the current Code user-friendly. It was described by respondents to our 2012 consultation as being rather prescriptive, leaving the police and other criminal justice agencies no flexibility in the way they deal with a variety of victims. The Code is perceived by many as having been written for practitioners rather than for victims.
13. In order to make the Code more victim-focussed, it has been rewritten in a more accessible way, both in terms of language and structure. It sets out victims' entitlements, reflecting the services that must be provided to them, so they can clearly understand what they will receive from criminal justice agencies at all stages. The revised Code is separated into the following sections:
  - Entitlements for victims
  - Duties for criminal justice agencies
  - Entitlements to children and young people under 18
  - Duties for criminal justice agencies for children and young people under 18
  - Businesses

We have also included a glossary of key terms to aid understanding.

14. We know that a "one size fits all" approach to providing services and support for victims is not appropriate and believe that victims should have services tailored to individual need. Victims who do not want any contact or support from criminal justice agencies should not receive it. Other victims may agree with the police, or any other agency, the frequency of contact or support they need below the minimum level set out in the revised Code. Conversely, victims of the most serious crimes, vulnerable or intimidated victims and the most persistently targeted victims will be entitled to an enhanced service, which will enable criminal justice agencies to target their resources to support those most in need and provide additional assistance

15. These entitlements for victims flow from the clear set of duties of criminal justice agencies governing the services they must provide to victims in chapter 2 of the Code. These will also be set out in a way that allows for a more tailored and flexible service. Where changes have been made to existing obligations, the proposals are designed to be an improvement on the entitlements and service offered to the victims under the current Code.
16. The Government recognises that there will always be victims with acute needs who require a specialist and individually tailored set of requirements. As part of providing an enhanced service for vulnerable and intimidated victims, the draft Code includes a separate section aimed at victims under the age of 18 (raising this from 17), their parents and guardians. Specific entitlements are also included for those bereaved as a result of criminal conduct.
17. The Government also made a commitment in last year's consultation to review the Victim Personal Statement (VPS) scheme. By including the VPS in the Code for the first time, we anticipate this will strengthen the victims' voice in the criminal justice system.
18. The disturbances of August 2011 provided a stark reminder that businesses are also victims of crime and should be entitled to receive the information and support they need following a crime. The draft Code includes a separate chapter for businesses who are victims of crime, including a proposal enabling businesses of all sizes to make an impact statement so that their voice is properly heard.
19. The current process for making a complaint under the Victims' Code does not provide victims with an effective means of redress when things go wrong. Evidence suggests that only 32%<sup>5</sup> of victims whose cases resulted in a charge recalled being informed as to how to make a complaint. Criminal justice agencies will now have to provide victims with information as to how to complain on request, and provide a substantive response to any complaint received. For the first time, criminal justice agencies, not victims, will be responsible for redirecting complaints to the right agency. This is part of the wider work that the new Victims Code will support to improve collaboration between agencies through the criminal justice system to ensure no victims fall through the cracks.
20. Our work to improve the complaints process for victims under the Code is part of our wider reform agenda for the CJS which aims to increase CJS efficiency and effectiveness and improve accountability and transparency for victims. Outside the scope of this consultation we intend to explore further ways to improve victims' means of redress.

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<sup>5</sup> Franklyn (2012) Satisfaction and willingness to engage with the Criminal Justice System.

21. We are also introducing Restorative Justice (RJ) to the revised Code for victims of adult offenders for the first time. A previous study which considered both pre and post-sentence RJ approaches found a victim satisfaction rate of 85%<sup>6</sup> from RJ conferences and a 14%<sup>7</sup> reduction in the frequency of reoffending rates. The revised Code will include an entitlement for victims to ask for RJ and for criminal justice agencies to offer and signpost information on RJ to victims of adult offenders where it is available and with the appropriate safeguards.
22. This consultation is aimed at all stakeholders with an interest in improving the services offered to every victim of crime in England and Wales. A draft revised Code is annexed to this consultation. Comments on the Code will be appreciated, as will feedback on how we can best communicate the revised Code most effectively.
23. Following consultation, we intend to publish the revised Code in the summer. We expect to lay a statutory instrument so as to bring the revised Code into force in the autumn. This will allow criminal justice agencies to update their operational guidance.
24. We are conducting a focused six week consultation as this builds on the broader '*Getting it right for victims and witnesses*' consultation last year and pre-consultation engagement with criminal justice agencies and victims' support organisations.

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<sup>6</sup> Shapland, J., Atkinson, A., Atkinson, H., Chapman, B., Dignan, J., Howes, M., Johnstone, J., Robinson, G. and Sorsby, A. (2007) Restorative justice: the views of victims and offenders. The third report from the evaluation of three schemes. Ministry of Justice Research Series 3/07

<sup>7</sup> Ministry of Justice (2010) Green Paper Evidence Report. Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders

## The Proposals

### Victims' Entitlements

25. The current Victims' Code reads as a guidance manual for criminal justice agencies rather than focusing on victims. Improving the Code will help to develop a more flexible service which responds to the particular needs of all victims of crime.
26. The criminal justice system may appear confusing and difficult to navigate. Victims may feel they do not know who to turn to. We propose to set out what information, services and support victims are entitled to at each stage of their journey throughout the criminal justice system. In order to increase understanding of the process, we have included a flow diagram of the victim's journey in the revised Code.
27. All victims will be entitled to a minimum level of service under the revised Code. However, in around 80%<sup>8</sup> of all cases, victims say they do not want any information, advice or support from the state or from other sources. Therefore it is crucial to focus resources on those who really need it. The current Code only provides an enhanced service to vulnerable and intimidated victims and, at certain stages of the process, to bereaved relatives. In the revised Code, we propose to outline an enhanced service to three categories of victim most in need: victims of the most serious crimes, vulnerable or intimidated victims and the most persistently targeted victims. These categories are defined in the introduction to the Code at paragraphs 22 to 27.
28. These broad categories were first outlined in the *'Getting it right for victims and witnesses'* consultation. In that consultation, the first category was described as "victims of serious crimes". Crimes affect people in different ways, so all need to be taken seriously when reported. However, we want services for victims to focus on those crimes that have the most serious impact on victims.
29. We are retaining an enhanced service for all vulnerable and intimidated victims. This is necessary to retain the link with the statutory underpinning for vulnerable or intimidated victims in relation to special measures for giving evidence at court. The only change to this category is increasing the age from 17 to 18 for those automatically considered vulnerable.

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<sup>8</sup> Ministry of Justice, report forthcoming. Crime Survey for England and Wales (CSEW) 2007/08 and 2008/09 – the last years for which figures are available. The CSEW is a face-to-face victimisation survey in which people resident in households in England and Wales are asked about their experiences of a range of household and personal crimes. It excludes a number of types of crime, such as fraud, crimes against commercial premises, and homicide. The data presented here excludes children under the age of 16; in addition this estimate excludes victims of sexual violence

30. These categories will be flexible and enable practitioners to use their judgement and discretion when assessing needs. Victims may fall into more than one category and assessments will always take into account the views of the victim. Furthermore, the impact of crime may change over time and practitioners are obliged under the Code to give victims an enhanced service if their needs change.
31. We believe that timely and targeted referral to support services is key to helping victims of crime to cope and, as far as it is possible, to recover. This includes referral to emotional support and counselling which we consider can be tremendously helpful for the most vulnerable victims and victims of the most serious crime. That is why we have included an entitlement in the revised Code for these victims to be referred to pre- and post-trial therapy, following discussion with the practitioners handling their case.
32. The current Code provides for monthly updates for all victims when a suspect has not been apprehended in a case that is being actively investigated. We consider that the approach in the current Code is overly prescriptive and many victims would prefer instead to agree more appropriate timings. We propose that victims will be entitled to receive information from agencies at key stages of the process and discuss with the agencies involved how often they wish to receive updates on the progress of the investigation. This will ensure that information provision is led by the needs of the victim.

#### **Questions for consultation**

- Q1. Do you think that the approach taken to restructure the Code is the right one?**
- Q2. Do you think that the categories of persons entitled to receive enhanced services under the Code are appropriate?**

## **Duties upon criminal justice agencies and organisations**

33. The Victims' Code imposes duties on the criminal justice agencies and organisations listed in the introduction to the Code, that have functions in relation to victims of criminal conduct or the criminal justice system.
34. We know that many important services are provided to victims by voluntary victims' services organisations who often work with the criminal justice system. The government and other commissioning bodies use the commissioning framework and contracts to procure the level and standard of services required, whilst the Code focuses on information, assessment and referral requirements to these services.
35. The current Code contains a large number of prescriptions that is framed in a way that makes it more rigid and inflexible. That is why the revised Code enables criminal justice agencies to tailor services according to individual need, such as agreeing how often they will receive updates on their case. The revised Code has been updated to reflect existing practice, but also allows greater scope for innovation and for best practice to flourish.
36. The police have a duty under the revised Code to conduct a "needs assessment" with all victims of crime to establish what support or information they need to help them cope and recover. For some victims, this may be minimal. For others it will be more substantial. Those who decide not to receive any services can decide to opt into receiving these services at any time without receiving unnecessary information or updates on the case in the interim.
37. The revised Code also includes some additional duties placed on criminal justice agencies which are detailed under specific section headings. However, as reflected in our Impact Assessment, we do not consider that these additional duties will be unduly onerous or resource intensive for the agencies concerned. This is because many of the duties update the Code to reflect existing practice, such as the duty to extend services for child victims to under 18 rather than under 17 year olds, or giving primary consideration to the best interests of the child.
38. We consider that the duties on agencies and organisations covered by the Code are balanced and proportionate. The duties on these service providers will ensure that victims receive the right level of support at the right time and will give the necessary flexibility for agencies to focus their resources on those most in need.

### **Question for consultation**

- Q3. Do you think that the duties imposed on the criminal justice agencies in the revised Code are the right ones? Please provide comments.**

### **Police and Crime Commissioners**

39. In November 2012 Police and Crime Commissioners (PCCs) were elected in every police force area in England and Wales outside London. Currently their main responsibilities include setting the local force's policing priorities (consulting with victims of crime in doing so) and its budget, working with local partners to cut crime, and holding the local chief constable to account for the performance of the force. It is Government's intention that from 2014 PCCs will also be responsible for commissioning local victims services.
40. PCCs are not currently included in the list of service providers who are obliged to provide services under the revised Victims' Code. However we believe the introduction of PCCs presents an opportunity to strengthen joint working across the criminal justice system. In particular, we consider that PCCs could have an important role to play in monitoring and oversight of the duties under the Code carried out by the local police force in their area. We welcome your comments on where PCCs can help to deliver services under the Victims' Code.

#### **Questions for consultation**

- Q4 (a). Do you think that the Police and Crime Commissioners should be included in the revised Code? Please give reasons**
- Q4 (b). If so, what duties should they fulfil and at which stages of the criminal justice process should Police and Crime Commissioners be included?**

## The Victim Personal Statement

41. The Victim Personal Statement (VPS) was piloted in 1996 (initially known as the Victim Impact Statement) and introduced as the VPS across England and Wales in October 2001. The VPS is a statement which can be made by victims to explain how a crime has affected them. The statement is usually given by the victim during an early conversation with the police at the same time as an evidential statement is taken, although it can be made at any time during the proceedings.
42. The primary purpose of the VPS is to give victims a voice in the criminal justice process and criminal proceedings when a case goes to court. The legal purpose of the VPS is to give an accurate picture of the impact of the offence on the victim which can then be taken into account when sentencing the relevant offender. It can also be used to inform bail decisions.
43. A separate VPS can also be made with regard to offenders whose release will be determined by the Parole Board, to provide greater insight into the impact of the offence for the Parole Board Panel.
44. Current difficulties with the VPS include:
  - Low offer rate - Victims recalled being offered the opportunity to make a VPS in only 9% of all incidents reported to the police.<sup>9</sup>
  - Lack of integration between criminal justice agencies. For example, the VPS may not be received by the CPS in time for it to be included on the file due to the speed at which court cases are processed.
  - Confusion over the purpose of the VPS and how it used. Anecdotal evidence suggests that victims are often unaware that the VPS is disclosed to the defence team if the case reaches court and may be reported on in the media.
45. Victims sometimes feel their views are not accounted for in the criminal justice system. Their thoughts and feelings on how a crime has affected them may change over time. It is hoped that by including the VPS in the Victims' Code, this will increase the offer and take up rate, and strengthen the victims' voice in the court.

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<sup>9</sup> 07/08 and 08/09 Crime Survey for England and Wales analysis. (Franklyn (2012) Satisfaction and willingness to engage with the Criminal Justice System). Two different sources provide data on the percentage of victims who recalled being offered the opportunity to make a VPS: the Crime Survey for England and Wales (CSEW) and the Witness and Victim Experience Survey (WAVES). The two surveys cover different categories of victims and incidents and the CSEW covers a wider range of victims and crimes than WAVES. The estimates for the frequency of how often a VPS is offered therefore differ between the 2 measures; with the CSEW (using data from 2007/08 and 2008/09) indicating a substantially lower percentage (9%) as regards the proportion offered VPS than the most recent WAVES survey in 2009/10 (43%)

46. The section on the VPS in the new Code will be accompanied by a clear statement of purpose to improve understanding among victims about VPS's and how their statement may be used in court should the suspect be convicted. It is important that victims who are to appear in court are aware that the court is an open forum and what they say, unless specified otherwise by the court, is public and can be reported through the press and social media. VPS and community impact statements read out in court are subject to being heard by the public and the press. A review of this is part of the Government's wider criminal justice reform agenda.
47. The VPS will be available to all victims who make an evidential witness statement, but in addition victims of the most serious crime, vulnerable and intimidated victims and the most persistently targeted victims will be able to make one even if they don't make such a witness statement. This allows the police and other criminal justice agencies to focus support where it is needed and on those cases where there is a realistic prospect of a criminal conviction.
48. Flexibility will be given to how the VPS can be taken, including the option for self-completion or submitting online where available. Developments to the "track my crime" system have allowed the online completion of the VPS in some regions.<sup>10</sup> Although the police usually take a VPS, there is scope within the draft section of the revised Code to allow other criminal justice agencies or organisations providing victims services to take the VPS where the police have commissioned them to do so. This will increase the offer rate of the VPS at all stages of the victims' criminal justice journey, giving victims the opportunity to add to or clarify their statement at later stages of the process when their thoughts and perceptions of a crime may have changed.
49. The Government will work further with criminal justice agencies to produce guidance on taking the VPS after the final version of the Code is laid before parliament.

### **Community Impact Statements**

50. Community Impact Statements are compiled by the police to show the effect of crime or antisocial behaviour on that community. The police gather information from the local community about crime and anti-social behaviour in their area and use it to inform the content of the statement. The purpose of the statement is to enable better informed decisions that are made with the knowledge of the local context. They can be used throughout the justice system including in respect of out of court disposals to bring to the awareness of those making decisions about the case the impact the offending has had on the community.

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<sup>10</sup> Of these projects, Avon and Somerset police force's "track my crime" pilot is the most advanced.

51. Community Impact Statements have been piloted in 42 areas and anecdotal reports indicate that they have been successful in exposing crime blighting local communities. For example Greater Manchester Police have used Community Impact Statements successfully as part of their wider initiatives to tackle crimes relating to firearms in the community. We have not included Community Impact Statements in the revised Code but propose to encourage local police forces in England and Wales to extend the use of Community Impact Statements in their local area.

**Questions for consultation**

- Q5. Do you agree that the Victim Personal Statement should be included within a revised Victims' Code?**
- Q6. Do you think that police forces should be encouraged to expand their use of Community Impact Statements?**
- Q7 (a) Do you think community impact statements provide an effective way of capturing the problems confronting communities?**
- (b) If so, how might the wider roll out of the Community Impact Statement be encouraged?**
- (c) If not, how might community impact statements be improved?**

## **Businesses**

52. Businesses can also be victims of crime and should be entitled to receive the information and support they need following a crime. The current Victims' Code clearly states that businesses are entitled to receive services under the Code provided they pass details of a named contact to the service provider. We propose to build on this by including a separate section on businesses which are victims of crime.

### **Impact Statements for Businesses**

53. Currently only representatives from small businesses are able to make a Victim Personal Statement, meaning that medium-sized and large businesses are unable to explain the impact a crime has had upon them. The revised Code will enable businesses of all sizes to make an impact statement (in effect a VPS for businesses). This will help businesses to fully articulate the impact a crime has had upon them - directly addressing responses we received from the business sector to our '*Getting it right for victims and witnesses*' consultation last year.

54. The impact statement will explain how a crime has affected the business, whether economically or in any other way. The making of an Impact Statement does not prevent an individual victim, such as an employee, from making a separate Victim Personal Statement for the same incident.

55. We do not propose that the police should personally record the impact statement from the affected business. Instead the impact statement should be available for download, self-completed and returned by email or post. We will work with criminal justice agencies and business groups to develop guidance on how to submit an impact statement for business once the Code has been laid before parliament.

### **Questions for consultation**

**Q8. Do you agree that all businesses should be entitled to make an impact statement to explain how a crime has affected them?**

**Q9. Do you think businesses will benefit from this scheme?**

**Q10. Do you think that this statement should be extended to other organisations, such as charities?**

## Restorative Justice

56. In the July 2012 response to the '*Getting it right for victims and witnesses*' paper the Government made a commitment to include Restorative Justice (RJ) in the Code for victims of adult offenders, as well as young offenders, for the first time.
57. RJ enables the victim and the offender, or other individuals with a stake in an offence to try to find a positive way forward and, where possible, RJ can play a part in repairing the harm. A previous study which considered both pre- and post-sentence RJ approaches found a victim satisfaction rate of 85% from RJ conferences and a 14% reduction in frequency of reoffending rates.<sup>11</sup> This is particularly so for the conferencing method of RJ. The aim is to empower victims by giving them a voice, reduce their fear and ensure that they feel 'compensated' for the harm done to them. RJ also aims to ensure that the perpetrator is made aware of the consequences of their actions.
58. The Government recently published an RJ Action Plan<sup>12</sup> which aims to improve the availability of RJ services for victims and to make sure that these are accredited to the appropriate standards. The objectives are to ensure that victims feel comfortable requesting RJ at any stage of the criminal justice process and to ensure that the RJ process is always victim-led.
59. By including RJ in the revised Victims' Code we hope to move towards meeting these objectives by raising awareness of RJ among victims of crime. The revised Code will include a separate section which provides information on RJ for victims of adult offenders. This will explain RJ to victims in simple terms, emphasising that RJ is voluntary and both the victim and the offender must agree to it. This description will also highlight to victims that RJ may not always be appropriate or available in every case.
60. The police and Youth Offending Teams will be under a duty to signpost and offer information on RJ to victims, where available. They will have a duty to assess the suitability of RJ based on the particular sensitivities of the case and/or the vulnerability of the victim. This will ensure that the necessary safeguards are in place for the victim, particularly for victims of domestic abuse or a sexual offence or violence. The police will also have a duty to ensure that, where RJ is available, adequately trained facilitators are provided and that necessary security measures are taken so that the victim is not 're-victimised' by the RJ process.

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<sup>11</sup> [http://webarchive.nationalarchives.gov.uk/+/http://www.justice.gov.uk/restorative-justice-report\\_06-08.pdf](http://webarchive.nationalarchives.gov.uk/+/http://www.justice.gov.uk/restorative-justice-report_06-08.pdf)

<sup>12</sup> <http://www.justice.gov.uk/publications/policy/moj/restorative-justice-action-plan>

**Questions for consultation**

- Q11.** Do you agree that RJ should be included in the Victims' Code where the offender is over 18 years of age?
- Q12.** Do you think that the section on RJ in the revised Code will help to support wider work to improve victim awareness of RJ?
- Q13 (a).** How much do you think RJ uptake will increase as a result of the reforms to the Code?
- Q13 (b).** Which specific types of RJ intervention do you think will increase?

## If things go wrong

61. All criminal justice agencies and organisations listed as ‘service providers’ in the introduction to the Code are responsible for the effective performance of their duties. The emphasis placed on victims’ entitlements should raise victims’ understanding and improve levels of compliance with the Code by service providers.
62. However there may be occasions where a victim feels that there is a need to complain about the services they have received. This is why we think it is very important to include a complaints process within the Code.
63. The majority of the responses received from the *‘Getting it right for victims and witnesses’* consultation indicated that the current process set out in the Code for making a complaint is not clear and does not provide victims with an effective means of redress when things go wrong.
64. We have considered a number of suggested reforms to the complaints process by respondents to the consultation, particularly the proposal to set up a single point of contact for victims in the form of a central victims’ complaints office. Our initial considerations with regards to the proposal for a central victims’ complaints office are that the potential resource implications would be significant, including staffing, administration and building costs (rent and maintenance). We are committed to making further improvements in this area and would invite views in this consultation about how a more effective means of redress can be achieved. We are working on this as a priority as part of our wider criminal justice reform agenda.
65. With regards to improving the complaints process in the new Victims’ Code, we propose that all service providers under the Code should have a clearly identified complaints process through which victims can complain. Agencies must provide victims with information on their complaints process on request and contact details of the person dealing with their complaint.
66. We have not provided contact details in the Code as we do not want the Code to become quickly out of date or to be too prescriptive. In the current Code, the onus is on the victim to try to identify the right agency to contact with their complaint. The revised Code signals a change in approach, with the responsibility now on the agencies to ensure that all complaints receive a satisfactory response, whichever part of the criminal justice system the complaint relates to.
67. The revised Code requires the agency receiving the complaint to send a timely acknowledgement to the victim. When dealing with a complaint, agencies must do so respectfully and sensitively. They must provide a full and timely response which informs the victim of the outcome of their complaint. These measures will reduce the likelihood of complaints slipping through the cracks and victims not being provided with a response.

68. Just as is the case under the current Code, victims who are dissatisfied with the outcome of the complaint received through the internal complaints procedure of an agency can continue to seek further redress by complaining to the Parliamentary and Health Service Ombudsman via their MP.
69. We consider that local transparency around the complaints process among agencies and organisations could play a significant part in improving the transparency of the criminal justice system for victims and the public. We will encourage agencies to report on their performance in responding to complaints. We are also exploring other ways, alongside the revised Code, to improve the monitoring of levels of compliance with the Code among criminal justice agencies and local communities and how we can best use this to drive up performance and improve the victim experience. For example, as discussed in Part 2, we are considering whether PCCs could play a role in monitoring complaints at the local level given that they are also likely to receive complaints from victims that would fall under the Code. We would welcome views on possible local and national approaches as a part of this consultation.

#### **Questions for consultation**

- Q14. Do you think that the complaints system in the revised Code will deliver a better service for victims? Please give reasons.**
- Q15. How do you think compliance and performance by agencies and organisations under the Code can be best monitored? And by whom? Should this be locally or nationally driven?**
- Q16. In addition to the improvements outlined in the Code, what reforms do you think are needed to improve means of redress for victims?**

## **Children and Young People (under 18s)**

70. The current Code is not written in a way that gives sufficient focus to children and young people who have been victims of crime and it is not an accessible document for children, young people and their parents or guardians to use or understand.
71. In reforming the Victims' Code, we have focussed on helping victims who are most in need. We believe that the impact of crime on children and young adults in particular must be addressed if they are to recover and move on with their lives. That is why young victims and witnesses are identified as particularly vulnerable and in need of special help and protection. It is only right that the Code should talk directly to young victims so that they are clear about what to expect. They need to be aware of the support available to them to understand how this support could relieve some of the anxiety of attending court and help them to give their best evidence.
72. That is why we propose that the revised Code includes a section dedicated to victims under the age of 18 – and have raised the age from 17 to ensure that these young people can access the enhanced services provided. We also propose to make clear in the revised Code that, where the age of a victim is uncertain and there are reasons to believe that the person is under 18 years of age, criminal justice agencies should presume that person to be under 18 and therefore entitled to receive the enhanced entitlements set out in the separate section for victims who are under 18
73. This section will be split into two parts. The first part is a transparent set of entitlements which is easy and accessible for children and young people, parents and guardians to understand. The second part focuses on duties for criminal justice agencies, so it is clear what information and support is needed in order to meet the entitlements for victims under the age of 18. At the beginning of the second part of the section, we propose to make it clear that, at all times, the child's best interests must be the primary consideration of criminal justice agencies and organisations when providing services to victims who are under 18.
74. During the consultation period, we intend to carry out a dedicated consultation exercise activity targeted at young people with a view to engaging with them in order to get their feedback on Chapter 2 of the new Code and to listen to their ideas about how we can improve the support and services offered to them under the Code.
75. In addition to a dedicated section in the Code, we propose to develop a separate EasyRead publication using simple language and visual aids targeted at young people and the parents of young children. This additional guidance on the Victims' Code will be developed and published after the final version of the Code has been laid before Parliament, at the same time as the new Code is implemented.

**Questions for consultation**

- Q17. Do you agree that there should be a dedicated section for children and young people in the Code?**
- Q18. Do you agree that the duties on the criminal justice agencies with regards to children and young people are correct? Please give reasons.**
- Q19. Do you consider that this section is appropriately user-friendly for children and young people?**

## Concluding remarks

76. Victims and the public must have confidence in the system. They want and deserve a system that works harder for them. For that to happen, the system needs to be more responsive and easier to navigate to ensure that victims are put first. Putting victims first is reflected in the structure, as well as the content, of the revised Code which sets out clear entitlements for victims in the very first Chapter, linked to the duties upon agencies.
77. One of the key observations made in last year's *'Getting it right for victims and witnesses'* consultation was that the revised Code needs to be communicated so victims are aware of what information and support they should receive. We propose to develop interactive and even more user-friendly supporting guidance to communicate the entitlements for victims of crime most effectively. This will include separate publications for victims who are under the age of 18 and for victims with disabilities or communication difficulties. We would welcome views on how we can communicate the revised Code and supporting guidance most effectively, particularly through digital delivery.
78. We believe that the revised Victims' Code, annexed to this consultation paper, gives victims stronger, clearer entitlements and a louder voice in the criminal justice process. This is accompanied by a clear set of duties on criminal justice agencies to fulfil to make sure victims get the support and entitlements they need and deserve. We intend to use the forthcoming consultation period to listen to views about the proposed changes to the Code and to consider suggestions about further improvements that we can make.

### Question for consultation

**Q20. How can we ensure that the Code is communicated effectively?**

## **Equality Effects**

79. At the front of this consultation document we explained the Government's responsibilities under the Equalities Act 2010 and we are publishing an Equality Statement of our proposals as part of the consultation.

### **Questions for consultation**

**Q21. Do you think we have correctly identified the range and extent of the effects of these proposals on those with protected characteristics under the Equality Act 2010?**

**Q22. If not, are you aware of any evidence that we have not considered as part of our equality analysis? Please supply the evidence. What is the effect of this evidence on our proposals?**

## **Impact Assessment**

80. An impact assessment has been published alongside this consultation paper and is available at [www.justice.gov.uk/consultations](http://www.justice.gov.uk/consultations).

81. We are seeking more detailed data on the Victim Personal Statement as we refine our proposals. We would specifically welcome comments on the time required for a VPS to be taken and the impact on civil society organisations if they are tasked with taking a VPS on behalf of the police.

### **Questions for consultation**

**Q23. Do you have any comments in relation to our impact assessment?**

**Q24. Could you provide any evidence or sources of information that will help us to understand and assess those impacts further?**

**Q25. How long does it take to record a VPS from a victim of crime?**

**Q26. What is the additional burden on civil society organisations if they are contracted to take the VPS on behalf of the police?**

## Questionnaire

We would welcome responses to the following questions set out in this consultation paper.

### Questions for consultation

<b>Q1</b>	<b>Do you think that the approach taken to restructure the Code is the right one?</b>
<b>Q2</b>	<b>Do you think that the categories of persons entitled to receive enhanced services under the Code are appropriate?</b>
<b>Q3</b>	<b>Do you think that the duties imposed on the criminal justice agencies in the revised Code are the right ones? Please provide comments.</b>
<b>Q4</b>	<b>(a) Do you think that the Police and Crime Commissioners should be included in the revised Code? Please give reasons (b) If so, what duties should they fulfil and at which stages of the criminal justice process should Police and Crime Commissioners be included?</b>
<b>Q5</b>	<b>Do you agree that the Victim Personal Statement should be included within a revised Victims' Code?</b>
<b>Q6</b>	<b>Do you think that police forces should be encouraged to expand their use of Community Impact Statements?</b>
<b>Q7</b>	<b>(a) Do you think community impact statements provide an effective way of capturing the problems confronting communities? (b) If so, how might the wider roll out of the Community Impact Statement be encouraged? (c) If not, how might community impact statements be improved?</b>
<b>Q8</b>	<b>Do you agree that all businesses should be entitled to make an impact statement to explain how a crime has affected them?</b>
<b>Q9</b>	<b>Do you think businesses will benefit from this scheme?</b>
<b>Q10</b>	<b>Do you think that this statement should be extended to other organisations, such as charities?</b>
<b>Q11</b>	<b>Do you agree that RJ should be included in the Victims' Code where the offender is over 18 years of age?</b>
<b>Q12</b>	<b>Do you think that the section on RJ in the revised Code will help to support wider work to improve victim awareness of RJ?</b>

<b>Q13</b>	<b>(a) How much do you think RJ uptake will increase as a result of the reforms to the Code? (b) Which specific types of RJ intervention do you think will increase?</b>
<b>Q14</b>	<b>Do you think that the complaints system in the revised Code will deliver a better service for victims? Please give reasons.</b>
<b>Q15</b>	<b>How do you think compliance and performance by agencies and organisations under the Code can be best monitored? And by whom? Should this be locally or nationally driven?</b>
<b>Q16</b>	<b>In addition to the improvements outlined in the Code, what reforms do you think are needed to improve means of redress for victims?</b>
<b>Q17</b>	<b>Do you agree that there should be a dedicated section for children and young people in the Code?</b>
<b>Q18</b>	<b>Do you agree that the duties on the criminal justice agencies with regards to children and young people are correct? Please give reasons.</b>
<b>Q19</b>	<b>Do you consider that this section is appropriately user-friendly for children and young people?</b>
<b>Q20</b>	<b>How can we ensure that the Code is communicated effectively?</b>
<b>Q21</b>	<b>Do you think we have correctly identified the range and extent of the effects of these proposals on those with protected characteristics under the Equality Act 2010?</b>
<b>Q22</b>	<b>If not, are you aware of any evidence that we have not considered as part of our equality analysis? Please supply the evidence. What is the effect of this evidence on our proposals?</b>
<b>Q23</b>	<b>Do you have any comments in relation to our impact assessment?</b>
<b>Q24</b>	<b>Could you provide any evidence or sources of information that will help us to understand and assess those impacts further?</b>
<b>Q25</b>	<b>How long does it take to record a VPS from a victim of crime?</b>
<b>Q26</b>	<b>What is the additional burden on civil society organisations if they are contracted to take the VPS on behalf of the police?</b>

Thank you for participating in this consultation exercise.

## About you

Please use this section to tell us about yourself

<b>Full name</b>	
<b>Job title</b> or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)	
<b>Date</b>	
<b>Company name/organisation</b> (if applicable):	
<b>Address</b>	
<b>Postcode</b>	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

**If you are a representative of a group**, please tell us the name of the group and give a summary of the people or organisations that you represent.

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## Contact details/How to respond

Please send your response by 10 May 2013 to:

**Bola Fabunmi**  
**Ministry of Justice**  
**Post Point 8.01**  
**8<sup>th</sup> Floor**  
**102 Petty France**  
**London SW1H 9AJ**  
**Tel: 020 3334 3555**

**Email: [VictimsCodeConsultation@justice.gsi.gov.uk](mailto:VictimsCodeConsultation@justice.gsi.gov.uk)**

### Complaints or comments

If you have any complaints or comments about the consultation process you should contact Tim Charlton at the above address.

### Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available on-line at <http://www.justice.gov.uk/index.htm>.

Alternative format versions of this publication can be requested by sending an e-mail to: [VictimsCodeConsultation@justice.gsi.gov.uk](mailto:VictimsCodeConsultation@justice.gsi.gov.uk) or by calling 020 3334 3555.

### Publication of response

A paper summarising the responses to this consultation will be published in the summer. The response paper will be available on-line at <http://www.justice.gov.uk/index.htm>.

### Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

### Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you

could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Ministry.

The Ministry will process your personal data in accordance with the DPA and in the majority of circumstances; this will mean that your personal data will not be disclosed to third parties.

## **Consultation principles**

The principles that Government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<http://www.cabinetoffice.gov.uk/sites/default/files/resources/Consultation-Principles.pdf>







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