



Victims' Code: Equalities Statement

Policy change summary

The Code of Practice for Victims of Crime (Victims' Code) sets out how victims should be treated by the criminal justice system. The Ministry of Justice (MOJ) published the "*Improving the Code of Practice for Victims of Crime*" consultation paper on 29 March 2013, along with an Equality Statement and Impact Assessment. These documents can be found at: <https://consult.justice.gov.uk/digital-communications/code-victims-crime>. The paper presented proposals on changes to the Code of Practice for Victims of Crime (Victims' Code). The consultation closed on 10th May 2013.

The current Code is out of date, inflexible and does not meet the needs of victims. The consultation was used as an opportunity to collect feedback on our Equalities Statement to ensure that the coverage of the Code met victims most in need and complied with statutory obligations under the Equality Act 2010.

Entitlements

The proposals in the revised Code outlined the minimum entitlements for all victims and additional enhanced services for victims identified as being most in need. These are:

- victims of the most serious crime;
- persistently targeted victims; and
- vulnerable or intimidated victims – including victims under 18 years of age at the time of the offence and those who suffer from mental disorder within the meaning of the Mental Health Act 1983.

Having listened to the views of consultation respondents and to provide a consistent and immediate initial response to victims in England and Wales, we have decided to retain an automatic referral of all victims of crime to support services, with the exception of domestic violence and sexual violence cases in which the victim will have to give explicit consent to do so.

We have taken on board the responses to the consultation and made the following key changes to the Code:

- As part of the most vulnerable victims in society, child victims under the age of 18 have a dedicated section in the Code which clearly outlines their entitlements in the criminal justice system. We have simplified the language to make this more accessible.
- To acknowledge the serious difficulties victims of road traffic offences may confront, we have provided flexibility for the police to use their professional discretion to offer support and services under the Victims' Code in cases where a victim of crime is not directly eligible for support under the Code if the offence concerned does not fall under the National Crime Recording Standard.
- We will also develop an EasyRead guide to the Code using simple language and visual aids targeted at those with communication difficulties.

- We are also widening the scope of the “victims of the most serious crime” category to include more offences. This category includes close relatives bereaved by criminal conduct, victims of domestic violence, hate crime, terrorism, sexual offences, human trafficking, attempted murder, kidnap, false imprisonment, arson with intent to endanger life and wounding or causing grievous bodily harm with intent.

Victim Personal Statement (VPS)

The revised Victims’ Code will require the VPS to be offered by the police to all victims who give an evidential witness statement and all victims in the three groups listed above (victims of serious crime, vulnerable and intimidated and persistently targeted victims). We propose to expand the number of bodies able to take a VPS from victims to voluntary organisations that will be contracted by the police to undertake this service on their behalf. This will help to address the current low offer rate to victims. The Code now includes an entitlement for the victim to choose whether they would like to read their VPS aloud in court or to have it read aloud on their behalf or not. Victims with communication difficulties, for example, may prefer to have their VPS read aloud by a CPS prosecutor. Their statement will be read out after a defendant has been found guilty and before sentencing and will give victims a stronger voice in the criminal justice process by enabling them to directly inform the court how the crime has impacted upon them. Reading the VPS aloud will remain subject to judicial discretion as there may be circumstances where it would be inappropriate for all or part of the VPS to be read aloud to the courtroom or where it is not in the victim’s best interests for this to happen. Victims can choose for their statement to be considered by the court as part of the evidence prior to sentencing if they would prefer that their statement is not read aloud. We also propose to create a separate Impact Statement to enable all businesses to explain the impact a crime has had upon them.

Means of redress

We propose to create a more clear and effective process of registering complaints for victims of crime. Agencies will be required to have a clearly defined process within their organisation through which victims can complain if their entitlements as set out under the Code have not been met. Agencies will be required to provide an acknowledgement or substantive response to the complaint within 10 working days. Agencies must give victims information on who is dealing with their complaint even if it concerns more than one organisation. They must also provide a response in an appropriate format. Agencies are encouraged in the Code to report on their performance. The victim will also have the option to refer their complaint through the Parliamentary and Health Service Ombudsman via their local MP if they are not satisfied with the outcome.

Restorative Justice (RJ)

The Code includes for the first time a separate section on Restorative Justice (RJ) for victims of adult offenders. The current Code provides information on RJ for victims of youth offenders only. The new section will explain to victims what RJ is in simple terms and its potential availability both before and after criminal proceedings have taken place, with a concurrent duty that the police and other service providers should signpost and offer information on RJ to victims, where available.

Following the consultation the Code now includes a requirement for criminal justice agencies undertaking RJ to ensure that a quality service is offered in line with national standards. Additional text has been inserted to ensure that agencies take appropriate measures to ensure the victim is safeguarded against secondary victimisation.

Equalities Summary

In the consultation, we considered the impact of the Victims' Code changes against the statutory obligations under the Equality Act 2010¹ and to help us assess the impact of our proposals on the following protected characteristics: sex, race, age, religion and belief, disability and sexual orientation.

We looked at the distribution of personal crime victimisation within each socio-demographic (e.g. age) and compared this to proportions in the general population (16+) using the Crime Survey for England and Wales (CSEW) (See Table 1)². For example, 32% of victims of personal crime were aged 16-24 compared to only 14% of the general population being in this age category. When compared to the general population the following groups were found to be over-represented among victims³:

- Single (that is, never married and never registered a same-sex civil partnership)
- 'Mixed' ethnicity⁴
- 16-24 and 25-34 year old age groups
- No religion and 'other' religion⁵
- Gay or lesbian

We felt that more individuals in the above groups may be affected by proposed changes due to their over-representation as victims (of personal crime) and that these changes would therefore have a positive effect on them.

¹ Section 149 of the Equality Act 2010 places a duty on Ministers and the Department, when exercising their functions, to have 'due regard' to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct under the Equality Act 2010;
- Advance equality of opportunity between different groups (those who share a relevant protected characteristic and those who do not); and
- Foster good relations between different groups (those who share a relevant protected characteristic and those who do not).

² Personal crime is used as the comparator in preference to all CSEW crime as protected characteristics demographics may not be representative for household crime

³ Unpublished analysis of the Crime Survey for England and Wales (CSEW) 2012/13. The characteristics noted were statistically significantly different to the proportions in the general population.

⁴ The non-white group, when taken as a whole, is also over-represented among victims of personal crime compared to the general population proportions according to the survey

⁵ CSEW respondents who identify themselves as having a religion other than Christian, Buddhist, Hindu, Jewish, Muslim or Sikh

Table 1: Characteristics of adults who were victims of CSEW personal crime ^(1,2), 2012/13 CSEW

England and Wales	Adults aged 16 and over	
	Victims of personal crime	General population ⁽⁷⁾
Age	100%	100%
16-24	32%	14%
25-34	22%	17%
35-44	18%	17%
45-54	14%	17%
55-64	8%	14%
65-74	4%	11%
75+	2%	9%
Disability/illness status	100%	100%
Long-standing illness or disability	22%	22%
<i>Limits activities</i>	17%	17%
<i>Does not limit activities</i>	5%	5%
No long-standing illness or disability	78%	78%
Marital status	100%	100%
Married	29%	50%
Cohabiting	13%	11%
Single	48%	25%
Separated/legally dissolved partnership	3%	2%
Divorced	6%	6%
Widowed	3%	6%
Ethnicity	100%	100%
White	85%	88%
Non-White	15%	12%
<i>Mixed</i>	2%	1%
<i>Asian or Asian British</i>	8%	6%
<i>Black or Black British</i>	4%	3%
<i>Chinese or other</i>	1%	1%
Religion ⁽³⁾	100%	100%
Christian	50%	62%
Buddhist	1%	<1%
Hindu	2%	2%
Muslim	5%	4%
Other	3%	2%
No religion ⁽⁴⁾	40%	30%
Sex	100%	100%
Men	51%	49%
Women	49%	51%
<i>Unweighted base</i>	<i>1,615-1,620 ⁽⁸⁾</i>	<i>34,787-34,880 ⁽⁸⁾</i>
Sexual identity ⁽⁵⁾	100%	100%
Heterosexual or straight	92%	94%
Gay or lesbian	3%	1%
Bisexual	2%	1%
Other ⁽⁶⁾	4%	4%
<i>Unweighted base</i>	<i>1,339 ⁽⁸⁾</i>	<i>21,727 ⁽⁸⁾</i>

(1) Source: Crime Survey for England and Wales, Office for National Statistics. The British Crime Survey (BCS) is now known as the Crime Survey for England and Wales to better reflect its geographical coverage. While the survey did previously cover the whole of Great Britain it ceased to include Scotland in its sample in the late 1980s. There is a separate survey – the Scottish Crime and Justice Survey – covering Scotland. Given the transfer of responsibility for the survey to ONS, it was decided that the name change would take effect from 1 April 2012.

(2) For definitions of personal characteristics, see Section 7.3 of the *User Guide to Crime Statistics for England and Wales (2013)*.

(3) Owing to changes in the wording of the religion question in the 2012/13 CSEW questionnaire, results to this question will differ to previous years.

(4) CSEW respondents who identify themselves as having a religion other than Christian, Buddhist, Hindu, Jewish, Muslim or Sikh.

(5) The question on the sexual identity of the respondent is asked in the self-completion module of the questionnaire. This module is only asked of those respondents aged 16-59.

(6) The 'Other' category includes those who responded 'Other', those who responded 'Don't know' and those that did not wish to answer the question.

(7) The general population figures are for those aged 16 and over and are based on the CSEW. As such they may provide different estimates of the general population to the comparators used in other national statistics.

(8) The base will vary due to missing data on individual variables, but is within the stated range.