

<b>Title:</b> Revising the Victims' Code Consultation Response  <b>IA No:</b> MoJ005/2015  <b>Lead department or agency:</b> Ministry of Justice  <b>Other departments or agencies:</b>	<b>Impact Assessment (IA)</b>		
	<b>Date:</b> 22 October 2015		
	<b>Stage:</b> Consultation Response		
	<b>Source of intervention:</b> EU		
	<b>Type of measure:</b> Other		
<b>Contact for enquiries:</b> VictimsCodeConsultation@justice.gsi.gov.uk			
<b>Summary: Intervention and Options</b>			<b>RPC Opinion:</b> Not Applicable

Cost of Preferred (or more likely) Option			
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, Measure qualifies as Two-Out?
N/Q	£0	£0	No   NA

**What is the problem under consideration? Why is Government intervention necessary?**

The statutory Code of Practice for Victims of Crime ("the "Code") sets out how victims should be treated by the criminal justice system. We last revised the Code in December 2013. We have consulted on further revisions to the Code to address some gaps which remain in relation to the support and information provided to victims of crime. The revised Code will implement parts of Directive 2012/29/EU of the European Parliament and the Council of 25 October 2012 ("the Directive") which establishes minimum standards on the rights, support and protection of victims of crime, which comes into force on 16 November 2015.

**What are the policy objectives and the intended effects?**

1. To extend the services offered under the Code to victims of any criminal offence, not just victims of criminal offences that are notifiable under the National Crime Recording Standards (NCRS).
2. To make sure that victims are entitled to receive support and information from other relevant investigative and prosecutorial organisations, not just the police and Crown Prosecution Service.
3. To make sure that victims who report crimes receive a written acknowledgement, which states the basic elements of the criminal offence concerned.
4. To make other amendments to the Code to better represent what happens in practice and address remaining requirements under the Directive.

**What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)**

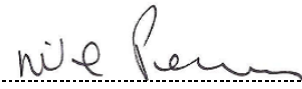
**Option 1:** Do Nothing.

**Option 2:** Revise the Victims' Code.

**The preferred option is Option 2.** Doing nothing is not a viable option as changes are needed to the Code to comply with the Directive.

<b>Will the policy be reviewed?</b> It will not be reviewed. <b>If applicable, set review date:</b> N/A					
Does implementation go beyond minimum EU requirements?				No	
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.		<b>Micro</b> No	<b>&lt; 20</b> No	<b>Small</b> No	<b>Medium</b> No
What is the CO <sub>2</sub> equivalent change in greenhouse gas emissions? (Million tonnes CO <sub>2</sub> equivalent)				<b>Traded:</b> N/Q	<b>Non-traded:</b> N/Q

**I have read the Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) that the benefits justify the costs.**

Signed by the responsible Minister:  Date: 21 October 2015

# Summary: Analysis & Evidence

# Policy Option 2

Description: Revise the Victims' Code

## FULL ECONOMIC ASSESSMENT

Price Base Year N/A	PV Base Year N/A	Time Period Years N/A	Net Benefit (Present Value (PV)) (£m)		
			Low: NQ	High: NQ	Best Estimate: NQ

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	NQ	NQ	NQ
High	NQ	NQ	NQ
Best Estimate	Not Quantified	Not Quantified	Not Quantified

### Description and scale of key monetised costs by 'main affected groups'

Not quantifiable

### Other key non-monetised costs by 'main affected groups'

**Costs to police.** By expanding the Code to cover all victims of crime, we expect there will be modest extra resource costs for the police.

**Costs to Police and Crime Commissioners (PCCs).** Broadening the definition of victim means that more victims may wish to be referred to the services commissioned by PCCs. This could increase the cost to PCCs of providing those services although is still within the conditions of the grant funding they receive from MoJ.

**Costs to other investigative and prosecutorial organisations.** Relevant investigative and prosecutorial organisations (other than the police and CPS) will incur some resource costs from providing services to victims in line with the updated Code. We expect that for most of these organisations the increase in costs will be small. The Serious Fraud Office, National Crime Agency and Financial Conduct Authority may experience a greater increase in costs than the other organisations as their core business is investigating and prosecuting criminal offences, yet they are not currently covered by the Code.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	NQ	NQ	NQ
High	NQ	NQ	NQ
Best Estimate	NQ	NQ	NQ

### Description and scale of key monetised benefits by 'main affected groups'

Not quantifiable.

### Other key non-monetised benefits by 'main affected groups'

**Benefits to victims of crime.** Some victims of non-NCRS (less serious summary only) offences will benefit by becoming eligible to receive services under the Code

Victims of crimes who are dealt with by other relevant investigative and prosecutorial organisations will benefit by becoming eligible to receive services under the Code.

Victims will benefit from receiving a written acknowledgement when they report a crime.

### Key assumptions/sensitivities/risks

Discount rate (%)

N/A

We have assumed that there are a relatively small number of victims of non-NCRS offences and that most victims of non-NCRS offences typically have low need for support and/or are already given support by the police in line with their duties under the Code on a discretionary basis.

We have assumed that the number of victims dealt with by other relevant investigative and prosecutorial organisations in the performance of their functions is small.

We have assumed that the police will incorporate the additional information that they will have to provide to victims into the materials they currently provide and that this will not create a major change in process.

## BUSINESS ASSESSMENT (Option 2)

Direct impact on business (Equivalent Annual) £m:			In scope of OIOO?	Measure qualifies as
Costs: NQ	Benefits: NQ	Net: NQ	No	N/A

# Evidence Base (for summary sheets)

## Introduction

- 1) This impact assessment accompanies the Ministry of Justice's response to the consultation "Revising the Victims' Code". The associated consultation response paper can be found at <https://consult.justice.gov.uk/digital-communications/victims-code>. This impact assessment is an assessment of the reforms in the Government response.
- 2) The Code places obligations on core criminal justice agencies to provide victims of crime with a minimum level of information and other services such as notification of important developments in their case. The Code sets out over 100 duties on core criminal justice agencies to provide entitlements to victims of crime.
- 3) We revised the Code in December 2013 to include some additional entitlements, make it clearer and more readable, and to give greater flexibility to core criminal justice agencies to tailor services according to individual need. The Code specifies that an enhanced service must be provided to:
  - (a) Victims of the most serious crime;
  - (b) Persistently targeted victims; and
  - (c) Vulnerable or intimidated victims.
- 4) The Code is central to our strategy for transposing the EU Victims' Directive ("the Directive") which will come into force on 16 November 2015. We transposed a considerable amount of the Directive when we revised the Code in December 2013. The amendments made to the Code from this consultation exercise, alongside existing law and practice, will complete our transposition of the Directive.

## Rationale for Intervention

- 5) The conventional economic approach to Government intervention to resolve a problem is based on efficiency or equity arguments. The Government may consider intervening if there are strong enough failures in the way markets operate (e.g. monopolies overcharging consumers) or there are strong enough failures in existing Government interventions (e.g. waste generated by misdirected rules). The proposed new interventions should avoid creating a further set of disproportionate costs and distortions. The Government may also intervene for equity (fairness) and redistributive reasons (e.g. to reallocate goods and services to the more needy groups in society).
- 6) The rationale for intervention in this case relates to equity. Revising the Code should ensure that all victims of crime receive support and information from the criminal justice system rather than only those who are the victims of NCRS offences, and that victims of crime in England and Wales receive the same minimum entitlements as other victims in countries that have implemented the Victims' Directive.

## Policy Reforms

- 7) This impact assessment covers a range of reforms:
  - a) To extend the services offered under the Code to victims of any criminal offence, not just victims of criminal offences that are notifiable under the National Crime Recording Standards (NCRS).
  - b) To make sure that victims are entitled to receive support and information from other relevant investigative and prosecutorial organisations, not just the police and Crown Prosecution Service.
  - c) To make sure that victims who report crimes receive a written acknowledgement, which states the basic elements of the criminal offence concerned.
  - d) To make other amendments to the Code to better represent what happens in practice and address remaining requirements under the Directive.

## Policy Options considered

8) Two approaches were considered and were reflected in the consultation paper.

- (a) **Option 1:** Do Nothing.
- (b) **Option 2:** Revise the Victims' Code.

9) **The preferred option is Option 2.** Doing nothing is not viable as changes are needed to the Code to comply with the Directive.

10) Under Option 2, to deliver our policy objectives have made the following changes:

### a) Extended the services offered under the Code to victims of any criminal offence

11) We have broadened our current definition of "victim". The previous Code defined a victim as someone who has suffered harm directly caused by a criminal offence that is notifiable under the National Crime Recording Standards (NCRS). The NCRS is a standard of recording crime by the police. It deals primarily with indictable or triable-either way offences (serious offences which may be punished by more than 6 months imprisonment). The NCRS excludes summary offences such as careless driving or drink driving – therefore victims of these crimes are not covered by our definition – and, while in practice victims may receive services from the police in line with the duties under the Victims' Code on a discretionary basis, they are not entitled to them.

12) The Directive, however, confers rights upon persons who have suffered harm caused directly by **any** criminal offence.

13) When revising the Code in 2013, we decided to retain the limitation to NCRS offences to reduce the impact on core criminal justice agencies having to provide services to victims of low-level offences. Such offences are high in volume but we judge that a small number of victims are likely to need support. We recognised the difficulty victims of non-NCRS offences face in accessing support which is why the Code allows agencies to provide services to such victims on a discretionary basis. After further consultation with police representatives and the National Crime Registrar, we judge that the volumes are not as high as we originally thought in 2013 and that in practice agencies are exercising this discretion to provide relevant services and support wherever there is an identifiable victim.

### b) Extended the Code to other investigative and prosecutorial organisations

14) The term "competent authority" is employed throughout the Directive to describe the body (or bodies) that have a duty to provide support and information to victims of crime. It is for national law to determine the identity of competent authorities. We have added the organisations listed in Annex A as competent authorities (in addition to those already covered by the Code) because they are organisations which perform functions in relation to victims as defined by the Directive with respect to one or more of its Articles.

15) We have revised the Code by adding a new chapter (chapter 5). Chapter 5 sets out the information, help and services that service providers listed in Annex A must provide to victims of crime. Along with the earlier chapters in the Code it implements relevant provisions of the Directive but deals with service providers not covered in previous versions of this Code.

### c) Victims who report crimes receive a written acknowledgement, which states the basic elements of the criminal offence concerned

16) When victims report a crime, the police give them an "information for victims of crime" leaflet which tells them what to expect from the criminal justice system. The Directive requires victims to be given a written acknowledgement which states the basic elements of the criminal offence. We have revised the Code to entitle victims to receive such a written acknowledgement when they report a crime.

### d) Other amendments

17) We have made a number of other, smaller amendments to the Code that will apply to all victims covered by the Code. We have consulted and consider that these will have little, or no impact, on

organisations required to provide duties under the Code because we think either these things are already happening in practice or that what happens in practice will require minimal adjustment. As we expect the changes which have no change in practice to have minimal or no cost we have not assessed them in this Impact Assessment. These amendments:

- a) Clarify that a victims' needs assessments will identify whether and to what extent the victim may benefit from special measures. (No change in practice as this is already part of the purpose of the needs assessment.)
  - b) Give victims a right of review against police decisions not to prosecute, as well as CPS decisions not to prosecute. (No change in practice. Both the police and CPS Victims Right to Review schemes are operative owing to domestic case-law.)
  - c) Clarify how the CPS and police Victims Right to Review schemes work. (No change in practice.)
  - d) Provides a more detailed description of the restorative justice services to which victims are entitled in areas where restorative justice is provided. (No change in practice.)
  - e) Clarify that the information that victims who do not speak or understand English are entitled to have interpreted or translated. Where a victim is unhappy with a decision not to provide translation or interpretation services they are entitled to make a complaint to the relevant service provider or organisation. (No change in practice.)
  - f) Clarify that victims will be entitled where possible to have the same person conduct all the interviews, unless to do so would prejudice the proper handling of the investigation. (No change in practice.)
  - g) Provides that medical examinations of the victim will be kept to a minimum and carried out only where strictly necessary for the purposes of criminal proceedings. (No change in practice.)
  - h) Clarify that access to services to help victims cope and recover (this includes national commissioned services as well as local services commissioned by Police and Crime Commissioners) is not dependent on an individual having reported to the police that they are a victim of crime. (No change in practice.)
  - i) Clarify that the information victims are to receive at the point of first contact with the police or other relevant organisation about what to expect from the criminal justice system. (No change in practice.)
- 18) We have made an assessment of the changes which will have a small change in practice. These amendments are:
- a) The Witness Care Unit, which already notifies victims about decisions taken by the court, will in addition provide the victim with a brief summary of the reasons why that decision was taken, where such reasons are available.
  - b) All victims of sexual violence, gender-based violence or domestic violence will be offered the opportunity to have their interview conducted by a person of the same gender wherever possible, unless doing so is likely to prejudice the criminal investigation.

## Groups Affected

19) The main groups affected by these proposals are:

- a) All victims of crime (of which there will be particular impacts on victims of non-NCRS crimes and victims dealt with by other competent authorities).
- b) Wider society.
- c) The following core criminal justice agencies with specific obligations in the Code:
  - i. All police forces in England and Wales, the British Transport Police and the Ministry of Defence Police;
  - ii. The Crown Prosecution Service (CPS);
  - iii. Her Majesty's Courts and Tribunals Service;
  - iv. Police and Crime Commissioners; and
  - v. Witness Care Units (joint police/CPS units).
- d) Other organisations assessed to be competent authorities for the purposes of the Directive (see Annex A).

## Note on territorial application

20) The reforms set out in this Impact Assessment will have effect in England and Wales only. Measures to transpose the EU Directive in Scotland, Northern Ireland and Gibraltar are dealt with separately by the relevant devolved administration.

## Cost and Benefits

### Base Case / Option 1 – Do Nothing

21) The base case is the “do nothing” option, making no changes to the current Code. This means that as this option can only be compared with itself, the costs and benefits will be zero initially, as is the option's Net Present Value.

#### *Transitional Costs*

- 22) There will be modest administrative costs to the Government of amending the Code which are the staffing costs of doing so, the costs of publishing some hard copies and the cost of translating the Code into Welsh. We expect these costs to be small and covered by existing budgets.
- 23) There may also be costs to organisations covered by the Code for training and familiarising staff with the revised Code. We expect these costs to be small and covered by existing budgets.
- 24) Below are set out the benefits, costs, net impact, risks, assumptions, sensitivities and data limitations which are specific to each of the three main proposed changes to the Code.

### Option 2(a) – Extending the services offered under the Code to victims of any criminal offence

- 25) At present, the Code defines a victim as someone who has suffered harm directly caused by a criminal offence that is notifiable under the National Crime Recording Standards (NCRS). The NCRS is a standard of recording crime by the police and it primarily includes indictable offences or triable-either way offences (serious offences which may be punished by more than 6 months imprisonment). This means that victims of many summary offences are excluded.
- 26) There are hundreds of summary offence classifications. The majority of them do not have direct victims, for example, failing to register births and deaths and offences against fishery laws, but there are some summary offences which sometimes have victims. Notable examples where victims could suffer serious injury are careless driving and drink driving. There are some other summary offences

that may have a victim such as being drunk in charge of a child under 7, offences relating to phone hacking and various obstruction offences, such as obstructing a constable in execution of his duty.

- 27) We estimate the theoretical increase in crimes eligible for services under the Code to be between 0.8m and 1.3m per year.<sup>1</sup> We have concluded from our analysis that less than a quarter of these crimes are likely to have a direct victim or victims<sup>2</sup>. This estimate includes crimes that are recorded by the police but are not covered by the NCRS (i.e. most summary offences) and some crimes which are reported to the police but are not recorded at all. This is a modest increase in the number of victims relative to the overall total; in 2014 there were approximately three million victim-based crimes recorded by the police<sup>3</sup>. In addition, consultation with police representatives and the National Crime Registrar has supported our assessment that the number of additional victims is likely to be modest.
- 28) We believe that this policy reform could have an impact on any victims coming into scope and that the benefit for these victims could be substantial. There is already flexibility for the police to use their professional discretion to offer support and services in line with their duties under the Code in cases where a victim of crime is not directly eligible if the offence concerned does not fall under the NCRS.
- 29) Examples of the services which the additional victims would receive include receipt of a clear explanation of what to expect from the criminal justice process when they report a crime; written information on what to expect from the criminal justice system such as the “information for victims of crime” leaflet, automatic referral to victims’ services by the police and updates on the status of the case.
- 30) In practice, we believe that in cases where victims of non-NCRS offences suffer harm, the police are already exercising their discretion to provide relevant services and support in line with the Victims’ Code. In addition, PCCs are also required under their current grant funding arrangement with the MoJ that support services should be provided to victims as defined in the Directive.
- 31) We judge that the impact on the police of broadening the definition of victim in the Code is therefore small.

## **Costs of policy reform 2(a)**

### *Costs to criminal justice agencies*

- 32) The change to the definition of victim will apply to agencies currently covered by the Code and the agencies we propose to add in policy reform 2 (b) [the impact on those agencies is considered under policy reform 2 (b)].
- 33) In practice, of the core criminal justice agencies, we expect that only the police will be affected. The vast majority of victims coming into scope would not require more than the services provided at the stage of reporting the crime due to the low-level nature of the crimes. We think there will be some modest costs to the police and no costs to other agencies.
- 34) There will be extra resource costs for the police in providing support to more victims such as an assessment of their needs, providing information about the crime and keeping them informed of the status of their case. We believe that there will be a modest number of additional victims, many of whom will have a low need for services and the police already provide some services to non-NCRS victims on a discretionary basis so the costs to the police will be low. We do not hold any data centrally on the level of support services currently provided to non-NCRS victims on a discretionary basis or any information on the average costs to the police of providing services under the Code.
- 35) 12 respondents to the consultation raised concerns about the cost and resource implications for the police for having to provide services in line with the Code to this additional number of victims but we did not receive any robust data or information during the consultation on the scale of the impact or

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<sup>1</sup> This figure is based on the numbers of crimes reported to the Crime Survey for England and Wales and the number of NCRS crimes recorded, each in 2013, and also on an (HMIP) Inspection Report which quantified a shortfall in recorded crime.

<sup>2</sup> This estimate is based on a judgment about whether the crime types are likely to have a victim; not actual data on the number of victims. As a result it should be seen as a rough estimate.

<sup>3</sup> Crime in England and Wales – Year ending March 2015, Table QT1. <http://www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/index.html>

any estimates of the cost implications that this policy reform will have on the police. As a result, we are unable to quantify this impact.

- 36) For non-NCRS offences with victims, we consider that there will be no impact on agencies other than the police. For such cases that go to court, we believe that agencies such as the CPS and HMCTS do not differentiate between victims of NCRS offences and victims of non-NCRS offences and that therefore there will be no additional costs for other agencies.
- 37) There may be an impact on Police and Crime Commissioners (PCCs) who provide the majority of victims support services locally. These concerns were raised by a small number of respondents to the consultation. All victims of crime, as defined in the Directive, are already entitled to access “victims’ services” commissioned by PCCs to help victims cope and recover from the impact of crime. PCCs have to comply with the Directive according to the terms of their grant agreements.
- 38) The Code currently entitles victims to be referred to these services by the police when they report a crime. While there will be no change in the number of victims eligible to receive services commissioned by PCCs, broadening the definition of victim means that there may be an increase in the number of victims who get referred to those services. PCCs are already required by their grant funding arrangements with the MoJ to ensure that the availability and contact details of services provided or commissioned are widely publicised in a variety of media and locations. Therefore, victims may already be aware of their entitlement to access these services and take up that entitlement.

### **Benefits of policy reform 2(a)**

#### *Benefits to victims of crime*

- 39) This policy reform will make victims of non-NCRS offences eligible to receive services under the Code such as receiving a clear explanation of what to expect from the criminal justice process when they report a crime and to receive information about victims’ services from the police so that they can access support at any time. For these victims, this may be of substantial benefit but we think the increase in the number of victims who benefit in practice will be modest for the reasons outlined above.
- 40) We do not hold any information on the number of victims who are currently provided with services on a discretionary basis by criminal justice agencies in line with the Victims’ Code or any information on the levels of the needs of the additional victims. We also did not receive any robust data during the consultation on the possible benefits of these changes. Therefore we cannot quantify this impact.

### **Net Impact of policy reform (a)**

- 41) We judge that the net impact will be a modest rise in resource costs for the police and a modest benefit to victims of crime. We also judge that there could be a modest rise in resource costs for PCCs.
- 42) Whilst responses to the consultation suggest that victims will benefit from this policy reform, we are unable to quantify the value that victims would place on this. It is also not possible to quantify the impact on police forces as we do not have figures on the cost to the police to provide services to victims.

### **Risks, assumptions and sensitivities for option 2(a)**



- 43) We have assumed that there is a modest number of victims of non-NCRS offences and the impact on affected organisations will be low. In addition, we have also assumed that victims of non-NCRS offences typically have low need for support and/or are already provided support on a discretionary basis.
- 44) We have assumed that all agencies will comply with the revised Code. However, it is possible that some agencies may not comply fully with the changes, in which case the costs and benefits would be lower and there might be more complaints made by victims, and increased costs for agencies in dealing with those complaints.
- 45) We have also assumed that the impact on PCCs will be modest because the current grant funding arrangements between MoJ and PCCs require PCCs to provide or commission services which, when taken together with relevant existing provision, will satisfy the requirements of the Victims' Directive (particularly Articles 8 and 9).

## **Policy reform 2 (b) – Extending the Code to other investigative and prosecutorial organisations**

- 46) The term “competent authority” is employed throughout the Directive to describe the body (or bodies) that have a duty to provide services to victims. It is down to national law to determine the identity of competent authorities. We have added the organisations listed in Annex A as competent authorities because they are organisations which perform functions in relation to victims as defined by the Directive with respect to one or more of its Articles.
- 47) Following responses to the consultation, the final list of organisations that are included in the Code are listed at Annex B.
- 48) While the great majority of criminal offences are investigated by the police and prosecuted by the Crown Prosecution Service, there are a number of other investigative or prosecutorial organisations that are not covered by the Code which routinely, or occasionally, provide services to victims and which are considered to be competent authorities for the purposes of the Directive. These are listed in Annex A which shows whether the organisations have investigative or prosecutorial functions or both.
- 49) The duties on organisations relate to the following Articles of the Directive:
- Article 3 – Right to understand and to be understood
  - Article 4 – Right to receive information from the first contact with a competent authority
  - Article 5 – Right of victims when making a complaint (reporting a crime)
  - Article 6 – Right to receive information about their case
  - Article 7 – Right to interpretation and translation
  - Article 8 – Referral of victims to victim support services
  - Article 10 – Right to be heard
  - Article 11 – Rights in the event of a decision not to prosecute
  - Article 14 – Right to reimbursement of expenses
  - Article 15 – Right to return of property
  - Article 18 – Right to protection
  - Article 19 – Right to avoid contact between victim and offender
  - Article 20 – Right to protection of victim during criminal investigation
  - Article 21 – Right to protection of privacy
  - Article 22 – Individual assessment of victims to identify specific protection needs

- Article 23 – Right to protection of victims with specific protection needs during criminal proceedings
- Article 24 – Right to protection of child victims during criminal proceedings

50) We have revised the Code by adding a new chapter which will place duties to provide services to victims on other relevant investigative or prosecutorial organisations, in addition to the core criminal justice agencies. The duties that will apply to each organisation will vary because each organisation has a unique set of functions and encounters victims in different ways.

51) The duties on service providers are set out in the Introduction of Chapter 5 of the Code.

52) There is no extra funding being provided to other investigative or prosecutorial organisations to carry out new duties for victims.

## **Costs of policy reform 2 (b)**

*Costs to other investigative and prosecutorial organisations (see Annex A)*

53) These organisations are likely to incur some resource costs from providing services to victims in line with the updated Code.

54) We do not hold any information centrally on the number of victims that these organisations deal with or their likely demand for services under the Victims' Code. We also did not receive any robust data or information in response to the consultation from the relevant investigative and prosecutorial organisations on the possible costs to them to provide services in line with Chapter 5 of the Victims' Code. As a result we are unable to quantify this impact.

55) We expect that the impact of the proposed changes will be greater on the National Crime Agency and the Serious Fraud Office due to the nature of their work involving victims of serious and organised crime. Both organisations did not specifically respond to this statement in their consultation responses. The Financial Conduct Authority thought that the impact of this policy reform on them would not be small. We expect that the impact will be lower on the other organisations listed in Annex A because we consider that their contact with victims is likely to be less frequent.

56) The impact on the affected organisations could be limited as Chapter 5 sets out that the duties of the Victims' Code applies only to the extent that the organisations have formally accepted responsibility for conducting a criminal investigation into a matter reported as a crime or for making a decision to prosecute.

## **Benefits of policy reform 2(b)**

*Benefits to victims of crime*

57) Victims of crimes which are dealt with solely by these organisations and not by core criminal justice agencies will benefit by becoming eligible to receive services under the Code.

58) We think the number of victims who benefit will be small but for those victims the benefit may be substantial.

59) As stated above, we do not hold any data centrally that would allow us to estimate the number of victims affected and as such we are unable to quantify this impact.

## **Net impact of policy reform 2(b)**

60) We judge that the net impact will be an appreciable rise in costs for the Serious Fraud Office, National Crime Agency and Financial Conduct Authority, a smaller rise in costs for the other organisations and a modest benefit to victims of crime.

## **Risks, assumptions and sensitivities for policy reform 2(b)**

- 61) We have assumed that the number of victims dealt with by other investigative and prosecutorial organisations in the performance of their functions is small.
- 62) We have assumed that all agencies will comply with the revised Code. However, it is possible that some agencies may not comply fully with the changes, in which case the costs and benefits would be lower and there might be more complaints made by victims, and increased costs for agencies in dealing with those complaints.

## **Policy reform 2(c) – Making sure that victims who report crimes receive a written acknowledgement which states the basic elements of the criminal offence concerned**

- 63) We have revised the Code to make sure that when a victim reports a crime to the police, the police officer will provide the victim with a written acknowledgment stating the basic elements of the crime.
- 64) When the crime is reported in person, we expect that the police officer (who is already under a duty to provide the victim with information on what to expect from the criminal justice system – such as the “information for victims of crime” leaflet), will provide the victim with a written acknowledgment stating the basic elements of the crime by adding these details to the leaflet.
- 65) Two respondents to the consultation stated that the police would be required to spend 2-3 minutes writing down the additional details of the case onto the leaflet for all reported criminal offences. Discussions with the police and the Home Office corroborate this estimate. Currently the leaflet has a space in which victims are able to note down the details of the crime and we are working with the police to amend the leaflet so that forces can use it as the means to issue a written acknowledgement.
- 66) This requirement will apply to every crime reported by a victim to the police regardless of whether the crime is recorded.
- 67) This requirement will also apply to other relevant public sector organisations to which victims report crimes. That impact is assessed as part of Option 2(b) rather than Option 2(c).

## **Costs of policy reform 2(c)**

### *Costs to police*

- 68) Any additional costs would fall to police forces as it is the police who would need to provide the written acknowledgement. There would be no additional funding to carry out this work.
- 69) In 2014 there were approximately three million victim-based crimes recorded by the police<sup>4</sup>. The total number of crimes reported to the police is higher than this as the police do not record every crime which is reported to them.
- 70) Based on the assumption that this change will require an additional three minutes of police time and that there are three million victim-based crimes we expect this change to require approximately 150,000 additional hours of police time per year. This estimate is in line with an estimate of the impact received in the consultation. We estimate that this is less than 0.1% of total police officer time. It is possible that this information is already provided to a significant number of victims in which the case this will be an overestimate of the additional work required. Equally, it is possible that the police may deal with more victims than estimated above, in which case it may be an under-estimate.
- 71) We expect that in many cases this additional information will be given to victims with other information that is already provided or sent by email and therefore any additional postage costs will

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<sup>4</sup> Crime in England and Wales – Year ending March 2015, Table QT1. <http://www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/index.html>

be minimal. If police forces send this information separately or do not already send information to all victims then it is possible that they may incur greater postage costs.

### **Benefits of policy reform 2(c)**

#### *Benefits to victims*

72) Victims will benefit from receiving a written acknowledgement when they report a crime, which will include the basic details of the crime that was reported.

### **Net impact of option 2(c)**

73) We judge that the net impact will be approximately 150,000 additional hours of police time per year. We also judge that there will be a benefit to victims.

### **Risks, assumptions and sensitivities for option 2(c)**

74) We have assumed that the police (or other competent authority) will be able to incorporate the required additional information into the materials they currently provide to a person reporting a crime at first contact and that this requirement will not create a major change in process.

**Policy reform 2(d) – Other amendments (j) The Witness Care Unit, which already notifies victims about decisions taken by the court, will provide the victim with a brief summary of the reasons why that decision was taken, where such reasons are available.**

### **Costs of policy reform 2(d)(j)**

#### *Costs to Witness Care Units*

75) This policy reform will affect the Witness Care Unit. The Witness Care Unit will obtain information about the decision of the court and the reasons for it from HMCTS's case management systems in order to communicate that information to the victim.

76) Victims are already entitled to receive information about decisions taken by the court, including a short explanation about the meaning and effect of the sentence. This policy reform now entitles victims to receive a brief summary of the reasons for the court's decision, where available. We therefore expect that this will have a small impact on the Witness Care Unit.

77) We have been unable to quantify the cost of this policy reform as there is no information available on the resource costs and time required to provide a brief summary of reasons of the court's decision.

### **Benefits of policy reform 2(d)(j)**

#### *Benefits to victims of crime*

78) Victims of crime will benefit as they will be better informed about the court's decision on their case.

### **Net impact of policy reform 2(d)(j)**

79) We expect a small rise in resource costs for the Witness Care Unit and a modest benefit to victims.

### **Risks, assumptions and sensitivities for policy reform 2(d)(j)**

80) We have been unable to quantify the cost to the Witness Care Unit in providing a brief summary of the reasons, where available, of the decision taken by the court.

**Policy reform 2(d) – Other amendments (k) All victims of sexual violence, gender-based violence or domestic violence will be offered the opportunity to have their interview conducted by a person of the same gender wherever possible, unless doing so is likely to prejudice the criminal investigation, where such reasons are available.**

#### **Costs of policy reform 2(d)(k)**

81) We expect that there will be a modest resource impact on the police as they will need to provide a person of the same sex to interview victims in these cases unless doing so would prejudice the proper course of the investigation.

82) This policy reform reflects existing good practice set out in the 'Achieving Best Evidence' guidance ([http://www.cps.gov.uk/publications/docs/best\\_evidence\\_in\\_criminal\\_proceedings.pdf](http://www.cps.gov.uk/publications/docs/best_evidence_in_criminal_proceedings.pdf)) where it states that if a witness expresses a particular preference for an interviewer of a specific gender or sexual orientation or from a particular race, cultural or ethnic background, this should be accommodated as far as is practical in the circumstances. Because of this, we expect that this is already happening in the majority of cases.

#### **Benefits of policy reform 2(d)(k)**

##### *Benefits to victims of crime*

83) Victims of sexual violence, gender-based violence or domestic violence may benefit under this policy reform as more victims may be offered the opportunity to have their interview conducted by a person of the same gender wherever possible.

#### **Net impact of policy reform 2(d)(k)**

84) We judge that there will be a small rise in resource costs for the police and a modest benefit to victims.

#### **Risks, assumptions and sensitivities for policy reform 2(d)(k)**

85) In reaching the conclusion that there will be a modest impact on the police, we have assumed that police forces will usually be able to provide a person of the same sex to conduct interviews with victims of sexual violence, gender-based violence or domestic violence.

86) Where a police force is unable to provide a person of the same sex to conduct the interview without undue delay, there is a risk either that the victim will need to wait until someone becomes available or that the police proceed to conduct the interview with an interviewer of the opposite sex to the victim.

# Specific Impact Tests

## Statutory Equality Duty

A separate Equalities Statement has been produced and is available at the following link:  
<https://consult.justice.gov.uk/digital-communications/victims-code>

## Competition Assessment

The reforms will only affect public sector organisations and the Financial Conduct Authority and therefore will have no effect on competition.

## Small Firms Impact Test

The reforms will only affect public sector organisations and the Financial Conduct Authority and therefore will have no effect on small businesses.

## Small and Micro Business Assessment

The reforms will only affect public sector organisations and therefore will have no effect on small businesses.

## Greenhouse gas assessment

We do not expect any significant impact on carbon emissions.

## Wider Environmental issues

We do not expect any significant impact on other environmental issues.

## Health and Well-being Impact Assessment

Extending the current definition of crime and including other relevant public sector investigative or prosecutorial organisations in the Code is a positive development. This should have a beneficial impact on the health and lifestyle of victims and reduce the need for social care. We do not expect the reforms to have a significant impact on the following wider determinants of health such as income, environment, transport, housing, education, employment, agriculture or social cohesion.

## Human Rights

These reforms are compliant with the Human Rights Act (1998).

## Justice Impact Test

The overall impact on the Justice System is outlined in the evidence base of this Impact Assessment.

## Sustainable Development

We do not anticipate the reforms having any negative effect on the principles of sustainable development.

The reforms may have a small positive effect on the principle of “ensuring a strong, healthy and just society” by providing additional services to victims of any crime.

## Privacy Impact Test (an MOJ Specific Impact Test)

Not applicable.

## Post Implementation Review

A PIR should be undertaken, usually three to five years after implementation of the policy, but exceptionally a longer period may be more appropriate. A PIR should examine the extent to which the implemented regulations have achieved their objectives, assess their costs and benefits and identify whether they are having any unintended consequences. Please set out the PIR Plan as detailed below. If there is no plan to do a PIR please provide reasons below.

<b>Basis of the review</b> N/A
<b>Review Objective</b> N/A
<b>Review approach and rationale</b> N/A
<b>Baseline</b> N/A
<b>Success Criteria</b> N/A
<b>Monitoring Information arrangements</b> N/A
<b>Reasons for not planning a PIR</b>  We do not intend to publish a post-implementation review. The reasons are: (a) we will conduct by December 2015 a post-implementation review of the major revisions we made to the Code in 2013; (b) there is no scope to undo these changes to the Code as they are necessary to comply with the Directive; and (c) The Victims' Commissioner has a statutory duty to monitor the operation of the Code.

## Annex A

### Organisations we consider to be competent authorities and have specific duties under Chapter 5 of the Victims' Code

<b>Name of organisation</b>	<b>Functions relevant to victims</b>
Competition and Markets Authority	Investigative and Prosecutorial
Department for Business, Innovation and Skills (Criminal Enforcement)	Prosecutorial
Environment Agency	Investigative and Prosecutorial
Financial Conduct Authority	Investigative and Prosecutorial
Gambling Commission	Investigative and Prosecutorial
Health and Safety Executive	Investigative and Prosecutorial
Her Majesty's Revenue and Customs	Investigative
Home Office (Immigration Enforcement)	Investigative
Independent Police Complaints Commission	Investigative
Information Commissioner's Office	Prosecutorial
National Crime Agency	Investigative and Prosecutorial
Natural Resources Wales	Investigative and Prosecutorial
Office of Rail and Road	Investigative and Prosecutorial
Serious Fraud Office	Investigative and Prosecutorial



## Annex B

Organisations which have specific duties under chapters 1-4 of the Victims' Code:

- The Criminal Cases Review Commission
- The Criminal Injuries Compensation Authority
- The Crown Prosecution Service
- The First-tier Tribunal (Criminal Injuries Compensation)
- Her Majesty's Courts and Tribunals Service
- Her Majesty's Prison Service
- National Offender Management Service (NOMS)
- The Parole Board
- Police and Crime Commissioners
- All police forces in England and Wales, the British Transport Police and the Ministry of Defence Police
- Providers of probation services [formerly Probation Trusts, now the National Probation Service]
- The UK Supreme Court
- Witness Care Units
- Youth Offending Teams