



Ministry of  
**JUSTICE**

## **Getting it right for Victims and Witnesses**

### **Equality Impact Assessment**

# Getting it right for Victims and Witnesses

## Equality impact assessment

### Scope of this equality impact assessment (EIA)

1. This equality impact assessment (EIA) accompanies Part 1 of the consultation paper *Getting it right for Victims and Witnesses*. It is concerned with the review of the Victims' Code and Witness Charter, the proposed changes to the commissioning of services for victims and witnesses and improving reparation to victims through increasing and extending the Victim Surcharge. It applies to England and Wales. There are separate EIAs covering the Criminal Injuries Compensation Scheme and payments to victims of overseas terrorism.
2. This is an initial screening of the potential impacts of the new strategic approach to supporting victims and witnesses in relation to equality, based on current available evidence. Work on the policies will be informed by on-going consultation with stakeholders and interested parties. This will allow us to improve our understanding of potential equality impacts and will inform the future direction of policy development.
3. The EIA assesses the potential effects of the proposed reforms on the elimination of discrimination, harassment, victimisation and other forms of prohibited conduct, as well as on the advancement of equality of opportunity and the fostering of good relations between persons who share the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation and those who do not.
4. We welcome feedback on all of the issues raised in this document. Any representations received in response to this initial screening EIA will be used to inform the full EIA that will accompany the Government's response to the consultation.
5. This EIA should be read alongside the consultation document and the Impact Assessments (IAs) published at the same time. It should also be read in relation to the EIAs covering CICS reform and payments to victims of overseas terrorism.

### Equality duties

6. Section 149 of the Equality Act 2010 requires Ministers and the Department, when exercising their functions, to have 'due regard' to the need to:
  - Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act;
  - 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).

7. The eight “relevant protected characteristics” specified by the Act are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.<sup>1</sup>

### **Aims / Outcomes**

8. This is a screening EIA, the purpose of which is to provide the data and analysis used to flag potential equality impacts within the consultation period. A full EIA will accompany the Government response to the consultation in due course.

### **Background**

9. Successive governments have funded a wide range of support services for victims and witnesses, reflecting diverse needs, over many years. However, there has been no consistent, strategic approach to commissioning victims’ services. Decisions about what to fund, where, and when, have often been taken in isolation by a range of decision makers without a consensus about the aims of providing support.
10. In 2004 the Domestic Violence, Crime and Victims Act was passed, creating a statutory duty to issue a Code of Practice for Victims. In 2006 the first Code of Practice was launched, setting out the services to be provided to victims by criminal justice agencies. In 2007 the Witness Charter was created, establishing a clear set of expectations for witnesses in the criminal justice system.
11. The Code and Witness Charter raised the profile and awareness of the needs of victims and witnesses in a criminal justice system focused primarily on bringing offenders to justice. Although victim and witness satisfaction with the criminal justice system is high, there are still those who are let down by the system and don’t receive the level of service they should.
12. The Code and Charter need updating. As currently written the Code, in particular, does not fit with the Government policy of reducing regulation and bureaucracy. It is too prescriptive, setting out detailed timescales for agencies to provide information to all victims, it stifles innovation, and it leads to some victims and witnesses receiving updates unnecessarily, merely so that the criminal justice agencies can meet the obligations set out in the Code. As a result of a lack of prioritisation, other victims and witnesses who really need to be kept updated, don’t get the service they need. We are proposing to review and re-write the Code so that victims have a clear set of expectations of how they will be treated by the criminal justice agencies and a simpler, more effective means of re-dress if things go wrong. These expectations should be framed in terms of the outcomes a victim can expect, not the process by which it is achieved. There should be greater room for professionals to determine how to deliver the outcomes, and to which victims and witnesses, based on their needs.
13. Following a public consultation, the Domestic Violence, Crime and Victims Act 2004 introduced a duty to order a Surcharge when a court deals with an offender. The Victim Surcharge was implemented in April 2007 and was set at a flat rate of £15 on all fines. It was always intended that the Surcharge would be payable on other disposals including custodial sentences and community sentences and that penalty notices for disorder and fixed penalty notices would be increased with the additional revenue used to support victims of crime.

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<sup>1</sup> In having due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act, it is also necessary to consider equality impacts in terms of marriage and civil partnership.

## Policy Considerations and Objectives

14. Reforms proposed in Part 1 of the consultation document are based on the following principles:

- **Practical and emotional support should be given to those who need it most.** We think that funding for support should be directed as a priority to victims of serious crime, the most vulnerable, and those who are persistently targeted.
- **Victims should receive help as and when they need it.** Our approach to funding and commissioning victim services will recognise the importance of ensuring that practical and emotional support is on hand immediately after the crime has been committed, and that victims' needs change over time.
- **Services should meet the different needs of communities across the country.** Different localities suffer from different levels and types of crime. While victims must have clear, national expectations about how they will be treated and the support on offer, local services must have the flexibility to meet different and changing needs.
- **Offenders should make reparation for the impact of their crimes.** We want to see a shift away from a 'compensation culture' to a 'reparation culture' in which more offenders take personal responsibility for the harm they have caused by offering an apology or by making the appropriate financial or practical reparation.

15. Taken together, these principles will ensure that the taxpayer receives much greater value for money from Government spending on victim and witness services.

16. The policy proposals are:

### *Commissioning framework for support services for victims of crime*

- to develop an outcomes-based commissioning framework to assist local commissioners in determining which services to commission and for measuring success. This would be a tool used by the commissioners and service providers to monitor the effectiveness of services, and could be used to build useful local data on victims' needs;

### *Commissioning victim services*

- to introduce a locally-led commissioning model for support services for victims to ensure that support is better targeted and meets local need. To do this, we are consulting on how to best empower local areas to research, specify and commission the services they need;

### *Victims' experience of the CJS*

- to review and re-write the Victims' Code, so that it sets out clearly what victims can expect from criminal justice agencies, provides for a more personalised, individual level of service, and gives access to effective measures for redress when things go wrong. So that it reflects updated policy and enables better targeting of resources;
- to work with the Parliamentary and Health Service Ombudsman's Office, criminal justice agencies and victims' groups to develop a more accessible and responsive approach to complaints as part of a new Code;

- to continue to work with the police and support providers to improve the initial needs assessment for victims, which should include the views of the victim and the nature of the crime. Support providers commissioned in the future will be expected to work with the police to improve needs assessment processes so that those most in need are identified and receive the support they need;
- to increase the usage of the Victim Personal Statement (VPS), strengthening our existing processes to ensure that it follows the victim through the system.

*Increasing and extending the Victim Surcharge*

- to increase the extent to which offenders contribute to the cost of support services by increasing the level of the Victim Surcharge applied to fines and extending the Surcharge to conditional discharges, community sentences and custodial sentences;
- to use additional receipts from increased Penalty Notices for Disorder to contribute to the cost of support services for victims of crime; and
- to use additional receipts from the fixed penalty notices increased under the Department of Transport's (DfT) Strategic Framework for Road Safety (the equality impacts of increasing FPNs will be covered by the DfT Equality Impact Analysis).

17. We are proposing that the following Surcharge amounts are applied:

- Extend the Surcharge to conditional discharges at a flat rate of £15;
- Increase the value of the Surcharge on fines to £20 or 10% of the value of the fine, whichever is larger, with a £120 maximum Surcharge level that can be ordered;
- Extend the Surcharge to adult community sentences at a flat rate of £60;
- Increase the value of Penalty Notices for Disorder (PNDs) by £10 and use the revenue from the increase for the same purpose as the Surcharge;
- Extend the Surcharge to custodial sentences, including suspended sentences, at £80 for sentences of 6 months and below; at £100 for sentences of over 6 months and up to and including 2 years; at £120 for sentences over 2 years;
- Apply the Surcharge to juvenile offenders, for conditional discharges at £10, for fines and community sentences, at £15 and for custody of any length at £20.

18. The new approach should ensure that victims who are assessed as most in need of support should receive a better service than at present.

19. We consider those most in need to be:

- **Victims of serious crime.** Murder and manslaughter, rape, sexual violence, terrorism, and violent crimes such as wounding or causing grievous bodily harm with intent, usually have the most serious impact on victims. Crime type never tells the full story, which is why we want to empower professionals to exercise their judgement in assessing needs, but there should be a working assumption that victims of serious crime may well require significant support.

- **The most persistently targeted.** Crime, even seemingly less serious crime can have a devastating impact on victims when repeated continually over a period of time, particularly where a person is deliberately targeted. This should be taken into account as needs are assessed, and support provided.
- **The most vulnerable** - people who are most likely to become victims, or who need particular assistance in coping with the consequences of crime or to engage with the criminal justice system. This might, depending on the circumstances, include people who are isolated, or who lack social or family support; those who need assistance in managing their own affairs; those who by reason of, e.g. age or medical condition are more likely to be a victim of crime than members of the community generally, or less able to cope with the consequences if they do; and those who are able to benefit from additional or special measures in relation to court proceedings.

20. We are consulting on whether these definitions are the best way of ensuring that support is targeted at those with greatest need and whether there are groups of victims that should be prioritised that are not covered by these definitions.

### **Methodology and evidence sources**

21. This initial screening EIA draws upon a number of evidence sources. We have used the best quality evidence available, which is mainly national or official statistics, but have also drawn on other sources where appropriate. A full list of data sources can be found at Annex A of this document.

22. We have considered how victims with different protected characteristics might be affected by the proposals. We do not have sufficient data on whether victims with protected characteristics will be over or under represented in the group of victims who will be assessed as those most in need. In assessing potential impacts, we have undertaken the following analysis:

- examined how the risk of becoming a victim of crime varies by protected characteristics, from the British Crime Survey (BCS)<sup>2</sup>, to assess whether some victims (in terms of protected characteristics) may be more likely to be affected by the proposals, both in terms of being more likely to be a victim of crime and being more likely to be a victim of certain crimes (e.g. violent crime);
- examined how victims' satisfaction with their overall contact with the CJS varies by protected characteristics, from the Witness and Victim Experience Survey (WAVES)<sup>3</sup>, to assess whether there is the potential for differential impact on victim satisfaction in relation to the policy proposals; and

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<sup>2</sup> The BCS is a survey conducted face-to-face 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. See the User Guide to Home Office Crime Statistics for further details:

[www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/user-guide-crime-statistics/](http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/user-guide-crime-statistics/)

<sup>3</sup> WAVES interviews victims and prosecution witnesses aged 18 and over whose cases resulted in a charge, after the case has closed. WAVES covers the following crime types: violence against the person; robbery; burglary; criminal damage; theft and handling stolen goods. Victims and witnesses in sensitive cases, such as sexual offences or domestic violence, crimes involving a fatality, and any crime where the defendant was a family member or a member of the victims' or witnesses' household, are not included. WAVES also excludes police officers or other CJS officials assaulted in the course of duty, and all police and expert witnesses.

- examined what proportion of victims reporting being offered the opportunity to make a VPS, and other obligations under the Victims' Code, vary by protected characteristics from WAVES, to assess whether there is the potential for differential impact in relation to the proposals to increase the use of the VPS.

23. We have also considered how offenders<sup>4</sup> might be affected by the proposals relating to the Victim Surcharge.

24. We have examined the potential impacts of option 7 as outlined in the accompanying Impact Assessment:

- Option 7: (i) Extend the Surcharge to conditional discharges at a flat rate of £15 (ii) Increase the value of the Surcharge on fines to £20 or 10% of the value of the fine, whichever is larger, with a £120 maximum Surcharge level that can be ordered; (iii) Extend the Surcharge to adult community sentences at a flat rate of £60; (iv) Increase the value of Penalty Notices for Disorder (PNDs) by £10 and use the revenue from the increase for the same purpose as the Surcharge; (v) Extend the Surcharge to custodial sentences, including suspended sentences, at £80 for sentences of 6 months and below; at £100 for sentences of over 6 months and up to and including 2 years; at £120 for sentences over 2 years, (vi) Extend the Victim Surcharge to juvenile offenders, for conditional discharges at £10, for fines and community sentences (including youth rehabilitation orders and referral orders), at £15 and for custodial sentences of any length at £20.

25. In doing so, we have undertaken the following analysis:

- examined the extent to which offenders with particular protected characteristics would be required to pay the Victim Surcharge under this option, and whether they are over or under-represented compared to the general population;
- examined the extent to which extending the Surcharge from fines (the only disposal on which the Surcharge is currently payable) to other disposals may have a larger impact on offenders with particular protected characteristics who previously did not have to pay the Surcharge;
- calculated the estimated average Surcharge (based on 2010 sentencing statistics), drawing comparisons between groups of people with particular protected characteristics; and
- examined whether groups of offenders with particular protected characteristics might be adversely impacted by the proposals due to higher rates of poverty within those groups. Data on the general demographics and income of the population of England and Wales from the Department for Work and Pensions has enabled an assessment of the likely potential impact of the proposals on different groups. We are aware that the demographics of the general population could differ from those offenders who will be subject to the Surcharge. This research gives us an indication of the groups that, due to their lower average incomes, may be differentially affected in general by the imposition of the Surcharge.

26. We have also examined the potential impacts of the 6 individual policy elements that make up option 7 outlined in the Impact Assessment.

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<sup>4</sup> In this document "offender" includes both individuals sentenced by a court and those issued with a PND.

27. In doing so, we have undertaken the following analysis for each option separately:
- the extent to which offenders with particular protected characteristics would be required to pay the Victim Surcharge under these options, and whether they are over or under-represented compared to the general population;
28. The following assessments only explore equality impacts arising from the policy proposals in relation to the groups affected by the proposals. They are not intended to provide an assessment of the wider factors at play which may explain observed differentials in the distribution of protected characteristics at each stage of the criminal justice system. Such an analysis would consider the extent to which factors other than equality characteristics (such as offence type and offending history) might contribute to the over- or under-representation of particular groups. Two MoJ publications provide some of this more detailed analysis: “Statistics on Race and the Criminal Justice System” and “Statistics on Women and the Criminal Justice System”.
29. The BCS includes data on race, disability, gender, age and marital status for victims of crime. Data on victimisation of children aged 10 to 15 are based on experimental statistics from the British Crime Survey.
30. WAVES includes data on gender, ethnicity, disability and age.
31. Data on court disposals are from the Court Proceedings Database<sup>5</sup>. This holds information on defendants proceeded against, found guilty and sentenced for criminal offences in England and Wales. It includes information on the defendant’s age, gender, ethnicity, the police force area and court at which proceedings took place as well as the offence and where relevant, the legislation creating the offence.
32. Data on sentenced receptions of prisoners by religion are based on further analysis of Offender Management Caseload Statistics.
33. Data on mental and physical health, and marital status, of adult offenders in custody are from the Surveying Prisoner Crime Reduction prisoner survey. This was a longitudinal cohort study in 2005/6 of nearly 1,435 newly sentenced adult prisoners, sentenced to less than 4 years in custody, in England and Wales.
34. Data on the general population of England and Wales by gender, age, marital status and ethnicity<sup>6</sup> are from the Office for National Statistics mid-year population estimates. Data on the general population by religion for England and Wales are from the 2010/11 Integrated Household Survey. Estimates of the general population with a disability are from the Office for Disability Issues estimates on the prevalence of disability.
35. Data on household income are from the publication ‘Households Below Average Income (HBAI) 1994/95-2009/10’ by the Department for Work and Pensions.

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<sup>5</sup> Ministry of Justice.

<sup>6</sup> As experimental estimates, work on the quality of the ethnicity statistics is ongoing; these figures are indicative only.



## **Evidence gaps**

### *Victims and witnesses*

36. There is a gap in evidence relating to baseline data in which to identify impacts on those with protected characteristics who are in receipt of victim services.
37. We have not included an analysis of data relating to victims with the protected characteristics of gender reassignment or pregnancy and maternity. The BCS does not include data on gender reassignment, civil partnerships or pregnancy and maternity. WAVES does not include data on marital status, civil partnership, religion, sexual orientation, gender reassignment, or pregnancy and maternity.
38. There is limited information from the BCS on victims with the protected characteristics of religion and sexual orientation. There is limited evidence about the needs of victims in relation to the support needed across all protected characteristics. For this reason, we have not presented a comprehensive picture in relation to all the protected characteristics, but have instead presented more specific data sets on occasion.
39. The data analysis using the BCS uses a different definition of an adult than that used in the criminal justice system. In the criminal justice system, victims or witnesses aged under 18 are defined as children. The BCS survey of adults includes those aged 16 and over (experimental statistics from the BCS are also available for 10-15 year olds).
40. The analysis of victims' and witnesses' experiences of the CJS and the Victim Personal Statement does not include the views of those under 18, as WAVES data does not include those aged under 18.

### *Offenders*

41. Information on gender reassignment, disability, pregnancy and maternity, sexual orientation, religion or belief or marriage and civil partnership for criminal offences may be held by the courts on individual case files. However it has not been possible to collate this data for this Equality Impact Assessment because of practical difficulties.

### *Addressing evidence gaps*

42. Where available, we have presented data across the whole range of protected characteristics. However, there are evidence gaps and we welcome responses during the consultation period which can help fill those gaps or provide further evidence of the potential impact of the proposals. Even where we have some information about certain protected characteristics, we welcome responses to improve the comprehensiveness of the data. This will assist us with identifying steps that can be taken to mitigate against any potentially negative equality impacts and promote positive impacts.
43. We welcome written responses from all interested parties and have invited a broad range of equality stakeholders to respond to our proposals. We will also be carrying out some workshops which will include groups representing people with particular protected characteristics. However, if groups would prefer to engage with the Ministry of Justice in a different way, they are welcome to contact us to discuss how we can best seek their views. A list of those equality stakeholders specifically invited to respond to our consultation is at Annex B.

## **Analysis by proposals**

### **Impact on victims**

44. We have considered whether the proposed changes give rise to the possibility of a victim being treated less favourably by reason of a protected characteristic. None of our proposed policies have been designed to discriminate on the basis of a protected characteristic and so we do not believe that they will lead to direct discrimination in favour of or against any particular protected characteristic. We do not have sufficient data on whether victims with protected characteristics will be over or under represented in the group of victims who will be assessed as those most in need and so have not been able to assess at this stage if the proposal to target resources at those most in need might lead to indirect discrimination. The analysis considers how victims with different protected characteristics might be affected by the proposals as detailed in the methodology section.

### *Commissioning framework for support services for victims of crime*

45. Overall, victims with needs prioritised by the relevant commissioner will benefit from resources being put into services that meet their needs. Services for victims are likely to be more effectively monitored because providers will be able to measure the efficacy and outcomes of their interventions, and will be incentivised to improve outcomes for victims. In addition, resources may be redirected to more cost-effective services, again resulting in better outcomes for victims. Victims with needs that are not prioritised by the relevant commissioner may have reduced access to services as a result of government funding being reallocated.

46. Local and national commissioners and service providers will be supported in the delivery of support services through the introduction of an outcomes based commissioning framework. This proposal should mean that commissioners and providers will be able to better identify and measure the outcomes of support services to victims irrespective of what protected characteristics they may have.

47. We have no evidence to suggest that the proposals for an outcomes based commissioning framework would lead to victims with relevant protected characteristics being treated less favourably, resulting in discrimination, harassment, victimisation, or any other conduct prohibited by the Equality Act.

48. We also do not have evidence to suggest that the proposal would prevent the advancement of equality of opportunity between different groups (those who share a relevant protected characteristic and those who do not) or prevent the fostering of good relations between different groups (those who share a relevant protected characteristic and those who do not).

### *Commissioning Victim Services*

49. Overall, victims should benefit from improvements in the suitability and quality of services resulting from additional research into their needs and a more rigorous commissioning process. In addition, the commissioning process is expected to shift resources toward victims most in need. This will benefit these victims; some victims who have the greatest level of need do not get the support they require under the current system of funding services. However, this benefit may be offset, at least in part, as those victims assessed as low need, would receive a lower level of support than the current universal service.

50. The services will be commissioned through a locally led commissioning model and focused on victims of serious crime, the most vulnerable and the persistently targeted.
51. Commissioning services locally allows for decisions to be taken with greater knowledge of local need. Continuing to commission some services at a national level will ensure that there is not under provision where local need may be low (for example, services to support those bereaved by homicide). These proposals should lead to the needs of all victims being better met, whatever protected characteristics they may have, and thus may advance equality of opportunity between groups of people who share a protected characteristic and those who do not.
52. We do not think, and we have no evidence to suggest, that the concept of local level commissioning will lead to victims with relevant protected characteristics being treated less favourably, resulting in discrimination, harassment, victimisation, or any other conduct prohibited by the Equality Act. We also do not think, and have no evidence to suggest, that local commissioning will prevent the fostering of good relations between groups of people with different protected characteristics.
53. We have no evidence to suggest that having police and crime commissioners, as opposed to other bodies, commission victims' services would lead to conduct prohibited under the Equality Act 2010.
54. Decisions taken by local commissioners and the service providers (private, voluntary and community based organisations) that they commission will be subject to the public sector equality duty in respect of any public function they undertake. They may also be subject to the public sector equality duty in their own right if they are themselves public sector bodies.
55. We are proposing that support services for victims should be targeted at those most in need. This would be those who are victims of serious crime, the most vulnerable, or the most persistently targeted, whatever protected characteristics they may have. We are consulting on whether this proposed working definition is right. However, decisions on how to apply the working definition in practice will be made by local commissioners, criminal justice agencies and the voluntary sector who provide services for victims. We plan to work with them to develop more detailed guidance and will consider responses to the consultation in further developing the policy on who is considered most in need of support.

#### *Victims' Experience of the CJS*

56. Overall, victims would benefit from having a simpler, clearer set of statutory entitlements. They would also benefit from receiving services based on an assessment of their particular needs. However, this may be offset, at least in part, by negative impacts to those victims assessed as low need, who would receive a lower level of support than the current universal service.
57. As part of the review of the Victims' Code and Witness Charter we propose to re-write the Code and update the Witness Charter so that they better reflect developments in policy since they were first introduced. Victims should have an accessible Code that sets out the outcomes they can expect from their interaction with the criminal justice agencies, rather than the detailed processes those agencies need to go through to achieve those outcomes. This should enable criminal justice agencies to better target resources at those most in need and provide more tailored services that meet the needs of victims.

58. The new Victims Code will set out entitlements for all victims of recorded crime. But it is proposed that some victims, such as families bereaved by homicide will be entitled to enhanced services. Under the current Code, vulnerable and intimidated victims are entitled to enhanced services; this includes those aged under 17 and those whose quality of evidence is likely to be reduced because they have a mental disorder or learning disability or a physical disability or disorder. Victims of domestic violence, sexual assault and families bereaved by crime are also considered vulnerable victims. Intimidated victims are victims whose quality of evidence is likely to be reduced because they are in fear or distress about giving evidence.
59. The definition of vulnerable and intimidated witness which this is based on has been amended, so the new Code will reflect this. The young, old and disabled are likely to be over represented in the group of victims assessed as vulnerable and so may be more likely to be entitled to enhanced services. The definition of vulnerable victim we are proposing is wider than this definition and so gives criminal justice agencies more discretion to provide enhanced services for other vulnerable victims. We have not been able to fully assess whether victims with different protected characteristics are over or under represented in the group of victims of the most serious crime or most persistently targeted.
60. As part of the review we are consulting on the definition of victims who are most in need and will consider whether any further safeguards might be required in the new Code. We are also required to consult on a revised Code, and will further consider equality impacts of the content of that Code at that time. Furthermore, criminal justice agencies are subject to the public sector equality duty and so will need to ensure that due regard is had to equality considerations in implementation of the new Code. We do not think, and have no evidence to suggest, that developing a new Code will lead to victims with relevant protected characteristics being treated less favourably, resulting in discrimination, harassment, victimisation, or any other conduct prohibited by the Equality Act.
61. There may be an increase in the number of reported instances of harassment or victimisation if victims feel that they will be treated with more respect, taken seriously and there is targeted support available to help them cope and recover from such instances.
62. We do not know why there are differences between the recollections of victims with particular protected characteristics being offered a Victim Personal Statement (VPS). We do not know if it is because they were not offered a VPS, they were less likely to recall being offered a VPS, or if there is some other reason. We also do not know why some people with particular protected characteristics are less satisfied with the criminal justice system than others. We are proposing to increase the use of the Victim Personal Statement and will consider responses to the consultation on how best to do this. We also plan to consult with organisations representing protected characteristics when developing the improved processes for the VPS.

#### *Increasing and extending the Surcharge*

63. The proposals for increasing and extending the Surcharge could raise up to an additional £50m revenue each year for support services for victims of crime. The proposals will result in an increase in spending on services for victims. The amount of additional revenue would depend on the number of offenders affected, the level of the new flat rate and the payment rate. Victims may value offenders taking greater responsibility for their crimes and doing more to repair the damage caused.

## **Analysis by protected characteristics**

### **Impact on victims**

64. Tables 1 to 14 in Annex C present all of the data considered in relation to the impact on victims by protected characteristics. The analysis below focuses on where differences were found in the data between victims with different protected characteristics.

#### *Age*

65. Table 1 (Annex C) shows that the risk of being a victim of crime is highest among those aged 16 to 24 and risk decreases through the higher age groups. 32% of 16-24 year olds had been a victim of all BCS crime in 2010/11, compared with 8% of those aged 75 and over. This pattern is also found when looking at all violent crime, sexual assault, and domestic violence (see Tables 2 and 4 in Annex C).

66. Table 9 (Annex C) shows that victims aged between 25 and 54 tended to be less satisfied with their overall contact with the CJS than those aged 18-24 and those aged 65 and over. For example, 83% of victims aged 18-24 were satisfied, compared with 78% of those aged 35-44 were satisfied.

67. Table 11 (Annex C) shows that victims under 34 years old were less likely to be aware that CJS agencies must meet minimum standards of service as set out in the Victims' Code than those aged 35 and over. 39% of 18-24 year olds and 38% of 25-34 year olds were aware of these minimum service standards, compared with 45% of victims aged 65 and over.

68. Table 12 (Annex C) shows that victims aged 65 and over were less likely to recall being given a copy of the leaflet "Victims of Crime – support and advice", an obligation on the police under the Victims' Code, than those aged 54 and under. 58% of victims aged 65 and over recalled receiving the leaflet, compared with 64% of 18-24 year olds.

69. Table 13 (Annex C) shows that victims and witnesses aged under 35 were more likely to have been informed that someone had been arrested or charged, an obligation on the police under the Victims' Code, than those aged 18-34. For example, 93% of victims and witnesses aged 65 and over had been informed of this, compared with 86% of 18-24 year olds.

#### *Disability*

70. Table 1 (Annex C) shows that the risk of being a victim of crime is slightly lower for people with a longstanding illness or disability than it is for the population in general. 19% of adults with a limiting illness or disability had been a victim of all BCS crime in 2010/11 compared with 22% of those with no longstanding illness or disability.

71. The risk of being a victim of violence, or sexual assault, was similar for people with a longstanding illness or disability compared with those with no longstanding illness or disability, as shown in Tables 2 and 3 (Annex C). However, it is worth noting that those with limiting long term illnesses or disabilities have an older age profile than the population at large and that when age is controlled for, those with a limiting long term illness or disability are more likely to be a victim of violent crime<sup>7</sup>. In addition Table 4 (Annex C) shows that a higher proportion of disabled people suffer domestic violence

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<sup>7</sup> See Crime in England and Wales 2009/10, Chapter 3: [www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/hosb1210/hosb1210?view=Binary](http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/hosb1210/hosb1210?view=Binary) .

than non-disabled people; 14% of women who had a limiting long-standing illness or disability were victims of domestic abuse in 2009/10 compared with 7% of those who did not have a long-standing illness or disability.

72. Table 9 (Annex C) shows that victims with a disability which limits activities reported being less satisfied with their overall contact with the CJS than those with a disability which does not limit activities or those that do not have a disability (71% compared to 80% and 81% respectively).
73. Table 10 (Annex C) shows that victims with a disability which limits their daily activities are less likely to recall being offered the opportunity to make a Victim Personal Statement than victims without disabilities (39% compared with 44%). We are consulting on how to increase the offer rate for all victims of crime.
74. Table 12 (Annex C) shows that those with a disability that limits their daily activities were less likely to recall being given a copy of the leaflet "Victims of Crime- support and advice", an obligation on the police under the Victims' Code, than those with no disability or a disability which does not limit their daily activities. 61% of victims with a disability that limits their daily activities recalled receiving the leaflet, compared with 64% of those with no disability.

#### *Marriage and civil partnership*

75. Table 1 (Annex C) shows the single, cohabitating and separated people are at greater risk of being a victim of crime; for example, 28% of single adults were victims of all BCS crime in 2010/11, compared with 19% of married people. Separated women were significantly more likely to be a victim of domestic abuse; in 2009/10, 22% of separated women had been a victim of domestic abuse in the last year, compared with 11% of single women and 4% of married women (Table 4, Annex C).

#### *Race*

76. Table 1 (Annex C) shows that Black, Asian and Minority Ethnic (BAME) people are more likely to be a victim of both personal crime and all BCS crime than White people. 21% of White people and 25% of BAME people had been a victim of all BCS crime in the 2010/11 survey, whilst 6% of White people and 8% of BAME people had been a victim of a personal crime.
77. Table 9 (Annex C) shows that, while the majority of victims across all ethnic groups were satisfied with their overall contact with the CJS, fewer victims in the Black (75%) ethnic group reported being satisfied with their overall contact with the CJS than in the White ethnic group (80%).
78. Table 10 (Annex C) shows that a lower proportion of Black, Asian and Mixed victims recalled being offered the opportunity to make a Victim Personal Statement than White victims; for example 35% of Black victims recalled this, compared with 44% of White victims. However, we are unable to determine the cause based on present data. We are consulting on how we can increase the offer rate for all victims of crime.
79. Table 11 (Annex C) shows that people from a Black or Mixed ethnic background were less likely than White people to be aware that CJS agencies must meet minimum standards of service as set out in the Victims' Code. 37% of Black victims and 35% of victims from a Mixed ethnic background were aware of these minimum service standards, compared with 43% of White victims.

80. Table 14 (Annex C) shows that victims and witnesses from a Mixed ethnic background were less likely than White people to have been kept informed about the progress of their case within a month of the initial police contact, an obligation on the police under the Victims' Code. 59% of victims and witnesses from a Mixed ethnic background were informed within a month compared with 65% of White people.

81. Table 13 (Annex C) shows that victims and witnesses from a Black, Asian or Chinese/other ethnic background were less likely than White people to have been informed that someone had been arrested or charged, an obligation on the police under the Victims' Code. For example, 83% of Black victims and witnesses were informed compared with 88% of White people.

#### *Religion or Belief*

82. Table 5 (Annex C) provides the most recent published data on the risk of being a victim of crime by religion from the 2006/07 BCS; this shows no difference in the risk of being a victim across religious groups, although people who said they had no religion were more likely to be a victim of all personal crime, or violent crime than Christians.

#### *Sex*

83. Table 1 (Annex C) shows that males have a slightly higher risk of being a victim of both personal crime and all BCS crime than females; 23% of male adults and 21% of female adults had been a victim of all BCS crime in 2010/11.

84. Table 2 (Annex C) shows that male adults were more likely than females (4% compared with 2%) to have been the victim of violent crime. Table 3 shows that female adults were more likely to be a victim of sexual assault or domestic abuse than males (3% of females compared to less than 1% of males were victims of a sexual assault, 7% of females and 5% of males had been a victim of domestic abuse in 2010/11).

#### *Sexual Orientation*

85. Due to the relatively small number of respondents to the BCS who identify as gay, lesbian or bisexual, data from the 2007/08 and 2008/09 BCS have been combined for the purposes of analysis and are given in Table 6 (Annex C). This shows that people who were lesbian/gay or bisexual were more likely to have experienced any domestic abuse in the past year compared with heterosexual/straight people (17% of lesbian/gay or bisexual women were victims of domestic abuse, compared with 6% of heterosexual/straight women).

86. The higher level of domestic abuse amongst lesbian, gay or bisexual people may be due, at least in part, to the younger age profile of individuals identifying themselves as in this group. Nearly two-fifths (37%) of those reporting to be lesbian, gay or bisexual were aged 16 to 24 compared to just over one-fifth (21%) who identified as heterosexual or straight.

### **Analysis by proposal**

#### **Impact on offenders**

87. We have considered the impact of the proposals to increase and extend the Victim Surcharge and increase the value of PNDs against the statutory obligations under the Equality Act 2010. These are outlined below.

88. We have considered whether our proposals would give rise to the possibility of an offender being treated less favourably because of a protected characteristic<sup>8</sup>. It is our view that this would not be the case, and that there would not be direct discrimination, because our proposals would apply to all people irrespective of any protected characteristics they may have. There is therefore no direct discrimination within the meaning of the 2010 Act.
89. Although the proposals will apply equally to those who share a protected characteristic and those who do not, we have in this analysis identified how those who share a certain characteristic may be more likely to be subject to the Victim Surcharge. Where offenders with particular protected characteristics are over-represented in the criminal justice system, people within groups having those characteristics are more likely to be subject to the Surcharge than the general population. These groups are set out in the analysis below, and we have identified in particular potential differential effects in respect of age, disability, race, religion and sex. We have also identified potential differential impacts in respect of age, race and sex, where those who share a certain characteristic may be on average likely to pay a higher Surcharge.
90. However, even if it were established that these effects constituted a particular disadvantage, which could have indirect discrimination effects, we consider any such impact to be justified on the basis that our aim is that offenders should bear a greater proportion of the costs incurred by the state in supporting victims to cope and recover following crime. We believe that the Surcharge proposals are a proportionate way of doing this, since they seek to reflect the seriousness of the sentence: an offender will be ordered to pay a higher Surcharge where a sentencer has imposed a more onerous sentence. The Surcharge is set at a lower level for juvenile offenders to reflect the differences between sentencing principles for juvenile and adult offenders.
91. The proposals to increase the value of PNDs and use the revenue from the increase for the same purpose as the Surcharge shares the same aim as the Surcharge proposals. We are proposing to increase the value of PNDs by a lower amount than the value of the lowest Surcharge that can be ordered in court, to reflect the fact that PNDs have not been imposed by a court.
92. In so far as the proposals extend to disabled people, we believe that the policy is proportionate, in that all offenders should contribute to the cost of support services. Therefore, it would not be reasonable to make any adjustment for disabled persons which did not extend the Surcharge to them.
93. We do not consider there to be a risk of harassment or victimisation as a result of these proposals.
94. We have had regard to the advancing equality of opportunity aspect of the equality duty but do not consider that the proposals will either positively advance equality or impact negatively on the advancement of equality of opportunity.
95. We have also considered the fostering good relations aspect of the equality duty but do not think it is of particular relevance to the proposals.

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<sup>8</sup> We have not examined the equality impacts of these proposals on businesses.



## **Analysis by protected characteristic**

### **Impact on offenders**

96. Having had due regard to the potential differential impacts identified in the ‘analysis’ section below, the government considers that it is right to increase and extend the Victim Surcharge and to increase the value of PNDs. There is the potential for positive impacts on victims, because this will result in increased support for victims.
97. In analysing the potential equality impacts below, we begin by assessing the likely impact of the entire package of Surcharge proposals (option 7 as outlined in the accompanying Impact Assessment) on people subject to each protected characteristic. We then consider the equality impacts of each of the individual proposals which make up option 7 (options 1, 2, 3, 4, 5 and 6). Where we have no data relating to a particular protected characteristic (see paragraph 41), we have not been able to analyse the impacts fully below.

### *Age*

98. The analysis by age relates to those sentenced for indictable offences as detailed data by age is not available for summary offences.
99. Table 1 (Annex D) indicates that persons aged between 18 and 39 who have committed an indictable offence are more likely to be subject to a sentence that would attract the Surcharge under option 7 compared to the general population. Therefore, option 7 may have a greater impact on people within these age groups when looking at overall figures.
100. Table 2 (Annex D) shows that there is little variation in the percentage of persons subject to a sentence that would attract the Surcharge under option 7, with 96% of 21-24 year olds subject to such a sentence and 92% of those aged under 18.
101. Table 2 (Annex D) shows that 4% of offenders under the age of 18 are sentenced to a fine, which is a much smaller proportion than for other age groups. This means that only 4% of offenders under the age of 18 are currently subject to the Surcharge, given that it is currently ordered only where an offender is fined. Extending the Surcharge to other disposals beyond the fine will mean that a larger proportion of persons under the age of 18 will pay the Surcharge where they did not previously, compared to other age groups.
102. Table 9 (Annex D) shows that the estimated average Surcharge payable increases as age increases. The lowest amount of £15 would be paid by persons aged under 18 and this reflects the application of a lower Surcharge to those offenders (as outlined in option 6b). The amount rises to £63 for offenders aged 60 and over, due in part, to the fact that a large proportion of this group are subject to custodial sentences which will attract a Surcharge between £80 to £120.
103. The package of proposals included in option 7 could, overall, have a differential impact upon young people. The DWP research indicates that there is a general correlation between age and disposable income: 55% of individuals in households with children where the head of the household is aged 16-24 years old, and 31% of individuals in households without children where the head of the household is aged 16-19 years old are in the bottom disposable income quintiles compared to 20% of all working-age adults. The figures for the second quintile are 25%, 21% and 17% respectively. For those aged under 18, the potential impact should be reduced by having a lower value

Surcharge for these offenders. In addition, in many cases it is the parent or guardian who would pay the Surcharge of an offender under the age of 18.

104. The table below summarises the potential individual impacts arising from each option which makes up option 7.

Disposal/option	Analysis of Data (Annex D)
Conditional Discharges – option 1	<p>Table 1 indicates that persons aged between 18 and 39 subject to conditional discharges are over-represented compared to the general population. Imposing a Surcharge on those subject to conditional discharges may have a greater impact on this age group when looking at overall figures compared to the general population.</p> <p>Table 2 indicates that amongst offenders dealt with by the courts the use of conditional discharges generally increases with age and therefore imposing a Surcharge on those given a conditional discharge may have a slightly greater impact upon older offenders when looking at those sentenced.</p>
Fines – option 2	<p>Table 1 indicates that persons aged between 18 and 39 subject to fines are over-represented compared to the general population, and thus increasing the Surcharge for fines may have a greater impact on those aged 18-39 than any other age group when looking at overall figures compared to the general population.</p> <p>Table 2 indicates that amongst those sentenced the use of fines is lowest for those aged under 18, but for those aged 18 and over there is little variation in the use of fines by age group. Therefore increasing the Surcharge which must be ordered on a fine may have a greater impact on those aged 18 and over (compared to those under 18) when looking at those sentenced to a fine.</p> <p>The proposal to set the level of the Surcharge on fines to a percentage of the value of the fine amount would see higher fines receiving a higher Surcharge, in order to reflect the seriousness of the sentence. The Surcharge payable on a fine would range from £20 to £120. Consideration is given to the means of the offender when a sentence (which includes a fine) is constructed. This should mitigate against the Surcharge being disproportionate to an offender’s means.</p>
Community Sentences – option 3	<p>Table 1 indicates that persons aged under 40 subject to a community sentence are over-represented compared to the general population. Proposing that the Surcharge should be payable on a community sentence may have a greater impact on those aged under 40 when looking at overall figures.</p> <p>Table 2 indicates that community sentences are most commonly used in respect of those offenders aged under 18 and least used where the offender is aged 60 and over. Imposing a Surcharge on community sentences may therefore have a greater impact on those aged under 18 when looking at overall sentencing figures.</p>
Penalty Notices for Disorder –	<p>Table 1 indicates that 43% of those people given PNDs in 2010 were 18-24 years of age. This age group is overrepresented compared to the</p>

option 4	general population. Therefore the increase of PNDs may have a greater impact upon this group.
Custodial Sentences – option 5	<p>Table 1 indicates that persons aged 18-39 subject to custodial sentences (whether immediate or suspended) are over-represented compared to the general population, and thus imposing a Surcharge on those given a custodial sentence may have a greater impact on those aged 18-39 when looking at overall figures.</p> <p>The use of custodial sentences is greater for offenders aged 18 and over than those under 18. Therefore imposing a Surcharge on custodial sentences may have a greater impact on those aged 18 and over when looking at those sentenced.</p>
Proposals in respect of Juvenile Offenders – option 6	<p>The Surcharge proposals in respect of juvenile offenders could have a differential impact upon those falling within this age group.</p> <p>Table 2 shows that 4% of persons under the age of 18 receive fines. This is a much smaller proportion than for other age groups. Extending the Surcharge to other disposals will mean that a larger proportion of those offenders under the age of 18 will have to pay the Surcharge where they previously did not have to, compared to other age groups.</p> <p>The potential impacts should be reduced by having a lower value Surcharge (on conditional discharges, fines, community sentences and custodial sentences), for offenders who are under the age of 18. In addition, in many cases it is the parent or guardian who would pay the Surcharge of an offender under the age of 18.</p>

### *Disability*

105. We are alert to the possibility that the overall package of Surcharge proposals may have an adverse impact on disabled people due to increased rates of poverty amongst this group. The DWP research shows 30% of disabled working age adults are in the bottom disposable household income quintiles compared to 18% of non disabled working age adults. The figures for the second quintile are 22% and 16% respectively<sup>9</sup>. This suggests that there are potentially heightened impacts in relation to disability.

Disposal/option	Analysis of Data
Custodial Sentences – option 5	Data from the Surveying Prisoner Crime Reduction prisoner survey suggests that around a third of prisoners aged 18 and over serving custodial sentences of less than 4 years classified themselves as having a

<sup>9</sup> No adjustment is made to disposable household income to take into account any additional costs that may be incurred due to illness or disability.

<sup>10</sup> Data from [www.justice.gov.uk/publications/statistics-and-data/reoffending/compendium-of-reoffending-statistics-and-analysis.htm](http://www.justice.gov.uk/publications/statistics-and-data/reoffending/compendium-of-reoffending-statistics-and-analysis.htm)

The data is from the Surveying Prisoner Crime Reduction prisoner survey and the exact question asked was "Can I check, did you have any longstanding illness, disability, or infirmity of any kind just before you came into custody? By longstanding I mean anything that has troubled you over a period of time or that is likely to affect you over a period of time. Please remember that your answer is treated in

	'longstanding illness, disability, or infirmity of any kind' <sup>10</sup> . Around a fifth of the general population aged 16 and over is estimated to have a disability <sup>11</sup> . Thus imposing a Surcharge on those given custodial sentences may have a greater impact on disabled people when looking at overall figures.
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### *Marriage and civil partnership*

106. We have limited data on the marital and civil partnership status of offenders who, under these proposals would be ordered to pay a Surcharge on disposals other than custodial sentences.

Disposal/option	Analysis of Data
Custodial Sentence – option 5	51% of the general population aged 18 and over is married <sup>12</sup> . Data from the Surveying Prisoner Crime Reduction prisoner survey suggests that 8% of offenders sentenced to custodial sentences of one month to 4 years are married <sup>13</sup> . Thus imposing a Surcharge on those given custodial sentences may have a greater impact on single people when looking at overall figures.

### *Race*

107. The analysis by ethnicity relates to those sentenced for indictable offences as detailed data by ethnicity is not available for summary offences. It should be noted that the ethnicity figures for those sentenced are based on the officer observed appearance 4+1 system and do not include the Mixed category. The general population figures do include the mixed category (1% of the total).

108. Table 3 (Annex D) shows that 75% of persons that would be subject to the Surcharge are from the White ethnic group and 9% are from the Black ethnic group<sup>14</sup>. People from the White ethnic group are under-represented as 89% of the general population are from the White ethnic group. People from the Black ethnic group are over-represented as 3% of the general population are Black.

109. Table 4 (Annex D) provides data on the percentage of persons sentenced for indictable offences in 2010 by ethnic group (detailed data for summary offences is not available). Overall, the percentages given sentences that may be subject to the Surcharge are broadly similar.

110. Extending the Surcharge to court disposals other than fines (the only disposal on which the Surcharge is currently ordered) will mean that a larger proportion of persons in the Other ethnic group will have to pay a Surcharge where they previously did not

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the strictest confidence and that none of this information will be passed to anyone in the prison or to any government agency that can identify you as an individual.”

<sup>11</sup> 2009/10 prevalence estimates from the Office for Disability Issues and 2009 mid-year population estimates from the Office for National Statistics.

<sup>12</sup> 2008 mid-year population estimates from the Office for National Statistics.

<sup>13</sup> Table 2.18, [www.justice.gov.uk/downloads/publications/statistics-and-data/mojstats/spcr-full-tables-paper-5-2-prisoners-backgrounds-reconviction-a.xls](http://www.justice.gov.uk/downloads/publications/statistics-and-data/mojstats/spcr-full-tables-paper-5-2-prisoners-backgrounds-reconviction-a.xls)

<sup>14</sup> It should be noted that the ethnicity figures for those sentenced are based on the officer observed appearance 4+1 system and do not include the Mixed category.

have to make such a payment, compared to other ethnic groups, as the Other ethnic group has the smallest proportion given fines in 2010. (See Table 4, Annex D).

111. Table 8 (Annex D) indicates that people from the Other ethnic group aged 18 and over will be subject to a higher estimated average Surcharge amount than other ethnic groups. This reflects the higher proportion of people from the Other ethnic group who are given more serious sentences.

112. The DWP research shows that those in households where the head of the household is from a minority ethnic group are more likely to have disposable incomes in the bottom two quintiles: this percentage stands at 35% for Black/Black British groups, 36% for Asian or Asian British and 33% of Chinese, versus 20% of the working population overall and versus 18% of the White population. The figures for the second quintile are 20%, 21%, 17%, 17% and 16% respectively.

113. The table below summarises the potential individual impacts arising from options 1, 2, 3, 4, and 5, which makes up option 7.

Disposal/option	Analysis of Data (Annex D)
Conditional Discharges – option 1	<p>Table 3 indicates that people from the Black ethnic group subject to conditional discharges are over-represented compared to the general population. Ordering a Surcharge on a conditional discharge may therefore have a greater impact on people from the Black ethnic group when looking at overall figures compared to the general population.</p> <p>Table 4 indicates that the proportion of White, Black, Asian and other people sentenced to conditional discharges is broadly similar.</p>
Fines – option 2	<p>Table 3 indicates that people from the Black ethnic group given fines are over-represented compared to the general population, and thus increasing the Surcharge for fines may have a greater impact on people from the Black ethnic group when looking at overall figures compared to the general population.</p> <p>Table 4 indicates that the proportion of White, Black and Asian people sentenced to a fine is broadly similar, though lower for the 'other' category and higher for 'not recorded'.</p> <p>The proposal to set the level of the Surcharge on fines to a percentage of the value of the fine amount would see higher fines receiving a higher Surcharge, in order to reflect the seriousness of the sentence. The Surcharge payable on a fine would range from £20 to £120. Consideration is given to the means of the offender when a sentence (which includes a fine) is constructed. This should mitigate against the Surcharge being disproportionate to an offender's means.</p>
Community Sentences – option 3	<p>Table 3 indicates that people from the Black ethnic group subject to community sentences are over-represented compared to the general population, and thus imposing a Surcharge on those given community sentences may have a greater impact on persons from the Black ethnic group when looking at overall figures.</p> <p>Table 4 indicates that the proportion of White, Black and Asian people sentenced to community sentences is broadly similar but lower for the</p>

	'other' category.
Penalty Notices for Disorder – option 4	Table 3 shows that most of the people who would be affected by our proposals to use additional receipts from PNDs would be White. Even so, this ethnicity is underrepresented amongst those people getting PNDs as 73% of individuals receiving PNDs were white whereas 89% of the general population are of this ethnicity. However, 15% of persons given PNDs in 2010 have unknown ethnicity.
Custodial Sentences – option 5	<p>Table 3 indicates that persons from the Black ethnic group given custodial sentences are over-represented compared to the general population, and thus imposing a Surcharge on those given custodial sentences may have a greater impact on those from the Black ethnic group when looking at overall figures.</p> <p>Table 4 indicates that amongst those sentenced the use of custodial sentences is highest for the Other ethnic group. Therefore imposing a Surcharge on custodial sentences may have a greater impact on people from the Other ethnic group when looking at those sentenced.</p>

#### *Religion or Belief*

114. We have limited data on the religion or belief of offenders who, under these proposals would be ordered to pay a Surcharge on disposals other than custodial sentences.

Disposal Type/option	Analysis of Data (Annex D)
Custodial Sentences – option 5	Table 7 shows that 46% of sentenced prison receptions were Christian and 42% had no religion. People with no religion were over represented, as 22% of the general population in England had no religion. Therefore imposing a Surcharge on those given custodial sentences may have a greater impact on those with no religion when looking at overall figures.

#### *Sex*

115. Table 5 (Annex D) shows that males sentenced for indictable offences would be subject to a larger proportion of sentences that would be subject to the Surcharge than females sentenced to indictable offences. In 2010, 74% of sentences for indictable offences were imposed on males, although only 49% of the general population is male. Therefore, the package of proposals in option 7 is likely to have a greater impact on males than females (at least in respect of sentences imposed for indictable offences), when looking at overall figures.

116. Table 6 (Annex D) gives data on the percentage of persons sentenced in 2010 by gender. Overall, the percentage given sentences that may be subject to the Surcharge is similar.

117. Table 6 also indicates that implementing the option 7 proposals may mean that a larger proportion of males will have to pay the Surcharge when they previously did not have to, as a lower proportion are currently given fines.

118. Table 10 includes data outlining the estimated average Surcharge payable for all court disposals. This indicates that males aged 18 and over will pay more than females.

119. The DWP research shows that 18% of both adult males and females are in the bottom quintile. 18% of adult males are in the second quintile, compared to 20% of adult females<sup>15</sup>. This data indicates that there is little difference in the proportion of adult males and females in lower income households. The DWP research also provides an analysis for lone parent households with dependant children. This shows that 40% were in the bottom quintile and 28% in the second quintile. The majority of lone parent households are headed by women and 1992 research suggests that a higher proportion of female prisoners lived with dependent children and no other adult prior to imprisonment (14% of women compared to 1% of men)<sup>16</sup>. Therefore the overall proposals comprising of option 7 could have a greater impact on women.

120. The table below summarises the potential individual impacts arising from options 1, 2, 3, 4, and 5, which makes up option 7.

Disposal Type/option	Analysis of Data (Annex D)
Conditional Discharges – option 1	<p>Table 5 indicates that males given conditional discharges are over-represented compared to the general population, and thus imposing a Surcharge on those given conditional discharges may have a greater impact on males when looking at overall figures compared to the general population.</p> <p>However, Table 6 indicates that applying the Surcharge to conditional discharges equally impacts male and female offenders, at a proportion of 7% of total sentences imposed.</p>
Fines – option 2	<p>Table 5 indicates that the proportion of males sentenced to a fine are over-represented compared to the general population, and thus increasing the Surcharge for fines may have a greater impact on males when looking at overall figures compared to the general population.</p> <p>Analysis of Table 6 shows that 76% of females are sentenced to a fine (as opposed to 61% of males). Therefore increasing the Surcharge may have a greater impact on females when looking at those sentenced.</p> <p>Our proposals to increase the level of Surcharge on fines to a percentage of the fine amount would see higher fines receiving a higher Surcharge in order to reflect the seriousness of the sentence. This would range from £20 to £120. Consideration is given to the means of the offender when the sentence (which includes a fine) is constructed. This should mitigate against the Surcharge being disproportionate to an offenders' means.</p>
Community Sentences –	<p>Table 5 indicates that males given community sentences are over-represented compared to the general population, and thus imposing a</p>

<sup>15</sup> The HBAI analysis aims to measure the living standards of an individual as determined by household income and is based on the assumption that both partners in a couple benefit equally from household income. Research has suggested that, particularly in low-income households, this assumption is not always true as males sometimes benefit at the expense of females from household income. The HBAI analysis by gender could therefore understate differences between males and females.

<sup>16</sup> Dodd & Hunter (1992) The National Prison Survey 1991.

option 3	<p>Surcharge on those given community sentences may have a greater impact on males when looking at overall figures.</p> <p>Table 6 indicates that 10% of females are given a community sentence (as opposed to 16% for males), and thus imposing a Surcharge on those subject to community sentences may have a greater impact on males when looking at those sentenced.</p>
Penalty Notices for Disorder – option 4	Table 5 indicates that 75% of individuals given PNDs were male compared to 49% of the general population is male.
Custodial Sentences – option 5	<p>Table 5 indicates that males given custodial sentences are over-represented compared to the general population, and thus imposing a Surcharge on those given custodial sentences may have a greater impact on males when looking at overall figures.</p> <p>Table 6 indicates that more males are sentenced to custodial sentences (whether these are immediate or suspended) and therefore will generally be subject to a higher Surcharge than females. In 2010 3% of females were given custodial sentences (compared to 9% of males), and 2% of females were given suspended sentences (as opposed to 4% of males). Therefore imposing a Surcharge on those give custodial sentences may have a greater impact on males when looking at those sentenced.</p>

### How to respond

121. Responses to the consultation can be submitted directly through the Ministry of Justice website at <http://consult.justice.gov.uk/digital-communications/victims-witnesses>, via email to [victimsconsultation@justice.gsi.gov.uk](mailto:victimsconsultation@justice.gsi.gov.uk) or by post to Victims and Witness Unit, Ministry of Justice, 8th Floor, 102 Petty France, London, SW1H 9AJ.



# Annex A

## Information sources and evidence

1. The analysis in this EIA draws on a range of data sources, which address each of the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.
2. Recent research and guidance from a range of national and local sources – to help identify relevant equality issues, we drew on national and local research and guidance. In this EIA, we have cited the following:
  - *Crime in England and Wales: Findings from the British Crime Survey (BCS)*: The BCS measures the amount of crime in England and Wales. The BCS also helps identify those most at risk of different types of crime and includes data on responders' gender, ethnicity, age, disability and marital status;
  - *Vulnerable and Intimidated Witnesses: A Police Service Guide, MoJ, 2011* - this guidance is designed to assist police officers through a number of processes that will afford a vulnerable or intimidated witness equal access to the criminal justice system;
  - *Witness and Victim Experience Survey (WAVES), MoJ, 2009/10*: examines victims' and witnesses' experiences of the Criminal Justice System on a national level;
  - *Statistics on Women and the Criminal Justice System 2009/10*: publishes details relating to women's experience of the CJS as victims, suspects, defendants, offenders and employees;
  - *Households Below Average Income (HBAI) 1994/95-2009/10, Department for Work and Pensions*: presents data on the household income by characteristics of individuals and households.
  - *Equality and Human Rights Commission analysis of ONS Annual Population Survey (October 2006-September 2009)*. Results averaged over three years' data;
  - *Criminal Justice Statistics 2010, England and Wales*: Present key trends of activity in the Criminal Justice System;
  - *Offender Management Caseload Statistics 2010*: Annual offender management caseload statistics, covering probation and prisons in England and Wales;
  - *Statistics on Race and the Criminal Justice System: 2010. London: MOJ*: this publication reports statistical information on the representation of black and minority ethnic groups as suspects, offenders and victims within the criminal justice system;
  - *The National Prison Survey 1991, Dodd & Hunter (1992)*: this collected information about the background characteristics and circumstances of

prisoners, and information on prison regimes and life in prison in England and Wales.

- *Surveying Prisoner Crime Reduction Survey 2005/06*: this was a longitudinal cohort study in 2005/6 of 1,435 newly sentenced adult prisoners, sentenced to less than 4 years in custody, in England and Wales.
- *Integrated Household Survey April 2010 to March 2011: Experimental Statistics*: this publication reports statistical information on the sexual identity and religion of the general population.

## Annex B

### List of equality groups

- 1990 Trust
- AbilityNet
- Action on Elder Abuse
- Advance
- Age UK – England
- Age UK – Wales
- Age UK- Scotland
- Anawim
- Anglican Church in Wales
- Asha Centre
- Baptist Union of Great Britain
- Barnados
- Black Mental Health UK
- Board of Deputies of British Jews
- Brighter Futures
- Brighton Women's Centre
- British Dyslexia Association
- British Humanist Association
- British Institute of Human Rights
- Broken Rainbow
- Cambridge Centre
- Carers UK
- Centre for Mental Health
- Children's Society
- Churches Together in Britain and Ireland
- Community Security Trust
- Cyrenians
- Depaul UK
- Derby Women's Work
- Diabetes UK
- Disability Alliance
- Dysraxia Foundation
- Employers Forum on Disability
- Equality & Human Rights Commission
- Families and Friends of Lesbian and Gays
- Fawcett Society
- Foundation for People with Learning Difficulties
- Foundation4Life
- Friends, Families and Travellers
- Galop
- Gender Identity Research & Education Society
- Griffin Society
- Herts Women's Centre
- Hull Women's Centre
- Institute for Race Relations
- Interfaith Network for the UK

- Irish Traveller Movement in Britain
- Jagonari
- Just West Yorkshire
- Leonard Cheshire Disability
- London Race Discrimination Unit
- Making every adult matter coalition
- Mencap
- Methodist Church of Great Britain
- MIND
- Mosques and Imams NAB
- Muslim Council of Britain
- Nacro
- National Autistic Society
- National Black Police Association
- Network of Sikh Organisations in the UK
- North Wales Women's Centre
- Northern Concord
- NSPCC
- Office for Disability issues
- Open Society Justice Initiative
- Operation Black Vote
- Reading Women's Centre
- Papworth Trust
- Press for Change
- Prince's Trust
- Princess Royal Trust for Carers
- Race Equality Foundation
- Race on the Agenda
- RADAR
- Refuge
- Respect
- Rethink
- Revolving Doors
- Roman Catholic Church in England and Wales
- Royal National Institute for the Blind
- Royal National Institute of Deaf People
- Runnymede Trust
- Safer Wales
- Salvation Army
- Sane
- Schools Out
- Scottish Human Rights Commission
- Society of Friends (Quakers)
- Southside Partnership
- St Giles Trust
- Stonewall
- Terrence Higgins Trust
- The Beaumont Society
- The Equality Trust (Scotland)
- The Equality Network (Scotland)

- The Fawcett Society
- The Gender Trust
- The Hindu Council UK
- Turning Point
- UK Disabled People's Council
- Voice UK
- Voice4Change England
- Women In Business Network
- Women in Prison London
- Women's Aid
- Working Chance
- Working Families
- World Congress of Faiths
- Young People's Learning Agency

\*This list is not exhaustive

## Annex C – Evidence victims of crime

Table 1 Proportion of adults who were victims of all BCS crime and personal crime by personal characteristics  
Percentages

Personal characteristics	England and Wales, 2010/11 BCS		
	Personal crime	All BCS crime	Unweighted base <sup>1</sup>
<b>Gender</b>			
Male	6	23	21,076
Female	5	21	25,678
<b>Ethnicity</b>			
White	6	21	42,991
Non-White	8	25	3,687
<i>Mixed</i>	11	30	350
<i>Asian or Asian British</i>	7	26	1,676
<i>Black or Black British</i>	7	23	1,006
<i>Chinese or other</i>	9	23	655
<b>Disability status</b>			
Long-standing illness or disability	5	20	13,793
<i>Limits activities</i>	5	19	9,879
<i>Does not limit activities</i>	6	22	3,909
No long-standing illness or disability	6	22	32,883
<b>Age</b>			
16-24	14	32	3,885
25-34	8	27	6,464
35-44	5	25	7,976
45-54	4	22	7,805
55-64	3	17	8,139
65-74	2	11	6,577
75+	1	8	5,908
<b>Marital status</b>			
Married	3	19	21,755
Cohabiting	6	27	4,176
Single	12	28	9,828
Separated	8	24	1,560
Divorced	6	21	4,244
Widowed	2	9	5,173

1. Unweighted base relates to 'All BCS crime'.

Source: Home Office Statistical Bulletin 10/11: Crime in England and Wales 2010/11: Findings from the British Crime Survey and Police Recorded Crime

**Table 2 Proportion of adults who were victims of violent crime by personal characteristics**

Percentages	England and Wales, 2010/11 BCS	
	All violence <sup>1</sup>	Unweighted base
<b>All adults</b>	3	46,754
<b>Age</b>		
16-24	9	3,885
25-34	4	6,464
35-44	3	7,976
45-54	2	7,805
55-64	1	8,139
65-74	0	6,577
75+	0	5,908
<b>Disability status</b>		
Long-standing illness or disability	3	12,715
<i>Limits activities</i>	3	9,052
<i>Does not limit activities</i>	3	3,657
No long-standing illness or disability	3	31,761
<b>Gender</b>		
Male	4	21,076
Female	2	25,678
<b>Ethnicity</b>		
White	3	42,991
Non-White	4	3,687
<i>Mixed</i>	7	350
<i>Asian or Asian British</i>	4	1,676
<i>Black or Black British</i>	3	1,006
<i>Chinese or other</i>	3	655
<b>Marital status</b>		
Married	2	21,755
Cohabiting	4	4,176
Single	7	9,828
Separated	4	1,560
Divorced	3	4,244
Widowed	1	5,173

1. 'Violent crime' includes wounding, assault with minor injury, assault without injury and robbery.

Source: Home Office Statistical Bulletin 10/11: Crime in England and Wales 2010/11: Findings from the British Crime Survey and Police Recorded Crime

**Table 3 Proportion of adults who were victims of intimate violence in the last year by gender**  
**Percentages**

	England and Wales, 2010/11 BCS		
	Sexual assault <sup>1</sup>	Domestic abuse <sup>2</sup>	Unweighted base <sup>3</sup>
<b>Gender</b>			
Male	1	5	4,967
Female	3	7	5,927

1. Including attempts. Only covers victims aged 16-59.

2. Any domestic abuse (partner or family non-physical abuse, threats, force, sexual assault or stalking). Only covers victims aged 16-59.

3. Unweighted base relates to 'Domestic abuse'.

Source: Home Office Statistical Bulletin 10/11: Crime in England and Wales 2010/11: Findings from the British Crime Survey and Police Recorded Crime

**Table 4 Proportion of adults who were victims of intimate violence in the last year by personal characteristics**  
**Percentages**

	England and Wales, 2009/10 BCS					
	Sexual assault <sup>1</sup>		Domestic abuse <sup>2</sup>		Unweighted base <sup>3</sup>	
	Men	Women	Men	Women	Men	Women
<b>Ethnicity</b>						
White	0	2	4	7	9,074	10,835
Non-White	1	2	3	7	815	887
<b>Disability status</b>						
Long-standing illness or disability	1	3	7	12	1,519	2,030
Limits activities	1	3	7	14	843	1,217
Does not limit activities	1	3	7	10	675	810
No long-standing illness or disability	0	2	4	7	8,369	9,691
<b>Age</b>						
16-19	1	8	6	13	661	670
20-24	1	4	5	11	756	898
25-34	0	2	5	7	2,048	2,634
35-44	0	1	3	7	2,746	3,477
45-54	0	1	3	5	2,579	2,809
55-59	0	1	3	5	1,102	1,240
<b>Marital status</b>						
Married	0	1	2	4	4,610	5,226
Cohabiting	0	1	5	7	1,392	1,526
Single	1	5	6	11	2,956	3,201
Separated	0	4	8	22	274	476
Divorced	1	2	8	14	599	1,132
Widowed	0	1	3	8	60	165

1. Including attempts. Only covers victims aged 16-59.

2. Any domestic abuse (partner or family non-physical abuse, threats, force, sexual assault or stalking). Only covers victims aged 16-59.

3. Unweighted base relates to 'Domestic abuse'.

Source: Home Office Statistical Bulletin 01/11: Homicides, Firearms offences and Intimate Violence 2009/10: Supplementary Volume 2 to Crime in England and Wales 2009/10



**Table 5 Proportion of adults who were victims of crime by religion Percentages**

	England and Wales, 2006/07 BCS			
	Violent crime	Personal crime	All BCS crime	Unweighted base <sup>1</sup>
<b>Religion</b>				
Christian	3	6	23	37,482
Buddhist	3	5	20	244
Hindu	2	4	22	389
Muslim	4	7	27	879
Other	5	9	27	849
No religion	6	9	29	7,132

1. Unweighted base relates to 'Personal crime'.

Source: Home Office Statistical Bulletin 19/07: Attitudes, Perceptions and Risks of Crime: Supplementary Volume 1 to Crime in England and Wales 2006/07

**Table 6 Proportion of adults who were victims of intimate violence by sexual orientation**

Percentages	England and Wales, 2007/08 and 2008/09 BCS			
	Domestic abuse <sup>1</sup>		Unweighted base	
	Men	Women	Men	Women
<b>Sexual Orientation</b>				
Heterosexual/straight	4	6	20,892	24,795
Gay or bisexual	9	17	512	473
Don't know/Don't wish to answer	8	7	705	886

1. Only covers victims aged 16-59. This data excludes stalking as questions on stalking were not included in the 2007/08 BCS.

Source: Home Office Statistical Bulletin 01/10: Homicides, Firearms offences and Intimate Violence 2008/09: Supplementary Volume 2 to Crime in England and Wales 2008/09

**Table 7 Proportion of children aged 10 to 15 who were victims of BCS personal crime once or more in the last year**

Percentages	England and Wales, 2010/11 BCS	
	Preferred measure <sup>1</sup>	Broad measure <sup>1</sup>
All violence	7	12
Personal theft	5	6
Vandalism to personal property <sup>2</sup>	0	2
<b>All crime experienced by children aged 10-15</b>	<b>12</b>	<b>17</b>
<i>Unweighted base</i>	<i>3,849</i>	<i>3,849</i>

1. The 'Preferred measure' takes into account factors identified as important in determining the severity of an incident (such as level of injury, value of item stolen or damaged, relationship with the perpetrator) while the 'Broad measure' counts all incidents which would be legally defined as crimes and therefore may include low-level incidents between children.

2. These offences are designated as 'household' offences for adults on the BCS (respondents reply on behalf of the household) but are presented here as 'personal' offences when the property stolen or damaged solely belonged to the child respondent. This broadens the scope of personal victimisation but may also result in double-counting of offences on the adult survey; the extent to which this happens will be evaluated in the future.

Source: Home Office Statistical Bulletin 10/11: Crime in England and Wales 2010/11: Findings from the British Crime Survey and Police Recorded Crime

**Table 8 Proportion of children aged 10 to 15 who were victims of BCS personal crime once or more in the last year, by age group**

Percentages	England and Wales, January to December 2009 BCS			
	All incidents that would be a crime in law		Incidents the victim perceived as a crime	
	Age 10 to 12	Age 13 to 15	Age 10 to 12	Age 13 to 15
Theft from the person	1	2	0	1
Other theft of personal property	5	5	2	3
All violence	21	19	3	4
<b>All personal crime</b>	<b>18</b>	<b>17</b>	<b>5</b>	<b>7</b>
<i>Unweighted base</i>	1,733	1,928	1,733	1,928

Source: Home office Statistical Bulletin 11/10: Experimental statistics on victimisation in children aged 10 to 15: Findings from the British Crime Survey for the year ending December 2009

**Table 9 Victim satisfaction with their contact with the CJS, by personal characteristics**

Percentages	2009/10 WAVES <sup>1</sup>			
	Satisfied	Neither satisfied nor dissatisfied	Dissatisfied	<i>Unweighted base</i>
<b>All victims</b>	80	2	17	19,032
<b>Gender</b>				
Male	79	2	18	11,593
Female	82	2	15	7,435
<b>Ethnicity</b>				
White	80	2	17	16,511
Mixed	77	3	20	340
Black	75	1	22	570
Asian	81	1	17	1,076
Chinese/other	80	2	17	368
<b>Disability status</b>				
Has disability which limits activities	71	2	25	2,222
Has disability which does not limit activities	80	2	18	912
Does not have disability which limits activities	81	2	16	15,825
<b>Age</b>				
18-24	83	2	15	3,220
25-34	80	2	17	3,856
35-44	78	2	19	4,567
45-54	79	2	18	3,963
55-64	81	1	17	2,300
65+	84	2	13	1,079

1. WAVES interviews victims and prosecution witnesses aged 18 and over whose case resulted in a charge, after the case has closed. WAVES covers the following crime types; violence against the person; robbery; burglary; criminal damage; theft and handling stolen goods. Victims and witnesses in sensitive cases, such as sexual offences or domestic violence, crimes involving a fatality, and any crime where the defendant was a family member or a member of the witnesses' or victims' household, are not included on ethical grounds. WAVES also excludes police officers or other CJS officials assaulted in the course of duty, and all police or expert witnesses.

Source: Further analysis of Provisional Quarterly Justice System Information

**Table 10 Proportion of victims who recalled being offered the opportunity to make a Victim Personal Statement Percentages**

	<b>2009/10 WAVES<sup>1</sup></b>			
	Recalled being offered a VPS	Did not recall being offered a VPS	Don't know	<i>Unweighted base</i>
<b>Gender</b>				
Male	42	45	13	11,593
Female	45	44	11	7,435
<b>Ethnicity</b>				
White	44	44	12	16,511
Mixed	38	52	10	340
Black	35	57	8	570
Asian	37	50	13	1,076
Chinese/other	41	42	17	368
<b>Disability status</b>				
Has disability which limits activities	39	49	12	2,222
Has disability which does not limit activities	45	43	12	912
Does not have disability which limits activities	44	44	12	15,825
<b>Age</b>				
18-24	46	44	11	3,220
25-34	43	45	13	3,856
35-44	42	46	12	4,567
45-54	43	45	12	3,963
55-64	44	43	14	2,300
65+	43	40	17	1,079

1. WAVES interviews victims and prosecution witnesses aged 18 and over whose case resulted in a charge, after the case has closed. WAVES covers the following crime types; violence against the person; robbery; burglary; criminal damage; theft and handling stolen goods. Victims and witnesses in sensitive cases, such as sexual offences or domestic violence, crimes involving a fatality, and any crime where the defendant was a family member or a member of the witnesses' or victims' household, are not included on ethical grounds. WAVES also excludes police officers or other CJS officials assaulted in the course of duty, and all police or expert witnesses.

Source: Further analysis of Provisional Quarterly Justice System Information

**Table 11 Proportion of victims aware that criminal justice agencies must meet minimum standards of service as set out in the Code of Practice**

	<b>Percentages</b>			<b>2009/10 WAVES<sup>1</sup></b>
	Yes	No	Don't know	<i>Unweighted base</i>
<b>Total</b>	42	52	5	19,032
<b>Gender</b>				
Male	43	53	5	11,593
Female	42	52	7	7,435
<b>Ethnicity</b>				
White	43	52	5	16,511
Asian	40	55	5	1,076
Black	37	57	5	570
Mixed	35	61	4	340
Chinese/other	39	53	8	368
<b>Disability status</b>				
Has disability which limits activities	40	54	6	2,222
Has disability which does not limit activities	46	51	3	912
Does not have a disability	43	52	5	15,825
<b>Age</b>				
18-24	39	56	5	3,220
25-34	38	56	5	3,856
35-44	42	52	5	4,567
45-54	45	50	6	3,963
55-64	48	48	5	2,300
65+	45	49	6	1,079

1. WAVES interviews victims and prosecution witnesses aged 18 and over whose case resulted in a charge, after the case has closed. WAVES covers the following crime types; violence against the person; robbery; burglary; criminal damage; theft and handling stolen goods. Victims and witnesses in sensitive cases, such as sexual offences or domestic violence, crimes involving a fatality, and any crime where the defendant was a family member or a member of the witnesses' or victims' household, are not included on ethical grounds. WAVES also excludes police officers or other CJS officials assaulted in the course of duty, and all police or expert witnesses.

Source: Further analysis of Provisional Quarterly Justice System Information

**Table 12 Proportion of victims who recalled being given a copy of leaflet 'Victims of Crime - support and advice'**

Percentages	2009/10 WAVES <sup>1</sup>			
	Yes	No	Don't know	<i>Unweighted base</i>
<b>Total</b>	64	19	17	19,032
<b>Gender</b>				
Male	64	19	17	11,593
Female	64	19	17	7,435
<b>Ethnicity</b>				
White	65	19	17	16,511
Asian	62	21	17	1,076
Black	60	24	16	570
Mixed	61	21	18	340
Chinese/other	57	19	24	368
<b>Disability status</b>				
Has disability which limits activities	61	22	18	2,222
Has disability which does not limit activities	66	18	16	912
Does not have a disability	64	19	17	15,825
<b>Age</b>				
18-24	64	20	16	3,220
25-34	63	20	17	3,856
35-44	65	19	16	4,567
45-54	66	18	16	3,963
55-64	63	18	19	2,300
65+	58	18	24	1,079

1. WAVES interviews victims and prosecution witnesses aged 18 and over whose case resulted in a charge, after the case has closed. WAVES covers the following crime types; violence against the person; robbery; burglary; criminal damage; theft and handling stolen goods. Victims and witnesses in sensitive cases, such as sexual offences or domestic violence, crimes involving a fatality, and any crime where the defendant was a family member or a member of the witnesses' or victims' household, are not included on ethical grounds. WAVES also excludes police officers or other CJS officials assaulted in the course of duty, and all police or expert witnesses.

Source: Further analysis of Provisional Quarterly Justice System Information

**Table 13 Proportion of victims and witnesses who were informed that someone had been charged with the offence**

<b>Percentages</b>				<b>2009/10 WAVES<sup>1</sup></b>
	Yes	No	Don't know	<i>Unweighted base</i>
<b>Total</b>	88	11	1	37,779
<b>Gender</b>				
Male	88	11	1	21,930
Female	88	11	2	15,843
<b>Ethnicity</b>				
White	88	10	1	33,347
Asian	84	14	3	1,888
Black	83	16	2	1015
Mixed	87	12	1	613
Chinese/other	84	14	2	634
<b>Disability status</b>				
Has disability which limits activities	89	10	1	3494
Has disability which does not limit activities	90	10	-	1,722
Does not have a disability	88	11	1	32,434
<b>Age</b>				
18-24	86	13	2	6,796
25-34	86	13	2	8,183
35-44	88	10	1	9,077
45-54	89	10	1	7,693
55-64	91	8	1	4,209
65+	93	6	1	1,740

1. WAVES interviews victims and prosecution witnesses aged 18 and over whose case resulted in a charge, after the case has closed. WAVES covers the following crime types; violence against the person; robbery; burglary; criminal damage; theft and handling stolen goods. Victims and witnesses in sensitive cases, such as sexual offences or domestic violence, crimes involving a fatality, and any crime where the defendant was a family member or a member of the witnesses' or victims' household, are not included on ethical grounds. WAVES also excludes police officers or other CJS officials assaulted in the course of duty, and all police or expert witnesses.

Source: Further analysis of Provisional Quarterly Justice System Information

**Table 14 Length of time after initial police contact that victims and witnesses waited before hearing anything else about case progress**

Percentages					2009/10 WAVES <sup>1</sup>
	Within a month	Over a month	Did not hear anything else officially	Don't know	Unweighted base
<b>Total</b>	65	25	5	5	37,779
<b>Gender</b>					
Male	65	25	5	5	21,930
Female	64	25	4	6	15,843
<b>Ethnicity</b>					
White	65	25	4	5	33,347
Asian	65	25	5	5	1,888
Black	65	23	6	6	1015
Mixed	59	30	5	6	613
Chinese/other	67	22	3	8	634
<b>Disability status</b>					
Has disability which limits activities	63	25	5	6	3,494
Has disability which does not limit activities	64	26	4	6	1,722
Does not have a disability	65	25	4	5	32,434
<b>Age</b>					
18-24	64	27	5	5	6,796
25-34	64	26	5	5	8,183
35-44	65	25	5	6	9,077
45-54	66	24	4	6	7,693
55-64	66	23	4	6	4,209
65+	66	22	4	9	1,740

1. WAVES interviews victims and prosecution witnesses aged 18 and over whose case resulted in a charge, after the case has closed. WAVES covers the following crime types; violence against the person; robbery; burglary; criminal damage; theft and handling stolen goods. Victims and witnesses in sensitive cases, such as sexual offences or domestic violence, crimes involving a fatality, and any crime where the defendant was a family member or a member of the witnesses' or victims' household, are not included on ethical grounds. WAVES also excludes police officers or other CJS officials assaulted in the course of duty, and all police or expert witnesses.

Source: Further analysis of Provisional Quarterly Justice System Information

## ANNEX D – OFFENDERS

**Table 1 Age breakdown of persons sentenced for indictable offences or given a Penalty Notice for Disorder (PND) by result, 2010, England and Wales**

	Under 18	18-20	21-24	25-29	30-39	40-49	50-59	60+	Total
Community sentence	27%	13%	13%	14%	19%	10%	3%	1%	100%
Conditional Discharge	8%	13%	15%	16%	26%	15%	5%	2%	100%
Fine	3%	15%	19%	19%	24%	14%	5%	2%	100%
Immediate custody	4%	13%	18%	20%	27%	13%	4%	1%	100%
Suspended sentence	0%	13%	19%	19%	27%	16%	5%	2%	100%
<b>Total sentences subject to Victim Surcharge</b>	<b>12%</b>	<b>13%</b>	<b>16%</b>	<b>17%</b>	<b>23%</b>	<b>13%</b>	<b>4%</b>	<b>1%</b>	<b>100%</b>
<b>PNDs</b>	<b>6%</b>	<b>22%</b>	<b>20%</b>	<b>15%</b>	<b>17%</b>	<b>12%</b>	<b>5%</b>	<b>2%</b>	<b>100%</b>
General population - E&W	11%	5%	6%	8%	15%	17%	14%	26%	100%

Source: Further analysis of Criminal Justice System Statistics 2010, Population - Mid 2010 Population Estimates, Office for National Statistics

**Table 2 Persons sentenced at all courts for indictable offences by age group and result, 2010**

	Under 18	18-20	21-24	25-29	30-39	40-49	50-59	60+	Total
Community sentence	70%	31%	26%	26%	25%	25%	23%	18%	31%
Conditional Discharge	9%	12%	11%	12%	14%	14%	15%	15%	12%
Fine	4%	19%	21%	19%	17%	19%	19%	21%	17%
Immediate custody	9%	23%	26%	28%	27%	24%	24%	26%	24%
Suspended sentence	0%	9%	12%	11%	11%	12%	13%	15%	10%
<b>Total subject to Victim Surcharge</b>	<b>92%</b>	<b>95%</b>	<b>96%</b>	<b>95%</b>	<b>94%</b>	<b>94%</b>	<b>94%</b>	<b>95%</b>	<b>94%</b>
Absolute discharge	2%	0%	0%	0%	0%	0%	0%	1%	1%
Otherwise dealt with	6%	5%	4%	5%	5%	6%	5%	5%	5%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Source: Further analysis of Criminal Justice System Statistics 2010



**Table 3 Ethnic breakdown of persons sentenced for indictable offences or given a Penalty Notice for Disorder (PND) by result, 2010, England and Wales**

	White	Black	Asian	Other	Unknown	Total
Community sentence	77%	9%	4%	1%	9%	100%
Conditional discharge	79%	7%	3%	1%	9%	100%
Fine	72%	10%	5%	1%	12%	100%
Immediate custody	72%	10%	6%	3%	9%	100%
Suspended sentence	75%	8%	5%	2%	10%	100%
<b>Total subject to Victim Surcharge</b>	<b>75%</b>	<b>9%</b>	<b>5%</b>	<b>2%</b>	<b>10%</b>	<b>100%</b>
<b>PNDs</b>	<b>73%</b>	<b>2%</b>	<b>5%</b>	<b>4%</b>	<b>15%</b>	<b>100%</b>

	White	Mixed	Asian or Asian British	Black or Black British	Chinese or Other ethnic group	Total
General population - E&W	89%	1%	6%	3%	2%	100%

Source: Further analysis of Criminal Justice System Statistics 2010, Population - Mid 2009 Population Estimates, Office for National Statistics

**Table 4 Persons sentenced at all courts for indictable offences by ethnicity and result, 2010**

England and Wales

	Ethnicity					Total
	White	Black	Asian	Other	Unknown	
Community sentence	32%	29%	28%	21%	29%	31%
Conditional discharge	13%	9%	8%	9%	12%	12%
Fine	16%	19%	19%	11%	21%	17%
Immediate custody	23%	27%	29%	42%	22%	24%
Suspended sentence	10%	9%	10%	12%	10%	10%
<b>Total subject to Victim Surcharge</b>	<b>95%</b>	<b>93%</b>	<b>94%</b>	<b>95%</b>	<b>94%</b>	<b>94%</b>
Absolute discharge	1%	0%	0%	0%	1%	1%
Otherwise dealt with	5%	7%	6%	4%	5%	5%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Source: Further analysis of Criminal Justice System Statistics 2010

**Table 5 Gender breakdown of persons sentenced or given a Penalty Notice for Disorder by result, 2010, England and Wales**

	Males	Females	All persons <sup>(1)</sup>
Community sentence	83%	16%	100%
Conditional discharge	76%	23%	100%
Fine	70%	26%	100%
Immediate custody	92%	8%	100%
Suspended sentence	85%	15%	100%
<b>Total subject to Victim Surcharge</b>	<b>74%</b>	<b>23%</b>	<b>100%</b>
<b>PNDs</b>	<b>75%</b>	<b>25%</b>	<b>100%</b>
General population - E&W	49%	51%	100%

1. Includes cases reported to the Ministry of Justice as sex 'not stated'.

Source: Further analysis of Criminal Justice System Statistics 2010

**Table 6 Persons<sup>(1)</sup> sentenced at all courts by gender and result, 2010, England and Wales**

	Males	Females	All persons <sup>(1)</sup>
Community sentence	16%	10%	14%
Conditional discharge	7%	7%	7%
Fine	61%	76%	65%
Immediate custody	9%	3%	7%
Suspended sentence	4%	2%	4%
<b>Total subject to Victim Surcharge</b>	<b>97%</b>	<b>98%</b>	<b>97%</b>
Absolute discharge	1%	1%	1%
Otherwise dealt with	3%	2%	2%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

1. Includes cases reported to the Ministry of Justice as sex 'not stated'.

Source: Criminal Justice System Statistics 2010

**Table 7: Sentenced prison receptions by religion, 2008, England and Wales**

	Sentenced prison receptions	General population (2010/11)	
		England	Wales
Christian	46.3%	68.5%	66.1%
Buddhist	0.9%	0.4%	0.3%
Hindu	0.5%	1.5%	0.5%
Jewish	0.1%	0.5%	0.1%
Muslim	8.2%	4.9%	1.2%
Sikh	0.8%	0.8%	0.1%
Other religion	0.1%	1.1%	1.2%
Non-recognised	0.9%	n/a	n/a
No religion	42.1%	22.4%	30.6%
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

1. General population figures are for all ages and are from the Integrated Household Survey, Office for National Statistics. Respondents were asked the question 'What is your religion, even if you are not currently practising?'

Source: Further analysis of Offender Management Statistics

**Table 8: Estimated average victim surcharge payable for court disposals by ethnicity, based on 2010 data for indictable offences**

	White	Black	Asian	Other	Unknown	All
Under 18	£15	£15	£15	£16	£15	£15
18+	£58	£61	£64	£73	£59	£59

Source: Further analysis of Criminal Justice Statistics

**Table 9: Estimated average victim surcharge payable for court disposals by age group, based on 2010 data for indictable offences**

Under 18	18 - 20	21 - 24	25 - 29	30 - 39	40 - 49	50 - 59	60+	All
£15	£58	£60	£60	£60	£59	£59	£63	£54

Source: Further analysis of Criminal Justice Statistics

**Table 10: Estimated average victim surcharge payable for court disposals by gender, based on 2010 data**

	Female	Male	Unstated	All
Under 18	£15	£15	£15	£15
18+	£30	£39	£28	£37

Source: Further analysis of Criminal Justice Statistics