



Ministry  
of Justice

# **A new Victims' Code**

## **Draft new Victims' Code**



Government of the United Kingdom

**Ministry of Justice**

## **A new Victims' Code**

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Presented to Parliament by the Lord Chancellor and  
Secretary of State for Justice by Command of His Majesty

February 2026



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**Right 1: To understand and be understood, and to have services adjusted to your needs**

You have the **Right** to have your needs assessed so services and communications can be adjusted to your needs. You also have the **Right** to be given information in a way that is easy to understand and to be provided with help to be understood, such as access to interpreting and translation services.

**Right 2: To have the details of the crime recorded without unjustified delay**

You have the **Right** to have details of the crime recorded by the police as soon as possible after the incident. If you are required to provide a witness statement or be interviewed, you have the **Right** to be given additional support to assist you through this process.

**Right 3: To be given information when reporting the crime**

You have the **Right** to receive written confirmation when reporting a crime, to be given information about the criminal justice process and to be told about services for victims. This might include services where you can meet with the suspect or offender, which is known as Restorative Justice.

**Right 4: To self-refer and/or to be referred to services that support victims**

You have the **Right** to be referred to services that support victims and/or the **Right** to self-refer and contact them directly whether or not you report a crime. If eligible, you have the **Right** to be offered a referral to specialist support services.

**Right 5: To be given information about compensation**

You have the **Right** to be told about how to seek any available compensation for loss, damage or injury caused as a result of crime.

**Right 6: To be given information about the investigation and prosecution**

You have the **Right** to be provided with updates on your case and to be told when important decisions are taken. You also have the **Right**, at certain stages of the justice process, to ask for decisions to be looked at again by the relevant service provider.

**Right 7: To make a Victim Impact Statement**

You have the **Right** to be told about and make a Victim Impact Statement, which tells the court how the crime has affected you and is considered when sentencing the offender.

**Right 8: To be given information about the trial, trial process and your role as a witness**

If your case goes to court, you have the **Right** to be told the time, date and location of any hearing and the outcome of those hearings in a timely way. If you are required to give evidence, you have the **Right** to be offered appropriate help before the trial including being told about special measures and, where possible, to meet with the prosecutor before giving evidence.

**Right 9: To be given information about the outcome of the case and any appeals**

You have the **Right** to be told the outcome of the case and, if the defendant is convicted, to have their sentence explained. If the offender appeals against their conviction or sentence, you have the **Right** to be told about the appeal and its outcome.

**Right 10: To be paid expenses and have property returned**

If you are required to attend court and give evidence, you have the **Right** to claim certain expenses. If any of your property was taken as evidence, you have the **Right** to get it back as soon as possible.

**Right 11: To be given information about the offender after a conviction**

Where eligible, you have the **Right** to be given certain information about the offender and if/when they become eligible for parole or release. Where applicable, you also have the **Right** to make a new Victim Impact Statement.

**Right 12: To make a complaint about your Rights not being met**

If you believe that you have not received your **Rights**, you have the **Right** to make a complaint to the relevant service provider. If you remain unhappy, you can contact the Parliamentary and Health Service Ombudsman.

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**A new Victims' Code**  
Draft new Victims' Code

# Introduction

The Code of Practice for Victims of Crime<sup>1</sup> (Victims' Code) sets out the services and a minimum standard for these services that must be given to victims of crime by organisations (referred to as service providers) in England and Wales.

The Victims' Code is required by law<sup>2</sup> to include services that reflect the following four overarching principles.

Code principle	Relevant Code Rights
Victims require information to help them understand the criminal justice process	<ul style="list-style-type: none"><li>• Right 1: to understand and be understood and to have services adjusted to your needs</li><li>• Right 3: to be given information when reporting the crime</li><li>• Right 5: to be given information about compensation</li><li>• Right 6: to be given information about the investigation and prosecution</li><li>• Right 8: to be given information about the trial, trial process and your role as a witness</li><li>• Right 9: to be given information about the outcome of the case and any appeals</li><li>• Right 11: to be given information about the offender after a conviction</li></ul>
Victims require access to services which support them (including, where appropriate, specialist services)	<ul style="list-style-type: none"><li>• Right 4: to self-refer and/or to be referred to services that support victims</li></ul>
Victims require the opportunity to make their views heard in the criminal justice process	<ul style="list-style-type: none"><li>• Right 2: to have the details of the crime recorded without unjustified delay</li><li>• Right 7: to make a Victim Impact Statement</li><li>• Right 10: to be paid expenses and have property returned</li></ul>

<sup>1</sup> **[Subject to implementation of s.2 of the Victims and Prisoners Act 2024:** The Victims' Code is issued by the Secretary of State for Justice under section 2 of the Victims and Prisoners Act 2024.]

<sup>2</sup> The Victims and Prisoners Act 2024

<b>Code principle</b>	<b>Relevant Code Rights</b>
Victims require the ability to challenge decisions which have a direct impact on them	<ul style="list-style-type: none"><li>• Right 6: to be given information about the investigation and prosecution</li><li>• Right 12: to make a complaint about your Rights not being met</li></ul>

The Rights explained in this document aim to fulfil these principles and make clear how victims are supported to participate and stay engaged with the criminal justice process.

This Code also sets out general information about the criminal justice system. This includes the following:

**Blue boxes** for more detail on processes and terms used in the criminal justice system, as well as further information for victims of certain crime types.

**Yellow boxes** for additional information if you are under 18 years old about how this Code may apply for you.



## Who is a 'victim' under this Code?

This Code acknowledges that the terms 'complainant' and 'survivor' are often used in the criminal justice system to describe a person who has made a criminal allegation to the police. However, for the purpose of this Code, you are considered a 'victim' if you have suffered harm (including physical, mental or emotional harm, or economic loss) which was directly caused by:

- being subjected to criminal conduct (including where you have been exploited into committing criminal conduct) – this includes businesses or other enterprises such as charities and other 'corporate entities' who are not individuals;<sup>3</sup>
- being a close family member<sup>4</sup> of a person whose death was directly caused by criminal conduct;
- being born as a direct result of rape or other criminal conduct;
- seeing, hearing, or experiencing the effects of criminal conduct involving domestic abuse as a child under the age of 18 in circumstances where the person being abused or perpetrating the abuse is related to, or has parental responsibility for you;
- witnessing (described as seeing, hearing or otherwise directly experiencing the effects of) criminal conduct at the time that it occurred.

Where the offence is committed without your knowledge, it may be that the harm is caused when you are made aware of the offence. You are still a victim under this Code. For example, this kind of harm may occur in instances of online/non-contact sexual harm.

Which Code Rights apply to you will depend on your circumstances. The relevant service provider will tell you which Rights apply to you.

- **All victims are eligible for Right 4 (the Right to self-refer and/or to be referred to services that support victims),<sup>5</sup> other than businesses or other enterprises** (this does not exclude their staff who can still receive support as individuals). You do not need to have reported the crime, given a statement to or been interviewed by the police, or be required to attend court as a witness to access support services.

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<sup>3</sup> Service providers may have clear criteria defining the types of businesses and enterprises for which Rights under the Code will apply.

<sup>4</sup> This normally refers to the spouse, the partner, the relatives in direct line, the guardians, the siblings and the dependants of a victim. Other family members, such as carers, may be considered close family members at the discretion of the service provider.

<sup>5</sup> If you are identified as a potential victim of modern slavery a First Responder Organisation (<https://www.modernslavery.gov.uk/designated-organisations>) may refer you to the National Referral Mechanism (NRM). The NRM sits outside of the rights provided under this Code and it is not possible to self-refer into the NRM. For more information, see 'Further useful information'.

- **The remaining rights relate to criminal justice system processes and apply if a crime has been reported to the police and depends on the progression of the case. These apply to all victims listed above, other than witnesses of crime.**

If you are entitled to criminal justice process services as a witness, these are covered separately under the Witness Charter: [www.gov.uk/government/publications/the-witness-charter-standards-of-care-for-witnesses-in-the-criminal-justice-system](http://www.gov.uk/government/publications/the-witness-charter-standards-of-care-for-witnesses-in-the-criminal-justice-system).

In some situations, you can receive some **Rights** under this Code on behalf of the victim, where the service provider considers it appropriate and in the best interests of the victim (such as Rights relating to provision of information). This may be the case where you are:

- a parent or guardian<sup>6</sup> of the victim if a victim is under 18 years of age (unless the parent or guardian is under investigation or has been charged by the police in connection with the crime or if, in the reasonable opinion of the service provider involved, it is not in the victim's best interests for the parent or guardian to receive such services) or
- a nominated spokesperson of a victim with a mental impairment or who has been so badly injured because of a crime that they are unable to communicate or lack the capacity to do so, or
- a nominated spokesperson for close family members of a victim whose death has been caused by a crime.

If you are under 18, you are considered automatically eligible for **Enhanced Rights** (see section below). Some entitlements may apply differently to you than adults and these are highlighted throughout the Code using these yellow boxes. Service providers may take a different approach depending on your circumstances, but they will tell you if this happens.

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<sup>6</sup> "Parent" includes a biological parent, an adoptive parent, a step-parent who has been granted legal parental responsibility and a parent by virtue of the Human Fertilisation and Embryology Act 2008 (for example, a second female parent). "Guardian" means another person who has been granted legal parental responsibility, a person who has been appointed as a guardian by court order or by a will (where the parents are deceased), or a person who, in practice, carries out the day-to-day care of a child, such as a local authority approved kinship or foster carer.

Certain entitlements always apply only to you, such as being referred to a support service when you report the crime. Where entitlements involve understanding, giving consent, or sharing views (information and communication entitlements), these may be given directly to you or your parent or guardian depending on your age at the time.

- If you are under 12, your parent or guardian will receive those communication entitlements on your behalf. You may be involved in certain decisions if your parent or guardian thinks it would be appropriate, and service providers may still ask you for your views.
- If you are 12 to 15, you will be asked whether you would like to receive these communication entitlements directly. If you do receive them, your parent or guardian will also be kept updated by service providers.
- If you are 16 to 17, you will receive these entitlements directly, unless you decide you would prefer not to, in which case you can opt-out. Your parent or guardian will also be kept updated by service providers, unless you are living independently.

Service providers will consider your age and ability to understand and make decisions, sometimes known as 'competence'<sup>7</sup> as a part of assessing your needs (see **Right 1** for further detail). You can tell service providers if your needs change and you wish to be more or less involved. For example, if you turn 12 or 16, you can ask service providers to reassess their engagement with you according to the principles above.

As a parent or guardian, supporting your child to access their Rights under this Code may feel overwhelming. You can find more information about what to expect here:

<https://victimandwitnessinformation.org.uk/young-victim-or-witness-parent>

## Victims of persistent anti-social behaviour

Persistent anti-social behaviour can be criminal. Those subjected to anti-social behaviour that is criminal are victims under this Code and have the **Right** to, for example, be given information when reporting the crime (**Right 3**) and to self-refer and/or to be referred to support services (**Right 4**). This is the case even if the police decide not to pursue criminal charges.

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<sup>7</sup> A child's maturity or competence depends on their understanding of the information which has been given to them by service providers and, if relevant, their understanding of what is being asked of them e.g., to provide consent. This can be demonstrated through their ability to explain their reasoning around the views they are providing or decisions they are making.

## Residence or immigration status

If the crime was committed in England or Wales, you have the **Right** to self-refer and/or to be referred to services under this Code regardless of your residence or immigration status. However, if you live elsewhere, you should access support services where you live. If you are required to give evidence in court in England or Wales, you will be able to access support services while you are in England or Wales. There is different guidance for victims of crime in Scotland: [www.mygov.scot/victim-witness-support](http://www.mygov.scot/victim-witness-support) and for victims of crime in Northern Ireland: [www.nidirect.gov.uk/articles/support-services-victims](http://www.nidirect.gov.uk/articles/support-services-victims)

## Victims of crime that takes place abroad

**If you are a British national who is a victim of crime that takes place abroad**, you should contact the Foreign, Commonwealth & Development Office (FCDO). You can find information about how the FCDO can help at: [www.gov.uk/guidance/victim-of-crime-abroad](http://www.gov.uk/guidance/victim-of-crime-abroad)

When you return home, you can self-refer to support services in England and Wales to help you cope and recover from the impact of that crime. You can find out more information about the types of support available at: <https://victimandwitnessinformation.org.uk/>

## Families bereaved by murder or manslaughter abroad

**If you are a close family member<sup>8</sup> of a British national who has been the victim of murder or manslaughter abroad**, the FCDO offers specific support. This includes cases where a death occurred in a UK designated act of terrorism abroad. The support provided by the FCDO may include information about processes and signposting to support available in the country where the incident occurred, and updates on the progress of the investigation or trial (although the FCDO cannot interfere with the local justice system).

If you are resident in England or Wales, the FCDO will seek your consent to refer you to their specialist support partner which may provide additional emotional and practical support. This specialist support can include help with finding a lawyer or translation services, help with returning the victim's body home, referral to bereavement and trauma therapists and/or peer support to speak to others who have been through similar experiences. The specialist support partner may consider financial support on a

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<sup>8</sup> This refers to the spouse, partner, relatives in direct line, siblings and dependants of the victim. Other family members, including guardians and carers, may be considered close family members at the discretion of the FCDO.

case-by-case basis, for example a financial contribution towards returning the person's body or travel costs if you have to attend legal proceedings abroad.

Further information is available by calling: 020 7008 5000<sup>9</sup> or at:

<https://www.gov.uk/guidance/if-a-british-national-dies-abroad-through-murder-or-manslaughter>

If you are not in the UK, you can find the contact details of the nearest British embassy, high commission or consulate online at: <https://www.gov.uk/world/embassies>

There is a Memorandum of Understanding between agencies to help clarify the role of the FCDO, the police and coroners in England and Wales when a British national is a victim of murder, manslaughter or infanticide abroad. The Memorandum focuses on both the deceased and their family and explains what type of support is available. You can find the Memorandum at: <https://www.gov.uk/government/publications/murder-manslaughter-and-infanticide-of-british-nationals-abroad-memorandum-of-understanding>

The rest of the Rights in the Victims' Code only apply to victims where the case is part of the criminal justice system in England and Wales or is capable of being prosecuted in England and Wales.

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<sup>9</sup> Available 24 hours a day, 7 days a week.

## Enhanced Rights

This Code acknowledges that some victims (set out below) are more likely to require specialised assistance, known as **Enhanced Rights**. Such support may include being offered a referral to a specialist support service, being contacted sooner after key decisions and having access to 'special measures' to help you give evidence.<sup>10</sup> Within each individual **Right** this Code highlights where such **Enhanced Rights** apply.

Once a service provider has identified that you are eligible for **Enhanced Rights**, they must ensure that this information is passed to other service providers with responsibilities under this Code and, where appropriate, to services that support victims. If you do not fall within the categories outlined below, a service provider may decide to provide access to certain **Enhanced Rights** depending on your circumstances or the impact of the crime.

### Victims of the most serious crime

You are eligible for **Enhanced Rights** under this Code as a victim of the most serious crime, if you are a close family member bereaved as a direct result of crime or a victim who has been subjected to domestic abuse, hate crime, terrorism, sexual offences, human trafficking, modern slavery, attempted murder, kidnap, false imprisonment, arson with intent to endanger life and wounding or causing grievous bodily harm with intent.

Additional **Enhanced Rights** that are available for bereaved close family members are highlighted separately within each individual **Right** of this Code.

### Vulnerable victims

You are eligible for **Enhanced Rights** under this Code as a vulnerable<sup>11</sup> victim if you have been subjected to crime and:

- you are under 18 years of age at the time of the offence,<sup>12</sup> or
- the quality of your evidence is likely to be affected because you:
  - live with a mental disorder within the meaning of the Mental Health Act 1983;
  - otherwise have a significant impairment of intelligence and social functioning; or

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<sup>10</sup> For more information on special measures: <https://victimandwitnessinformation.org.uk/the-court-process/special-measures>

<sup>11</sup> This is based on the criteria in section 16 of the Youth Justice and Criminal Evidence Act 1999 (YJCEA) for the court to determine eligibility for special measures.

<sup>12</sup> For general **Enhanced Rights** under this Code. However, to be eligible for special measures under section 16 of the YJCEA, you must be under 18 at the time of the hearing.

- have a physical disability or are living with a physical disorder.

## **Intimidated victims**

You are also eligible for **Enhanced Rights** under this Code as an intimidated victim if you have been subjected to crime and the service provider considers that the quality of your evidence will be affected because of your fear or distress about testifying in court.<sup>13</sup>

If you are a victim who has been subjected to sexual violence, domestic abuse, or human trafficking, you are automatically considered an intimidated victim.

For victims of other crimes, when assessing whether a victim is intimidated, the service provider must consider:

- the behaviour towards the victim on the part of the suspect, members of their family or associates, or any other person who is likely to be a suspect or witness in the case;
- the victim's age;
- if relevant, the victim's social and cultural background, religious beliefs or political opinions, ethnic origin, domestic and employment circumstances; and
- any views expressed by the victim.

## **Persistently targeted victims**

You are eligible for **Enhanced Rights** under this Code if you have been targeted repeatedly as a direct victim of crime over a period of time, particularly if you have been deliberately targeted or if you are a victim of a campaign of harassment or stalking.

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<sup>13</sup> This is based on the eligibility criteria for special measures in section 17 of the YJCEA.

# Who is responsible for meeting the Rights under this Code?

The following organisations are required to deliver the **Rights** under this Code as service providers:

- All police forces (including Victim and Witness Care Units<sup>14</sup>) in England and Wales, the British Transport Police and the Ministry of Defence Police
- Crown Prosecution Service
- His Majesty's Courts and Tribunals Service
- His Majesty's Prison and Probation Service and its executive agencies including the Probation Service
- The Parole Board for England and Wales
- The Criminal Cases Review Commission
- The Criminal Injuries Compensation Authority
- The UK Supreme Court
- Youth Offending Teams (sometimes known as Youth Justice Services)<sup>15</sup>

These service providers are under a statutory duty to provide services in accordance with this Code unless there is a good reason not to.<sup>16</sup> An example of a good reason could be that a service provider may need additional time to deliver sensitive or complex information to victims, or to deliver information in accordance with a victim's own timing and communication preferences.

**[PLACEHOLDER: *Subject to implementation of s.6 of the Victims and Prisoners Act 2024:* Certain service providers will be under a legal duty to take reasonable steps to make you aware of the Victims' Code, so you can expect to be given information on this Code at multiple points as your case progresses through the justice system.]**

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<sup>14</sup> Victim and Witness Care Unit is the generic name to describe a police led function which provides information and support to victims and witnesses in cases progressing through the criminal justice system. This unit may be known by another name in your local area. The police will tell you the name of the unit who deliver the Rights assigned to the Victim and Witness Care Unit in this Code.

<sup>15</sup> The statutory definition of a local youth justice service is contained in the Crime and Disorder Act 1998. In statute these are known as Youth Offending Teams. As services have evolved, they have become known by different names. For the purposes of this document, we use the term Youth Offending Teams.

<sup>16</sup> Section 5(1) of the Victims and Prisoners Act 2024.



Under this Code, some victims will receive their **Rights** through a combination of the service providers listed above and other service providers who either prosecute crime or have a role in managing offenders, including:

- The Competition and Markets Authority
- Department for Business and Trade (Insolvency Service Legal Services Directorate)
- The Environment Agency
- The Financial Conduct Authority
- The Gambling Commission
- The Health and Safety Executive
- His Majesty's Revenue and Customs
- The Home Office (Immigration Enforcement)
- The Information Commissioner's Office
- Independent Office for Police Conduct
- The National Crime Agency
- The National Health Service
- Natural Resources Wales
- The Office of Rail and Road
- The Serious Fraud Office

Other service providers can also have a role in relation to the investigation and/or prosecution of crimes. However, unlike the police who investigate and the Crown Prosecution Service who prosecute on a broad range of crimes, these service providers are limited to investigating and prosecuting specific types of offences committed in certain circumstances. Some of these service providers are also regulators. This will determine how and when they come into contact with victims.

The **Rights** in this Code only apply where other service providers (such as those listed above) hold formal responsibility for conducting a criminal investigation or making a decision to prosecute. However, not all functions undertaken by other service providers are identical to those carried out by the police and CPS. Where functions are equivalent to a service provider under this Code (for example the other service provider is investigating or prosecuting an alleged offence), they must deliver the same **Rights** without unjustified delay regardless of whether the other service provider is listed above, unless there are good reasons not to.

Service providers across the criminal justice system should work together to facilitate the provision of Code services to victims, even where they are not the relevant service provider. For example, when a victim is also an offender in custody, HM Prisons and Probation should work with the police to facilitate the **Rights** of that victim. Service providers may delegate or outsource certain information and referral responsibilities to a specified contractor or, if agreed, to another criminal justice agency in cases where this would improve service delivery to victims. This might include providing routine case

updates and information, provided that appropriate monitoring and data sharing mechanisms are in place. The relevant service provider remains responsible for complying with the statutory duty to deliver services in accordance with this Code.

## **Service providers sharing information**

Where required to share information under this Code, service providers must do so effectively and in accordance with their obligations under the Data Protection Act 2018, the UK General Data Protection Regulation (GDPR) and other relevant legislation.

Where there is a high number of victims involved in a case, such as large-scale investment frauds with multiple investor victims, or in other exceptional cases, the service provider may communicate information<sup>17</sup> that a victim has the **Right** to under this Code through alternative channels such as their website, rather than contacting each victim individually.

Under this code, service providers are not required to give information, including the reason why information cannot be given, to the victim where its disclosure:

- could result in harm to any person;
- could affect the proper handling of any criminal investigation or prosecution, or could otherwise prejudice any regulatory, civil or criminal case, or parole or associated proceedings;
- could jeopardise the ability of regulators to properly deliver their statutory functions; or
- would, in the service provider's view, be contrary to the interests of national security.

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<sup>17</sup> This may include communication of information under **Rights 3, 4, 5, 6, 7, 8, 9 and 11** of this Code.

## Right 1: To understand and be understood, and to have services adjusted to your needs

- 1.1 You have the **Right** to be helped to understand what is happening and to be understood. When considering appropriate measures, service providers must consider any relevant personal characteristics which may affect your ability to understand and to be understood and will ask for and consider your views about the adjustments you need.
- 1.2 If, due to the impact of the crime, you need assistance to understand or to be understood, you can be supported by a person of your choice, unless the service provider considers that it would not be in your best interests or that it would impact the investigation or prosecution. In these circumstances, the service provider will tell you why.
- 1.3 Throughout your journey with the criminal justice system, you have the **Right** to:
  - be treated with respect, dignity, sensitivity, compassion and courtesy;
  - make informed choices that are fully respected; and
  - have services provided to assist you and your family to understand and engage with the criminal justice process, which are offered in a professional manner, without discrimination of any kind.

### Adjustments based on your needs

- 1.4 When delivering the Victims' Code, all service providers must have the victim's best interests as their primary consideration and take the victim's age, maturity, views, needs and concerns fully into account.
- 1.5 When you report a crime to the police, you have the **Right** to have your needs assessed at various points throughout your case. This is to ensure that service providers understand your preferences and needs, so that they can make adjustments to their services where possible to help you navigate the criminal justice system. Throughout your case, all service providers must give you the opportunity to be re-assessed if you tell them how your needs have changed.
- 1.6 Every time you have your needs assessed by the police you have the **Right** be told about your Rights under this Code.

- 1.7 Service providers may share relevant information such as your preferred method of contact with each other where appropriate. This is so that you do not have to repeat your needs to different providers throughout your journey.

### **When and how your needs will be assessed**

Your needs will be considered on an ongoing basis, but there are three key stages in your case where they will be assessed.

#### **When you report the crime**

Your needs will be assessed initially by a police officer at an early stage in your case, for example, when you first report a crime or provide a statement to the police.

This assessment will consider whether you have any immediate safeguarding needs, whether the quality of your evidence may be adversely affected by a vulnerability and therefore whether you are eligible to receive **Enhanced Rights** (see introduction). You will also be asked your preferred method of contact during this assessment.

#### **During the investigation**

At a later stage in your case, building on the information collected during the initial assessment, your needs will be further assessed by the police or the Victim and Witness Care Unit. This is to help identify whether you have any other needs that require adjustments as you continue your journey through the criminal justice system, including specific communication, health, and disability needs.

As part of this assessment, you may also be asked how you feel about going to court and giving evidence if the case proceeded to trial. If you are vulnerable or intimidated (see **Enhanced Rights** in the introduction to this Code), they must consider whether you are eligible for special measures (see **Right 8**) or support from a Registered Intermediary (see **Right 1**). Any personal details you are willing to share (such as demographic information, including your protected characteristics as defined under the Equality Act 2010) may also be collected as part of this detailed needs assessment. This can help service providers better meet your needs.

#### **Before giving evidence**

If you are required to attend court and/or to give evidence, your needs will be assessed by the police or Victim and Witness Care Unit. The latest this will happen is when they tell you when the trial has been scheduled. The police or Victim and Witness Care Unit can then address any practical concerns you may have, make a referral to a witness support service, and discuss the possibility of giving evidence using special measures (see paragraph 8.6).

### **If you are under 18: when and how your needs will be assessed**

When you first speak to the police, they will ask you questions to understand how you can be best supported to engage with the criminal justice process, including how you would like to be communicated with.

If you're under 12, they will talk to you about your needs with your parent or guardian.

If you are over 12, they will talk to you directly to understand if there is anything that might make you particularly vulnerable, and to check whether you can or want to talk to them directly. They will also consider whether it would be better for an adult, like your parent or guardian, to communicate and be asked to give views on your behalf.

Where possible, the police should talk to you in a setting that you are familiar and comfortable with. If you feel like you need more time or you are feeling overwhelmed by the questions, you can ask to come back to a topic at another time or take a break.

They might also talk to your parent or guardian and others involved in supporting you, such as social care services.

## **Communication and language**

- 1.8 The police, the Victim and Witness Care Unit and, where appropriate, other service providers will discuss with you how often you would like to receive updates and your preferred method of contact. You can update your preferences at any time. There may be times when a service provider is unable to provide you with updates and/or use your preferred method of contact, but in these instances, they will tell you why.
- 1.9 The police must consider whether you would benefit from additional support, for example, the assistance of an interpreter or a Registered Intermediary, and that any interview you may be asked to participate in is carried out by or through professionals trained for that purpose.

### **What is a Registered Intermediary?**

A Registered Intermediary is a self-employed communication specialist who helps vulnerable victims and witnesses with communication difficulties to give evidence to the police and to the court in criminal trials.

A victim or witness might need the help of a Registered Intermediary because of their age, a learning disability, a mental disorder or a physical disability that affects their ability to communicate. They are often the difference between a victim or witness being able to give evidence or not.

The Registered Intermediary will spend some time with you to understand your needs and what they can do to help you to communicate. They will not talk about the crime with you. They may come with you to your interview with the police to support you to give your best evidence to them. If your case goes to court, they will meet with you again to help the court understand how to support you to give your best evidence to them.

### **If you are under 18: communication and language**

You will be offered extra help to understand what is happening and to help you to communicate with the people you need to throughout the criminal justice process.

The support you are offered will depend on the police's assessment of your needs. This could include being provided with a professional interpreter if English is not your first language or a person that can help you communicate at certain points in the criminal justice process called a Registered Intermediary (see box above).

You can also bring someone with you for support, such as a friend, throughout the justice process. They cannot be another witness in your case, but the police will tell you if this applies to you. The person supporting you might not always be able to be in the room with you, but you may find it helpful to have someone you know and trust close by and able to support you before and after the meeting.

- 1.10 All service providers must communicate in simple and accessible language and all translation or interpreting services must be provided by a qualified professional and be free of charge to the victim.<sup>18</sup> This includes both spoken and non-spoken interpreting, for example if a victim is Deaf or hard of hearing.
- 1.11 If you have difficulty understanding or speaking English, you have the **Right** to be provided with an interpreter to help you to understand and communicate effectively. This will be provided by the police when reporting a criminal offence<sup>19</sup> and for a police interview, and arranged by the police on behalf of the Crown Prosecution Service or HM Courts and Tribunals Service when giving evidence as a witness.
- 1.12 If you are a victim who has been subjected to sexual violence, gender-based violence or domestic abuse, you have the **Right** to request that an interpreter is of a

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<sup>18</sup> Service providers will have contractual arrangements for interpreting and translation services that may specify the level of qualification required. For example, the Police Approved Interpreters and Translators Scheme requires them to have certain qualifications, vetting and experience to be registered with the Scheme.

<sup>19</sup> You have the **Right** to report the crime in a language you understand or with the necessary linguistic assistance if you do not speak English.

sex and gender of your choice. If this request cannot be met due to availability, this will be explained to you.

- 1.13 You also have the **Right** to receive the translation of any document from the police, Crown Prosecution Service or the Victim and Witness Care Unit where it is essential for the purposes of the interview or court proceedings to read a document that is given to you, including:
- the written acknowledgment of the reported crime;
  - where it is essential for the purposes of the interview or court hearing to see a particular document that is disclosed to you, a copy of the relevant parts of the document;
  - communication informing you of the date, time and location of the trial;
  - the outcome of criminal proceedings and, where available, the reasons for the decision; and
  - the response to any complaint or request made under the Victims' Right to Review Scheme.
- 1.14 You can also receive an oral translation or summary of any of the documents listed above from the police, Crown Prosecution Service or the Victim and Witness Care Unit, unless doing so would prejudice the fairness of the proceedings.
- 1.15 For cases heard in Wales, you have the legal **Right** to use Welsh when giving evidence and the court will make the necessary arrangements.<sup>20</sup> If you are eligible to submit a Victim Impact Statement to the Parole Board, you have the **Right** to submit it in Welsh, irrespective of the location of the offender, and to ask for a summary of the decision to be given in Welsh.

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<sup>20</sup> Section 22(1) of the Welsh Language Act 1993 provides: "In any legal proceedings in Wales the Welsh language may be spoken by any party, witness or other person who desires to use it". No prior notice to use the Welsh language is required in magistrates' court proceedings. However, sometimes it is necessary for interpreter services to be arranged, and prior notice will be given to the Welsh Language Unit to make necessary provisions.

## Right 2: To have the details of the crime recorded without unjustified delay

- 2.1 You have the **Right** to have details of the crime recorded by the police without unjustified delay after the incident and no later than 24 hours after you initially report the crime. When you report an incident, you will be asked to provide details about the crime.
- 2.2 If you are asked to make a witness statement, the police will explain to you that this may result in you needing to give evidence at court, if the case goes to trial.
- 2.3 If you are asked to be interviewed, any interview should take place without unjustified delay, the number of interviews should be kept to a minimum and where possible be conducted by the same person. The police must take any steps necessary to ensure that you (and your family) do not have unnecessary contact with the suspect.
- 2.4 The police must make adjustments based on your needs if they believe that the quality of your evidence may be adversely affected by a vulnerability (see **Right 1**). They must also ensure that the interview takes place somewhere designed or adapted for the purpose. If this is not possible, the police will tell you why.
- 2.5 You also have the **Right** to request to bring a person of your choice to the interview such as a family member. If this is not possible, the police will tell you why.
- 2.6 If you are considered vulnerable or intimidated (see **Enhanced Rights**), the police will ask if you would like your police interview to be video recorded to make it easier for you to tell them what happened. This may be presented as your evidence in court. You may also be able to have your court cross-examination evidence pre-recorded before, and separate from, the trial. The police will discuss this option with you.
- 2.7 When giving evidence at trial, if eligible, the court may allow you to give your evidence and be cross-examined via a live-link room from the court or a remote site, for example to minimise the risk of meeting the defendant. However, if you would prefer, you can give your evidence in court. How you give your evidence will depend on an application to the court and the final decision is made by magistrates or a judge.



- 2.8 In some cases where you have been physically harmed by a crime, you may be asked by the police if you are willing to have a medical examination to check if there is any evidence that might help the police to investigate the crime. If a medical examination is required for the purposes of the criminal proceedings, this must be kept to a minimum and is subject to your consent. To help you decide, you will be told why an examination is needed, what it will include and how its results will be used.
- 2.9 If you are a victim who has been subjected to sexual violence, gender-based violence or domestic abuse, you have the **Right** to request that the police officer conducting the interview is of a sex and gender of your choice. The police must meet your request unless doing so would affect the proper handling of the investigation or would otherwise prejudice the fairness of the proceedings. For example, they might not meet your request if there is no police officer of the sex of your choice available within appropriate timeframes and they consider it better for the case to progress more quickly. If this happens, the police will tell you why.

### **If you are under 18: reporting the crime**

If you tell someone who works at your school about any harm you may be experiencing or have experienced, they have a legal duty to take steps to safeguard you. This means they will take steps to ensure you are safe and get the support you need. In some cases, schools may have to share information with other professionals who are also responsible for keeping you safe, including health services, children's social care services, and the police.

Where a report has been made to the police by your school, the police may want to speak to you, but you do not have to speak to them, and you can change your mind at any time. Your needs will always be considered, and everyone involved will act in your best interests so that you receive the care and support you need. If you choose to engage with the police, regardless of whether you choose to support a police investigation, they will offer to refer you to support services.

### **If you are under 18: having the crime recorded**

The police may need to gather evidence from you to help them investigate the crime, and so they may ask for your permission to talk to you about what has happened in more detail, known as an 'interview'.

Where the police are communicating with you directly as well as your parent or guardian, they will explain why they would like to interview you and discuss your options, such as whether to go ahead with the interview, have it video recorded so that you only need to tell them what happened once, or provide a written statement instead if you prefer. You will be interviewed by a specially trained police officer, where possible.

In some circumstances, a medical examination can help the police obtain the right evidence for your case and make sure that you have the medical help you may need. If you are under 16, your parent or guardian must agree for this to take place. If you are 16 or over, you can agree to this yourself, but your parent or guardian should also be asked if they agree.

## Right 3: To be given information when reporting the crime

- 3.1 If you report a crime to the police or have an allegation reported on your behalf, or if you are contacted as a victim in the course of investigations, you have the **Right** to written confirmation of your allegation. This will include the basic details of the offence, a crime reference number and the contact details of the police officer dealing with your case. The confirmation could be a letter, an email, text message, or it could be written by hand.
- 3.2 Where the police consider there may be a risk of harm to you from sending the written confirmation, for example in domestic abuse cases, they must provide confirmation in a way that does not potentially risk your safety.
- 3.3 You have the **Right** to be given a physical or digital card that directs you to the Victims' Code by the police. You also have the **Right** to be told where you can get further information about the criminal justice process, by the police. For example, where appropriate and available, how to seek compensation (see **Right 5**), access to medical support, specialist support such as psychological support (including pre-trial therapy and counselling), and alternative accommodation.
- 3.4 The police will also explain what arrangements are available if you do not live in England and Wales. For close family members bereaved by crime, the police will provide you with an information pack.

### Accessing support for domestic abuse

If you are experiencing domestic abuse, there are a number of organisations that can provide advice and support on how to access safe accommodation. The National Domestic Abuse Helpline is staffed 24 hours a day, every day of the year, by a dedicated team of experts and can be reached on 0808 2000 247. The Men's Advice Line can be reached from 10am to 5pm, Monday to Friday on 0808 8010 327. The Samaritans is also staffed every day, 24 hours a day, and can be contacted on 116 123. Alternatively, a range of other services including social services, General Practitioners (GPs), pharmacies, and Citizens Advice can provide further information and signpost support in your area.

Further information can be found at: [www.gov.uk/report-domestic-abuse](https://www.gov.uk/report-domestic-abuse). Most domestic abuse support sites have quick exit options for those with limited time. If you are in immediate danger, you should contact the police on 999.

## Reporting a rape or sexual assault

If you report a rape or sexual assault, there is information about the reporting process, what might happen after a report is made, and what support is available at [www.gov.uk/government/publications/guides-for-victims-of-rape-and-sexual-assault](http://www.gov.uk/government/publications/guides-for-victims-of-rape-and-sexual-assault)

- 3.5 If the offender is an adult, you have the **Right** to receive information about Restorative Justice from the police and how to access Restorative Justice services in your local area. If the offender is under the age of 18, you have the **Right** to receive information about Restorative Justice from the Youth Offending Team.<sup>21</sup>
- 3.6 Although the police are responsible for providing you with information on Restorative Justice initially, all service providers must consider whether you would benefit from receiving this information at any stage of the criminal justice process.

## What is Restorative Justice?

Restorative Justice is a process that brings those harmed by crime, and those responsible for the harm, into communication. It enables everyone affected by a particular incident to play a part in repairing the harm which can be valuable in finding a positive way forward. The communication may take many forms, for some this may mean meeting the offender face-to-face, for others, this could be communicating via letter, recorded interviews or videos. Whichever form of Restorative Justice is most suited to you, trained facilitators will prepare and support you throughout.

Restorative Justice is voluntary for all parties and it must be agreed by all involved, including facilitators, that it's safe and appropriate to proceed. It will only happen if you and the offender, having acknowledged the basic facts of the case, both want to take part. You do not have to take part and you can withdraw at any time. You can ask to participate in Restorative Justice at a time that is right for you. You may be offered the opportunity to take part because the offender has been referred and it is assessed as safe.

- 3.7 The police will provide you with all information under this **Right** as soon as practicable and **within 5 working days** of their first contact with you.

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<sup>21</sup> A Youth Offending Team (sometimes known as a Youth Justice Service) is a multi-agency team which works with children between the ages of 10 and 17 who have offended or may be at risk of offending. They are coordinated by a given local authority and as part of the youth justice system are monitored by the Youth Justice Board.

**If you are under 18: being provided with information**

The police should provide information directly to you and/or to your parent or guardian in line with what you have agreed with them. In general, they will provide information to your parent or guardian if you are under 12 and to both you and your parent or guardian if you are aged 12 or above.

## Right 4: To self-refer and/or to be referred to services that support victims

- 4.1 Services that support victims are there to help you cope and, as far as possible, recover after a crime. All individual victims as defined by this Code (including those who have not reported the crime) have the **Right** to self-refer and/or to be referred to support services. There is a range of support services that you may benefit from, including advice, medical, practical, and/or emotional support, which may be accessed by phone, online, and face-to-face.
- 4.2 Services that are available may vary based on what is provided in your local area. They will endeavour to provide timely access to support that responds to your needs. Access to support is free for all victims. For further information about the support in your area, contact your local Police and Crime Commissioner, which you can find at: <https://www.apccs.police.uk/find-your-pcc> or visit: <https://victimandwitnessinformation.org.uk/find-support>
- 4.3 If you report a crime to the police, and you are a victim who has been subjected to crime or a close family member bereaved by crime, you have the **Right** to be referred by the police to a service that supports victims, including Restorative Justice services. If you consent to being referred, you will be referred to a support service **within 2 working days** of reporting the crime.
- 4.4 If you are a bereaved close family member as a result of a murder or manslaughter, you will be offered a referral to the National Homicide Service<sup>22</sup> and/or any other relevant specialist support service by the police or your Family Liaison Officer (see **Right 6**). Further information on the Homicide Service and other support that may be available can be found at: <https://victimandwitnessinformation.org.uk/crime-types/close-relative-killed>
- 4.5 If you are required to give evidence in court, you have the **Right** to be offered a referral by the Victim and Witness Care Unit to a witness support service (see **Right 8**). Witness support services provide free and independent emotional and practical support to those giving evidence as witnesses in court proceedings.

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<sup>22</sup> The National Homicide Service is a free service that provides emotional, practical, specialist and peer support to families bereaved by murder or manslaughter.

- 4.6 At the end of your case, regardless of the outcome, you have the **Right** to be offered a referral by the police or the Victim and Witness Care Unit to a support service even if you haven't accessed them previously.
- 4.7 If you choose not to report the crime to the police or do not want to be referred by the police but later want to access support services, you still have the **Right** to self-refer by contacting a local service directly.

### **Access to medical support**

If you have been the victim of crime and have a physical or mental health need as a result, and are ordinarily resident in the UK, you can access National Health Service (NHS) services free of charge. You do not need to have reported a crime to the police to access these services.

If someone is seriously ill or injured and their life is at risk, call the emergency services on 999. If it is not a life-threatening emergency, there are several options you can take. You can:

- call 111 for non-emergency medical advice;
- go to your local NHS walk-in centre or local urgent care centre/minor injuries unit or your local Accident and Emergency (A&E) service department; and/or
- visit or call your General Practitioner (GP), who can refer you to specialist services including mental health support; or talk to a pharmacist.

More information about NHS services is available on: **[www.nhs.uk](http://www.nhs.uk)** or **[www.wales.nhs.uk](http://www.wales.nhs.uk)**, or by calling: 111, or by visiting your General Practitioner.

You can access a wide range of psychological and emotional counselling and therapeutic approaches provided in a wide variety of settings, for instance, the NHS, voluntary sector agencies and private practice. There is no need for you to delay therapy before, during or after any potential trial on account of an ongoing police investigation or prosecution.

If you are not ordinarily resident in the United Kingdom, you may have to pay for some NHS services. Some overseas visitors are exempt from charges, such as refugees, asylum seekers, and those determined to be a victim of modern slavery or human trafficking. In addition, some health services are exempt from payment such as care given in accident and emergency departments; primary care services; and services for the treatment of a physical or mental condition caused by torture, female genital mutilation, domestic abuse, or sexual violence.

Further details are available at [www.gov.uk/guidance/nhs-entitlements-migrant-health-guide](http://www.gov.uk/guidance/nhs-entitlements-migrant-health-guide) and <https://nwssp.nhs.wales/a-wp/governance-e-manual/putting-the-citizen-first/overseas-visitors-and-the-nhs/>

### **If you are under 18: getting support from victim support services**

The police will refer you to support services. There may be a range of different options depending on what is available in your area and what you need. For example, if you have been criminally exploited (which may include being asked to distribute drugs or to handle money or weapons to avoid these being found), you are a victim first and foremost, and a rescue service might help to secure your safe return home and help you safely reduce and end your involvement.

Sometimes there are people called 'independent advocates' who can support you. They might specialise in supporting children and young people or specific crime types, such as a Children and Young Person's Independent Sexual Violence Advisors if you have experienced sexual abuse.

If you are a parent or guardian, there may be separate provision of local or online emotional and/or practical support available for you to access directly.



## Right 5: To be given information about compensation

- 5.1 When you report a crime to the police, you have the **Right** to be told by the police and, where relevant, other service providers about the different ways you can seek compensation. Your eligibility for compensation and the relevant compensation type will depend on the circumstances of the crime.

### Court ordered compensation

- 5.2 If the defendant pleads or is found guilty, the judge or magistrate may order them to pay you compensation for any loss, damage or injury caused as a result of the crime. You may be asked by the police to provide evidence of any loss or damage, for example receipts or quotes for repairing the damage caused during the crime.
- 5.3 If you do not want to receive compensation from the offender, you can share your views with the police or the Victim and Witness Care Unit at any point ahead of sentencing. The courts will take your views into account when deciding whether to make a compensation order. When setting the amount of compensation, courts will consider the financial circumstances of the offender and could allow the offender to make payments in multiple instalments over an extended period of time. These payments would be passed on to you as the court receives them from the offender. You may wish to factor this into your decision on whether you would like to receive compensation.
- 5.4 The Criminal Fines Collection and Enforcement Office will send you a letter if you are owed compensation. This letter explains the compensation amount and how it is paid.

### If you are under 18: Court-ordered compensation

If you were under 18 at the time the court ordered compensation is to be paid to you, this can be paid into your personal bank account, if you have one. If you do have a personal bank account, the compensation letter you receive will have a form you can complete with your bank account details.

If you do not have a personal bank account, the compensation can be paid to a parent or guardian on your behalf. If your parent or guardian is claiming on your behalf, they will be asked to provide your details, proof of your identity and proof of their relationship to you.

## Criminal Injuries Compensation Scheme

- 5.5 You may be entitled to compensation through the Criminal Injuries Compensation Scheme (the Scheme) if you have suffered a serious physical or mental injury, or have been bereaved, as a result of a violent crime in England, Wales or Scotland. This includes being a close relative of someone who has died as a result of a violent crime. The Scheme is administered by the Criminal Injuries Compensation Authority (CICA).
- 5.6 You should apply as soon as possible and within two years of the date of the incident. The time limits in the Scheme help the CICA obtain the information it needs about the injury and its connection to a crime of violence. The CICA can only extend the time limits where there are exceptional circumstances.<sup>23</sup>
- 5.7 The Scheme also has other eligibility criteria. The crime must have been reported to the police. Your application is not dependent on the conviction of an offender and so you should not wait for the outcome of any criminal trial to apply. However, the CICA may put your application on hold until you know the outcome of the trial, if they do not have sufficient information to be able to progress your claim.
- 5.8 Once you have applied, the CICA will confirm that your application has been received. This confirmation will be immediate if you have applied online or by telephone. The CICA will respond to all messages received through its online contact form within **10 working days**. They may ask you, the police, or other organisations (such as medical professionals) for more information. In line with trauma-informed practice, the CICA will minimise their contact with you but may

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<sup>23</sup> Due to exceptional circumstances an application could not have been made earlier; and there is evidence available that a crime of violence occurred and a claims officer can make a decision without further extensive enquiries.

reach out if they need medical or other information to make a decision on your application.

- 5.9 The CICA will then write to you with a decision on your application and the value of any payment as quickly as possible and, where possible, within 12 months of your application being received. They will also provide you with information on your right to review the decision, including the procedure and time limits for this.
- 5.10 A payment under the Scheme will take account of any other compensation or damages you receive for the same injury, such as court ordered compensation or a civil personal injury award. The CICA may defer making a decision on your application until you have taken all reasonable steps to obtain other compensation or damages which may be available.
- 5.11 You can get further information about applying for compensation at: <https://www.gov.uk/claim-compensation-criminal-injury>, from the police, your local support service, or by contacting the Criminal Injuries Compensation Authority on 0300 003 3601 or at: <https://contact-the-cica.form.service.justice.gov.uk/>

### **If you are under 18: Criminal Injuries Compensation Scheme**

If you were under 18 at the time you were the direct subject of a violent crime, there are different time limits for your compensation application. It is always best to apply to the Scheme as soon as you possibly can, but if the incident was reported to the police before your 18th birthday, you can apply until your 20th birthday. If you lost a parent or guardian because of a violent crime, you may be eligible for a bereavement payment and a child's payment under the Scheme.

Any payments from the Scheme would normally be held in an interest-earning account until your 18th birthday, though an advance to the person with parental responsibility for you might be possible in some circumstances. If you are 16 or 17 and living independently, you may be eligible to receive the full payment directly. You can ask the CICA about this.

If you cannot or do not want to apply yourself, a parent or guardian can apply to the Scheme for any of the above types of compensation on your behalf. As a parent or guardian, you will be asked to provide your details and proof of your relationship to the child you are applying on behalf of.

Information about how to apply can be found at: <http://www.gov.uk/claim-compensation-criminal-injury>

## Victims of Overseas Terrorism Compensation Scheme

- 5.12 Whilst it is outside of the scope of the Code, UK victims injured in terrorist attacks abroad may also be entitled to compensation through the Victims of Overseas Terrorism Compensation Scheme which is also administered by the CICA. Further information about applying for compensation can be found at:

<https://www.gov.uk/compensation-victim-terrorist-attack>, or by contacting the CICA on 0300 003 3601 or at: <https://contact-the-cica.form.service.justice.gov.uk/>

## Civil (non-criminal) compensation

- 5.13 It may be possible to seek compensation from the suspect (pre-trial) or offender (after conviction) outside of the criminal justice process. If you want to consider applying for civil compensation, you should seek legal advice and assistance from a solicitor (see 5.17).

## Compensation for fraud

- 5.14 If you are a victim of an Authorised Push Payment scam, which usually involves being tricked into transferring money from your bank account to one belonging to a scammer, your bank may refund you.<sup>24</sup> It is important that you contact your bank to enquire further and report within 13 months of making the payment.
- 5.15 If you are a victim of unauthorised payment fraud, where a payment has been taken from you without your permission, you should tell your bank or provider immediately. Your bank must refund the payment without unnecessary delay by the end of the next business day, unless they have reasonable grounds to suspect that you acted fraudulently.

## Getting legal advice and/or assistance on claiming compensation

- 5.16 If you need legal advice and/or assistance you should contact a solicitor. If you are on a low income or benefits you may be able to get Legal Aid to help cover the cost. More information on whether you are eligible for Legal Aid is available on: <https://www.gov.uk/legal-aid>

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<sup>24</sup> This applies to payments made on or after 7 October 2024.

- 5.17 To find a local solicitor you should contact the Law Society at:  
<https://www.lawsociety.org.uk/>

## Right 6: To be given information about the investigation and prosecution

- 6.1 You have the **Right** to be told by the police when key decisions on the investigation are made and, where applicable, to have the reasons explained to you within **5 working days (1 working day under Enhanced Rights)** of a suspect being:
- arrested;
  - interviewed under caution;
  - released without charge; and
  - released on police bail or under investigation or if police bail conditions are changed or cancelled.
- 6.2 If the police decide not to investigate your case, you will be given an explanation of this decision within **5 working days (1 working day under Enhanced Rights)**. The police will also offer you a referral to a support service.
- 6.3 If you are a bereaved close family member, you have the **Right** to have a Family Liaison Officer<sup>25</sup> assigned to you by the police, where the Senior Investigating Officer considers this to be appropriate (this will happen in most cases). Your Family Liaison Officer will normally act as the single point of contact between you and service providers.
- 6.4 If the police have arrested the suspect but decide to release them on bail before they are charged, where reasonably practicable they will discuss with you whether conditions should be imposed on the suspect and what those conditions should be.<sup>26</sup> You will have the opportunity to give your view on these conditions, which the police will take into account when making a final decision. If the conditions are changed at any point during the bail on request of the suspect, you will be informed by the police and given another opportunity to give your opinion, where this is reasonably practicable.
- 6.5 In the unlikely event that the suspect (pre-trial) or offender (after conviction) escapes from custody, the police will contact you. If it is assessed that the suspect

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<sup>25</sup> A family liaison officer is a member of the police trained to work with bereaved families to secure their confidence and trust, to gather information which contributes to the investigation, and to provide support and information about the investigation. Where a family liaison officer is deployed, they will receive information about the investigation by the Victim and Witness Care Unit to deliver to you. Where a family liaison officer is not available during your case, the Victim and Witness Care Unit will deliver the information to you.

<sup>26</sup> Sections 30CA and 47ZZA of the Police, Crime, Sentencing and Courts Act 2022.

or offender poses a significant risk of harm to you, the police will take any necessary measures to ensure your on-going protection.

- 6.6 You also have the **Right** to be protected from re-victimisation, intimidation, and retaliation during and after the investigation and proceedings. If you are concerned for your immediate safety, you should contact the police on **999**.
- 6.7 The investigation and decision on whether the case should go to court can take a long time and there may be long periods between key decisions. The police will discuss with you if you would like contact during this time and provide you with contact details if you have any questions during the investigation.

## **Police and Crown Prosecution decisions**

- 6.8 In some cases, the police or Crown Prosecution Service may decide to deal with the case without taking it to court. This is called an out of court resolution.<sup>27</sup> This enables the incident to be dealt with relatively quickly and may prove more effective in preventing further offences.
- 6.9 Where the police or Crown Prosecution Service are considering an out of court resolution, you have the **Right** to be asked for your views and to have these views taken into account when a decision is made. Where this is not possible for practical reasons, the police or Crown Prosecution Service will tell you why. The police or Crown Prosecution Service will take the final decision after considering the full circumstances of the offence and your views. You have the **Right** to be told the reasons for their decision within **5 working days (1 working day under Enhanced Rights)** of an out of court resolution being given to the offender.
- 6.10 When the police have finished their investigation, they will decide what should happen next or, in more serious or complex cases, pass the information to the Crown Prosecution Service, who will then decide whether a person(s) should be charged with a criminal offence, and if so, what that offence should be.
- 6.11 If the police or Crown Prosecution Service decide not to charge the suspect, you have the **Right** to be told by the police within **5 working days (1 working day under Enhanced Rights)** of the decision of:
- the reasons for the decision;
  - how you can get further information;

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<sup>27</sup> Alternatives to prosecution, such as cautions, conditional cautions and penalty notices for disorder, intended for dealing with low-level, often first-time offending, where prosecution would not be in the public interest.

- how to seek a review and make representations under the National Police Chiefs' Council or Crown Prosecution Service Victims' Right to Review Scheme; and
- how to be referred to a support service.

6.12 If the suspect is charged with an offence(s), you have the **Right** to be told by the police within **5 working days (1 working day under Enhanced Rights)** of:

- the offence they are charged with;
- the date, time and location of the first court hearing; and
- where the suspect is released on police bail to appear in court, any bail conditions and any changes to these bail conditions.

6.13 If, after the suspect has been charged with an offence(s), the Crown Prosecution Service decides to stop a charge and proceed with another or stop the case, you have the **Right** to be told the reason why. Where the decision is to stop the case, and it is eligible for review under the Crown Prosecution Service Victims' Right to Review Scheme, you have the **Right** to be told how to ask for a review, if you disagree with their decision.

## **Meetings with the Crown Prosecution Service to discuss decisions**

6.14 If you are a bereaved close family member in a qualifying case,<sup>28</sup> you have the **Right** to be offered a meeting with the Crown Prosecution Service prior to or after a decision whether or not to charge a suspect. If a decision is made to charge, the Crown Prosecution Service will explain how the case is likely to progress and answer any questions that you may have. The Crown Prosecution Service will also discuss your needs and agree how regularly you will receive updates.

6.15 If you are a victim who has been subjected to crime in a specified case,<sup>29</sup> where the Crown Prosecution Service tells you of a decision to stop the case or stop a charge and proceed with another, you have the **Right** to be offered a meeting with the Crown Prosecution Service. On the rare occasions where the Crown Prosecution

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<sup>28</sup> The cases where bereaved families are entitled to meet with the CPS are: murder, manslaughter, corporate manslaughter, familial homicide, causing death by dangerous driving, causing death by careless driving while unfit through drink or drugs, causing death by careless driving or through inconsiderate driving, causing death by driving whilst unlicensed, disqualified or uninsured and aggravated vehicle taking where death is caused.

<sup>29</sup> Specified cases where victims are entitled to meet with the CPS are: child abuse; sexual offences; racially and religiously aggravated offences; offences with a homophobic or transphobic element; offences aggravated by hostility based on disability; and cases motivated by hostility based on age.



Service decide that a meeting is not appropriate, this decision will be explained to you.

## **Victims' Right to Review Schemes**

- 6.16 The reasons for decisions should be explained to you. If you are unhappy with a police or Crown Prosecution Service decision not to prosecute the suspect(s) which has the effect of stopping your case, where eligible, you have the **Right** to ask for a review under the National Police Chiefs' Council or Crown Prosecution Service Victims' Right to Review schemes. You should be given information about how the schemes work, including what the possible outcomes are. The police or Crown Prosecution Service will tell you whether the decision in your case is eligible for a review.
- 6.17 If you are unhappy with a police or Crown Prosecution Service decision that is not eligible for a formal review under the Scheme, you can make a complaint through their complaints process. Further information can be found at:  
<https://www.policeconduct.gov.uk/complaints/submit-a-complaint> and  
<https://www.cps.gov.uk/feedback-and-complaints>
- 6.18 If you are unhappy with a decision made by other service providers (listed in the introduction of this Code), they will explain what decisions are eligible for review and how to ask for a review through their own individual Right to Review schemes.

### **What are the Victims' Right to Review Schemes?**

The purpose of the schemes is to provide victims of crime with a formal, independent review of decisions in cases where the police or the Crown Prosecution Service decide not to prosecute, or to stop the case. These are separate schemes, run by the police and the Crown Prosecution Service.

You will be told what decisions can be reviewed, how to request a review and the possible outcomes (such as upholding the original decision or overturning the decision, which could lead to instituting or re-instituting the investigation or prosecution). If a decision qualifies for review under the schemes, you do not need to provide any reasons or justification for requesting a review. A simple request from you that you wish for the decision to be reviewed is all that is required.

## Police

The Victims' Right to Review Scheme gives you the **Right** to ask for a review of a police decision not to prosecute a suspect.<sup>30</sup> This applies to cases in which a suspect has been identified and interviewed under caution, either after an arrest or voluntarily. You have the **Right** to request a review if the police decide:

- not to bring proceedings in cases where they have authority to charge; or
- the case does not meet the test for referring the matter to the Crown Prosecution Service for a charging decision.

Further information about the review process and how to apply in your local area is available at: <https://www.police.uk/advice/advice-and-information/victim-support/victims-right-review-scheme/>

## Crown Prosecution Service

The Victims' Right to Review Scheme gives you the **Right** to seek a review of a Crown Prosecution Service decision not to start a prosecution or to stop a prosecution.

Under the Scheme, you can seek a review of the following Crown Prosecution Service decisions:

- not to charge, prosecute or otherwise pursue a case against any suspect in your case;<sup>31</sup>
- to discontinue (or withdraw in the Magistrates' Court) all charges thereby ending all proceedings;
- to offer no evidence in all proceedings;<sup>32</sup> or
- to leave all charges in the proceedings to "lie on the file" (this is the term used in circumstances where the Crown Prosecution Service makes a decision not to proceed and requests that the charges be allowed "to lie on the file" marked 'not to be proceeded with without the leave of this Court or the Court of Appeal').

Further information about which decisions qualify for review under the scheme, the review process, and potential outcomes after a review is available at:

[www.cps.gov.uk/legal-guidance/victims-right-review-scheme](http://www.cps.gov.uk/legal-guidance/victims-right-review-scheme)

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<sup>30</sup> The police's VRR Scheme specifically relates to decisions not to prosecute. It does not cover crime-recording decisions or decisions not to continue with enquiries.

<sup>31</sup> Where the Crown Prosecution Services decides to charge, prosecute or pursue a case against one or some but not all of the suspects in your case, the decision is not generally eligible for review. In exceptional circumstances, such a decision may be considered under the Scheme.

<sup>32</sup> Some qualifying decisions cannot be instituted or reinstituted, such as 'offer no evidence' decisions. This is because such decisions are final, and proceedings cannot be reinstituted; redress in these circumstances can involve an explanation and apology.

**If you are under 18: asking for a review of certain case decisions**

You can request a review of your case directly with the police or Crown Prosecution Service under the Victims' Right to Review Schemes. Your parent or guardian can do this on your behalf if you would prefer.

The response to the request will usually be given to whoever submitted the request, and so if a parent or guardian requested this on your behalf the response may be communicated to them.

## Right 7: To make a Victim Impact Statement

A Victim Impact Statement allows you to explain in your own words how a crime has affected you, whether physically, emotionally, financially or in any other way. This is different to the witness statement you might have been asked to provide about what you saw and experienced at the time the crime was committed. If the offender is convicted, your Victim Impact Statement will be presented to the court as evidence during the sentencing process, to assist the court in its consideration of the seriousness of the offending as part of their decision-making.

### Having the impact of a crime considered before a decision to charge

- 7.1 The police and the Crown Prosecution Service will consider how the crime has affected you when they make a charging decision.
- 7.2 If you make a witness statement to the police, you will be asked about the impact the crime has had on you. This allows you to explain in your own words how a crime has affected you, whether physically, emotionally, financially or in any other way.
- 7.3 If you do not make a witness statement, for example where you are a close family member bereaved by crime, the police and/or the Crown Prosecution Service will still use the evidence available to them to consider the impact of the crime on you when making a charging decision.

### Making a Victim Impact Statement after a suspect has been charged

- 7.4 You have the **Right** to make a formal Victim Impact Statement so that your voice continues to be heard at a number of points during the criminal justice process after a suspect has been charged.
- 7.5 You can choose to make a Victim Impact Statement before a trial takes place. This statement is considered by the judge or magistrates when determining what

sentence the defendant should receive if they plead guilty or are found guilty. You will be offered the opportunity to do so by the police when you are told about a charge and again by the Victim and Witness Care Unit or Family Liaison Officer when you are told about the trial date. You can do this at any time before the sentencing of the offender, but it is best to do so before the trial has started in case sentencing takes place quickly.

- 7.6 In some cases where there is a high number of victims involved in a case, such as large-scale investment frauds with multiple investor victims, it may not be proportionate for each victim to give an individual statement. In such cases, the service provider investigating the crime will ensure victims' voices are represented through Victim Impact Statements from some but not all victims.
- 7.7 You may also be entitled to make a Victim Impact Statement at later stages in the criminal justice process after an offender has been sentenced (see **Right 9** for a Court of Appeal hearing, and **Right 11** for a parole hearing, Tariff Review hearing, or Mental Health Tribunal hearing).
- 7.8 In addition to the named point of contact for a business being able to make a Victim Impact Statement, businesses of all sizes can make an **Impact Statement for Business** to the police, which will be used in the same way in court as a Victim Impact Statement. This allows the business to explain how a crime has affected them, such as direct financial loss, operational disruption, or reputational damage.

## Community Impact Statement

- 7.9 In some cases where a community has been collectively harmed by crime, a **Community Impact Statement** may be gathered by the police to give affected communities a voice in the justice system and provide context for decision-makers on the wider effect of an offence.<sup>33</sup> A community may be a local area or a group of people who interact and share certain characteristics, experiences or backgrounds. This is different to a Victim Impact Statement as it is used to gather information about the impact beyond that on the individual victim. This may be considered when making a charging decision and in determining the sentence.

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<sup>33</sup> Criminal Practice Directions 2023: Sentencing

## Deciding whether to make a Victim Impact Statement

- 7.10 To help you decide whether you wish to make one, you have the **Right** to be given information about the Victim Impact Statement process by the police. You can find further information and guidance on how to write them at: [www.gov.uk/government/publications/victim-personal-statement](https://www.gov.uk/government/publications/victim-personal-statement). If you have questions, you can speak to the police, Victim and Witness Care Unit or a support service for victims of crime. You have the **Right** to have someone with you to support you when you provide your statement. Once you have given it, you can also ask for a copy of your Victim Impact Statement from the police.
- 7.11 Once you have made your Victim Impact Statement, it becomes part of the court papers, and you cannot withdraw it or remove information from it. However, if you remember something important, or feel that the impact of the crime on you has changed, you may make an additional statement through the police at any time before the sentencing hearing.
- 7.12 Your statement will help decision-makers understand the impact that the crime has had on your life. The defendant will usually be allowed to read it, and as with other evidence, if the court agrees it is relevant to the case, the defence can ask you questions about the contents of your Victim Impact Statement. If the defendant pleads guilty or is found guilty, the statement can become part of the public record reported on by the media if you have asked to read it, have your recording of it played, or have it read on your behalf in court.
- 7.13 If you want to read your statement aloud at the sentencing hearing, the Victim and Witness Care Unit or Family Liaison Officer will explain to you how this can be requested. You may be able to apply for special measures to help you (see **Right 8**), which can include measures that protect you from having to see the defendant, or giving evidence in private with no press or public allowed in the court room.
- 7.14 The judge or magistrates will decide whether and which sections of your statement should be read aloud (or played), and what special measures can be put in place to help you. They will always take your preference into account when making their decision, unless there is good reason not to do so. The Victim and Witness Care Unit or Family Liaison Officer will let you know the judge's or magistrates' decision. Whether it is read aloud or not, your Victim Impact Statement will be considered by the judge or magistrates in the same way.

### **If you are under 18: Victim Impact Statements**

If you are under 12, your parent or guardian will generally be asked whether they would like to make a Victim Impact Statement on your behalf.

If you are over 12, where the police are communicating with you directly as well as your parent or guardian, they will ask if you would like to make a Victim Impact Statement. You do not have to make one if you do not want to or if you are finding it difficult to do so. If you still want one to be made but don't want to make it yourself, your parent or guardian can do this for you instead.

## Right 8: To be given information about the trial, trial process and your role as a witness

### Notification of hearings and outcomes

- 8.1 If the case goes to court, you have the **Right** to be told by the Victim and Witness Care Unit or your Family Liaison Officer the time, date and location of any hearing within **1 working day** of them receiving this information from the court.
- 8.2 You also have the **Right** to be told by the Victim and Witness Care Unit or your Family Liaison Officer within **10 working days (6 working days under Enhanced Rights)** of the outcome of the relevant hearing, including:<sup>34</sup>
- the outcome of any bail hearing (and relevant bail conditions, any relevant changes to these bail conditions and the reasons for those changes); and
  - if an arrest warrant has been issued for the suspect and the outcome of a hearing if the suspect is re-arrested.
- 8.3 If the suspect pleads not guilty and you are required to attend court to give evidence, you have the **Right** to be told by the Victim and Witness Care Unit or your Family Liaison Officer within **1 working day** of them receiving the information from the Crown Prosecution Service.

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<sup>34</sup> The Victim and Witness Care Unit will receive information from the court within **5** working days of the outcome of the relevant hearing. They will then have **5** working days (**1** working day for **Enhanced Rights**) to communicate information to you.



## **Help when attending court**

Having to attend court can be a worrying experience. However, the Victim and Witness Care Unit or police can provide practical guidance and advice to help you. This includes:

- being told about what to expect in court and answer any questions you might have about the court process;
- being offered a referral to a witness support service;
- being offered help with directions to the court and planning and/or arranging travel or accommodation;
- being offered help arranging childcare or additional support to allow you to attend court;
- being given information about claiming witness expenses and allowances;
- being referred to the CPS, who will answer any questions you may have about the sentence which the Victim and Witness Care Unit is not able to answer; and
- being offered a referral to services that support victims before, during or after you have attended court

## **If you are under 18: information about the trial and trial process**

Service providers should provide information directly to you and/or to your parent or guardian in line with what you have agreed with them. In general, they will provide information to your parent or guardian if you are under 12 and to both you and your parent or guardian if you are aged 12 or above.

## **Special measures**

- 8.4 You also have the **Right** to have your needs assessed (see **Right 1**) in relation to what support can be applied for to enable you to give your best evidence at court; and to be offered appropriate help. This might include a referral to a witness support service who can arrange a visit to the court before the trial date to familiarise yourself with the building,<sup>35</sup> or another support service (see **Right 4**).
- 8.5 If you are a bereaved close family member, you have the **Right** to request, from your Family Liaison Officer or the Victim and Witness Care Unit, a visit to the court before the trial date to familiarise yourself with the building, regardless of whether you are required to give evidence.

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<sup>35</sup> If, in exceptional circumstances, the court that you visit is not the one where the trial will take place the Victim and Witness Care Unit or your Family Liaison Officer will tell you.

- 8.6 The police or the Victim and Witness Care Unit will explain what special measures<sup>36</sup> can be applied for. If you wish for an application to be made, the police or the Victim and Witness Care Unit will explain the application process to you. They will ask for your views on whether any of these measures, or any combination of them, will enable you to give your best evidence.
- 8.7 The police or the Victim and Witness Care Unit will share relevant information with the Crown Prosecution Service who may then make an application to the court for these to be put in place. The police or Victim and Witness Care Unit will let you know what the judge or magistrate has decided, and HM Courts and Tribunals Service court staff will ensure that any special measures granted are available for you at court.

### **What are special measures?**

Common special measures include: having a screen/curtain around the witness box or giving evidence by live video-link, either from a separate room within the court or from a dedicated live link site outside the court building, so you do not have to see the defendant and the public gallery. These measures can be used in combination.

Other special measures include:

- giving evidence in private with no members of the public allowed in the court room (one member of the press may be present);
- removal of wigs and gowns worn by the judge, and the defence and prosecution advocates in the Crown Court;
- the use of communication aids or having the help of a Registered Intermediary to understand questions; or
- providing evidence and being cross examined through pre-recorded video, which means in most circumstances that the witness does not need to give evidence at the trial. Witnesses cannot change their minds from pre-recorded video to attending trial to give evidence once the video has been completed.

Further information on special measures can be found at:

<https://www.cps.gov.uk/victims-guide/victims-guide-support-give-your-evidence-special-measures>

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<sup>36</sup> The Youth Justice and Criminal Evidence Act 1999 (YJCEA) introduced a range of measures that can be used to facilitate the gathering and giving of evidence by vulnerable and intimidated witnesses. The measures are collectively known as 'special measures'. Special measures help to relieve some of the stress associated with giving evidence and apply to prosecution and defence witnesses, but not the defendant.

### **If you are under 18: help when giving evidence**

There are 'special measures' you are automatically eligible for:

- pre-record your evidence in a video interview;
- pre-record your cross-examination by video before the trial;
- give evidence via live link from outside the courtroom;
- give evidence from behind a screen so that you do not have to see or be seen by the defendant or the public.
- have a Registered Intermediary who can support you if they notice you having difficulty understanding or answering the questions.

Special measures can support you to give your best evidence, but you don't have to have them if you do not want to. You will be given information for young witnesses and the police will talk to you and/or your parent or guardian about your options, depending on what you have agreed with them about communicating with you directly.

If you turn 18 before the court hearing, the special measures will no longer automatically apply, but the police will speak to you to understand if you are eligible for another reason (**Right 1**). If you had a video interview with the police, the video will still be admitted as your evidence of what happened to you, and it is likely that you will then give any other evidence via live link from outside of the courtroom.

## **Meetings with the Crown Prosecution Service**

- 8.8 If you are a bereaved close family member, you have the **Right** to be offered a meeting with the Crown Prosecution Service prosecutor or advocate who will be presenting the case in court. This meeting will usually take place shortly before the trial and is an opportunity for you to be introduced and to ask any questions that you may have.
- 8.9 If you are an adult victim of rape or another serious sexual offence and the suspect has been charged, you have the **Right** to be offered a meeting with a member of the prosecution team before you give evidence to the court, or before you pre-record your cross-examination. This will provide you with the opportunity to discuss what happens next, what you can likely expect if attending court, and what support is available to you to help you give your best evidence. You can also ask any questions you might have about the process, but to ensure that your evidence can be used in court, you will not be able to discuss or ask questions about the evidence in the case.

## **Giving evidence at court**

- 8.10 If you are required to give evidence, you will be able to refresh your memory by reading your witness statement, which will be given to you by the prosecution team at court (if you gave your witness statement as a video recording, the police will give you the opportunity to watch the recording before being cross-examined). Where circumstances permit, the prosecutor will meet you before you go into court to explain what will happen and give you the opportunity to ask questions.
- 8.11 Where possible, you will be able to enter through a different entrance to the defendant and wait in a separate waiting area before and after your case has been heard. Some court buildings do not currently have separate entrances for victims. However, if arranged in advance, court staff will put measures in place to make sure you do not have to see the defendant when you arrive where possible.
- 8.12 During the trial, you may have to wait to give evidence. There are sometimes delays which are unavoidable and a member of the prosecution team, HM Courts and Tribunals Service court staff, or a member of a witness support service will, wherever possible, keep you informed about this. Sometimes you may need to come back to court on another day. If this happens, a member of the prosecution team will tell you why.

## Right 9: To be given information about the outcome of the case and any appeals

- 9.1 At the end of the case, you have the **Right** to be told the outcome, including where available, a brief summary of reasons for the decision,<sup>37</sup> by the Victim and Witness Care Unit or your Family Liaison Officer, within **6 working days** of the outcome of the case.<sup>38</sup>
- 9.2 If the defendant is convicted (found guilty), you have the **Right** to be told the sentence they received, including a short explanation about the meaning and effect of the sentence, by the Victim and Witness Care Unit or your Family Liaison Officer, within **6 working days** of the outcome of the case.<sup>39</sup> If you have any questions about the sentence which the Victim and Witness Care Unit or your Family Liaison Officer are unable to answer, you have the **Right** to be referred to the Crown Prosecution Service, who will answer your questions.
- 9.3 At the same time, you have the **Right** to receive information from the police, Victim and Witness Care Unit, or Family Liaison Officer about support services, including Restorative Justice, and how to access services in your local area.
- 9.4 If you are a bereaved close family member:
- you have the **Right** to be offered a meeting with the Crown Prosecution Service after conviction, but before the sentencing hearing of the defendant, to confirm that a Victim Impact Statement has been made or to confirm that it is up to date (this meeting will usually take place at court);
  - in cases where the defendant is found not guilty or is convicted of a less serious charge you have the **Right** to be offered a meeting with the Crown Prosecution Service. The offer of a meeting will be made a few weeks after the case has concluded, unless the Crown Prosecution Service decide that this is inappropriate. On the rare occasions where the Crown Prosecution Service decide that a meeting is not appropriate, this decision will be explained to you. The actual timing of the meeting will be informed by the wishes of the family so you will be contacted to discuss when the meeting should take place.

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<sup>37</sup> The Victim and Witness Care Unit will be unable to provide an explanation if the offender has been found not guilty by a jury, because the jury do not have to provide reasons for their decision.

<sup>38</sup> The Victim and Witness Care Unit will receive information from the court within 5 working days of the outcome of the relevant hearing. They will then have 1 working day to communicate information to you.

<sup>39</sup> The Victim and Witness Care Unit will receive information from the court within 5 working days of the outcome of the relevant hearing. They will then have 1 working day to communicate information to you.

- if you are at court for the sentencing hearing, the Crown Prosecution Service will meet with you to explain the sentence. If you are not at court, you can still ask the Crown Prosecution Service any questions about the sentence once the sentence has been communicated to you by the police.
- In a murder case where all defendants are found not guilty of all charges, the police and Crown Prosecution Service will follow the process set out in the National Standards of Support for bereaved families. The National Standards of Support are available on the Crown Prosecution Service website at: [www.cps.gov.uk](http://www.cps.gov.uk) and a copy is given by the police to bereaved families as part of the information pack given to families.

## **If you think the sentence given to the offender is far too low**

- 9.5 For some cases sentenced in the Crown Court you can ask<sup>40</sup> the Attorney General<sup>41</sup> to refer the sentence to the Court of Appeal to reconsider it through the 'Unduly Lenient Sentence Scheme'.<sup>42</sup> The Scheme does not apply to sentences that are only lenient but to those that meet the legal standard of 'unduly lenient'. A sentence may be 'unduly lenient' if it falls outside the range of sentences the judge could have reasonably considered appropriate in the circumstances.
- 9.6 If the Attorney General considers that the sentence meets the standard of being 'unduly lenient', they may refer the case to the Court of Appeal. The Scheme has a fixed time limit of 28 calendar days from the date of sentence for the Attorney General to refer the case for reconsideration. This is in place to help everyone involved have certainty about the final sentence. If you want a sentence to be reviewed, you should submit your request as early as possible to allow enough time for the Attorney General to consider your request before the referral deadline of end of business on the 28<sup>th</sup> day (for example, submitting the request at the latest by the 27<sup>th</sup> day). If the Court of Appeal agrees that the sentence was unduly lenient, it may increase the sentence.
- 9.7 The police will tell you about the Scheme when you are told the sentence in the case. More information about the Scheme, including which offences are eligible, how the time limit operates and how to submit a request for a sentence to be reviewed is available at: <http://www.gov.uk/ask-crown-court-sentence-review>.

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<sup>40</sup> The CPS may also contact the Attorney General if they have concerns about the sentence.

<sup>41</sup> The Attorney General is chief legal adviser to the Crown and has a number of independent public interest functions, as well as overseeing the Law Officers' departments.

<sup>42</sup> A sentence is 'unduly lenient' if it falls outside the normal range of sentences the judge could have reasonably considered appropriate.

## If the offender appeals

- 9.8 Sometimes the offender will ask the court to look at the case or the sentence again. This is called an appeal. What will happen next will depend on whether the offender is allowed to appeal and if so, the outcome of that appeal.

## If an application is made to the Crown Court to appeal against a conviction or sentence in the Magistrates' Court

- 9.9 If the offender appeals to the Crown Court, you have the **Right** to be told by the Victim and Witness Care Unit or your Family Liaison Officer within **6 working days** of the outcome of the hearing:<sup>43</sup>
- that a notice of appeal has been made;
  - the date, time and location of any hearing; and
  - the outcome of the appeal, including any changes to the original sentence.
- 9.10 If you wish to attend the appeal, you have the **Right** for court staff to arrange for you to:
- wherever possible wait and be seated in court in an area separate from the offender and their family and friends;
  - be given a contact point at the Crown Court; and
  - receive information about services that support victims where appropriate and available.

## If an application is made to appeal against a conviction or sentence to the Court of Appeal, or an application or appeal is made to the UK Supreme Court in a criminal case on a point of law

- 9.11 If the offender appeals to the Court of Appeal or UK Supreme Court, you have the **Right** to be told by the Victim and Witness Care Unit or your Family Liaison Officer within **10 working days (6 working days under Enhanced Rights)** of the outcome of the relevant hearing:<sup>44</sup>

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<sup>43</sup> The Victim and Witness Care Unit will receive information from the court within 5 working days of the outcome of the relevant hearing. They will then have 1 working day to communicate information to you.

<sup>44</sup> The Victim and Witness Care Unit will receive information from the court within 5 working days of the outcome of the relevant hearing. They will then have 5 working days (1 working day for **Enhanced Rights**) to communicate information to you.

- if the offender has been given permission to appeal against the conviction, sentence or point of law;
- the date, time and location of any hearing, and any changes to this information (within **1 working day** for all victims);
- if the offender is to be released on bail pre-appeal or if the bail conditions have been changed (within **1 working day** for all victims);
- the name of a contact for the Criminal Appeal Office or UK Supreme Court staff;
- the outcome of the appeal, including any changes to the original sentence, and
- how to request from the Criminal Appeal Office or UK Supreme Court staff a copy of the court's judgment in the case once it has been published.

9.12 If you wish to attend the appeal, you have the **Right** for court staff or UK Supreme Court staff to arrange:

- wherever possible, for you to wait and be seated in court in an area separate from the offender and their family and friends; and
- special arrangements for you if the offender is present and you do not wish to sit in the courtroom (it is rare for the offender to attend hearings in the Supreme Court).

9.13 Following a decision to give the offender permission to appeal, if you are a bereaved close family member, you have the **Right** to be offered a meeting with the Crown Prosecution Service to explain the nature of the appeal and the court processes.

9.14 In determining an appeal against a sentence, the court will always take into account any Victim Impact Statement that was considered by the sentencing court.

9.15 It is not normally necessary for a further Victim Impact Statement to be given to the Court of Appeal. However, if there is information that the court should know about the continuing impact the crime has had on you, a new or further Victim Impact Statement may be sent to the Court through the police or the Crown Prosecution Service.

## **Criminal Cases Review Commission**

9.16 The Criminal Cases Review Commission investigates alleged miscarriages of criminal justice in England, Wales and Northern Ireland. An offender can apply to the Commission to review their convictions and/or sentence if there is some new information or new argument which might mean the conviction is unsafe or the sentence too long.



- 9.17 The Commission, when reviewing a case, will assess the potential impact on you and decide if you should be notified.
- 9.18 The Commission will not usually try to contact you just because they have received an application. This is because most reviews will not lead to a referral to the relevant appeal court, and therefore there is no need to warn you that the offender has applied. However, the Commission will tell you if they think there is a reasonable chance that you may find out that they are looking at a case through the media or through another source. The Commission will usually work with the police to notify you of an application and will contact you again when a decision has been made on whether they refer the case.
- 9.19 If the Commission decides that it is not appropriate to contact you during the review, but subsequently decides to refer the conviction or sentence to the courts, the Commission will try their best to contact you before the case is referred for an appeal.

### **Judicial sentencing remarks**

Judicial sentencing remarks are how a judge explains the reasons for a sentence in the court, including the relevant circumstances of the case, the impact the crime has had on the victim, and any relevant law.

A written copy of the sentencing remarks is referred to as a transcript, and these may be available to the victim for free if the sentence was given in the Crown Court and if you are involved in a case as either:

- A bereaved close relative of a victim of murder, manslaughter, or a fatal road traffic offence.
- A victim of rape or sexual offence, or individuals applying on their behalf.

You can request a free written copy of the sentencing remarks by following this link:

**[www.gov.uk/apply-transcript-court-tribunal-hearing](https://www.gov.uk/apply-transcript-court-tribunal-hearing)**

If you are not eligible for a free transcript of the sentencing remarks you can still request one if the case was heard in the Crown Court via the same link above, but you will have to pay for the transcript unless the judge believes there are special circumstances. The cost will vary depending on how long the judge's sentencing remarks were.

A judge will consider requests for transcripts on a case-by-case basis, and it may not be appropriate to provide a full transcript in every case. For example, if there is an appeal, then the judge may decide to delay providing a transcript until it has concluded.

### **Transcripts of the whole trial**

Anyone can request a complete transcript of a public Crown Court hearing, and a judge will decide if this can be given. They may say that some of information cannot be included, for example where reporting restrictions are in place. For transcripts of the whole trial, everyone would be required to pay for this, and the cost will vary depending on the length of the trial.

### **If you are under 18: information about the outcome of the case and any appeals**

Service providers should provide information directly to you and/or to your parent or guardian in line with what you have agreed with them. In general, they will provide information to your parent or guardian if you are under 12 and to both you and your parent or guardian if you are aged 12 or above.

## Right 10: To be paid expenses and have property returned

- 10.1 If you attend court to give evidence, you have the **Right** to claim certain expenses from the Crown Prosecution Service,<sup>45</sup> for example, for travel, childcare, loss of earnings, refreshments and meals (further details are available on the CPS website at: <https://claim-witness-expenses.cps.gov.uk/>). The Crown Prosecution Service may, at their own discretion, pay allowances and expenses for other people, where it is believed that it would assist you in giving your best evidence. The Victim and Witness Care Unit or your Family Liaison Officer will be able to help if you have any questions about claiming expenses.
- 10.2 The Crown Prosecution Service will pay any expenses due to you within **10 working days** of receiving a correctly completed claim form.
- 10.3 If you attend a prison or local probation office to present your Victim Impact Statement to the Parole Board panel or to observe a hearing, you are eligible to claim certain expenses, for example, for travel, or refreshments and meals. Your Victim Liaison Officer will be able to help if you have any questions about claiming these expenses.
- 10.4 If the police took any of your property as evidence, you have the **Right** to get it back as soon as it is no longer required. The police will be able to help if you have any questions about the return of your property.

### If you are under 18: being paid expenses

If you are under the age of 18 and attend court to give evidence, you are entitled to claim expenses for yourself and up to two other people who may be supporting you at court such as your parent or guardian.

If you have a bank account, you can claim expenses for yourself. Your parent or guardian can also claim on your behalf.

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<sup>45</sup> Other service providers responsible for prosecuting an offence must have rules under which victims have the possibility of reimbursement of expenses incurred from attending court to give evidence.

# Right 11: To be given information about the offender after a conviction

## Victim contact post-conviction

- 11.1 If you meet the eligibility criteria for the Victim Contact Scheme or Victim Notification Scheme, the Victim and Witness Care Unit will forward your contact details to the Probation Service's Victim Liaison Unit. Victim Liaison Officers may then contact you to ask if you wish to receive the service, which would provide information at key points during the offender's sentence. They will tell you what information you can receive. This may include at least one of the following:
- updating you about any changes to the sentence,
  - updating you about the release of an offender,
  - supporting you to make representations about the offender's licence conditions on their release,
  - supporting you to make a Victim Impact Statement to the Parole Board or to the Mental Health Tribunal
- 11.2 You are eligible for the Victim Contact Scheme if you are a victim of a sexual, violent or terrorism offence where an offender receives a specified custodial sentence of 12 months or more, or is detained in a hospital for treatment under the Mental Health Act 1983 with or without restrictions.
- 11.3 You are eligible for the Victim Notification Scheme if you are a victim of a stalking or harassment offence, regardless of the length of the custodial sentence. This includes breach of a restraining order.
- 11.4 If you think you should have been referred, or you decided not to take up the offer from a Victim Liaison Officer but have changed your mind, you can contact the Probation Service (who operate the schemes) using this email:  
[vcenquiries@justice.gov.uk](mailto:vcenquiries@justice.gov.uk)
- 11.5 You can find more information about support available post-conviction here:  
<https://www.gov.uk/get-support-as-a-victim-of-crime>

### **If you are under 18: victim contact after an offender's conviction**

If you are under 12 and eligible for the scheme, your parent or guardian will be asked whether they would like to receive information on your behalf. If you are 12 or older and eligible for the scheme, you and your parent or guardian will both be asked. You can change your mind at any time.

## **Unwanted contact from an offender**

- 11.6 If you are receiving unwanted contact from an offender in prison, you can contact the Probation Service's Victim Helpline on: 0300 060 6699<sup>46</sup> or via [unwantedprisonercontact@justice.gov.uk](mailto:unwantedprisonercontact@justice.gov.uk) or via an online form at: <https://unwanted-prisoner-contact.form.service.justice.gov.uk/>
- 11.7 If you receive unwanted contact from an offender who is on licence in the community, you can contact the police (or if you have one, your Victim Liaison Officer).
- 11.8 If the offender is under 18, you can also report any unwanted contact to the police, but if you know they are being supervised by a Youth Offending Team, you may wish to contact the team directly. Contact details for Youth Offending Teams are available at: [www.gov.uk/government/collections/youth-offending-team-contact-details](http://www.gov.uk/government/collections/youth-offending-team-contact-details)

## **When an offender is released from custody**

- 11.9 When an offender is released from a custodial sentence into the community they will be 'on licence' for the remainder of their sentence. This means they are under the management and supervision of the Probation Service and are subject to a set of conditions that must be met, or else the offender may be recalled to prison. If the offender in your case receives a standard determinate sentence, they may be released automatically at a particular point in their sentence, depending on their release criteria.
- 11.10 Whenever an offender is released from prison, the Probation Service will consider you and your safety in their release planning. The assigned probation practitioner will decide what is needed to support the offender's safe release into the community, including what licence conditions are required to manage specific risks.

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<sup>46</sup> Monday to Friday, 9.00am – 4.00pm.

- 11.11 For example, this could include prohibiting contact with you and/or other victims, electronic monitoring, setting an exclusion zone to prevent them from going to certain areas, or requiring treatment for substance misuse.
- 11.12 They may use information from Victim Impact Statements to understand the impact of the crime on you and witness statements or previous assessments to inform this decision. They must also seek information from agencies such as the police, Children's Services, and other partnership agencies in contact with the victim.

## **Victims of offenders whose release is considered by the Parole Board**

- 11.13 If the offender in your case is serving a certain type of sentence, the Parole Board may be asked to decide whether they can leave prison, and what the offender can and cannot do (known as 'licence conditions') if they are released. The Parole Board considers certain offenders for parole (release on licence) or re-release after recall and does so based on their risk of harm to the public. Most prisoners are released automatically without any involvement from the Parole Board.<sup>47</sup>
- 11.14 For relevant offenders, the Parole Board will consider an offender for release when their tariff ends<sup>48</sup> and at regular intervals after that (at least once every two years). If you are participating in a Probation Service contact scheme, your Victim Liaison Officer will tell you if this applies to you, the dates of any hearings, and your entitlements to have a voice in the processes which relate to an offender's release.
- 11.15 You have a **Right** to the following, which your Victim Liaison Officer will tell you how to access:
- request licence conditions;
  - make a Victim Impact Statement, which will be included in the papers submitted to the Parole Board;
  - apply to read your Victim Impact Statement to the Parole Board, have it read out on your behalf, or have a pre-recording of it played in those cases where the Parole Board holds a hearing;

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<sup>47</sup> The majority of prisoners are released automatically without any involvement from the Parole Board. The main categories of prisoner the Parole Board is responsible for considering the suitability for release of are: a), extended determinate sentence prisoners who can be released on licence after having served a specified part of their sentence in custody, b) indeterminate sentence prisoners such as those serving a life sentence or Imprisonment for Public Protection, and c) standard determinate sentence prisoners who have been recalled to custody after having breached their licence conditions.

<sup>48</sup> A 'tariff' is the minimum time an offender sentenced to an indeterminate sentence must serve in prison which will be set by the court.

- apply to the Parole Board for the hearing to be held in public, or to submit your views if someone else applies for a public hearing;
- apply to the Parole Board to observe the hearing;
- apply for a summary of the Parole Board's decision;
- request reconsideration after a Parole Board decision (where eligible) (see 11.17 – 11.19); and
- receive information about Restorative Justice services, if you are interested and request it, and have that given to you **within 10 working days** of your request.

11.16 Where the Parole Board cannot meet your request or refuse an application, they must have a good reason to do so and explain why.

## **Asking for a Parole Board decision to be reviewed**

11.17 If the Parole Board decides it is safe to release and manage an offender under licence, the decision is provisional for 21 calendar days<sup>49</sup> in the majority of cases (except standard determinate recalls<sup>50</sup>). The Secretary of State may ask the Parole Board to reconsider the decision during this period, if they have an arguable case that:

- the correct process was not followed in the review of the offender for parole (for example, important evidence was not taken into account); or
- the decision was irrational (that is, the decision cannot be justified based on the evidence of risk that was considered); or
- the decision contains an error of law (for example, the decision attempts to make a direction which the Board is not legally entitled to make).

11.18 Anyone, including you as a victim, may submit a request to the Secretary of State asking that an application for reconsideration is made to the Parole Board, if you believe that the decision meets any of these criteria. Your request must be submitted within the 21-day window. You can find more information here:

<https://www.gov.uk/guidance/challenge-a-parole-decision>

11.19 The Secretary of State will only make an application to the Parole Board where there is evidence the criteria is met. If you have made a request, you will receive a letter from the Probation Service informing you of whether the Secretary of State

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<sup>49</sup> In exceptional circumstance requests can be made to shorten this period. If this happens, victims will be informed.

<sup>50</sup> A determinate prison sentence is for a fixed length of time. The prisoner will spend a fixed time (depending on the overall length of the sentence and offence) of the sentence in prison and the remaining portion in the community 'on licence'. If they breach any licence conditions, for example they demonstrate poor behaviour which increases their risk, they could be recalled back to prison to serve the remainder of the sentence.

makes an application for reconsideration or not. If an application is made, then the Parole Board will review the original decision and then decide whether to change it. The Parole Board's decision will be communicated to you by the Probation Service.

## **Referral of a Parole Board decision to the High Court**

11.20 Where a prisoner is serving an indeterminate or fixed term sentence for certain specified offences,<sup>51</sup> the Secretary of State for Justice can suspend a Parole Board release decision and refer it to the High Court for review, if they consider that the release of the prisoner would be likely to undermine public confidence in the parole system, and reasonably believes that the High Court might come to a different conclusion on whether the prisoner is safe to be released. Your Victim Liaison Officer will tell you if the Parole Board's decision is referred to the High Court and will update you on the outcome.

### **The Parole Board, observing hearings and Victim Impact Statements**

#### **How can I observe a Parole Board hearing?**

If you want to observe a hearing involving your offender to understand more about how the Parole Board makes its decisions, your Victim Liaison Officer can help you with your application. You would only attend remotely at a suitable location as near to your home as possible arranged by your Victim Liaison Officer. You would be helped on the day by a Victim Representative who would handle the equipment for joining the hearing and would be able to answer questions about the proceedings. Those at the hearing would know that someone is observing but would not be able to see or hear you.

It is up to the Parole Board whether to grant your application to attend, and they will also take into account the offender's views about your application. If you do not have a Victim Liaison Officer, you can apply directly to the Parole Board.

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<sup>51</sup> See section 61 and 62 of the Victims and Prisoners Act 2024. The specified offences include murder, rape, terrorism offences and causing or allowing the death of a child.



### **How will my Victim Impact Statement be used?**

The Parole Board's release decision is based on the offender's risk of harm to the public. This assessment of risk is based on evidence from people who have been working with the offender and who can show what progress they have made and how they have changed.

Your statement will therefore not be considered by the Parole Board in making its release decision. Instead, your statement allows the Parole Board to understand the impact of the original offence, decide what questions to ask the prisoner to find out about their understanding of how their crimes have affected victims, and understand the context of your representations about licence conditions.

You can see guidance on what to include in your Victim Impact Statement at **[www.gov.uk/government/publications/victim-personal-statement](http://www.gov.uk/government/publications/victim-personal-statement)**. Your Victim Liaison Officer can also help you to write it. If you do not wish the offender to read your statement you may ask your Victim Liaison Officer to apply for the statement to be withheld.

### **Further questions or help recording your Victim Impact Statement**

If you have questions about making a Victim Impact Statement, how it will be used or what to include, you can speak to your Victim Liaison Officer. They can also help you to record your Victim Impact Statement.

## **Victims of restricted patients whose discharge is considered by the Tribunal or the Secretary of State for Justice**

11.21 If the offender in your case is detained in hospital because of mental disorder as a 'restricted patient', their release (or 'discharge' as it is referred to because they are in hospital) will be decided by:

- the Mental Health Tribunal in England;
- the Mental Health Review Tribunal in Wales; or
- the Secretary of State, where decisions are made by the Mental Health Casework Section on behalf of the Secretary of State.<sup>52</sup>

11.22 The Tribunal or the Mental Health Casework Section will consider if a patient should be discharged if they no longer meet the criteria for detention under the Mental Health Act 1983. The Tribunal will consider whether a restricted patient should be

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<sup>52</sup> The power of the Secretary of State to end a restriction order on a patient is set out in Section 42 of the Mental Health Act 1983 ([Mental Health Act 1983 \(legislation.gov.uk\)](http://legislation.gov.uk)).

discharged at least once every three years, and, at most, once every year. The Mental Health Casework Section will usually only consider whether a patient should be discharged when their doctor requests a review.

- 11.23 If you meet the eligibility criteria for the Victim Contact Scheme, your Victim Liaison Officer will tell you if this applies to the offender in your case. They will also tell you the dates of any hearings and your entitlements to have a voice in the process around the patient's discharge.<sup>53</sup>
- 11.24 Where eligible, you also have a **Right** to the following, which your Victim Liaison Officer will tell you how to do. You can:
- request that discharge conditions be put in place to reduce the chances of you encountering the offender in the community;
  - make a Victim Impact Statement when requesting conditions, which the Tribunal or Mental Health Casework Section will consider if they decide to discharge the patient;
  - apply to read your Victim Impact Statement to the Tribunal, have it read out on your behalf, or have a pre-recording of it played in cases where the Tribunal holds a hearing;
  - ask for a copy of the reasons for the Tribunal or Secretary of State's decision. This can include if and when the patient will be discharged, and any new or changed conditions placed on the patient that you need to know. Where this includes private information about the patient's health and treatment, the Tribunal may provide a summary or redacted version rather than the full reasons.
- 11.25 If the Tribunal or Mental Health Casework Section cannot meet your request or reject an application, they must have a good reason to do so and explain why.

## **Victim Impact Statements and the Mental Health Casework Section or the Tribunal**

### **How will my Victim Impact Statement be used?**

The discharge decision is made based on clinical considerations about the patient's mental health and whether they risk harm to themselves, others, and/or the public. This assessment of risk is based on evidence from clinicians who have been working with the patient. These clinicians can show what therapeutic progress the patient has made, the extent of their mental disorder, and what that means for their risk to themselves and others.

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<sup>53</sup> See more information about how to make a representation to the Mental Health Tribunal at [www.gov.uk/mental-health-tribunal-victim-representations](http://www.gov.uk/mental-health-tribunal-victim-representations)

Your statement will therefore not be considered by the decision-maker in making this decision. Instead, it will outline the impact the offence has had and explain the context of the discharge conditions you have requested.

### **Further information or help recording your Victim Impact Statement**

Guidance is available at: <https://www.gov.uk/mental-health-tribunal-victim-representations>

If you have questions about making a Victim Impact Statement, how it will be used or what to include, you can speak to your Victim Liaison Officer.

## **Victims of unrestricted patients whose discharge is considered by a doctor**

- 11.26 If the offender in your case is detained in hospital because of mental disorder as an unrestricted patient, their release (or 'discharge' as it is referred to because they are in hospital) will be decided by their doctor (sometimes called the 'Responsible Clinician').
- 11.27 Their doctor will consider if an unrestricted patient should be discharged based on the Mental Health Act. If you are eligible for the Victim Contact Scheme, your Victim Liaison Officer will tell you if this applies to the offender in your case. They will also tell you how to request the doctor add conditions to the offender's Community Treatment Order.

## **Victims of sex offenders**

- 11.28 Registered sex offenders are subject to 'notification requirements', which is sometimes referred to as being on a 'register'. This means they must keep the police updated with any changes to some of their personal details. The notification requirements are an automatic consequence of a conviction or caution, for a Schedule 3 offence under the Sexual Offences Act 2003, but the length of time an offender will be subject to the requirements will vary dependent upon the sentence they are given.<sup>54</sup> A breach of the notification requirements is a criminal offence and is punishable by up to five years imprisonment.
- 11.29 Offenders who are subject to notification requirements for life can apply to have this reviewed after a set period of time after their first notification, which usually takes

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<sup>54</sup> <https://www.legislation.gov.uk/ukpga/2003/42/schedule/3>

place at release from prison. The set period of time is 15 years for adults and 8 years for juveniles. If the offender makes such an application, the police will then carry out a review, including a risk assessment to decide whether the offender's notification requirements may be stopped. Sex offenders who are assessed as still being a risk will remain subject to notification requirements and will do so for life if necessary.

- 11.30 If you are a victim of an offender who makes such an application, you have the **Right** to be contacted by the police to provide your views on the application as part of their review. If you have a Victim Liaison Officer, they will provide you with further information about this process.

## **Victims of foreign national offenders**

- 11.31 If you have been a victim of a crime committed by a foreign national and the offender:
- was recommended by a court for deportation for an offence against you;
  - was sentenced to a period in prison for a violent or sexual offence; or
  - has received a prison sentence of 12 months or more, or a hospital order, for an offence against you;
- then you have the **Right** to receive information about the offender's deportation.
- 11.32 If you are eligible for victim contact post-conviction and the offender in your case is a foreign national, then you have the **Right** to receive information about the offender's deportation from your Victim Liaison Officer, who can obtain updates from the Home Office on your behalf. The Probation Service (Victim Liaison Officer and probation practitioners) must take all reasonable steps to work with the immigration authorities to ensure, as far as possible, that information about the prisoner's immigration status and any deportation information is passed on to you.
- 11.33 If you are not eligible for victim contact post-conviction or have opted out of the scheme, you have the **Right** to ask for updates regarding the immigration case of the foreign national offender directly from the Home Office's Victim Support Team. You can contact them by emailing: [fnorcvictimssupportteam@homeoffice.gov.uk](mailto:fnorcvictimssupportteam@homeoffice.gov.uk)
- 11.34 The Home Office Victim Support Team can tell you:
- whether the Home Office intends to take deportation action against the offender;
  - the final outcome of any appeal against deportation;
  - when the offender is going to be released from immigration detention;
  - when the offender has been deported; or
  - if the offender is not being deported and if possible, the reasons why.

## Victims where the crime is committed by a child (someone under 18 years old)

- 11.35 If the offender in the case is under 18, and you are eligible for victim contact post-conviction the Youth Offending Team will refer your details to the Probation Service and if you opt to receive information, you will receive information and services from your Victim Liaison Officer. If you are not eligible, the Youth Offending Team may seek your views prior to sentencing and explore whether you want to get involved in any Restorative Justice initiatives (see **Right 3**), where appropriate and available.
- 11.36 You have the **Right** to receive the following information from the Youth Offending Team:
- information about the progress of the offender's case upon request; and
  - information on appropriate services that support victims if you ask for additional support.

## Serious Further Offence Reviews

- 11.37 In the event that an offender commits a Serious Further Offence<sup>55</sup> while they are under statutory supervision of the Probation Service, or within 28 days of this supervision having ended, the Probation Service will carry out a Serious Further Offence Review to investigate how the case was managed and whether or not there are any improvements that need to be made to manage future cases.
- 11.38 In particular cases,<sup>56</sup> the Probation Service will offer to share the findings of a Serious Further Offence Review with the victim or their families after conviction of the offender. If this occurs you have the **Right** to be contacted by your Victim Liaison Officer, to be asked whether you would like to meet with a senior manager from the Probation Service to talk about the findings of the Serious Further Offence Review and if you would like a copy of the report. That report may have some of the information removed, such as personal information relating to the supervised individual or the Probation staff who managed their case. However, there is an expectation that information is only removed where absolutely necessary and the Probation Service must consider if the information is relevant to your understanding of the review.

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<sup>55</sup> An offence listed in Annex A of the Notification and Review Procedures for Serious Further Offences Policy Framework 2021. All offences on this list attract either a maximum of 14 years' imprisonment or an indeterminate sentence.

<sup>56</sup> Murder, manslaughter, other offences causing death, rape or assault by penetration, a sexual offence against a child under 13 years of age or qualifying offences under terrorism or anti-terrorism legislation, including attempted offences.

## Right 12: To make a complaint about your Rights not being met

- 12.1 If you believe that you have not received any of your **Rights** under this Code, you can make a complaint. In the first instance, and if you feel comfortable doing so, you should discuss your complaint with the person you have been dealing with at the relevant service provider.
- 12.2 If you remain unhappy, or if you do not feel comfortable discussing the complaint with the person you have been dealing with, you can make a complaint through the service provider's internal complaints procedure.<sup>57</sup> They will provide you with information about their complaints procedure and respond within the timescales set out in this procedure.
- 12.3 If you send your complaint to the wrong service provider or it needs to be dealt with by more than one service provider, they will let you know.
- 12.4 If you are still not satisfied after you have finished the service provider's complaints procedure, or they are taking too long to get back to you, you can refer your complaint directly to the Parliamentary and Health Service Ombudsman. If your complaint does not relate to your experiences as a victim of crime, you should ask your Member of Parliament to refer your complaint to the Ombudsman, rather than sending it yourself. The Ombudsman will consider any complaints referred to them and, where appropriate, undertake an independent investigation.
- 12.5 Further information about making a complaint to the Ombudsman can be found on their website at: [www.ombudsman.org](http://www.ombudsman.org) or by calling their Customer Helpline on **0345 015 4033**<sup>58</sup>

### If you are under 18: making a complaint

All service providers will have a route for you to make a complaint yourself, or have one made by your parent or guardian on your behalf.

<sup>57</sup> Service providers must have a clearly identified complaints process through which victims can make a complaint if their **Rights** under this Code have not been met.

<sup>58</sup> Monday to Thursday, 8.30am - 5.00pm, and Friday, 8.30am – 12:00pm.

# Data privacy and disclosure in the criminal justice system

When you report a crime, it may be necessary for criminal justice agencies to collect personal information about you (known as your personal data or material).

However, any information collected by agencies should be proportionate and necessary for the investigation and prosecution. Information should be treated carefully and kept safely in accordance with data protection laws; and its uses should be explained to you.

You have the **Right** to have your privacy respected by service providers as required by data protection laws and laws about the information police can access when investigating crime, including what the police can remove from your personal devices (such as a mobile phone).

## Requests by police for your personal information from others

The police are required to notify you if they make a request to access your personal information from a third party, such as a doctor, therapist, school, or local authority, unless it would be inappropriate to do so.<sup>59</sup> They should only do so when it is necessary and proportionate to a reasonable line of enquiry. This notification must include what sort of information the police are asking for, why it is being requested, and how the material will be used once it has been collected.

In relation to counselling notes, the police must start from a presumption that requests for them are not necessary or proportionate. They can only be requested if they believe they are very likely to help prove to a reasonable line of enquiry.

You will be asked to give your views on the request before your information is requested and your views will be recorded by the police. If you have any concerns about some, or all of the material being requested, the police will take that into account when deciding whether to proceed with the request. They must always comply with the Victim Information Request Code of Practice.

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<sup>59</sup> For example, where such notification would prejudice the investigation.

### **If you are under 18: requests by police for your personal information from others**

The police are required by law to notify your parent or guardian of requests relating to your personal information, unless it would be inappropriate to do so. Where the police are communicating with you directly as well as your parent or guardian (in general, only when you are 12 or over), the police will explain to you what will happen to your information. They will also ask you for your views and take them into account as far as they can.

## **Requests by police for your personal information from your digital devices**

The police can request to extract information from your digital device (such a mobile phone) but this should not be done as a matter of course, and they can only do so with your agreement (or with agreement of a nominated family spokesperson if you are a child or adult who lacks the capacity to give such agreement).<sup>60</sup>

In making such a request, the police must respect your privacy, must only request information that is necessary and proportionate to the investigation, and must only do so after considering other, less intrusive means of obtaining relevant information.

The police are required to give you written notice of what information is needed from the device, why it is needed, and how it will be used. They need to confirm that you do not have to agree, and that if you do not agree this does not automatically result in the closing of your case. They must always comply with the Extraction of Information from electronic devices: code of practice which is available at:

<https://www.gov.uk/government/consultations/extraction-of-information-from-electronic-devices-code-of-practice/extraction-of-information-from-electronic-devices-code-of-practice-accessible>

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<sup>60</sup> Section 37 of the Police, Crime, Sentencing and Courts Act 2022. However, in the sad circumstances where a victim is missing or dead, the police can extract information from their device without their agreement.



### **If you are under 18: requests for your personal information from your digital devices**

Your parent or guardian must agree for the police to take your device on your behalf by law. Where the police are communicating with you directly as well as your parent or guardian (in general, only when you are 12 or over), the police will explain to you what will happen to your information and device and when you can expect to have it back. They will also ask you for your views and take them into account as far as they can.

## **Disclosing information when you have signed non-disclosure agreements**

If you have signed or agreed to a non-disclosure agreement (NDA) or another form of confidentiality clause which seeks to limit your ability to disclose the circumstances of a crime you have been a victim of, you are still able to report the crime and seek confidential advice and support. The confidentiality clause cannot be enforced against you in relation to certain disclosures. You can:

- report a crime to the police and other bodies that prosecute crimes
- seek legal advice from qualified lawyers regarding the crime
- cooperate with regulators who investigate misconduct by certain professionals (such as lawyers and doctors) by providing them with information about the criminal conduct
- disclose information about the criminal conduct to victim support services and close family members (a parent, partner, or child) to get professional and emotional support.

There are some important things to note:

- You should only discuss matters that relate to the crime. Other information, such as sensitive commercial information, is likely to still be subject to the NDA.
- You should use reputable support services who will keep this information confidential.
- You could still be liable for legal action if you disclose the information outside of these circumstances.

For more information, see <https://www.gov.uk/government/publications/victims-and-prisoners-act-2024-changes-to-non-disclosure-agreements/victims-and-prisoners-act-2024-changes-to-non-disclosure-agreements-for-victims-and-individuals-who-use-ndas>

## Disclosing information to the media

Generally, journalists can attend and report events that happen in court. Sometimes the media may take an interest in a case and approach you and/or your family for comment. There is no obligation to speak to them. You should be careful that you do not do anything to risk unfairly influencing the outcome of a court case and being in contempt of court. You can find more information here: [www.gov.uk/contempt-of-court](http://www.gov.uk/contempt-of-court)

If you have any concerns or would like some advice, you can speak with the police or a victim support provider. Alternatively, you can contact the Independent Press Standards Organisation by visiting [www.ipso.co.uk](http://www.ipso.co.uk), who will talk to you about your concerns and give practical advice and guidance.

## Police sharing the identity of a suspect

In some cases, you may be unaware of who the suspect is, for example in cases of online harm. In such cases, you have the **Right** to ask the police to release information about who the suspect is. The police will then decide whether they can release this information. In considering your request, the police need to comply with relevant legal obligations. Once the police have made the decision about whether to release the information, they must inform you of the outcome, including where they have decided not to share the information.

How the police make their decision depends on what stage of the investigation they are at. For example, the considerations they make are likely to be different before, compared with after, a charging decision has been made. You may ask for this information again at a different stage of the process if the police decided they are unable to release information to you. For more information on the process the police must follow, see [*upcoming statutory guidance*.]

## Further useful information

### How can I ensure I receive the best service?

Service providers will try to minimise the number of different people you have contact with during your case and, wherever possible, offer you a single point of contact for information. To assist them in delivering your **Rights** under this Code, you should:

- let them know if your contact details or preferences change;
- ask them questions if you are unsure about anything related to your case or the criminal justice process; and
- give service providers your views on the services they are providing to help them deliver and tailor a high-quality service.

### Information about this Code

Service providers must include information about this Code on their websites.

**[PLACEHOLDER: Subject to implementation of s.6 of the Victim and Prisoners Act 2024: Specified providers<sup>61</sup> are under a legal duty to promote awareness of the Code. See more information under **Right 3** and at: *[upcoming statutory guidance]*.**

### What if I do not want to receive the Rights offered under this Code?

You may decide that you do not want some or all of the **Rights** under this Code. You should discuss this with the relevant service provider.

You can choose to opt back in to receiving **Rights** under this Code at any time while the case is under active investigation or prosecution or the offender is serving their sentence. This does not apply to the **Right 4** to self-refer and contact support directly to help you to cope, and as far as possible, recover from being a victim of crime. This **Right** is available regardless of whether anyone has been charged, convicted of a criminal offence and regardless of whether you decide to report the crime to the police or you do not wish to cooperate with the investigation.

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<sup>61</sup> All police forces in England and Wales, the CPS, HMCTS, HMPPS, Youth Offending Teams (sometimes known as Youth Justice Services) and non-territorial police forces (the British Transport Police and the Ministry of Defence Police)

## Police and Crime Commissioners

Police and Crime Commissioners<sup>62</sup> are locally elected to secure efficient and effective policing. **[PLACEHOLDER: Subject to implementation of s.8 of the Victims and Prisoners Act 2024: Police and Crime Commissioners will have a legal duty to keep compliance with the Code in their local area under review.<sup>63</sup>]** They also have a legal duty to obtain views of the public, including victims, in setting the policing priorities in their area and to hold the Chief Constable of the police in their area to account.<sup>64</sup> They are responsible for commissioning many of the services that support victims outlined in this Code.

## Commissioner for Victims and Witnesses (Victims' Commissioner)

The Victims' Commissioner is not listed as a service provider under this Code. This is because the Commissioner has a statutory duty to keep this Code under regular review. This is part of the Commissioner's role to listen to the views of victims, understand the criminal justice system from the victims' point of view and try to help improve the services and support available. The Victims' Commissioner cannot help with individual cases or challenge criminal justice agencies to make different decisions.

## Coroners

Coroners and their staff are not included as service providers under this Code. This is because inquests, which are legal, fact-finding inquiries into the cause and circumstances of a death, are not criminal proceedings. Bereaved family members have interested person status in inquests which gives them certain statutory rights. This includes the **Right** to ask relevant questions of witnesses and to receive disclosure of documents and other evidence. Bereaved family members of a victim of crime who are involved in an inquest should instead consult the guidance on coroners' investigations for bereaved people which

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<sup>62</sup> In some areas the Police and Crime Commissioner functions are exercised by the Mayor supported by a Deputy Mayor for Policing and Crime. This is the case in the police force areas of London, Greater Manchester, West Yorkshire, South Yorkshire and York and North Yorkshire.

<sup>63</sup> Under section 7 of the Victims and Prisoners Act 2024, PCCs will be required to keep under review how criminal justice bodies (the police, the CPS, HMCTS, HMPPS and its executive agencies and Youth Justice Service) are complying with the Victims' Code in their police area. In relation to the non-territorial police forces (the Ministry of Defence Police and the British Transport Police), different arrangements are in place to monitor their compliance via the Ministry of Defence and the British Transport Police Authority, as those forces operate nationally.

<sup>64</sup> <https://www.legislation.gov.uk/ukpga/2011/13/part/1/chapter/3>

is available on: [www.gov.uk/government/publications/guide-to-coroner-services-and-coroner-investigations-a-short-guide](https://www.gov.uk/government/publications/guide-to-coroner-services-and-coroner-investigations-a-short-guide)

## Other processes outside of the Code

### **[PLACEHOLDER: *Name change subject to implementation of s.19 of the Victims and Prisoners Act 2024: Domestic Abuse Related Death Reviews*]**

Where someone aged 16 or over has died and there is a link to domestic abuse, a [Domestic Abuse Related Death Review] should be considered to ensure that national and local agencies, local communities and society as a whole learn lessons from domestic abuse related deaths and treat every death as preventable.

The involvement of bereaved family members, where possible, is a key part of the process, which can significantly improve the quality of learning drawn from the review by offering insight into the nature and extent of the abuse. Where one is conducted, Community Safety Partnerships and Review chairs should signpost bereaved families and friends to support services. If one is not being conducted but you think it should be, you can advocate for this by getting in touch with your Community Safety Partnership. Your local authority can tell you how to do this.

You can find more information here:

<https://www.gov.uk/government/publications/domestic-homicide-review-leaflet-for-family>

## Family proceedings and special measures

Family proceedings sit outside the scope of this Code as the family justice system is separate to the criminal justice system. However, it may be useful to know that if you are a victim of domestic abuse and are giving evidence in family proceedings, you are automatically eligible to apply for special measures to help you do so.

The court will decide which, if any, special measures will enable you to give your best evidence. You can ask for support in your application(s) to the family court or by contacting the court directly.

## Victims of anti-social behaviour

Victims of all types of anti-social behaviour are able to seek a review of their case through the anti-social behaviour case review. The anti-social behaviour case review is an alternative process that sits outside of the criminal justice system. The case review process is designed to bring agencies together to take a joined up, problem-solving

approach to find a solution for victims of both criminal and non-criminal anti-social behaviour.

Certain agencies, including local authorities, the police, local health teams, and registered providers of social housing, have a statutory duty to carry out an anti-social behaviour case review when someone requests one and their case meets a locally defined threshold.

All victims of persistent anti-social behaviour are able to apply for an anti-social behaviour case review. Your local police or local council will be able to provide you with further information about the case review process in your area. For further information, visit: <https://victimandwitnessinformation.org.uk/crime-types/antisocial-behaviour>

## **National referral mechanism for victims of modern slavery**

The National Referral Mechanism (NRM) is a framework for identifying and referring potential victims of modern slavery in the UK and ensuring they receive the appropriate support. This framework is separate from the criminal justice process and outside of the scope of the Victims' Code.

Only certain organisations (known as First Responder Organisations) can refer a potential victim of modern slavery into the NRM. It is not possible to self-refer into the NRM, but victims can self-refer to other support services available to them under this Code. A list of First Responder Organisations can be found at: <https://www.modernslavery.gov.uk/designated-organisations>

To be referred into the NRM as an adult, a First Responder Organisation must get your consent. If it is decided that there are reasonable grounds to believe that you are a potential victim of modern slavery, your consent will be asked for to provide you with the specialist government support available.

Children do not need to provide consent to enter the NRM. If a First Responder Organisation encounters a child that they suspect to be a victim, they must refer them into the NRM in line with their statutory duties and to the relevant local authority in line with child protection procedures

For further information on the NRM, visit: <https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms/guidance-on-the-national-referral-mechanism-for-potential-adult-victims-of-modern-slavery-england-and-wales>

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