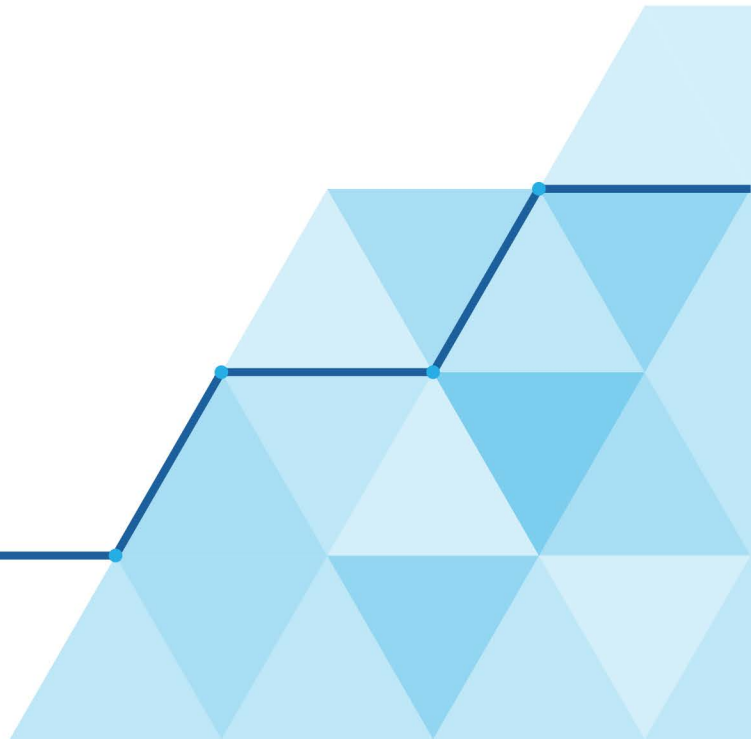




Ministry
of Justice

The Government Response to the 2020 consultation: 'Improving the Victims' Code'

November 2020





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Response to consultation carried out by the Ministry of Justice.

This information is also available at <https://consult.justice.gov.uk/>

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Foreword by the Lord Chancellor and Secretary of State for Justice



Coronavirus has had profound consequences for all of us, including for some the tragic loss of life and of loved ones. The pandemic has also presented government with an unprecedented set of challenges. As a key public service, our priority from the outset was to ensure that the justice system could continue delivering its functions without compromising the safety of its users. To ensure that we continue to meet this priority we have introduced

a range of measures to tackle the volume of outstanding cases in the courts, so that our operating capacity is as close as possible to pre-Coronavirus levels.

We have acted quickly and decisively to ensure comprehensive support remains available for victims and witnesses and that the services that provide this support receive the additional funding they need.

In May, the Prime Minister hosted a cross-government Hidden Harms Summit, bringing together key decision makers and agreeing ambitious commitments to bolster support; and we continue to work across government, with the sector and locally to identify issues and manage risks – to ensure that victims continue to have access to vital services.

Coronavirus has in some cases added to the trauma that can result from becoming a victim of crime, often with a deeply profound and personal impact on those affected. How they are treated in the aftermath of a crime, and within the justice system, can support them to move on from what has happened.

Through our consultations on the Victims' Code, we have listened carefully to victims, as well the public and stakeholders. The most recent consultation was conducted during the pandemic and we have paid particular attention to those responses highlighting the challenges of delivering for victims at a time of crisis.

The revisions we have made will play a hugely important role in ensuring that the system is better able to support victims. We also believe that by simplifying the Code, victims will be more aware of their rights, and as a result more likely to engage and be more satisfied with their experience of the criminal justice system. The new Code will also lay the groundwork for our forthcoming consultation on a Victims' Law.

Government Response to the Consultation:
'Improving the Victims' Code'

I am grateful to all those who made that possible by responding to both consultations – their contributions will improve the experience of victims and some of the most vulnerable people touched by the work of the justice system.

**Lord Chancellor and Secretary of State for Justice,
the Rt Hon Robert Buckland QC MP**

Foreword by Alex Chalk



Coronavirus has presented government with unprecedented and unique challenges. But throughout this time, we have remained steadfast in our commitment to ensure that victims and witnesses continue to receive the support they need.

Part of this commitment has been to continue working towards our vision for a Victims' Code that better meets the needs of victims and ensures that the right support is available at the right time.

We know that many people are still not aware of the Code, and that those who are find it difficult to understand what it means for them. For these reasons we have focused our efforts on a number of key areas: accessibility and raising awareness; providing clearer information on victims' rights to access practical and emotional support; strengthening communication and taking account of the victim's preferences; and increasing the voice of the victim through providing more flexibility in the Victim Personal Statement process.

These changes mean that when the new Code comes into force it will be based around a clearly defined set of rights that are both easy for victims to understand and which clearly set out the minimum level of service they can expect from criminal justice agencies. This will help to ensure that the experience of victims within the justice system improves and will form the basis of our forthcoming Victims' Law, which will seek to guarantee these rights.

We received a total of 315 responses to our second consultation from a range of organisations and individuals. I would like to take the opportunity to thank all those who took the time to send us their thoughts and to assure you that we have carefully considered them. As a result, we are proceeding as planned with the main changes we outlined in our first consultation, as well as making some smaller revisions based on the views we received.

We believe that these changes will deliver a Victims' Code that will build both victim confidence and trust in the system, as well as address the longstanding issues around complexity and accessibility.

Alex Chalk, Parliamentary Under Secretary of State at the Ministry of Justice

Introduction

1. This document is the Government's response to the outcome of the 2020 consultation: 'Improving the Victims' Code'. It provides:
 - the background to the consultation;
 - a summary of the responses to the consultation;
 - responses to specific questions on our proposals;
 - conclusions and next steps; and
 - a list of respondents.

Background

2. Following on from our initial consultation held in 2019, 'Proposals for revising the Code of Practice for Victims of Crime',¹ the consultation paper 'Improving the Victims' Code',² opened on 5 March 2020. Both consultations invited comments on delivering one of the key commitments included in the cross-government Victims Strategy³ published in September 2018, namely, to consult on a revised Code of Practice for Victims of Crime.
3. The Victims Strategy identified a number of specific changes we intended to make to the Code. The key principles underpinning our approach were that victims should:
 - receive the information and support they need, when they need it;
 - not be re-traumatised by their experience of the criminal justice process; and
 - whatever the outcome, be satisfied with the treatment they received from the criminal justice system.
4. This document summarises the responses, building on those we received to our first consultation.¹ This consultation has influenced and enabled us to clearly identify the key changes that we believe need to be made to the Code, and which are necessary to help ensure that victims receive the help and support they need to cope and recover. It is also an important milestone in improving the experience of victims within the justice system and will help pave the way for a Victims' Law that will guarantee victims their rights.
5. The consultation was initially due to close on 16 April 2020 but was extended until 28 May 2020 because of the Coronavirus pandemic.
6. A list of respondents to the consultation is at the end of this document.

¹ <https://www.gov.uk/government/consultations/proposals-for-revising-the-code-of-practice-for-victims-of-crime>

² <https://www.gov.uk/government/consultations/consultation-on-improving-the-victims-code>

³ www.gov.uk/government/publications/victims-strategy

Summary of responses

7. A total of 315 responses to the consultation were received from a range of organisations and individuals, including criminal justice practitioners, police forces, Police and Crime Commissioner Offices, voluntary organisations/charities, academics and members of the public. Of the 315 responses, 63 (20%) were identical in nature and called for changes to the information and rights to access Restorative Justice in the revised Code.
8. The following table breaks down the respondents to the consultation into categories:

Category	Number of Respondents
Academics	8
Associations	5
Criminal Justice Practitioners	57
Government Departments/Agencies	12
Members of the public	131
Office of Police and Crime Commissioners	24
Police forces	5
Voluntary Organisations/Charities	41
Others/Not answered	32

9. We have analysed the responses for views on and the level of support for our proposals, as well as evidence of the impact. Not all of the respondents answered every question and some respondents opted to submit their response in the form of a general letter. In these cases, where comments appear to be in response to a particular question, these contributions have been treated for the purpose of analysis as answers to those questions.
10. We would like to thank all those individuals who responded to the consultation and shared their personal experience of the criminal justice system with us. Whilst some respondents expressed views or made suggestions that did not answer the questions or were out of scope of the consultation, we welcome them and have considered them thoroughly. While they cannot be explored in detail in this consultation response and have not been incorporated into the revised Code, they will help to inform future consideration as to how to improve the experience of victims of crime.

Responses to specific questions on our proposals

Improving the Victims' Code

We asked:

Q1: Do you think our proposal to restructure the Code into 12 overarching rights is the correct one?

Out of 315 respondents, 187 (59%) agreed with our proposal to restructure the Code into 12 overarching rights; 25 (8%) disagreed; 17 (5%) commented but did not indicate support or disapproval and 85 (27%) did not answer the question. Therefore, of the 212 yes/no responses to question 1, 88% agreed with the proposal and 12% disagreed with it.

Please give reasons for your response

- 1.1 Most responses to this question agreed that the simplification of the Code into 12 overarching rights makes it clearer and easier to understand for both victims and criminal justice practitioners. Others commented that the simplified structure would assist with monitoring compliance with the Code.
- 1.2 Where no support or disapproval was indicated, respondents mentioned the need to have the Code available in a more accessible format, queried the use of the terms 'rights', 'victims' and whether the term 'survivor' should be used, and the need for trials to proceed without delay.
- 1.3 The most common reason (68%) given by those who did not agree with our proposal to restructure the Code was concern about the level of information on and specific entitlements for accessing Restorative Justice. Other reasons given by those who disagreed included that the Code:
 - did not take into account the rights of victims of false allegations;
 - was still far too long and complex;
 - did not provide sufficient support for those injured in traffic incidents; and
 - that Special Measures and/or Restorative Justice should form one of the 12 overarching rights.

Government response

- 1.4 As supported by the majority (88%) of those responding to the consultation and those who responded to our first consultation (88%), we have decided to retain the 12 overarching rights. Whilst we accept that the Code remains a lengthy document, for the majority of victims, a shorter version, which will also be published, will provide the information needed for them to be able to clearly understand their rights.
- 1.5 We have carefully considered the suggestions to include Restorative Justice and/or Special Measures as individual rights, but on balance feel it is more important that they retain the links with Rights 3 and 4 respectively. This will help to ensure that duplication is minimised, and the document is simplified, to address criticism often levelled at the existing Code.
- 1.6 We noted the comments received about the use of the term 'rights' as opposed to 'entitlements' as they are described in the current Code. We believe that using the term 'rights' will send a clear message to both victims and criminal justice practitioners that victims should receive the services and information set out in the Code, unless of course they decide that they do not wish to receive them. The rights will also form a key part of a new Victims' Law, which will be consulted on following publication of the Code.
- 1.7 We recognise that many people harmed by a criminal offence will not want to be referred to as a 'victim'. For the purposes of the Code, we continue to use the term 'victim' but have added the terms 'complainant' and 'survivor' to the definition of who is a victim under the Code.
- 1.8 We thank those who took the time to give us their views on the need for criminal trials to proceed without delay and we will of course continue to do everything possible to improve efficiency and remove unnecessary delays in the criminal justice system. Where witnesses and victims do suffer delays, they will still be able to access victim support services, and we have made this clearer in the revised Code.
- 1.9 Many victims find that taking part in Restorative Justice is an important step in seeking to recover from the impact of crime and that the right to receive information about this remains an important part of the revised Code. We are extremely grateful for the additional wording suggested by many respondents to our consultation, including those who work within the Restorative Justice sector. We recognise that in seeking to simplify the Code, we lost some of the important information about the process. As a result, we have redrafted the Code, specifically **Right 3** and **Right 4**, to take these views in to account, and to ensure that victims are clear of the role that Restorative Justice can play throughout their journey through the criminal justice system and where possible to help repair the harm caused by crime.

1.10 The definition of a 'victim' was expanded in 2013 to cover all criminal offences, not just victims of crimes classified under the National Crime Recording Standards. It is therefore important to recognise that victims of traffic incidents that result in a crime being committed already have rights under the Code.

1.11 A number of respondents felt that individuals falsely accused of crime were not sufficiently covered by the Code. The definition of 'victim' includes all crimes, including where a victim is harmed following a deliberately false allegation of a crime being made against them. From this definition we conclude that it is not necessary to change the revised Code to separately take account of this cohort.

We asked:

Q2: Do you agree that the rights we have identified cover the most important needs of victims?

Out of 315 respondents, 118 (37%) agreed that the rights covered the most important needs of victims; 166 (53%) made additional suggestions; and 31 (10%) did not answer the question.

Please give reasons for your response

2.1 Those who agreed with our proposals gave a range of positive reasons for doing so, including that they felt: it covered every stage of a victim's journey, that the timescales helped to manage expectations and that the improved structure and concise nature of the revised Code would help victims to better understand their rights.

2.2 As per question one, the vast majority (64%) of responses expressed concern about the level of information on accessing Restorative Justice having compared the proposed revised text with that in the existing Code. They also wanted to see an individual right that expressly covered this.

2.3 The provision of rights for victims impacted by road traffic incidents and victims who have been falsely accused of a crime were again highlighted. Other comments received included:

- the importance of ensuring the high-quality delivery of individual rights;
- whether Action Fraud, Coroners, the Foreign, Commonwealth & Development Office (formerly the Foreign and Commonwealth Office) or the National Health Service (NHS) should be signatories of the Code;
- the right to a quality investigation conducted by the police; and
- the ability to access rights under the Code regardless of immigration status.

Government response

- 2.4 We covered our reasoning and the rationale in respect of the suggestions relating to Restorative Justice, road traffic victims and those victims falsely accused of a crime, in our response to question one above.
- 2.5 We agree with the comments highlighting the need to ensure that victims not only receive their rights but that they receive a quality service. This remains a key part of the work being undertaken to improve compliance by criminal justice agencies with the Code, and as such will form part of our work on delivering a Victims' Law.
- 2.6 We have carefully considered suggested additions to the list of service providers. In respect of Action Fraud, they form part of the City of London Police and as such are already bound by the Code. We also considered whether the National Health Service, Coroners and the Foreign, Commonwealth & Development Office should be listed under the Code.
- 2.7 In agreement with the National Health Service we have added them to the list of service providers under the Code. This covers their responsibility for Sexual Assault Referral Centres, which have specially trained professionals who can give victims both physical and mental health support if they have experienced rape or sexual assault, regardless of whether they choose to report the crime to the police or not.
- 2.8 In respect of Coroners, whilst an inquest by a Coroner could lead to an investigation by the police, this is only a small part of their much wider responsibilities following an unexplained, unnatural or violent death. Rather than list them as a service provider, we have taken the decision to include a section setting out the role of a Coroner as well as a link to the Guide to Coroners for Bereaved People, within the revised Code.
- 2.9 In respect of the Foreign, Commonwealth & Development Office, we have not listed them as a service provider as the Victims' Code covers criminal offences which are committed or are subject to criminal proceedings in England and Wales. The Foreign, Commonwealth & Development Office only supports British victims of crimes committed outside of the United Kingdom, and, in homicides abroad, their families. The rights and support available to victims of crime committed outside of the UK will vary greatly from country to country and be dependent upon the laws and practices of the country where the crime takes place. The Foreign, Commonwealth & Development Office can provide consular support to victims of crimes abroad, which is tailored to individual circumstances, but has to respect these laws.
- 2.10 We have included information in the revised Victims' Code on the consular support available to victims of homicide abroad, and a link to the Foreign, Commonwealth & Development Office's information on death abroad through murder or manslaughter. We have also included a link to the Memorandum of Understanding on Murder,

Manslaughter and Infanticide of British Nationals Abroad, which helps to clarify the role of the Foreign, Commonwealth & Development Office, the police and coroners in England and Wales, when a British national is a victim of homicide abroad. The information online on death abroad, and the Memorandum of Understanding which have both recently been updated, focus on the deceased and their family, and explain what type of support is available.

- 2.11 We have considered whether the Code should include any additional responsibilities relating to the quality of an investigation. However, it is important to remain mindful of the fact that any rights cannot influence or interfere with independent decisions taken by the police during an investigation. Also, it is important to note that there are existing complaints processes which operate outside of the Code should a victim have concerns about the quality of the investigation of their case. Taking these two factors into account, we do not believe it is appropriate to include this as an additional right within the Code.
- 2.12 The impact of being a victim of crime when you have uncertain immigration status and when English is not your first language was clearly set out in a number of responses. In amending the structure of the Code, we took the decision to make the first right a right 'to be able to understand and to be understood', in recognition of the challenges faced by many victims who may have difficulty. We have also clearly stated in the introduction of the Code that victims are 'entitled to services regardless of their resident status'. We recognise the importance of this particular issue, and plan to reinforce these commitments within practitioner guidance, which will ensure that those who have responsibilities to deliver rights under the Code are clear about their obligations.

We asked:

Q3: Do you agree that these rights cover the key stages of a victim's journey in the criminal justice system?

Out of 315 respondents, 128 (41%) agreed we had covered the key stages; 157 (50%) made additional suggestions or comments; and 30 (9%) did not answer the question.

Please give reasons for your response

- 3.1 A number of respondents to this question agreed that the rights listed cover the most important needs of victims, but some suggested that they would benefit from the inclusion of a flowchart showing the different stages of the criminal justice process.

- 3.2 Again, the majority (62%) of responses which made additional suggestions referred to concerns about the level of information on and entitlements for accessing Restorative Justice when compared to the existing Victims' Code. Other responses mentioned:
- the change in wording and removal of timescales for referring victims on to services which support victims of crime;
 - whether the term Victim Personal Statement should be changed back to Victim Impact Statement and the lack of a 'trigger point' for offering the opportunity to make a statement; and
 - formatting changes.

Government response

- 3.3 In our initial consultation held in 2019, 'Proposals for revising the Code of Practice for Victims of Crime', we highlighted that devolution of many of the commissioning of local victim support services to Police and Crime Commissioners (PCCs) has enabled them to tailor the services offered to victims to best meet the needs of the communities they serve. We had therefore suggested that PCCs were best placed to explain to victims how and to whom they would be referred in order to receive support. However, we accept that in looking to allow greater flexibility we lost some detail around the timescales for making such a referral. In order to address this, we have amended **Right 4** of the revised Code so that it clearly states that victims will be referred to a support service within 2 working days.
- 3.4 A decision was taken by the then Government in the late 1990s to change the name of the 'Victim Impact Statement' to a 'Victim Personal Statement'. In response to the comments we have considered reverting the name to 'Impact statement' or something similar, but following discussions with stakeholders, have decided that the underlying issues relate more to the purpose and quality of the statement rather than the name itself.
- 3.5 In terms of the need for a 'trigger point' for offering a Victim Personal Statement, the responses to the first consultation supported the decision to provide agencies with more discretion around when to offer the opportunity to victims. We believe this decision should in fact be left to the victim to decide, but nonetheless have provided advice in the Code to highlight that for many victims the right time will be when they are informed that the suspect has been charged with an offence. However, in updating the Joint Agency Guidance on Victim Personal Statements, we will remind all criminal justice agencies that they have a duty to provide victims with information about making a personal statement at any time before the offender is sentenced.
- 3.6 Finally, we have also fully considered suggestions relating to the format of the Code. We have taken this helpful feedback on board and this is reflected in the final

version. We have moved the summary of victims' rights to the beginning of the document, so that this important information is as prominent as it can be. We also agree with the suggestion of helping victims to understand the process better by providing them with a clear flowchart of the criminal justice process. Rather than including the chart from the existing Code, which we have heard from stakeholders is confusing and unhelpful, we have decided to include a new version as part of our online information that will be published alongside and in support of the Code.

We asked:

Q4: We have included more practical advice and information in the draft revised Code, do you agree with our proposed approach?

Out of 315 respondents, 146 (46%) agreed with our proposal to include more practical advice and information; 7 (2%) disagreed; 117 (37%) made additional suggestions and 45 (14%) did not answer the question.

Please give reasons for your response

- 4.1 The majority of respondents indicated support for our approach and commented that it was important that victims are provided with simple, clear and easy to understand practical information and advice. Some caveated their responses by highlighting the need for the information to be kept up to date or suggested additional ways to present this information in the Code.
- 4.2 Where additional suggestions were made, again the vast majority (79%) raised concerns about the level of information relating to Restorative Justice. Others mentioned suggestions similar to those mentioned in response to questions one and two, including the need for those injured in road traffic incidents to be offered support or additional information about the role of the Coroner and the Foreign, Commonwealth & Development Office.
- 4.3 The small number of those who disagreed felt that advice was too offender focussed, was too long, or did not recognise secondary victims.

Government response

- 4.4 The majority of respondents agreed with our decision to include more practical information and advice for the first time within the revised Code. Responses were right to highlight the need for information to be kept up to date and this will be an important responsibility for not only government, but also Police and Crime Commissioner's and criminal justice agencies. This will be particularly important in

cases where a victim is seeking support from a service which supports victims of crime, without first reporting the crime to the police.

4.5 We have covered the suggestions relating to Restorative Justice, road traffic victims and information on the role of the Coroner and the Foreign, Commonwealth & Development Office in our responses to the previous questions.

4.6 We strongly disagree with the suggestion that the Code is too offender focussed, as it sets out the rights of victims without the need for an offender to be identified, interviewed, investigated or prosecuted.

4.7 We also believe that the Code does not seek to diminish the impact of crime on secondary victims. For the first time we have explicitly recognised the right of witnesses to access support under the Code. Where harm is not a direct result of being a victim or witnessing a crime, people can still receive support for their healthcare needs through the National Health Service and we have, for the first time, included details of this within the Code.

We asked:

Q5: Is there any important information that you feel we should also include?

Out of 315 respondents, 176 (56%) made additional suggestions and 137 (44%) did not provide any.

Please give reasons for your response

- 5.1 Again, the most common (31%) suggestion related to information about accessing Restorative Justice. Other suggestions included:
- the importance of signposting to locally available and specialist support services;
 - adding additional information on accessing pre-trial therapy;
 - additional help in making a Criminal Injuries Compensation Authority claim;
 - querying why victims of anti-social behaviour were not covered under the Code;
 - highlighting the need to ensure victims who are in the custody of the Her Majesty's Prison Service can access support; and
 - the need for accessible versions, available in a number of different formats and languages including British Sign Language.
- 5.2 Other responses identified similar points as the responses to questions three and four, including having a flowchart setting out the criminal justice journey, and recognition of the importance of keeping the information up to date.

Government response

- 5.3 We have covered the suggestions relating to Restorative Justice in our response to the previous questions.
- 5.4 Ensuring that victims, especially those who choose not to report a crime to the police, are made aware that they can access support services themselves at any time and can find information about locally available support services, will be an important part of Police and Crime Commissioners' and criminal justice agencies' duties in setting out their local offer to victims.
- 5.5 The ability to access pre-trial therapy remains an important method of support for many victims. However, in seeking to make the Code more accessible as a document, we are unable to include full explanations of all types of the support available. It is worth noting that the Crown Prosecution Service and Ministry of Justice are currently developing a victim focused guide to accessing pre-trial therapy and this should be published shortly.
- 5.6 It is vital that when victims report a violent crime to the police, they are signposted to the Criminal Injuries Compensation Scheme (the Scheme). In the separate public consultation on the Scheme,⁴ which closed on 9 October, the Government proposed changes aiming to achieve further simplicity and accessibility, with the intention that applicants feel confident to go through the application process without the need for a solicitor. The Government is carefully reviewing the responses in preparation for publishing a formal response and laying a new Scheme in Parliament for approval. The Criminal Injuries Compensation Authority has updated its website to make it easier to navigate and understand and is improving support and processes for victims applying both by telephone and online.
- 5.7 The Government recognises the impact that anti-social behaviour can have on individuals and the wider community. However, it is important to recognise that the Code only applies to victims directly impacted by a criminal offence. Where incidents commonly described as anti-social behaviour **do not** meet the threshold to be investigated as a possible criminal offence, those individuals impacted by the behaviour **cannot** access support under the Code.
- 5.8 It is important that all victims, including those who are in the custody of Her Majesty's Prison Service, can access information and support under the Code. We continue to work with Her Majesty's Prison Service to improve awareness of the rights under the Code within the Prison Service.

⁴ <https://www.gov.uk/government/consultations/criminal-injuries-compensation-scheme-review-2020>

5.9 Finally, a primary objective of our review and revision of the Code was to make the document more accessible for victims. This includes making it available in a wide range of formats and languages and we will continue to work with key stakeholders to take this forward and deliver this commitment.

We asked:

Q6: Are you aware of any evidence or sources of information that would help us to understand and assess equality and economic impacts in greater detail?

Q6a: If you are aware, what do you believe would be the effect of this evidence/ information on our proposals?

Out of 315 respondents, 97 did not respond and 241 did not provide any information. Of those that did respond, 108 indicated that they were unaware of or were unsure whether there were further sources of information pertinent to the question.

- 6.1 A number of the respondents made suggestions that either identified potential sources of evidence of which we were already aware of, or which were not directly relevant to assessing the equality and economic impacts.
- 6.2 Respondents used the second part of the question to make recommendations about the evaluation of the Code, for example, that particular groups (e.g. BAME victims of sexual violence) should receive extra focus in any evaluation. Other recommendations were for the Code to be clearer that particular services should be offered.

Government response

6.3 We thank those who responded to this question for their suggestions. We have closely examined the suggested further sources of evidence of equality and economic impacts, but have not found any evidence which has enabled us to understand in any greater detail likely impacts we have already identified, or identify additional impacts that we had not previously considered.

We asked:

Q7: Do you have any further comments about the draft revised Code?

Out of 315 respondents, 160 (51%) provided additional comments and 155 (49%) did not answer the question.

Please give reasons for your response

- 7.1 The majority of comments made in response to this question were similar to those given in response to earlier questions, including:
- information about accessing Restorative Justice;
 - the role of the Coroner, Foreign, Commonwealth & Development Office and National Health Service;
 - the importance of accessible formats, written in plain English;
 - support for victims of road traffic incidents;
 - rights for those falsely accused of a crime;
 - the benefits of a flowchart showing the different stages of the criminal justice process;
 - access to specialist support services; and
 - support for secondary victims.
- 7.2 Other comments and suggestions mentioned included:
- the need to raise awareness of the Code amongst victims and practitioners;
 - whether discretionary access to the Victim Contact Scheme should be explained in the Code;
 - whether access to the Victim Contact Scheme should be expanded to include other offences, in particular stalking and harassment;
 - the need to include a reference to the requirement to submit any complaint to the Parliamentary and Health Service Ombudsman via the victim's Member of Parliament;
 - the need to provide greater clarity around the definition of expenses issued by the Crown Prosecution Service; and
 - to include a duty to provide monthly updates to victims.

Government Response

- 7.3 We have covered the suggestions mentioned in the first list in our response to previous questions.
- 7.4 As mentioned in our response to our first consultation on the Code, raising awareness was a key part of our work. We continue to consider a number of options, including making improvements to our digital delivery and improving wider public awareness and standards among criminal justice agencies and voluntary organisations.
- 7.5 In respect of a discretionary offer of contact, it is difficult to set out all the circumstances in which this might be considered. Some victims where we previously used discretion to offer the Victim Contact Scheme, such as victims of Causing Death by Careless or Inconsiderate Driving (Road Traffic Act 1988), Causing Serious Injury

by Dangerous Driving (Road Traffic Act 1988) and Controlling or Coercive Behaviour in an Intimate or Family Relationship (Serious Crime Act 2015), have now been made statutory through their inclusion in the revised Code.

- 7.6 As part of the Probation Reform Programme, the National Probation Service is looking at what can be done to enhance and expand the Victim Contact Scheme. This work will focus on enhancing the contact that specific groups of victims have received so far and expanding the scheme in response to the concerns raised through our Code consultations. Groups under consideration include victims of stalking and harassment and those of racially or religiously aggravated offences. These reforms are all subject to final approval and we look forward to publishing more detail about them in due course.
- 7.7 A number of respondents queried why the reference to the need to refer any complaint to the Parliamentary and Health Service Ombudsman via the victim's Member of Parliament had been removed from the draft revised Code. Our response to this is that we plan to consider simplifying the complaints process for victims as part of our work on a Victims' Law. In advance of this we have amended the wording that was previously in the revised draft version of the Code, to make it clear that complaints as it currently stands will still need to be referred to the Ombudsman via the victim's Member of Parliament.
- 7.8 Some respondents asked for the Code to provide greater clarity around the type of expenses provided by the Crown Prosecution Service. As comprehensive guidance is available on the Crown Prosecution Service website, we have decided not to replicate this within the Code, however we have included advice that victims should discuss any questions they may have with their Witness Care Officer.
- 7.9 The duty to provide monthly updates to victims was removed at the consultation stage of the revised Code and is not in the final version. Removing this duty was supported by the National Police Chiefs' Council and the Home Office as it reduces bureaucracy and frees up police time. It also enables victims and the relevant criminal justice agency to agree the frequency of contact the victim would like or needs during their case.

Conclusions and next steps

We are extremely grateful for the range of responses we have received to this consultation which have helped us to refine the final version of the Code.

The revised Victims' Code has been laid before Parliament and will come into force on 1 April 2021.

We are working with criminal justice organisations and other service providers to produce practitioner guidance that will clearly set out how they will fulfil their duties in practice. This guidance will also aid service providers in communicating their duties under the Code to their staff, to victims and to members of the public. However, we will go further, and in collaboration with criminal justice agencies will prepare a series of awareness raising aids to help frontline criminal justice practitioners keep victims' rights at the forefront of their thinking when interacting with victims and make those same victims aware of their rights.

Some respondents made comments that were not relevant to the scope of the consultation about how the criminal justice system could be improved. We welcome these comments and will look at how we can explore these in future work.

List of respondents

Assist Trauma Care
Association of Convenience Stores
Association of Personal Injury
Association of Policing and Crime Chief Executives
Birmingham and Solihull Women's Aid
Blackburn with Darwen Youth Justice Service
Brent Council
British Society of Criminology's Victims Network
Calm
Catch22
Centre for Women's Justice
Changing Lives
CIS'ters: surviving rape and sexual abuse during childhood
College of Policing
Criminal Bar Association
Criminal Justice Alliance
Crown Prosecution Service
Derbyshire Constabulary
End Violence Against Women Coalition (EVAW)
Escaping Victimhood
GYM guiding young minds
Hampshire County Council Children Services
Hampshire County Council
Hope for Justice
Hundredfamilies
Information Commissioner's Office
Kingston & Richmond YOS/CALM mediation & RJ service
Lambeth Mediation Service

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Lancashire Constabulary

MOSAC – Mothers of sexually abused children

National Association for People Abused in Childhood (NAPAC)

National Police Chiefs' Council

Northumbria Local Criminal Justice Board

Office of the Police and Crime Commissioner – Avon and Somerset

Office of the Police and Crime Commissioner – Cheshire

Office of the Police and Crime Commissioner – Cumbria

Office of the Police and Crime Commissioner – Devon and Cornwall

Office of the Police and Crime Commissioner – Dorset

Office of the Police and Crime Commissioner – Durham

Office of the Police and Crime Commissioner – Dyfed Powys

Office of the Police and Crime Commissioner – Gloucestershire

Office of the Police and Crime Commissioner – Humberside

Office of the Police and Crime Commissioner – Lancashire

Office of the Police and Crime Commissioner – Lincolnshire

Office of the Police and Crime Commissioner – Merseyside

Office of the Police and Crime Commissioner – Norfolk

Office of the Police and Crime Commissioner – North Wales

Office of the Police and Crime Commissioner – North Yorkshire

Office of the Police and Crime Commissioner – Nottinghamshire

Office of the Police and Crime Commissioner – Staffordshire

Office of the Police and Crime Commissioner – Suffolk

Office of the Police and Crime Commissioner – Surrey

Office of the Police and Crime Commissioner – Sussex

Office of the Police and Crime Commissioner – West Yorkshire

Office of the Police and Crime Commissioner – Warwickshire

Office of the Police and Crime Commissioner – West Midlands

Office of the Police Fire and Crime Commissioner – Northampton

OneHundred families

Parliamentary health and Service Ombudsman

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Parole Board for England & Wales
Prison Reform Trust
Rape Crisis England and Wales
Regent's University London
REMEDI
Resolve West
Restorative Approaches Bristol
Restorative Cleveland
Restorative Dorset
Restorative Gloucestershire
Restorative Justice Council
Restorative Justice Hub
RISE
RJ4ALL
RoadPeace
SafeLives
Safer Communities Ltd
SARAC (sexual abuse & rape advice centre)
Serious Fraud Office
Society of Friends (Quakers)
Solace Women's Aid
Stay Safe East
Stonewall, the LGBT equality charity
Support After Murder & Manslaughter
Surrey Youth Offending Service
Suzy Lamplugh Trust
Swansea University
Thames Valley Restorative Justice Service
The Bell Foundation
The Chris Donovan Trust
The Josh Hanson Charitable Trust

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The Lighthouse, University College London Hospital NHS Foundation Trust

The Survivors Trust

Transforming Conflict Ltd

Victims' Commissioner for England and Wales

Victims' Commissioner for London

Victim Support

Voice Northants

West Yorkshire Police

Why me?

Women's Aid

Women & Girls Network

Wiltshire Youth Offending Team

Youth Offending Service – Luton

Youth Offending Service – Peterborough

Youth Offending Team – Hampshire

Youth Offending Teams – Wales



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