

Final Revised Code of Practice for Victims of Crime – Equalities Statement October 2020

Introduction

This document records the analysis undertaken by the Department to enable Ministers to fulfil the requirement placed on them by the Public Sector Equality Duty (PSED) as set out in section 149 of the Equalities Act 2010. The PSED requires the Minister to pay due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- Advance equality of opportunity between people who share a protected characteristic and those who do not; and
- Foster good relations between people who share a protected characteristic and those who do not.

The protected characteristics are race, sex, disability, sexual orientation, religion and belief, age, marriage and civil partnership, gender reassignment, pregnancy and maternity.

Policy summary

The Code of Practice for Victims of Crime (Victims' Code) sets out the services and a minimum standard for these services that must be provided to all victims of crime by organisations in England and Wales. From 5 March to 28 May this year we consulted on proposed changes to the Code¹, set out below, which also took in to account the changes proposed in the public consultation we held last year².

The changes in the Code are focussed on the following key areas: raising awareness and accessibility; 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.

The changes to the Victims' Code are:

- **Accessibility:** The revised Code is now simplified to one chapter from the existing five chapters and victims are now the primary audience. We have also changed the complex structure of the existing Code so that it now clearly sets out 12 overarching rights, that victims are entitled to receive. It also sets out at what point in the justice process victims should receive them.
- To help ensure that practitioners are clear on victims' rights, and at what stage these rights need to be provided, we will also be publishing a separate document containing detailed information and guidance for them.
- **Improved engagement:** Moving from a process where victims are simply informed when and how they will be contacted about their case to one where the frequency and method of communication more victim led, whilst acknowledging that there may be times when a service provider is unable provide regular updates. Where this is the case the revised Code puts a duty on the service provider to explain why.
- **Victims' Voice – Victim Personal Statement (VPS):** The current Code requires that victims are offered to make a VPS at the same point that the witness statement is taken. Under the revised Code service providers will have more flexibility on the timing of the offer but should still provide victims with information about the VPS when they report a crime. Furthermore, victims will now be able to request a copy of their VPS.

¹ <https://consult.justice.gov.uk/victim-policy/consultation-on-improving-the-victims-code/>

² <https://consult.justice.gov.uk/digital-communications/proposed-changes-to-the-victims-code/>

- **Support for victims of mentally disordered offenders:** Victim Liaison Officers (VLOs) are best placed to support victims of unrestricted patients³ under the Victim Contact Scheme (VCS). VLOs are already assigned to victims of restricted patients and therefore extending their role to include support for victims of unrestricted patients will bring greater parity in rights for these victims, ensuring consistency in the level of information and the way it is provided.
- **Access to Support – Awareness of Support:** The revised Code includes clear information about the ability to access support:
 - without the need to report incidents to the police;
 - at any time during the investigation and prosecution;
 - if the case is stopped; or
 - at the end of the case.
- **Specialist Support:** Whilst retaining the existing eligibility categories for access to specialist support, making it clearer that service providers have the discretion to offer enhanced support to victims who fall outside the scope of the existing categories.

Evidence and Analysis

We looked at the distribution of personal crime victimisation within each socio-demographic (e.g. age) and compared this to proportions in the general population (16+) using the Crime Survey for England and Wales (CSEW) for the year ending March 2019⁴ (see table below). For example, 25.8% of victims of personal crime were aged 16-24, compared to only 12.8% of the general population being in this age category. When compared to the general population the following groups were found to be over-represented among victims:

- Males
- Disabled
- Single (that is, never married and never registered a same-sex civil partnership)
- 16-24 year-old and 25-34 year-old age groups
- Black/African/Caribbean/Black British
- Mixed/multiple ethnicity
- No religion
- Gay/Lesbian and Bisexual

Based on the data above and in applying the changes equally to all adult victims, we believe that more individuals in the above groups may be affected by the revised Victims' Code due to their over-representation as victims (of personal crime) and that the proposed changes will be likely to have a positive effect on them. We have also taken into account that child victims receive a slightly different service under the Code from adults but believe they will also benefit for the changes that we are making to the Code. We also appreciate that victims of crime may have more than one protected characteristic. These changes will also benefit these victims.

As part of the consultation, we asked the public to highlight any evidence or information that would help us better understand and assess the equality impacts in greater detail. Among the responses we received, one highlighted that the prevalence of being a victim of a hate crime is particularly high for trans but also LGB people. A YouGov poll⁵ commissioned by Stonewall and published in 2017 found that two in five trans people (41%) have experienced a hate crime or incident because of their gender identity in the last 12 months and one in six LGB people who aren't trans (16%) have experienced a hate crime or incident due to their sexual orientation in the same period.

Other responses mentioned that we had failed to acknowledge the gendered nature of certain crime types, such as domestic abuse and sexual violence where women are more likely to be a victim than men and the forgotten role of children as victims in many domestic violence cases.

³ Patients who are subject to a hospital order but who have not had restriction order or direction imposed by the Crown Court or the Secretary of State under the Mental Health Act 1983 (MHA).

⁴<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/adhocs/10794characteristicsofadultswhowerevictimsofpersonalcricimeexcludingfraudandcomputer misuseyearendingmarch2019>

⁵ <https://www.stonewall.org.uk/lgbt-britain-hate-crime-and-discrimination>

Also, a number of responses highlighted research studies which had found significant barriers to accessing support and justice for differing groups with protected characteristics who may benefit from an improved Victims' Code.

Finally, in considering barriers to access, varying levels of trust in the CJS amongst certain groups with protected characteristics should also be taken into account. This was identified in the Lammy Review⁶ as an issue amongst the BAME population as a whole based on analysis conducted as part of the review of the 2015 Crime Survey for England and Wales (CSEW). CSEW⁷ data has also revealed that, over the last 5 years, a lower percentage of Black Caribbean people said they had confidence in the local police compared with White people. The Lammy Review called for more to be done to demystify the systems and procedures of the CJS and to ensure individuals understand their legal rights and the options available to them at each stage. We believe that, in respect to victims of crime, the simplification of the Victims' Code will support that.

PSED aims

We have considered whether the changes to the Code hinder or promote the need to eliminate unlawful discrimination, advance equality, and foster good relations. We remain satisfied that our initial assessment set out as part of the consultation, is correct, and that some of the research highlighted by respondents suggests that it will promote victims the PSED aims.

Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equalities Act 2010

Direct discrimination

We consider that the changes made to the Victims' Code are not directly discriminatory within the meaning of the Equality Act as they will benefit all victims, regardless of whether they are adult victims, child victims, or belong to one of the enhanced categories.

We do not consider that they result in people being treated less favourably because of a protected characteristic.

Indirect discrimination

Based on the data above, the consultees' responses and in applying the changes equally to all victims, we believe that there is no particular disadvantage for people with protected characteristics. However, more individuals in the above groups may be affected by the revised Victims' Code due to their over-representation as victims (of personal crime) and that the proposed changes will be likely to have a positive effect on them. Even if the revised Code of Practice could be shown to have a particular disadvantage to people with protected characteristics, we believe it is a proportionate means of achieving our legitimate aim of supporting all victims of crime.

Discrimination arising from disability and duty to make reasonable adjustments

In so far as the amendments extend to victims with disabilities, we believe that the policy is positive and will not result in any discrimination. We recognise that it remains important that we continue to make reasonable adjustments for victims with disabilities to ensure appropriate support is given. Victims will continue to have the right under the Victims' Code to be treated by service providers in a respectful, sensitive and professional manner without discrimination of any kind.

Harassment and victimisation

We do not consider there to be a risk of harassment or victimisation as a result of these changes to the Code.

⁶ Page 6 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf

⁷ <https://www.ethnicity-facts-figures.service.gov.uk/crime-justice-and-the-law/policing/confidence-in-the-local-police/latest>

Advancing equality of opportunity

Consideration has been given to how these changes impact on the duty to have due regard to the need to advance equality of opportunity by meeting the needs of victims who share a protected characteristic, where those needs are different from the need of those who do not share that particular characteristic. As explained above, we believe that the amendments are largely positive for victims, whether they share a protected characteristic or not.

Fostering good relations

Consideration has been given to this objective. The changes, particularly those aimed at raising victims' and criminal justice practitioners' awareness of victims' rights under the Code, could tackle prejudice and help promote understanding between people from different groups. If effective, the changes will make it more likely that victims with protected characteristics receive their rights under the Code, which may result in increasing their confidence in the Criminal Justice System. Some ethnic groups have consistently lower confidence in the police. For example, from 2013/14 to 2017/18 a lower percentage of Black Caribbean people said they had confidence in their local police compared with White British people⁸.

Decision Making

In conclusion the assessments above indicate that the proposed changes to the Code do nothing to hinder the PSED duties and in some cases may help to progress them. Therefore, the decision is to proceed with the changes.

Monitoring and Evaluating

Last year we issued to Offices for Police and Crime Commissioners and Local Criminal Justice Partnerships the first iteration of a framework for monitoring compliance with the Victims' Code. Any further iterations will take into account changes to the Victims' Code and any enforcement measures included in the future Victims' Law.

Characteristics of adults who were victims of CSEW personal crime (excluding fraud and computer misuse) and all adults, year ending March 2019 CSEW

England and Wales	Adults aged 16 and over	
Personal characteristic ¹	Victims of personal crime (excluding fraud and computer misuse) ²	All adults ³
	Percentage	
Sex		
Male	53.8	49.0
Female	46.2	51.0
Age		
16-24	25.8	12.8
25-34	22.6	17.1
35-44	14.7	15.8
45-54	15.8	17.2
55-64	11.5	14.8
65-74	6.0	12.5
75+	3.5	9.9
Ethnic group		
White	87.3	86.3

⁸ <https://www.ethnicity-facts-figures.service.gov.uk/crime-justice-and-the-law/policing/confidence-in-the-local-police/latest>

Mixed/Multiple	2.0	1.4
Asian/Asian British	5.3	8.2
Black/African/Caribbean/Black British	4.4	3.0
Other ethnic group	1.1	1.1
Marital status		
Married/civil partnered	32.6	49.7
Cohabiting	14.8	12.8
Single	41.5	24.7
Separated	2.8	1.8
Divorced/legally dissolved partnership	5.4	5.2
Widowed	2.9	5.8
Disability⁴		
Disabled	22.9	16.9
Not disabled	77.1	83.1
Religion		
No religion	47.5	38.1
Christian	45.1	52.7
Buddhist	0.9	0.5
Hindu	0.9	1.6
Jewish	0.5	0.5
Muslim	4.0	5.3
Sikh	0.4	0.8
Other	0.7	0.5
Unweighted base - number of adults ⁵	1,276	34,163
Sexual orientation⁶		
Heterosexual/straight	91.3	96.0
Gay/lesbian	2.2	1.6
Bisexual	4.9	1.6
Other	1.5	0.8
Unweighted base - number of adults ⁷	1,118	27,366

Source: Office for National Statistics - Crime Survey for England and Wales

1. See Section 7.3 of the [User Guide](#) for definitions of personal characteristics.

2. Personal crime includes violence, robbery, theft from the person and other theft of personal property.

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

4. The definition of disability used is consistent with the core definition of disability under the Equality Act 2010. A person is considered to have a disability if they have a long-standing illness, disability or impairment which causes difficulty with day-to-day activities.

5. Unweighted base refers to respondent sex; other bases will be similar.

6. The terminology used to label this data has been changed to 'sexual orientation' from 'sexual identity' to align with terminology used in legislation (Equality Act 2010). Sexual Orientation is an umbrella concept which encompasses sexual identity, attraction and behaviour. This question described within this principle is based on a substantial body of research and is designed to capture self-perceived Sexual Identity. An individual could respond differently to questions on either sexual identity, attraction or behaviour. The measurement of Sexual Identity was identified within the research as the component of Sexual Orientation most closely related to experiences of disadvantage and discrimination. The question was not designed for specific or detailed studies of sexual behaviour or attraction where a series of more detailed questions and answer categories might be more appropriate.

7. The question on the sexual orientation of respondents is asked in the self-completion module of the questionnaire, which is only asked of 16-74 year olds. Therefore, the unweighted base for sexual orientation is lower.