

<b>Title:</b> Updating the Code of Practice for Victims of Crime  <b>IA No:</b> MoJ054/2020  <b>RPC Reference No:</b> N/A  <b>Lead department or agency:</b> Ministry of Justice  <b>Other departments or agencies:</b>	<b>Impact Assessment (IA)</b>			
	<b>Date:</b> 16 October 2020			
	<b>Stage:</b> Government Response			
	<b>Source of intervention:</b> Domestic			
	<b>Type of measure:</b> Secondary legislation			
	<b>Contact for enquiries:</b> Nick Peel, Senior Policy Advisor, Victim Policy, Ministry of Justice <b>Tel:</b> 07977 219569 <b>Email:</b> nick.peel@justice.gov.uk			
<b>Summary: Intervention and Options</b>			<b>RPC Opinion:</b> N/A	

Cost of Preferred (or more likely) Option (in 2019 prices)			
Total Net Present Social Value	Business Net Present Value	Net cost to business per year	Business Impact Target Status
-£1.1m	£m	£m	Not a qualifying provision
<p><b>What is the problem under consideration? Why is government intervention necessary?</b></p> <p>The Victims' Code (Code) is the main vehicle for communicating to victims what their rights are, but requires improvement. There are issues with complexity and accessibility of the Code in its current form which means victims are not aware of or are able to clearly understand their rights.</p>			

<p><b>What are the policy objectives and the intended effects?</b></p> <p>Simplifying the Code, improving its accessibility, updating the rights to better meet victims' needs and ensuring that the right support is available at the right time. Doing so will assist in enabling victims to receive the information and support they need; not be re-traumatised by their experience; and whatever the outcome, be more satisfied with the Criminal Justice System (CJS).</p>
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<p><b>What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)</b></p> <p><b>Option 0: Do nothing. Continue with the existing Code, including the current set of obligations.</b></p> <p><b>Option 1 (preferred): Implement the revised Code</b></p> <ul style="list-style-type: none"> <li>Option 1(a) – Redraft the Code so that it is restructured around 12 overarching rights and so that victims are the primary audience.</li> <li>Option 1(b) – Victim-led frequency and method of communication.</li> <li>Option 1(c) – Greater discretion as to when victims are offered the opportunity to make a Victim Personal Statement.</li> <li>Option 1(d) – Increased support for the victims of mentally disordered offenders and eligible victims of unrestricted patients to be assigned Victim Liaison Officers (VLOs).</li> <li>Option 1(e) – Support – Amend the Code to make it clearer that victims have the right to access support without reporting a criminal offence and that they have the right to access and receive support after the conclusion of their case.</li> <li>Option 1(f) – Specialised support – discretion to allow a wider range of victims to be offered enhanced rights.</li> </ul> <p><b>Option 1</b> is the preferred option as it meets the policy objectives and ensures that a government commitment is met.</p>
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<p><b>Will the policy be reviewed?</b> It will be reviewed internally 3 years from commencement, followed by a formal review 5 years from commencement.</p>						
Does implementation go beyond minimum EU requirements?			N/A			
Is this measure likely to impact on international trade and investment?			No			
Are any of these organisations in scope?			Micro No	Small No	Medium No	Large No
What is the CO <sub>2</sub> equivalent change in greenhouse gas emissions? (Million tonnes CO <sub>2</sub> equivalent)			<b>Traded:</b> N/A		<b>Non-traded:</b> N/A	

***I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.***

Signed by the responsible SELECT SIGNATORY: ..... Date: \_\_\_\_\_

# Summary: Analysis & Evidence

Policy Option 1(a)

Description: Redraft the Code so that it is restructured around 12 overarching rights and so that victims are the primary audience – amalgamating existing entitlements under those rights.

## FULL ECONOMIC ASSESSMENT

Price Base Year NQ	PV Base Year NQ	Time Period Years NQ	Net Benefit (Present Value (PV)) (£m)		
			Low: N/A	High: N/A	Best Estimate: N/A
<b>COSTS (£m)</b>	<b>Total Transition (Constant Price) Years</b>		<b>Average Annual (excl. Transition) (Constant Price)</b>		<b>Total Cost (Present Value)</b>
Low	N/A		N/A		N/A
High	N/A		N/A		N/A
Best Estimate					
<b>Description and scale of key monetised costs by 'main affected groups'</b>					
It has not been possible to identify any monetised costs associated with this option.					
<b>Other key non-monetised costs by 'main affected groups'</b>					
A simplified Code may mean that victims will find it easier to understand what their rights are and demand these rights. This could lead to increased demand from victims for compliance from agencies which could incur costs. However, we cannot gauge the likelihood of this occurring.					
All criminal justice agencies required to provide services to victims of crime under the Code may need to update their guidance so that it reflects the new Code, with associated costs.					
<b>BENEFITS (£m)</b>	<b>Total Transition (Constant Price) Years</b>		<b>Average Annual (excl. Transition) (Constant Price)</b>		<b>Total Benefit (Present Value)</b>
Low	N/A		N/A		N/A
High	N/A		N/A		N/A
Best Estimate					
<b>Description and scale of key monetised benefits by 'main affected groups'</b>					
It has not been possible to identify any monetised benefits associated with this option.					
<b>Other key non-monetised benefits by 'main affected groups'</b>					
Victims would be provided with a clear set of overarching rights setting out what they can expect from criminal justice agencies at every stage of the criminal justice process. Victims and victims' groups have told us that the current Code is difficult to understand. This option should increase transparency and may lead to improved victim satisfaction through enabling greater understanding amongst victims of their rights.					
A simplified system may improve transparency, local accountability and make it easier for agencies to monitor compliance of victims' rights under the Code.					
<b>Key assumptions/sensitivities/risks</b>					<b>Discount rate (%)</b>
None.					N/A

## BUSINESS ASSESSMENT (Option 1(a))

Direct impact on business (Equivalent Annual) £m:			Score for Business Impact Target (qualifying provisions only) £m:
Costs:	Benefits:	Net:	

# Summary: Analysis & Evidence

Policy Option 1(b)

Description: Information and communication – regular communication with the victim

## FULL ECONOMIC ASSESSMENT

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

COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	N/A	N/A	N/A	N/A
High	N/A		N/A	N/A
Best Estimate	N/A		N/A	N/A

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

It has not been possible to identify any monetised costs associated with this option.

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

Under the existing Code, the police will inform the victim following a discussion with them on how often they will receive updates on the status of the case. Making the frequency and method of contact more victim-led and, where the police cannot comply, requiring that they explain why, may mean that the police incur additional costs. We cannot quantify the potential costs as we have no data on the preferences of victims regarding communication. No information on the topic was forthcoming from police respondents to the consultation.

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

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

It has not been possible to identify any monetised benefits associated with this option.

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

Victims have told us that information about their case and explaining the Criminal Justice System (CJS) are their key priorities and that these are associated with their overall satisfaction with the CJS. Also, victims and witnesses who are satisfied with their contact are more likely to be willing to engage with the CJS again in future. Therefore, improving victim awareness of support provided to victims throughout the process may also improve victims' engagement with the CJS. This could lead to an increase in victims' participation in the system by raising the likelihood that they report crimes and come forward to give evidence, thereby improving the effectiveness of the CJS as a whole. Improved contact with the victim may also increase victim satisfaction levels and reduce victim attrition levels.

<b>Key assumptions/sensitivities/risks</b>	<b>Discount rate (%)</b>	N/A
None.		

## BUSINESS ASSESSMENT (Option 1(b))

<b>Direct impact on business (Equivalent Annual) £m:</b>			<b>Score for Business Impact Target (qualifying provisions only) £m:</b>
<b>Costs:</b>	<b>Benefits:</b>	<b>Net:</b>	

# Summary: Analysis & Evidence

Policy Option 1(c)

Description: Victims' Voice – Victim Personal Statement

## FULL ECONOMIC ASSESSMENT

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV)) (£m)		
			Low: N/A	High: N/A	Best Estimate: N/A
<b>COSTS (£m)</b>		<b>Total Transition</b> (Constant Price) Years	<b>Average Annual</b> (excl. Transition) (Constant Price)	<b>Total Cost</b> (Present Value)	
Low	N/A	N/A	N/A	N/A	
High	N/A		N/A	N/A	
Best Estimate	N/A		N/A	N/A	
<b>Description and scale of key monetised costs by 'main affected groups'</b>					
It has not been possible to identify any monetised costs associated with this option.					
<b>Other key non-monetised costs by 'main affected groups'</b>					
Where victims request a copy of their Victim Personal Statement (VPS), there will be additional costs, as this is an additional right under the Code. There may be additional costs for the Crown Prosecution Service (CPS) in ensuring that the VPS is contained within the court file, if the changes to the Code lead to a greater uptake of VPS's. Witness Care Units (WCU's), mainly staffed by the police, may incur administrative and training costs for offering and recording the VPS. However, this would be a one-off cost as they adjust to the new process. Also, there would be additional costs if there was an increase in VPS uptake with the knock-on effect of increasing the number of VPSs considered and/or read out as part of sentencing proceedings in court.					
<b>BENEFITS (£m)</b>		<b>Total Transition</b> (Constant Price) Years	<b>Average Annual</b> (excl. Transition) (Constant Price)	<b>Total Benefit</b> (Present Value)	
Low	N/A	N/A	N/A	N/A	
High	N/A		N/A	N/A	
Best Estimate	N/A		N/A	N/A	
<b>Description and scale of key monetised benefits by 'main affected groups'</b>					
It has not been possible to identify any monetised benefits associated with this option.					
<b>Other key non-monetised benefits by 'main affected groups'</b>					
Increasing engagement with victims may improve victims' engagement with the CJS. Victims would be less traumatised and the VPS provided would be better quality and more likely to be used by court. VPS's would not be taken unnecessarily – there could be possible savings for police if it is only offered at charge (only 6% of reported crime reaches that stage). However, we have been unable to identify any evidence for significant cost savings.					
<b>Key assumptions/sensitivities/risks</b>				<b>Discount rate (%)</b>	N/A
None.					

## BUSINESS ASSESSMENT (Option 1(c))

Direct impact on business (Equivalent Annual) £m:			Score for Business Impact Target (qualifying provisions only) £m:
Costs:	Benefits:	Net:	

# Summary: Analysis & Evidence

Policy Option 1(d)

Description: Support for the victims of mentally disordered offenders

## FULL ECONOMIC ASSESSMENT

Price Base Year	PV Base Year	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: -1.1	High: -2.2	Best Estimate: -1.1

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	N/A	0.14	0.14
High	N/A	0.30	0.30
Best Estimate	N/A	0.14	0.14

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

There would be costs to the HMPPS associated with allocating VLOs for victims of unrestricted Mentally Disordered Offenders (MDOs). The annual cost in steady-state is estimated to be £0.14m.

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

There would be some non-monetised costs associated with offering training and guidance for VLOs. There would also be some non-monetised administrative costs to the HMPPS Victims Team.

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

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

It has not been possible to identify any monetised benefits associated with this option.

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

The option to allocate VLO's to victims of unrestricted MDO's is likely to have a positive impact on these victims' experience of the CJS as well as build confidence. It would also enable the provision of information to victims.

Key assumptions/sensitivities/risks	Discount rate (%)	3.5
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- The opt-in rate for victims of unrestricted patients will be the same as that for victims of restricted patients.
- The estimated average sentence for unrestricted patients is accurate and remains the same.
- On average each unrestricted MDO will only have one victim.

## BUSINESS ASSESSMENT (Option 1(d))

Direct impact on business (Equivalent Annual) £m:			Score for Business Impact Target (qualifying provisions only) £m:
Costs:	Benefits:	Net:	

# Summary: Analysis & Evidence

Policy Option 1 (e)

Description: Awareness of Support – Clearer information about the ability to access support:

## FULL ECONOMIC ASSESSMENT

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV)) (£m)		
			Low: N/A	High: N/A	Best Estimate: N/A
<b>COSTS (£m)</b>	<b>Total Transition (Constant Price) Years</b>		<b>Average Annual (excl. Transition) (Constant Price)</b>		<b>Total Cost (Present Value)</b>
Low	N/A		N/A		<b>N/A</b>
High	N/A		N/A		<b>N/A</b>
Best Estimate	N/A		N/A		<b>N/A</b>
<b>Description and scale of key monetised costs by 'main affected groups'</b>					
It has not been possible to identify any monetised costs associated with this option.					
<b>Other key non-monetised costs by 'main affected groups'</b>					
If more victims (including those who did not report the crime to the police) were made aware of their right to support both before and after the outcome of their case, this may lead to a general increase in demand for victim support services, which would impact victim support service providers, including Police and Crime Commissioners.					
<b>BENEFITS (£m)</b>	<b>Total Transition (Constant Price) Years</b>		<b>Average Annual (excl. Transition) (Constant Price)</b>		<b>Total Benefit (Present Value)</b>
Low	N/A		N/A		<b>N/A</b>
High	N/A		N/A		<b>N/A</b>
Best Estimate	N/A		N/A		<b>N/A</b>
<b>Description and scale of key monetised benefits by 'main affected groups'</b>					
It has not been possible to identify any monetised benefits associated with this option.					
<b>Other key non-monetised benefits by 'main affected groups'</b>					
More victims might receive the support they need to help them cope and, and as far as possible, recover. As a result, they may be more satisfied with their treatment regardless of the outcome of their case.					
<b>Key assumptions/sensitivities/risks</b>					<b>Discount rate (%)</b>
None.					

## BUSINESS ASSESSMENT (Option 1(e))

<b>Direct impact on business (Equivalent Annual) £m:</b>			<b>Score for Business Impact Target (qualifying provisions only) £m:</b>
<b>Costs:</b>	<b>Benefits:</b>	<b>Net:</b>	

# Summary: Analysis & Evidence

Policy Option 1(f)

Description: Specialist support – Amending definition of ‘enhanced entitlements’ to encourage greater referral to specialist support and victims being contacted sooner after key decisions.

## FULL ECONOMIC ASSESSMENT

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV)) (£m)		
			Low: N/A	High: N/A	Best Estimate: N/A
<b>COSTS (£m)</b>	<b>Total Transition (Constant Price) Years</b>		<b>Average Annual (excl. Transition) (Constant Price)</b>		<b>Total Cost (Present Value)</b>
Low	N/A		N/A		N/A
High	N/A		N/A		N/A
Best Estimate	N/A		N/A		N/A
<b>Description and scale of key monetised costs by ‘main affected groups’</b>					
It has not been possible to identify any monetised costs associated with this option.					
<b>Other key non-monetised costs by ‘main affected groups’</b>					
Providers using their discretion to offer a referral to specialist support providers, where available, may lead to an increase in demand for such services. This may have an impact on the ability of victim support organisations to meet demand for their services, leading to longer waiting lists.					
<b>BENEFITS (£m)</b>	<b>Total Transition (Constant Price) Years</b>		<b>Average Annual (excl. Transition) (Constant Price)</b>		<b>Total Benefit (Present Value)</b>
Low	N/A		N/A		N/A
High	N/A		N/A		N/A
Best Estimate	N/A		N/A		N/A
<b>Description and scale of key monetised benefits by ‘main affected groups’</b>					
It has not been possible to identify any monetised benefits associated with this option.					
<b>Other key non-monetised benefits by ‘main affected groups’</b>					
More victims might receive the support they need to help them cope, and as far as possible, recover.					
More victims accessing specialist support may lead to victims reporting crime and reducing drop-out. If this is the case it may lead to more cases reaching trial, thereby increasing the effectiveness of the CJS.					
<b>Key assumptions/sensitivities/risks</b>					<b>Discount rate (%)</b>
None.					

## BUSINESS ASSESSMENT (Option 1(f))

Direct impact on business (Equivalent Annual) £m:			Score for Business Impact Target (qualifying provisions only) £m:
Costs:	Benefits:	Net:	

## **A. Background**

1. This Impact Assessment (IA) focuses on changes to the Code of Practice for Victims of Crime (Victims' Code), which is a statutory Code that sets out the minimum levels of services that victims of crime should receive from criminal justice agencies and other organisations in England and Wales. The Code enables victims to receive the information they need about their case and the Criminal Justice System (CJS), so that they can navigate the justice process and understand what to expect. It also entitles them to be referred to victim support services to help them cope and, as far as possible, recover from the impact of the crime.
2. The Code came into effect in 2006, as a statutory requirement the Domestic Violence, Crime and Victims Act 2004. It built on the support for victims within the Victims' Charter, which was introduced in 1990 and which set out for the first time the levels of service victims of crime should expect. The Code was updated in 2013 and again in 2015, the latter primarily to ensure transposition of Directive 2012/29/EU of the European Parliament and the Council (the Victims Directive), which came into force on 16 November 2015.
3. On 10 September 2018 the Ministry of Justice (MoJ) published a cross-government Victims Strategy. The previous government committed in the strategy to amend the Code to address its complexity, accessibility, language and update the rights so that they are better reflective of victims' needs. An initial consultation on proposals to revise the Code was then held from September to October 2019.
4. A further consultation on a draft revised Code was held from 5 March 2020 to 28 May 2020. It was also accompanied by an initial IA upon which this IA is based. We received 315 responses from a wide-range of organisations and members of the public.
5. As part of this consultation we asked respondents whether they were aware of any evidence or sources of information, that would help us to understand and assess equality and economic impacts in greater detail, and what they thought the impacts would be.

## **B. Rationale & Policy Objectives**

### **Rationale**

6. The conventional economic approach to government intervention is based on efficiency or equity arguments. The government may consider intervening if there are strong enough failures in the way markets operate (e.g. monopolies overcharging consumers) or there are strong enough failures in existing government interventions (e.g. waste generated by misdirected rules). The proposed new interventions should avoid creating a further set of disproportionate costs and distortions. The government may also intervene for equity (fairness) and redistributive reasons (e.g. to reallocate goods and services to the more needy groups in society).
7. The rationale for intervention in this case is on the grounds of equity. The proposals aim to improve victims' experience of the CJS by simplifying the complex structure and language of the current Code, making it more victim focussed, and slightly updating the services that victims should receive to better meet the needs of victims.

### **Policy objectives**

8. As the Victims Strategy made clear, every victim's journey is different. This can mean that for some the impact may be small and quickly left behind, but for others the impact can be more distressing and longer-lasting, and as a consequence, the support they need to cope, and as far as possible recover, is far greater.
9. We proposed a series of changes to the Code which focused on the following 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 VPS process. Overall the various options proposed received the support of the majority of respondents.

10. With regards to the restructuring and slimming down the Code, 88% of responses to the question on this agreed with changing the structure to a smaller number of overarching rights. They thought that it would make the Code clearer and easier to understand for both victims and criminal justice practitioners. Others commented that the simplified structure would assist with monitoring compliance of the Code.
11. The main concern with restructuring the Code around key rights and shortening it down was that there was a lack of information about Restorative Justice. We have addressed these concerns by increasing the information on Restorative Justice in the revised Code.
12. These changes predominately relate to how services are presented in the Code to victims and criminal justice practitioners. Unless specifically stated within this IA, we assume that the level of provision, timing and scope of services under this proposed Code will be equivalent to those provided under the current version of the Code.

## C. Affected Stakeholder Groups, Organisations and Sectors

13. The main groups affected by the options assessed in this IA are as follows:

- Victims of crime.
- Wider society.
- The agencies with specific obligations under the Code, which are:
  - The Criminal Cases Review Commission
  - The Criminal Injuries Compensation Authority
  - The Crown Prosecution Service
  - The First-tier Tribunal (Criminal Injuries Compensation)
  - Her Majesty's Courts and Tribunals Service
  - Her Majesty's Prison Service
  - HMPPS
  - The Parole Board
  - Police and Crime Commissioners
  - All police forces in England and Wales, the British Transport Police and the Ministry of Defence Police
  - Providers of probation services, hereafter referred to as probation trusts
  - The UK Supreme Court
  - Witness Care Units (WCU)
  - Youth Offending Teams

### Note on territorial application

14. The proposals as set out in this IA will have effect in England and Wales only. The measures adopted to transpose the EU Victims Directive establishing minimum standards on the right to support and protection of victims of crime differed in Scotland, Northern Ireland and Gibraltar.

## D. Description of Options Considered

15. To meet the policy objectives, the following options have been assessed:

**Option 0 – Do Nothing:** This option is to continue with the existing Code, including the current set of obligations. This is the “do nothing” option. While there are no costs associated with this option, it does not meet the previous government’s commitments in the Victims Strategy, which have been publicly reiterated by this government. Furthermore, it would be difficult to justify this option after we have identified issues with the Code, not only in the Victims Strategy but also in last year’s consultation.

**Option 1 (preferred):** This option would implement a revised Code, consisting of several proposals. Option 1 is the preferred option as it meets the policy objectives and ensures that a government commitment is met.

- **Option 1(a) Accessibility:** The revised Code would be simplified to one chapter from the existing five chapters and victims would be the primary audience. The complex structure of the existing Code would also be changed so that the revised version clearly sets out 12 overarching rights that victims are entitled to receive and also make it clear at what point in the justice process victims should receive them.
- To help ensure that practitioners are clear on the 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.
- **Option 1(b) Improved engagement:** This option would move 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 is 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 would put a duty on the service provider to explain why.
- **Option 1(c) Victims' Voice – Victim Personal Statement (VPS):** The current Code requires that victims are offered the opportunity to make a VPS at the same point that the witness statement is taken. Under the revised Code service providers have more flexibility on the timing of the offer, for example by offering the opportunity to make a VPS when a suspect is charged. However, victims must still be provided with the option of providing a VPS when they report a crime. Furthermore, victims would now be able to request a copy of their VPS.
- **Option 1(d) Support for victims of mentally disordered offenders:** Victim Liaison Officers (VLOs) are best placed to support victims of unrestricted patients<sup>1</sup> under the Victim Contact Scheme (VCS). VLOs are already assigned to victims of restricted patients and this option would extend their role to include support for victims of unrestricted patients. This would bring greater parity in rights for these victims, ensuring consistency in the level of information and the way it is provided.
- **Option 1(e) Access to Support – Awareness of Support:** The revised Code includes clearer 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.
- **Option 1(f) Specialist Support:** Whilst retaining the existing eligibility categories for access to specialist support, this makes it clearer that service providers have the discretion to offer enhanced support to victims who fall outside the scope of the existing categories.

## E. Cost and Benefit Analysis

16. This IA follows the procedures and criteria set out in the IA Guidance and is consistent with the HM Treasury Green Book.
17. Where possible, IAs identify both monetised and non-monetised impacts on individuals, groups and businesses in England and Wales with the aim of understanding what the overall impact on society might be from the proposals under consideration. IAs place a strong focus on monetisation of costs and benefits. There are often, however, important impacts which cannot sensibly be monetised. Impacts in this IA are therefore interpreted broadly, to include both

monetisable and non-monetisable costs and benefits, with due weight given to those that are not monetised.

17. The costs and benefits of each option are compared to option 0, the counterfactual or 'do nothing' option. As the counterfactual is compared to itself, the costs and benefits are necessarily zero, as is its net present value (NPV).

**Option 1(a): Information and communication – Redraft the Code so that it is restructured around 12 overarching rights and so that victims are the primary audience.**

**Costs of Option 1(a)**

Monetised costs

18. It has not been possible to identify any monetised costs associated with this option.

Non-monetised costs

19. A simplified Code may mean that victims will find it easier to understand what their rights and demand said rights. This could lead to increased demand from victims which could incur costs. It is also intended that by making the Code more accessible this will lead to greater confidence amongst victims in the CJS. However, we cannot gauge the likelihood of these occurring.
20. All criminal justice agencies required to provide services to victims of crime under the Code may need to update guidance so that it reflects the new Code, with associated costs.

**Benefits of Option 1(a)**

Monetised benefits

21. It has not been possible to identify any monetised benefits associated with this option.

Non-monetised benefits

22. Victims would be provided with a clear set of overarching rights setting out what they can expect from criminal justice agencies at every stage of the criminal justice process. The revised Code would be victim focussed and could be read as a manual, allowing the victim to track their rights throughout their journey through the process. Victims and victims' groups have told us that the current Code is difficult to understand. This option should increase transparency and may lead to improved victim satisfaction through greater understanding of their rights.
23. A simplified system may improve transparency, local accountability and make it easier for agencies to monitor compliance of victims' rights under the Code.

**Option 1(b): Service provider (i.e. police in most cases) to agree regularity of contact with victim and medium (e.g. by text, email, phone call etc.).**

**Costs of Option 1(b)**

Monetised costs

24. It has not been possible to identify any monetised costs associated with this option.

Non-monetised costs

25. Under the existing Code, the police will inform the victim how often they will receive updates on the status of the case following a discussion with the victim. Making the frequency and method of contact more victim-led and, where the police cannot comply, requiring that the police explain

why, may mean that the police incur additional costs. We cannot quantify the potential costs as we have no data on the preferences of victims regarding communication.

## **Benefits of Option 1(b)**

### Monetised benefits

26. It has not been possible to identify any monetised costs associated with this option.

### Non-monetised benefits

27. Victims have told us that information about their case and explaining the CJS are key priorities for them and these are associated with their overall satisfaction. Also, victims' and witnesses who are satisfied with their contact with the CJS are more likely to be willing to engage again in future. Therefore, improving victim awareness of support provided to victims throughout the process may also improve victims' engagement with the CJS, increasing victims' participation in the system by increasing the likelihood that they report crimes and come forward to give evidence, thereby improving the effectiveness of the CJS as a whole.

28. Improved contact with the victim may increase victim satisfaction levels and reduce attrition levels of victim engagement with the CJS.

## **Option 1(c): Victims' Voice – Victim Personal Statement (VPS) – Service providers given more discretion as to when victims are offered the opportunity to make a VPS.**

## **Costs of Option 1(c)**

### Monetised costs

29. It has not been possible to identify any monetised costs associated with this option.

### Non-monetised costs

30. Under the current Code victims must be offered the opportunity to make a VPS at the point that they provide a witness statement and do not have the right to request a copy of the VPS. Therefore, under this option, new rights would be created for victims.

31. Where victims request a copy of their VPS, there would be additional costs to provide them with this as it is an additional right under the Code.

32. There may be additional costs for the CPS in ensuring that the VPS is contained within the court file if the changes to the Code lead to an uptake in VPS's.

33. Witness Care Units, which are mainly staffed by the police, may incur administrative and training costs for offering and recording the VPS. However, this would be a one-off cost as they adjust to the new process. There would also be additional costs if an increase in VPS uptake had the knock-on effect of increasing the number of VPSs consider and/or read out as part of sentencing proceedings in court.

## **Benefits of Option 1(c)**

### Monetised benefits

34. It has not been possible to identify any monetised benefits associated with this option.

## Non-monetised benefits

35. Only 14% of victims in the year ending 2019<sup>2</sup> who reported the crime to the police recalled being offered the opportunity to make a VPS. We are proposing that CJS agencies are provided with more flexibility around the VPS process. Specifically, around when a VPS is offered and, if the offer is accepted, that the victim will be able to request a copy to help them to decide when/if it requires updating to reflect the evolving impact of the crime.
36. By offering victims the chance to make a VPS at a later stage, rather than at the same time as giving their witness statement, it will allow traumatised victims, who may struggle to take in the information so soon after a crime takes place, to understand the implications of making such a statement. Victims will be more likely to understand the implications of providing a VPS which does not comply with the guidance provided, e.g. an opinion on the sentence or punishment. 95% of the respondents to the consultation supported this change, with many of them agreeing that the current offer of the VPS came too soon after the incident.
37. By providing greater flexibility on when the VPS is offered, a greater proportion of those taken could be used in sentencing proceedings. Currently only 46% of victims who make a VPS felt it was taken into account by the CJS (CSEW 2019)<sup>3</sup>. If fewer VPSs are taken unnecessarily then victims may be less likely to be disappointed when it is not used. Also, better quality VPSs may lead to greater confidence amongst the judiciary in the use of the VPS, which would further bolster victim confidence that their VPS is taken into account.
38. There could be a reduction in costs for the police. Between April 2019 and September 2019, 6% of reported crimes resulted in a charge<sup>4</sup> which contrasts with the 14% of victims in the CSEW who recall the offer of a VPS. Even assuming that the CSEW figure does not represent an underestimate (due to victims forgetting that the opportunity to make a VPS was offered), this means that if Witness Care Units take the VPS at the point of charge then there could be a significant reduction in the use of police resources to explain and take VPSs from victims. It will also mean that it will be easier to monitor whether victims are receiving the opportunity to make a VPS.

## **Option 1(d): Mentally disordered offenders (MDOs) – Increased support for the victims of mentally disordered offenders.**

### **Costs of Option 1(d)**

#### *Monetised costs*

39. There would be costs associated with allocating Victim Liaison Officers (VLOs) from the National Probation Service to victims of unrestricted patients.
40. The cost per victim supported by a VLO is estimated on average to be approximately £250 per annum. This is based on staff costs of £10.2m for the VCS divided by the number of victims supported by the VCS.
41. We estimate 300 unrestricted patients per year, with a two year stay in hospital and two further years on Community Treatment Order. Assuming one victim per offender, this gives an additional 300 victims who need to be supported each year whilst the offender is in hospital or Community Treatment Order. In steady-state, assuming sentence lengths and volumes remain constant, this is the equivalent of an additional 1200 victims being supported each annum. The estimated cost per annum in steady-state to supporting all victims of unrestricted patients is £0.3m.

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<sup>2</sup> Proportion of incidents in which victims were given the opportunity by police to make a Victim Personal Statement and how it was used, year ending March 2019 CSEW  
<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/adhocs/010259proportionofincidentsinwhichvictimsweregiventheopportunitybypolice tomakeavictimpersonalstatementandhowitwasusedyearendingmarch2019csew>

<sup>3</sup> Proportion of incidents in which victims were given the opportunity by police to make a Victim Personal Statement and how it was used, year ending March 2019 CSEW

<sup>4</sup> Outcomes open data April 2019 to September 2019 (published 23<sup>rd</sup> Jan, 2020) <https://www.gov.uk/government/statistics/police-recorded-crime-open-data-tables>

42. Assuming an opt-in rate for victims of 47% (the current opt-in for victims of restricted MDO), this would mean the annual cost would be £0.14m in steady-state.

#### *Non-monetised costs*

43. There would be some non-monetised costs associated with offering training and guidance for VLOs. There would also be some non-monetised administrative costs to the HMPPS Victims Team.

### **Benefits of Option 1(d)**

#### *Monetised benefits*

44. It has not been possible to identify any monetised benefits associated with this option.

#### *Non-monetised benefits*

45. Assigning a VLO to victims of unrestricted patients would help ensure that these victims receive the timely information to which they are entitled, without facing the difficulties of contacting hospital managers for updates. This would ensure parity between victims of unrestricted and restricted patients, in so far that each unrestricted and restricted patient will have a dedicated VLO. VLOs are trained to provide support and information to victims who have joined the VCS. It will also help to ensure that these victims are not re-traumatised by the CJS and will give them great confidence in the CJS.

**Option 1(e): Awareness of Support – amend the Victims’ Code to make it clearer that victims have the right to access support without reporting a criminal offence and that they have the right to access and receive support after the conclusion of their case.**

### **Costs of Option 1(e)**

#### Monetised costs

46. It has not been possible to identify any monetised costs associated with this option.

#### Non-monetised costs

47. If more victims (including those who did not report the crime to the police) were made aware of their entitlements to support both before and after the outcome of their case, this may lead to an increase in demand for victim support services generally, which will impact victim support service provider including Police and Crime Commissioners.

### **Benefits of Option 1(e)**

#### Monetised benefits

48. It has not been possible to identify any monetised benefits associated with this option.

#### Non-monetised benefits

49. If victims are made more aware of their entitlements to support under the Code, they may feel better supported which may improve victims’ engagement with the CJS. It may also increase victims’ participation in the system by raising the likelihood that they report crimes and come forward to give evidence and thereby improving the effectiveness of the CJS as a whole.

50. If victims are aware of their right to support after their case has been stopped or has concluded (either with a conviction or acquittal) they will be more likely to access it and as a result be satisfied with the treatment they receive from the CJS.

## **Option 1(f): Specialist support**

### **Costs of Option 1(f)**

#### **Monetised costs**

51. It has not been possible to identify any monetised costs associated with this option.

#### **Non-monetised costs**

52. Service providers using their discretion to offer a referral to specialist support providers, where available, may lead to an increase in demand for such services. This may have an impact on the ability of victim support organisations to meet demand for their services leading to longer waiting lists.

### **Benefits of Option 1(e)**

#### **Monetised benefits**

53. It has not been possible to identify any monetised benefits associated with this option.

#### **Non-monetised benefits**

54. More victims might receive the support they need to help them cope and, as far as possible recover. As a result, they may be more likely to be satisfied with their treatment regardless of the outcome of their case.

## **A. Assumptions and Risks**

55. This IA assumes that the level of provision, timing and scope of services under this proposed Code will be equivalent to those provided under the current Victims Code unless otherwise in stated.

56. One key risk is that as victims become more aware of their rights, there may be an increase in expectations on service providers to ensure they are provided.

57. Another key risk is the potential for increased demand on victims' services and associated funding. The level of this risk cannot be assessed accurately due to limited data on agency compliance with the Code or levels of uptake of services by victims.

## **G. Wider Impacts**

58. An Equality Impact Assessment has been completed and will be published alongside this Impact Assessment.

59. These proposals do not meet the definition of regulation under the Small Business Enterprise and Employment Act 2015. Any costs which arise will not score against the department's business impact target and will be met by the MoJ and relevant agencies.

## **H. Monitoring & Evaluation**

60. In 2019 with the approval of the Criminal Justice Board, MoJ issued the first iteration of a framework for local monitoring of compliance with the Code to be co-ordinated by Local Criminal Justice Partnerships (LCJPs). We will engage with LCJPs and Police and Crime Commissioners to consider how we can best assess the changes at a local level. We will ask national agencies to consider reviewing the effect of the revised Code on their processes as part of existing reporting procedures (e.g. annual reports). The Victims' Commissioner also has a statutory duty under s49(2) of the Domestic Violence, Crime and Victims Act 2004 to keep under review the operation of the Code. Information from these sources and others (e.g. HM Inspectorate reports) will inform an internal interim assessment after

3 years and a post-implementation review, which we will publish, will be conducted 5 years after the Code comes into force.