



Ministry
of Justice

Consultation on Improving the Victims' Code and the Government Response to the 2019 consultation: Proposals for revising the Code of Practice for Victims of Crime

March 2020

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of Justice

Consultation on Improving the Victims' Code and the Government Response to the 2019 consultation: Proposals for revising the Code of Practice for Victims of Crime

Presented to Parliament

by the Lord Chancellor and Secretary of State for Justice

by Command of Her Majesty

March 2020



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Foreword



Being a victim of crime can be life-changing, and how people are treated within the justice system can make a huge difference to their ability to cope and recover. As Victims' Minister I believe it is crucial that victims receive the help and support they need, but this should not be at the expense of them being treated with respect and sensitivity.

Following a commitment made in the first-ever cross-government Victims' Strategy, our initial consultation held last year clearly set out our vision for a Victims' Code (the Code) designed to build both victim confidence and trust in the system. The consultation was aimed at addressing the complexity and accessibility issues with the current Code, updating the entitlements to better meet victims needs and ensuring that the right support is available at the right time. Our latest proposals seek to build on this by changing the structure of the existing Code so it becomes a clearly defined set of rights, that are easy for victims to understand and which set out the minimum level of service they can expect from criminal justice agencies.

Following extensive stakeholder engagement with victims and victims' groups, our proposals focused on a number of 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.

We received a total of 231 responses to our first consultation, from a range of organisations and individuals. I would like to take this opportunity to thank all those who took the time to send us their thoughts and to assure you that we have carefully considered them. In-line with our statutory obligations we are now undertaking this second consultation, which includes a draft revised version of the Code.

We look forward to hearing what you have to say and gauging your views on the changes we are proposing. We want the revised Code to pave the way for a Victims' Law that will guarantee victims their rights, as well as clearly set out the level of support victims should receive through the criminal justice process.

A handwritten signature in black ink, appearing to read 'Alex Chalk'.

Alex Chalk

Parliamentary Under Secretary of State at the Ministry of Justice



Ministry
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Consultation on Improving the Victims' Code

The first part of this document sets out our proposals and questions in respect of our second consultation, "Improving the Victims Code". The second part, sets out the Government Response to our first consultation, "Proposals for revising the Code of Practice for Victims of Crime", which opened on 17 July and closed on 11 September 2019.

This consultation begins on 5 March 2020

This consultation ends on 16 April 2020

About this consultation

- To:** The consultation is aimed at the public, victims of crime, criminal justice agencies, the judiciary, the Commissioner for Victims and Witnesses, organisations that work with and represent victims of crime and all with an interest in the criminal justice system in England and Wales.
- Duration:** From 5 March 2020 to 16 April 2020
- Enquiries (including requests for the paper in an alternative format) to:** Victims Consultation
Victim and Witness Policy Team
Ministry of Justice
7th Floor, 102 Petty France
London SW1H 9AJ
Tel: 07540 272595
Email: Victims.Consultation@justice.gov.uk
- How to respond:** Please respond by 16 April 2020 using the Ministry of Justice's online consultation hub at:
<https://consult.justice.gov.uk/>
You may also send your response via email to:
Victims.Consultation@justice.gov.uk
or in hard copy to:
Victims Consultation
Victim and Witness Policy Team
Ministry of Justice
7th Floor, 102 Petty France
London SW1H 9AJ
- Response paper:** A response to this consultation exercise is due to be published in July 2020 at: <https://consult.justice.gov.uk/>

Introduction

1. The Code of Practice for Victims of Crime (the Code) is a statutory Government document which sets out the minimum level of services that victims of crime should receive from criminal justice agencies and other organisations in England and Wales. It enables victims to receive the information they need about their case, the criminal justice system, and the support services available, so that they can navigate the justice process and make their own informed decisions about what services to access, and what they are entitled to expect.
2. The Code came into effect in 2006, having been required by 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.
3. This consultation is the next step in improving the experience of victims within the justice system and will pave the way for a Victims' Law that will guarantee victims their rights. We now want to hear what you have to say about our proposed changes.

Our Approach

4. We received a total of 231 responses to our first consultation, which opened on 17 July 2019 and closed on 11 September 2019. The consultation invited comments on delivering one of the key commitments included in the cross-government Victims' Strategy published in September 2018, namely, to consult on a revised Victims' Code.
5. This consultation builds on comments we received in response to the first consultation, which have influenced and enabled us to identify the key changes that we believe need to be made. These changes have been reflected in the draft version of the revised Code, which in-line with our statutory obligations under the 2004 Act, is at Annex A.

1. Improving the Victims' Code

- 1.1 **The Government Response to the consultation:** 'Proposals for revising the Code of Practice for Victims of Crime' Code' (Page 19), sets out the main changes we propose to make to the Code. Further proposals not covered in the first consultation, and our questions for the second consultation are covered in this section.
- 1.2 The responses to the 2019 consultation confirmed what many victims have previously told us about the Code's current structure – it is not user-friendly and does not contain practical information to help guide them through the criminal justice process. It is also clear from the comments we have received that the large number of entitlements in the Code, and structure of separate chapters make it extremely difficult, especially for child victims, to fully understand and navigate.
- 1.3 Having taken these views into account, we have structured the draft revised Code (Annex A) so it is focused on a smaller number of overarching rights, and have merged the separate chapters into one, to deliver a shorter more streamlined Code. This approach will ensure that it is easier for victims and practitioners to understand and that the rights it contains are clear and easy to understand.

Questions:

- Q1. Do you think our proposal to restructure the Code into 12 overarching rights is the correct one? Please give reasons for your response.**
- Q2. Do you agree that the rights we have identified cover the most important needs of victims? Please give reasons for your response.**
- Q3. Do you agree that these rights cover the key stages of a victim's journey in the criminal justice system? Please give reasons for your response.**

2. Information

- 2.1 The Code sets out the services and a minimum standard for these services that must be provided to victims of crime in England and Wales. We know that some families bereaved by the murder or manslaughter of British nationals committed outside of the United Kingdom can find it difficult to obtain information about the support available. To assist them, and for the first time, we have included in the draft revised Code, information on support provided by the Foreign and Commonwealth Office (FCO).
- 2.2 We have also included practical information about how victims can access services provided by the National Health Service (NHS) and sign-posted where they can get help and advice if approached by the media.
- 2.3 The 2019 consultation paper highlighted a number of changes within the criminal justice system which are already in force and we have taken these in to account in the draft revised Code. We have also used our review to consider whether other criminal justice processes or schemes should also be reflected, and to those ends have included clear explanations of the functions undertaken by police run Witness Care Units, as well as the court-based Witness Service.
- 2.4 Additional guidance has also been added to the Victim Personal Statements (VPS) section to assist victims when deciding whether they wish to make a VPS. We have also, for the first time, included details of the Unduly Lenient Sentence Scheme, which is administered by the Attorney General's Office, and have placed a duty on Witness Care Units to make victims aware of the scheme when informing them of the sentence.
- 2.5 Stakeholders have also told us that it can sometimes be difficult for victims to understand the process when a Foreign National Offender is being considered for deportation. The draft revised Code therefore explains the role undertaken by the Home Office Victim Support Team. We have also taken the decision to include how victims can receive information, either via their Victim Liaison Officer, if they are part of the National Probation Service Victim Contact Scheme, or directly from the Home Office Victim Support Team.

Questions:

- Q4. We have included more practical advice and information in the draft revised Code, do you agree with our proposed approach? Please give reasons for your response.**
- Q5. Is there any important information that you feel we should also include?**

3. Impact Assessment and Equalities Statement

- 3.1 Both the Impact Assessment and Equalities Statement have been updated to take account of evidence provided by stakeholders, responses to the 2019 consultation and the potential impacts of our proposals.
- 3.2 The Impact Assessment's purpose is to identify the main groups affected by our proposals to revise the Code and the likely costs and benefits to those groups. In summary, it concludes that the preferred option is to implement the revised Code, as it both meets policy objectives and ensures that a Government commitment is met.
- 3.3 The Equality Statement considers the potential effects of the proposals in the context of the need to:
- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - b) advance equality of opportunity between persons who share a relevant "protected characteristic" under the Equality Act and persons who do not share it; and
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.4 The protected characteristics under the Act are race, sex, disability, sexual orientation, religion or belief, age, marriage and civil partnership, gender reassignment, pregnancy and maternity.
- 3.5 We consider that our changes are not directly discriminatory within the meaning of the Equality Act as they apply equally to all victims. Furthermore, we also consider that they do not result in people being treated less favourably because of a protected characteristic.

Questions:

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? Please supply.

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

4. The Draft Revised Code

- 4.1 We believe that the draft revised Code (Annex A) will help victims to better understand the information and services they should be receiving by providing them with a clear set of overarching rights. It also includes practical information about how victims can access services.

Question:

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

Questions

Improving the Victims' Code:

1. Do you think our proposal to restructure the Code into 12 overarching rights is the correct one? Please give reasons for your response.
2. Do you agree that the rights we have identified cover the most important needs of victims? Please give reasons for your response.
3. Do you agree that these rights cover the key stages of a victim's journey in the criminal justice system? Please give reasons for your response.

Information:

4. We have included more practical advice and information in the draft revised Code, do you agree with our proposed approach? Please give reasons for your response.
5. Is there any important information that you feel we should also include?

Impact Assessment and Equalities Statement:

6. 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?
Please supply.
- 6a. If you are aware, what do you believe would be the effect of this evidence/information on our proposals?

The Draft Revised Code:

7. Do you have any further comments about the draft revised Code?

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)	
Date	
Company name/organisation (if applicable):	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details/How to respond

Please respond by 16 April 2020 using the Ministry of Justice's online consultation hub at <https://consult.justice.gov.uk/victim-policy/consultation-on-improving-the-victims-code>

You may also send your response via email to: Victims.Consultation@justice.gov.uk or in hard copy to:

Victims Consultation
Victim and Witness Policy
Ministry of Justice
7th Floor
102 Petty France
London SW1H

Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Ministry of Justice at the above address.

Extra copies

Alternative format versions of this publication can be requested from Victims.Consultation@justice.gov.uk or Victims Consultation, Victim and Witness Policy, Ministry of Justice, 7th Floor, 102 Petty France, London SW1H

Publication of response

A paper summarising the responses to this consultation will be published in three months' time. The response paper will be available on-line at <https://consult.justice.gov.uk/>.

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the General Data Protection Regulation (GDPR) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Ministry.

The Ministry will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Consultation principles

The principles that Government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<https://www.gov.uk/government/publications/consultation-principles-guidance>



Ministry
of Justice

GOVERNMENT RESPONSE TO THE CONSULTATION: PROPOSALS FOR REVISING THE CODE OF PRACTICE FOR VICTIMS OF CRIME

Government Response to the Consultation:
Proposals for revising the Code of Practice for Victims' of Crime

Introduction

1. This document is the Government's response to the outcome of the 2019 consultation: "Proposals for revising the Code of Practice for Victims of Crime Code". It covers:
 - the background to the consultation;
 - a summary of the responses to the consultation;
 - responses to specific questions on our proposals; and
 - conclusions and next steps.

Background

2. The consultation paper 'Proposals for revising the Code of Practice for Victims of Crime'¹ opened on 17 July 2019. It invited comments on delivering one of the key commitments included in the cross-government Victims Strategy² published in September 2018, namely, to consult on a revised Code of Practice for Victims of Crime (the Code).
3. The Victims Strategy identified a number of specific changes we intended to make to the Code, but as work on the review progressed we added to this list. 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. Based on what victims and victims' groups told us, we identified a number of key themes underpinning victims' needs, which more often than not, flow through the criminal justice process from the crime to sentencing and sometimes beyond. Our proposals sought to address the following themes taking into account the principles outlined above:
 - **Information and Communication** – victims told us that timely and accurate information and communication are key to meeting their needs.
 - **Victims' Voice** – victims want to be listened to and their views and needs taken seriously.
 - **Support** – the support for victims should always be of a consistently high quality and accessible to them all.
 - **Specialist Support** – recognition that many victims need access to specialised support.
 - **Accountability** – victims should be confident that they will receive the services to which they are entitled and have redress if this does not happen.
5. The consultation period closed on 11 September 2019 and this document summarises the responses, including how the consultation influenced the draft revised version of the Code at Annex A.
6. A list of respondents to the consultation is at the end of this document.

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

² www.gov.uk/government/publications/victims-strategy

Summary of responses

7. A total of 231 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.

8. The following table breaks down the respondents to the consultation into categories:

Category	Number of Respondents
Academics	4
Associations	6
Criminal Justice Practitioners	35
Government Departments/Agencies	11
Members of the public	63
Office of Police and Crime Commissioners³	35
Police forces⁴	12
Voluntary Organisations	64
Others	1

9. We have analysed the responses for views on and levels of support for our proposals, as well as evidence of the impact.

10. Not all of the respondents answered every question and some respondents opted to submit their response in the form of a more general letter. In these cases, where comments appear to be in response to particular questions, these contributions have been treated for the purpose of analysis as answers to those questions.

11. Some respondents expressed views or made suggestions that did not answer the questions or were out of scope of the consultation. With regard to the more substantive suggestions, 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 draft revised Code, they will help to inform future consideration of how to improve the experience of victims of crime.

³ Including the Association of Police and Crime Commissioners

⁴ Including the National Police Chiefs' Council and the College of Policing

Responses to specific questions on our proposals

Next Steps

We asked:

Q1: Are there any specific areas/issues that you think we should also focus on in our second consultation?

Out of 231 respondents, 191 (83%) gave details of specific areas/issues that they thought should be covered in the second consultation; 10 (4%) thought that the consultation had covered all of the areas or had no further suggestions and 30 (13%) did not answer the question.

Areas/issues that respondents suggested should be covered in our second consultation included; Restorative Justice; improving court facilities such as separate access to waiting rooms etc; ensuring that criminal justice agencies are compliant with the Code; the provision of specialist support and making the justice system more joined up and easier to navigate.

We thank those who took the time to give us their views on what should be included in the second consultation. We have listened to the feedback we received and where appropriate have incorporated a number of changes into the draft revised Code, for example, making information about Restorative Justice (RJ), including a duty on the police to explain how to access RJ services, more accessible and clearer for victims.

A number of the suggestions we received are already being actively pursued as part of our ongoing work to improve the justice system through our previous commitments made in the Victims' Strategy, such as working across government to better align funding for victim support services and making the court environment more victim friendly.

Finally, our proposals to change the Code's structure to a series of guaranteed rights will pave the way for a Victims' Law that can focus on guaranteeing these rights and ensure that victims receive the help and support they need to cope and recover. As we have previously committed to doing, our consultation on a Victims' Law later this year will provide an opportunity to also consider how best criminal justice agencies can be held to account for compliance with the Code on whether victims are receiving their rights.

1. Information and Communication - Accessibility

We asked:

Q2: Do you agree with the proposal to have separate guidance alongside the Code aimed at victims and practitioners?

Out of 231 respondents, 190 (82%) agreed with our proposal to have separate guidance alongside the Code aimed at victims and practitioners; ten (4%) disagreed; 11 (5%) commented but did not answer yes or no and 20 (9%) did not answer the question. Therefore, of the 200 yes/no responses to question 2, 95% agreed with the proposal and 5% disagreed with it.

Please give reasons for your response:

Of the respondents who agreed with the proposal to have separate guidance, a large number thought that such an approach would make it easier for victims to be aware of their rights, so long as the guidance was written in plain easy to understand language.

Reasons for disagreeing with the proposal included a view that this would lead to a watering down of victim rights and not seeing a problem with the way the current Code is drafted.

We have carefully considered the responses to this question, and noted the overwhelming support for separate guidance for victims' and practitioners.

We have therefore structured the draft revised Code so that victims are the primary audience. We are proposing to simplify the existing structure by merging the five chapters (Enhanced Entitlements, Adult Victims, Children and Young People, Businesses and Duties on other Service Providers) into one focused and concise Code, clearly highlighting where specific rights apply to individual groups.

To address some of the concerns in answer to question 3 and in-line with our previous proposal we will also be publishing a separate document containing detailed information and guidance for practitioners. This will ensure that they are clear on the rights, and at what stage these rights need to be provided to victims.

We asked:

Q3: Do you agree with the proposal to change the structure to a smaller number of overarching rights?

Out of 231 respondents, 173 (75%) agreed with our proposal to change the structure to a smaller number of rights; ten (4%) disagreed; 12 (5%) commented but did not answer yes or no to the question and 36 (16%) did not answer the question. Therefore, of the 183 yes/no responses to question 3, 95% agreed with the proposal and 5% disagreed with it.

Please give reasons for your response

A number of respondents to this question thought that improving and simplifying the Code for victims could only be a good thing, citing that currently the Code is 'baggy' and 'cumbersome' and in need of simplification to make the whole process easier to understand.

Those that did not agree with the proposal said that they did not see why this approach would be necessary and that whilst recognising the benefits to victims, they may not be prescriptive enough for service providers.

As supported by the majority of respondents to the consultation, we propose changing the complex structure of the existing Code so that it clearly sets out 12 overarching rights, that victims are entitled to receive and at what point in the justice process they should receive them. The duties on each service provider, including any timescales for delivery, are clearly set out under each of these rights and as set out in our response to question 2, we will be producing a practitioner guidance document.

We asked:

Q4: How else could we improve the accessibility of the Code?

Out of 231 respondents, 39 (17%) had no suggestions to make or did not answer the question. Suggestions from those that did respond included publicising the Code through social media, producing leaflets and making them widely available, such as in police stations, libraries etc.

We recognise and agree with the responses that said that raising awareness was a key part of the re-launch of the Code. We are currently considering a number of options including making improvements to our digital delivery, improving wider public awareness and standards among criminal justice agencies and voluntary organisations. We will set out further details on our plans in the response to the consultation: 'Improving the Victims' Code'.

Improved engagement

We asked:

Q5: Do you agree that there is a particular need to strengthen communication from the point of charge?

Out of 231 respondents, 176 (76%) agreed that there is a particular need to strengthen communication from the point of charge; four (2%) disagreed; 22 (10%) commented but did not answer yes or no to the question and 29 (13%) did not answer the question. Therefore, of the 180 yes/no responses to question 5, 98% agreed with the proposal and 2% disagreed with it.

Please give reasons for your response

Most respondents agreed that there is a particular need to strengthen communication, however a number suggested that this should be from the point of first contact rather than the point of charge. Respondents also recognised the benefits that a Single Point of Contact (SPOC) could deliver for victims, such as minimising the number of times they might have to recount their experience to the different agencies within the criminal justice system. Others cited that a SPOC could potentially reduce the burden on the police and would be able to identify any additional support needs of the victim.

Those that disagreed reasoned that communication was already adequate and that there should be no need for this question because of accountability.

We have listened carefully to what respondents told us. Many said that communication needed to be strengthened throughout the process. We agree with this and therefore propose to broaden our approach so that communication is strengthened from the point that a victim first reports a crime to the police (or, if the crime is reported by someone else, from the point when the victim is first contacted by the police), rather than at the point of charge as suggested in the previous consultation.

We have also amended the draft revised Code to make it clear to service providers that they must try to minimise the number of different people victims have contact with and where possible, that they should offer a SPOC for information.

Our proposals also include revising the Code to make the frequency and method of communication more victim led (Right 6), 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.

In the first consultation we proposed making provision for those victims who are eligible for enhanced entitlements to be provided with a SPOC (reflecting local processes), from the point of charge through to the conclusion of the case.

Since the 2019 consultation we have continued to engage with stakeholders. And whilst we acknowledge that many Police and Crime Commissioners and their associated police forces have moved towards a SPOC based system, we are unable to mandate this structure. We will continue to keep this under review with a view to making changes in future versions of the Code.

We asked:

Q6: Should the victim's preferences relating to frequency and preferred method of contact through their criminal justice journey be recorded as part of the initial communication?

Out of 231 respondents, 183 (79%) agreed that the victim's preferences relating to frequency and preferred method of contact be recorded as part of the initial communication; 9 (4%) disagreed; 11 (5%) commented but did not answer yes or no to the question and 28 (12%) did not answer the question. Therefore, of the 192 yes/no responses to question 6, 95% agreed with the proposal and 5% disagreed with it.

And if so, should these preferences form part of the referral process between agencies? Please give reasons for your response.

Most respondents were supportive of the proposal highlighting potential benefits to victims of being afforded the opportunity to express their preferences at the earliest possible opportunity. Respondents noted a need for the victim to be able to update their preference as they move through the justice system and that the process should be flexible enough to allow the service provider to meet the request.

Those that disagreed thought that current communication was adequate and that this was private information that should not be shared.

As mentioned in our response to question 5, we have amended the draft revised Code to make the frequency and method of communication more victim led (Right 6). This includes the opportunity for victims to make changes to these preferences during the justice system process.

We are continuing to work closely with criminal justice agencies and service providers to ensure that communication preferences are captured in the victim's needs assessment. This will ensure that information can be better shared between agencies, thereby removing the need for victims to continually update their preferences with different service providers.

2. Victims' Voice

We asked:

Q7: Do you agree with the proposal to provide agencies with more discretion on when the Victim Personal Statement (VPS) is offered?

Out of 231 respondents, 173 (75%) agreed that with the proposal to give agencies more discretion on when the VPS is offered; 13 (6%) disagreed; 17 (7%) commented but did not answer yes or no to the question and 28 (12%) did not answer the question. Therefore, of the 186 yes/no responses to question 7, 93% agreed with the proposal and 6% disagreed with it.

Please give reasons for your response

Of those that agreed with the proposal to provide agencies with more discretion on when the VPS is offered there was a recognition that individuals deal with experiences differently and that offering a VPS at the beginning of the process may not be the best time for some victims. Generally, respondents supported the process being informed by victims and also highlighted a need for specific police training.

Those that disagreed with our proposals thought that the VPS should only be introduced when a defendant is charged, as it causes unnecessary stress, and raised concerns that any flexibility in the process could mean that a victim might not be offered an opportunity to make a VPS at all.

The information in the draft revised Code relating to making a VPS (Right 7) has been amended to reflect the proposals we made in our first consultation. Taking on board a number of views expressed, we have also added additional information to help victims better understand the process and ensure that they are fully aware of the wider implications of making a VPS. For example, if the case reaches court, the VPS may be included as evidence and the suspect will usually be able to see it.

We asked:

Q8: Do you agree that victims should be provided with a copy of their Victim Personal Statement (VPS)?

Out of 231 respondents, 194 (84%) agreed that victims should be provided with a copy of their VPS; 5 (2%) disagreed; 4 (2%) commented but did not answer yes or no to the question and 28 (12%) did not answer the question. Therefore, of the 199 yes/no responses to question 8, 98% agreed with the proposal and 2% disagreed with it.

Please give reasons for your response.

Respondents were clearly in favour of the proposal to provide victims with a copy of their VPS. They expressed a need to have the opportunity to reflect on what they had said previously about their experience and be aware of the full impact of the crime and how this may have changed. Providing victims with a copy would also give them an opportunity to reconsider the content and potentially refresh their memory in advance of attending court. Those that disagreed with our proposals gave no reasons for doing so.

The information relating to making a VPS has been amended to allow victims to request a copy and to also explain that they can make another should they remember something important or the impact of the crime upon them changes.

Concerns were raised by some respondents about victims potentially being given a copy of their witness statement if their VPS forms part of that statement. We propose to address these concerns by making the right to request a copy of the VPS applicable only where it has been completed on a standalone VPS template, see our response to question 9, and our 'practitioner' guidance, see our response to question 2, will include information to encourage the police to use a template when taking the VPS.

We asked:

Q9: Are there any additional comments you wish to make on changes to the Victim Personal Statement (VPS) process?

Out of 231 respondents, 154 (67%) made additional comments on changes to the VPS process and 77 (33%) had no further comments to make or did not answer the question.

Comments and suggestions on changes included ensuring that victims fully understood the process and the full implications of making a VPS; a need for a generic template that could be used by all; allowing others to take the VPS rather than the police; and more training and improved knowledge of the process for practitioners.

As well as a duty on the police to provide victims with information about the process to help them to decide whether they wish to make a VPS or not, we are also committed to working closely with criminal justice agencies and victims' stakeholders to develop a more standardised template to be used during the VPS process.

Existing processes already allow for other victim supporters to assist victims to record their VPS and we will be making this right clearer in VPS joint agency guidance,⁵ which will be updated to reflect this.

⁵ <https://www.gov.uk/government/publications/victim-personal-statement>

Mentally Disordered Offenders

We asked:

Q10: Which agency is best placed to support victims of unrestricted patients?

Out of 231 respondents, 117 (51%) made a suggestion as to who they thought was best placed to support victims of unrestricted patients, 114 (49%) made no suggestion, did not answer the question or did not feel able to comment.

Agency	Number of respondents	Percentage of respondents
Victim Liaison Officer/Probation	52	44%
National Health Service	27	23%
Unspecified Single Point of Contact	15	13%
Police	4	3%
Victim Support	4	3%
Other	15	13%

We have carefully considered the responses to this question and following discussions with criminal justice agencies, we propose that National Probation Service Victim Liaison Officers (VLO) are best placed to support victims of unrestricted patients 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 flow of information and the way it is provided.

3. Support

We asked:

Q11: Do you agree that the right to access practical and emotional support for victims should be made clearer in the revised Code, for those victims:

- a) who do not report incidents to the police?**
- b) who choose to withdraw after reporting an incident to the police?**
- c) at the end of their case?**

Out of 231 respondents, 184 (80%) agreed that the right to access practical and emotional support for victims should be made clearer in the revised Code; 2 (1%) disagreed; 20 (9%) commented but did not agree or disagree with the question and 25 (11%) did not answer the question. Therefore, of the 186 agree/disagree responses to question 11, 99% agreed with the proposal and 1% disagreed with it.

Please give reasons for your response.

Whilst a number of responses recognised the difficulties around the practicality of delivering support to those who did not report incidents to the police, comments generally focused on a need for better signposting of the support available and that access to this support needed to be improved. Also raised was that by making support more accessible this may encourage more victims to go to the police and might be a significant factor in preventing re-victimisation.

As a result of the consultation responses, we have included in the draft revised Code 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 (in Right 9).

In-line with our response to question 4, we undertake to raise awareness of these important rights as part of the re-launch of the Code.

4. Specialist Support

We asked:

Q12: Do you agree with the proposed changes to eligibility categories for access to specialist support?

Out of 231 respondents, 150 (65%) agreed with the proposed changes to eligibility categories for access to specialist support; 7 (3%) disagreed; 47 (20%) commented but did not answer yes or no to the question and 27 (12%) did not answer the question. Therefore, of the 157 yes/no responses to question 12, 97% agreed with the proposal and 3% disagreed with it.

Please give reasons for your response.

A number of respondents who agreed with the proposed changes to eligibility categories for access to specialist support highlighted a need that everyone should be eligible for support if needed and raised concerns around who would determine which victims are in 'greatest need', as well as wishing to see quality assurance around decisions made in the process. Those that disagreed with the proposal thought that the definitions of the eligibility categories were ambiguous and did not provide enough detail on which to inform decisions.

We are clear that victims who are considered vulnerable or intimidated (Right 4), have been persistently targeted or are a victim of the most serious crime (including a bereaved close relative) may require more assistance. Such 'enhanced' support may take the form of being offered a referral to a specialist support service, contacted by service providers sooner after key decisions, as well as having access to special measures (Right 4).

Having taken on board the concerns raised in the consultation responses, we recognise that moving to a single category of 'victims with the greatest needs', who are entitled to access specialist support, risks service providers using this widened discretion to exclude victims who are currently eligible under the existing categories.

We have therefore decided in the draft revised Code to retain the existing eligibility categories for access to specialist support, whilst making it clearer that service providers have the discretion to offer specialist support to victims who fall outside the scope of the existing categories.

We asked:

Q13: Are there other types of support or information which would benefit those victims who are offered specialist support?

Out of 231 respondents, 158 (68%) suggested other types of support or information which would benefit those victims who are offered specialist support; 5 (2%) answered 'no'; 69 (30%) did not answer the question.

Other types of support that were suggested included; counselling, legal support, access to Independent Sexual Violence Advisers, Criminal Injuries Compensation Authority support, clearer information about the support available and restorative justice.

We thank respondents for their suggestions. The key areas identified in the responses are covered by the existing Code and as such have been reflected in the draft revised version. The responses support our findings, from extensive stakeholder engagement and from what victims have told us, that the current version of the Code is confusing and difficult to navigate.

Taking this feedback on board we have drawn out information in the draft revised Code to make it clearer for victims where they can access additional support, including highlighting support from the Foreign and Commonwealth Office, for families bereaved by murder or manslaughter abroad; the National Health Service, for access to medical support and the Independent Press Standards Association, for advice if you are contacted by the media.

We asked:

Q14: What changes should be made to the existing needs assessment process?

Out of 231 respondents, 155 (67%) suggested changes they would like to see made to the existing needs assessment process, 76 (33%) were unsure what changes should be made, made no comment or did not answer the question.

Changes to the existing needs assessment process suggested by respondents included; support for the assessment to be shared; that information should be obtained from victims through conversation, giving them a chance to explain how they feel, rather than being assessed; the creation of a uniform assessment; that the assessment becomes a 'living' document and is person-centred and trauma informed. Increasing service provider knowledge of special measures⁶ was also supported.

Under the existing Code victims are entitled to receive a needs assessment to help them work out what support they need. We have listened to the views expressed in the consultation responses and have made the information relating to the needs assessment conducted by the police and, if the victim is required to give evidence, the Witness Care Unit, clearer in the draft revised Code (Right 4).

As set out in the first consultation and as with our response to question 2, in addition to making the Code clearer we propose to provide guidance to practitioners. This will include guidance on the requirement to offer victims a needs assessment at key stages of the criminal justice process. The guidance will highlight the importance of early identification of specialised needs, and ensure that processes are in place to allow this information to pass between criminal justice agencies.

⁶ There are a range of special measures available for vulnerable and intimidated victims and witnesses in criminal justice proceedings, such as the use of screens in court, video recorded evidence and the use of Registered Intermediaries, who are communication specialists.

5. Accountability

We asked:

Q15: Do you agree that Police and Crime Commissioners (PCCs) should work with their local criminal justice partners to adapt the victim guidance to explain the local offer for victims?

Out of 231 respondents, 150 (65%) agreed that PCCs should work with their local criminal justice partners to adapt the victim guidance to explain the local offer for victims; 10 (4%) disagreed; 38 (17%) commented but did not answer yes or no to the question and 33 (14%) did not answer the question. Therefore, of the 160 yes/no responses to question 15, 94% agreed with the proposal and 6% disagreed with it.

Please give reasons for your response.

A number of respondents who agreed that PCCs should work with their local criminal justice partners to adapt victim guidance to explain the local offer for victims, thought that such an approach would lead to more joined-up working. They also suggested that this could benefit local services and ensure that they were better tailored to local needs, as well as benefitting victims through better compliance by service providers in providing the entitlements within the Code and ensuring greater accountability. Those that disagreed with the proposal thought that central government should retain oversight.

We believe that PCCs are best placed to tailor the services offered to victims to meet the needs of the communities they serve. We will continue to work closely and engage with the Association of Police and Crime Commissioners and PCC's themselves to help ensure that their offer to victims is clear and that services meet needs.

Moving forwards, we have undertaken to consider the issue of compliance by service providers with the rights set out in the revised Code, as part of our work on delivering a Victims' Law.

Conclusions and next steps

We are grateful for the range of responses we received to our first consultation which have helped us to prepare the draft revised version of the Victims' Code.

The revised version of the Code will be laid before Parliament later this year and will ensure that the experience of victims within the justice system – whatever their particular path and eventual outcome – does not result in them becoming a victim of the process, as well as the crime.

We will work closely with the criminal justice agencies already named in the Code and other service providers to formulate the practitioner guidance as set in our response to question 2. This guidance will clearly set out how their duties will be fulfilled in practice, and support them in communicating this to their staff, to victims and to members of the public.

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

Association of Police and Crime Commissioners
All-Party Parliamentary Group on Adult Survivors of Childhood Sexual Abuse
ASB Help
Association of Convenience Stores
Association of Personal Injury Lawyers
Avon and Somerset Police and Crime Commissioner
Barnardo's
Birmingham and Solihull Women's Aid
Bradford Youth Offending Team
British Retail Consortium
British Society of Criminology Victims Networking Group
British Transport Police
Catch22
Change, Grow, Live (CGL)
Citizens Advice Witness Service
Clean Slate
College of Policing
Cleveland Police - Protecting Vulnerable People
Crown Prosecution Service
Criminal Appeal Office (HMCTS)
Dyfed Powys, Gwent Police, North Wales and South Wales Police
Dyfed Powys Police and Crime Commissioner
East Midlands Criminal Justice Service
East Riding of Yorkshire Youth Offending Service
East Sussex Youth Offending Team
Essex Police Fire and Crime Commissioner
Galop
Gloucestershire Constabulary and the Office of the Police and Crime Commissioner for Gloucestershire
Greater Manchester Police
Gwent Police and Crime Commissioner
Hampshire Youth Offending Team

Government Response to the Consultation:
Proposals for revising the Code of Practice for Victims' of Crime

Havering Volunteer Centre
Her Majesty's Courts and Tribunals Service
Humberside Police and Crime Commissioner
Hundred Families
IDAS
Inclusion London
KSA Training and Consultancy
Lancaster University
Leeds Youth Justice Service
Lincolnshire Police
London Cycling Campaign
Magistrates Association
Make Amends - Restorative Justice Service
Murdered Abroad
Muslim Women's Network UK
National Crime Agency
National Police Chiefs' Council
National Probation Service in Wales
New Pathways
Newport Youth Justice Team
Northamptonshire Police Fire and Crime Commissioner
Northamptonshire Youth Offending Service
Northumbria Community Rehabilitation Company (CRC)
Nxt Steps 4 Communities LTD
Office of the Police and Crime Commissioner for Bedfordshire
Office of the Police and Crime Commissioner for Cambridgeshire
Office of the Police and Crime Commissioner for Cheshire
Office of the Police and Crime Commissioner for Cleveland
Office of the Police and Crime Commissioner for Derbyshire
Office of the Police and Crime Commissioner for Devon and Cornwall
Office for the Police and Crime Commissioner for Dorset
Office of the Police and Crime Commissioner for Hampshire
Police and Crime Commissioner for Hertfordshire
Office of the Police and Crime Commissioner for Leicestershire
Office of the Police and Crime Commissioner for Lincolnshire
Office of the Police and Crime Commissioner for Merseyside

Government Response to the Consultation:
Proposals for revising the Code of Practice for Victims' of Crime

Office of the Police and Crime Commissioner for Norfolk
Office of the Police and Crime Commissioner for Northumbria
Office of the Police and Crime Commissioner for Nottinghamshire
Office of the Police Fire and Crime Commissioner for North Yorkshire
Office for the Police and Crime Commissioner for Staffordshire
Office of the Police and Crime Commissioner for Suffolk
Office of the Police and Crime Commissioner for Surrey
Office for the Police and Crime Commissioner for Warwickshire
Office of the Police and Crime Commissioner for Wiltshire and Swindon
Office of the Police and Crime Commissioner for West Mercia
Office of the Police and Crime Commissioner for West Midlands
Police and Crime Commissioner for South Wales/South Wales Police
Office of the Police and Crime Commissioner for West Yorkshire
Offside Trust
Prison Reform Trust
Prospects - Gloucestershire Youth Support Team
Rape Crisis England & Wales
Restorative Justice Council
Restorative Justice for all
Restorative Solutions CIC
Revolving Doors
Rights of Women
RoadPeace
RSVP (Rape and Sexual Violence Project)
SafeLives
Self
Serious Fraud Office
Spring Lodge SARC
Stay Safe East
Support After Rape and Sexual Violence Leeds
Supporting Justice CIC
Survivor UK
Survivors Manchester
Sussex Police and Crime Commissioner
Suzy Lamplugh Trust
The Bell Foundation

Government Response to the Consultation:
Proposals for revising the Code of Practice for Victims' of Crime

The Charity Retail Association
The Criminal Justice Alliance (CJA)
The Information Commissioner
The Josh Hanson Charitable Trust
The Office of Rail and Road ('ORR')
The Survivors Trust
University of Essex
Union of Shop, Distributive and Allied Workers
Victim Support
Victims' Commissioner for England and Wales
Victims' Commissioner for London
Welsh Government
Welsh Women's Aid
West Midlands Police
West Yorkshire Police Independent Advisory Group
Why me?
Wiltshire Youth Offending Team and Restorative Justice Service
Women's Aid's
WomenCentre Ltd
YES Matters UK
Youth Offending Service Bedfordshire
Youth Offending Service Derby
Youth Offending Team Cmyru
Youth Justice Board
Youth Offending Team Wakefield Council

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