

Title: Updating the Code of Practice for Victims of Crime IA No: MoJ054/2020 RPC Reference No: N/A Lead department or agency: Ministry of Justice Other departments or agencies: Police forces in England and Wales, British Transport Police and the Ministry of Defence Police, Crown Prosecution Service, Her Majesty's Court and Tribunals Service, Parole Board, HM Prison Service, Probation Service, Youth Offending Teams, Joint Police / Crown Prosecution Service Witness Care Units, National Offender Management Service, The Criminal Cases Review Commission, Criminal Injuries Compensation Authority, First Tier Tribunal (Criminal Injuries Compensation, UK Border Agency)	<h2 style="margin: 0;">Impact Assessment (IA)</h2>
	Date: 6 February 2020
	Stage: Consultation
	Source of intervention: Domestic
	Type of measure: Secondary legislation
	Contact for enquiries: Harlyn Collins, Senior Advisor Victim Policy Tel: 07540272595 Email: Harlyn.collins@justice.gov.uk

Summary: Intervention and Options	RPC Opinion: 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

What is the problem under consideration? Why is government intervention necessary?

There are issues with complexity and accessibility of the Victims' Code in its current form which means victims are not aware of their entitlements. The Victims' Code is the main vehicle for communicating to victims what their rights are but requires improvement.

What are the policy objectives and the intended effects

Simplifying the Code, improving its accessibility, slightly updating entitlements to better meet victims' needs and ensuring that the right support is available at the right time. Doing so will help enable 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.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

Option 0: Do nothing. Continue with the existing Victims' Code, including the current set of obligations.

Option 1 (preferred): Implement the revised Victims' Code

- Option 1(a) – Redraft Code so victims are the primary audience and restructure the Code around 12 overarching rights
- Option 1(b) – Victim-led frequency and method of communication with victim
- Option 1(c) – Greater discretion as to when victims are offered the opportunity to make a VPS.
- Option 1(d) – Increased support for the victims of mentally disordered offenders – eligible victims of unrestricted patients to receive Victim Liaison Officer support.
- Option 1(e) – 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.
- Option 1(f) – Specialised support – discretion to allow a wider range of victims to be offered enhanced rights.

Option 1 is the preferred option as it meets the policy objectives and ensures a Government commitment is met.

Will the policy be reviewed? It will be reviewed two years from commencement.

Does implementation go beyond minimum EU requirements?	Yes / No / N/A			
Is this measure likely to impact on international trade and investment?	Yes / No			
Are any of these organisations in scope?	Micro Yes/No	Small Yes/No	Medium Yes/No	Large Yes/No
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)	Traded:		Non-traded:	

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 Victims' Code so victims are the primary audience and restructure the Code around a set of 12 overarching rights– 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
COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)		Total Cost (Present Value)
Low	N/A		N/A		N/A
High	N/A		N/A		N/A
Best Estimate					
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'					
A simplified Victims' 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 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 Victims' Code may need to update guidance so that it reflects the new Code, with associated costs.					
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'					
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 Victims' Code would be victim focussed and 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 Victims' Code is difficult to understand. This option should increase transparency and may lead to improved victim satisfaction through greater understanding of their rights.					
Key assumptions/sensitivities/risks					Discount rate (%)
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	
High		N/A		N/A		N/A	
Best Estimate		N/A		N/A		N/A	
<p>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.</p>							
<p>Other key non-monetised costs by ‘main affected groups’ Under the existing Victims’ Code, the police will inform the victim how often they will receive updates on the status of the case following 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.</p>							
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		N/A		N/A		N/A	
<p>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.</p>							
<p>Other key non-monetised benefits by ‘main affected groups’ Victims have told us that information about their case and explaining the criminal justice system are key priorities for them and are associated with their overall satisfaction with the CJS. Also, victims’ and witnesses who are satisfied with their contact with the CJS 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, increasing victims’ participation in the system by increasing the likelihood that they report crimes and come forward to give evidence and thereby improving the effectiveness of the CJS as a whole. Improved contact with the victim may increase victim satisfaction levels and reduce victim attrition levels.</p>							
Key assumptions/sensitivities/risks						Discount rate (%)	
None.						N/A	

BUSINESS ASSESSMENT (Option 1(b))

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(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
COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)		Total Cost (Present Value)
Low	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'					
Where victims request a copy of their VPS, there will be additional costs to provide them with one as this is an additional right under the Victims' Code. There may be additional costs for the CPS in ensuring the VPS is contained within the court file if the changes to the Code lead to an increased VPS uptake. WCUs, 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 had the knock on effect of increasing the number of VPSs consider and/or read out as part of sentencing proceedings in court.					
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	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'					
Increasing engagement with victims may improve victims' engagement with the CJS. Victims less traumatised and VPS provided better quality and more likely to be used by court. VPS 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).					
Key assumptions/sensitivities/risks					Discount rate (%)
None.					N/A

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 National Probation Service associated with allocating victim liaison officers (VLOs) for victims of unrestricted MDO patients. 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 liaison officers to victims of unrestricted MDO patients is likely to have a positive impact on these victims' experience of the criminal justice system and build confidence. It would also enable the provision of information to victims.					
Key assumptions/sensitivities/risks			Discount rate (%)	3.5	
<ul style="list-style-type: none"> 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 patient will have only 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
COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)		Total Cost (Present Value)
Low	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'					
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 would impact victim support service provider including Police and Crime Commissioners.					
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	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'					
More victims might receive the support they need to help them cope and, and as far as possible recover. As a result the may be more likely to be satisfied with their treatment regardless of the outcome of their case.					
Key assumptions/sensitivities/risks					Discount rate (%)
None.					

BUSINESS ASSESSMENT (Option 1(e))

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(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
COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)		Total Cost (Present Value)
Low	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’					
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 (£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	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’					
More victims might receive the support they need to help them cope and 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 increasing the effectiveness of the CJS.					
Key assumptions/sensitivities/risks					Discount rate (%)
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 proposed 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, 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 Victims' Code to address the Code's complexity, accessibility, language and update entitlements in the Code so they are better reflective of victims' needs. A consultation on proposals to revise the Victims' Code was then held from September to October 2019.

B. Rationale & Policy Objectives

Rationale

4. 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).
5. The rationale for intervention in this case is on the grounds of equity. The proposals aim to improve victims' experience of the criminal justice system 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

6. 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.
7. Victims, victims' groups and respondents to last year's consultation have supported the finding of the Victims Strategy; that victims find the Victims' Code difficult to understand. 75% of respondents to last year's consultation agreed with our proposal to change the structure to a smaller number of rights. They thought that improving and simplifying the Code for victims could only be a good thing, citing that the currently the Code is 'baggy' and 'cumbersome' and in need of simplification to make the whole process easier to understand.
8. We have therefore proposed a series of changes to the Victims' Code which focus 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 Victim Personal Statement process.

9. These changes predominately relate to how services are presented in the Victims' 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 Victims Code will be equivalent to those provided under the current Victims Code.

C. Affected Stakeholder Groups, Organisations and Sectors

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

- Victims of crime
- Wider society
- The agencies with specific obligations in the Victims' 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
 - National Offender Management Service (NOMS)
 - 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

11. 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's support and protection of victims of crime differed in Scotland, Northern Ireland and Gibraltar.

D. Description of Options Considered

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

13. **Option 0 – Do Nothing:** This option is to continue with the existing Victims' 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 after we have identified the issues with the Victims' Code not only in the Victims Strategy but also in last year's consultation.
14. **Option 1 (preferred):** This option would implement a revised Victims' Code, consisting of several proposals. Option 1 is the preferred option as it meets the policy objectives and ensures 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 it clearly sets out 12 overarching rights, that victims are entitled to receive and 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 to victims, we will be publishing a separate document containing detailed information and guidance for practitioners.
- **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 to make a VPS at the same point that the witness statement is taken. Under the revised Code service providers would have more flexibility on the timing of the offer, for example by offering it only when a suspect is charged. Furthermore, victims would now be able to request a copy of their VPS.
- **Option 1(d) Support for victims of mentally disordered offenders:** National Probation Service Victim Liaison Officers (VLO) are best placed to support victims of unrestricted patients¹ 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 draft 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 option would make 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

15. This IA follows the procedures and criteria set out in the IA Guidance and is consistent with the HM Treasury Green Book.
16. 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).

¹ Patients who are subject to a hospital order but who have not had restriction order or direction imposed by the Crown Court or the Secretary of State under the Mental Health Act 1983 (MHA).

Option 1(a): Information and communication – Redraft the Victims’ Code so victims are the primary audience and restructure the Code around a set of 12 overarching rights– amalgamating existing entitlements under those rights.

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 Victims’ 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. However we cannot gauge the likelihood of this occurring.

20. All criminal justice agencies required to provide services to victims of crime under the Victims’ 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 Victims’ 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 Victims’ 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 Victims’ Code, the police will inform the victim how often they will receive updates on the status of the case following 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 criminal justice system are key priorities for them and are associated with their overall satisfaction with the CJS. Also, victims' and witnesses who are satisfied with their contact with the CJS 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, increasing victims' participation in the system by increasing the likelihood that they report crimes and come forward to give evidence and 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 Victims' 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 one as this is an additional right under the Victims' Code.
32. There may be additional costs for the CPS in ensuring the VPS is contained within the court file if the changes to the Code lead to an increased VPS uptake.
33. WCUs, 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 there was 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 2019² 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. 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.

² 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/010259proportionofincidentsinwhichvictimsweregiventheopportunitybypolicetomakeavictimpersonalstatementandhowitwasusedyearendingmarch2019csew>

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 for many victims.
37. By providing greater flexibility on when the VPS is offered, a greater proportion of those taken could will be used in sentencing proceedings. Currently only 46% of victims who make a VPS felt it was taken into account by the Criminal Justice System (CSEW 2019)³. 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 the 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 charge⁴ 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 WCUs take the VPS at the point of charge then there could will 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 to be approximately £250 per annum on average. This is based on staff costs of £10.2m for the VCS divided by the number of victims supported by the VCS.
41. We estimated 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 of £0.3m.
42. Assuming an opt-in rate for victims of 47% (the current opt-in for victims of restricted MDO patients), 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.

³ 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

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

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 the 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 Victims’ Code, they may feel better supported which may 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 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(f)

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 Victims Code will be equivalent to those provided under the current Victims Code unless otherwise 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 Victims 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