

**Commissioner for Victims and Witnesses:  
Report for the Secretary of State  
for Justice 2013-14**



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Victims' Commissioner for England and Wales

## 1. Summary

This report is prepared for the Secretary of State for Justice and covers the period March 2013 to April 2014. It also sets out my priorities and plans for April 2014 to May 2015.

## 2. Introduction

Since taking up the post of Victims' Commissioner in March 2013, I have met with many victims and their families across England and Wales, to seek their views about the services they receive and their experiences of the Criminal Justice System. I would like to thank all the victims and victims' organisations who have shared their views with me during this time. In many ways what they want is very simple; they want the right information at the right time in a way in which they can understand it. They want to know who they can contact for help and, if things go wrong, how they can get help to put it right. They want to be treated with dignity, honesty, sensitivity and respect but, more than anything, victims want to be listened to and for their concerns to be taken seriously. They want honest conversations about what is happening to them and if they cannot have what they are asking for then to have a clear explanation to understand why.

It is by reflecting the views of victims and victims' organisations to those who make policy that I have been able to secure some improvements for victims. These improvements are summarised in this report, but there is much more work to do. We are in a climate of considerable change. There is greater awareness of crimes, such as, human trafficking, hate crime, forced marriage, modern day slavery and female genital mutilation which means the profile of victims and the services needed to meet their needs is changing. At the same time there are national changes to the way victim services are commissioned. From Autumn 2014, the Police and Crime Commissioners will commission victim services and this creates both challenges, as well as opportunities.

The introduction of the updated Code of Practice for Victims of Crime, The Witness Charter and the forthcoming implementation of the European Union's Victims' Directive sets out a framework for victims' entitlements. This is a positive start and one which I welcome. However, we must ensure that the entitlements are delivered in a way which results in victims having a much better experience of the Criminal Justice System.

It has been an interesting and rewarding role and I look forward to achieving even more for victims and their families in the forthcoming year.

### 3. Background to the Role of the Victims' Commissioner

In January 2009, Sara Payne took up a position of Victims' Champion; she held this post for a year. This role was replaced by the statutory position of the Commissioner for Victims and Witnesses, known as the Victims' Commissioner. The first Victims' Commissioner, Louise Casey, held her position from May 2010 until October 2011, before moving on to lead the Troubled Families team at the Department for Communities and Local Government.

I was appointed Victims' Commissioner on 21 December 2012 and took up my post on 4 March 2013.

### 4. Role of the Victims' Commissioner

The role of the Victims' Commissioner is defined in the Domestic Violence, Crime and Victims Act 2004 and can be summarised as:

- Promoting the interests of victims and witnesses
- Encouraging good practice in the treatment of victims and witnesses
- Keeping the operation of the Victims' Code under review

The Victims' Commissioner must also produce an Annual Report for the Secretary of State for Justice, which must be published.

During my first year as Victims' Commissioner I consider that the single most important function of my role has been to hear and represent the views of victims. In my second year I want to see that things have improved for victims; I want to see evidence that things have changed as a result of victims speaking out.

### 5. Definition of Victims

The definition of a victim varies across different organisations and policies. The Code of Practice for Victims (The Victims' Code) defines a victim as someone who has made an allegation to the police in England and Wales that they have directly experienced criminal conduct, or that an allegation has been made on their behalf. Whilst I accept such definitions when considering relevant policy areas, I apply a much wider definition of 'victims' in my role more generally. I listen to victims of crime, their families and organisations whether or not the victim has reported the alleged crime to the Police and to victims who have experienced crime outside of England and Wales. I include victims of all crime, not just crime that is classified as 'serious'. I consider that individuals and communities who suffer from anti-social behaviour are also victims. I welcome the fact that the legislation underpinning my role accepts this wider definition of what it is to be a victim.

## 6. The Victim's Voice

Victims are not a homogenous group; some will report their crimes, some will not. Some will support prosecution and others won't. Victims will respond to crime in many different ways, they will have different needs at different times and they will experience many different journeys. They will come from all sectors of society and be of different genders, ages, ethnicity, sexuality and religions. They will have different educational backgrounds, be of different or no political persuasions and will have different views about the Criminal Justice System and the treatment of offenders. As the Victims' Commissioner, I know I cannot reflect every view of every victim but, I will listen to as many different victims as possible. I will draw out shared experiences and reflect these when advising on policy development and implementation.

## 7. Reducing Crime and Re-victimisation

I support the rehabilitation and safer management of offenders. If offenders can be rehabilitated, or made subject to appropriate controls, the risk of re-victimisation and of creating new victims is reduced. Since being appointed Victims' Commissioner I have visited a number of prisons and have been impressed by some of the work to rehabilitate prisoners. My priority however is victims. Victims need to be rehabilitated, just as much as offenders. The pathway of recovery is not that different. Both need help and support to face up to the crime and move on with their lives. We fail in so many ways to do this for victims of crime. That is not the fault of any one agency – in my view it is the system which is wrong. I see it as a key part of my role to challenge the system to make sure it works for the interests of both victims and offenders.

## 8. Victims' Commissioner Summary of Activities 2013-14

I am not a civil servant or politician, nor am I a campaigner with a detailed knowledge of all the victim organisations. I am a victim who has experienced personally some of the acute failings in the Criminal Justice System and I want to prevent others from having a similar experience. Much of my first year has been spent finding out what committees and policies I need to influence and how to ensure victims and their families know about my role. I have spent a lot of time with victims and victims' organisations listening to their views and reflecting them when I meet with policy makers and service providers. More specifically I have:

### Established an office

I have established an office which responds to all letters from victims and victims' organisations. Although I cannot advocate on behalf of a specific victim or witness, my team have signposted victims to organisations that can assist them. I have accepted many requests for meetings and public speaking engagements. I attended a number of policy related meetings to reflect victims' views, met regularly with ministers and sat as a member of the House of Lords.

### Met with a range of victims and victims' organisations

I have met with many victims and given them time to share their experiences with me. From this, I have been able to build up a picture of their most frequent concerns and needs. I have received generous feedback from many of these victims that they appreciated being listened to and felt relieved that someone was pushing for change at a national level.

### **Became an active member of the National Criminal Justice Board**

The National Criminal Justice Board sets priorities and provides leadership for the Criminal Justice System. It is chaired by the Policing, Criminal Justice and Victims' Minister. The Board comprises the chief executives of the Criminal Justice Agencies and senior leaders from across the Criminal Justice System. Through my seat on this Board I challenge the heads of the Criminal Justice agencies to set out what they are doing to improve the experience of victims. I am pleased that creating a Criminal Justice System that cares for, and considers the needs of, victims and witnesses is one of the Board's three main priorities in 2014/15.

### **Conducted a review of the Probation Victim Contact Scheme**

I undertook a review of the Probation Victim Contact Scheme and provided a report on my findings to the Justice Secretary. All of my recommendations were fully or partially accepted by the Government. The resulting changes have been included in revised guidance for probation staff which was issued earlier this year. Feedback from victim liaison officers and their managers about this revised guidance has been very positive.

### **Led an Independent Review of Victim and Witness Services in London**

This review was commissioned by the Mayor's Office for Policing and Crime (MOPAC) and is due to be published shortly. The findings and recommendations are likely to be useful to all who are involved in assessing needs and commissioning services for victims and witnesses under the new commissioning arrangements.

### **Conducted a review of Restorative Justice (RJ) for the Secretary of State for Justice**

I spent a considerable amount of time visiting RJ projects and meeting with staff and victims. I have sent a report of my findings to the Secretary of State for Justice and it will be published shortly. The report will inform my priorities and work plan for the next year.

### **Established effective links with the Police and Crime Commissioners (PCC)**

I have learned about the role of the PCCs and in particular about their responsibilities for commissioning services for victims and witnesses next year. One of my priorities for my first year as Victims' Commissioner was to meet with as many of them as possible and challenge them to put victims needs at the heart of service provision.

### **Responded to the Ministry of Justice consultation on the updated Code of Practice for Victims of Crime and The Witness Charter**

The revised Victims' Code was launched in December 2013. I gave detailed feedback on the Code reflecting the views of victims I had met or organisations I had visited. I am pleased my feedback has influenced the final version of the Code and I welcome the Code as a clear statement of victims' entitlements. I also welcome The Witness Charter which sets out the standards of care witnesses to a crime or incident in England and Wales can expect.

### **Established the Victims' Commissioner Forum**

Using my discretionary power to consult, as set out in the Domestic Violence, Crime and Victims Act 2004, I have established a forum to advise me on how to best fulfil my statutory obligations. Membership includes representation from across the Criminal Justice System and those with expert knowledge of the particular experiences and needs of victims and witnesses. It includes those who are victims of crime as well as

those who work within the Criminal Justice System. The forum meets quarterly and has assisted me in developing my priorities and assessing progress. The Director of Justice Reform at the Ministry of Justice (MoJ) is invited to observe meetings and provide a link to Government departments and CJS agencies, when factual information about relevant policy areas is required.

### **I was Government Champion for Active, Safer Communities**

In this role I worked with grassroot activists and ministers to raise awareness on what local people, businesses and frontline workers can do to make their communities safer. To support this work, I published a number of reports (available at [www.gov.uk](http://www.gov.uk)) which contain best practice examples and guidance for people who want to make a difference in their communities. I concluded my role as Government Champion in May 2014 to assume my role as Victims' Commissioner full-time and I will continue to fight for victims of anti-social behaviour and problem drinking in my current position.

## **9. Delivering Improvements for Victims**

Although there is a long way to go before we can be confident that the needs of victims are genuinely being put first, there have been a number of changes to criminal justice policy during my first year as Victims' Commissioner which will make some things better for victims. Specific changes that have been achieved through my role either directly or indirectly include:

- An entitlement under the Victims' Code for victims to make a Victim Personal Statement (VPS) to explain what impact the crime has had on them, whether physically, emotionally, financially or in any other way. The victim can say whether they would like to read their VPS aloud in court if a suspect is found guilty or whether they would like to have it read aloud (or played if recorded) for them - usually by a CPS prosecutor.
- Prisoners are no longer allowed to retain a copy of these personal statements.
- An assurance from the Parole Board that when a victim wants to read their Victim Personal Statement to the Parole Board there is presumption that they will be allowed to do so, unless there are good reasons to refuse.
- Victims have a right to put forward requests for licence conditions to the Parole Board even if the offender manager considers them not to be necessary and proportionate for the victim's protection.
- A presumption that victims of patients who are subject to hospital orders should be informed when the offender is about to be granted periods of leave from the hospital.
- If the National Offender Management Service are involved in a documentary about prisons or prisoners, the victim will have the final say about whether the person who offended against them will be shown on screen, provided the victim can be contacted.
- Victims of serious further offences committed by those subject to supervision by the Probation Service have been given the right to see a summary of the Serious Case Review into the management of the offender's case. This brings the policy in line with victims' rights to see a summary of a Serious Case Review prepared under the Multi-Agency Public Protection Arrangements (MAPPA). Domestic Homicide Reviews and Serious Case Reviews conducted by Local Children Safeguarding Boards are published and can be read by victims in their entirety.

- The National Probation Service is now required to ensure their out of hours contact arrangements include access to victim information. This means victims who have opted into the Probation Victim Contact Scheme can be contacted out of hours if there is emergency information relating to the offender that needs to be passed on, such as a failure to return to custody following a period of temporary release.
- Victims are entitled to express their views to the police if a sex offender seeks a review of his or her lifetime notification requirements - this is often referred to as 'being on the sex offenders' register'.
- Agreement from the Minister of State for Policing, Criminal Justice and Victims that there will be no loss of support for families bereaved by homicide. As with the current provider, the new national Homicide Service due to operate from 1 October 2014 will support people in England and Wales who have been bereaved by homicide since the current service became operational in 2010 and it will also include peer support provision. In addition, MoJ will maintain separate funding to enable those bereaved by homicide prior to 2010 to ensure they continue to have access to specialist therapy and peer support.

## 10. Office of the Victims' Commissioner Budget for 2013-14

	Budget £	Expenditure £
Original Budget	265,000	265,670
Pay Budget	228,000	209,465
Non Pay Budget	37,000	56,205
Non Pay Budget (Approximate expenditure)		
Agency Staff		11,000
Estate Costs		13,000
Printing and Postage		200
IT and Telecommunications		500
Travel and other		26,500
Events and Conferences		5,000

## 11. Victims' Commissioner Plans 2014-15

Last year was a busy and productive year. I met a lot of people and learned a lot of things. The key thing I have learned is that there is a lot more work to do to ensure victims receive the services they are entitled to and to ensure they are consistently treated with dignity and respect. I am pleased that some agencies are taking steps to make improvements for victims and I welcome the Victims' Code as a good start. What really matters now is how agencies seek to review and improve their compliance with it. My priorities for the next year are therefore:

### Priority 1: Monitor compliance with the Victims' Code

My aim is to ensure that all relevant agencies are compliant with the Victims' Code or, where they are not, there are clear plans in place to rectify this. Through my role on the National Criminal Justice Board I will be asking agencies to account for how they are assessing their compliance, what steps they are taking to rectify failings and how they are engaging with victims as part of this process.

In order to provide evidence about compliance with the Code, my office will be conducting a series of in depth reviews. My team, consisting of an analyst and two implementation advisors, will be going out to agencies and victims to see and hear for themselves about what is really happening on the ground. Following the reviews, my team will prepare detailed reports on their findings and I will use these reports to:

- inform my feedback to ministers and to the heads of relevant organisations
- challenge organisations' own perceptions of their compliance with the Code
- share examples of good practice and expose failings

I will also be looking closely at how the new pilot Victim Liaison Units are being delivered by the Crown Prosecution Service. I would like to see the service improving the victims journey by providing a single point of contact and better support after conviction and/ or sentence.

### Priority 2: Complaints and Redress for Victims

My aim is to improve victims' satisfaction with how their complaints are dealt with; my reviews into compliance with the Code will focus specifically on this subject. I will find out what systems are in place to deal with victims' complaints and seek victims' views on their effectiveness. I will also consider how victims' complaints to organisations not covered by the Victims' Code, for example the Coroners Courts and the judiciary, are managed.

Through my role on the National Criminal Justice Board, meetings with judges and through my reviews, I will highlight good practice, seek changes to poor practice and ensure ministers and heads of organisations are aware of my findings.

### Priority 3: Restorative Justice (RJ)

My aim is to find out more about the potential benefits and risks of RJ. I want to secure a better understanding about where it should and should not be used and

ensure victims are genuinely aware of their choices to participate or not. Through my links with researchers and academic institutions, I will highlight work to expand and share the knowledge base. I also want to ensure that where RJ is delivered it is undertaken by staff who have received high quality training. I want to ensure that victims are properly informed and supported before, during and after the intervention. Through the work of my team, I will assess if RJ is being delivered in accordance with the requirements of the Victims' Code and report these findings to ministers and heads of organisations.

#### **Priority 4: Putting Victims first when cases are dealt with out of court**

My aim is to increase the understanding of victims and the public of how out of court disposals operate and to ensure victims are clear about their entitlements. I will work with the police and Crown Prosecution Service to see how the findings into their pilots to simplify out of court disposals can be used to increase understanding and to promote more consistent practice.

#### **Priority 5: Giving victims, including vulnerable victims, a voice**

My aim is to ensure feedback from victims, including vulnerable victims, is used to inform development and implementation of policy. I will work with the Foreign and Commonwealth Office to improve the experience of victims of crime committed overseas. I will consider how the learning from the pilots into pre-trial cross examination might be used to improve all victims' experiences of cross examination nationally. I will continue to meet and listen to a wide range of victims and victims' organisations and consider how I can use modern technology to enable the views of more victims to reach me. I will meet with the police, probation, prison and courts inspectorates to consider how they might incorporate the needs and experiences of victims into their work.

In addition to my priorities relating to compliance with the Victims' Code, I will also be keeping an eye on how the Witness Charter is being implemented. Unlike the Code, the Witness Charter is not statutory and it states that there may be constraints which affect the ability of the various agencies to provide services. It also explains that agencies and lawyers will seek to comply with the standards, insofar as is practicable and their professional rules allow. I will want to know the extent that these provisos are used in practice and I will seek feedback from agencies and witnesses about this.

I look forward to building on my first year's work. I will work with criminal justice agencies to facilitate a better deal for victims. My team will be seeking out independent evidence of what it is really like for victims. They will want to know if victims are genuinely receiving the services they are entitled to and if they are treated in a way that treats them with sensitivity, dignity and respect. I will be listening to victims and making sure their voices are heard, not only by me but by all the agencies with which they have contact. Most importantly, I will be holding agencies to account to act on what victims are saying. A victim's voice which does not lead to action is no voice at all.

