

MEETING VICTIMS' EXPECTATIONS

The Code currently takes the form of a Code of Practice. We propose placing the key principles of the Code in primary legislation to send a clear signal to all listed agencies that they must comply with delivering it.¹⁵ We also want to make sure that the legislation allows us a degree of flexibility to strengthen the specific minimum expectations if policies and practices change in the future. This may be best achieved by placing the detail of the Code in accompanying regulations and/or guidance. We think the key principles are:

- ensuring victims are informed – to ensure that victims can fully understand the criminal justice process, criminal justice agencies must pay due consideration to providing victims with the information they need throughout the entirety of their case, from reporting through to post-conviction*
- ensuring victims are supported – although victims do not have to report a crime to access support, when they do, the Code stipulates that victims must be referred to a service that helps them cope and recover, supported during their journey at court, and assessed as to whether they need any specialised assistance, such as eligibility for special measures*
- ensuring victims have their voices heard – victims must have their voices heard in the criminal justice process and be offered the opportunity to make a Victim Personal Statement to explain how the crime has had an impact on them*
- Victims' right to review – victims must be able to challenge decisions that directly impact them, and the Code specifies that they have the right to ask for a review under the National Police Chiefs' Council or CPS Victims' Right to Review Schemes, which allow complainants to request a review of certain decisions not to pursue a prosecution or to stop a prosecution*

1. Do you agree that the key principles set out in the consultation are the right ones? If not, do you have any other suggestions?

While the key principles are the right ones, there are still issues around who is classed as a victim and therefore what support they receive, or what experience they will have of engaging with the criminal justice system.

There are also issues with the interpretation of these principles. For example, we experience many cases where the police feel they have kept a victim informed but, in fact, the victim hasn't felt like that.

2. What more can government and agencies do to ensure that frontline professionals are aware of what is required of them under the Code?

From our perspective, the issue isn't so much about whether frontline professionals know what is required of them, the issue is where victims don't see themselves as a victim, they want to engage with services, or know what they are entitled to. This results in many people who are eligible for this support not being able to access it.

When we experience this as an issue, it tends to most often be the Police. We reiterate what the rights of the victim are, but the police don't often know what these are or listen. It feels like a culture shift is needed within the police force to make sure it's victim-centric and the code is embedded across policing – regardless of postcode.

3. What more can government and agencies do to ensure every victim is made aware of the Code and the service they should expect to receive under it?

As stated above – better training for the police to encourage a culture change to a victim-centric approach to policing.

Secondly, the classification of child victims needs to be addressed, namely the potential and actual criminalisation of children who have been exploited. This is especially the case for Child Criminal Exploitation (CCE) victims as there is currently no national legal definition of CCE and no national strategy. We are clear that a child who has been groomed, coerced or forced to commit criminal acts should not be held responsible for those acts. This is the most significant unresolved policy issue in relation to child exploitation. The current response to children who are criminally exploited in County Lines drug-dealing, for example, is inconsistent both within and between Police Forces. This can lead to the child being victimised on two accounts - by OCGs, and then by criminal proceedings and the ongoing consequences of this. This also means that they do not receive the support that a victim is entitled to.

4. Do the current procedures around timing and method of communication between the police/CPS and victims about key decisions work for victims? Are there any changes that could be beneficial?

Currently, there is a one-size-fits-all approach which isn't fit for purpose. We witness too many cases where victim preferences for communication are ignored i.e. just over the phone. This might be down to a resource issue but could also be an institutional culture issue. There isn't a bespoke approach to how victims are treated – i.e. as individuals.

With exploited children, the current process/system takes too long. This was already a growing trend before 2020 but it has been exacerbated by the pressures of the pandemic. For instance, in cases where a child's phone is taken for evidence on grooming, we have case studies where it's a barrier to disclosure for children. Their phones can be taken for analysis and held for months. This is isolating but also presents practical difficulties for a young person. The problem is also compounded by the lack of information and updates provided to them, and the victims being under the impression that it is their behaviour which is being scrutinised, rather than the perpetrator's. A child (and any victim, in fact) should have some rights and guarantees in respect of property being taken for analysis by the police. The same is true for victims of sexual violence.

We have also seen patterns emerge where there is a reluctance from the police to deliver bad news to a victim, such as not proceeding with a case. The responsibility is then passed on to our case workers or restorative justice practitioners, which puts us in a difficult position after building a trusting relationship, leaving the victim feeling unimportant. This is only suitable where the victim has given their preference to be updated by their caseworker rather than the police. Once again, this demonstrates the need for the process to be entirely victim led.

5b. Should there be an explicit requirement for the relevant prosecutor in a case or types of cases to have met with the victim before the charging decision, and before a case proceeds to trial?

This should be the choice of the victim. It could help to put the victim at ease, so long as the circumstances are right and the right support is offered around it. What it cannot do is then add

more time to whatever decisions need to be made, or allow another professional to let a victim down.

5c. What changes, if any, could be made to the Code in relation to information about the Victims' Right to Review Scheme?

The Scheme is not publicised well enough despite our efforts to promote it as much as possible. It was only through an ex-officer joining our team that we found out about the Scheme and that we should use it more.

IMPROVING OVERSIGHT AND PERFORMANCE

9a. Local-level partnership working is vital to ensuring the delivery of a quality service to victims. How can agencies better collaborate locally to deliver and monitor compliance with the Code?

Better integrating systems. For instance, IT systems where possible, increased access, better information-sharing agreements, and mapping who key partners are in particular areas but especially the police. There is, for example, a clear difference in the success of our partnerships between regions, and this comes down to our victims team being co-located in one area which means they have access to police systems. Similarly, there tends to be a culture in the police that you can be ignored if you sit outside of their systems or aren't in sight.

In Restorative Justice practice, information access has made a huge difference; from better integration with probation, courts, witness care units and prisons, which is especially important for a smooth transition. Although, the effectiveness of this depends on commissioning across different force areas – there is still a lack of consistency and different areas have different needs.

Witness Care in every area is very difficult to collaborate and work with as they are very process driven. They provide little room for flexibility for victims with different needs.

A lot of organisations use the excuse of systems access and GDPR as a reason for not collaborating more effectively. More could be done to support all organisations to better understand GDPR/governance. The Domestic Violence organisations we work with in Nottinghamshire, for example, have cut out normal referral routes and have a convoluted approach to referrals, which seems to come from a fear of GDPR.

10. What should the role of PCCs be in relation to the delivery of a quality service and commissioning victims' support services, and what levers could be given to PCCs to deliver this role and enhance victims' experiences of the criminal justice system at a local level?

Every PCC is different, for example one of our PCCs is ideas driven, whereas another is much more target driven. This means that it can be very hard to establish what kind of relationship we can have with PCCs because we don't know entirely what is expected until they tell us. There is a lack of consistency and need for an agreed and consistent set of standards.

11a. Do you think the current inspectorate frameworks and programmes adequately focus on and prioritise victims' issues and experiences and collaborate effectively across the criminal justice system to do so?

There aren't robust enough inspections and there isn't a clear standard that victim services are held to. Victim involvement in the criminal justice system is viewed as a 'nice to have', not an essential. The victim is treated as a passive player in the process, only there to help with a prosecution.

Also, the systems aren't fit for purpose. For example, currently, you can't differentiate between a witness and a victim once you are in the courts system – it's either witness or perpetrator. Witness Care don't even have a core package of victim support training and we have been asked to provide that training to a statutory organisation.

There is an inappropriate focus on co-operation and disclosure from criminally exploited children, for example, which is often almost impossible to achieve due to the level of threat the child and family face - debt bondage; effective grooming causing deep mistrust and even hostility towards authorities; trauma impact etc. Police don't often show due care unless a child is willing to co-operate, and they are regarded as being complicit and perpetrators. This also links to survivors of Domestic Violence who aren't seen as useful to the police if they don't cooperate as a means to be witness for prosecution.

14. Are there any oversight mechanisms, measures or powers used in other sectors (for example by the CQC, Ofsted, and FCA) which would be beneficial and appropriate to be used within the criminal justice system to ensure that victims receive a high-quality service?

Existing structures should not be applied to victim care. The complexities we have set out so far demonstrate how a unique approach is needed.

17. What do you consider to be the best ways for ensuring that victims' voices, including those of children and young people, are heard by criminal justice agencies?

A victim personal statement isn't enough as it only captures one moment in time for that victim. A victim could be in the criminal justice system for 2 years from the time of the crime to court date. The individual experience and desire to speak to a professional could change so much during that time. There should be more powers for victim services to capture the victim voice and victim impact. As it stands, this can only be captured by the police. Furthermore, the statement is only given by the individual deemed to be a direct victim, but ramifications for an entire family can be huge - i.e. having to move schools, house, location – but there's no mechanism for allowing their voices to be heard.

Something like the referral order panels, which already exist in the youth justice system (they bring together everyone who has been affected in the offence), could be expanded across the criminal justice system more broadly.

Advocates should also be given greater weight. We always want to empower a victim to speak but sometimes they don't feel able to put their views forward, and in these cases the advocates should be given the same weight. There also needs to be a greater professionalisation of victim services, as victims case workers are not given the same level of respect as a social worker.

19. How might victims provide immediate feedback on the service they receive and its quality (such as text message, online surveys etc.)?

All of the above, plus phone calls – any ways which suit the victim.

In Hertfordshire we work with the Echo system which allows victims to give feedback throughout the system consistently, rather than just at the end of the process. This means we can adapt the service we provide to make sure it is entirely victim centred.

SUPPORTING VICTIMS OF CRIME

23a. What legislative duties placed on local bodies to improve collaboration where multiple groups are involved (such as those set out above) have worked well, and why?

Victim services need more legislative levers as we are trying to fight for the rights of a victim but without the right tools to do that.

Working Together to Safeguard Children legislation has improved multi agency working to protect children and in places it works really well – however, it still depends too much on the individuals involved and relationships between influential people.

24. What works in terms of the current commissioning landscape both nationally and locally for support services for victims of:

- a) domestic abuse**
- b) sexual violence (including child sexual abuse)**
- c) other serious violence?**

Short-contract commissioning doesn't produce the best quality victim services and is very responsive to the media landscape. Instead, we need a long-term coherent strategy. The same is true of the need for a defined child exploitation strategy.

The pandemic has naturally meant that a lot of money has been focused on the above areas, but it has also caused more complex, higher harm and higher mental health-related cases that also need attention and resources.

The services that are genuinely victim focused, rather than target driven, are the services that work. The KPI that really matters is the experience of the victim. The politicised nature of PCCs can impact this as their focus can be guided by public opinion. In Nottinghamshire, for example, we had a change of PCC in May which was half-way through the delivery of the strategic plan based on previous political priorities. We had to stop our work and change our focus, making it hard to deliver the service in meaningful way.

Do PCCs have a victim panel as standard? Have a victim/witnesses Board? It isn't mandates that this is part of the process for a PCC. Every area should have that representation at Board level.

28a. What challenges exist for victims in accessing integrated support across third sector and health service provisions?

There are too many services where victims are passed from one to the other, resulting in confusion for the individual, and the waiting lists for mental health provision are huge. Also, anyone with a

particular need - i.e. language/cultural support, educational need - faces so many barriers to accessing what they need.

IMPROVING ADVOCACY SUPPORT

46. What are the barriers to effective work with children and young people in this area, and what action could the Government take to address these?

The phones of young people being taken for analysis and held for months is a huge barrier. This is isolating but also presents practical difficulties for a young person and is becoming a real barrier to disclosure. We feel it is unnecessary to retain their phone for so long considering it is a tool young people rely on so heavily.

The problem is compounded by the lack of information and updates provided to them, and the child being under the impression that it is their behaviour which is being scrutinised, rather than that of the perpetrator. A child (and any victim, in fact) should have some rights and guarantees in respect of any property that is taken for analysis by the police.

People who have had explicit images of themselves shared online or have experienced sexual assault often suffer the devastating and continuing impact this has on their mental wellbeing, their social groups and their friends and family. The way in which these issues are investigated can be as traumatic as the event itself, if not more so (examples available). People are often made to feel that they have been foolish at best or that they are responsible at worst. People - and especially women - are believed far too seldom and the prosecution rate of sexual offences is unacceptably low.

Children can undergo multiple interviews (e.g. initial disclosure, interview with a Police officer after allegation reported, interview with social worker after safeguarding referral, video ABE interview at Police Station with appropriate adult etc). This should not be necessary and is potentially retraumatising. Furthermore, if details are felt to be inconsistent from one account to the other, which sometimes happens due to which questions were asked and the way in which they were asked, this can then cast doubt on their reliability.

Sexual Offences Act 2003: '*S15 makes it a crime for a person over 18 to meet with a child **under 16 following Sexual Grooming**. ... A relevant offence will amount to the sexual abuse, exploitation or trafficking of the child.*' Whilst a young person under the age of 18 can be deemed to be a victim of CSE, an offender cannot be prosecuted with grooming if the child has reached the age of sexual consent. This inconsistency is unhelpful in securing appropriate support and protection for older children.

Under-funding of specialist police teams is another big problem. Sometimes the 'easier crime' is pursued, such as the police opting for disruption tactics for local drug offences rather than a more comprehensive investigation of CSE/County lines which would be considered as more labour-intensive (involving surveillance, forensic examination of mobile phones etc.), but would provide much better long-term outcomes for victims.

A lack of follow-on support for children and their families, including therapeutic support, is problematic. Especially in the case of victimisation of a child dependant, it can be the whole family (parents, siblings etc) whose lives are impacted by the offence.

NRM is not fit for purpose in protecting child victims of trafficking and exploitation. Its use is a postcode lottery, and children rarely receive the appropriate support as a result of positive conclusive grounds. It should also serve as a mitigation if they are prosecuted but this does not always happen. Additional concerns about diluted protections in the new Nationality & Borders Bill and Policing, Crime, Sentencing and Courts Bill.

Quotes from case workers

'We have children that have been asked if they want to hand in their phone but asked are they prepared that they won't have it for some time. This has really put some children off making disclosures to the Police.'

'The interview process for children can be really 'heavy' on them- sometimes not handled in the best way or without the child being considered. The child's vulnerabilities and how much this trauma impacts are sometimes not thought about when this process begins.'

'Victim blaming by the Police. It's something we see loads.'

'There's a real lack of police updates on ongoing cases for the families- they contact us in despair around this, and that's only because we happen to be involved with their child. Families without additional services may be left in limbo with no-one to advocate for them.'