

Appendix A

Case Study: The Victims' Code

1 The Police and Crime Plan

- 1.1 Central to the Police and Crime Plan is the acronym 'VOICE': Victims, Openness, Inclusiveness, Communities and Empowering. This includes listening to victims and taking action to protect and safeguard vulnerable people; putting victims at the heart of open and transparent decision making; ensuring fairness, respect and accountability to victims; and engaging with victims and communities to shape services and build stronger partnerships.
- 1.2 The first of the Commissioner's priorities is to protect, support and respond to victims, witnesses and vulnerable people. In particular to improve the identification and response to 'hidden harm' and ensuring targeted provision is available, effective and focussed on those most vulnerable to victimisation and offending.
- 1.3 In October 2013, the Commissioner took over responsibility for commissioning local support services to aid the recovery of victims of crime with funding provided by the Ministry of Justice. A Victims' Strategy has been developed and support services have been delivered by a single provider since April 2015.

2 The Victims' Code

- 2.1 The Code of Practice for Victims' of Crime ("the Victims' Code") was originally published in October 2013. The Victims' Code enables the transposition of Directive 2012/29/EU of the European Parliament and the Council of 25 October 2012 ("the Directive") which establishes minimum standards on the rights, support and protection of victims of crime.
- 2.2 The Victims' Code places obligations on core criminal justice agencies to provide victims of crime with support and information. It sets out a list of key entitlements for victims, that: victims of serious crime, persistently targeted or vulnerable or intimidated victims should receive an enhanced service; victims' needs should be assessed; victims should be kept informed about the police investigation and prosecution; victims should be offered the opportunity to make a Victim Personal Statement (VPS); victims will have a right of review; victims will be offered a court familiarisation visit; victims are able to speak to the prosecutor; and most importantly, victims are supported.

3 The Victims' and Witness Board

- 3.1 The Deputy Police and Crime Commissioner chairs the Victims' and Witness Board, formerly a subgroup of the Local Criminal Justice Board, this will now feed into the East Midlands Criminal Justice Board. The new governance and accountability arrangements are currently being agreed.
- 3.2 The remit of the Board until now has been as a forum for Nottinghamshire Police; Nottinghamshire Crown Prosecution Service (CPS) and Her Majesty's Courts Service (HMCTS); the National Probation Service (NPS); the Derbyshire, Leicestershire,

Nottinghamshire and Rutland Community Rehabilitation Company (The DLNR CRC Ltd); Third Sector and others to agree strategic priorities and to work in partnership for the improvement of victims' and witnesses journeys. The Board provides leadership and direction in terms of ensuring victims and witnesses have a safe and supported experience of the criminal justice system. It plans and scrutinises delivery of the Victims' Code; oversees the delivery of efficiencies; liaises with other relevant agencies; assesses feedback from witnesses and victims; and oversees the work of the Domestic Abuse and Sexual Violence Sub Group.

4 Example of an issue addressed by the Commissioner

- 4.1 Under the leadership of the Deputy Police and Crime Commissioner, the Victims' and Witness Board oversaw implementation of the Victims' Code by all of the partners in from 2013 onwards.
- 4.2 Awareness raising work has been undertaken with police, as officers are often best placed to tell victims about support services at the first point of contact. The Nottinghamshire Police intranet also holds information about the Victims' Code, together with the relevant forms and guidance.
- 4.3 Following a review of progress in June 2015, the Victims' and Witness Board invited presentations from organisations which support victims and witnesses, such as Imara and the Witness Service. It was also agreed that dip testing should be undertaken to assess how well the Victims' Code had been implemented and any gaps.
- 4.4 The Victims & Witness Board reconvened the Victims' Code Task and Finish Group to review a small sample of cases against the Victims' Code, in order to ensure that the Victims' Code has been fully implemented by agencies and that victims are receiving the service to which they are entitled.
- 4.5 Witness Care identified 5 cases due to appear at Mansfield Magistrates' Court and Nottingham Justice Centre in the week commencing 28th September 2015. The cases included: Domestic abuse, Domestic abuse with witness summons, Common Assault, Sexual Assault and a child witness.
- 4.6 Of the 5 cases: in the first, the defendant was found not guilty; in the second no evidence was offered and the case was dismissed; in the third, again no evidence was offered; the fourth case has been adjourned for reports; and in the fifth case, again no evidence was offered.
- 4.7 With the support of the Witness Service and an IDVA; a member of staff from the OPCC managed to speak to three victims (two in the sample, who both gave evidence from behind a screen; and an additional victim of domestic abuse, who gave her evidence via Live Link).
- 4.8 The member of staff from the OPCC also observed the court process and the support provided by the Witness Service and HM Courts staff. Special measures were implemented where requested. Feedback was also received from HM Courts, CPS and the cases were reviewed with the Police.
- 4.9 To briefly summarise the findings and issues which are being followed up:

- 4.9.1 It was agreed that the pack for victims will be reviewed in light of the revised Victims' Code coming into force on 16th November 2015. This will include the Right to Review.
 - 4.9.2 There has clearly been progress in the Police, it was apparent that needs assessments were generally being done and victims were kept up to date. However, recording requirements need to be reinforced.
 - 4.9.3 Work is also needed to refocus police attention on the Victim Personal Statement (VPS) and prompt police officers to ask and record victims' preferences about how the VPS is used by the court.
 - 4.9.4 There is no formal recording at present on when or how the Court receives a VPS.
 - 4.9.5 The results of HM Courts Witness Survey have been requested and will be considered by the Board.
- 4.10 A recent HMIC short inspection report 'Witness for the Prosecution: identifying victim and witness vulnerability in criminal case files' suggests that file quality and identification of victim and witness vulnerability is not as good as it could be. However, the sample size (10 files reviewed in Notts) is too small to draw any hard conclusions, especially as no national comparisons are reported.
- 4.11 The Force monitor and manage local and national reports using the 4ACTION database. This will also be discussed at the Victims and Witness Board and a report responding to the inspection findings requested in advance from the Police.

5 Revised Victims' Code 2015

- 5.1 Following consultation, the government's revised Victims' Code came into force on the 16th November. The main changes are: extending the services offered under the Code to victims of any criminal offence, not just victims of notifiable (more serious) offences; to make sure victims are entitled to receive support and information from relevant public sector investigative and prosecutorial organisations, not just the police and Crown Prosecution Service; and to make sure that a victim who reports a crime receives a written acknowledgment which states the basic elements of the criminal offence concerned.
- 5.2 The Victims' and Witnesses Board under the leadership of the Deputy Police and Crime Commissioner will continue to monitor how well these changes are implemented, particularly by the Police, and hold them to account where improvements are required.