

ORIGINATOR: CHIEF CONSTABLE

PAPER NO: AP18/53

**SUBMITTED TO: ACCOUNTABILITY AND PERFORMANCE PANEL –
19 OCTOBER 2018**

SUBJECT: VICTIMS' CODE OF PRACTICE (VCOP) COMPLIANCE

SUMMARY:

1. The Code of Practice for Victims of Crime places statutory responsibilities on Criminal Justice agencies, a number of which fall to the police. These include completing a needs assessment to highlight any support needs; inviting the victim to make a Victim Personal Statement; providing information about what to expect from the criminal justice process; referring the victim to appropriate support services; getting explicit consent from victims before passing details of any support services; providing information regarding Restorative Justice; to advise how to make a complaint if a victim feels any entitlements have not been received; provide information about the police investigation, such as to whether the suspect has been charged or bailed and whether the suspect is going to be prosecuted or not, or if the crime is going to be dealt with outside of court proceedings. The list is not exhaustive and will be based on individual needs of the victim.
2. This paper will provide an overview of how Suffolk Constabulary is complying with the code and what work is being undertaken both independently and with partners to ensure compliance.

RECOMMENDATION:

1. The Accountability and Performance Panel is asked to consider the contents of this report and note the updates on work to comply with the Victims' Code.

1. VICTIMS' CODE OF PRACTICE – AN OVERVIEW

- 1.1 Following appointment to the role in January 2018, the Head of the Joint Justice Services Command (JJC) has been appointed as Victims' Lead for both Norfolk and Suffolk Constabularies. As a result, work relating to the Victims' Code of Practice (VCOP) and associated development, monitoring and compliance is being managed under the governance of the JJC and is being progressed in partnership with the Office of the Police and Crime Commissioner for both Suffolk and Norfolk.
- 1.2 The Head of JJC has established a joint meeting across both forces involving representatives from each of the OPCCs, where activity to raise awareness of the VCOP responsibilities for the Police and the monitoring of compliance is overseen. Other attendees include representatives from County Policing who are fully engaged with this work.
- 1.3 The strategic profile previously completed by the Joint Performance and Analysis Department (JPAD), referenced in the previous paper for the Accountability and Performance Panel in April 2018, has provided the evidence base from which to target activity and enabled the group to revisit the areas of responsibility in VCOP which fall to the Constabulary.
- 1.4 In addition to the internal meeting structure, the Constabulary are also engaged with the Local Criminal Justice Board (LCJB) Victim and Witness Sub Group which is currently chaired by the Director of Policy from the OPCC for Norfolk.
- 1.5 This group are focussing on partnership compliance with the VCOP and are currently completing a self-assessment to facilitate a more holistic view of the current position across Criminal Justice Agencies with a view to facilitating increased challenge and scrutiny. The Constabulary has been an integral partner in this work and Constabulary responses have been collated from across the organisation. A review of these responses has enabled a more informed position of compliance to be collated and assessed.
- 1.6 In addition to the self-assessment, agency representatives are also undertaking a dip sampling programme where 60 cases per year are being reviewed. A partnership review of these cases will enable a more holistic overview of VCOP compliance across all Criminal Justice partners to be gathered and for gaps or duplication in service delivery to be identified and addressed. The results of this review will be available to the Head of JJC who can use this to lead any specific local activity required.

2. VICTIMS' CODE OF PRACTICE – CONSTABULARY RESPONSIBILITIES

- 2.1 There are a number of responsibilities allocated to the Police in relation to the VCOP and through the self-assessment work undertaken through the LCJB sub group it is apparent that compliance against these currently varies. Whilst there has been a large amount of VCOP training delivered across the organisation, there are some areas where officers and staff would benefit from additional guidance.
- 2.2 The overarching list of responsibilities is provided at Appendix A together with a brief synopsis of the current position regarding compliance.

3. VICTIMS' CODE OF PRACTICE – CONSTABULARY COMPLIANCE

- 3.1 As referenced in the Accountability and Performance Panel paper in April this year, an Athena 'fix' was awaited to facilitate the data extraction to enable the Constabulary to report on compliance with the Code. Whilst this change to Athena

has been loaded into the 'live' system, at this stage the training environment has not been updated, thereby meaning staff have not yet been trained on the changes. This has been adversely affected by the impending 'go-live' of Kent on Athena and will remain an issue for the short term.

- 3.2 As a result, no specific data relating to compliance is able to be provided at this time.
- 3.3 Work has been commissioned by the Head of JJC to request a comparative study of the VCOP responsibilities for the Police against the Athena 'fix' to reaffirm that once the fix is live and able to be used, appropriate data can be extracted to evidence performance in each of the areas. This work has already commenced and is being led by Chief Inspector Simon Mills.
- 3.4 One of the areas of concern, as is apparent in Appendix A, relates to performance data. Whilst a number of the responsibilities relate to specific activities which can more easily be monitored, a large number relate to actions which are not easy to monitor or 'count'. As such it is therefore key that compliance with these responsibilities is picked up through both internal and partnership audits or that mechanisms are introduced to try and record compliance where possible. Examples of these responsibilities can be seen in Appendix A.

4. VICTIMS' CODE OF PRACTICE – NEXT STEPS

- 4.1 The joint VCOP working group, established by the Head of JJC, will continue to meet and review areas where improvements can be made. Data relating to compliance once available will be scrutinised by members of this group and actions progressed where developmental areas are identified. The group will continue to progress the piece of work to look at the Athena 'fix' and reassure interested parties of the future ability to obtain data against each of the relevant responsibilities.
- 4.2 Any training needs will also be identified and progressed with the support of the Communications Department.
- 4.3 Following a detailed review of the self-assessment returns, it is apparent that further training on VCOP and the specific Constabulary responsibilities would be useful. To facilitate the continued development in this area a 7-minute guide is being produced by the JJC. This will contain an overview of the key responsibilities and will be disseminated to all officers and staff once complete. Support is being provided by the Communications team to progress this.
- 4.4 Membership of the LCJB Victims and Witness sub group will continue and any information relevant to the Constabularies will be shared via the VCOP working group.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications in respect of this report.

6. OTHER IMPLICATIONS AND RISKS

- 6.1 The Victims' Code of Practice (VCOP) is a statutory document which places obligations on the police and other Criminal Justice agencies to provide services to victims of crime, setting out the minimum standards they can expect.
- 6.2 Any further delay in implementing the Athena fix will continue to impact on data quality and extraction.

ORIGINATOR CHECKLIST (MUST BE COMPLETED)	PLEASE STATE 'YES' OR 'NO'
Has legal advice been sought on this submission?	No
Has the PCC's Chief Finance Officer been consulted?	No
Have equality, diversity and human rights implications been considered including equality analysis, as appropriate?	Yes
Have human resource implications been considered?	Yes
Is the recommendation consistent with the objectives in the Police and Crime Plan?	Yes
Has consultation been undertaken with people or agencies likely to be affected by the recommendation?	Yes
Has communications advice been sought on areas of likely media interest and how they might be managed?	No
Have all relevant ethical factors been taken into consideration in developing this submission?	Yes

Appendix A

Entitlements	Accountable agencies	Areas to consider regarding current compliance
1. Care and respect		
1.1 Provide a written acknowledgement of the crime and basic details of the offence	Police	These letters are sent however there is a need to check the originator and confirm content, recipients etc. Once this information is confirmed, statistics on the numbers sent can be provided.
1.2. When interviewing a victim: <ul style="list-style-type: none"> • Allow them to be accompanied by a person of their choice • Conduct the interview without unjustified delay • Only carry out interviews where necessary for the investigation • Keep medical examinations to a minimum • If possible ensure the same person conducts all the interviews • Offer victims of SA/DA the opportunity to have the interview conducted by someone of the same sex 	Police	This is very much business as usual however there is currently no bespoke process to monitor compliance. This is not able to be reported on through quantitative data sets as this information is not captured in this way so audits will be required to ensure compliance.
1.3. Offer victims the chance to make a Victim Personal Statement (VPS) [this usually only applies to those who make an evidential statement unless they are Victims, Informants, Witnesses]	Police	Whilst considered business as usual this is something that can be captured statistically and forms part of the Athena 'fix'. Data can be provided in relation to this responsibility once the Athena 'fix' is in place and working.
1.4. Ask the victims whether they would like their VPS read out/played in Court	Police	Whilst considered business as usual this is something that can be captured statistically and forms part of the Athena 'fix'. Data can be provided in relation to this responsibility once the Athena 'fix' is in place and working.
1.5 For business crime, offer a named contact the opportunity to make an Impact Statement and forward to CPS	Police	This is very much business as usual however there is currently no bespoke process to monitor compliance. This is not able to be reported on through quantitative data sets as this information is not captured in this way so audits will be required to ensure compliance. Potential training need here re the purposes of an impact statement and the required content.

1.6 Take victims views into account if Police, CPS or YOT consider using an Out of Court Disposal (OoCD)	Police, CPS and YOT	Whilst this is considered business as usual, consideration needs to be given to the recording of any consultation with victims. Officers record some contact on Athena but there is a training need here to enable compliance to be more visible and for any data to be subsequently extracted. This links to the 'panel' approach used for youth decisions already in place in Suffolk and now being progressed in Norfolk.
1.15 Show victims who are children or young people, their video recorded or written statement shortly before the trial to refresh their memory	Police	This is done as part of the investigative process however it is the recoding of the fact it has taken place which is key to ensure the compliance can be monitored. An Athena linked training need and needs to form part of the dip sampling to check compliance.
1.26. Have a clearly identified complaints process through which victims can complain if their entitlements as set out under the code have not been met	All agencies	Complaints process in place and recognised. PSD being asked to provide data on complaints which relate specifically to the VCOP.
1.27. Where a complaint is made, provide an acknowledgement or response within 10 working days. It must set out the complaints process, timeframes and provide clear contact details	All agencies	Complaints process in place and recognised. PSD being asked to provide data on complaint timescales.
1.28 Where a service provider receives a complaint that should have been sent to another agency, the initial provider remains responsible for the complaint until they have provided it to the correct agency, and that agency has taken responsibility for it	All agencies	Complaints process in place and recognised. PSD being asked to provide information on their forwarding process and data on any such cases which relate to VCOP.
1.29 Provide a full and timely response in an accessible language and format which informs victims of: <ul style="list-style-type: none"> • The outcome of their complaint • How the victim can escalate their complaint to the Parliamentary and Health Service Ombudsman if they wish to do so 	All agencies	Complaints process in place and recognised. PSD being asked to provide information on this action.
2. Enhanced Support		
2.1. Conduct a needs assessment to identify Victims, Informant, Witness (VIWs), victims of serious crime and persistently targeted victims and explain special measures where appropriate	Police	Links to the JPAD profile completed in 2017. Special Measures are widely understood within the Constabulary and are routinely offered to victims, however the regularity of their use is not something able to be captured. This needs to form part of the audit / dip sampling work and for consideration to be given to the recording of use on Athena to allow compliance to be monitored.

2.2. Inform VIWs, victims of serious crime and persistently targeted victims that pre-trial therapy is available and if needed will be facilitated	Police	Links to the JPAD profile completed in 2017. This needs to form part of the audit / dip sampling work and for consideration to be given to the recording of use on Athena to allow compliance to be monitored. Potential training need here to ensure officers and staff are aware of the most recent guidance relating to pre-trial therapy.
2.3. When children or young people are involved discuss and agree with the victim, or their parents or guardians how often they will receive updates on the case	Police	The need for a Victims contract is well understood by officers and staff however the issue here relates to the recording of the agreement and the subsequent recording of any contact made. Links to the Athena developments and an area of potential training.
2.4. When recording child's or young people's evidence it must be recorded in line with Section 21 of the Youth Justice & Criminal Evidence Act, including use of video recording	Police	Special Measures are widely understood within the Constabulary and are routinely offered to victims, however the regularity of their use is not something able to be captured statistically. This needs to form part of the audit / dip sampling work and for consideration to be given to the recording of use on Athena to allow compliance to be monitored.
2.5. If a child is interviewed must allow to be accompanied by an adult of their choice unless it is in their best interest not to be so	Police	This approach is recognised as business as usual for officers and staff as part of the investigative process. However the ability to quantify this is limited. This needs to form part of the audit / dip sampling work and for consideration to be given to the recording of use on Athena to allow compliance to be monitored.
3. Communication and Information		
3.1. Provide a clear explanation of what to expect from the CJS on reporting the crime (this could either be by providing all victims with the MoJ 'Information for Victims of Crime' leaflet, or referring them to a website which contains the same information) within 5 working days.	Police	There is generally a good understanding of VCOP across the organisation but improvements may be secured here through the planned 7 minute guide. Equally it may be helpful for officers to be issued with leaflets as a reminder for victims. Compliance with this is difficult to monitor unless a note is made on Athena of a leaflet being handed to the victim of a crime. This needs a discussion and will link in with the Athena fix work being progressed.
3.2. Inform all victims about the Victims' Code	Police	There is generally a good understanding of VCOP across the organisation but improvements may be secured here through the planned 7 minute guide. Equally it may be helpful for officers to be issued with leaflets as

		<p>a reminder for victims.</p> <p>Compliance with this is difficult to monitor unless a note is made on Athena of a leaflet being handed to the victim of a crime. This needs a discussion and will link in with the Athena fix work being progressed.</p>
<p>3.3. Explain that the victims' details will be passed to a victim support service (unless they ask for this not to happen). Seek explicit consent from victims of sexual offences or domestic violence, or bereaved close relatives. Provide information about victim support services and contact details</p>	Police	<p>A separate work stream to look at the referral process to VSS is already established. This is revisiting the most appropriate time for the referral to take place and the consent aspect for the sharing of details.</p> <p>The recording on Athena is key and forms part of this work stream and the Athena 'fix'.</p> <p>This work is being progressed in conjunction with representatives from the OPCC for Suffolk and Norfolk.</p>
<p>3.4. Explain that where a victim gives a witness statement this may result in them having to give evidence in court</p>	Police	<p>This is considered business as usual for officers and staff however the monitoring of compliance here is more problematic as this is an 'assumed' discussion.</p> <p>Potential option to reference this in the 7 minute guide and to look at options to record this on Athena.</p>
<p>3.5. Explain to the victim that:</p> <ul style="list-style-type: none"> • Their VPS does not have to be read aloud • They can change their mind and choose not to have their VPS read aloud • They may be questioned on their VPS at court <ul style="list-style-type: none"> • The contents may be reported by the media • The court will decide whether, by whom and which parts of the VPS are presented in court 	Police	<p>Whilst considered business as usual this is something that can be captured statistically and forms part of the Athena 'fix'.</p> <p>Data can be provided in relation to this responsibility once the Athena 'fix' is in place and working.</p> <p>Again this would be a useful part of the 7 minute guide as a reminder to officers and staff of the explanation required when speaking with a victim about a VPS.</p>
<p>3.6. Notify victims within 5 working days (1 working day for VIWs, victims of serious crime and persistently targeted victims) of a suspect being:</p> <ul style="list-style-type: none"> • Arrested • Interviewed under caution • Released on bail/without charge 	Police	<p>This would be considered as business as usual and part of an agreed approach when dealing with all victims.</p> <p>Compliance here is more challenging to report on owing to there being no location where this information is currently recorded and stored.</p> <p>Need to consider the Athena 'fix' and the comparative work ongoing to ascertain whether this is able to be recorded on Athena.</p> <p>Again will be a useful addition to the 7 minute guide for officers and staff.</p>

<p>3.7. Inform victims within 5 (1 working day for VIWs, victims of serious crime and persistently targeted victims) working days of:</p> <ul style="list-style-type: none"> • The decision not to investigate a crime • When an investigation into a case has been concluded with no person being charged • The decision to prosecute or issue an OoCD • The decision not to prosecute - this can on occasion be a CPS responsibility (incl the reasons and information on the victim's right to seek a review via the Victims' Right to Review Scheme) • The time, date and location of the first court hearing • If the suspect is released on bail, the suspect's bail conditions 	Police/ CPS	<p>This would be considered as business as usual and part of an agreed approach when dealing with all victims.</p> <p>Compliance here is more challenging to report on owing to there being no location where this information is currently recorded and stored.</p> <p>Need to consider the Athena 'fix' and the comparative work ongoing to ascertain whether this is able to be recorded on Athena. Again will be a useful addition to the 7 minute guide for officers and staff.</p>
<p>3.8. Inform the victim (where possible) if a suspect is arrested for breaching bail conditions prior to the hearing</p>	Police	<p>This would be considered as business as usual and part of an agreed approach when dealing with all victims.</p> <p>Compliance here is more challenging to report on owing to there being no location where this information is currently recorded and stored.</p> <p>Need to consider the Athena 'fix' and the comparative work ongoing to ascertain whether this is able to be recorded on Athena. Again will be a useful addition to the 7 minute guide for officers and staff.</p>
<p>3.32 Contact victims, [who have provided contact details] of sexual offences where offenders are subject to life notification [i.e. the sex offenders register], and where appropriate provide information about the process for reviewing notification requirements and take representations from the victim into account</p>	Police	<p>Within the Public Protection teams, an approach to victims forms part of any request from a Registered Sex offender (RSO) to be removed from the register. The only time this would not be progressed is if this would be considered to be too damaging for the victim or if the victim is not able to be located.</p> <p>Any contact is recorded and forms part of the decision making process.</p>
<p>4. Engagement and Collaboration</p>		
<p>4.1. Automatically refer all victims to a victims' service within 2 working days (unless they ask the police not to). Inform all victims they can choose to refer themselves at a later date.</p>	Police	<p>A separate work stream to look at the referral process to Victim Support Schemes (VSS) is already established. This is revisiting the most appropriate time for the referral to take place and the consent aspect for the sharing of details.</p> <p>The recording on Athena is key and forms part of this work stream and the Athena 'fix'.</p> <p>This work is being progressed in conjunction with representatives from the OPCC for Suffolk and Norfolk.</p>

4.2. Share the needs assessment and requests for special measures information with Witness Care Units (WCU's) and the CPS	Police	Information is all placed on Athena and CPS can assess this when it is sent to their Case Management System.
4.3. Ensure the VPS is passed to the CPS, as well as informing the CPS of the victims' preference regarding having it read out in court	Police	Information is all placed on Athena and CPS can assess this when it is sent to their Case Management System.
4.5. Police must pass the victim's contact details to the organisation that is to deliver Restorative Justice (RJ) services, unless asked not to do so by the victim	Police	A separate work stream has been established to progress Restorative Justice (RJ) and more widely all Out of Court Disposals. This is a joint meeting with Norfolk and has been set up by the Head of JJC. Currently the group are working through the proposed RJ service and associated processes. This work is being progressed in conjunction with representatives from the OPCC for Suffolk and Norfolk.
4.22. The police must respond within 30 working days to the Criminal Injuries Compensation Authority (CICA) initial request and within 60 working days for subsequent request	Police	A centralised process to deal with CICA already exists. Data requested to ensure compliance.