

**ORIGINATOR: CHIEF CONSTABLE**

**PAPER NO: AP19/14**

**SUBMITTED TO: ACCOUNTABILITY AND PERFORMANCE PANEL –  
24 MAY 2019**

**SUBJECT: VICTIMS' CODE OF PRACTICE (VCOP) COMPLIANCE**

**OVERVIEW:**

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 Work relating to the Victims' Code of Practice (VCOP) and associated development, monitoring and compliance is being managed under the governance of the Joint Justice Services (JJS) Command and is being progressed in partnership with the Offices of the Police and Crime Commissioners (OPCCs) for both Suffolk and Norfolk.
- 1.2 The Supporting Victims meeting, established across both forces by the Head of the JJS and involving representatives from each of the OPCCs, continues to meet on a regular basis to raise awareness of the VCOP responsibilities for the Police and to consider compliance in each of the areas. Other attendees include representatives from County Policing and Safeguarding who are fully engaged with this work. A terms of reference has been agreed for this group (Appendix A).
- 1.3 In addition to the internal meeting structure, the Constabulary is also engaged with the Local Criminal Justice Board (LCJB) Victim and Witness Sub Group which is currently without a confirmed chair following a recent change.
- 1.4 As previously referenced, this group is 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 encouraging 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.
- 1.5 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. To date these results are still awaited.

## **2. VICTIMS' CODE OF PRACTICE – CONSTABULARY RESPONSIBILITIES & COMPLIANCE**

- 2.1 There are a number of responsibilities allocated to the Police in relation to the VCOP. Previous audits and the completion of the strategic profile in 2017, detailed some elements of compliance, however following further more detailed work, it was acknowledged that quantitative compliance would be virtually impossible in the majority of areas. This was detailed in the previous paper and is a result of the inability to record certain information on Athena coupled with a long standing issue of non-recording of certain information.
- 2.2 The overarching list of responsibilities previously produced has now been examined in more detail. Stakeholder consultation across a number of internal departments has taken place and views on recording have been secured from interested parties. These views included representatives from the Athena team who can assist with the identification of areas on Athena where specific information can be recorded, investigators who provided views on the information naturally recorded and the rationale why the recording of other information may be problematic and the views of the Supporting Victims group regarding priority.
- 2.3 The resulting list of responsibilities has subsequently been compared to the Ministry of Justice (MoJ) Compliance with the Victims Code document (2019) and a list of

priority responsibilities created. The MoJ sought stakeholder feedback on the responsibilities which mattered the most to victims and it is those which have formed the basis of this work. The results are attached at Appendix B.

- 2.4 The Supporting Victims Group will now consider how to measure the compliance in each of these priority areas and improve performance where required. A list of actions required against each of the priority responsibilities is included in the Appendix and details the work being undertaken in each of these areas. It is however important to note that the Victims Code of Practice is being refreshed at a national level and any changes will need to be considered when they are published.
- 2.5 Previously reference was made to the establishing of a scrutiny panel to review VCOP compliance. Having consulted with departmental leads and reviewed the scrutiny processes already in existence, it was determined that to establish yet another panel would be challenging. As a consequence, the group is working with existing panel leads to ensure inclusion of VCOP responsibilities. Some of these have already been included and the information will be shared with the Supporting Victims group for assessment.

### **3. VICTIMS' CODE OF PRACTICE – THREE FOCUS AREAS**

- 3.1 One of the key responsibilities for the Police is to ensure victims' information is passed to Restorative Justice (RJ) Services, unless specifically asked by the Police not to do so.
- 3.2 Whilst an RJ service existed in Suffolk previously, the service was not well utilised and had minimal referrals from officers and staff. As a consequence the Supporting Victims Group, with the financial support of the OPCCs in both forces, have now established an RJ 'hub', recruiting two co-ordinators and an administrator to deliver this service. The service has recently commenced and the immediate focus will now be on offering training to frontline staff, establishing a referral mechanism for referrals for support and the implementation of My RJ, a case management system which will be used to provide performance data. A more 'public launch' internally within the organisation is planned for May or June this year and is being worked on with Corporate Communications contacts.
- 3.3 In addition to RJ, the Police are expected to refer all victims to a victim support service within two days.
- 3.4 This process already existed prior to the commencement of the Supporting Victims group, however the data provided to the service providers was often inaccurate and contained a large number of referrals where the victim was not welcoming of support.
- 3.5 This position had been previously driven by a desire by the service provider to ensure high volumes of referrals and by an automated referral system based on an 'opt-out' model. Work has been undertaken to try and address the need to offer the service at the outset by attending officers, therefore explaining the service being offered and seeking consent for a referral – a move to a more traditional 'opt-in' model. Equally additional work has been undertaken to address data quality in relation to information being shared. Some improvements have been made but work needs to continue to ensure the service provider is not spending time triaging referrals in lieu of providing much needed support. This is a priority work stream for the Supporting Victims group.
- 3.6 Additionally, work has been undertaken to raise the profile of the requirement to offer Victim Personal Statements (VPS) and Business Impact Statements (BIS) by attending officers when victims initially report crimes. Magazine articles on the value of a VPS, offering guidance on content, have been produced in each county and

circulated to all officers and staff in a drive to raise awareness of this issue. Similarly, briefing slides on the value of BIS have also been created and shared.

#### **4. VICTIMS' CODE OF PRACTICE – NEXT STEPS**

- 4.1 The Supporting Victims Group, established by the Head of JJS, will continue to meet and review areas where improvements can be made with a focus on the priority areas as detailed in Appendix A.
- 4.2 Communications relating to VCOP will continue, including reference to the produced 7-minute guide, guidance on the completion of Victim Personal Statements and Business Impact statements and the promotion of the new RJ service will continue. Support is being provided by the Communications team to progress this.
- 4.3 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. It is understood that the NPCC are currently progressing a piece of work with the MOJ, looking at Police responsibilities in relation to VCOP which will be shared when complete.

<b>ORIGINATOR CHECKLIST (MUST BE COMPLETED)</b>	<b>PLEASE STATE 'YES' OR 'NO'</b>
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**

### **Supporting Victims – Strategic Meeting Terms of Reference**

**Provide leadership on the victims' strategy across both organisations;**

**To ensure organisational awareness of the service's responsibility in relation to the Victims Code of Practice (VCOP);**

**Monitor compliance in relation to the VCOP and the delivery of entitlements to victims  
Lead on training implications relating to VCOP, ensuring all relevant material is  
appropriately disseminated across the organisations;**

**Design and implement appropriate referral processes to victims' services – non-  
specialist and specialist – (to include Athena transfers (likely to link only to VPS and  
BIS));**

**Identify areas of non-compliance and support commands to address areas of  
concern;**

**Progress opportunities to develop a Restorative Justice Service across the  
organisations & manage the resulting contract;**

**Act as an agency link to the Criminal Justice Board Victim and Witness Sub Group to  
ensure alignment with partnership approaches;**

**Review the integration between internal and external service provision (Victim and  
Witness Care Unit, Victim Assessment and Referral Services, Witness Service)**