

**ORIGINATOR: CHIEF CONSTABLE**

**PAPER NO: AP19/36**

**SUBMITTED TO: ACCOUNTABILITY AND PERFORMANCE PANEL –  
22 NOVEMBER 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 continues to be managed under the governance of the Joint Justice Services (JJS) Command and is being progressed in partnership with the Office of the Police and Crime Commissioner 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 OPCC's, 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.
- 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 so activity is aligned with wider partners as required.
- 1.4 Since the last paper, submitted in March 2019, the Ministry of Justice have introduced a reporting requirement where compliance with the VCOP will be reported and monitored by OPPC's. Locally, this arrangement is recognised and is also being supported through the Supporting Victims Group and associated structure.
- 1.5 It is fair to say that work in this arena continues and is a priority for the Command.

## **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 is now being examined in more detail and in line with the Ministry of Justice (MoJ) requirements. Some work has already been completed in relation to the priority areas and the following have been identified: the sending of letters to victims of crime, the referral to victim care services, the offering and taking of a Victim Personal Statement (VPS) and the provision of a Restorative Justice (RJ) Service for victims of crime.
- 2.3 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. Upon previous review it was felt that some of these areas were already included, however the detail in existing audits is not of sufficient quality to enable compliance to be assured, so further work is now being undertaken to assess how the existing audit framework in each force can be extended and refined to include specific VCOP responsibilities and as such enable improved clarification of compliance.
- 2.4 It is important to note that the issues with Athena remain and it is likely that data will be problematic to extract and provide in all areas. It was, however, felt that where audits were being undertaken on specific crimes, the results of these audits could yield some useful information which could in turn be provided to 'intimate' or assume

compliance or indeed, non-compliance. This is not ideal but it is nationally recognised, through the NPCC Victims and Witnesses portfolio, that a large number of forces will be unable to provide accurate data. As such Norfolk and Suffolk Constabularies are in a similar position to other forces in this regard.

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

- 3.1 One of the key responsibilities for the Police is to establish a Restorative Justice (RJ) Service.
- 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 OPCC's in both forces, have now established an RJ 'hub', recruiting two co-ordinators and an administrator to deliver this service.
- 3.3 The implementation of this service has been faced with a number of challenges which has delayed the progress anticipated in this area.
- 3.4 Recently the Suffolk RJ Co-ordinator has resigned from her post leaving a significant gap, and the remaining two members of staff without any accredited member of the team. Work is in train to recruit to this now vacant post and to ensure suitable training is secured for the new staff, but this has significantly delayed the internal and external launch of the service.
- 3.5 That being said, referrals are trickling through to the service and the remaining staff are managing the existing cases to ensure victims are not left without support.
- 3.6 The priorities for the team at this point therefore are to ensure recruitment to the vacant post, secure relevant training for the two co-ordinators once appointed and to roll out the delivery of the E-based refresher training across the two forces. This will lead to more officers being aware of the service and also having the skills at Level 1, to progress with RJ interventions where suitable.
- 3.7 The Police are expected to refer all victims to a victim support service within two days.
- 3.8 This process already existed prior to the commencement of the Supporting Victims Group, however the data provided to the service providers continues to contain a large number of referrals where the victim was not welcoming of support. The latest data provided for August 2019 suggests that over 4000 referrals were made, yet only 145 people actually took up the service offered. Understandably this position is challenging for the service provider and the OPCC's as commissioners, and this is recognised as the key priority area for the Constabulary.
- 3.9 For several months, the Constabulary has attempted to address this issue and have sent out several communications to frontline officers and staff to encourage compliance in relation to the referral process. Leaflets from the service provider have been circulated to all frontline teams with podcasts, and reminder communications being circulated at least three times since the start of the year.
- 3.10 Conversations with the regional Athena forces have been held on several occasions in an attempt to secure support to remove the 'opt-out' model which is currently in place. However, to date, this has not been supported.
- 3.11 As such the Supporting Victims Sub Group has identified this as a key priority and some dedicated and bespoke communications material relating to this issue is now

being designed. Commanders have been briefed on the issues and asked to further promote the communications when they are circulated

- 3.12 The content and subsequent service of letters to all victims of crime has also been a key priority for the Supporting Victims group.
- 3.13 Once again, the letters are generated from Athena so any change is required to be both communicated to and then agreed by the regional Athena forces. Until recently, this agreement was not forthcoming, however on 25 September 2019 at the most recent meeting and interesting following the MoJ announcement regarding compliance, other forces have been receptive to the change and relevant local amendments are now being progressed to enable this to be used across the two counties.
- 3.14 Discussions will then need to be held to decide where the responsibility for sending the letter is to sit, however this will be discussed with the two Assistant Chief Constables (Local Policing) when a final draft letter has been agreed.
- 3.15 Finally, work has been undertaken to raise the profile of the requirement to offer Victim Personal Statements (VPS) 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 Business Impact Statements (BIS) have also been created and shared.
- 3.16 In addition, and to assist in the reduction of workload for the existing Witness Care Units (WCU), a technological solution to the offering of a VPS is being progressed under the auspices of the Digital Portfolio Board. This would result in victims being able to 'self-serve' to a greater degree and would also provide more guidance for them about the court process and the subsequent importance of the VPS if provided.
- 3.17 The model and approach are already working in Staffordshire and at the request of the Head of Joint Justice Services (JJS), representatives from the WCU, ICT and CJS have visited the county and seen the solution in operation. There are no anticipated barriers to implementing this locally, and a meeting has now been planned to look at progressing. It is recognised that this solution would improve the service for victims and enable them to feel much more involved in the criminal justice process as well as yielding significant efficiency improvements for staff in the WCU.

#### **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 above.
- 4.2 Communications relating to VCOP will continue and will align with the force priority of Op Investigate as required.
- 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 There are no other implications and risks in respect of this report.

<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