

ORIGINATOR: CHIEF CONSTABLE

PAPER NO: AP20/27

SUBMITTED TO: ACCOUNTABILITY AND PERFORMANCE PANEL –
3 JULY 2020

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.

DETAIL OF THE SUBMISSION

1. KEY ISSUES FOR CONSIDERATION

- 1.1 Work relating to the Victim's Code of Practice (VCOP) and associated development, monitoring and compliance continues to be managed under the direction of T/Assistant Chief Constable Julie Wvendth on behalf of the Joint Justice Services Command and continues to be progressed in partnership with the Office of the Police and Crime Commissioner for both Suffolk and Norfolk.
- 1.2 The Supporting Victims Sub Group continues to meet on a regular basis although the actions arising from the meetings have been somewhat hampered by the recent Covid-19 pandemic and the Constabulary's response to it (Op Response). Work has continued across a number of workstreams but some communications to frontline officers have been stalled with Op response material needing to take priority. Detail on the work completed will be provided in the following sections of this paper.
- 1.3 The response to victims and witnesses remains a priority area for both Constabularies and is of significant importance during the pandemic, with victims being asked to wait some months before finalisation of court cases. This is having a significant impact on the Victim and Witness Care Unit who are attempting to ensure all victims and witnesses are kept fully up to date and engaged during this time. This is a particular area of concern for the Constabulary but work is ongoing with partners across the Criminal Justice System, facilitated by the Local Criminal Justice Board, in an attempt to ensure victims and witnesses receive the support they require during this challenging period.
- 1.4 The below provides an update on the key areas of development in relation to the Supporting Victims Sub Group with a specific focus on Victims Code of Practice compliance.

2. VICTIM AND WITNESSES STRATEGY

- 2.1 As previously reported, a local strategy, based on the published NPCC strategy, has been agreed and circulated across the organisation with follow up discussions with Commanders and Departmental Heads to ensure its implementation at an operational level.
- 2.2 The Victims Code of Practice (VCOP) is at the heart of this strategy and outcomes from other work streams will enable us to identify how the implementation is being achieved. This is an area of focus for the group which will continue post the Covid-19 crisis when communications in this area will again be prioritised.

3. VCOP COMPLIANCE – MINISTRY OF JUSTICE REPORTING (MOJ)

- 3.1 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.
- 3.2 Despite this challenge and after some detailed work, it was agreed that specific aspects of VCOP compliance could be included in the investigation audits undertaken on a monthly basis. These audits are undertaken by all Inspectors across the organisation with results

being collated and then analysed by colleagues in the Strategic Business and Operational Services (SBOS) team who then provide a report to interested parties.

- 3.3 These results contain information on specific areas of VCOP and will enable attendees of the Supporting Victims Sub Group to confidently assess compliance. One report has been provided to date with a second expected in the coming two weeks. This data is at an early stage so will be shared once two sets of data are available for comparative purposes. For clarity the VCOP areas included in the audits cover - the provision of a written acknowledgement to the victim, the undertaking of a needs assessment, the referral for support, ensures regular updates are provided to the victim and the offering of a Victim Personal Statement.
- 3.4 It is nationally recognised that forces are struggling to be able to report on VCOP compliance to the MOJ, and as a result the MOJ has requested that a minimum number of cases are dip sampled each quarter (30) to enable a force to give an evidence-based overview of its compliance. Through the work annotated above, Suffolk Constabulary will be in a strong position nationally with the ability to report on the provided audit results – these will account for 100 per month or 1200 per year, a far increased number than the recommended 30 per quarter.

4. VCOP COMPLIANCE – REFERRALS FOR SUPPORT

- 4.1 The Constabulary continues to refer a large number of victims to the Victim Care services, commissioned by the OPCCs in both Suffolk and Norfolk. These volumes are heavily influenced by the ‘opt out’ approach in place across the two forces, driven by Athena and regionally preferred by other Athena forces. This has been an ongoing challenge for the Constabulary and the Sub Group for several months.
- 4.2 The high volume of referrals compared to the smaller take up of service rates (average 4% take up rate), have been a concern for the Constabulary for some time and several attempts have been made to address the challenges here. These have included internal communications, the dissemination of posters reminding officers to ask the victim the question about the service, the circulation of Victim Care leaflets and further articles on the Constabulary’s internal magazine.
- 4.3 To assist with this work, Victim Champions have been identified across the organisation. These champions act as Subject Matter Experts and offer support and guidance to officers and staff at a local level when queries about the management of victims arise. Bespoke training material has been produced and circulated to them, together with face to face training inputs where required.
- 4.4 The Joint Justice Services Staff Officer has also undertaken a specific audit of cases where the victim was referred to Victim Care to confirm with the Officer in the Case (OIC) whether or not they asked the victim if they would like to be referred for the service or whether they relied on the ‘opt out’ box on Athena. The audit was undertaken within 24 hours of the crimes being reported, so was fresh in the minds of the officers on each occasion. The results suggested a 50-50 split in terms of compliance, meaning there is more work to do with frontline officers in this regard.
- 4.5 Whilst some impact has been noted, this remains an area of concern for the Constabulary and the Supporting Victims Group continue to prioritise this to ensure victims receive the service they require and that they are referred appropriately rather than automatically to Victim Care.

5. VCOP COMPLIANCE – RESTORATIVE JUSTICE (RJ) SERVICE

- 5.1 The Restorative Justice (RJ) service across the two forces is still in its infancy, and its development has been one of the main areas affected by the Covid-19 pandemic with members of the team unable to meet individuals face to face to progress any resolutions.
- 5.2 The OPCCS are heavily involved in this area of the business and are fully engaged in the development plans. These include the creation of an allocation policy to ensure suitably trained resources are involved in the right cases, the researching of RJ services nationally to assess and review the current model used in Suffolk and Norfolk and the liaison with partners across the two counties to further develop best practise at a local level.
- 5.3 The implementation of this service has not been without its challenges over the past 12-18 months and it is therefore difficult to assess their success at this time. However, the Constabulary have clearly increased their understanding of RJ and the support it offers to victims which has clearly improved its use amongst frontline staff.

6. FINANCIAL IMPLICATIONS

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

7. OTHER IMPLICATIONS AND RISKS

- 7.1 Those identified are referenced in this paper, and are summarised below.
- The impact of the Covid-19 pandemic on victims awaiting trial and the subsequent impact on capacity of the Witness Care Unit, and,
 - The ongoing referral rates to the Victim Care Service which include a significantly high volume of people who have not requested or been offered support, but have been referred as a result of the 'opt-out' approach embedded in Athena