

ORIGINATOR: CHIEF CONSTABLE

PAPER NO: AP21/23

**SUBMITTED TO: ACCOUNTABILITY AND PERFORMANCE PANEL –
21 MAY 2021**

SUBJECT: VICTIM'S 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. OVERVIEW

- 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 to be progressed in partnership with the Office of the Police and Crime Commissioner for both Suffolk and Norfolk Constabularies.
- 1.2 The Supporting Victims Sub Group continues to meet on a regular basis and recent activity has been focussed on reviewing the newly published Victims Code of Practice, launched on 1 April 2021.
- 1.3 The response to victims and witnesses remains a priority area for both Constabularies and is of significant importance at this time, notably owing to the impacts of the Covid pandemic, with victims being asked to wait some months before finalisation of court cases. This and other areas of concern relating to court backlogs are key issues being progressed and actioned by the Local Criminal Justice Board as part of a wider recovery action plan.

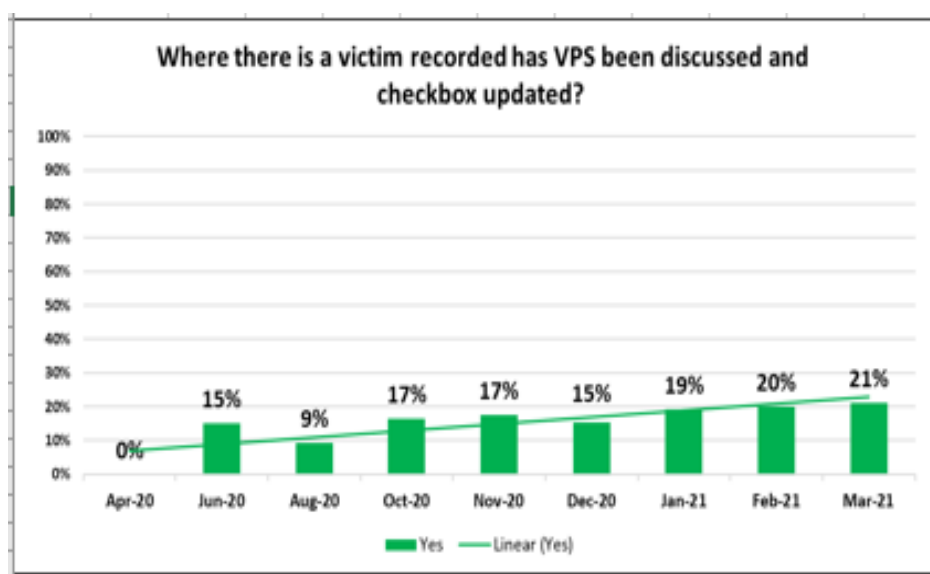
2. THE NEW CODE AND ASSOCIATED STRATEGY

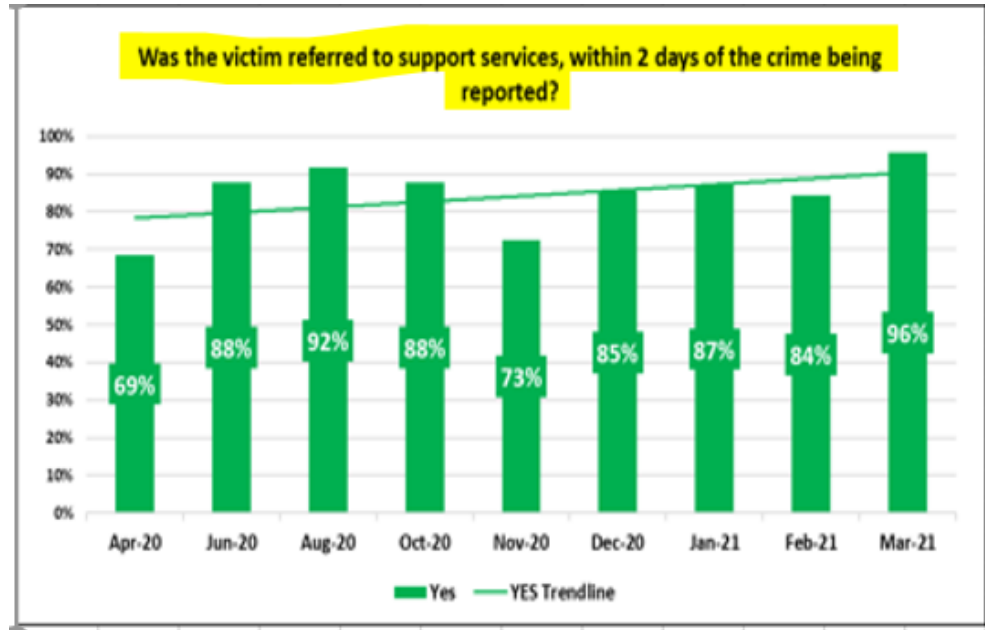
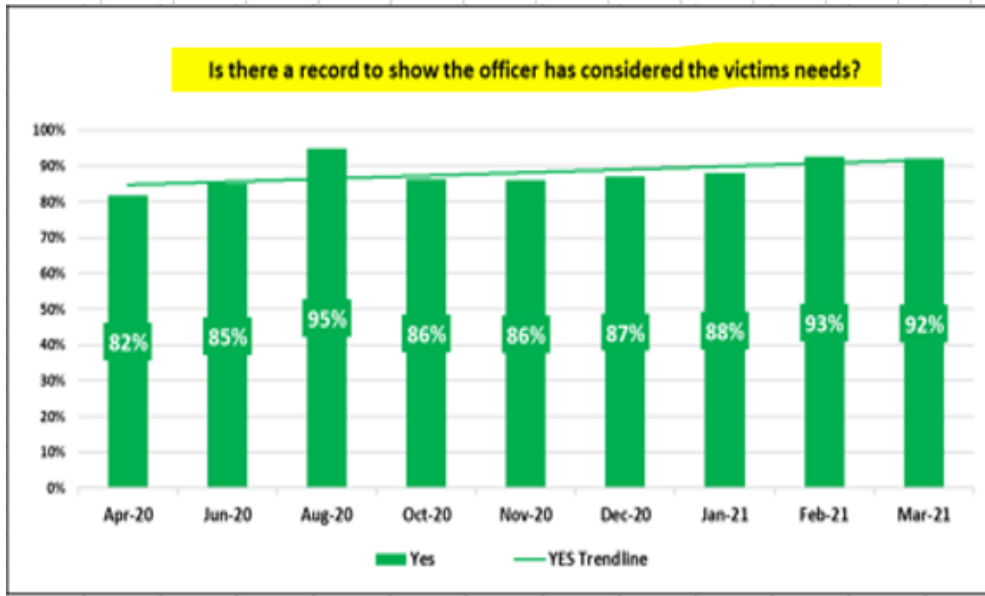
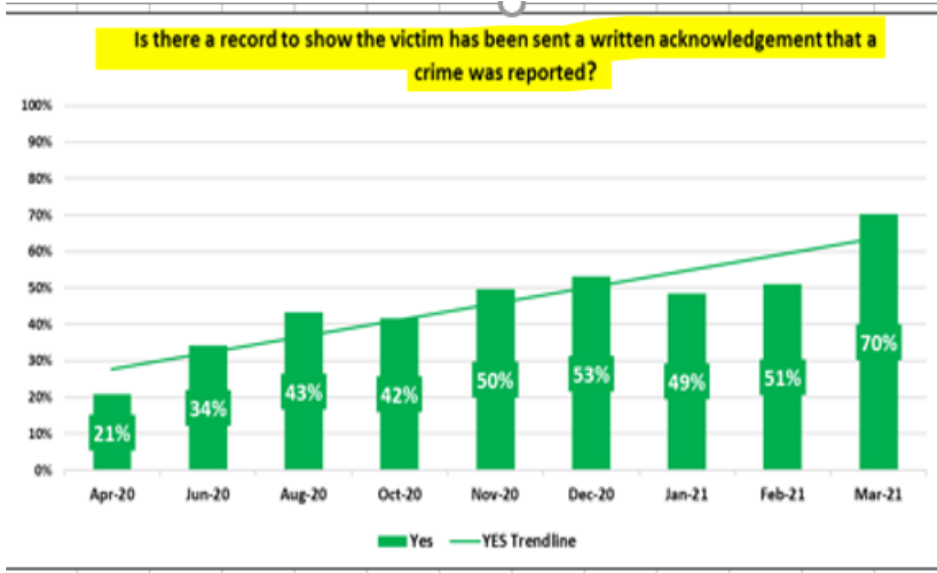
- 2.1 The Constabulary was aware of the publication of the new Code prior to its launch date on 1 April 2021, and as such was able to take steps to prepare for wider communications across the organisation.
- 2.2 Following the launch, a precis of the new document, including reference to the 12 rights, was disseminated across both forces and followed up by 12 days of focus on each right in more detail. This has assisted in raising awareness of the Code amongst all officers and staff.
- 2.3 In support of these communications, a more detailed set of webinars has been developed jointly by the Norfolk Op Investigate team and Joint Justice Services for delivery across both forces. These webinars provide an overview of the 12 rights and guide officers towards accurate recording on Athena to assist with compliance monitoring. Each session covers both the Code and Domestic Abuse and facilitates discussion and understanding of the responsibilities for police.
- 2.4 These webinars are being delivered twice daily for three weeks and will enable all officers and staff to secure more information and guidance on the new Code and their associated responsibilities. The hour-long sessions commenced on Monday 19 April 2021 and are being delivered through use of TEAMS. Post-delivery, a session will be recorded and uploaded to the Learning Management System (LMS) to enable people to revisit the material in their own time.
- 2.5 To support this delivery and to streamline the response to the Code, a new one-page strategy has been developed and agreed at the Supporting Victims sub group. This is attached as Appendix A for awareness. This template will be used as a reporting mechanism for future sub group meetings.

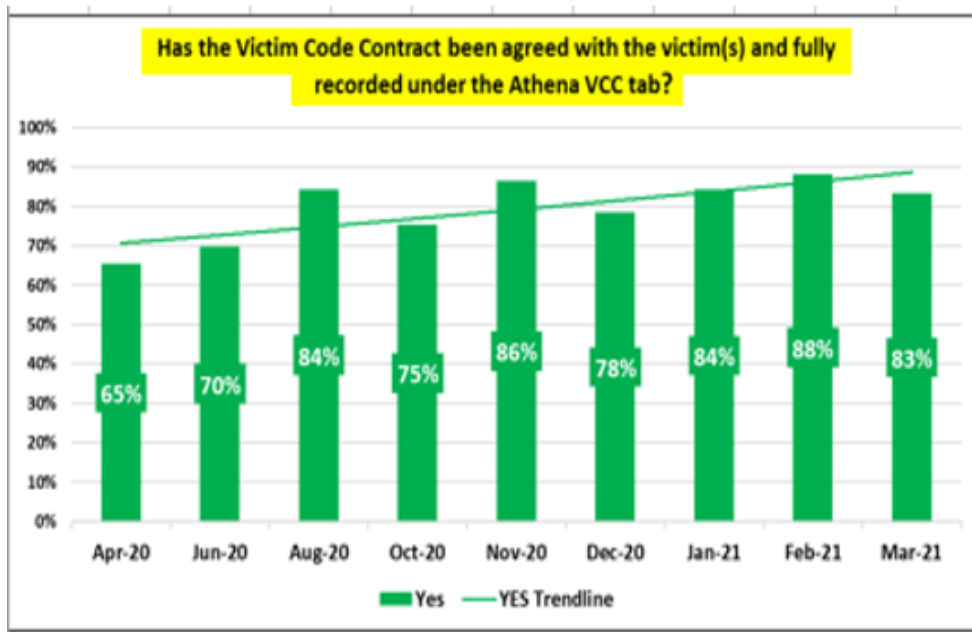
3. VCOP COMPLIANCE – GENERAL OVERVIEW

- 3.1 At this time the requirements from the Ministry of Justice (MoJ) in relation to compliance with the Code remains unclear. The National Police Chiefs Council (NPCC) Performance Group recently circulated a draft spreadsheet of proposed measures, but the list was challenging and some of the requirements were unable to be reported on by a large number of forces. A regional return for the NPCC is currently completed on a regular basis, formulated from the data detailed below. The sub group awaits the MoJ dataset to inform further data collection on compliance locally.
- 3.2 As reported in previous papers, it is acknowledged that securing quantitative compliance data is challenging in the majority of areas of the Code. There are three reasons for this – the challenges in extracting data from the system, inaccurate use of the system by those recording information (recording information in the wrong fields) and the fact the system and associated processes do not require some of the data to be recorded (e.g. allocation of an officer in the case of a specific gender if requested).
- 3.3 Despite this challenge and after some detailed work, the sub group are now provided some compliance data for each meeting which can be used to determine performance and identify areas of priority for future communications.
- 3.4 Some aspects of VCOP compliance continue to be included in the investigation audits undertaken on a monthly basis in each force. 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 subsequently provide a report to interested parties.
- 3.5 These results contain information on specific areas of the Code and enable attendees of the Supporting Victims Sub Group to confidently assess compliance. For clarity the 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, the provision of regular updates to the victim and the offering of a Victim Personal Statement.

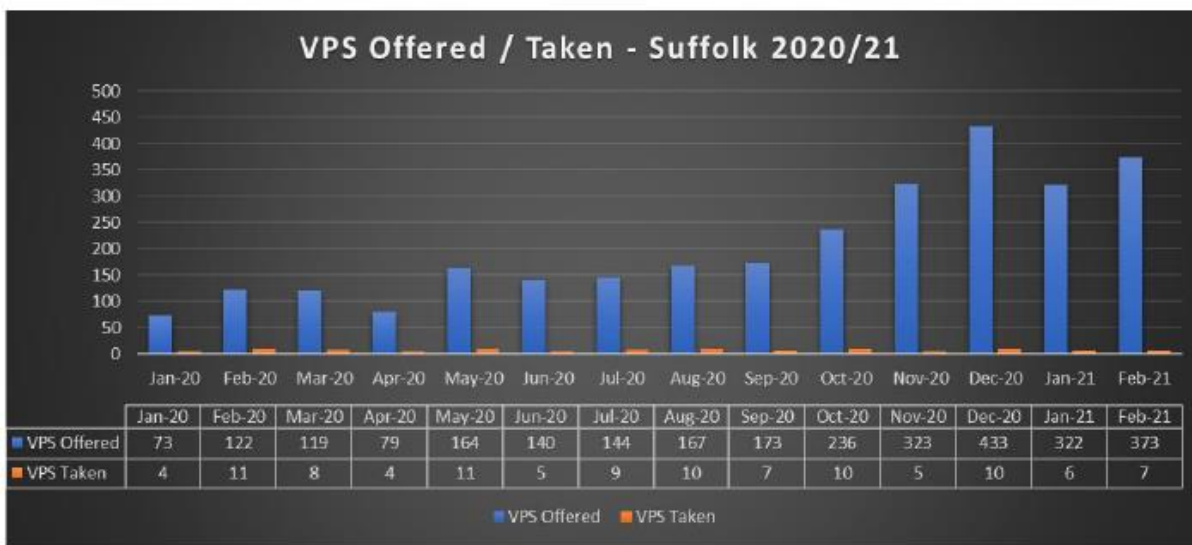
Below are the most up to date data returns arising from this report:

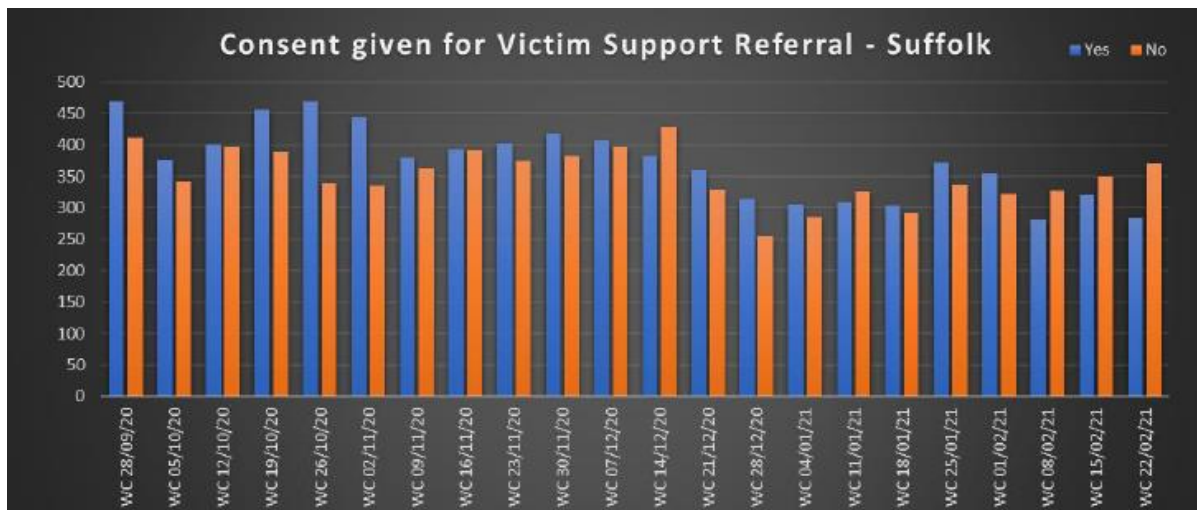






3.4 More recently, analysts have been able to pull together some compliance data on two areas of the Code (Victim Personal Statements and Referrals to Norfolk and Suffolk Victim Care. This data was presented for the first time to the Supporting Victims sub group on 15 April 2021 and remains a work in progress. However, it does provide additional information on compliance in these areas which is useful. Details are provided below:





3.5 It has also now been agreed that Joint Justice Services will audit a dip sample of 30 finalised cases each month to review compliance with all aspects of the Code. This will ensure consistency and also enable a more informed picture to be collated on all rights contained within the Code. These results will then be submitted to the regional and national NPCC meeting structure as required where audits of only 30 cases are requested.

3.6 Based on the above information, it should be noted that Suffolk is in a strong position nationally in relation to compliance with the Code with a significant number of other forces still unable to provide data on compliance.

4. PRIORITY AREAS

4.1 Following recent work to embed the process to ensure officers and staff send written acknowledgement of a crime to a victim when a crime is recorded, improvements in this area can be seen in the data included above. As a result, the sub group have now agreed to focus on the following priority areas for the coming months:

- Embed the new Code and raise awareness through webinars;
- Referrals to Norfolk and Suffolk Victims Care;
- Victim Personal Statements;
- Needs Assessments.

4.2 These are felt to be the areas requiring immediate improvements and will be prioritised in the current webinar sessions and also through additional communications over coming weeks.

4.3 **Raising awareness** of the new Code is already underway as described above and whilst these sessions are generic, improvements are expected in a number of areas. There is a focus on the rights but this is equally linked across to the use of Athena to ensure accurate completion of required fields and more accurate recording.

4.4 Whilst **referrals to Norfolk and Suffolk Victim Care services** are made in a timely manner and in line with the requirements of the Code, it remains a concern that officers and staff tend to allow the system to default to the 'opt out' service, resulting in a high number of referrals being made for victims who have not provided their consent and do not require a service.

- 4.5 As has been mentioned in previous papers, this results in a costly triage process for the Victim Care Service with approximately only 4% of referrals resulting in services being accepted. This position is not sustainable and improvements need to be made in this area.
- 4.6 A considerable amount of work has already been progressed relating to this right and as discussed previously, this will require a cultural shift by officers and staff at the time the crimes are reported. Opportunities to consider changes to Athena to remove the 'opt out' facility have been explored but are not able to be progressed (other Athena forces do not support the change) so the only option available is to ensure victims are asked for their consent or their request for a service at the 'front end' of any investigation.
- 4.7 Owing to the risks of data breaches and the fact the existing process is both inefficient and expensive, this remains a priority area for the sub group and forms part of the webinar sessions currently being delivered.
- 4.8 Data on **Victim Personal Statements (VPS)** has enabled the sub group to understand more about the numbers of statements both offered and taken but this data does not always capture an accurate holistic picture as a VPS can be obtained at any stage of the investigation and in some cases can be offered (and taken) on more than one occasion.
- 4.9 Accurate recording of both the offering and taking of these statements again features as part of the current webinars, and Athena recording processes will continue to be prioritised by sub group communications.
- 4.10 Discussions are being held with colleagues regionally about changes to Athena to ensure relevant question sets for appropriate **Needs Assessments** are included for officer use. The current set of 21 questions is not deemed proportionate so appropriate feedback has been provided.
- 4.11 Needs Assessments should be completed for victims who are deemed vulnerable, intimidated, persistently targeted and subject to the most serious crime (VIPS). To ensure progress in this area, additional work is being progressed at a local level to look at the inclusion of a Needs Assessment question set on Optik. This is at the early stages and may come with a subsequent cost however it is anticipated that inclusion on Optik would increase understanding and improve performance in this area. This is being considered and scoped with the Optik team.

5. WITNESS CARE UNITS

- 5.1 Workload pressures remain high in the Witness Care Units, however the additional resources provided through Suffolk precept and Norfolk PCC funding has provided much needed additional support and enabled a reduction of personal caseloads for the existing team.
- 5.2 National data suggests that workloads have increased by, on average 75%, with much of this additional work arising from last minute changes to Court listings and subsequently requiring updates being provided to victims.
- 5.3 Prolonged long-term management of victims, especially those who have reported serious sexual offences or domestic abuse is a concern and the continued welfare of the staff within the Unit remains a priority for the Justice Services Command.
- 5.3 Recent national communications from the NPCC suggest the Government have recognised the impact of this increased workload and as a result are considering allocating additional

funding to forces to assist. At this time no further details are known on this funding stream but the Supporting Victims sub group will continue to monitor the position.

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. However, these risks are mitigated by recent investment in the unit.

To oversee the delivery of the Victims Code and ensure victims and witnesses are supported through the criminal justice process from first point of contact, ensuring their needs are met and that they receive a consistent, good quality service.

Create confidence

Build the confidence of victims and witnesses to report and remain engaged with the criminal justice process

- Focus on staff having the right behaviours and attitudes
- Use victims' experiences to shape our service delivery
- Ensure the training and learning available to staff concerning victim care and support is fit for purpose
- Act as a link to the CJB V&W Subgroup to align with partnership approaches



Provide support

Support vulnerable victims and witnesses through the Criminal Justice System

- Ensure referrals to specialist support services and signposting to other support where required are made correctly.
- Ensure relevant staff are equipped, trained and skilled to Achieve Best Evidence
- Support the use of registered intermediaries where appropriate



Deliver a quality service

Deliver a consistent, good quality service to victims and witnesses

- Lead on training implications relating to the revised Victims' Code of Practice
- Ensure all relevant material is appropriately disseminated across the organisations concentrating on the key rights -
 - Support services
 - Written acknowledgements
 - Providing updates
 - Informing victims about restorative justice
 - Offering a VPS or an impact statement for businesses



Demonstrate compliance and quality

Continue to manage VCOP obligations to increase compliance and raise victim satisfaction.

- Use agreed recording process to capture and develop performance data
- Continue to deliver training to communicate VCOP obligations and recording requirements across both forces
- Identify areas of non compliance and support commands to address areas of concern

