

Commissioner for Victims and Witnesses:
Annual Report for 2014-15

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Victims' Commissioner for England and Wales

Summary

1. This is my second Annual Report for the Secretary of State for Justice and it covers the period March 2014 to April 2015. It also sets out my priorities and plans from April 2015 to March 2016.

Introduction

2. This has been a very busy year which started with the restructuring of my office to ensure that it could deliver on the priorities set out in my previous annual report. It has taken some time to recruit the right staff, but I now have a diverse team of staff from a range of backgrounds who have helped me to deliver improvements for victims of crime and their families.
3. In my first year as Victims' Commissioner I travelled the country to meet with victims and victim organisations to listen to what they had to say about their experiences of the Criminal Justice System. By reflecting their views to those who make policy and legislation I secured positive changes for victims which I set out in my Annual Report 2013-14 but in 2014-15 I have gone further.
4. I continue to meet with victims of crime, their families and the organisations which try to help them. I have also established my own independent website. This has enabled me to obtain the views of a much wider group of victims and has resulted in many more victims contacting me for advice and support or simply to share their experiences. It is this contact with victims, whether face-to-face, online or by letters or phone calls, which has enabled me to target my work onto the areas that cause victims most concern. Last year I committed to undertaking a series of in-depth reviews into victims' experiences and to publicising my findings. The first of my reviews considered how victims were treated when they raised a concern or made a complaint. The report was published in January 2015 and it can be found on:

<http://victimscommissioner.org.uk/pastreviews/>

Context

5. In my first annual report I said that the single most important function of my role had been to hear and represent the views of victims. I said that in my second year I wanted to see improvements for victims. I wanted to see evidence that things had changed as a result of victims speaking out. Looking back, one year later, I think the picture is mixed.
6. My first year as Victims' Commissioner saw the introduction of a number of new policies and guidance documents which were aimed at making things better for victims. I welcomed the

updated Code of Practice for Victims of Crime (The Victims' Code), and the revised Witness Charter. My second year has seen the introduction of even more initiatives such as a new national website and information line (the Victims' Information Service), consideration of paying compensation to victims up front, and the possible extension of measures to protect vulnerable victims for example the pilots which enable recorded pre-trial cross-examination of vulnerable witnesses (under section 28 of the Youth Justice and Criminal Evidence Act 1999). We have also seen a change in how services for victims are commissioned with the Police and Crime Commissioners now responsible for the commissioning and funding of the majority of victim services locally. Even more recently the government has announced that it will legislate for a Victims' Law. All of these developments sound encouraging in theory, but I have yet to see if these developments lead to changes in practice and make a real difference to victims.

7. I have no doubt that criminal justice agencies are more aware of the needs of victims, and of the importance of treating them with dignity and respect, than at any other time in history. I was concerned therefore that my review into how victim complaints were handled found a considerable gap between what agencies were trying to do and what victims were experiencing. Whilst I appreciate the methodological limits of my review, this finding accords with my own experience and that of other victims I have met. I want this to change and for agencies to be sure that victims are being treated with empathy, kindness and respect by each and every member of their staff.
8. So at the end of my second year as Victims' Commissioner I see a mixed and changing landscape for victims of crime. I have seen examples of excellent services for victims, with projects and initiatives which genuinely aspire to give victims a better experience. I have received positive feedback from victims about how they have been treated by individual staff in the criminal justice agencies, but good treatment for victims should be the norm and not the exception. I want to see agencies paying as much attention to how their policies are implemented as they do to devising the policies in the first place. More than anything I want them to ensure that staff demonstrate decency, kindness and empathy in all their interactions with victims. As I have said many times "victims don't care how much you know until they know how much you care".

The Role of the Victims' Commissioner

9. I was appointed Victims' Commissioner on 21 December 2012 and took up my post on 4 March 2013. The role of the Victims' Commissioner is defined in the Domestic Violence, Crime and Victims Act 2004 and can be summarised as:
 - Promoting the interests of victims and witnesses
 - Encouraging good practice in the treatment of victims and witnesses
 - Keeping the operation of the Victims' Code under review
10. The Victims' Commissioner must also produce for the Secretary of State for Justice an Annual Report which must be published.
11. In my first year as Victims' Commissioner, I considered that the single most important function of my role was to listen and reflect the views of victims. In my second year, my priority has been to use what victims have told me to drive improvements in how victims are treated. My priority has been to deliver what it says on my logo – "positive change for victims".

Definition of Victims

12. My definition of a victim remains as it was in my previous annual report. I accept the definition in the Code of Practice for Victims when considering relevant policy areas but I apply a much wider definition of 'victims' in my role more generally. I listen to victims of crime, their families and organisations, whether or not the victim has reported the alleged crime to the police, and

to victims who have experienced crime outside England and Wales. I include victims of all crime, not just crime that is classified as 'serious'. I consider that individuals and communities who suffer from anti-social behaviour are also victims.

Delivering Improvements for Victims' Commissioner: Summary of Activities 2014-15

13. I often emphasise that I am not a civil servant or politician. I came into this role as a victim of crime who wanted to make things better for other victims. I spent my first year getting to know where and how I can influence policies and procedures. In my second year, I have been able to use my role on various boards and my contacts with the heads of the criminal justice agencies to reflect the victim's voice and to secure some positive changes for victims. In my previous annual report I set out five priorities to deliver improvements for victims. I have summarised some of my achievements in each of these priority areas below:

Priority One: Monitor compliance with the Victims' Code

14. I wanted to know that all relevant agencies are compliant with the Victims' Code or, where they are not, that there are clear plans to rectify this. Through my role on the national Criminal Justice Board I have analysed the reports submitted by agencies regarding their plans to comply with the Victims' Code and a summary of the data they intend to publish to show how they are improving services for victims. I have provided written feedback to each agency highlighting any concerns and drawing attention to good practice. I consider that this data analysis and feedback has helped share good practice and to establish a baseline against which future performance can be assessed.

Priority Two: Complaints and redress for victims

15. I sought to improve victims' satisfaction with how their complaints and concerns are dealt with so I undertook an in-depth review specifically on this subject. As part of my review I consulted with over 200 victims and all of the agencies covered by the Victims' Code. My report found many examples of good practice by agencies, but also found a gap between what agencies were saying they were doing and how victims experienced this. Too many victims described feeling confused, ignored and dismissed. This gap was largely due to failings in how staff treated victims rather than failings in policy and guidance. In order to reduce the gap, agencies need to ensure that they put the highest possible value on staff interactions with victims. Staff need to be trained, supported and ultimately held to account for how they behave with each and every victim.
16. To try to help agencies close this gap I developed a set of Victims' Commissioner's Standards (Annex A). I presented my findings and standards to the Criminal Justice Board and all the agencies signed up to my standards and agreed to write to me to demonstrate how they are going to comply with them.
17. I think this shift in focus towards the quality of staff interactions, rather than the quality of what is written down, will be a considerable benefit to victims who want to raise a concern or to make a complaint.
18. I also wanted to consider how victims' complaints to organisations not covered by the Victims' Code were handled, for example by the Foreign and Commonwealth Office and by the Coroners' Courts, so I included these organisations in the scope of my report. The Government specifically welcomed my recommendation to consider whether the voluntary support services, available at some Coroners' Courts for bereaved families, could be made available across England and Wales; it will therefore consider the feasibility of further expansion. The Foreign and Commonwealth Office also co-operated with my report. I have had input into their consultations on murder and manslaughter abroad and their 'exceptional assistance measures' policy. I will be meeting with these and other agencies not covered by the Code to see if they will commit to implementing my Victims' Commissioner's Standards for handling complaints.

Priority Three: Restorative Justice (RJ)

19. In my previous report I said that I wanted to find out more about the potential benefits and risks of RJ. I wanted to have a better understanding about where it should and should not be used and ensure victims are genuinely aware of their choices to participate or not. I wanted to ensure that victims are properly informed and supported before, during and after the intervention. I submitted my report to ministers in July 2014 and it was published on my website in November 2014.
20. In summary, I concluded RJ can be beneficial to victims providing it is victim focused, is delivered by trained and skilled staff and that victims are supported before, during and after the RJ activity. The Ministry of Justice accepted my findings and I know they are continuing to take steps to drive up the quality of RJ activities still further. Commissioning of RJ services for victims of crime is now the responsibility of the Police and Crime Commissioners, so I am considering reviewing this topic again in early 2016 to assess for any changes or development.

The full report is at:

<http://victimscommissioner.org.uk/restorative-justice-week/>

Priority Four: Putting victims first when cases are dealt with out of court

21. I want to increase the understanding by victims and the public of how out-of-court disposals (OCCD) operate, and to ensure victims are clear about their entitlements. I have liaised with officials in the Ministry of Justice about the pilots that are currently operating and I am represented on the OCCD Review Programme Board. Although I continue to respond to letters from victims regarding out-of-court disposals, I have decided not to conduct a review into this area of work until the pilots have been completed. In summary, the pilots are testing a new, two-tier OCCD framework based around the conditional caution and the community resolution, which is intended to be simpler for victims and the wider public to understand. With these two disposals, an offender is required to take one or more actions, such as paying compensation to victims or participating in a RJ intervention, rather than just accepting a warning. The pilots are due to run until the end of October 2015 and I will be involved in assessing the impact of the changes on victims, offenders and the wider Criminal Justice System.

Priority Five: Giving a voice to victims, including vulnerable victims

22. To ensure that feedback from a wide range of victims, including vulnerable victims, is used to inform development and implementation of policy I wanted to increase awareness of the Victims' Commissioner's role and to reach a wider audience of victims within existing budget constraints. I have done this in the following ways:

Increased awareness of the Victims' Commissioner role: website and media

- In November 2014 I launched my Victims' Commissioner's website. This has been hosted on a non-government website to reinforce the independence of my role. The website has enabled me to raise awareness of my work for victims and to signpost people to advice and support. More importantly it has enabled a greater number of victims to engage and contribute to my reviews and to seek advice and help.
- Although I am prevented by law from championing individual cases, I am able to listen to victims and to signpost them to the agencies and organisations which might be able to help them. Some victims have been kind enough to update me on what happened after they contacted my office for advice. Positive outcomes for victims have included:
 - i. A victim securing a Crown Prosecution Service (CPS) review of her case which resulted in someone being charged with manslaughter which overturned the original decision not to charge

- ii. An elderly victim being allowed special measures and allocated a volunteer from Victim Support when she had previously been told she was not eligible for either
 - iii. Several victims being included in the Probation Victim Contact Scheme on a discretionary basis so that they could receive information about the offender's release and have some input into the conditions under which he was released
 - iv. Securing meetings with victims' local Police and Crime Commissioners to discuss how their concerns might be resolved locally.
- Sometimes victims are not asking for anything at all when they contact me. They simply want someone to listen to them. I have been genuinely touched by the number of victims who have responded to my replies saying how much they valued what I had said. Demonstrating that I have listened to someone seems such a small thing, yet I know how much it matters to those who contact me.

Extending the reach of the victim's voice

23. I have continued to meet with victims, victims' organisations, representatives from the criminal justice system and other agencies. I have spoken at a number of conferences and events by criminal justice and non-criminal justice agencies. I know victim experiences are unique and that I cannot reflect the views of each and every victim, but I have listened to many different victims, using a range of different media. I have therefore drawn out shared experiences and I try to reflect these at my public speaking engagements and when advising policy makers and officials. This year I have also reflected the views of victims when I have spoken in debates at the House of Lords. I have spoken in debates about child abuse, women and social exclusion, domestic abuse and Modern Day Slavery.

Contributions to conferences and training events

24. Supporting agencies that help victims is very important to me, so during the last year I have tried to expand on how I can provide support to a wider range of organisations and people. Examples of how I have done this include making a training video about my views on Restorative Justice which can be used at any Restorative Justice conference or training event, and producing a training video for the National Probation Service about how probation victim liaison officers can most effectively engage with victims of crime as part of their responsibilities under the Probation Victim Contact Scheme. Although I do not want technology to replace face-to-face contact and the personal touch, I am aware that these digital tools have been very positively received and that they enable me to reach a much wider audience than could be achieved solely from my visits to areas.

Input into consultations, policies and procedures

25. During the past year with the increasing awareness of the Victims' Commissioner's role, I have been asked to contribute to many consultations, policies and guidance which impact upon victims. I have contributed to:
- The service specifications for the national Homicide Contract and National Witness Service to ensure that all specifications for victim services require providers to include a measure of victim satisfaction
 - The consultation for the revised Code for the Mental Health Act 1983 which, for the first time, now has a section on victims
 - Lord Justice Brian Leveson's review into efficiency in criminal proceedings which was published on 23 January
 - The Justice Committee review of the Criminal Case Review Commission (CCRC) by providing written evidence

- The revised Sentencing Guidelines Council's consultations about sentencing guidelines for offences such as theft, robbery and dangerous dog offences
- Inspection planning with Her Majesty's Inspectorate of Constabulary (HMIC) to ensure the views of victims were properly reflected in their inspections of police forces in England and Wales (Peel Inspections)

Meetings with ministers, government departments and other commissioners

26. The role of Victims' Commissioner is independent from government but I meet with ministers and officials from a number of different government departments to try to secure a better deal for victims. In the past year I have:

- Exchanged letters with the Home Secretary regarding my concerns for victims of child sexual abuse in Rotherham and in other areas. I spoke in the House of Lords to stress that the victims of abuse should not be forgotten whilst the Inquiry tried to find an appropriate chair. I wanted the focus of the Inquiry to be about victims' experiences and potential recovery rather than exclusively on procedure and process. I wanted to be sure that victims had access to the services that they needed for as long as they needed them. Following my speech I was pleased that the government announced a £2 million fund for victim organisations to enable them to respond to an increase in referrals prompted by the Inquiry.
- Worked with officials in the Department for Work and Pensions (DWP) to see how access to benefits for those bereaved by homicide could be improved. DWP will be producing some simple guidance about their procedures for my website and I have agreed to provide DWP staff with training or advice on working with traumatised people.
- Spoken in debates about the Modern Slavery Bill to call for a greater emphasis on support for the victims of this terrible and under-reported crime. I met with victims of trafficking and Modern Day Slavery and learned about the services which try to support them. I had an early meeting with the Anti-Slavery Commissioner Designate, Kevin Hyland, to discuss how our two offices could work together to give the most effective support to victims.
- Attended the Prime Minister's Child Sexual Abuse Summit at Downing Street to engage with other agencies and work in partnership to protect and support victims of this horrendous abuse.

Budget for the Office of the Victims' Commissioner 2014-15

	Budget £	Expenditure £
Original Budget	474,000	358,273
Pay Budget	436,000	341,261 <i>Inclusive of agency staff</i>
Non Pay Budget	38,000	17,012
Non Pay		
IT & Telecommunications		1,506
Travel & Other		12,899
Printing/ Postage & Office Expenditure		64
Property Rent & Rates		1,028
Fuel & Utilities		1,515

Victims' Commissioner Plans for 2015-16

27. In the forthcoming year, I want to expand on my work programme to embed more positive changes for victims into policy, guidance and, most importantly, into practice. I will complete my series of reviews into my priority areas and consider how my findings can be implemented most effectively. I will consider how the forthcoming Victims' Law might support my proposed changes and will continue to use my role on the Criminal Justice Board to hold agencies to account for delivering on their expressed intentions.

My priorities for this year are:

Priority One: Monitor compliance with Victims' Code

28. I will continue my series of reviews into compliance with different parts of the Victims' Code. In 2015-16 my priority will be to consider how Victim Personal Statements (VPS) are used. I am prioritising the VPS because, although many victims value it, there seems to be considerable confusion about what it is, how it should be written, and how it should be used in court and at Parole Board hearings. I will be seeking the views of victims, magistrates, judges, police, the Crown Prosecution Service and others. I will submit my findings to ministers and the Criminal Justice Board. I will consider how any recommendations might be included in a Victims' Law. I plan to publish my report into the VPS in the autumn.
29. I will also be considering how agencies are helping victims to access all of their entitlements under the Victims' Code. I will do this by undertaking a review into how services for victims are co-ordinated in Police and Crime Commissioner (PCC) areas. I want to ensure that victims are not pushed from pillar to post, that they know who to go to at any time, and that they do not have to keep repeating their stories. I will look at the arrangements in a number of areas and draw out examples of good practice which I will share nationally. I plan to publish my findings by the end of 2015.
30. To help victims to access their entitlements under the Victims' Code I will be publishing two leaflets. One will be to assist them in making a complaint and the other will set out my personal experiences and things I wish I had known that might have made my own personal experience of the criminal justice process less traumatic.

Priority Two: Complaints and redress for victims

31. I will build on the findings of my report into victims' complaints, which emphasised the need for agencies to give more attention to how policies are delivered and the quality of interactions between their staff and victims.
32. Following my review into victims' complaints last year, the Criminal Justice Board accepted my recommendations that the criminal justice agencies should comply with a set of Victims' Commissioner's Standards regarding the handling of complaints. At the Board all the criminal justice agencies agreed to write to me to say how they would comply with my standards and I will be considering their responses in the forthcoming year.

Priority Three: Restorative Justice (RJ)

33. Building on my previous report for the Secretary of State for Justice, I will conduct a review to establish how RJ is being carried out after the budget for victim services has been devolved to PCCs. In particular, I want to focus on how the quality of delivery is being addressed and what arrangements are in place to ensure it is genuinely victim focused.
34. I will also be assessing if and how RJ is being delivered in accordance with the requirements of the Victims' Code.
35. I plan to publish my report in early 2016.

Priority Four: Putting victims first when cases are dealt with out of court

36. I will consider the outcome of the pilots into the changes to Out of Court Disposals. I will determine how best to ensure that the findings can be used to promote greater understanding by victims and to give them some voice in how they are used.

Priority Five: Giving a voice to victims, including vulnerable victims

37. I want to continue to ensure that feedback from victims, including vulnerable victims and repeat victims, is used to inform the development and implementation of policy. It is feedback from victims which has determined the priority areas for my reviews particularly into the VPS and co-ordination of services for victims.
38. I will be establishing a Memorandum Of Understanding with the Anti-Slavery Commissioner to agree how our offices will work together to ensure victims of trafficking and Modern Day Slavery receive the support they need.
39. To enable victims of sexual abuse and young victims to have a less traumatic experience in court, I will be considering the evaluation of the pilots which enable recorded pre-trial cross examination of vulnerable witnesses (under section 28 of the Youth Justice and Criminal Evidence Act 1999) and will make recommendations to ministers and the Criminal Justice Board about possible wider roll-out.
40. To improve the experience of victims of crime committed overseas I will work with the Foreign and Commonwealth Office, and other agencies not covered by the Victims' Code, to see if they will sign up to my standards regarding the handling of complaints and any other relevant standards that may be generated from my subsequent reviews.
41. I will continue to consider how modern technology, including my Victims' Commissioner's website, can be used to enable me to reach a wider audience of victims.

The Witness Charter

42. In addition to my priorities relating to compliance with the Victims' Code, I will consider how the Witness Charter is being implemented. I will be particularly interested to hear from witnesses about the extent to which they feel they have received an appropriate level of service and the reasons for this. I will discuss any concerns with the relevant agencies and see how they might make things better in future.

Conclusion

43. In my third year as Victims' Commissioner the government and criminal justice agencies have made unprecedented commitments to deliver improved experiences for victims through legislation, developments in technology and from a greater understanding of what it feels like to be a victim. I welcome many of these intended changes and am aware that they will be made against a backdrop of increasing financial restraint. Nonetheless, I want to use the next year to hold the government and agencies to account to deliver on these commitments. I am more concerned about changes to practice than I am about changes to policy. I want to see tangible changes in how victims are treated by each and every person that comes into contact with them. I will speak out about what I find to ministers, officials and agencies. I will highlight good practice, draw attention to failings, and never stop speaking about the need for victims to be treated with sensitivity, dignity and respect - I am the voice of victims and I will not be silent.

ANNEX A

VICTIMS' COMMISSIONER'S STANDARDS: COMPLAINTS HANDLING

From the findings in this review and from what victims have told me it is evident that we need a change in culture rather than changes in policies to close the gap between what agencies are saying and what victims are experiencing. Criminal Justice agencies need to find a way of creating and embedding a 'culture of empathy' which ensures policies and procedures are delivered in a way which treats victims with kindness, patience and respect. It is, of course, much harder to measure change in culture than it is to measure change to process but, victims have given me a number of suggestions which I think can be turned into indicators of what a 'culture of empathy' might look like, or what actions might underpin it.

I have set this information out as a set of standards which will help agencies review and develop their practice. Agencies and service providers meeting these standards are more likely to be fulfilling their duties to victims under the Victims' Code in a way which is meaningful to victims.

Victims' Commissioner's Standards – victims should receive under the Victims' Code:

- clear information from agencies and service providers on how they will support them in raising a concern or making a complaint about the service they have received;
- information on how informal concerns can be submitted and dealt with, in addition to processes for the submitting of formal complaints;
- details on how agencies and service providers will keep victims informed of the progress of their complaint at all stages;
- the option to state their preferred method of communication with an agency or service provider when raising a concern or making a complaint;
- clear information to understand what to do if not happy with the response that has been received, including details about the role of the Parliamentary and Health Service Ombudsman and the right to complain to them; and
- information on how they might be able to be involved in developing, reviewing and improving an agency's or service provider's complaints process.

Agencies and service providers should ensure they offer to all victims:

- a clear statement about the support they will provide to victims who wish to raise a concern or make a complaint about the service that has been provided;
- processes to deal with concerns swiftly and informally where appropriate, in addition to processes to deal with more formal complaints;
- a commitment that they will deliver mandatory training and development plans for all staff who deal with victims' complaints;
- a commitment to ensure that all staff who interact with victims, have in place a performance objective reflecting how they will be held accountable for treating victims with empathy, dignity and respect;
- properly defined processes and recording practices which enable victims complaints to be handled proactively and appropriately;
- a published statement on whether they will apply the Parliamentary and Health Service Ombudsman's Principles of Good Complaint Handling in their complaints processes; and
- publish information illustrating how complaints from victims have led to improvements in services.

