

Title: The Victims and Prisoners Bill: Victims of criminal conduct measures IA No: MoJ027/2022 RPC Reference No: N/A Lead department or agency: The Ministry of Justice (MoJ) Other departments or agencies: N/A	Impact Assessment (IA)			
	Date: 29 March 2023			
	Stage: Final			
	Source of intervention: Domestic			
	Type of measure: Primary legislation			
Contact for enquiries: Nikki.Jones@justice.gov.uk				

Summary: Intervention and Options	RPC Opinion: Not Applicable
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Cost of Preferred (or more likely) Option (in 2022/23 prices)			
Total Net Present Social Value	Business Net Present Value	Net cost to business per year	Business Impact Target Status Not a regulatory provision
-£30.4m	£0.0m	£0.0m	

What is the problem under consideration? Why is government action or intervention necessary?
 Inconsistent approaches for understanding victims' experiences of the criminal justice system have developed over time, and there are a variety of models for commissioning and delivering support services. In response, the government is proposing a package of measures to improve victims' experiences within the criminal justice system, one element of which will be delivered via the Victims and Prisoners Bill. These measures will send a clear signal about what victims can and should expect from the criminal justice system, strengthen transparency and oversight of criminal justice agencies and improve how victim support services deliver for victims so they can build resilience to move forward with daily life. Government intervention is required through legislation to facilitate a more consolidated framework to tackle these issues, and better support victims.

What are the policy objectives of the action or intervention and the intended effects?
 The policy objectives are to improve end-to-end support for victims of crime whether they choose to engage with the criminal justice process or not. This is so that (a) victims get the support they deserve and need to build resilience to move forward with daily life, and (b) victims feel able to engage and remain engaged in the criminal justice system, and therefore support prosecutions and improve the effectiveness of the criminal justice system in England and Wales.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)
Option 0: Do nothing in legislation.
Option 1: Make victims' entitlements in the criminal justice process clear.
Option 2: Enhance oversight of Code compliance.
Option 3: Increase the focus on victims in criminal justice inspections.
Option 4: Measures relating to the work of the Victims' Commissioner.
Option 5: Remove the requirement to refer complaints to the Parliamentary and Health Service Ombudsman (PHSO) through an MP, where the complaint relates to the complainant's experiences as a victim.
Option 6: Place a duty on PCCs, local authorities and Integrated Care Boards to collaborate when commissioning support services for victims of domestic abuse, criminal conduct of a sexual nature and other serious violence.
Option 7: Require statutory guidance about the roles of Independent Sexual Violence Advisors (ISVAs) and Independent Domestic Violence Advisors (IDVAs).
The preferred options are Options 1-7 inclusive, as this would best meet the policy objectives.

Will the policy be reviewed? The legislation will be reviewed in line with post-legislative scrutiny procedures.					
Does implementation go beyond minimum EU requirements?			N/A		
Is this measure likely to impact on international trade and investment?			No		
Are any of these organisations in scope?		Micro No	Small No	Medium No	Large No
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)			Traded:		Non-traded:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister Argar MP: _____ Date: _____

Summary: Analysis & Evidence

Policy Option 1

Description: Make victims' entitlements in the criminal justice process clear by (a) placing the underlying principles of the Code of Practice for Victims of Crime (Victims' Code) into primary legislation and (b) introducing a duty to make victims aware of the Victims' Code.

FULL ECONOMIC ASSESSMENT

Price Base Year 22/23	PV Base Year 22/23	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: N/A	High: N/A	Best Estimate: 0.0

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant	Total Cost (Present Value)
Low	N/A	N/A	N/A
High	N/A	N/A	N/A
Best Estimate	0.0	0.0	0.0

Description and scale of key monetised costs by 'main affected groups'

There are no monetised costs associated with this option.

Other key non-monetised costs by 'main affected groups'

Criminal justice bodies are already responsible for delivering the entitlements in the Victims' Code and are expected to share information on the Code. As criminal justice bodies are already expected to undertake this delivery and sharing, any further activity required to meet the duty will involve redirecting and improving existing activity (for example improving communications products to victims). Therefore, we do not anticipate that this measure will lead to additional costs but can be met through redirecting existing budgets.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant	Total Benefit (Present Value)
Low	N/A	N/A	N/A
High	N/A	N/A	N/A
Best Estimate	N/A	N/A	N/A

Description and scale of key monetised benefits by 'main affected groups'

There are no monetised benefits associated with this option.

Other key non-monetised benefits by 'main affected groups'

Placing the underlying principles of the Victims' Code into legislation, while ensuring processes are in place to promote awareness of the Victims' Code, will raise the profile and visibility of the Victims' Code and send a clear signal about what victims can and should reasonably expect from the criminal justice system. Increasing awareness of the Code helps to demystify the process for victims and further promote the importance of the Code amongst criminal justice bodies. Together with Options 2, 3 and 4, this option will promote compliance with the Victims' Code and therefore better outcomes for victims.

Key assumptions/sensitivities/risks	Discount rate
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N/A

Raising the profile and visibility of the Victim's Code may lead to increased demand for associated services. There is a risk that this cannot be delivered with the current resource, despite these being current requirements. It is assumed that improved communication about the Victims' Code can be met through redirecting and improving existing activity and resourcing. If additional resource were required, then there would be costs associated with this option

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			Score for Business Impact Target (qualifying provisions only) £m:
Costs: N/A	Benefits: N/A	Net: N/A	
			N/A

Summary: Analysis & Evidence

Policy Option 2

Description: Enhance oversight of the Victims' Code by requiring Police and Crime Commissioners (PCCs) to monitor local compliance with the Victims' Code and enhancing oversight of non-territorial police forces' compliance with the Victims' Code

FULL ECONOMIC ASSESSMENT

Price Base Year 22/23	PV Base Year 22/23	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: -0.7	High: -34.3	Best Estimate: -17.5

COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	0.1	1	0.1	0.7
High	0.1	1	4.1	34.3
Best Estimate	0.1	1	2.1	17.5

Description and scale of key monetised costs by 'main affected groups'

The cost to PCCs to keep local criminal justice bodies' compliance with the Victims' Code under review, including participating in local discussions to review the compliance information and collating information and providing insights (in the form of reports) is estimated to be £0m to £4.0m per year, depending on the analytical resource required. The annual cost to the MoJ of additional resource for data publication and oversight is estimated to be between £0.07 to £0.08m, with a transitional cost of £0.1m in the first year.

Other key non-monetised costs by 'main affected groups'

Criminal justice bodies, the Ministry of Defence Police (MDP) and the British Transport Police (BTP), already monitor Victims' Code compliance to help understand how they are meeting their obligation to deliver Code entitlements. Therefore, the processes under the new duty to keep their compliance under review will strengthen existing processes, and are currently assumed to be possible to meet through redirecting existing funding, although any new cost burdens are being kept under review as the specific requirements are developed. MoJ will be required to publish such compliance information as will enable members of the public to assess the code compliance of the bodies, and PCCs will be required to take reasonable steps to make members of the public in their local area aware of how to access this information. There are therefore no costs to PCCs associated with this measure, with any minimal costs absorbable.

BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	N/A		N/A	N/A
High	N/A		N/A	N/A
Best Estimate	N/A		N/A	N/A

Description and scale of key monetised benefits by 'main affected groups'

There are no monetised benefits associated with this option.

Other key non-monetised benefits by 'main affected groups'

Requiring criminal justice bodies to share information and to jointly review Code compliance with PCCs will improve local cooperation, coordination and transparency. The publication of this information will improve transparency of the delivery of victims' entitlements and service. Placing a duty on non-territorial forces to keep Victims' Code compliance under review will put a parity of expectations for Code compliance across different police forces.

Key assumptions/sensitivities/risks

Discount rate

3.5

For PCCs, the low-cost estimate assumes no additional cost under the assumption that the costs of the measures in this option are covered by current processes. The high cost estimate assumes that each PCC will require two additional Senior Data Analysts to assist with the additional work. It is assumed that 41 PCCs would employ at a national rate of £39,183 per analyst (£47,803 with corresponding on-costs). This salary is based on an Avon and Somerset job advertisement. For London, the assumption is £45,089 per analyst (£55,009 with corresponding on-costs). This salary comes from the Mayor's Office for Policing and Crime (MOPAC)s pay scale. For MoJ, due to uncertainties as to the location where staff will be recruited, the low cost estimates assumes all staff being recruited on national pay and the high cost estimate assumes all staff being recruited on London pay.

BUSINESS ASSESSMENT (Option 2)

Direct impact on business (Equivalent Annual) £m:			Score for Business Impact Target (qualifying
Costs: N/A	Benefits: N/A	Net: N/A	

			N/A
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Summary: Analysis & Evidence

Policy Option 3

Description: Increase the focus on victims in criminal justice inspections

FULL ECONOMIC ASSESSMENT

Price Base Year 22/23	PV Base Year 22/23	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: -1.6	High:-3.8	Best Estimate: -2.7

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	N/A	0.2	1.6
High	N/A	0.4	3.8
Best Estimate	0.0	0.3	2.7

Description and scale of key monetised costs by 'main affected groups'

As the regularity and content of the inspections would be jointly directed by the Secretary of State (which in practice we would expect to be the Home Secretary and the Justice Secretary), Lord Chancellor, and Attorney General, it is difficult to estimate the costs associated with this option. The number of inspectorates in any inspection will vary depending on the scope of the inspection. To show the range of possible cost, two scenarios are presented, a low and high scenario. The low scenario assumes two inspectorates will be involved in an inspection, whilst the high scenario assumes all four inspectorates will take part. Therefore, it is estimated that the cost for a joint inspection will be between £0.4m - £0.9m, incurred every two years.

Other key non-monetised costs by 'main affected groups'

As consulting the Victims' Commissioner will not significantly impact inspectorates' current consultation processes in terms of scope, frequency and format, the impact on inspectorates' resources is negligible.

BENEFITS (£m)	Total Transition (Constant Price) Year	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	N/A	N/A	N/A
High	N/A	N/A	N/A
Best Estimate	N/A	N/A	N/A

Description and scale of key monetised benefits by 'main affected groups'

There are no monetised benefits associated with this option.

Other key non-monetised benefits by 'main affected groups'

Introducing these measures will strengthen transparency and oversight of criminal justice bodies' performance in relation to victims, improving oversight of those responsible, and ultimately driving an improvement in the level of service provided to victims. This option will enable inspectorates to be more effective at: identifying key issues in relation to victims; understanding the cause of these issues and the best ways to address them; and making recommendations that will ensure the right level of service is provided to victims.

Key assumptions/sensitivities/risks

Discount rate (%)

3.5

- Based on the Criminal Justice joint inspection business plan, joint inspections tend to cover a 2-year period. Consequently, it is assumed that an inspection will be required once every 2 years, with costs falling only in inspection years. However, there is a risk that if inspections were required more frequently the costs of this option would be higher.
- Figures are based on previous joint inspection costs, with higher costs assumed for the lead inspectorate.

BUSINESS ASSESSMENT (Option 3)

Direct impact on business (Equivalent Annual) £m:			Score for Business Impact Target (qualifying provisions only) £m:
Costs: N/A	Benefits: N/A	Net: N/A	
			N/A

Summary: Analysis & Evidence

Policy Option 4

Description: Measures relating to the work of the Victims' Commissioner.

FULL ECONOMIC ASSESSMENT

Price Base Year 22/23	PV Base Year 22/23	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: N/A	High: N/A	Best Estimate: N/A

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant	Total Cost (Present Value)
Low	N/A	N/A	N/A
High	N/A	N/A	N/A
Best Estimate	N/A	N/A	N/A

Description and scale of key monetised costs by 'main affected groups'

There are no monetised costs associated with the measures in this option. As the Victims' Commissioner already produces an annual report, with the most recent annual report laid before Parliament in July 2021, there will be no additional cost in requiring all future annual reports to be laid before Parliament.

Other key non-monetised costs by 'main affected groups'

Requiring public authorities to respond to direct recommendations in the Victims' Commissioner's reports will not require them to accept the recommendations. If agencies wish to take forward a recommendation, then, as with usual processes, they will need to consider doing so within existing resources or seek out further funding. Therefore, it is anticipated this measure will not lead to additional costs, with potentially only a marginal cost from developing a response.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant	Total Benefit (Present Value)
Low	N/A	N/A	N/A
High	N/A	N/A	N/A
Best Estimate	N/A	N/A	N/A

Description and scale of key monetised benefits by 'main affected groups'

There are no monetised benefits associated with this option.

Other key non-monetised benefits by 'main affected groups'

It is intended that this option will:

- Protect the interests of victims, and improve their treatment, by encouraging the specified organisations to respond to the Victims' Commissioner's recommendations in its reports. This should result in better local and national treatment of victims;
- Increase government oversight in Parliament for treatment of victims by requiring the Victims' Commissioner's annual reports to be laid before Parliament.

Key assumptions/sensitivities/risks

Discount

N/A

As there will be no obligation for any entity to implement any particular recommendation, it is anticipated that there will be no additional costs, with potentially only a marginal cost from developing a response. Any costs for implementing a recommendation will have to be integrated into an existing budget or additional funds sought by the authority responsible.

BUSINESS ASSESSMENT (Option 4)

Direct impact on business (Equivalent Annual) £m:			Score for Business Impact Target (qualifying provisions only) £m:
Costs: N/A	Benefits: N/A	Net: N/A	
			N/A

Summary: Analysis & Evidence

Policy Option 5

Description: Remove the requirement to refer complaints to the Parliamentary and Health Service Ombudsman (PHSO) through their MP, where the complaint relates to the complainant's experience as a victim.

FULL ECONOMIC ASSESSMENT

Price Base Year 22/23	PV Base Year 22/23	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: N/A	High: N/A	Best Estimate: N/A

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	N/A	N/A	N/A
High	N/A	N/A	N/A
Best Estimate	0.0	0.0	0.0

Description and scale of key monetised costs by 'main affected groups'

There are no monetised costs associated with this option.

Other key non-monetised costs by 'main affected groups'

Although exact information on the number of complaints made to the PHSO which relate to the complainant's experience as a victim is not collected, it is thought that the number of complaints received which relate to the Victims' Code is low and represents a small proportion of the overall number of complaints to the PHSO. Therefore, while there may be an increase in complaints from victims as the process will become simpler by removing the 'MP filter', the PHSO do not expect the volume of complaints to rise to a level which they are not able to handle within existing budgets.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	N/A	N/A	N/A
High	N/A	N/A	N/A
Best Estimate	N/A	N/A	N/A

Description and scale of key monetised benefits by 'main affected groups'

There are no monetised benefits associated with this measure.

Other key non-monetised benefits by 'main affected groups'

The removal of the 'MP filter' will improve access to justice for victims of crime by removing a potential barrier to them escalating complaints against public bodies. It will empower victims wishing to make complaints, and enable the PHSO to investigate complaints that otherwise may not be made to it, leading to decisions and recommendations to help individuals as well as improve future government conduct and decision-making. It will particularly improve access to justice for victims, for whom approaching an MP to share a potentially traumatic experience is more likely to be a barrier to making a complaint.

Key assumptions/sensitivities/risks

Discount rate

N/A

The scale of any potential increase in the number of complaints PHSO receives is uncertain, as it is not known to what extent MPs currently act as a barrier. However, PHSO have said this could likely be met by their existing service provision. If this change results in many more complaints than anticipated, PHSO may be unable to meet this demand and there could be subsequent costs associated with additional resources.

BUSINESS ASSESSMENT (Option 5)

Direct impact on business (Equivalent Annual) £m:			Score for Business Impact Target (qualifying provisions only) £m:
Costs: N/A	Benefits: N/A	Net: N/A	
			N/A

Summary: Analysis & Evidence

Policy Option 6

Description: Place a duty on PCCs, local authorities and Integrated Care Boards to collaborate when commissioning support services for victims of domestic abuse, criminal conduct of a sexual nature, and serious violence.

FULL ECONOMIC ASSESSMENT

Price Base Year 22/23	PV Base Year 22/23	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: -9.0	High: -11.3	Best Estimate: -10.2

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant	Total Cost (Present Value)
Low	0.2	1.2	9.0
High	0.4	1.5	11.3
Best Estimate	0.3	1.3	10.2

Description and scale of key monetised costs by 'main affected groups'

Annual costs are estimated to be within a range of £1.2m to £1.5m, with a best estimate of £1.3m. This breaks down into costs of £0.31-£0.36 for PCCs, £0.48-0.64m for local authorities (LAs) and £0.31-0.39m for Integrated Care Boards (ICBs), and a further cost of £0.05m to the convenor. Costs will arise from the duty to collaborate, which could be achieved through regular meetings. Preparation for and attendance at these has been costed at £0.4-0.5m per year, with an additional cost of £0.03m for the bodies convening the duty activity locally. The production and revision of a strategy to set out the approaches to this collaboration and relevant commissioning activity has an estimated average annual cost of £0.7m to £0.9m, with a further cost of £0.03m to the convenor. Preparatory meetings before the duty is implemented are estimated to lead to a one-off implementation cost of £0.2m-£0.4m.

Other key non-monetised costs by 'main affected groups'

There are no non-monetised costs associated with this measure.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant	Total Benefit (Present Value)
Low	N/A	N/A	N/A
High	N/A	N/A	N/A
Best Estimate	N/A	N/A	N/A

Description and scale of key monetised benefits by 'main affected groups'

There are no monetised benefits associated with this measure.

Other key non-monetised benefits by 'main affected groups'

This option, underpinned by statutory guidance, will improve the provision of victim support services by enabling more holistic and better coordinated services in local areas. This collaboration when commissioning will facilitate regular communication, common understanding of local area needs through shared information, and more effective co-ordinated commissioning activity. It could also reduce duplication in commissioning processes and enable targeted use of resources across commissioners. The requirement for a strategy will improve transparency of the aims and approach across all groups for commissioning relevant services for victims of domestic abuse, offences of a sexual nature, and serious violence in the area.

Key assumptions/sensitivities/risks	Discount rate	3.5
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It is assumed that PCCs with five or more local authorities will need to hold three meetings per quarter, one for each crime type. PCCs with fewer than five local authorities will hold one meeting per quarter, which will cover criminal conduct of a sexual nature, domestic abuse, serious violence combined. The low scenario assumes PCCs and LAs will have two senior representatives attending. The high scenario assumes PCCs and LAs will have two senior representatives and one administrative member of staff attending.

If collaboration did not take place in the form of new meetings, or if different frequency of meetings with a different number of attendees were needed, or if the strategy development requires different activities and participants, then the costs may be overestimated or underestimated. Activities and costs will be worked through in more detail as the statutory guidance is developed.

BUSINESS ASSESSMENT (Option 6)

Direct impact on business (Equivalent Annual) £m:			Score for Business Impact Target (qualifying provisions only) £m:
Costs: N/A	Benefits: N/A	Net: N/A	
			N/A

Summary: Analysis & Evidence

Policy Option 7

Description: Require statutory guidance about the roles of Independent Sexual Violence Advisors (ISVAs) and Independent Domestic Violence Advisors (IDVAs).

FULL ECONOMIC ASSESSMENT

Price Base Year 22/23	PV Base Year 22/23	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: N/A	High: N/A	Best Estimate: 0.0
COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)		Total Cost (Present Value)
Low	N/A		N/A		N/A
High	N/A		N/A		N/A
Best Estimate	0.0		0.0		0.0
Description and scale of key monetised costs by 'main affected groups'					
There are no monetised costs associated with this measure as the definitions of ISVAs and IDVAs introduced under this option do not prescribe eligibility for services. There will also be no additional costs associated with the statutory guidance on ISVAs and IDVAs or the duty ISVA and IDVAs and those that have a function relating to victims of crime, or any aspect of the criminal justice system, where they are exercising such a function and the guidance is relevant to the exercise of that function (with the exception of the Judiciary) to have regard to this guidance as this will be limited to recommendations and examples of best practice.					
Other key non-monetised costs by 'main affected groups'					
There may be minimal costs associated with advisors and agencies familiarising themselves with the statutory guidance, as they update working practices and procedures. These costs are assumed to be minimal and therefore are not assessed in this Impact Assessment.					
BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)		Total Benefit (Present Value)
Low	N/A		N/A		N/A
High	N/A		N/A		N/A
Best Estimate	N/A		N/A		N/A
Description and scale of key monetised benefits by 'main affected groups'					
There are no monetised benefits associated with this measure.					
Other key non-monetised benefits by 'main affected groups'					
Through including definitions of ISVA and IDVA in primary legislation, it is anticipated that there will be increased awareness of these roles. Further, issuing statutory guidance and placing a duty for ISVAs and IDVAs and those that have a function relating to victims or any aspect of the criminal justice system, where they are exercising such a function and the guidance is relevant to the exercise of that function - with the exception of the Judiciary - to have regard to this guidance will encourage greater collaboration between agencies to provide joined up support for victims. The guidance will also facilitate increased consistency of support.					
Key assumptions/sensitivities/risks				Discount rate	N/A
As the definitions of ISVAs and IDVAs introduced under this option do not prescribe eligibility for services, it is assumed there are no additional costs. It is also assumed there will be no additional costs associated with the statutory guidance or the duty to have regard to this guidance as this will be limited to recommendations and examples of best practice, although there may be some minimal familiarisation costs which have not been quantified for this Impact Assessment.					

BUSINESS ASSESSMENT (Option 7)

Direct impact on business (Equivalent Annual) £m:			Score for Business Impact Target (qualifying provisions only) £m:
Costs: N/A	Benefits: N/A	Net: N/A	
			N/A

Evidence Base

A. Background

Overarching background

1. In December 2021, the government launched *'Delivering Justice for Victims'* - a consultation seeking views on how to improve victims' experiences of the criminal justice system across England and Wales.¹ The government's vision is to see a cultural shift so that victims' experiences become central to the way our society thinks about and responds to crime.
2. In response to that consultation, there will be a package of measures to improve victims' experiences of the criminal justice system, some elements of which will be delivered via the Victims and Prisoners Bill. The measures covered in this Impact Assessment (IA) aim to send a clear signal about what victims can and should expect from the criminal justice system to strengthen transparency and oversight of the organisations that are there to help them, and to improve how victim support services deliver for victims so that victims get the support they deserve and need to build resilience to move forward with daily life.
3. The victims measures in the Bill seek to improve:
 - What victims can expect within the criminal justice system, set out in the Code of Practice for Victims of Crime (the Victims' Code).
 - Oversight mechanisms to drive better performance so that victims consistently receive the service to which they are entitled, including the roles of Police and Crime Commissioners (PCCs – who hold Chief Constables to account and commission support services for victims and witnesses), criminal justice inspectorates, the Victims' Commissioner, and complaints processes.
 - Aspects of victim support services, including the commissioning of these services, as well as support from Independent Sexual Violence Advisors (ISVAs) and Independent Domestic Violence Advisors (IDVAs).
4. This IA, which accompanies the Bill, sets out the issues being addressed, the options being considered and their associated impacts. The cost estimates presented reflect the best information currently available, and we will continue to work with relevant agencies and other government departments to refine estimates as needed.

The Victims' Code

Overview

5. The Victims' Code came into effect in 2006, having been required by the Domestic Violence, Crime and Victims Act 2004. It built on the support for victims within the Victims' Charter, which was introduced in 1990 and which set out for the first time the levels of service victims of crime should expect. It has been updated several times. The latest

¹ [Delivering justice for victims: A consultation on improving victims' experiences of the justice system - Ministry of Justice - Citizen Space](#)

revised Victims' Code was laid before Parliament in November 2020 and it came into force on 1 April 2021, which sets out 12 underlying entitlements:

- To be able to understand and to be understood.
 - To have the details of the crime recorded without unjustified delay.
 - To be provided with information when reporting the crime.
 - To be referred to services that support victims and have services and support tailored to your needs.
 - To be provided with information about compensation.
 - To be provided with information about the investigation and prosecution.
 - To make a Victim Personal Statement.
 - To be given information about the trial, trial process and your role as a witness.
 - To be given information about the outcome of the case and any appeals.
 - To be paid expenses and have property returned.
 - To be given information about the offender following conviction.
 - To make a complaint about your Rights not being met.
6. The 2019 government manifesto included a commitment to “pass and implement a Victims’ Law that guarantees victims’ rights and the level of support they can expect.”²

Issues

7. There are concerns that victims’ entitlements in the Victims’ Code are not well known or consistently delivered.
8. Previous data from the Crime Survey England and Wales for 2019-20 found that there is a low rate of Code awareness amongst victims. Only 23.4% of victims were aware of the Code and 45% felt that the police and other criminal justice agencies kept them informed, and only 18% of victims recalled being offered the opportunity to make a Victim Personal Statement.³
9. The Justice Select Committee’s pre-legislative scrutiny of the draft Victims Bill recommended that an obligation is placed on criminal justice bodies to make victims aware of the Victims’ Code.
10. Criminal justice bodies (including BTP and MDP) already have processes in place to make victims aware, such as through including information in letters, and featuring information on the Code in websites.
11. Although criminal justice bodies already have processes in place to share the Code, these are inconsistent and there is no way of monitoring how effective they are. Given the low level of awareness, more should be done to ensure victims are notified when appropriate.

Code compliance

Overview

12. The Victims’ Code compliance measures are aimed at improving local level compliance and building up a national picture of compliance. Relevant criminal justice bodies listed in the

² Page 19 The Conservative and Unionist Party Manifesto 2019 <https://www.conservatives.com/our-plan/conservative-party-manifesto-2019>

³ Experience of the criminal justice system for victims of crime, Crime in England and Wales: Appendix tables – Office for National Statistics (March 2020), <https://www.ons.gov.uk/file?uri=/peoplepopulationandcommunity/crimeandjustice/adhocs/13635experienceofthecriminaljusticesystemforvictimsofcrimeenglandandwalesyearendingmarch2009toyearendingmarch2020/awarenessofthevictimscodetinaloctoberreview.xlsx>

Victims' Code such as the police, Crown Prosecution Service (CPS), HM Courts and Tribunals Service (HMCTS), HM Prison and Probation Service (HMPPS) and Youth Offending Teams, already collect data on and analyse their compliance with the Victims' Code. It is also crucial, however, that these agencies work together to effectively deliver the Victims' Code and provide victims with a consistently good service.

13. It was agreed by the National Criminal Justice Board (NCJB) in 2018 that PCCs, as chairs of their Local Criminal Justice Board (LCJB), would oversee a new monitoring process, measuring criminal justice partners' compliance with the Victims' Code, focused on key entitlements. LCJBs and the NCJB would have access to this data to identify areas of best practice and areas of improvement.
14. The government has a manifesto commitment and ambition to strengthen and expand the role of PCCs.
15. We also want to ensure that there are no gaps in the monitoring and review of Victims' Code compliance by all police forces. Territorial police forces are covered in the Bill by the local oversight process described above, and cover defined geographical areas, as distinct from non-territorial police forces which are national. There are three non-territorial police forces; Ministry of Defence Police (MDP), British Transport Police (BTP) and Civil Nuclear Constabulary (CNC). Given their lack of interaction with victims of crime, we will not be including the CNC in this measure. There are separate reporting and oversight routes for non-territorial forces to reflect the fact that they do not come within PCCs' remits.

Issues

16. There is strong evidence that compliance oversight is being taken forward by many PCCs through existing partnership arrangements, as envisaged in 2018. However, the extent to which this is proving fruitful varies, as the necessary independence of respective players in the criminal justice system can make local criminal justice partnership working challenging.
17. For example, PCCs cannot compel other criminal justice partners to provide information. National agencies, such as the CPS and HMCTS, often provide national data which is of limited use to understanding the delivery of the Victims' Code at a local-partnership level. This is, in part, because as national agencies, they consider the responsibility for compliance to rest with the agency as a whole and not at the local level. Furthermore, there are also practical difficulties as the criminal justice agencies' regional areas do not map directly onto the PCC areas but instead cover multiple PCC areas.
18. At present, there is a fragmented approach to collecting victim feedback about the service delivered to victims and the awareness and enforcement of the Victims' Code. Our consultation feedback showed that more action is needed from agencies to understand victims' needs and experiences. Such data would allow agencies to use victims' voices to identify issues and drive up performance across the system. This can also be applied to MDP and BTP so there is a consistent approach across territorial and non-territorial forces.

Increase the focus on victims in criminal justice inspections

Overview

19. The inspectorates are independent bodies which assess the efficiency and effectiveness of different criminal justice agencies, working to promote improvements in the services provided. The inspectorates monitor and report on the relevant agencies within their remit on a rolling basis over varying timeframes. They conduct inspections where they collate

relevant evidence and ask questions they believe the public would wish to have answered. Following this, they publish their findings, conclusions, and recommendations in reports.

20. The different inspectorates' remit and how their current frameworks assess victims' issues are set out below:
- **HM Inspectorate of Constabulary, Fire, and Rescue Services (HMICFRS)** are responsible for assessing the effectiveness of police forces and fire and rescue services. The Bill only covers the policing element of this inspectorate. Their assessment framework looks at forces' service for victims of crime.
 - **HM Crown Prosecution Service Inspectorate (HMCPISI)** are responsible for assessing the effectiveness of the CPS and the Serious Fraud Office. Their assessment framework includes looking at the quality of CPS legal decision-making, which they see as the aspect of CPS work that has the greatest impact on victims and witnesses.
 - **HM Inspectorate of Probation (HMI Probation)** inspects probation and youth offending services. Their assessment framework looks at whether relevant and timely information is provided to victims of a serious offence, and whether victims are given the opportunity to contribute their views at key points in the sentence.
 - **HM Inspectorate of Prisons (HMI Prisons)** assess prisons and young offender institutions. Their assessment frameworks consider whether relevant and accurate information is exchanged in a timely manner in statutory victim contact cases.
21. The inspectorates have their high-level functions set out in differing pieces of legislation, which broadly set out that an inspection framework and programme should be agreed to assess the efficiency and effectiveness of the agencies they oversee.
22. The Bill also sets out that the chief inspectors of the inspectorates should act jointly to prepare and undertake a "joint inspection programme". Criminal justice joint inspections are when the inspectorates work together to address issues that involve more than one criminal justice agency and have a direct impact on the public who use the justice system. It is felt that working together produces a more rounded examination of issues that cut across the system and enables the inspectorates to achieve more than when acting alone.
23. This programme is currently prepared by the chief inspectors, and they are required by law to consult the Secretary of State (in practice the Home Secretary and the Justice Secretary) and Attorney General on this programme where it relates to the criminal justice body that they are responsible for. Those Ministers are also able to jointly specify the form the joint inspection programme is to take. There is no other indication of what this programme should cover within the legislation.
24. It is set out in legislation that the inspectorates must consult a variety of stakeholders on their inspection frameworks and programmes – such as the other criminal justice inspectorates, the Commission for Healthcare Audit and Inspection and the Auditor General for Wales. This list does not currently include the Victims' Commissioner. The legislation does not specify the method for the consultation: specific processes vary but inspectorates tend to conduct their consultations in the same way for all consultees, so that they each receive a letter from the Chief Inspector of the relevant inspectorate with the inspection programme included for comment.

Issues

25. The work of the inspectorates is well established and, as described above, does include assessing victims' experiences to differing degrees. However, victims' issues form just one

part of a broader assessment framework, and consultation responses noted that there is (a) insufficient focus on victims and (b) insufficient collaboration across the inspectorates on victims' issues. Information is not typically collated in a systematic way, nor routinely brought together across the inspectorates for overall analysis. Approaches to assessment, rating and performance improvement also vary.

26. There are concerns that this could mean some victims' issues are not effectively identified, in turn meaning that the inspectorates do not then provide recommendations which would enable agencies to address these issues, delivering the right level of service to victims.
27. There is no dedicated inspectorate for HMCTS. The Public Bodies (Abolition of HM Inspectorate of Courts Administration and the Public Guardian Board) Order of 2012 abolished HM Inspectorate of Court Administration (HMICA) and set out that any of the four remaining criminal justice inspectorates may inspect any aspect of the Crown Court or Magistrates' Courts in relation to their criminal jurisdiction, which could have been inspected by HMICA. HMCTS have been assessed since then as part of joint thematic inspections but have not been inspected as part of inspectorates' own core assessments.
28. As noted above, the list of mandatory consultees for criminal justice inspectorates to consult on their inspection programmes and frameworks does not currently include the Victims' Commissioner.

The role of the Victims' Commissioner for England and Wales

Overview

29. The Victims' Commissioner role allows a powerful voice for victims in the criminal justice system. The function of the Commissioner is to review the operation of the Victims' Code; promote the interests of victims and witnesses; and encourage good practice in the treatment of victims and witnesses.
30. The Victims' Commissioner is explicitly empowered to make recommendations to agencies within its remit, consult persons as is necessary, and make reports regarding the carrying out of their functions. The Victims' Commissioner generally produce between 4 – 6 reports each year, with each covering a different theme, such as understanding fraud victims and provisions of special measures for vulnerable witnesses.
31. The Victims' Commissioner must provide an annual report each year to the Justice Secretary, Attorney General, and Home Secretary setting out how they have performed their statutory functions. In July 2021, the Victims' Commissioner laid their annual report before Parliament, though they are under no legal obligation to do so.
32. In practice, the Victims' Commissioner conducts research, monitors the operation of the Victims' Code, obtains feedback from victims, and consults with government and non-

government agencies to make recommendations to government on how it can protect victims and improve their treatment.⁴

Issues

33. The Victims' Commissioner's effectiveness in advocating for victims is currently hampered by the fact that criminal justice agencies and government departments are not required to respond to their recommendations.
34. The Domestic Abuse Commissioner role was created more recently in 2019, and certain agencies and government departments are under a duty to respond to their recommendations. The roles of the Domestic Abuse Commissioner and Victims' Commissioner are related, as they both are independent advocates for victims, and the position of the Victims' Commissioner should be seen alongside that as broadly similar.
35. The Victims' Commissioner's annual reports are not currently required to be laid before Parliament. They need only be sent to the Justice Secretary, Attorney General, and Home Secretary, and published, without any specifications as to when or how publication occurs. This limits the ability of Parliament to oversee the Victims' Commissioner and to hold criminal justice agencies and departments to account for treatment of victims.

Victims' complaints – 'MP filter' and the Parliamentary and Health Service Ombudsman

Overview

36. A victims' journey through the criminal justice system can be long, complicated and requires interacting with many different agencies. The Victims' Code entitles victims to complain to these agencies if they have not received what they are entitled to. Where victims feel their complaint has not been adequately resolved, they may want to escalate their complaints beyond these agencies.
37. The main entity to which victims can escalate their complaints is the central ombudsman for complaints against public bodies, the Parliamentary and Health Service Ombudsman (PHSO) in its capacity as the Parliamentary Commissioner for Administration.⁵ However, for the PHSO to be empowered to investigate a complaint, the complaint must be referred to it via a Member of the House of Commons. This requirement is known as the 'MP filter'.⁶ Therefore, for a victim to escalate their complaint against a criminal justice agency they

⁴ [Our work – Victims' Commissioner](#)

⁵ For many agencies, the PHSO is the only entity a victim can escalate their complaint to. Note also that while the PHSO cannot generally investigate complaints against the police, it can investigate complaints against the police if they are complaints that the police have failed to deliver a victim their Victims' Code right(s). Note also that it is not only victims that can make complaints to the PHSO. Broadly speaking, any person who wishes to complain about the maladministration of an entity within the Parliamentary Commissioner's remit may do so.

⁶ A victim need not refer their complaint via the MP of whom they are a constituent, but in practice this is often how complaints are referred. References to an 'MP' hereafter are references to a Member of the House of Commons only.

must first contact and explain their complaint to their MP, and then wait for their MP to refer their complaint to the PHSO.

Issues

38. The 'MP filter' places an additional burden on persons, including victims, wishing to make complaints against public bodies to the PHSO. Research by PHSO on stakeholder views on the issue⁷ found that it:
- is burdensome and confusing for members of the public, who struggle to understand how to complain (an issue that is amplified for marginalised communities);
 - is overly and unnecessarily bureaucratic;
 - causes additional delay to the process of complaining;
 - causes increased, unnecessary work for MPs' offices, who are often uninformed about their role regarding the PHSO; and
 - can directly obstruct access if MPs sometimes do not refer complaints to the PHSO.
39. Not everyone wants to contact their MP, and the PHSO has provided examples in their consultation response where persons do not want to contact their MP due to conflicting beliefs or low trust in government and Parliament. The PHSO also explains that the 'MP filter' can be particularly onerous for victims. For example, many victims will have undergone trauma, and requiring them to repeat their traumatic experiences to another person — with whom they will likely have no personal relationship — imposes an additional emotional and personal burden upon them.

Victim support services

Overview

40. We know that being a victim of domestic abuse, offences of a sexual nature, and other serious violence can have long-term effects on individuals' psychological, emotional and physical wellbeing. It is right that we give victims of these crimes the support that they deserve to rebuild their lives after traumatic offences. This is why the Victims' Code sets out the entitlement for victims to be referred to support services. These can cover advice, advocacy, and recovery and support services, which could be medical, therapeutic, practical and/or emotional, and are provided across both the public and voluntary sectors.
41. The commissioning landscape for victim support services outside of safe accommodation is complex.⁸ Support services can be commissioned by a mix of groups, with some commissioned nationally by government departments and/or NHS England (such as the domestic abuse helpline, rape support fund and Sexual Assault Referral Centres), and others commissioned locally by PCCs, Integrated Care Boards (ICBs, which have replaced Clinical Commissioning Groups) and local authorities.
42. The Welsh Government already places a duty on devolved local authorities and health boards to collaborate to improve support for victims of gender-based violence, domestic abuse and sexual violence through the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015.

⁷ PHSO Response to MoJ Victims Bill Consultation, 3 February 2022: https://www.ombudsman.org.uk/sites/default/files/2022-02/PHSO_response_to_MoJ_Victims%27_Bill_consultation.pdf

⁸ We had described this as "community-based" support, although we are aware that there is provision of support to victims in other settings like hospitals so have used a broader term of victim support services throughout this document

Issues

43. At present, no framework or structure brings together the range of public sector bodies who commission support services to victims outside of safe accommodation.⁹ This means that in many cases, there is no coherent strategy across a local area to coordinate service provision. This can mean that victims find the range of services they access disjointed and difficult to move between. We also know that demand for services outstrips supply and that not all victims can access the right support in their local area. We have heard about some local areas which have developed forums that bring together commissioners of relevant services to approach issues strategically and jointly which has helped improve the local offer to victims, so the proposed approach below would build upon this best practice.

The role of Independent Domestic Violence Advisors and Independent Sexual Violence Advisors (IDVAs and ISVAs)

Overview

44. IDVAs and ISVAs provide tailored, needs based support to victims of domestic and sexual abuse in order to recover and rebuild their lives. The ISVA and IDVA roles are distinct from one another. While there may be similarities (such as providing emotional and practical support), each role provides differing expertise, specialisms and requirements. This is to support victims to make informed choices and stay engaged in the criminal justice system, should they choose to do so.
45. The Ministry of Justice provides funding for these roles via PCCs. We are investing further in victim and witness support services, quadrupling our funding by 2024/25 (up from £41 million in 2009/10), which will in part help to increase the number of ISVAs and IDVAs we fund by 300, to over 1,000. ISVAs and IDVAs are also funded through local authorities, the NHS, and the third sector.

Issues

46. The roles of IDVAs and ISVAs have developed over time, and government guidance on how these roles should operate is limited to non-statutory guidance for the ISVA role which was published by the Home Office in 2017.
47. There is, however, no comparative guidance covering the role of IDVAs. The absence of clearly articulated best practice or minimum expectations has led to a sector of Advisors operating with differing abilities and under varying job titles, impacting the quality and consistency of support provided to victims. There is also a lack of awareness of the role and support provided by ISVAs and IDVAs by other agencies which is creating a barrier to effective collaboration in order to meet the unique needs of victims.

B. Policy Rationale and Objectives

48. The conventional approaches to government intervention are based on efficiency or equity arguments. Governments may consider intervening if there are strong enough failures in the way markets operate (e.g. monopolies overcharging consumers) or there are strong enough failures in existing government interventions (e.g. waste generated by misdirected rules), where the proposed new interventions avoid creating a further set of disproportionate costs

⁹ A legislative framework for commissioning “accommodation-based services” for victims of domestic abuse and their children is set out in Part 4 of the Domestic Abuse Act 2021

and distortions. The government may also intervene for equity (fairness) and distributional reasons (e.g. to reallocate goods and services to more vulnerable groups in society).

49. The rationale for the options detailed in this IA is both equity and efficiency: equity, to ensure that victims of crime are fairly and consistently supported, and can engage with the criminal justice system should they wish; efficiency, as collaboration should lead to more transparency around commissioning decisions, better understanding of local need and reduced duplication of resource.
50. The associated policy objectives are to improve end-to-end support for victims of crime whether they choose to engage with the criminal justice process or not. This is so that (a) victims get the support they deserve and need and build resilience to move forward with daily life, and (b) victims feel able to engage and remain engaged in the criminal justice system, and therefore support prosecutions to improve the effectiveness of the criminal justice system in England and Wales.
51. Our more specific aims to deliver the wider policy objective include:
 - Making victims' entitlements in the criminal justice process clear, and sending a signal about what victims can and should reasonably expect
 - Strengthening transparency and oversight of how criminal justice agencies treat victims, to identify problems and drive up standards.
 - Improving support services and the consistency of those services for all victims, whether they choose to report the offence or not.

C. Affected Stakeholder Groups, Organisations and Sectors

52. A list of all the main groups that will be most affected by the measures in this Impact Assessment is shown below:

- Victims of crime, their families, and other close associates.

Criminal justice agencies

- Police services, including non-territorial forces (Ministry of Defence Police and British Transport Police), and other agencies who investigate criminal offences;
- The Crown Prosecution Service, and other agencies who prosecute criminal cases;
- HM Courts and Tribunals Service, which is responsible for the administration of the court system and the tribunal system in England and Wales;
- HM Prison and Probation Service, which carries out sentences given by the courts, in custody and the community;
- Youth Offending Teams, which help deliver youth services to prevent offending by children and young people.

Criminal justice inspectorates

- HM Inspectorate of Constabulary, Fire, and Rescue Services, which assesses the efficiency and effectiveness of police forces;
- HM Crown Prosecution Service Inspectorate, which assesses the efficiency and effectiveness of the CPS;
- HM Inspectorate of Probation, which assesses the efficiency and effectiveness of probation services;
- HM Inspectorate of Prisons, which assesses the efficiency and effectiveness of prisons.

Local bodies and health services

- PCCs, who hold Chief Constables to account as to how they are discharging their functions, and who can commission support services to victims and witnesses of crime;
- Local authorities, who commission and provide a range of local services to residents, including some victim support services;
- NHS England, which sets the priorities and direction of healthcare in England, and directly commission some national services, including Sexual Assault Referral Centres;
- Integrated Care Boards which commission local health services (such as hospital or community care) for their patients and population.

Other affected groups

- The Victims' Commissioner for England and Wales, which advocates for victims and promotes their interests and better treatment, and reviews operation of the Victims' Code;
 - The Parliamentary and Health Service Ombudsman (PHSO), which performs the two distinct statutory roles of Parliamentary Commissioner for Administration and Health Service Commissioner for England, and is the central ombudsman for complaints against public bodies;
 - Members of Parliament, who currently must refer complaints to the PHSO;
 - IDVA and ISVA services, who provide specialist support to victims of domestic and sexual violence; and
 - Other charitable and commercial organisations who provide support to victims in the criminal justice system.
53. Other agencies with primary responsibilities to deliver victims their entitlements under the Victims' Code will be affected by the changes to the Victims' Code, including: the Parole Board, which carries out risk assessments on prisoners to determine whether they can be safely released into the community; the Criminal Injuries Compensation Authority, which works to provide compensation for victims of violent crime; the Criminal Cases Review Commission, which investigates potential miscarriages of justice; and the Supreme Court, the final court of appeal for criminal cases from England, Wales, and Northern Ireland.

D. Description of Options Considered

54. In order to meet the policy objectives, seven options have been considered in isolation, and in combination in this IA:
- **Option 0:** Do nothing in legislation.

- **Option 1:** Make victims' entitlements in the criminal justice process clear.
- **Option 2:** Enhance oversight of Code compliance.
- **Option 3:** Increase the focus on victims in criminal justice inspections.
- **Option 4:** Measures relating to the work of the Victims' Commissioner.
- **Option 5:** Remove the requirement to refer complaints to the Parliamentary and Health Service Ombudsman (PHSO) through an MP, where the complaint relates to the complainant's experiences as a victim.
- **Option 6:** Place a duty on PCCs, local authorities and Integrated Care Boards to collaborate when commissioning support services for victims of domestic abuse, criminal conduct of a sexual nature and other serious violence.
- **Option 7:** Require statutory guidance about the roles of Independent Sexual Violence Advisors (ISVAs) and Independent Domestic Violence Advisors (IDVAs).

55. The preferred options are Options 1 to 7 inclusive, as these will best meet the policy objectives.

Option 0: Do nothing

56. This option would be to do nothing. This would mean that there would be no legislative changes to assist in ensuring victims of crime are fairly and consistently supported. Option 0 is therefore undesirable because it would fail to meet the policy objectives.

Option 1: Make victims' entitlements in the criminal justice process clear

57. This option contains two specific measures.

58. Measure (a) will place the key principles underpinning the Victims' Code into law and create a power to make further provision about the Victims' Code in secondary legislation. The intention is to make regulations which set out a framework for the new Code by reference to the entitlements that are included in the current Code. The key principles are that victims:

- **should be provided with information to help them understand the criminal justice process:** This principle reflects the importance of ensuring that victims can fully understand the criminal justice process. Criminal justice agencies should pay due consideration to providing victims with the information they need throughout the entirety of their case, from reporting through to post-conviction.
- **should be able to access services which support them (including, where appropriate, specialist services):** This principle reflects the fact that although victims do not have to report a crime to access support, when they do, they should be referred to a service that helps them cope and build resilience to move forward with daily life, supports them during their journey at court, and assesses them as to whether they need any specialised assistance, such as eligibility for special measures.
- **should have the opportunity to make their views heard in the criminal justice process:** This principle reflects the importance of ensuring that victims have their voices heard in the criminal justice process and the fact that they should be offered the opportunity to make a Victim Personal Statement to explain how the crime has had an impact on them.
- **should be able to challenge decisions which have a direct impact on them:** This principle reflects the importance of ensuring that victims can challenge decisions that directly impact them, and that they should have the right to ask for a review under the National Police Chiefs' Council (NPCC) or CPS Victims' Right to Review Schemes,

which allow complainants to request a review of certain decisions not to pursue a prosecution or to stop a prosecution.

59. Measure (b) will place a duty on relevant bodies to take reasonable steps to promote awareness of the Code. We anticipate this will include making information about the Code publicly available, and notifying victims about the Code verbally or in writing when appropriate. This obligation will also be reflected in the Code to allow a joined up approach for proportionate collection and monitoring of compliance.

60. The bodies which will be placed under this duty are:

- The police (including the British Transport Police and the Ministry of Defence Police)
- Crown Prosecution Service
- HM Courts and Tribunals Service
- HM Prison and Probation Service; and
- Youth Offending Teams

61. Information regarding the steps that bodies may wish to take in order to promote awareness for the Code (for example, providing information in standard communications) and the circumstances in which bodies should consider notifying victims will be set out in supporting guidance. Bodies will have the flexibility to choose which options will be most effective for them and appropriate for different victims in different circumstances, rather than being prescriptive.

Option 2: Enhance oversight of the Victims' Code

62. This option contains five specific measures:

- Measure (a) requires relevant criminal justice bodies to collect specified information and keep under review their compliance with the Victims' Code
- Measure (b): Require PCCs to keep under review the criminal justice bodies' compliance with the Victims' Code.
- Measure (c): Require relevant criminal justice bodies to share specified information with one another and PCCs and jointly review this together as part of the wider duty to keep under review their compliance with the Victims' Code.
- Measure (d) Require MoJ to publish Code compliance information and require PCCs to make members of the public in their area aware of this publication.
- Measure (e): Requires a Code compliance monitoring process to be implemented for non-territorial police forces without a PCC, specifically Ministry of Defence Police (MDP) and British Transport Police (BTP).

63. Measure (a) will place an explicit duty on all relevant criminal justice bodies to monitor their compliance with the Victims' Code by collecting information which assesses their performance in respect of delivering entitlements under the Victims' Code. Regulations will detail the specified information that criminal justice bodies must collect, and we intend for this information to include Victims' Code compliance data and victims' feedback.

64. The relevant criminal justice bodies this would apply to will be:

- Police forces;
- HMCTS;
- HMPPS and its executive agencies (HM Prison Service, the Probation Service and the Youth Custody Service);
- The CPS; and

- Youth Offending Teams.

65. Measure (b) will require PCCs to keep under review the criminal justice bodies' compliance with the Victims' Code by reviewing information with them and sharing information and insights (in the form of reports) with the Secretary of State. It is envisaged that PCCs will fulfil this function by collating bodies' compliance information and participating in regular discussions with the relevant criminal justice bodies to jointly review compliance at a local level, i.e. in each PCC's police area.
66. Measure (c) will require the relevant criminal justice bodies to share specified information with one another and PCCs as part of the wider duty to keep under review their compliance with the Victims' Code. Similarly, regulations will detail specified information that criminal justice bodies must share, and we intend to set out that this should include Victims' Code compliance data and victims' feedback.
67. Measure (d) will require MoJ to publish such Code compliance information as the Secretary of State considers will enable members of the public to assess the code compliance of the relevant criminal justice bodies, and require PCCs to take reasonable steps to make members of the public in their area aware of how to access the published information.
68. Measure (e) will outline a Code compliance monitoring process for non-territorial police forces without a PCC, specifically Ministry of Defence Police (MDP) and British Transport Police (BTP). This will involve placing a duty on the Chief Constable of the MDP and the Chief Constable of the BTP to collect and share similar information relating to the exercise of their functions in accordance with the Victims' Code. It will also involve a requirement for the non-territorial forces to share and jointly review this information with a relevant body; the MDP will share and review information with the Secretary of State (which in practice will be the Secretary of State for Defence) and the BTP will share and review information with the British Transport Police Authority (BTPA) who will then generate insights (in the form of reports). The Secretary of State for Defence and the British Transport Police Authority will be required to share this information with MoJ. Whilst the requirement to share information with the Secretary of State (which in practice will be the Secretary of State for Justice) will be legislative in respect of the BTP, the sharing of information with the Secretary of State for Justice for the MDP will be set out in a non-legislative memorandum of understanding.

Option 3: Increase the focus on victims in criminal justice inspections

69. This option contains two specific measures:

- Measure (a): Provide the Secretary of State, Lord Chancellor and Attorney General with the power to jointly direct a joint inspection programme to include the victim experience
- Measure (b): Place a duty on the criminal justice inspectorates to consult the Victims' Commissioner in the development of their work programmes and frameworks

70. These measures will apply to the following inspectorates:

- HMI Constabulary and Fire and Rescue Services (HMICFRS), but only to their functions relating to police forces
- HM Crown Prosecution Service Inspectorate (HMCPISI)
- HMI Probation; and
- HMI Prisons

71. Measure (a) will amend the criminal inspectorates' legislation to introduce the ability for the Secretary of State (which in practice will be the Home Secretary and Justice Secretary), Lord Chancellor and Attorney General to jointly direct there to be joint thematic inspections of victims' experiences of the criminal justice system, when they consider it is necessary to do so.
72. The criminal justice bodies which will be inspected as part of these joint thematic inspections are: the police; the CPS; the Probation Service; prisons; and HMCTS. The regularity and content of the inspections will be jointly directed by the Secretary of State, the Lord Chancellor and the Attorney General.
73. Measure (b) will amend the criminal inspectorates' legislation to include the Victims' Commissioner in the mandatory list of consultees for inspectorates when developing their programmes and frameworks. This will ensure that the Victims' Commissioner will be consulted so that victims' interests are considered appropriately within inspections.

Option 4: Make amendments relating to the work of the Victims' Commissioner

74. This option contains two specific measures:
- Measure (a): Require the Victims' Commissioner to arrange for their annual report to be laid before Parliament.
 - Measure (b): Require an expanded group of public authorities to respond to direct recommendations in the Victims' Commissioner's reports within 56 days.
75. Measure (a) will require the Victims' Commissioner to arrange for their annual report to be laid before Parliament.
76. Measure (b) will impose a duty upon organisations within the remit of the Victims' Commissioner (set out in Schedule 9 of the Domestic Violence, Crime and Victims Act 2004) to respond to any direct recommendations made within the Victims' Commissioner's reports. Those entities will be required to provide comments on the Victims' Commissioner's recommendations explaining how they will act (or have acted) in response to their recommendations or, if they will not do so, why that is the case.
77. Further entities will also be added to bring those within the remit of the Victims' Commissioner in line with those of the Domestic Abuse Commissioner. These additional organisations are::
- A local policing body;
 - His Majesty Inspectorate of Constabulary;
 - His Majesty's Crown Prosecution Service Inspectorate;
 - His Majesty's Inspectorate of Prisons;
 - His Majesty's Inspectorate of Probation;
 - Any government department in the charge of a Minister.

Option 5: Remove the requirement to refer complaints to the Parliamentary and Health Service Ombudsman (PHSO) through an MP, where the complaint relates to the complainant's experience as a victim of crime

78. This option will remove the 'MP filter' for complaints to be escalated to the PHSO in its Parliamentary Commissioner for Administration capacity for complaints which relate to the complainant's experiences as a victim of crime. This will allow victims to make complaints directly to the PHSO without having to refer their complaints via an MP. The option will still

exist for the complainant to escalate their complaint to the PHSO through an authorised person, which can include an MP, if they feel they need assistance.

Option 6: Place a duty on PCCs, local authorities and ICBs to collaborate when commissioning support services for victims of domestic abuse, criminal conduct of a sexual nature and serious violence.

79. This option will place a duty on PCCs, local authorities, and ICBs to collaborate when commissioning support services for victims of domestic abuse, criminal conduct of a nature, and serious violence. This option will also require PCCs, local authorities and ICBs, to publish a local commissioning strategy as an outcome of this collaboration. This option will apply in England only, given that there is already a similar existing duty in Wales.

Option 7: Require statutory guidance about the roles of Independent Sexual Violence Advisors (ISVAs) and Independent Domestic Violence Advisors (IDVAs)

80. This option will define ISVAs and IDVAs in primary legislation, for the purpose of creating a duty for the Secretary of State to issue separate statutory guidance and duties on IDVAs and ISVAs and those that have a function relating to victims of crime, or any aspect of the criminal justice system - with the exception of the Judiciary - to have regard to this guidance. Guidance will set out the key functions of these roles as well as recommended minimum expectations and best practice, including how to support victims with protected characteristics and working with other agencies.

E. Cost & Benefit Analysis

81. This Impact Assessment follows the procedures and criteria set out in the Impact Assessment Guidance and is consistent with His Majesty's Treasury Green Book guidance.

82. Where possible, Impact Assessments identify both monetised and non-monetised impacts on individuals, groups and businesses in Great Britain with the aim of understanding what the overall impact on society might be from the proposals under consideration. Impact Assessments place a strong focus on monetisation of costs and benefits. There are often, however, important impacts which cannot sensibly be monetised. Impacts in this Impact Assessment are therefore interpreted broadly, to include both monetisable and non-monetisable costs and benefits, with due weight given to those that are not monetised.

83. The costs and benefits of the options are compared to Option 0, the counterfactual or 'do nothing' option. As the counterfactual is compared to itself, the costs and benefits are necessarily zero, as is its net present value (NPV).

84. Given the uncertainties mentioned above, the costs below have been estimated using high, low, and best scenarios to give an indication of what the costs of the relevant options would be.

85. The impacts in this Impact Assessment have been estimated as follows:

- Price base year of 2022/23
- 10-year appraisal period beginning 2023/24
- Discounting base year of 2022/23

Option 1: Make victims' entitlements in the criminal justice process clear

Costs of Option 1

86. Although raising the profile and visibility of the Victims' Code may lead to increased demand for associated services, the agencies and organisations responsible for delivering the entitlements in the Victims' Code are already required to provide these entitlements and are expected to share information on the Code, they will therefore be expected to continue to do so via existing budgets. The duty in the Bill will allow flexibility for criminal justice bodies to decide how to increase visibility of the Victims' Code rather than requiring specific activities.
87. Therefore, although relevant organisations may wish to place a greater emphasis on delivering these entitlements and will redirect and improve existing communications activity, we anticipate that this can be met through existing budgets and therefore there are not anticipated to be any new costs associated with this option.

Benefits of Option 1

88. Placing the underlying principles of the Victims' Code into legislation and ensuring that processes are in place to notify victims of the Code will raise the profile and visibility of the Victims' Code and send a clear signal about what victims can and should reasonably expect from the criminal justice system. Together with Options 2,3 and 4 this option will promote compliance with the Victims' Code and therefore better outcomes for victims.

Option 2: Enhance oversight of the Victims' Code

Costs of Option 2

Measure (a): Require relevant criminal justice bodies to collect specified information and keep under review their compliance with the Victims' Code

89. Criminal justice agencies already monitor Victims' Code compliance to help understand how they are meeting their obligation to deliver Code entitlements, and already have systems in place to collect feedback from victims. Therefore, making this requirement explicit will not lead to an additional burden on criminal justice bodies as meeting the duty may be met through redirecting existing activity.
90. There are therefore no new costs associated with this measure, although this assumption is being kept under review as the specific information collection requirements are developed for regulations and guidance which will impact the resourcing requirements needed to meet this duty.

Measure (b): Require PCCs to keep under review the criminal justice bodies' compliance with the Victims' Code

91. This measure will formalise PCCs' current role by creating a duty for them to keep under review the criminal justice bodies' compliance with the Victims' Code. As PCCs already chair all but two LCJBs, they are already effectively undertaking the convening role in monitoring Victims' Code compliance.
92. It is therefore possible that there will be no additional costs involved with this measure, leading to a lower bound estimate of zero. However, it is likely that formalising this role will require extra resources for PCCs, particularly with regards to collating and analysing both compliance data and victims' feedback, and providing the MoJ with information in

connection with the review. The upper bound estimate is based on each of the 42 PCCs requiring two additional Senior Data Analysts to assist with this work¹⁰, giving a total cost of £4.0m. The estimated cost range for this measure is therefore £0 – £4.0m, with a best estimate of £2.0m.

Measure (c): Require relevant criminal justice bodies to share specified information with one another and PCCs and jointly review this together as part of the wider duty to keep under review their compliance with the Victims' Code.

93. As this measure will simply formalise existing information sharing between PCCs and criminal justice bodies, it is not anticipated to lead to additional costs. Any further information sharing encouraged as a result of this option will have marginal cost impacts.

Measure (d): Require MoJ to publish Code compliance information, and require PCCs to make members of the public in their area aware of this publication.

94. MoJ will be required to provide central quality assurance and prepare the information for publication, which will require data and analytical resource. It is assumed that the MoJ will require one analyst at Senior Executive Officer level. Two data scientists will also be required for the first 12 months, one at Senior Executive Officer level and one at Grade 7 level. After 12 months, it is assumed that only 0.5 FTE data scientists at Senior Executive Officer level will be required. The cost to MoJ is estimated to be £0.07-0.08m.

95. PCCs will be required to take reasonable steps to make members of the public in their area aware of how to access the information published by the MoJ. It is assumed that there are no costs to PCCs associated with this measure, with any minimal costs absorbable.

Measure (e) enhance non-territorial police forces' oversight of the Victims' Code.

96. The MDP and the BTP will only be collecting and reviewing information in respect to their own forces. As with measure (a) the required information may either be collected as part of existing processes or may require adjustments to meet the duty. This means any resource impacts will therefore be minimal and are currently assumed to be met through redirecting existing funding although any new cost burdens are being kept under review as the specific requirements are developed.

97. It is assumed that any further information sharing encouraged as a result of this option will have marginal cost impacts.

Benefits of Option 2

Measure (a): Require relevant criminal justice bodies to collect specified information and keep under review their compliance with the Victims' Code

98. The only mention of monitoring Victims' Code compliance in existing legislation is the Victim Commissioner's function to review the 'operation of the Victims' Code'. Whilst criminal justice bodies already collect information on, and review their compliance with the Victims' Code, placing an explicit obligation on all relevant bodies to monitor and collect Victims'

¹⁰ Senior Data Analyst salary based on a recent job advertisement for Avon & Somerset PCC. On-costs of 22% have been added as per RPC guidance. London weighting according to the MOPAC pay scale is applied to the costs for one PCC area.

Code compliance information will make it clear that individual bodies are responsible for ensuring compliance.

Measure (b): Require PCCs to keep under review the criminal justice bodies' compliance with the Victims' Code

99. PCCs already play a vital role in improving and championing services for victims and, since 2018, have been overseeing and monitoring Victims' Code compliance. Formalising this role will improve local cooperation, coordination and transparency. We believe that this is critical to improving support for victims and driving up performance. This will complement the above duty, ensuring that criminal justice bodies and PCCs jointly review Code compliance and generate useful insights to build a clear picture of whether criminal justice bodies are meeting their obligations under the Victims' Code and providing victims with a proper service.

Measure (c): Require relevant criminal justice bodies to share specified information with one another and PCCs and jointly review this together as part of the wider duty to keep under review their compliance with the Victims' Code.

100. The evidence suggests that data provision is patchy and the current arrangement is not working well. Requiring the relevant agencies to share compliance information with one another and with PCCs will guarantee the provision of Victims' Code compliance data and victims' feedback between parties, benefitting local discussions and ensuring collaborative working to improve delivery of the Victims' Code.

Measure (d): Require MoJ to publish Code compliance information, and require PCCs to make members of the public in their area aware of this publication.

101. Requiring PCCs to publicise and the MoJ to publish the compliance information will ensure the process is as transparent as possible at every level. PCCs publicising the local information will give them a sense of ownership and responsibility to deliver the duty whilst ensuring victims and the public will more easily find comprehensive information for their particular region. The MoJ publishing Code compliance information will help to build a coherent picture of how the criminal justice system delivers for victims, allowing comparison of each PCC area's performance. This will encourage cooperation and transparency, which in turn will drive performance. National oversight through a cross-government governance structure will also be able to utilise this published information to generate strategic insights, provide an escalation route for issues that cannot be resolved locally and provide oversight of agencies' performance.

Measure (e) enhance non-territorial police forces' oversight of the Victims' Code.

102. Since 2018, PCCs have been overseeing and monitoring Victims' Code compliance for criminal justice bodies in their local area. This includes territorial police forces. In the absence of a PCC, non-territorial police forces have not been included in this. The new duties in relation to non-territorial police forces will create parity between territorial and non-territorial police forces.

103. By sharing the information they have collected on Code compliance and insights generated from their reviews, MDP and BTP will contribute to the national picture on Code compliance. This will allow for improved monitoring of Code compliance and parity where possible with territorial police forces (outlined in Option 2), including the service delivered to

victims. This comprehensive picture of performance will highlight areas where performance needs to be improved and where best practice can be shared.

Summary of Option 2

104. The deflated and discounted monetised costs of Option 2, measures (a-d) are summarised in the Table 1 below. The low and high cost estimates are presented, with the best estimate being the midpoint of the two. As the benefits are not monetised, they are not presented here.

Table 1: Summary of Option 2

Cost (£m)	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	Total
Low	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.0	0.7
High	4.1	3.8	3.7	3.6	3.5	3.3	3.2	3.1	3.0	2.9	34.3
Best	2.1	2.0	1.9	1.8	1.8	1.7	1.6	1.6	1.5	1.5	17.5

NPV (£m)	-17.5
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Option 3: Increase the focus on victims in criminal justice inspections

Costs of Option 3

Measure (a): Provide the Secretary of State, Lord Chancellor and Attorney General with the power to jointly direct a joint inspection programme include provision focused on the victim experience

105. As the regularity and content of the inspections will be jointly directed by the Secretary of State, Lord Chancellor, and Attorney General, it is difficult to estimate the costs associated with this option. For the purpose of this Impact Assessment, it is assumed that an inspection will be required every 2 years. This assumption is based on the fact that the Criminal Justice Joint Inspection business plan tends to cover a 2-year period. The policy intention is that a joint inspection on the experiences and treatment of victims may be required in each business plan. Therefore, it is assumed that costs will fall solely in the inspection year.

106. The number of inspectorates in any inspection will vary depending on the scope of the inspection. To show the range of possible cost, two scenarios are presented, a low and high scenario. The low scenario assumes two inspectorates will be involved in an inspection, whilst the high scenario assumes all four inspectorates will take part. Following engagement with the four inspectorates they provided figures based on previous joint inspections and the associated costs of those inspections. Therefore, it is estimated that the cost incurred for a joint inspection will be between £0.4m - £0.9m, with a best estimate of £0.6m.

107. As the criminal justice inspectorates already coordinate to work on a joint inspection programme which we envisage these thematic inspections on victims being part of, we do not envisage that there will be any additional costs associated with coordinating these separate bodies.

Measure (b): Place a duty on the criminal justice inspectorates to consult the Victims' Commissioner in the development of their work programmes

108. As consulting the Victims' Commissioner will not significantly impact inspectorates' current consultation processes in terms of scope, frequency and format, the impact on inspectorates is expected to be negligible. The Office of the Victims' Commissioner has also confirmed that responding to consultations can be absorbed within existing activity.

Benefits of Option 3

Measure (a): Provide the Secretary of State, Lord Chancellor and Attorney General with the power to jointly direct a joint inspection programme to include the victim experience

109. This measure will strengthen transparency and oversight of criminal justice agencies’ performance in relation to victims, improving oversight of those responsible, and ultimately driving an improvement in the level of service provided to victims. It will deliver those benefits by assisting with the following:

- Ensuring that there is an enhanced focus on assessing that the right level of service is provided to victims as part of the inspectorates’ assessments;
- Ensuring that the inspectorates collaborate regularly on exploring the quality of service provided to victims;
- Looking robustly at the quality of service provided to victims across the whole criminal justice system – managing to cover the end-to-end process rather than just looking at experience in silos; and
- Providing the opportunity to closely examine key victim issues to consider them holistically.

110. This measure will enable inspectorates to be more effective at: identifying key issues in relation to victims; understanding the cause of these issues and the best ways to address them; and making recommendations that will ensure the right level of service is provided to victims.

Measure (b): Place a duty on the criminal justice inspectorates to consult the Victims’ Commissioner in the development of their work programmes

111. While some inspectorates already consult the Victims’ Commissioner routinely, placing a duty on all inspectorates guarantees this engagement. As the role of the Victims’ Commissioner is to promote the interests of victims and witnesses, inspectorates consulting with them in developing their inspection programmes will enable victims to be better represented in this process.

Summary of Option 3

112. The deflated and discounted monetised costs of this option are summarised in the Table2. The low and high-cost estimates are presented, with the best estimate being the midpoint of the two. As the benefits are not monetised, they are not presented here.

Table 2: Summary of Option 3

Cost (£m)	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	Total
Low	0.4	0.0	0.3	0.0	0.3	0.0	0.3	0.0	0.3	0.0	1.6
High	0.9	0.0	0.8	0.0	0.8	0.0	0.7	0.0	0.7	0.0	3.8
Best	0.6	0.0	0.6	0.0	0.5	0.0	0.5	0.0	0.5	0.0	2.7

NPV (£m)	-2.7
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Option 4: Make amendments relating to the work of the Victims' Commissioner:

- Measure (a): Require the Victims' Commissioner to arrange for their annual report to be laid before Parliament;
- Measure (b): Require public authorities to respond to direct recommendations made in the Victims' Commissioner's reports.

Costs of Option 4

Measure (a): Require the Victims' Commissioner to arrange for their annual report to be laid before Parliament

113. The Victims' Commissioner already produces an annual report, with its most recent annual report laid before Parliament in July 2021. There will be no additional cost in requiring all future annual reports to be laid before Parliament.

Measure (b): Require public authorities to respond to direct recommendations in the Victims' Commissioner's reports

114. While this measure will require agencies or organisations to respond to reports, which have tended to range between 4 - 6 per year, they will be free to choose to accept or reject recommendations. If agencies wished to take forward a recommendation, then, as with usual processes, they will need to consider doing so within existing resources or seek out further funding. Therefore, it is expected this measure will not lead to additional costs, with potentially only a marginal cost from developing a response.

Benefits of Option 4

115. It is intended that this option will:

- Protect the interests of victims, and improve their treatment, by encouraging the public authorities specified in reports to respond to the Victims' Commissioner's recommendations. This should result in better local and national treatment of victims.
- Increase government oversight in Parliament for treatment of victims by requiring the Victims' Commissioner's annual reports to be laid before Parliament.

Option 5: Remove the requirement to refer complaints to the Parliamentary and Health Service Ombudsman (PHSO) through an MP, where the complaint relates to the complainant's experiences as a victim

Costs of Option 5

116. This option may lead to an increase in the number of complaints the PHSO receives, however, it is not known to what extent the 'MP filter' is acting as a barrier to complaints. The scale of any potential increase is therefore uncertain. Although exact information on the number of complaints made by victims to the PHSO is not collected, it is thought that the number of complaints received which relate to the Victims' Code is low and represents a small proportion of the overall number of complaints to the PHSO. Therefore, while there may be an increase in complaints from victims as the process will become simpler by removing the 'MP filter', the PHSO do not expect the volume of complaints to rise to a level which they are not able to handle via existing budgets.

117. Whilst there is a small risk of non-meritorious complaints, most other ombudsman services do not require an MP to filter complaints and have not raised this as an issue. We

consider the small risk of such complaints no reason not to improve the accessibility of the service and do not expect it would have an impact on cost. As such, no costs have been monetised.

Benefits of Option 5

118. The removal of the 'MP filter' will improve access to justice for victims of crime by removing a potential barrier to them escalating complaints against public bodies. It will empower victims wishing to make complaints, and enable the PHSO to investigate complaints that otherwise may not be made to it, leading to decisions and recommendations to help individuals as well as improve future government conduct and decision-making. It will particularly improve access to justice for victims, for whom approaching an MP to share a potentially traumatic experience is more likely to be a barrier to making a complaint.

Option 6: Place a duty on PCCs, local authorities and ICBs to collaborate when commissioning support services for victims of domestic abuse, criminal conduct of a sexual nature and serious violence.

Costs of Option 6

Costs to PCCs, local authorities and ICBs which commission relevant services may arise from the duty to collaborate through regular meetings, and the requirement to produce and publish a local commissioning strategy. Costs also may arise through convening the duty.

119. In order to meet the duty to collaborate, there will need to be regular meetings between all three groups. It is assumed that PCCs with four or fewer local authorities will have fewer meetings per year than PCCs with five or more local authorities (see Annex A for more information on this categorisation). Costs come from the time taken to attend meetings (assumed to be three hours), and the size of the police area (see Annex A for more information on this categorisation). In the low scenario smaller areas it is assumed two senior staff members will attend per organisation, in larger areas the high scenario it is assumed an additional administrative staff member will attend.

120. Preparation time of two hours per senior staff member is costed, and costs associated with the time taken to schedule and plan the meetings by the convenors at a junior and senior level are also included. For modelling purposes in this IA, it is assumed the convenors are PCCs.

121. The overall cost of preparation for and attendance at these meetings is estimated to be £0.4-0.5m, with a further cost of £0.03m to the convenor.

122. In order to prepare for the new duty, we expect that between two and four preparatory meetings will be required (depending on the size of the area) six months before the duty is implemented. These one-off implementation costs are estimated to be between £0.2-0.4m.

123. The duty requires the relevant authorities to produce a joint local commissioning strategy, and revise this from time to time. We expect that a new strategy will be required no later than every four years. Allowing for local flexibility within this four year period, it is assumed for modelling purposes that strategies will be revised on average every three years. We have estimated that this may take the equivalent of a month's work (150 hours) per meeting attendee, although this time may be spent over a number of months. The average annual

cost of strategy development is estimated to be between £0.7-0.9m, with a further cost of £0.03m to the convenor.

Time spent attending and preparing for meetings as well as to produce a strategy has been calculated using hourly wages (including on-costs). The wages used are as followed:

Table 3: Hourly wage assumptions

Role	Hourly Wage (22/23 prices)	Source
PCC (Senior)	£52.54	Home Office Estimates (based on SVD IA)
PCC (Admin)	£18.42	ASHE Table 14.5a - 411
Local Authority (Senior)	£23.08	ASHE Table 14.5a - 3561
Local Authority (Admin)	£18.42	ASHE Table 14.5a - 411
ICB (Senior)	£33.30	ASHE Table 14.5a - 118
ICB (Admin)	£18.42	ASHE Table 14.5a - 411

124. Costs are produced within a range due to uncertainty, see section F for further detail on the assumptions and risks.

125. Given that the assumption that strategy development costs are expected to be incurred on average once every three years, the overall annual average costs, in constant prices, are estimated to be within a range of £1.2m to £1.5m. This breaks down into a cost to PCCs of £0.31-0.36m, a cost to LAs of £0.48-0.64m, a cost to ICBs of £0.31-0.39m, and a further cost of £0.05m to the convenor.

Benefits of Option 6

126. This option, underpinned by statutory guidance, will improve the provision of victim support services by enabling more holistic and better coordinated services in local areas. This collaboration when commissioning will facilitate regular communication, common understandings of local area needs through shared information, and more effective co-ordinated commissioning activity. It could also reduce duplication in commissioning processes and enable targeted use of resources across the commissioners.

127. The requirement for a local commissioning strategy will improve transparency of the aims and approach across all groups for commissioning relevant services for victims of domestic abuse, criminal conduct of a sexual nature, and serious violence in the area.

Summary of Option 6

128. The deflated and discounted monetised costs of this option are summarised in Table 4 below. The low and high cost estimates are presented, with the best estimate being the midpoint of the two. As the benefits are not monetised, they are not presented here.

Table 4: Summary of Option 6

Cost (£m)	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	Total
Low	0.2	2.	0.4	0.4	2.2	0.4	0.4	2.0	0.3	0.3	9.0
High	0.4	3.1	0.5	0.5	2.8	0.4	0.4	2.5	0.4	0.4	11.3
Best	0.3	2.7	0.5	0.4	2.5	0.4	0.4	2.2	0.4	0.4	10.2

NPV (£m)	-10.2
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Option 7: Require statutory guidance about the roles of Independent Sexual Violence Advisors (ISVAs) and Independent Domestic Violence Advisors (IDVAs)

Costs of Option 7

129. To enable continued innovation and meet the needs of victims, the statutory definitions of ISVAs and IDVAs introduced under this option will not prescribe eligibility for services. As such, there will be no associated costs.
130. There will also be no additional costs associated with the statutory guidance on ISVAs and IDVAs or the duties on IDVAs, ISVAs and agencies to have due regard to this guidance as this will be limited to recommendations and examples of best practice.
131. There may, however, be minimal costs associated with advisors and bodies familiarising themselves with the statutory guidance, as they update working practices and procedures. These costs are assumed to be minimal and therefore are not assessed in this Impact Assessment.

Benefits of Option 7

132. Through defining ISVAs and IDVAs in primary legislation it is anticipated that there will be increased awareness of these roles. Further, issuing statutory guidance and placing a duty for those that have a function relating to victims or any aspect of the criminal justice system - with the exception of the Judiciary - to have regard to this guidance will encourage greater collaboration between agencies to provide joined up and holistic support for victims. The guidance will also facilitate increased consistency of support.

Overall Summary Options 1-7

133. The recommended options are Options 1 to 7 inclusive. The NPV of each option is presented in Table 5 below, as well as the overall NPV.

Table 5: Option NPVs

Option	NPV (£m)
Option 1: Make victims' entitlements in the criminal justice process clear .	0.0
Option 2: Enhance oversight of Code compliance.	Low: -0.7 Best: -17.5 High: -34.3
Option 3: Provide the Secretary of State, Lord Chancellor and Attorney General with the power to jointly direct a joint inspection programme to include the victim experience.	Low: -1.6 Best: -2.7 High: -3.8
Option 4: Amendments relating to the role of the Victims' Commissioner.	0.0
Option 5: Remove the requirement to refer complaints to the Parliamentary and Health Service Ombudsman (PHSO) through an MP, where the complaint relates to the complainant's experiences as a victim.	0.0
Option 6: Place a duty on PCCs, local authorities and ICBs to collaborate when commissioning support services for victims of domestic abuse, criminal conduct of a sexual nature and serious violence.	Low: -9.0 Best: -10.2 High: -11.3

Option 7: Require statutory guidance about the roles of Independent Sexual Violence Advisors (ISVAs) and Independent Domestic Violence Advisors (IDVAs)	0.0
Total	Low: -11.3 Best: -30.4 High: -49.4

F. Risks and Assumptions

134. The key assumptions behind the cost benefit analysis presented in this Impact Assessment are described below. There is a risk that, if the assumptions do not hold, the costs and benefits presented in this Impact Assessment could be higher or lower.

Option 1

- As the agencies and organisations responsible for delivering the entitlements in the Victims' Code are already required to provide these statutory entitlements, it is assumed there is no additional cost.
- Raising the profile and visibility of the Victims' Code may lead to increased demand for associated services. There is a risk that this cannot be delivered within current resource, despite this being a current requirement. If additional resource was required, then there would be costs associated with this option.
- It is assumed that improved communication about the Victims' Code, supported through the duty for specified bodies to promote the Victims' Code, can be met through redirecting and improving existing activity and resourcing.

Option 2

Measure (a): Require relevant criminal justice bodies to collect specified information and keep under review their compliance with the Victims' Code

- Criminal justice bodies already monitor Victims' Code compliance and have systems in place to collect feedback from victims. Making this requirement explicit and adjusting the ways in which they undertake these activities may therefore involve redirecting existing budgets rather than leading to additional burdens. The detail of specific information collection is being developed with criminal justice bodies, there is a risk that further resource burdens are identified. Activities and costs will be worked through as these are developed.

Measure (b): Require PCCs to keep under review the criminal justice bodies' compliance with the Victims' Code

- As PCCs are already effectively undertaking the convening role in monitoring Victims' Code compliance, the low cost estimate assumes there are no additional costs. The high cost estimate assumes that each PCC requires two additional Senior Data Analysts to assist with the additional work. It is assumed that 41 PCCs would employ at a national rate of £39,183 per analyst (£47,803 with corresponding on-costs). This salary is based on an Avon and Somerset job advertisement. For London, the assumption is £45,089 per analyst (£55,009 with

corresponding on-costs). This salary comes from the Mayor's Office for Policing and Crime (MOPAC)s pay scale.

- On boarding costs of 22% have been applied to salaries as per Regulatory Policy Committee guidance for apply non-wage labour costs.

Measure (d): Require MoJ to publish Code compliance information, and require PCCs to make members of the public in their area aware of this publication.

- It is assumed that MoJ will require one analyst at Senior Executive Officer level. Two data scientists will also be required for the first 12 months, one at Senior Executive Officer level and one at Grade 7 level. After 12 months, it is assumed that only 0.5 FTE data scientists at Senior Executive Officer level will be required.

Measure (e)

- As with measure (a) it is assumed that resource impacts will be minimal as this duty may be met by redirecting existing activity. However, this is being kept under review as the specific requirements for regulations and guidance are being developed.

Option 3

Measure (a): Provide the Secretary of State, Lord Chancellor and Attorney General with the power to jointly direct a joint inspection programme to include the victim experience

- Based on the Criminal Justice joint inspection business plan, joint inspections tend to cover a 2-year period. Consequently, for this option, it is assumed that an inspection will be required once every 2 years, with costs falling only in inspection years. However, there is a risk that if inspections were required more frequently the costs of this option would be higher.
- Figures are based on previous joint inspections, with higher costs assumed for the lead inspectorate.

Measure (b): Place a duty on the criminal justice inspectorates to consult the Victims' Commissioner in the development of their work programmes

- It has been assumed that added consultation with the Victims' Commissioner will not significantly impact inspectorates' current consultation processes in terms of scope, frequency and format, so the impact on inspectorates is negligible.
- The Office of the Victims' Commissioner will not require additional resourcing to respond to these consultation requests.

Option 4

Measure (c): Require public authorities to respond to direct recommendations in the Victims' Commissioner's reports

- As there will be no obligation for any entity to implement any particular recommendation, it is anticipated that there will be no additional costs, with potentially only a marginal cost from developing a response. Any costs for

implementing a recommendation will have to be integrated into an existing budget or additional funds sought by the authority responsible.

Option 5

- The scale of any potential increase in the number of complaints PHSO receives is uncertain, as it is not known to what extent MPs currently act as a barrier. However, PHSO have said this could likely be met by their existing service provision.
- If this change results in many more complaints than anticipated, PHSO may be unable to meet this demand and there could be subsequent costs associated with additional resources. However, this is deemed unlikely due to the number of complaints currently received per year.

Option 6

- There are risks surrounding the assumptions used to form the costs of this option. The costs produced are illustrative to reflect what the costs could potentially be and are based on the following assumptions:
 - It is assumed that PCCs with five or more local authorities will need to hold three meetings per quarter, one for each crime type. PCCs with fewer than five local authorities will hold one meeting per quarter, which will cover criminal conduct of a sexual nature, domestic abuse and serious violence combined.
 - The low scenario assumes PCCs and LAs will have two senior representatives attending. The high scenario assumes PCCs and LAs will have two senior representatives and one administrative member of staff attending.
- If collaboration did not take place in the form of new meetings, or if different frequency of meetings with a different number of attendees were needed, or if the strategy development requires different activities and participants, then the costs may be overestimated or underestimated. Activities and costs will be worked through in more detail as the statutory guidance is developed.

Option 7

- As the statutory definitions of ISVAs and IDVAs introduced under this option will not prescribe eligibility for services, it is assumed there are no additional costs. It is also assumed there will be no additional costs associated with the statutory guidance or the duty on other agencies to have due regard to this guidance as this will be limited to recommendations and examples of best practice, although there may be some minimal familiarisation costs which have not been quantified for this Impact Assessment.

G. Wider Impacts

Equalities

135. An Equality Impact Statement has been completed and has been published alongside this Impact Assessment.

Better Regulation

136. These measures are exempt from the Small Business Enterprise and Employment Act 2015 and will not count towards the department's Business Impact Target.

Environmental Impact

137. We expect there to be no environmental impact as a result of the recommended options.

H. Monitoring and Evaluation

138. The legislative measures detailed above will be commenced by regulation once the Government Departments and other organisations required have concluded the relevant preparations to accommodate the operational functionality of these changes. Further announcements about the timing of implementation will be made in due course following Royal Assent.

139. The Ministry of Justice has data collection processes in place to monitor the impact of victim support funded via PCCs and the Rape and Sexual Abuse Support Fund. There is also an existing monitoring framework in place for criminal justice agencies' compliance with the Victims' Code.

140. The government will monitor measures following implementation. The options set out in this Impact Assessment set out to improve information collection on Victims' Code compliance, and bolster local and national oversight of this information. As such, compliance with the Victims' Code will necessarily be monitored as part of these measures. With regards to improving complaints processes, the PHSO will aim to monitor the number of complaints received that relate to the Victims' Code. In the normal way the Act will be subject to post-legislative scrutiny five years after Royal Assent.

Annex A: Table showing the breakdown of Integrated Care Boards and local authorities within Police and Crime Commissioner (PCC) areas

The following table illustrates examples of how collaboration may work on the ground based on PCC areas and based on our best understanding of the geography of commissioning bodies, we have set out where relevant local authorities and ICBs fall into these PCC areas.

The following key has been used to provide further clarity on the scale used for the size of PCCs and which ICBs cross into multiple PCC areas:

- *Large = areas with five or more local authorities within the PCC area
Small = areas with four or less local authorities within the PCC area
- ** ICBs that map across two PCC areas
- *** ICBs that map across three PCC areas
- **** ICBs that map across four or more PCC areas

Police and Crime Commissioner (PCC) area	Relevant Integrated Care Boards (ICB)	Relevant local authorities	Large or small*
Avon and Somerset	Somerset	Somerset	Large
	Bristol, North Somerset and South Gloucestershire	Bristol	
		South Gloucestershire	
	Bath and North East Somerset, Swindon and Wiltshire**	North Somerset Bath and North East Somerset	
Bedfordshire	Bedfordshire, Luton and Milton Keynes**	Bedford	Small
		Central Bedfordshire	
		Luton	
Cambridgeshire	Cambridgeshire and Peterborough	Cambridgeshire Peterborough	Small
Cheshire	Cheshire and Merseyside**	Cheshire East	Small
		Cheshire West and Chester	
		Halton	
		Warrington	
Cleveland	Cumbria and North East****	Hartlepool	Small
		Middlesbrough	
		Redcar and Cleveland	
		Stockton-on-Tees	
Cumbria	Healthier Lancashire and South Cumbria**	Cumbria	Small
	Cumbria and North East****		
Derbyshire	Joined Up Care Derbyshire	Derbyshire	Small
		Derby	
Devon and Cornwall	Cornwall and the Isles of Scilly Health and Social Care Partnership	Cornwall	Small
		Isles of Scilly	
		Torbay	

	Devon	Plymouth Devon	
Dorset	Dorset	Dorset Bournemouth, Christchurch and Poole	Small
Durham	Cumbria and North East****	County Durham Darlington	Small
Essex	Suffolk and North East Essex**	Essex	Small
	Hertfordshire and West Essex**	Thurrock	
	Mid and South Essex	Southend-on-Sea	
Gloucestershire	Gloucestershire	Gloucestershire	Small
Greater Manchester	Greater Manchester Health and Social Care Partnership	Bolton	Large
		Bury	
		Manchester	
		Oldham	
		Rochdale	
		Salford	
		Stockport	
		Tameside	
		Trafford	
Wigan			
Hampshire	Frimley Health and Care ICS***	Southampton	Small
		Portsmouth	
	Hampshire and the Isle of Wight	Isle of Wight	
		Hampshire	
Hertfordshire	Hertfordshire and West Essex**	Hertfordshire	Small
Humberside	Humber, Coast and Vale**	East Riding of Yorkshire	Small
		North Lincolnshire	
		North East Lincolnshire	
		Kingston upon Hull	
Kent	Kent and Medway	Kent	Small
		Medway	
Lancashire	Healthier Lancashire and South Cumbria**	Lancashire	Small
		Blackburn with Darwen	
		Blackpool	
Leicestershire	Leicester, Leicestershire and Rutland	Leicester	Small
		Leicestershire	
		Rutland	
Lincolnshire	Lincolnshire	Lincolnshire	Small
London	North West London Health and Care Partnership	Greater London Authority	Large
	North London Partners in Health and Care		
	East London Health and Care Partnership		
	Our Healthier South East London		

	South West London Health and Care Partnership		
Merseyside	Cheshire and Merseyside**	Knowsley	Large
		Liverpool	
		Sefton	
		St Helens	
		Wirral	
Norfolk	Norfolk and Waveney Health and Care Partnership**	Norfolk	Small
Northamptonshire	Northamptonshire	North Northamptonshire	Small
		West Northamptonshire	
Northumbria	Cumbria and North East****	Gateshead	Large
		Newcastle	
		North Tyneside	
		Northumberland	
		South Tyneside	
		Sunderland	
North Yorkshire	Humber, Coast and Vale**	North Yorkshire	Small
	West Yorkshire and Harrogate (Health and Care Partnership)**	York	
Nottinghamshire	South Yorkshire and Bassetlaw**	Nottinghamshire	Small
	Nottingham and Nottinghamshire Health and Care	Nottingham	
South Yorkshire	South Yorkshire and Bassetlaw**	Barnsley	Small
		Doncaster	
		Sheffield	
		Rotherham	
Staffordshire	Staffordshire and Stoke on Trent	Staffordshire	Small
		Stoke on Trent	
Suffolk	Norfolk and Waveney Health and Care Partnership**	Suffolk	Small
	Suffolk and North East Essex**		
Surrey	Frimley Health and Care ICS***	Surrey	Small
	Surrey Heartlands Health and Care Partnership		
	Sussex and East Surrey Health and Care Partnership**		
Sussex	Sussex and East Surrey Health and Care Partnership**	East Sussex	Small
		West Sussex	
		Brighton and Hove	
Thames Valley	Bedfordshire, Luton and Milton Keynes**	Oxfordshire	Large
	Frimley Health and Care ICS***	Bracknell Forest	
	Buckinghamshire, Oxfordshire and Berkshire West	Buckinghamshire	
		Milton Keynes	
		Reading	
		Slough	
		Wokingham	
West Berkshire			

		Windsor and Maidenhead	
Warwickshire	Coventry and Warwickshire**	Warwickshire	Small
West Mercia	Shropshire and Telford and Wrekin	Shropshire	Small
		Telford and Wrekin	
	Herefordshire and Worcestershire	Herefordshire	
		Worcestershire	
West Midlands	The Black Country and West Birmingham	Birmingham	Large
		Sandwell	
		Wolverhampton	
	Birmingham and Solihull	Solihull	
		Dudley	
	Coventry and Warwickshire**	Walsall	
Coventry			
West Yorkshire	West Yorkshire and Harrogate (Health and Care Partnership)**	Bradford	Large
		Calderdale	
		Kirklees	
		Leeds	
		Wakefield	
Wiltshire	Bath and North East Somerset, Swindon and Wiltshire**	Swindon	Small
		Wiltshire	