

The Victims' Code

Overview

The Code of Practice for Victims of Crime (the Code) is a practical and useful guide for victims to understand what they can expect from the criminal justice system if they have been a victim of crime. It sets out the minimum level of service that victims should receive in England and Wales.

While it is structured around the key stages in the criminal justice process, it also makes it clear that victims are entitled to access support regardless of whether they choose to report the crime to the police.

The Government's 2019 manifesto committed to introduce a Victims' Law that would 'guarantee victims' rights and the level of support they can expect'.¹ We are delivering on this by elevating and reinforcing the framework of the Code through particular measures in the Victims and Prisoners Bill which:

- Enshrines the four overarching principles that the Code must reflect in primary legislation;
- Replicates the existing requirements for consultation and parliamentary scrutiny of any proposed revisions to the Code, with the addition of a simplified procedure for minor revisions;
- Allows for the Justice Secretary to make further provision about the Code in regulations; and introduces a duty on relevant bodies to take reasonable steps to make victims aware of the Code.

In addition, we will:

- Use the 12 key entitlements detailed in the current version of the Code, which we do not intend to change, to create a framework for the new Code in regulations, which will allow flexibility to strengthen and update in the future if the needs of victims lead to changes in policies and practices.
- Develop, consult on and publish a new Code, which will strengthen the level of service victims receive.

¹ [Conservative Party Manifesto 2019 \(conservatives.com\) p.19](https://www.conservatives.com/1534777/news_story.do?nid=73444)

These measures should be considered alongside the wider Bill package which requires Police and Crime Commissioners (PCCs) and relevant bodies to keep their Code compliance under review, and for those bodies to raise awareness of the Code. The Bill will also introduce a power to direct the criminal justice inspectorates to undertake joint thematic inspections on victims' experiences and a requirement for the inspectorates to consult the Victims' Commissioner when developing their work programmes. This will provide greater oversight and transparency over how victims are treated.

Together, these will drive up standards for victims through a balance of increasing oversight of criminal justice agencies and raising the profile and awareness of victims' entitlements. We intend for this to transform the role of the victim within the criminal justice system, prioritising their needs and facilitating a cultural shift in the way they are treated.

The Victims' Code within the Victims and Prisoners Bill

The Code first came into force in 2005 through the provisions in the Domestic Violence, Crime and Victims (DVCV) Act 2004. Since then, it has been updated several times, most recently on 1st April 2021.

Enshrining the four overarching principles for the Code in primary legislation

The Bill details the four overarching principles that the Code must reflect, so that relevant bodies and victims are clear on what victims can and should expect from the justice system. These principles were identified through our engagement with stakeholders ahead of public consultation on the Victims Bill. When we consulted on them, a majority agreed that these the right ones to enshrine in law to outline the range of basic support needs of victims.

The four overarching principles are that victims:

- Should be provided with information to help them understand the criminal justice process;
- Should be able to access services which support them (including, where appropriate, specialist services);

- Should have the opportunity to make their views heard in the criminal justice process; and
- Should be able to challenge decisions which have a direct impact on them.

Consultation on changes to the Code

The DVCV Act set out a clear framework that the Justice Secretary must follow to make a new Code or revise an existing one, which this Bill restates. This means that any substantive proposed changes to the Code will continue to require the Justice Secretary to consult the Attorney General, and to conduct a public consultation before laying the Code in Parliament.

The Bill allows for minor changes to be made to the Code without the need for public consultation to make it easier to keep the Code up to date when processes in the criminal justice system change. However, it will remain the case that the Justice Secretary cannot significantly reduce or restrict any of the services provided under the Code.

The 12 key entitlements in regulations

The Bill allows for provision about the Code to be made in regulations, including about matters that the Code must include. We will use regulations (a draft of these has been published alongside this document) to provide a framework for the new Code, centred around the 12 key entitlements that currently exist. This will send a clear signal that the justice system must deliver these entitlements for victims.

Using regulations rather than primary legislation to achieve this is more appropriate, as they allow greater flexibility to strengthen and update in the future if the needs of victims lead to changes in policies and practices. This will allow Parliamentary scrutiny as the regulations will be subject to the negative resolution procedure. The 12 key entitlements for victims are:

1. To be able to understand and to be understood
2. To have the details of the crime recorded without unjustified delay
3. To be provided with information when reporting the crime
4. To be referred to services that support victims and have services and support tailored to your needs

5. To be provided with information about compensation
6. To be provided with information about the investigation and prosecution
7. To make a Victim Personal Statement
8. To be given information about the trial, trial process and your role as a witness
9. To be given information about the outcome of the case and any appeals
10. To be paid expenses and have property returned
11. To be given information about the offender following a conviction
12. To make a complaint about your rights not being met

The New Victims' Code

The detail of how and when the services are to be provided to victims will continue to sit in the Code itself. For example, the Code explains what a Victim Personal Statement (VPS) is and how it may be used in criminal proceedings. This format allows for a thorough explanation, which rightly focuses on ensuring victims have the information they need, and organisations are clear about their responsibilities and the service they must deliver.

Once the Bill has completed its passage through Parliament, we will conduct a public consultation on a draft new Code as is required by the legislation. This will provide us with an opportunity to consider possible revisions that might arise during the Bill's passage to ensure that the new Code provides a robust framework to support victims. We consulted widely on the current Code, and it will remain a user-friendly victim focused document. We have explored opportunities to make additions to the Code to enhance the level of service victims receive in the Government's ['Delivering justice for victims' consultation](#).

To improve communication with victims, amplify victims' voices in the process and better deliver on the principles we are placing in law, we intend to:

- Include provision in the Victims Code for the Crown Prosecution Service to meet with victims before a hearing takes place, in certain cases.
- Include information about Community Impact Statements in the Code, to further promote their use in appropriate cases and amplify the voices of communities impacted by crime.

- Continue to develop plans to allow Victim Personal Statements to be submitted in the Mental Health Tribunal, where an offender's release is being considered, so that victims are able to explain the impact of the crime on them.

During the passage of the Bill, we will provide a new provisional draft of the Code to Parliament. This is intended to support understanding of what the new Code might look like, subject to a following consultation.

What happens if victims do not receive their entitlements?

We think that all the measures set out will strengthen the service victims receive. As the Code is a statutory code of practice, all relevant bodies should already comply with it. However, if things go wrong, victims can make a complaint when they believe they have not received a Code entitlement. Organisations covered by the Code are required to have procedures in place for handling complaints from victims and can use their own performance management systems to address issues where needed.

If victims are dissatisfied with how their complaint is dealt with, they can escalate it to the Parliamentary and Health Service Ombudsman (PHSO). The Bill will make accessing the PHSO simpler for victims, by removing the need to make their complaint via their Member of Parliament (MP), where the complaint relates to their experiences as a victim of crime.

As a further route of redress, as is the case with all decisions by public authorities, if a victim has been affected by a particular decision by a public authority and feels that the way the decision was made was unlawful, they may also put in an application for Judicial Review (JR).

Who is required to deliver Code entitlements?

The organisations that are required to deliver the Code entitlements are:

- Police and Crime Commissioners
- All police forces in England and Wales, the British Transport Police and the Ministry of Defence Police

- Police Witness Care Units
- The Crown Prosecution Service
- His Majesty's Courts and Tribunals Service
- His Majesty's Prison and Probation Service
- The Probation Service
- The Parole Board for England and Wales
- The Criminal Cases Review Commission
- The Criminal Injuries Compensation Authority
- The UK Supreme Court
- Youth Offending Teams

Other agencies may have to deliver some of the entitlements in the Code. These include but are not limited to:

- The Competition and Markets Authority
- Department for Business, Energy and Industrial Strategy (Criminal Enforcement)
- The Environment Agency
- The Financial Conduct Authority
- The Gambling Commission
- The Health and Safety Executive
- His Majesty's Revenue and Customs
- Home Office (Immigration Enforcement)
- The Information Commissioner's Office
- Independent Office for Police Conduct
- The National Crime Agency
- The National Health Service
- Natural Resources Wales
- The Office of Rail and Road
- The Serious Fraud Office