



Ministry of  
**JUSTICE**

# **Getting it right for victims and witnesses: the Government response**

**Response to consultation CP3/2012 carried out by the Ministry of Justice.**

**This information is also available on the Ministry of Justice website:  
[www.justice.gov.uk](http://www.justice.gov.uk)**

July 2012



## **Getting it right for victims and witnesses: the Government response**

Presented to Parliament  
by the Lord Chancellor and Secretary of State for Justice  
by Command of Her Majesty

July 2012

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## Contact details

This document is the post-consultation report for the consultation paper, “Getting it right for victims and witnesses”.

It covers:

- the background to the report
- a summary of the responses to the report
- a detailed response to the specific questions raised in the report
- the next steps following this consultation.

Further copies of this report and the consultation paper (including requests for alternative format versions of this publication) can be obtained by contacting **Bola Fabunmi** at the address below:

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This report is also available on the Ministry’s website: [www.justice.gov.uk](http://www.justice.gov.uk).

## **Foreword by the Lord Chancellor and Secretary of State for Justice**

When I published the consultation document ‘Getting it right for victims and witnesses’ earlier this year I observed that victims too often feel themselves to be an afterthought for the criminal justice system. Despite improvements over the last two decades, the system has continued to fall short – whether in relation to helping victims recover in the aftermath of a crime, supporting them through the stresses of investigation and trial, or providing the right services, funded as far as possible by offenders rather than the taxpayer.

That is why I set out a package of proposals to remedy these weaknesses, and deliver a more intelligent and coherent service for victims. My plans included increasing spending on victims’ services, with extra money coming from offenders themselves; reforming the criminal injuries compensation scheme so that it is focused on seriously injured victims of serious crime, and strengthening victims’ rights so that victims feel less like accessories to the system, kept in the dark about their case, or expected to sit next to families of perpetrators in court.

The consultation elicited over 350 written responses, which we have carefully considered. They have helped us refine our proposals. We are taking forward a package of reforms that will, I believe, meet the whole range of ambitions I set out in the consultation document.

A key area of focus during the consultation has been the question of how victims’ services should be purchased in future, and the best approach to ensuring people who have suffered serious crimes get the help they need. In due course, we will make the transition to a mixed model of local and national commissioning. That is, the Ministry of Justice will retain responsibility for commissioning certain vitally important specialist services – such as support for those bereaved through homicide, rape support centres and the witness service. Responsibility for the bulk of services, though, will be devolved to democratically elected and accountable Police and Crime Commissioners (PCCs). The needs of victims vary locally and it is our belief that PCCs, much more than the centre, will be best placed to decide what their communities want. Monopoly central purchasing of services is neither the best way of ensuring the right services are in place locally, nor of making the best use of taxpayers’ money. We are committed to a more local approach – one that loosens the grip of Whitehall and of agencies that have got rather too comfortable depending on centralised finance.

As for our other reforms, the current scheme for providing compensation to victims of violent crime has never been properly funded and the scheme must be put on a sustainable footing. The revised scheme that I have laid before Parliament today will ensure that where payments are made they are to blameless victims of serious crimes, who fully co-operate with the justice process, and to close bereaved relatives of victims who lose their lives as a

result of violent crime. The reformed scheme is also easier to understand and simpler to administer, making it more accessible to those in need and speeding up the application process.

The Government has also made good the last Government's intention to compensate victims of overseas terrorism. An ex gratia scheme for past victims of overseas terrorism with an ongoing disability opened in April; a scheme to compensate future victims of similar attacks has been put before Parliament today.

It is right that offenders contribute more to the costs of providing support services to victims of crime. I have today also laid before Parliament proposed legislation that will increase the Victim Surcharge payable on a fine and extend the Surcharge to conditional discharges, community sentences and custodial sentences including suspended sentences. Further measures will be introduced in due course. The increased revenue we expect these reforms to realise will greatly increase the help we can give to victims and witnesses.

Finally, there is the issue of the support provided to victims and witnesses during the process of investigation and trial. It is a simple fact that the criminal justice system cannot function without them coming forward to report crime and to give evidence. If any of those victims or witnesses come away from an investigation or trial feeling the experience has added to their suffering then we have let them down. So the Government will undertake a review of the Victims' Code and Witness Charter to consider in further detail how they can be improved and will consult on proposals in the New Year. We will also take a careful look at the operation of the Victim Personal Statement, which is a vital tool in giving voice to victims, to ensure it is better understood and much more widely used.

The Government is now embarking upon delivering these reforms; the schemes and other instruments that I have laid before Parliament today are the first step in doing so. These plans will ensure victims' services are on a sustainable footing, and help put right the failings of the past.



Rt Hon Kenneth Clarke QC MP

July 2012

## **The consultation**

The consultation was published on 30 January 2012 and closed on 22 April 2012. We received over 350 responses from a mixture of individuals, organisations and parliamentarians.

The majority of responses supported the Government's proposals for reform, although there was particular opposition to the proposals on the commissioning of services. The key issues raised in the consultation, and the Government's response, are summarised in this document.

The impact assessments and equality impact assessments accompanying the consultation document have been updated to take account of evidence provided by respondents to the consultation, as well as policy developments that occurred following the consultation period. These are available at <https://consult.justice.gov.uk/digital-communications/victims-witnesses>



## Introduction

1. On 30 January 2012 the Government published the consultation document '*Getting it right for victims and witnesses*' in which we set out wide-ranging proposals for improving support to victims and witnesses.
2. We took our time to publish the consultation document to ensure we had taken proper account of what is currently working well for victims and witnesses and where we needed to focus our efforts to bring about improvements. We wanted the document to present a mature reflection of the situation for victims and witnesses as it is now, taking account of progress made over the last 20 or so years, but taking account also, as more than ever we have to, of the need to ensure that public money is being spent in the best way. The way Government money is spent should, in other words, make good sense for victims and witnesses and it should make good sense for the taxpayer.
3. We set out the role of Government in relation to victims and witnesses and repeat it here to reiterate the rationale behind the reforms we are now embarking upon.
  - First, the Government should make sure that victims get the support they need to deal with the immediate aftermath of a crime and, over time if need be, receive further help, which may include compensation, to put their lives back on track. In doing this, the Government should ensure that resources are focused on those in the greatest need.
  - Second, in recognising the critical role that victims and witnesses play in court, without which justice cannot be done and there would be many more criminals on our streets, the Government must ensure that those who play their part in this way get the support they need to deal with the stresses of going to court and giving evidence.
  - Third, the Government owes it to victims of crime to ensure as far as possible that offenders are caught, that they are punished, and that they are dealt with in a way that reduces the likelihood of their re-offending and creating more victims.
4. As we said in the consultation document, we believe that support should be available, for those who need it, from the immediate aftermath of a crime and then for as long as they need it. We do not believe that compensation is the most effective way of helping victims recover but in some circumstances it is plainly right to provide financial assistance, and sometimes that assistance should be very substantial indeed. In this difficult economic climate none of us can fail to take account of the need to take a good hard look at where we focus resources.

5. The reforms we are now embarking upon aim to keep the total spend on services for victims and witnesses stable. The support services which many victims need at least as much as compensation will see an increase in available resources as policies to raise more money from offenders are implemented. Support will be available when required, paid for as far as possible by offenders.
6. When the consultation was published we endeavoured to ensure that it would be accessible to all those with an interest in this policy area. We genuinely wanted to hear views and ideas about where we had got it right and where our proposals needed further consideration. In addition to publishing the consultation document we held a number of consultation events across England and Wales: in London and Manchester that covered all the proposals in the consultation document and in Cardiff, Peterborough, Birmingham and York looking specifically at re-writing the Victims' Code, improving the victims' voice in the criminal justice system (CJS) and commissioning local services. We also held a seminar in London on the equality impacts of all our proposals and an event in Edinburgh specifically on our proposals to reform the Criminal Injuries Compensation Scheme (because it applies in Scotland as well as in England and Wales).
7. In total, our eight events were attended by about 300 people from some 200 organisations. We are grateful to all those who gave their time to contribute to these discussions. Over 350 written responses to the consultation were received. A list of organisations that provided responses is at Annex A.
8. Through our own events and through other opportunities we have had dialogue with a wide range of interested parties including criminal justice system professionals, organisations representing victims and witnesses and victims and witnesses themselves.
9. During and since the 12 week consultation period we have reviewed the written responses. We have summarised the responses to the questions asked in the consultation and set out the key issues raised in this document. Where possible we have presented the numbers of written responses received for each question, and the numbers of respondents who agreed, or disagreed, with our proposals. However, it was not always possible to assess this as many of the consultation responses were nuanced; therefore much of the analysis has been more qualitative in nature. The written responses, events and discussions have helped us to shape our original proposals into the reforms we are now committed to delivering. They are set out in this document.

## The principles underpinning our reforms

10. The case for change was set out in the consultation and is summarised briefly here.
11. We described how support is provided to victims now and why the current arrangements do not provide the best value for money, do not reflect the differing needs of local communities and do not hold service providers to account in terms of the effect their provision has on a victim.
12. We proposed that victim services should be targeted at those who have suffered the greatest impact from crime. We proposed the following three categories:

**Victims of serious crime.** Murder and manslaughter, rape, sexual violence, terrorism, and violent crimes such as wounding or causing grievous bodily harm with intent, usually have the most serious impact on victims. Crime type never tells the full story – which is why we want to empower professionals to exercise their judgement in assessing needs – but there should be a working assumption that victims of serious crime may well require significant support.

**The most persistently targeted.** Crime, even when seemingly less serious, can have a devastating impact on victims when committed again and again over a period of time, particularly where a person is deliberately targeted. This should be taken into account as needs are assessed, and support provided.

**The most vulnerable.** People who are most likely to become victims, or who need particular assistance in coping with the consequences of crime or to engage with the criminal justice system. This might include people who are isolated, or lack social or family support; those who need assistance in managing their own affairs; those who are more likely to be a victim of crime than members of the community generally (for example, by reason of age or medical condition) or less able to cope with the consequences if they do; and those who are able to benefit from additional or special measures in relation to court proceedings.

13. We asked if there are groups of victims that should be prioritised that are not covered by the above categories. A large majority of respondents said that there are, and suggested additions by crime type or characteristic. Many respondents thought the prioritisation of victims should be based on individual need rather than definitions based on the nature of crime or characteristics of the victim. We believe that the breadth of the three categories proposed in the consultation document will ensure that those victims most in need will be able to access support. Victim services currently also provide support, for example, to someone who was the witness of a particularly distressing violent crime, and we do not envisage this changing. We will look further at the support provided to witnesses as part of our longer term consideration of how best to improve witness services.

14. We acknowledged in the consultation document that more could be done to support victims of road traffic crime. There was strong support for immediate assistance to be made available to those bereaved by fatal road accidents and those seriously injured on the roads. We remain of the view that more can be done to support victims of road traffic offending who meet our criteria for prioritisation and we will work with stakeholders to identify and examine the options for doing so. We do not consider it feasible to extend coverage broadly to anyone bereaved through a road traffic accident or seriously injured by one.

### **A new approach to supporting victims**

15. We proposed the introduction of an outcomes based commissioning framework based on the overarching outcomes of supporting victims to (a) cope with the immediate impacts of crime and (b) recover from the harm experienced. The framework would, we proposed, cover eight categories of need.
16. A large majority of respondents agreed that the outcomes we proposed were the right ones, and welcomed the move away from outputs as measures of success. There was some support for the addition of a preventative outcome. There was also a large majority in agreement with the proposed categories of need, although some respondents suggested additions or amendments. We remain of the view that these outcomes are the right ones.

### **Commissioning services**

17. We also set out proposals to radically change the way Government commissions support services for victims and witnesses. We proposed that services provided by voluntary, community and social enterprise organisations should be funded through a competitive commissioning process at both local and national level.
18. The Government is determined to ensure that available funding is better targeted at those victims most in need of support and that a wide range of good quality service providers is available.
19. Specifically, we proposed that the commissioning of services at local level should be carried out by PCCs and, in London, by the Mayor's Office for Policing and Crime. We saw them as best placed to commission services that provide value for money and ensure the best outcomes for victims. The proposal to move to this model has not been without criticism and has proved to be the most controversial issue within the consultation document.
20. The majority of respondents agreed that a mix of local and national commissioning is the right way forward. However, many who were receptive to the principle of local commissioning thought the bulk of services should be commissioned nationally, not locally. Many who were

in favour in principle of some local commissioning did not think it appropriate for their particular organisation/sector.

21. We remain of the view that PCCs should be charged with responsibility for commissioning most victims' services locally and will undertake work to effect this.

### **Supporting victims and witnesses through the criminal justice system**

22. Justice depends on the public having trust in the system. It depends on victims and witnesses of crime coming forward to report an incident, to provide a statement and, as a case progresses, to give evidence in court. We reflected on the improvements that have been made in supporting victims and witnesses through the criminal justice process and will ensure that, where those improvements are still effective they are maintained. Some improvements, we recognise, were a significant step forward when they were launched but no longer measure up to the standards we want for victims and witnesses. Other than on commissioning, the largest volume of responses to the consultation were those concerned with victims and witnesses' experience of the CJS.
23. The majority of respondents agreed that the Victims' Code is in need of revision and were supportive of the principles we proposed. However, there was a range of views as to how prescriptive the Code should be, what should be included and how it could be made more accessible to victims. There were also suggestions that the Code should include various groups that are not currently covered such as families bereaved by road traffic incidents, families of those seriously injured on the road, families of missing persons and victims of anti-social behaviour. We will work with stakeholders to draft a new Code which will be subject to public consultation next year.
24. Most respondents agreed that we need to improve how and when the Victim Personal Statement (VPS) is offered and clarify its role and importance with CJS agencies and with victims, so that they can make an informed decision about whether to complete one. The main issues that people felt affected whether a victim would complete a VPS were the timing of the offer and concern that the defence will have access to it. We will undertake a review of how the VPS is offered and used throughout the criminal justice process to identify where changes may be made in order to improve understanding of its purpose and increase the number of victims able to make an informed decision, at the appropriate time, whether they wish to make one.

### **Protecting the privacy of victims and witnesses**

25. We had three responses to the consultation on the issue of reporting restrictions. Two urged us to leave things as they are and the other saw merit in legislating to increase the courts' powers. We intend to undertake a review of the existing powers and how they are used.

### **Restoration and reparation**

26. The Government is committed to ensuring that offenders take greater responsibility for their crimes and do more to repair the harm caused by their offending. We set out proposals to increase the revenue collected from the Victim Surcharge and other financial impositions that could be spent on victims' services. We also set out proposals to increase the use of non-financial reparation.
27. The majority of respondents agreed that offenders should make financial reparation to victims. We are now beginning phased implementation of our proposals.

### **Compensation for victims of violent crime in Great Britain and victims of terrorism overseas**

28. Part two of the consultation document focused principally on the need to reform the Criminal Injuries Compensation Scheme. We asked a number of questions on our proposals and a relatively small proportion of respondents to the consultation provided comments. We have made some amendments to our proposals in light of those comments. The proposed scheme aims to deliver vital savings of around £50m per year.
29. In Part two we also set out the Government's intention to introduce arrangements for compensating eligible victims of overseas terrorism. We did not consult on this but suffice for the purposes of the present document to note that:
- An ex gratia scheme for existing victims of overseas terrorism, going back to January 2002, opened for applications on 16 April.
  - A statutory scheme for future victims will, subject to parliamentary approval, be in place later this year. The scheme was laid before Parliament today.

## Part one – The victims and witnesses strategy

### Measuring outcomes

30. We believe that an outcomes based approach to commissioning services is a far more effective one than the current approach in which service providers' performance is measured against factors such as how many victims they have contacted, or how many referrals they have received. This does not allow any assessment of how a service has supported a victim or the results of that support. We also thought it right that certain categories of victim are prioritised for support. The introduction of an outcomes based commissioning framework based on the overarching outcomes of supporting victims to (a) cope with the immediate impacts of crime and (b) recover from the harm experienced was proposed. The framework would cover the following eight categories of need: mental and physical health; shelter and accommodation; family friends and children; education; skills and employment; drugs and alcohol; finance and benefits; outlook and attitudes; and social interaction.

We asked:

**Q1. Are there groups of victims that should be prioritised that are not covered by the definitions of victims of serious crimes, those who are persistently targeted and the most vulnerable? If so, can you provide evidence of why they should be prioritised and what support needs they would have?**

**Q2. Should supporting victims to cope with the immediate impacts of crime and recover from the harms experienced be the outcomes that victim support services are assessed against?**

**Q3. Are the eight categories of need identified correct? Are there any other categories of need that support services should address?**

31. There were a number of suggestions for other groups of victims who should be prioritised including those bereaved by fatal road accidents and those seriously injured on the roads.
32. Other suggestions for inclusion under the most vulnerable category included children and young people; people with disabilities including physical impairments such as deafness and blindness as well as learning disabilities; and people with dementia. Under the category of most persistently targeted, some respondents suggested that victims of stalking, hate crime, trafficking and domestic abuse should be included.

33. Although there were suggestions for other groups to be prioritised, many respondents warned against focussing on the type of crime or characteristics of the victim rather than the needs of the victim as an individual.
34. Concern was raised regarding victims of perceived “low level” crime and the danger of assuming that they may not need support; respondents stressed that victims of this type of crime may also need support and it is important that individual victim needs are assessed.

Support will be targeted at those who have suffered the greatest impact from crime including victims of serious crime, those who are persistently targeted and the most vulnerable.

We will work to identify the best mechanism for assessing need at all stages, and who will be responsible for conducting needs assessments.

35. Over half of those who responded to Question 2 agreed with the proposed outcomes of helping victims first to cope and then to recover. There was agreement across different organisations that measuring outcomes should be done through simple measures which are easy to record and report. One organisation was concerned that these outcomes would be more difficult to identify and measure and that service providers may lack the skill to do this.
36. There were suggestions from organisations in the violence against women and girls sector that support for these victims should incorporate a preventative element. An organisation supporting victims of domestic abuse commented that the outcomes of cope and recover were not appropriate for these victims and that safety and well-being were more suitable. Some homicide organisations thought recover was not a suitable outcome to aim for where the victim being supported had been bereaved as a result of homicide. Several respondents said that the outcome achieved by any victim service would be partly dependent on the quality of the response offered by partners in criminal justice agencies, in health care and in social care. Homicide and sexual and domestic violence organisations also observed that recovery may well be an ongoing process over a long period.
37. Just over 100 responses were received to Question 3. We had proposed a commissioning framework which would set out what providers should be seeking to deliver. We also asked if the framework should cover the following eight categories of need: mental and physical health; shelter and accommodation; family, friends and children; education, skills and employment; drugs and alcohol; finance and benefits; outlook and attitudes; and social interaction.



38. A large majority of those who responded agreed that these were the correct categories of need. There were suggestions for additional categories to be considered including information and empowerment; legal assistance; advocacy; protection/safety/risk reduction, restitution and privacy and confidentiality, and for the inclusion of emotional health.
39. We remain of the view that support services should aim to achieve the two outcomes of cope and recover. Not all victims will be able to return to the same state before the crime took place but commissioners and providers should aim to return an individual to their previous or comparable level of well-being. It is important that support services achieve real results.

Cope and recover will be the outcomes which support services for victims should aim to achieve and against which they will be judged.

We will work with the sector to develop a commissioning framework based on these two outcomes and covering the eight categories of need. We will engage with service providers, victims' groups and equalities groups as we develop the framework and will explore whether other categories of need should also be included. The Ministry of Justice has commissioned research, in the form of an Evidence and Practice Review, which will inform development of the commissioning framework.

### **The commissioning model**

40. We proposed that services provided by voluntary, community and social enterprise organisations should be funded through both local and national level competitive commissioning. We recognised that it is more appropriate to commission some services nationally, particularly those that support victims of the most serious crime but, in line with the Government's localism agenda we consider that locally commissioned services are the best way to ensure resources are targeted in line with local need.

We asked:

#### **Q4. Is a mixture of locally-led and national commissioning the best way to commission support services for victims of crime?**

41. Local and national commissioning and the possible role of PCCs in local commissioning drew a significant amount of attention from respondents and drew the most diverse views from a wide variety of organisations.
42. Of 140 respondents who answered Question 4, a majority – 101 – agreed that there should be a mixture of local and national commissioning.
43. Those who agreed with the idea of a local and national mix for commissioning services also made a number of points for consideration

including the establishment of national minimum standards which local service providers must comply with in order to avoid the “postcode lottery” effect. There was a suggestion from two voluntary groups that there should be a minimum level of service provision in areas. This point was also raised by some respondents who suggested that regional commissioning should be considered, i.e. working across geographical boundaries.

44. A third of the responses that were received were against local commissioning. There were concerns that dividing funding across 42 police force areas would increase administration costs and bureaucracy. Some other respondents also felt that local commissioning would be wasteful and that a significant proportion of the money allocated to victims’ services would be spent on the process of commissioning.
45. One respondent commented that a move to local commissioning would mean that resources are simply being moved about to achieve the same outcomes with the potential loss of a coherent national view of victims’ services.
46. A number of organisations representing victims of domestic and sexual violence were opposed to local commissioning because they felt the services they provide merit being commissioned nationally. There was concern that local commissioners would not understand the complexities of these types of services and victims’ needs could go unmet. However, most of these organisations felt that although local commissioning would not be suitable for these types of services, it would be suitable for other victims’ services.
47. Not all organisations from the domestic and sexual violence sector agreed that these services could only be commissioned nationally. It was suggested by some that central government should produce a national framework for commissioning support services for all forms of violence against women which would then be used by a local commissioner to procure services.
48. We remain of the view that a mix of local and national commissioning is the best way to ensure that central Government funding is better targeted to those victims most in need of support and that a wide range of service providers are available to give victims the support they need.

We will introduce a mixed model of national and local commissioning for victims’ support services.

## Local commissioning

49. PCCs will be elected and take up post in November this year. We set out the reasons why we consider that they will be best placed to commission services for victims.

We asked:

### **Q5. Should police and crime commissioners be responsible for commissioning victim support services at a local level? Who else could commission support services?**

50. This question raised the most objections across the spectrum of organisations including the voluntary sector and some criminal justice agencies. Of around 196 respondents to this question around 136 opposed the proposal to move to PCC commissioning.
51. One of the main areas of concern was around the potential for politicisation of the commissioning process. Some respondents said that commissioning decisions would be based on the social and political views of the PCC. A number of support organisations felt the victims they worked with would not be considered to be significantly appealing in terms of public support for a PCC to fund them. One respondent who opposed PCCs taking on the local commissioning role suggested that they would be inclined to fund highly visible victims from communities which are likely to make up a significant proportion of the local vote such that victims from more marginalised communities would lose out. This also links to comments made by some voluntary sector organisations at our consultation events regarding how smaller organisations (who may well cater for these marginalised groups) would be less able to influence the PCCs' priorities for funding.
52. A majority of the respondents who were opposed to PCC commissioning were concerned that there would be different levels of service and different types of provision from area to area, which would not be based on the priorities and needs of victims/the local area. Many respondents referred to the potential for a postcode lottery if PCCs commissioned local services.
53. Those who did agree, around 60 out of around 196, respondents to this question) with the PCC commissioning role made a number of comments in relation to their possible future function. Several respondents suggested that ring-fencing should be imposed on victims' services funding. The importance of PCCs being encouraged to work collaboratively, particularly with the voluntary sector, was raised.
54. The issue of administration costs was a common theme. In mitigation of this concern several respondents noted that, as PCCs will have other commissioning responsibilities, their infrastructure ought to allow commissioning of victims' services to be achieved at minimal cost.

55. There were few suggestions as to who might commission services at a local level instead of PCCs. A few respondents suggested that local authorities should be responsible. One suggested that it should be a joint responsibility between the PCC and community safety partnerships. One respondent suggested that it should be community safety partnerships alone, while another suggested Local Criminal Justice Boards (LCJBs) but acknowledged that this might be difficult given that LCJB resources vary from place to place.
56. Although the majority of respondents were against PCCs commissioning victims' services we remain firmly of the view that they are best placed to do so under a locally responsive commissioning model. Elected at police force level, they will have a strategic overview across local partnerships in their area and will be in a position to coordinate support for victims across that area. PCCs will be elected by the communities whose needs they are tasked with meeting and will be held to account by both their Police and Crime Panel and by the public. As PCCs will also be commissioning services in relation to crime reduction and prevention we are confident that administration costs can and will be kept to a minimum, maximising the funding available for the provision of support.

PCCs will commission those services which are to be devolved to local commissioning.

### **National commissioning**

57. The Government is committed to devolving responsibility for commissioning the bulk of services but recognises that for victims of some crimes, particularly low volume but high impact crimes, commissioning specialist services on a national basis is the most efficient way to allocate resources for smaller numbers of victims with complex needs. We did not propose a preferred option for who should be responsible for national commissioning but did seek views on this question.

We asked the following questions:

**Q6. Who do you think should commission those services at a national level?**

**Q7. Which services do you think should be commissioned at a national level?**

58. Just over half of the 100 respondents to the first of these questions suggested that the Ministry of Justice or a combination of the Ministry of Justice and the Home Office should commission services nationally. Some suggested that other government departments including Health and Education should also be involved in commissioning national services. Linked to the suggestion of central government commissioning,

one respondent suggested that there should be an interdepartmental ministerial group on victim support services.

59. Some respondents suggested that there should be an independent body to commission services. Other suggestions included a victims' commissioner or champion or a group of victims, practitioners and academics commissioning services based on a commissioning framework.
60. We agree that the experience of the Ministry of Justice in commissioning services for victims makes it well placed to commission national services in the future.
61. As to the services which should be commissioned nationally, the majority of respondents from the violence against women and girls sector thought that all domestic and sexual violence services including rape support centres should be commissioned nationally by the Ministry of Justice and Home Office.
62. There were many respondents who thought in answer to Question 7 that services for victims of road traffic accidents and families bereaved by road traffic accidents should be included in nationally commissioned services. Organisations supporting those bereaved through road death argued that all road deaths, whether caused by criminality or an accident, should be treated as homicide and, as such, that victims' families should be treated as if they have been bereaved by homicide. Some groups representing victims of road traffic accidents suggested that this type of service would benefit from both local and national commissioning.
63. Other suggestions for national commissioning included services for those bereaved by homicide and for victims of trafficking (both of which are currently commissioned nationally and, we suggested in the consultation document, should continue to be so). There were also calls for the Witness Service to remain a nationally commissioned service and a suggestion that this should be extended to include a nationally commissioned victim and witness service for children and young people which would be delivered locally. Respondents also proposed that certain helplines should be nationally commissioned including those for domestic violence and stalking.
64. We agree that there are services for victims of domestic and sexual violence that will be best commissioned nationally. In particular we believe the argument for nationally commissioning rape support centres is strong. We also agree that it makes sense to commission specialist services for relatively small groups of victims with complex needs, services which can only be provided at a national level and those which require a consistent approach and national reach.
65. We remain of the view that more can be done to support victims of road traffic offending who meet our criteria for prioritisation but believe that

support for victims of road traffic crime would best be commissioned locally.

The Ministry of Justice will commission those services which are to be commissioned nationally.  
We will continue to nationally commission services providing support for:

- victims of trafficking;
- those bereaved by homicide;
- victims of rape (through rape support centres);

In addition we will also nationally commission:

- the witness service;
- some national helplines.

Work will be undertaken to determine which helplines should be commissioned nationally.  
All national services will be commissioned through a competitive process.

In addition to rape support centres some other support services for victims of sexual and domestic violence will also be nationally commissioned. We will undertake further work, engaging with victims' groups and support providers, to determine which ones.

## Support needs and entitlements

66. We said in an earlier section that certain categories of victims would be prioritised. These victims may have very different needs and we sought views in the consultation on whether a minimum set of entitlements should be in place or whether it was right for local and national commissioners to have the discretion to decide what should be provided. We also recognised that victims of terrorism or those bereaved through homicide may need particular types of support to help them cope and recover.

We asked the following questions:

**Q8. Should there be a set of minimum entitlements for victims of serious crimes, those who are persistently targeted and the most vulnerable?**

**Q9. Is there further support that we need to put in place for victims of terrorism, and bereaved family members affected by such incidents, to help them cope and recover?**

67. Of the 180 respondents who answered Question 8 just over 100 agreed that there should be minimum entitlements. Some respondents suggested that there should be "minimum standards" instead of minimum entitlements but some suggested that there ought to be a combination of both.

68. Whilst there was agreement with minimum entitlements, some groups suggested that there should be a basic level of provision for all victims according to need rather than category. There were also calls for a strong set of principles to underpin victim service provision.
69. Of the small number of respondents who disagreed with minimum entitlements, one reason for the negative response appeared to be concerns that minimum entitlements would lead to a blanket approach to dealing with victims – services should be based on need and not constrained by guidance on minimum entitlements.
70. There was a concern from some organisations that minimum standards or entitlements could become the common service which would be counterproductive as it would not meet the individual needs of victims.
71. On balance we believe that local commissioners should not be constrained by minimum entitlements and should have the widest possible discretion to commission services to meet the needs of victims locally. We share the concerns raised by some respondents that to introduce minimum entitlements could lead to a minimum common service with victims' individual needs not being met.
72. The majority of the 70 respondents who responded to Question 9 thought that more could be done to support victims of domestic terrorism. Some respondents suggested that victims of terrorism were primarily victims of homicide and as such should be dealt with by specialist homicide services which would require a comprehensive assessment of needs, followed by a lengthy period of care. Other respondents suggested that victims of terrorism should have access to counselling and mental health support where appropriate. A few respondents commented that the referral and needs assessment should be conducted quickly and that ongoing continuous assessment would be required in order to meet changing needs. A few respondents also suggested that financially compensating victims of terrorism was important. One respondent also commented that communication and information sharing was vital to providing the best support. One response proposed a central reserve fund which local commissioners could access in order to provide additional funding for large scale terrorist incidents. Another suggested that a humanitarian assistance centre be set up after a terrorist incident to provide immediate practical and emotional support for victims.

We will work with service providers who offer both immediate and longer term support to victims of homicide to ensure they are appropriately trained to respond to, and deliver support appropriate to, a terrorist incident.

## **Supporting victims and witnesses through the criminal justice process**

### **The Victims' Code**

73. The Code of Practice for Victims of Crime (the "Victims' Code") was introduced in 2006, replacing the Victims' Charter. The Code needs revision as it is out of date but, more pertinent than that, it is process orientated and it is not easy for victims to understand what services they can expect criminal justice agencies to provide. We asked for views on what it should include, whether bereaved relatives of homicide victims had particular needs that should be included and how to improve the complaints procedures.

We asked:

**Q10. How could the Victims' Code be changed to provide a more effective and flexible approach to helping victims?**

**Q11. What do you think of the proposed principles for the new Code?**

**Q12. Are there additional needs for bereaved relatives which should be reflected in a new Victims' Code?**

74. Almost 150 responses dealt with this set of questions. The majority of respondents were supportive of the general proposal to review the Victims' Code and of the principles we proposed should underpin it. However there was a mix of views as to what form a revised Code should take and whether our proposal to make it less prescriptive was the right approach.

75. Some respondents were supportive of the current Code and thought that it was important to retain a prescriptive code, with obligations on criminal justice agencies, because they felt this was the best way to ensure that the agencies delivered the services victims need.

76. Most voluntary sector organisations thought that the Code needed improving, particularly the language used, so that it is more accessible to victims. But they still thought it important that the code be prescriptive, with obligations on CJS agencies to ensure they provided at least a minimum standard of service to victims.

77. Other responses supported a simpler Code which was more outcomes focussed and which set out clearly to victims how they could expect to be treated. Some respondents thought that all providers of services for victims should come under the Code, for example the Homicide Service and independent domestic violence and sexual violence advisers. Some wanted the Code to include more on the post-sentence stage of the criminal justice process. All the respondents who commented on the Victim Personal Statement and restorative justice wanted their inclusion in the Code. Some support was also voiced for a "Victims' Law" although it is not clear what was envisaged. Different groups have, for example,



suggested it might include further services for some victims (including those bereaved by homicide), and perhaps some sort of legally enforceable rights for victims, as opposed to obligations on CJS agencies, but again, what these rights would be and how they would be enforced was not fully explained.

78. Organisations representing certain groups of victims called for their needs to be better reflected in the Code. These groups included young victims, bereaved relatives including those bereaved through road death, victims seriously injured in road traffic cases, missing people and businesses. There were also calls for the Code to be made more accessible to different groups including children and young people, the elderly, those with learning difficulties or mental health issues and those with other disabilities. Various suggestions were made as to how this could be achieved such as having separate sections in the Code for certain groups, producing versions of the Code for victims in Easy Read, multiple languages and different media formats.
79. Further work needs to be undertaken to consider in more detail the responses received. We will work with CJS agencies and other interested parties to prepare a draft Code for consultation.

We will reflect further on the wide range of responses to inform the content of the draft Victims' Code that will be published for consultation next year. It will be based on the principles we proposed, suitably adjusted to take account of respondents' comments.

## Witnesses

80. Victims and witnesses giving evidence – and having the courage to do so – is critical to the functioning of the criminal justice system. Special measures can be put in place for vulnerable and intimidated witnesses to help them give their best evidence and familiarisation visits to court should be offered to all witnesses but, for any witness, appearing in court can be a daunting experience.

We asked:

**Q13. How could services and support for witnesses, throughout the criminal justice system, work together better?**

**Q14. How could the Witness Charter be improved to ensure that it provides for the types of services and support witnesses need?**

**Q18. What could be done to improve the experience of witnesses giving evidence in court?**

81. Around a hundred responses were received to this set of questions. Some respondents commented that witnesses should receive a seamless service and have a single point of contact as opposed to contact with lots

of different agencies working to different standards. Many suggested that the CJS agencies and the voluntary sector need to work more effectively in partnership. This included better information sharing about the needs of witnesses and about progress or developments in the case and making better use of new technology to improve services for witnesses. There were suggestions of an intergrated victim and witness service or co-located services within an enhanced Witness Care Unit. Some respondents suggested that we consider the model developed for offences concerning violence against women and girls and for hate crimes where specialist Independent Domestic Violence and Sexual Violence Advisers have already established effective working relationships with CJS agencies.

82. There was support for the work of the Witness Service and concern expressed about its future.
83. Several respondents emphasised that witnesses should be treated as individuals and each be subject to an effective needs assessment. It was suggested that needs assessments should be shared across agencies and developed as necessary during a case. Early sharing of information among agencies would avoid duplication and allow for the most appropriate agencies to respond to the needs identified. In particular, respondents argued, the needs of vulnerable groups such as children, the elderly, and the mentally or physically disabled should be properly assessed and arrangements made for extra support or reasonable adjustments. Some said that information for witnesses should be more accessible and available in Easy Read, different languages and a variety of formats.
84. Respondents that answered Question 14 agreed that whilst the Witness Charter is more outcomes based than the Victims' Code, it still needs updating and amending. Some suggested it should be based on the same principles as the Code. A number suggested that it should be made statutory and be monitored. It was also suggested it could be improved by including a definition of victim and witness and an explanation that a victim can be both. Some respondents said it needed to be more widely publicised as too few people know about it. CJS agencies were keen to work with us to review it.
85. As with the Victims' Code, we recognise the potential value of the Witness Charter and will work with criminal justice partners to consider the most effective way to realise this potential,

We will review the Witness Charter and update it in due course.

We will consider the responses received to inform the wider programme of work on reforming the CJS.

86. The unanimous view of those who responded to Question 18 was that vulnerable and intimidated witnesses – particularly children, bereaved relatives, those with mental health disorders, the elderly, witnesses in sexual assault and hate crime cases, and those involved in other serious cases – should be suitably supported in preparation for and when giving evidence in court.
87. The vast majority of respondents said that witnesses, particularly child witnesses, should be better supported when giving evidence in court. They welcomed any initiatives to further assist witnesses, particularly those who are vulnerable and/or intimidated. One respondent said however that it was difficult to see what other measures might be introduced which would strike a fair balance between improving the experience of witnesses attending court and ensuring a fair trial for the accused.
88. Most respondents were concerned about keeping victims and witnesses informed about the progress of their case and providing them with information about the criminal justice process in general to help minimise stress and anxiety. There was widespread support for an increased use of pre-trial court visits, improved information on what will happen in court, and better information for witnesses on the process of cross-examination. Several respondents also stated that the expectations of witnesses should be carefully managed, particularly in relation to what to expect in court and cross-examination practices.
89. Many respondents raised specific issues about the case management and listing of cases, including the need to reduce witness waiting times before and on the day of trial to better prepare witnesses giving evidence in court and to minimise witnesses waiting around unnecessarily. This included enabling witnesses with personal, medical, caring and work responsibilities to make suitable arrangements when called to give evidence.
90. A large majority of respondents acknowledged the benefits and were in favour of the use of the existing special measures. However, a few said, that there should be a thorough individual assessment and identification of a witness's needs before the decision is taken whether to provide a particular special measure or any other additional support. A few respondents suggested that the use of special measures is not always explored and that there needs to be wider use of the provisions available in court such as the promotion of Registered Intermediaries. Some respondents argued that special measures should be an entitlement for witnesses rather than a provision to be applied for and then provided at the court's discretion. They also said that the application process should be improved as the current process for applying for special measures is unnecessarily challenging.

91. A few respondents felt that section 28 of the Youth Justice and Criminal Evidence Act 1999, which provides for pre-trial video-recorded cross-examination which would assist vulnerable and intimidated witnesses, should be implemented as quickly as possible.
92. Other suggestions to improve the experience of witnesses were to promote, improve and increase the use of information technology, particularly in relation to witnesses giving evidence from remote locations. Many respondents emphasised the importance of improving witness safety and security by providing separate entrances and waiting areas to ensure witnesses do not encounter the defendant or his/her supporters in or around the court.
93. Some respondents felt that there should be an enhanced service in certain types of case, for specific groups of victims and witnesses. They suggested that this should include crimes involving children, domestic and sexual violence, those with physical and learning disabilities, elderly witnesses and some victims of other serious offences. Criminal justice practitioners and those working with witnesses should be suitably trained particularly in relation to these cases.
94. We are working to improve the use of technology across the criminal justice system and will continue to work to improve its use and availability for witnesses.

We will carefully consider the responses we have received as we develop policies to further improve the experience of witnesses at court, including cases in which the evidence is likely to be sensitive or have an impact on the witness, and greater use of technology.

We are working to resolve the complex issues associated with implementation of pre-trial video-recorded cross examination (section 28 of the Youth Justice and Criminal Evidence Act 1999) with a view to establishing whether the provision can be made to work in practice.

### **Complaints and redress**

95. The current process for making a complaint under the Victims' Code is complex and does not provide victims with an effective means of redress when things go wrong. We want to simplify this so that victims know who to contact should they need to make a complaint and that it is then addressed.

We asked:

**Q15. How can the processes which allow victims and witnesses to make complaints to CJS agencies be improved to make accessing redress easier?**

96. The majority of respondents supported our proposal to improve complaints processes, particularly where the complaint crosses criminal justice agency boundaries. There was concern that CJS agencies could be missing valuable opportunities to obtain feedback from victims and witnesses to help them improve their services. A number pointed out that, if services for victims across the CJS were more integrated, complaints could be dealt with more effectively.
97. There were a range of views as to how the complaints process could be improved which included nominating a lead agency to which victims and witnesses can complain; a single pathway for complaints to be added to the Victims' Code; a single portal or point of contact for complaints to be made; third-party or intermediary services to help victims make complaints; and setting up a central complaints agency independent of the CJS agencies. Many suggested a single point at which victims and witnesses could lodge their complaints. Complaints would then be allocated for response to the appropriate agency and any cross-CJS response would be co-ordinated. Some suggested this could be at local level, such as the Local Criminal Justice Board, which could identify themes emerging from complaints in order to improve services.
98. We will work with criminal justice agencies to consider the scope of this work as part of the revision of the Victims' Code.

We will work with the Parliamentary and Health Service Ombudsman's Office, criminal justice agencies and victims' groups to assess the viability of the ideas proposed and to develop a more accessible approach to complaints as part of a new Victims' Code.

We will also encourage criminal justice agencies to publish more information on how they handle complaints, including the proportion that are resolved to the victim's or witness's satisfaction.

### **Giving voice to victims**

99. All victims of crime should have an opportunity to explain how a crime has affected them through a VPS. Evidence suggests that the number of victims who recall being offered a VPS may be low. We are intent on improving this. It may be the case that victims, after having the purpose of the VPS and how it might be used explained, do not want to make one. That is of course their right, but they must have the opportunity to make an informed decision. We sought views on how to increase the use and the offer-rate of the VPS. We also sought views on how businesses can explain the impact of the crime on the business as a whole.

We asked:

**Q16. How can existing processes be changed so that Victim Personal Statements are taken into account in sentencing and at other stages of a case, as appropriate?**

**Q17. What process could be put in place so businesses can explain the impact of crime on individual members of staff and the business as a whole?**

100. Most respondents said that the VPS should be offered to all victims. The main issues that respondents felt affected whether a victim would be offered or would complete a VPS were:

- If a VPS is offered straight after completion of the statement to the police a victim may not feel able to complete one. It may be that the victim does not know the full impact of the crime at this stage or may not feel equipped to complete one in the immediate aftermath of the crime.
- The fact that a VPS has to be disclosed to the defence can deter some victims from completing one because they don't want the defendant to be aware of how the crime has affected them.

101. A number of respondents were concerned about the current process of using VPSs at parole hearings and felt that this needed to be improved. The majority of those who replied to the question on businesses being able to explain the impact of a crime said that all businesses that are affected by crime should be able to complete a VPS.

102. There were some examples given of innovation as to who completes the VPS and how they do so. In some areas the Witness Care Unit sends out the VPS for completion post charge, in others the Witness Care Unit completes the VPS over the phone with a victim and then sends it out for signature.

103. A few respondents said that some victims want to be able to read out their VPS in court or to have the prosecution read it for them. Some suggested that it should be mandatory to offer a VPS and that the judiciary should query when there is no record of one having been offered. It was also suggested that Witness Care Units and prosecutors should question why there is no record of a VPS having been offered. It was suggested that all front-line officers should complete training in how to offer, explain and complete a VPS.

104. The responses will be taken into account as we undertake further work to improve both the offer rate and, if it is appropriate for the victim, the uptake. As part of this work we will consider how businesses can be assisted to make statements or an alternative to help them explain the impact of a crime.

We will review the VPS scheme to identify where changes may be made to improve understanding of its purpose and increase the number of victims able to make an informed decision, at the appropriate time, whether they wish to make one.

We will work with criminal justice agencies, the judiciary and defence lawyers to develop an improved system through which businesses can explain the impact of a crime.

## Restoration and reparation

### Restorative justice

105. The Government is committed to ensuring that offenders take greater responsibility for their crimes and do more to repair the harm they have caused. Restorative Justice is not a panacea but a recent Ministry of Justice/Home Office evaluation of restorative justice pilots found that 85% of victims who participated in a trial scheme were satisfied with the experience. It is essential that cases are appropriately assessed and both victim and offender agree to participate based on informed decisions.

We asked:

**Q19. What measures could be put in place to ensure the safety of the victim when undertaking restorative justice?**

**Q20. How can we change attitudes and behaviour towards reparation and demonstrate how reparative outcomes can be achieved in innovative ways?**

106. Respondents almost unanimously supported the use of restorative justice in appropriate circumstances. The majority considered that the most important factors in safeguarding victims were quality training, risk assessment, following best practice and ensuring that all parties consented and were adequately prepared. Some restorative justice providers suggested these should already be in place and simply needed to be adhered to. One respondent said that central prescription should be avoided to prevent perverse incentives and rigid adherence to rules at the expense of a proper focus on victims and outcomes.

107. A few respondents said that restorative justice should not be focused on making offenders “face-up” to the impact of their offending but, rather, that it should be a voluntary process between the offender and victim to resolve an incident.

108. The most significant differences of opinion were in relation to the suitability or otherwise of certain types of crime – such as domestic violence, sexual offences and hate crime – for restorative justice. Some respondents felt strongly that restorative justice should not be used in domestic violence cases while others suggested that more research and consideration should be given to using restorative justice in these cases. Other respondents suggested that restorative justice can be considered for all categories of offence provided that the victim is fully assessed as suitable.

109. Many respondents suggested that while reparation by itself was beneficial it was more effective where it had resulted from restorative justice approaches. The majority of respondents suggested that the best way to change attitudes to both reparation and restorative justice was to publicise these activities more widely. This included greater visibility of Government support, of media coverage and of specific reparation projects and also more victim/community involvement in selecting reparation schemes.
110. A few respondents suggested that there should be a bigger focus on publicising the benefits to victims of these activities. Others suggested making greater use of published research and evidence as well as publicising case studies and evidence of victim satisfaction.
111. The Government is committed to increasing the use of restorative justice and will continue to work to achieve this. We agree that safeguarding victims is a priority but do not believe that some victims should be automatically precluded from taking part in restorative justice on the basis of the crime they have suffered.

We will not define or prescribe which cases are appropriate for restorative justice.

Through the forthcoming cross-government framework for restorative justice we will provide advice and guidance to local areas on quality of standards and provision to help ensure that cases considered for restorative processes are subject to robust assessment of eligibility and appropriateness by trained practitioners.

The new Victims' Code will, for the first time, include restorative justice for victims of adult as well as young offenders.

We will continue to work with stakeholders to ensure victims more routinely get the opportunity to undertake restorative justice.

Through our consultation on community sentences – which was published on 27 March – we will consider how we can broaden the use of restorative justice for more serious offences as part of options available to the courts.

We will explore options to formalise the process of considering the suitability of cases for restorative justice and how the offer is made to victims where provision is available.

We will prioritise consideration of how the VPS might be used as an opportunity to explain Restorative Justice to the victim and to record their interest in participation.



### **The Victim Surcharge**

112. The Victim Surcharge was implemented in 2007. In the consultation document we set out detailed proposals to increase the revenue currently collected from the Surcharge and other financial impositions to ensure that offenders contribute more towards the cost of providing support services to victims of crime. We will implement all of the Surcharge proposals. Where an offender is subject to a sentence comprising more than one disposal (for example, a fine and a community sentence), the Surcharge will be payable on the individual disposal attracting the highest Surcharge.
113. We intend to use some revenue, raised as a result of the Department for Transport's proposals to increase some motoring fixed penalty notices (FPNs), for victim support services. We anticipate that the proposals will substantially contribute to revenue for spending on victims' services
114. We are aware that there is support for the use of additional revenue for other purposes such as to ensure the up-front payment of court-ordered compensation. We believe that revenue raised from the Surcharge should be used to fund the provision of victim support services and that financial compensation alone is not enough to help victims overcome the harms of crime. We want to ensure that offender contributions fund provision of practical help and support. Compensation orders provide a way for offenders to make direct financial reparation to their victims for the harm they have caused – for the Government to get involved in paying that reparation, rather than just enforcing its payment, would undermine the link between the two.

### **Applying the Surcharge to conditional discharges**

We asked:

#### **Q21: Should the Surcharge on conditional discharges be set at a flat rate of £15 for those over the age of 18?**

115. A total of 53 responses were received to this question. The majority of respondents agreed that the Surcharge should be payable when an offender is dealt with by way of a conditional discharge. There was a spread of opinion as to the amount of the Surcharge which should be ordered in those cases. There was generally support for a flat rate, with some respondents suggesting that it should increase with inflation. Other respondents suggested that £15 was too low and the Surcharge could be set higher. The varied responses also reflected comments made at the consultation events that where a conditional discharge is imposed in respect of a minor or first time offence it should be set at a lower level.
116. Where respondents did not agree with the proposal to have a flat rate Surcharge on conditional discharges other options of how the Surcharge could be ordered were suggested. These alternatives raised by

respondents were also applicable to the other proposals for applying the Surcharge to a range of in court disposals and included:

- Linking the Surcharge to the offender's ability to pay because of the potential financial impacts upon them and their families or dependants.
- Linking the Surcharge to the seriousness of the offence and where there was an identifiable victim.
- Giving the court the discretion to set the level of the Surcharge.
- Having a single flat Surcharge rate across all sentences.

117. A large majority of respondents agreed that the Surcharge should be payable by an offender subject to a conditional discharge and agreed that £15 was an acceptable amount. We consider that these offenders should contribute to the cost of victim services and that £15 is a reasonable amount to order given the comparative seriousness of the sentence.

We will extend the Surcharge to adult offenders given a conditional discharge at a flat rate of £15.

### **Increasing the Surcharge applied to fines**

We asked the following questions:

**Q22: When applied to fines, should the Victim Surcharge be set as a percentage of the fine amount? If so, should the percentage be set at 10%?**

**Q23: Should there be a minimum Victim Surcharge amount applied to fines? If so, should this be set at £20?**

**Q24: Should the maximum level for Surcharge on fines be set below the Victim Surcharge on a custodial sentence of over 2 years?**

118. A total of 51 responses were received to Question 22. A large majority of respondents were supportive of the proposal. There was also some support for the percentage to be higher. Some of the respondents who supported the 10% option did so because it would be simple to administer. Others saw the benefit of linking the Surcharge to the sentence imposed by the court, which would have already taken the offender's means into account when setting the fine.

119. There was some opposition to setting the Surcharge ordered on fines as a percentage and alternative suggestions submitted by respondents were:

- Adoption of a sliding scale similar to taxation bands to capture higher earners.
- Those sentenced to fines in respect of traffic offences should be subject to lower amounts of Surcharge.

120. 59 responses were received to Question 23. The majority of respondents were in favour of £20 as a minimum Surcharge on fines. A number of respondents did not agree with the proposal and suggested alternatives including not having a minimum amount. Others suggested that the Surcharge amount should be directly determined according to the offender's means.

121. 45 responses were received to Question 24. We received a considerable number of alternative suggestions to the proposed maximum cap on the Surcharge on fines. These included:

- No cap, with the amount being determined by an offender's means.
- A set percentage applied to the fine total.
- A set single flat-rate for all fines.

122. Despite the other suggestions, most respondents agreed that the maximum Surcharge should not exceed the proposed amount of £120 that would be ordered on a 2 year custodial sentence.

123. At the consultation events there was strong opposition to having a maximum level Surcharge on fines as those ordered to pay large fines would have the means to pay a large Surcharge, the offender's means having already been taken into account when the fine value was set.

124. The proposals for 10% of the fine value with a minimum of £20 were widely supported by respondents and will ensure that all offenders ordered to pay a fine will pay more than those subject to a conditional discharge.

125. We still consider that it is appropriate that the Surcharge payable on a fine should be capped. In particular, we think this is necessary to ensure that no offender pays a higher Surcharge on a fine than is payable on a custodial sentence, the proposed Surcharge on which is £120.

126. This will meet our aim that offenders should bear a greater proportion of the cost of victim support services whilst seeking to ensure that the Surcharge is set by reference to the relative seriousness of a sentence.

We will increase the Surcharge ordered on fines to 10% of the fine value with a minimum amount of £20.

We will set a maximum cap for the Surcharge ordered on fines at £120.

## Applying the Surcharge to adult community sentences

We asked:

### **Q25. Should the Victim Surcharge, as applied to adult community sentences, be set at a flat rate? If so should the flat rate be set at £60?**

127. The majority of respondents were in favour of the principle that the Surcharge should be ordered when an offender is subject to a community sentence; most of these respondents were supportive of the proposed £60 figure.
128. Concerns were expressed by some respondents that a £60 Surcharge on community sentences was too high whilst other respondents considered it was too low and suggested a higher flat rate. An alternative method of calculating the amount proposed was that the Surcharge on community sentences should depend on the severity of the community sentence imposed with a separate flat rate for each of the three levels of community sentence: low, medium and high.
129. The majority of respondents agreed with the proposed option which seeks to ensure that those subject to a community sentence will make a contribution to victim support services reflecting the comparative seriousness of the sentence. We remain of the view that a variable Surcharge on a community sentence is unworkable in practice and a flat rate across all community sentences should be imposed. In the vast majority of cases this will mean that the Surcharge ordered on community sentences will be greater than that ordered on a fine.

We will extend the Surcharge to adult community sentences at a flat rate of £60.

## Penalty Notices for Disorder

We asked:

### **Q26. Should Penalty Notices for Disorder be increased by £10? Should the additional revenue this raises be used to fund victim support services?**

### **Q27. Should the same increase be applied to both lower and higher tier Penalty Notices for Disorder?**

130. A clear majority of the 64 respondents to Question 26 were in favour of increasing PNDs by at least £10 and using the additional revenue to fund victim support services.
131. There were a few suggestions for alternative amounts and uses for the revenue, such as to fund upfront payment of court-ordered compensation. However, these did not form the majority of the responses.

132. We received 57 responses to Question 27. There was considerable support in favour of applying the same increase to both lower and higher tier PNDs from respondents. Other suggestions included:

- Applying a higher increase to just higher tier PNDs.
- Having a more nuanced approach with a different amount dependent on the tier, i.e. a £10 increase on lower tier PNDs and a £20 increase on higher tier PNDs.

133. There was clear support for both proposals. We consider that individuals issued with a PND should also contribute proportionally to the cost of victim support services. This approach will increase the value of PNDs by a lower amount than the value of the lowest Surcharge (i.e. that payable by an offender subject to a conditional discharge), to recognise the fact that a PND is not the consequence of a conviction.

PNDs will increase by £10 on both lower and higher tier notices. The additional revenue will be spent on victim services.

### **Extending the Surcharge to custodial sentences (including suspended sentences)**

We asked:

**Q28. Should the Surcharge on custodial sentences be set at a higher value than that for adult community sentences? If so, should this be set according to length of sentence?**

**Q29. For multiple offences, resulting in concurrent or consecutive orders, should the Surcharge be ordered on the highest individual sentence?**

**Q30. Should offenders be required to pay the Victim Surcharge whilst in prison?**

134. Of 52 responses to Question 28, the large majority were in favour of the Surcharge being payable by an offender subject to a custodial sentence, and considered that the Surcharge in these cases should be higher than where an offender is subject to a community sentence. Where there was agreement that a Surcharge should be payable where an offender is subject to a custodial sentence, it was clear that most of the respondents were in favour of the Surcharge being proportionate to the length of the sentence.

135. A number of responses recognised the practical difficulties of collecting the Surcharge from offenders sentenced to immediate imprisonment and suggested that it should only be payable by those offenders whose sentences of imprisonment had been suspended. Other concerns raised were that prisoners and their dependants, who might already be

- financially disadvantaged, would have to pay a Surcharge or that it might lead to further reoffending upon release in order to discharge the debt.
136. The large majority of the 53 responses to Question 29 were in favour of the proposal that, in respect of multiple offences, the Surcharge amount should be determined by reference to the longest individual sentence. A number of respondents thought the Surcharge should be applied to each individual sentence, which would then accumulate dependant upon the number of offences.
137. There were mixed views from other respondents as to the alternatives that could be adopted. Suggestions included calculating the Surcharge based on:
- the length of each individual sentence;
  - the cumulative length of the entire sentence;
  - each offence with a cap for those sentenced over a certain amount of offences;
  - the offender's ability to pay.
138. Of 64 responses to Question 30 the vast majority were supportive of the principle that offenders should be able to pay the Surcharge whilst in prison.
139. There was overwhelming support for the proposal that prisoners should pay the Surcharge whilst in prison. The responses received demonstrated considerable support for the proposal to extend the Surcharge to both suspended and immediate custodial sentences.
140. We remain of the view, supported by the strength of opinion of respondents, that offenders sentenced to custody should contribute to the cost of supporting victims. It is right that those subject to the most serious sentences should take responsibility for their crimes and contribute to the costs of repairing the damage caused to victims.
141. The consultation document makes clear that we will need to legislate to put in place mechanisms to enable the Surcharge to be enforced during a custodial sentence, and to ensure that it cannot be discharged as additional time to be served in prison.
142. Currently magistrates' courts (but not the Crown Court) would have the power to add additional days to be served in default of the Surcharge when imposing a sentence of immediate imprisonment. We will not extend the Surcharge to immediate custodial sentences ordered in the magistrates' court until we have legislated to remove this power.

We will extend the Surcharge in two stages to cases where an adult offender is subject to a custodial sentence at the following rates:

|                                 |      |
|---------------------------------|------|
| six months and below            | £80  |
| Over six months up to two years | £100 |
| Over two years                  | £120 |

Stage 1: The Surcharge will be payable in all cases that an adult is subject to a suspended custodial sentence. It will only be payable when an offender is subject to an immediate custodial sentence imposed by the Crown Court in the first instance.

Stage 2: We will legislate to ensure that those sentenced to an immediate custodial sentence in the magistrates' courts cannot discharge the Surcharge as additional days in custody and to put effective collection mechanisms in place.

Where an offender is convicted of multiple offences that result in concurrent or consecutive sentences of custody the Surcharge will be ordered only on the longest individual sentence.

### **Applying the Surcharge to offenders under the age of 18**

We asked the following questions:

**Q31. Should the Surcharge be extended to the full range of disposals for juvenile offenders?**

**Q32. Should the Surcharge for juvenile offenders be set at three levels: £10 for conditional discharges; £15 for fines and community sentences; and £20 for custody of any length?**

143. Of 57 responses received the majority of respondents were in favour of the proposal that the Surcharge should be payable by juvenile offenders subject to a wider range of in-court disposals. Many respondents thought this would better ensure that juvenile offenders were aware of the implications of their offending.

144. Responses were received from prominent organisations representing the interests of children and young people who were opposed to the proposal to apply the Surcharge to offenders under the age of 18. A number of reasons against the proposal were given such as juveniles rarely having means of their own to pay a financial imposition and that the burden would fall on the parents, guardians or local authorities in the case of juveniles in care. There were concerns that ordering a Surcharge could impact juvenile offenders' families, increasing financial hardship and the possibility that non-payment of the Surcharge could lead to further, and more serious offending in order to discharge the debt. It was argued that the Surcharge should not be payable by juveniles, as compensation and non-financial reparation or restorative justice is more suitable for these offenders.

145. With regard to setting the Surcharge on juveniles at three levels, the majority of the 54 respondents to Question 32 were in favour. Supportive respondents considered that setting different levels for adults and juveniles was fair and reflected well the differences between the sentencing principles for juvenile and adult offenders. Whilst the Surcharge is not a sentence, this policy recognises the long standing differences in sentencing principles for adults and juveniles. Under our reforms the amount of the Surcharge is dependent on the relative seriousness of a sentence. It is right, therefore, that the amount of the Surcharge payable by juvenile offenders should reflect the differences in sentencing practice between adults and juveniles.
146. Given the responses received and the key principle behind our proposals we consider that juvenile offenders should contribute to the cost of victim services through the Surcharge. In practice this will often mean that parents or guardians are responsible for paying on their behalf. We have reflected the differences in juvenile sentencing principles in the lower amounts of Surcharge that would be ordered.
147. The majority of respondents were in favour of the proposal that juveniles should pay the Surcharge with the value dependent, as we have proposed, upon the seriousness of the sentence. This would support our aim that a greater number of offenders should contribute to the cost of victim services. We believe that the reforms to the Surcharge would not form a balanced and comprehensive package if juveniles were excluded from them.

The Surcharge will be extended to a wider range of in court disposals for juvenile offenders at the following three levels:

|   |     |
|---|-----|
| Conditional discharges                                    | £10 |
| Fines and community sentences (Including referral orders) | £15 |
| Custodial sentences (any length)                          | £20 |



## **Part two – Compensation for victims of violent crime in Great Britain**

148. For nearly 50 years there has been a scheme to compensate victims of violent crime in operation in Great Britain. In 1996 the first statutory Scheme came into force following passage through Parliament of the Criminal Injuries Compensation Act 1995. Subsequent Schemes were made under the same legislation in 2001 and 2008. These Schemes are operated by the Criminal Injuries Compensation Authority (CICA).
149. Compensation is given to victims of violent crime in recognition of a sense of public sympathy for the pain and suffering of the victim. Victims can also apply for payments for loss of earnings and for special expenses for things like home adaptations and care costs. The Scheme also makes awards to dependants and the bereaved in fatal cases.
150. As we set out in the consultation, the Criminal Injuries Compensation Scheme (the Scheme) review took place in a difficult financial climate and against a backdrop of historic underfunding. Our starting point was to consider reforms within the provisions of the 1995 Act. The proposals for reform will enable us to make savings from the Scheme that will make it sustainable in the long term. The principles that formed the basis of the proposals set out in the consultation document are listed below.
- The need to protect payments to those most seriously affected by their injuries.
  - Recognition of public concern for particularly vulnerable groups and for those who have been the victims of particularly distressing crimes.
  - Consideration of alternative provision.
  - Making the Scheme simpler and easier for victims to understand.
  - Ensuring proposals comply with our legal obligations, both domestic and European.
151. Our final proposals remain consistent with these principles.
152. The consultation document set out each element of the Scheme, along with a summary of current practice and our proposals for reform. Of all the responses received to the consultation nearly 80 commented specifically on this set of proposals. We have considered responses against each question posed, including any alternatives proposed. Where there was a strong reaction against our proposals we have re-considered, and in some cases changed our policy accordingly. Here we set out a brief summary of the questions we posed, the responses we received, the reforms we are now committing to implementing and our policy justification.

## The scope of the Scheme

We asked:

**Q33. How should we define what a “crime of violence” means for the purposes of the Scheme? What are your views on the circumstances we intend to include and exclude from the definition?**

**Q34. What other circumstances do you believe should, or should not, be a “crime of violence” for the purposes of the Scheme?**

153. There were 72 responses to these questions. There were a wide range of views on what should be defined as a “crime of violence” for the purposes of the Scheme which we have set out below.

154. Over a quarter of respondents agreed with the proposal that eligibility should be based upon a “direct, hostile, physical attack against a person”.

155. Responses from some Trades Unions felt that injuries resulting from a trespass on the railway (for example, cases where railway workers witness or are involved in the immediate aftermath of a suicide) should be retained within the definition of a crime of violence for the purposes of the Scheme.

156. Over half of respondents felt that the definition of a crime of violence should be expanded to cover explicit reference to, variously, harassment, stalking and repeated domestic abuse. Some respondents felt that mental and psychological injuries caused by these crimes should be included even where there was no physical assault. This point was also expressed by several groups who support female victims of sexual and domestic violence. One respondent argued that child victims of sexual offences who are deemed to have consented to the crime but were under the legal age of consent should be eligible for compensation. Some respondents thought that human trafficking (rather than the injuries caused by trafficking) should be included in the definition of a “crime of violence.”

157. A majority of respondents agreed that the definition of a crime of violence should continue to include arson and acts of poisoning, and those accidentally injured while taking an exceptional and justified risk in catching an offender or while helping the police to do so.

158. A small number of respondents argued that all those injured or killed as a result of road traffic offences should be included.

159. A small number of respondents expressed concern about the proposal to expressly exclude injuries resulting from an animal attack (unless the animal was intentionally used with intent to cause injury). Those respondents argued that the circumstances in which victims (such as postal workers) who sustain injuries from an attack by an animal are compensated should be broader, not narrower.

160. We have considered all of the responses and acknowledge the complexity of defining a crime of violence. We believe that eligibility should be tightly defined and should not allow for payments to be made outside the core purpose of the Scheme, which is to make awards to those who suffer serious physical or mental injury as the direct result of deliberate violent crime. We have considered again injuries resulting from a trespass on the railway, those injured or killed in road accidents and those injured as a result of an animal attack (unless the animal was used with intent to cause injury), but we believe that these cases involve injuries sustained in incidents outside the core purpose of the Scheme and that the proper redress in these circumstances would be found elsewhere – through an insurance claim, a compensation order as a result of criminal proceedings or a civil claim.

161. We have also considered whether it would be within the core purpose of the Scheme for crimes of violence to include harassment, stalking, repeated domestic abuse and human trafficking offences. However we believe that where such an incident occurred and the person suffered a qualifying physical injury as a result they would already be within the scope of the Scheme. Including these offences may broaden the scope of the Scheme by including those who did not suffer a qualifying physical or mental injury.

The definition of a crime of violence will remain as proposed in the consultation.

## Eligibility

162. We proposed that eligibility to claim under the Scheme should be tightly drawn so as to restrict awards to blameless victims of crime who fully co-operate with the criminal justice process, and close bereaved relatives of victims who die as a result of their injuries. Applicants should have a connection to the UK which is more than temporary.

## Eligibility – residency

We asked:

**Q35. To be eligible for compensation, should applicants have to demonstrate a connection to the UK through residence in the UK for a period of at least six months at the time of the incident?**

**Q36. What are your views on our alternative proposal to exclude from eligibility for compensation only those who were not legally present in the UK at the time of the incident?**

163. There were 78 responses to this set of questions. A third of respondents supported the proposal in Question 35 to impose a residence test. The majority of respondents had difficulty with the proposal that victims would be denied compensation simply by virtue of not being resident in the UK.

Of those who disagreed many expressed the view that all victims injured in the UK through the criminal acts of others, no matter how short a time they have been in the country, should be able to apply. Some respondents questioned the rationale behind the proposal and did not understand why an additional hurdle requiring the applicant to be resident in the UK for six months at the time of the incident had been chosen. A couple of respondents suggested alternatives to residency, such as payment of tax in the UK, or stated a preference for the alternative proposal in Question 36, to exclude only those who were not legally present in the United Kingdom at the time of the incident.

164. One respondent raised concerns that it would undermine the United Kingdom's reputation for fairness and respect for universal human rights. A number of groups who support migrant victims of domestic violence, asylum seekers and victims of human trafficking argued that the proposal would unfairly discriminate against them. It was also argued that the proposal would unfairly deny tourists compensation simply by virtue of not being resident here.
165. A number of respondents expressed their concerns about the impact of this proposal on victims of human trafficking. It was suggested that the explicit inclusion of such victims might not mitigate the impact on those who are not officially recognised by the National Referral Mechanism – the framework for identifying victims of human trafficking and ensuring they receive the appropriate protection and support – or on those who entered the UK illegally, because they were exploited or coerced.
166. A small number of respondents suggested that applicants should have to be resident in the United Kingdom for a period longer than the proposed six months.
167. The option in Question 36 was to exclude only those who were not legally present in the UK at the time of the incident. There were 36 responses to this alternative proposal. The majority of these responses were in favour of this proposal though some who responded expressed reservations about both options stating that, although they had chosen this option over the alternative, they were still against the principle of excluding such applicants from claiming against the scheme.
168. There were some respondents who were against both proposals, some of these suggested that claims officers should retain discretion particularly where the victim is a child.
169. We have considered the responses and have concluded that the proposal to require applicants to demonstrate residence for a period of six months at the time of the incident is too stringent a test. However, we remain of the view that applicants should demonstrate at least an intention to develop and maintain a connection to the UK. We have therefore removed the requirement that the applicant be resident for six months at the time of the incident but retained the requirement that they be ordinarily resident.

Applicants who can show that they are ordinarily resident in the United Kingdom at the time of the incident will be able to apply. We will not require the applicant to have been ordinarily resident for six months.

### **Eligibility – reporting and cooperation**

We asked:

**Q37. What are your views on our proposal not to make any award:**

- **Where the crime was not reported to the police as soon as reasonably practicable?**
- **Where the applicant has failed to cooperate so far as practicable in bringing the assailant to justice?**

**Q38. What considerations should be taken into account in determining what is reasonably practicable for the applicant with respect to reporting the incident and cooperating with the criminal justice system?**

**Q39. Do you agree that there should be an exception to the rule that the incident should be reported as soon as reasonably practicable in certain cases? What should those cases be?**

**Q40. What are your views on our proposal to make an award where previously it would have been deemed to be against the applicant's interests (e.g. in cases of sexual or physical injury to a very young child)?**

170. There were 65 responses to the proposals relating to reporting and cooperation. The majority of respondents agreed with the underlying principle that an award should not be made if a crime was not reported to the police and where the applicant has failed to cooperate so far as practicable in bringing the assailant to justice.

171. However, a number of respondents, in particular trades unions, raised concerns about the proposal that the crime should be reported to the police. They cited examples of injuries (mostly in tariff bands 1–5) sustained as a result of workplace assaults where staff would be subject to internal reporting mechanisms as opposed to filing a formal police report (e.g. teachers and prison staff). They felt that the requirement should be extended to cover reporting to other relevant bodies, including employers.

172. Nearly all respondents to Question 39 agreed that there should be an exception to the rule that the incident should be reported as soon as reasonably practicable in certain cases. Almost all respondents to these questions said that claims officers should continue to have discretion to make an award if the circumstances warrant it. The most commonly mentioned scenarios which may result in reasonable delay were mental and physical health problems and intimidation. Other factors raised

included cultural issues, age (young or old) and impact on a victim if they are reporting a crime of historic sexual abuse.

173. The majority of respondents to Question 40 were in favour of the proposal in the consultation document to make an award where previously it would have been deemed to be against the applicant's interests. Other respondents did not offer a clear view either way. Respondents suggested a number of different ways an award in these circumstances could be made. These included either a) giving it to a trustee to manage on behalf of the applicant or b) putting it in trust until the applicant has reached a certain age determined by the claims officer.
174. We believe that it is vital that victims engage with the criminal justice process in order to bring offenders to justice. There are a number of organisations who offer support and assistance to victims of crime which often includes help to report crimes to the police and access justice.
175. However, having considered consultation responses, we will clarify on the face of the scheme that the age, capacity and effect of the crime on the applicant should be taken into consideration when assessing whether the crime was reported as soon as reasonably practicable.
176. With regard to workplace injuries, we are removing minor injuries from the scheme, and consider that victims who remain eligible to apply to the scheme will have sustained injuries serious enough to warrant a report to the police (as opposed to another body such as an employer) on every occasion.

Incidents should be reported to the police as soon as reasonably practicable (taking into consideration the age, capacity and effect of the crime on the applicant) in order to qualify for compensation.

Applicants must co-operate as far as practicable in bringing the assailant to justice.

Claims officers will make an award in cases where previously it would have been deemed to be against the applicant's interests.

### **Eligibility – criminal convictions**

We asked:

**Q41. What are your views on the options for limiting eligibility to the scheme for those with unspent convictions:**

**Option A, our preferred option, to exclude from the Scheme all those with unspent criminal convictions? Or**

**Option B, to exclude those with unspent criminal convictions for offences that could lead to an award under the Scheme (i.e. violent and sexual crimes), with a discretion to withhold or reduce an award in the case of other unspent convictions?**

**Q42. Under option A, what circumstances do you think are exceptional such that it might be appropriate for claims officers to exercise their discretion to depart from the general rule on unspent convictions?**

**Q43. Are there any further impacts that you consider that we should take into account in framing our policy on unspent convictions, and any discretion to depart from the general rule?**

**Q44. What are your views on our proposal to ignore the convictions of the deceased in bereavement claims?**

- **Should claims officers have discretion to depart from this rule and withhold payments when the deceased had very serious convictions?**
- **If so, what convictions should we consider as very serious for this purpose?**

177. 78 responses were received to this set of questions. The majority of responses received to Question 41 said that Option A was disproportionate and unfair especially to victims who had committed a relatively minor offence earlier in their lives. A number of respondents said that many offenders turn to crime as a result of social or family circumstances, mental instability or other problems beyond their control. Under the proposal they would not be entitled to receive compensation. Of the responses received to Question 41 just under a quarter preferred Option B. A small number argued that both options failed to offer a reasonable or victim-focused approach to criminal injuries compensation, effectively re-punishing some applicants for historic offences.

178. The majority of respondents to Question 41 argued that claims officers should continue to be able to exercise discretion and judge every case on its merits. Examples of factors that might be taken into account as exceptional circumstances were given. They included:

- Nature/type of the previous offence and the offender's age at the time.
- Time elapsed since the conviction and the conduct of the claimant including their cooperation with the criminal justice system.
- If the claimant has mental health problems.
- History of offences and context of offending behaviour, for example wider victimisation or claimant having been a victim of violent or sexual assault.

179. A majority of the responses received to Question 44 were of the view that a claims officer should have the discretion to withhold payments when the deceased had very serious convictions (such as for violent and/or sexual offences). Many respondents believed that the exercise of this discretion should depend on the type of offence committed.

180. We have considered again the proportionality of our original proposals. We remain of the view that applicants who have unspent convictions should not generally benefit from an award under the Scheme. We believe strongly that any applicant who has an unspent conviction which resulted in a custodial sentence or community order should not be able to benefit from the scheme under any circumstances.

181. However, we have considered consultation responses which argued that claims officers should be able to exercise discretion in some cases. Where the applicant has an unspent conviction and did not receive a custodial sentence or community order we will retain discretion to make an award in exceptional circumstances, for example where the applicant has minor criminal convictions related to soliciting and subsequently suffered a serious sexual or violent assault. We will not withhold or reduce awards where the applicant has received an endorsement, penalty points or a fine for a driving offence.

An award will not be made to an applicant who on the date of application has an unspent conviction which resulted in either a custodial sentence or a community order.

In cases where the applicant did not receive a custodial sentence or community order, claims officers will have discretion to make an award in exceptional circumstances. Applicants with low level motoring offences (resulting in fines or penalty points) are exempt from this provision and will not generally have their awards reduced.

We will ignore the convictions of the deceased in bereavement claims unless there are exceptional circumstances.

### **Tariff of injuries and offences**

182. We proposed that tariff payments should be made to those most seriously affected by their injuries and those who have been the victim of the most distressing crimes.

We asked:

#### **Q45. What are your views on our proposed reforms to the tariff:**

- **Removing awards for injuries in bands 1 to 5 from the tariff except in relation to sexual offences and patterns of physical abuse?**
- **Reducing awards in bands 6 to 12 of the tariff except in relation to sexual offences, patterns of physical abuse, fatal cases and for loss of a foetus?**
- **Protecting all awards in bands 13 and above?**



**Q46. Do you agree that we should protect tariff awards for sexual offences, patterns of physical abuse, bereavement and loss of a foetus and re-categorise the award for patterns of physical abuse to clarify that it can be claimed by victims of domestic violence?**

183. There were 57 responses received to Question 45 which were fairly evenly spread. A number of respondents representing large organisations or groups who support victims of crime were opposed to these changes. Some Trades Unions were concerned that those who suffer injuries in bands 1–5 are most likely to suffer them as a result of assaults in the workplace and our proposal to remove these bands would make them ineligible to claim. The practical effect would be that victims who were previously eligible to receive an award under bands 1–5 would in future suffer financial loss because, due to the nature of their injury, these victims would normally be absent from work for less than 28 weeks and therefore relied on the tariff award as their main source of compensation.

184. Of the other respondents who disagreed with our proposal, most commented specifically on the removal of bands 1–5, which they believed was unfair on those with minor injuries. Suggestions for alternative ways the tariff could be reformed included:

- Removing just bands 1–3.
- Merging injuries in bands 1–5 into a single band.
- Protecting all awards for head injuries.
- Protecting awards for people injured at work.
- Protecting awards to women and children who are victims of domestic violence.

185. There were 58 responses to Question 46. Almost all of the respondents agreed that awards for sexual offences, patterns of physical abuse, fatal cases and loss of a foetus should be protected. A few felt that domestic violence should be excluded from this category, but this was offset by a similar number who said this group should be specifically protected. A small number of participants felt that stalking and harassment should also be included.

186. We have taken into consideration the varied responses received. Though we can see merit in some of the arguments, the scheme must be sustainable and we believe that our proposal to remove minor injuries and reduce awards in bands 6–12 is the fairest way to do this while ensuring that awards for the most seriously injured are protected as far as possible. We have considered responses from trades unions raising concerns about the impact on those with minor injuries. However, we believe that, given all people who suffer injuries in the lower bands who are in employment will be entitled to statutory sick pay, the state already compensates them. If we were to continue to make awards in some of the circumstances set out by respondents then we would not be able to

protect awards for the most seriously injured, and in the circumstances which are set out in Question 46.

187. In their response to the consultation, the First Tier Tribunal (FTT), (the judicial body which decides on appeals on decisions under the scheme) argued that the bands “Major Paralysis” and the higher levels of “Brain Damage” should be revised as the steps between bands 21–25 are too great and can result in substantial under or over compensating. They suggested intermediate levels should be introduced to cover at least “partial” paraplegia and “partial” tetraplegia. We considered that this request was reasonable and asked the FTT to convene an ad hoc panel of medical experts to advise on the merits of including these new tariff bands and their descriptions and amounts. In light of the panel’s recommendations, we have decided to amend the tariff to better reflect the degree of seriousness of hemiplegia, paraplegia and tetraplegia injuries, for inclusion in the revised Scheme

Proposals to remove awards for injuries in bands 1–5, reduce awards in bands 6–12 and protect all awards in bands 13 and above will be implemented.

Proposals to protect tariff awards for sexual offences, patterns of physical abuse, bereavement and loss of a foetus and re-categorise the award for patterns of physical abuse will also be implemented.

We will amend the tariff to better reflect the degree of seriousness of hemiplegia, paraplegia and tetraplegia injuries.

## Loss of earnings

188. We proposed that loss of earnings payments should be more administratively straightforward for victims who can no longer work and for those who have very limited capacity to do so.

We asked:

### **Q47. What are your views on the options for changes to loss of earnings payments:**

**Option A, to cap annual net loss of earnings at £12,600 and continue to reduce payments to reflect an applicant’s other sources of income?**

**Option B.1, to pay all applicants a flat rate equivalent to Statutory Sick Pay and not reduce payments to reflect to an applicant’s other sources of income?**

**Option B.2, as option B.1 but we would not make payments in any year where the applicant had employer-funded income in excess of £12,600?**

**Q48. What are your views on our proposal that applicants must demonstrate that they have no capacity to earn, or very limited earning capacity, to qualify for a loss of earnings payment? What should be taken into account when deciding whether an applicant has very limited earning capacity?**

189. There were 54 responses to this set of questions. Respondents' preferences to the options set out in Question 47 were evenly spread. Those who did not agree with any of the options (around a quarter of those who responded to this question), thought that loss of earnings payments should either stay the same or increase in line with personal injury awards, but with a cap. One respondent thought that there should be two rates with a higher rate to cover those claimants with a profession or professional qualifications. Another respondent suggested that it would be unjust to rely on means testing because benefits and other income should not be taken into consideration.
190. Many of those who disagreed raised concerns about the financial impact of the loss of earnings proposals on the most seriously injured claimants, who may be unable to work again, and raised concerns that this will disproportionately impact upon medium to high earners. A significant number thought that £12,600 was too low. A number of respondents mentioned support for Option A but without the £12,600 cap.
191. Comparisons were also made between the national UK salary (based on median gross full time weekly earnings multiplied by 52) and the proposed cap under Option A of £12,600 a year.
192. An alternative suggestion put forward to achieve savings in this area was that the Government should consider removing all claimants who sustained a criminal injury in the workplace from eligibility to claim under the Scheme. This would have a particular impact on certain groups of employees such as police officers, NHS staff, prison officers, shop workers and teachers.
193. Responses to the proposal that applicants must demonstrate that they have no capacity to earn, or very limited earning capacity, were equally for and against this proposal. Of those who disagreed with this proposal, most thought that the test should be whether or not the applicant could carry on working in their current role with their work history and conduct at work as factors that could be considered. Most respondents thought that medical evidence should be taken into account when assessing capacity. One respondent commented that it depends on whether the applicant is undergoing physical therapy everyday and that the discretion of the claims officers will be important. There was concern that the proposal would lead to the exclusion of a lot of the most seriously injured applicants who might be able to work but to a lesser degree than before.
194. We have taken into account the varied responses and have considered the effect of the proposals on those who are most seriously injured and the alternatives put forward by respondents. Most of the alternatives

would lead to significantly increased costs, at a time when the Scheme needs to be made sustainable. Others, such as the proposal to impose a different rate for those with professional qualifications, risked unfairness. In respect of the options put forward for consultation, no clear preference emerged from responses provided. Therefore we considered which of the options would reduce the burden on applicants and be administratively simple for claims officers. We believe that a standard rate based on Statutory Sick Pay is the fairest way to calculate loss of earnings awards. It has a basis in existing government policy relating to ill health and will be administratively simple both for applicants and claims officers.

195. We considered the comments made in response to our proposal that applicants must demonstrate that they have no capacity to earn, or very limited earning capacity. We believe that funds should be allocated to those most seriously affected by their injuries, and focussing on those with no, or very limited capacity to earn is the best way to do this.

We will pay all applicants a flat rate equivalent to Statutory Sick Pay and not reduce payments to reflect an applicant's other sources of income (Option B1).

Applicants must demonstrate that they have no capacity to earn, or very limited earning capacity, to qualify for a loss of earnings payment.

### Special expenses

196. We proposed to continue to make special expenses payments (for example, care costs not available from other sources) except for private health care for care and treatment services not available on the NHS. We asked:

#### **Q49. Should we retain all categories of special expenses other than for private medical care?**

197. There were 46 responses to this question, the majority agreed with our proposal. Those who commented further or who disagreed thought that private medical care should be retained in some form, with suggestions that the category be narrowed so as to cover post traumatic stress disorder counselling or therapy and physiotherapy which respondents considered to not be readily available on the NHS.
198. We have considered whether to retain expenses for private health care, in the light of comments about the availability of some services. However we remain of the view that the NHS provides a good standard of care and therefore it is reasonable to expect applicants who wish to purchase private health care rather than rely on medical care provided by the NHS to use their tariff award to do so.

We will retain all categories of special expenses other than for private medical care.

### **Discount rate**

199. Though we did not consult on the discount tables, we did acknowledge that the existing multipliers applied in the tables were out of date. We received one consultation response on this issue expressing the view that the current underlying discount rate was too high. The current tables are based on an underlying discount rate of 4.5%. We have introduced revised tables based on an underlying discount rate of 2.5% which will benefit applicants. We have also changed life expectancy tables to better reflect current life expectancy as these tables had not been updated since 1996.

### **Fatal cases**

200. We proposed that the bereavement award, funeral payments and parental service payments will be protected. We proposed to make dependency payments in fatal cases in line with our loss of earnings proposals.

We asked:

**Q50. Should we retain the bereavement award at its current level, and the existing categories of qualifying applicant for the bereavement award and other fatal payments?**

**Q51. What are your views on our proposals on parental services:**

- **To continue making payments for loss of parental services at the current level (£2,000 per annum up to the age of 18)?**
- **To continue to consider other reasonable payments to meet other specific losses the child may suffer?**

**Q52. Should we retain dependency payments and pay them in line with loss of earnings proposals?**

**Q53. Should we continue to make payments for reasonable funeral costs?**

201. There were 50 responses to this set of questions. The majority agreed that the bereavement award and parental services awards should be retained at their current levels. A small number of respondents, including local police authorities, thought that the bereavement award should be extended, at the discretion of the claims officer, to cover siblings, and also victims of overseas terrorism. Individual comments included suggestions that a bereavement award should include families bereaved by homicide abroad, the process of claiming should be made easier, and that we

should exclude those with unspent criminal convictions from receiving payments.

202. The majority of respondents agreed that dependency awards should be retained and paid in line with loss of earnings. Where additional comments were made respondents thought that dependency awards should be higher.
203. The majority of respondents agreed that funeral payments should continue to be paid. A number of respondents said that this should be a fixed amount and should be paid up-front, more quickly than the rest of the award.
204. We have considered extending eligibility to receive a bereavement award. However, we believe that the current criterion for qualifying claimants covers those most affected by the death of the victim. To extend eligibility to other categories of qualifying applicant would increase the cost of the Scheme at a time when we are seeking to make it sustainable for the future.
205. We have considered whether dependency payments and loss of earnings awards should be higher. However, as with loss of earnings we believe that the alternatives would lead to significantly increased costs, at a time when the Scheme needs to be made sustainable, and that dependency payments should be made in line with loss of earnings awards.
206. We considered responses relating to funeral payments and agree that making an up-front payment would assist bereaved families. In the new scheme claims officers will be able to pay a flat rate of £2,500 up front to the deceased's estate and, where the applicant can demonstrate other additional costs, it will be possible to make further funeral payments up to a maximum value of £5,000.

We will retain:

- the bereavement award at its current level;
- the existing categories of qualifying applicant for the bereavement award and other fatal payments;
- payments for loss of parental services at the current level (£2,000 per annum up to the age of 18);
- consideration to make other reasonable payments to meet other specific losses that qualifying applicants under the age of 18 may suffer;
- dependency payments and pay them in line with loss of earnings proposals.

We will pay £2,500 up front to the deceased's estate for funeral costs. Where the applicant can demonstrate other additional costs we will make further funeral payments up to a maximum of £5,000.

## **Process**

207. We wanted to make the Scheme easier to understand and simpler to administer. Proposals to improve the process of making an application and receiving an award included making it clearer what evidence the applicant will be required to provide as a minimum to make out their case, and tightening the circumstances in which CICA would meet the costs of obtaining medical evidence.

We asked:

**Q54. What are your views on our proposals to require applicants to supply the information set out in the consultation document?**

**Q55. What are your views on our proposal that applicants should pay a small cost (up to a maximum of £50) to obtain the initial medical evidence to make out their claim?**

**Q56. Where CICA continues to cover the initial medical costs, should this be deducted from the final award (up to a maximum of £50)?**

**Q57. Should costs associated with medical expenses be deducted when:**

- An applicant misses medical appointments that CICA is paying for?
- The applicant commissions additional medical evidence that is not required to determine the claim?

**Q58. What are your views on our proposal to reduce the time available for applicants either to accept the claims officer's decision, or seek a review, from 90 to 56 days, with a further 56 day extension for exceptional reasons?**

**Q59. What are your views on our proposals to extend the circumstances where repayment of all or part of the award may be requested?**

**Q60. What are your views on our proposal to remove the option to request a reopening of a case on medical grounds?**

**Q61. What are your views on our proposal for deferral of Scheme decisions?**

**Q62. What are your views on our proposal to enable claims officers to withdraw a review decision under appeal and issue a decision in the applicant's favour?**

**Q63. What are your views on our proposal to implement powers to recover money from offenders, where criminal injuries compensation has been paid to their victims, if a cost effective process for recovery can be developed? How could this process work?**

208. There were 47 responses to Question 54. Most respondents generally agreed with our proposals. Some respondents, including organisations that support victims of crime, commented that applicants should not be expected to provide medical evidence, especially individuals who have learning difficulties, but that the rest of the requirements were fair. One respondent suggested that even stricter guidelines were required to act as an effective deterrent against false and frivolous claims.
209. There were 49 responses to question 55 regarding the proposal that applicants should pay a small cost (up to a maximum of £50) to obtain the initial medical evidence to make out their claim. A higher proportion of respondents disagreed than agreed with this proposal. Of those who disagreed, many expressed strong views. Several respondents, including trades unions and groups which support victims, thought that this would have a disproportionate effect on those from deprived backgrounds and those with disabilities; these groups may find it more difficult to obtain documents as well as to pay the fees required. They said that victims should not pay towards the cost of medical evidence as it would have a prohibitive effect, deterring those who would otherwise be eligible from making an application. Some said this cost should be deducted from the final award rather than asking the applicant to pay up front. Others said it should be means tested. Some thought that £50 was too high. Trades union responses to this proposal also argued that the proposal would deter low income victims from claiming.
210. There were 57 responses to Question 56. A higher proportion disagreed than agreed with the proposal that where CICA continues to cover the initial medical costs this would be deducted from the final award. Those who agreed with the proposal (which included local police forces and youth offending teams) felt that deducting the cost of obtaining medical reports from the award was a better alternative to asking applicants to pay £50 up front. Those who disagreed included responses from a number of solicitors' firms and trades unions. One respondent suggested that such an approach would be contrary to normal practice in personal injury claims in the civil courts where costs may not be deducted from damages awards.
211. There were 40 responses to Question 57. The majority of respondents agreed with proposals to deduct costs associated with medical expenses where an applicant misses medical appointments that CICA is paying for or the applicant commissions additional medical evidence that is not required to determine the claim.
212. We considered whether it was reasonable to expect applicants to provide, and to pay for, initial medical evidence in support of their claim. The principle that the onus is on the applicant to make out their case should, in our view, extend to provision of medical evidence, as it is a central pillar in the vast majority of claims and it should not be difficult to obtain. We have therefore decided to maintain our proposal that applicants should be required to pay up to £50 to obtain initial medical evidence in support of their claim. However, in the light of consultation responses,



where the applicant cannot reasonably obtain the information, but CICA can, CICA will do so. Where the cost exceeds £50, CICA will pay for the initial medical evidence and deduct it from the final award. We will not implement our proposal to deduct the costs associated with medical evidence as set out in Question 57. CICA will instead consider whether additional medical evidence is necessary and meeting the cost of obtaining it is reasonable at the time of any request.

213. Question 58 on timescales also received a mixed response from the 43 respondents, with more in favour of reducing the review time. Of those who did not agree, some thought that it would be problematic for those who are unrepresented. A small number suggested that those with learning difficulties or health problems would need time to review the decision. Others felt that, if reduced time limits were imposed on claimants, CICA should face time limits in which to make a decision.
214. We have considered maintaining the existing 90 day time limit for review. However, typically applicants respond within three weeks so we believe that reducing the time limit to 56 days is reasonable. We believe that making provision for an extension of a further 56 days if, due to exceptional circumstances, the applicant could not have reasonably complied with the initial time limit, mitigates the concerns of respondents that those who are unrepresented, or who have health problems or learning difficulties might find it difficult to comply.
215. Most of the 36 respondents agreed with our proposal in Question 59 to extend the circumstances where repayment of all or part of the award may be requested to cover circumstances where the applicant has not co-operated in bringing an assailant to justice or has deliberately misled a claims officer. We are therefore implementing this proposal.
216. Though there were a small number of respondents who agreed with the proposal in Question 60 to remove medical re-openings most disagreed. Several examples were given of cases where the extent of an applicant's injuries was only apparent some years after the final award had been made and respondents felt it was unfair to prevent them reopening their case. Some commented that the circumstances could be tightened, with a greater requirement for medical evidence.
217. Most respondents generally agreed with our proposal in Question 61 to defer decisions where the applicant believes that the long term impact of their injuries has not been established or where they have an outstanding asylum claim. Some of those who agreed felt that interim awards should be made in those cases.
218. We have considered retaining the ability of the applicant to request a medical re-opening. We have also considered whether enabling an applicant to make an application to defer a decision when they believe that the impact of their injuries has not been established would satisfy respondents' concerns. However, given the responses received and the examples that were presented, on balance we think that the medical

reopening provisions are fairer. We will retain these provisions and drop the proposals for the applicant to have to apply to defer decisions in such cases. We will introduce provisions to defer decisions where an asylum claim is outstanding, and also in trafficking cases where an applicant has been referred to a competent authority but has not received a conclusive grounds decision.

219. Most of the 42 respondents agreed with our proposals in Question 62 to enable claims officers to withdraw a review decision under appeal and issue a decision in the applicant's favour. We will implement this proposal.

220. There were 57 responses to Question 63. A variety of views were expressed in relation to recovery of funds from offenders. Some felt this should be deducted from offenders' salaries or benefits. Others were concerned about the impact that this might have on victims including the possibility that they may encounter retribution from the offender. Most thought that the idea was good in theory but questioned the cost of collection, with many saying it was impractical. In light of consultation responses about the practicality of this proposal, we will consider further how we might implement powers to recover money from offenders, where criminal injuries compensation has been paid to their victims in a cost efficient manner.

We will:

- Implement a requirement that applicants supply information as set out in the consultation document.
- Reduce the time available for applicants either to accept the claims officer's decision, or seek a review, from 90 to 56 days, with a further 56 day extension for exceptional reasons.
- Extend the circumstances where repayment of all or part of the award may be requested.
- Enable claims officers to withdraw a review decision under appeal and issue a decision in the applicant's favour.
- Retain provisions to request a reopening of a case on medical grounds.
- Not introduce provisions to defer a decision in certain additional circumstances.
- Implement proposals for applicants to contribute to medical reports as a deduction.
- Undertake further consideration as to how we might implement powers to recover money from offenders, where criminal injuries compensation has been paid to their victims in a cost efficient manner.

## **Equality effects of proposals**

221. We sought comments on the equality impacts of the proposals in the consultation document and any information that could be provided to improve our evidence base.

We asked:

**Q64. Do you think we have correctly identified the range and extent of effects of these proposals on those with protected characteristics under the Equality Act 2010?**

**Q65. If not, are you aware of any evidence that we have not considered as part of our equality analysis? Please supply the evidence. What is the effect of this evidence on our proposals?**

**Q66. Given the fiscal climate in which these proposals are made, are there any other ways that you consider we could mitigate against the potential effects identified in the equality analysis?**

222. Only a small number of the total responses received addressed these questions. The majority of respondents who answered the questions in this section agreed that we had correctly identified the range and extent of the effects of our proposals on those with protected characteristics under the Equality Act 2010. There were also comments on the wider impacts of some of the proposals that are not covered by the Equality Act 2010 such as the impact on bereaved relatives of road traffic crime.

223. Three respondents commented that the impact of the commissioning proposals on women had not been properly considered. The importance of considering the needs of older people was highlighted. One respondent thought it was a serious omission not to assess impacts on victims of transphobic crime. One respondent stated that we had not identified those with deafness, deafblindness or users of British Sign Language as a vulnerable group.

224. Where evidence was provided in response to Question 65 we have borne it in mind in reviewing the Equality Impact Assessments on our proposals.

225. Very few responses were received in answer to Question 66. One said that ring fencing would be needed for violence against women and girls services and a lead co-ordinator would be needed to ensure local commissioners fulfilled their equality duties.

226. Other equality impacts were raised as part of the responses provided to other questions. The full Equality Impact Assessments are available at [www.justice.gov.uk](http://www.justice.gov.uk)

## Consultation co-ordinator contact details

If you have any comments about the way this consultation was conducted you should contact Sheila Morson on 020 3334 4498, or email her at: [sheila.morson@justice.gsi.gov.uk](mailto:sheila.morson@justice.gsi.gov.uk).

Alternatively, you may wish to write to the address below:

**Ministry of Justice  
Consultation Co-ordinator  
Better Regulation Unit  
Analytical Services  
7th Floor, 7:02  
102 Petty France  
London SW1H 9AJ**

## The consultation criteria

The seven consultation criteria are as follows:

1. **When to consult** – Formal consultations should take place at a stage where there is scope to influence the policy outcome.
2. **Duration of consultation exercises** – Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.
3. **Clarity of scope and impact** – Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
4. **Accessibility of consultation exercises** – Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.
5. **The burden of consultation** – Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.
6. **Responsiveness of consultation exercises** – Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.
7. **Capacity to consult** – Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

**These criteria must be reproduced within all consultation documents.**

## Annex A – List of respondents

The respondents to the consultation who gave details included: individual members of the judiciary, members of the House of Commons and House of Lords, academics, members of the public and the following organisations:

ACPO

Action for Prisoners' Families

Action Fraud

Advocacy After Fatal Domestic Abuse

Aftermath Support

Alzheimer's Society

ASLEF

Association of Convenience Stores

Association of Personal Injury Lawyers

Association of Police Authority Chief Executives

Association of Police Authorities

Avon & Somerset Police

Avon and Somerset Constabulary

Avon and Somerset Criminal Justice Board

Avon and Somerset Police Authority

Barnardo's

Bar Council and Criminal Bar Association

Bedfordshire Criminal Justice Board

Black Training & Enterprise Group

Brake

British Association for Counselling and Psychotherapy

British Dyslexia Association

British Psychological Society

British Retail Consortium

Co-ordinated Action Against Domestic Abuse

Caritas Social Action Network

Catch22

NE Lincs LSCB and Norfolk LSAB

Child Bereavement Charity

Cleggs Solicitors

Cleveland Police  
Clydebank Women's Aid  
Greater Manchester Safeguarding Partnership  
CPS  
Coventry Rape & Sexual Abuse Centre  
Crimematters Ltd  
Criminal Justice Alliance  
Criminal Justice Council for England & Wales  
Cruse Bereavement Care  
Derbyshire Constabulary  
Derbyshire Criminal Justice Board  
Devon & Cornwall Police  
Devon and Cornwall Probation Trust  
Devon Rape Crisis Service  
Disaster Action  
Diverse Cymru  
Durham Police  
Durham Tees Valley Probation Trust  
EAD Solicitors  
Eaves  
Emmerson Solicitors  
England Illegal Money Lending Team  
Equality 2025  
Escaping Victimhood  
False Allegations Support Organisation  
First Step  
First Step Leicester  
First-tier Tribunal Criminal Injuries Compensation  
FPWP Hibiscus  
Gender Identity Research and Education Society  
GMB  
Greater Manchester Police  
Halton Community Safety Team  
Hampshire Autistic Society  
Hertfordshire Constabulary  
Hertfordshire Police Authority

## Getting it right for victims and witnesses: the Government response

HM Crown Prosecution Service Inspectorate  
HM Courts and Tribunals Service  
Hogan Lovells International LLP  
Humberside Criminal Justice Board  
IAM Driving Road Safety  
Independent Academic Research Studies  
Independent Police Complaints Commission  
Interact (BH Impetus)  
Iranian and Kurdish Women's Rights Organisation  
Irwin Mitchell Solicitors  
Justice After Acquittal  
Justice for Victims Scotland  
Justices' Clerks' Society  
KnifeCrimes.Org & Victims' Advocates  
Lancashire Probation Trust  
Law Society  
Legal Services Agency  
Legal Services Agency: Women and Young Persons' Department  
Leo Abse & Cohen solicitors  
Lexicon Limited  
Liberty  
Local Government Association  
London Criminal Courts Solicitors Association  
Luton Assembly's Stronger and Safer Network  
Magistrates Association  
MAMAA UK  
Manchester City Council  
Manchester Greater Police Authority  
Mayor Of London – office for policing & crime  
Mencap  
Metropolitan Police  
MIND  
Missing People  
Mothers Against Violence North East/Chris Cave Foundation  
NACRO  
National Bench Chairmen's Forum



National LGBT Partnership  
National Union of Teachers  
National Victims' Association  
Newcastle Youth Offending Team  
North Yorkshire Criminal Justice Board  
Northern Rock Foundation  
Northumbria Police  
Northumbria Probation Trust  
NPIA Criminal Justice and Local Policing Unit  
NSPCC & Victim Support (joint response)  
NUS  
Office of the Children's Commissioner  
Older People's Commissioner for Wales  
Oxford Pedestrian Association  
Parliamentary and Health Service Ombudsman  
Petal Support Limited  
Police Authorities of Wales  
Police Federation of England & Wales  
Prison Reform Trust  
Prisons Advice and Care Trust  
Probation Association  
Probation Chiefs Public Protection Group  
Protection Against Stalking and Napo (joint response)  
Public and Commercial Services Union  
Quaker Peace & Social Witness: Crime, Community and Justice  
Sub-Committee  
Rape Crisis England and Wales  
Register of Restorative Practitioners  
Reading Youth Offending Service  
Remedi – Restorative Services  
Remedi/Stockport Youth Offending Service  
Respect  
Respond  
Restorative Justice Council  
Restorative Solutions cic  
Rights of Women  
Rise

RMT  
RNIB Cymru  
Road Victims Trust  
RoadPeace  
Royal Bolton Hospital NHS Foundation Trust  
Royal College of Nursing  
Safer Sunderland Partnership  
SAMM Abroad  
SAMM Merseyside  
SAMM National  
Scottish Consortium for Learning Disability  
Scottish Women's Aid  
Self  
Signature  
Skills for Justice  
Social Landlords Crime and Nuisance Group  
Soldiers, Sailors, Airmen and Families Association  
South Yorkshire Police  
Southall Black Sisters  
St Helens Youth Offending Service  
Staffordshire County Council  
Staffordshire Police Authority  
Stonewall  
Survivors Trust  
Sussex Criminal Justice Board  
Sussex Police Authority  
Suzy Lamplugh Trust  
Swale Community Safety Partnership  
Taunton Deane, West Somerset & Sedgemoor Bench  
Thames Valley Police Authority  
Thames Valley Probation  
The City Law School  
The Coalition for the Removal of Pimping  
The Forgiveness Project  
The Lesbian & Gay Foundation  
The Moira Fund

The Trust for Homicide Research Education & Development & Support  
Thompsons Solicitors  
Through Unity  
Transport for London  
TUC  
UK Missing Persons Bureau. Serious Organised Crime Agency  
UNISON  
UNITE  
USDAW (Supported by Jim Suthers of Williamsons Solicitors)  
Victim Support  
Victims Services Alliance  
Walker Smith Way Solicitors  
Welsh Government  
Welsh Women's Aid  
West Berkshire Youth Offending Team  
West Mercia Women's Aid  
West Midlands Police  
West Midlands Police Authority  
West Yorkshire Criminal Justice Board  
West Yorkshire Police Authority  
Why Me? UK  
Wiltshire Local Safeguarding Children Board  
Women Against Rape  
Women's Aid  
Women's Resource Centre  
Youth Justice Board



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