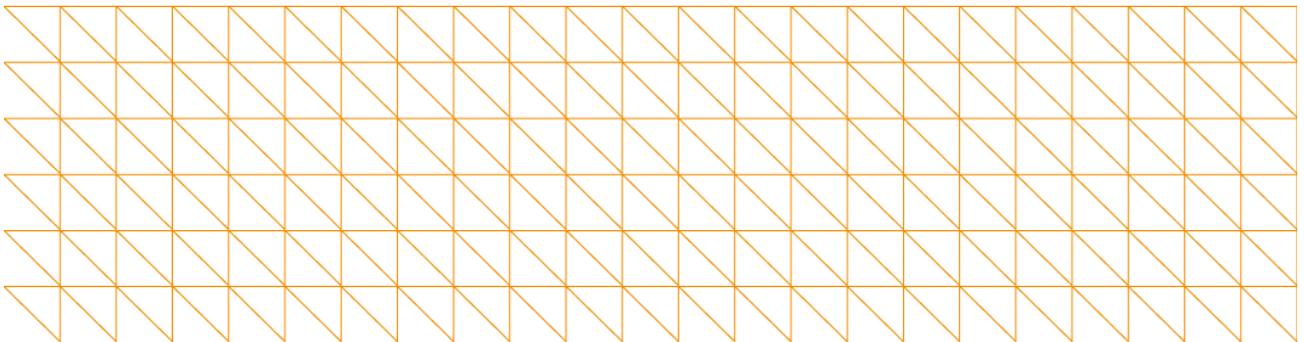




Ministry
of Justice

Government Response to the Victims' Commissioner's Review of Complaints and Resolution for Victims of Crime

This response is published on 26 February 2015





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Victims of Crime.**

The Victims' Commissioner's report is available at http://victimscommissioner.org.uk/wp-content/uploads/2015/01/A-Review-of-Complaints-and-Resolution-for-Victims-of-Crime_January20151.pdf

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Foreword

Foreword by Rt Hon Mike Penning MP, Minister for Policing, Criminal Justice and Victims

I would like to thank the Victims' Commissioner, Baroness Newlove, for her report. It highlights constructively where agencies are doing things well, but rightly points out where things can be improved.

Being a victim of crime can be a deeply traumatising experience. It is a time when people are at their most vulnerable, and the prospect of having to deal with the criminal justice system can be incredibly daunting.

That is why this Government is committed to putting victims and witnesses first in our reform of the criminal justice system and has made a raft of changes to consistently put the highest emphasis on victims' needs. This includes more than doubling our spending on help for victims since we came to power – reaching over £92million next year (2015/16) – to make sure victims have the best possible support.

As part of this we published "Our Commitment to Victims" in September 2014 which outlined a package of reforms to provide even more help to victims of crime. These include establishing a new nationwide Victims' Information Service to help victims access the information and support they need; strengthening protection for vulnerable victims and witnesses at court; increasing transparency and accountability so that agencies are held to account for the services they provide; and introducing a Victims' Law setting out entitlements for victims in primary legislation.

The Government brought the Code of Practice for Victims of Crime ("the Victims' Code") into force on 10th December 2013. This gives victims of crime clear entitlements from criminal justice agencies and tailors services to individual need so that victims get the right support at the right time. It provides an enhanced level of service to victims of the most serious crime, persistently targeted and vulnerable or intimidated victims. The Code also includes an improved complaints process and sets minimum standards that victims can expect.

We need to do all we can to make sure the system works for victims, which is why the Government has asked the Victims' Commissioner to produce a series of independent reports on what more can be done to support them. The first of these reports looks at how we can improve the way we deal with victims' complaints.

The Victims' Commissioner highlights examples of positive work taking place across the criminal justice system, and notes that 'there is a gap between the handling of complaints as described by criminal justice agencies, and how victims feel they have been treated'.

This Government is committed to going further and that is why I support the recommendations the Victims' Commissioner makes in her report.

The Government's response to specific recommendations

Operational recommendations for criminal justice agencies and service providers

1. Agencies and service providers should have complaints procedures and practices which meet the standards set out in Annex C¹:

1.1 The Government supports this recommendation.

1.2 The standards recommended by the Victims' Commissioners are sensible and practical and will make a real difference to victims who wish to make a complaint. Agencies listed in the Victims' Code should already be complying with some of these standards. The Victims' Code requires agencies to:

- Have a clearly identified complaints process through which victims can complain if their entitlements under the Code are not met.
- Provide victims with information on how to make a complaint, including contact details, and the process for dealing with the complaint; also if they are not the right body to handle the complaint they will take responsibility for forwarding it on to the correct agency.
- Provide either an acknowledgement or full response to the complaint within 10 working days of receipt. The acknowledgement must clearly set out information such as details of the service provider's internal complaints procedure, timeframes for sending a substantive response, and clear contact details in case of enquiries or complaints and communicate these to the victim on request.
- Ensure victims understand the process for escalating their complaint if they are not satisfied with the response, including making sure victims understand their right to complain to the Parliamentary and Health Service Ombudsman if they wish to do so.

1.3 The Government agrees that the criminal justice agencies and service providers listed in the Victims' Code should have complaints procedures and practices which meet the standards set out in Annex C. The independent Parole Board also accepts the Victims' Commissioner's Standards.

1.4 With regards to the police, the Government has recently consulted on a series of proposals to improve the police complaints system. Those reforms are designed to make the system more independent, more transparent and easier for members of the public to understand. The Government's consultation closed on 5 February and the responses are currently being analysed. The Government intends to respond to the consultation during this Parliament.

1.5 Regarding operational matters such as staff training, the government cannot speak on behalf of locally elected Police and Crime Commissioners and their forces, who have responsibility for local operational matters such as these. However, we wholly support the intention from the National Policing leads in this area (Assistant Chief Constable Cann for Victims and Witnesses, and Chief Constable Cheer for Professional Standards) to consider as a priority the detail of Baroness Newlove's

¹ This refers to Annex C of the Victims' Commissioner's report. For ease of reference, that annex is reproduced and annexed to this document.

recommendations, and assess with the College of Policing whether any further processes or guidance are required in light of her recommendations. We look forward to receiving their report on this to the national Criminal Justice Board and Victims' Commissioner by 31 March 2015. We will also communicate directly with Police and Crime Commissioners to ensure they are aware of these recommendations.

- 2. Inspecting bodies should consider whether an assessment of victims' complaints should be included in their joint annual appraisal of the quality of victims' experiences.**
- 2.1 This recommendation is for Her Majesty's criminal justice inspectorates to consider. The Government would be supportive if the inspectorates agreed to this recommendation.**
- 2.2 The CJS inspectorates already examine aspects of victims' services within their individual and joint inspections. In addition, they have already committed to produce in 2015 their first joint annual appraisal of the quality of victim and witness experiences - highlighting good practice and areas for improvement, and asking agencies to produce an action plan in response. The Criminal Justice Chief Inspector's Group will consider whether to incorporate an assessment of victims' complaints in that report.

Strategic recommendations for policy makers

3. The Criminal Justice Board should:

- **Require the heads of the agencies covered in the Victims' Code to submit a short response on what action they will take to ensure their agencies comply with the Victims' Commissioner's Standards for Complaints Handling. This response should be submitted to the Criminal Justice Board and the Office of the Victims' Commissioner by 31 March 2015.**
- **Require that agencies and service providers covered by the Victims' Code regularly review their performance against the Victims' Commissioner's Standards for Complaints Handling, and submit an updated report by 31 December 2015.**

3.1 The Government accepts these recommendations.

3.2 The Criminal Justice Board is made up of operational leaders across the criminal justice system (CJS). It is chaired by the Victims' Minister and members include the National Policing lead for Criminal Justice, and leaders of the College of Policing, the Crown Prosecution Service, Her Majesty's Courts and Tribunals Service, the National Offender Management Service, the Youth Justice Board and representatives of Police and Crime Commissioners. It has been set up to take a whole system approach to tackling issues across the CJS and one of its priorities is to improve care and consideration for victims and witnesses.

3.3 The Criminal Justice Board, chaired by the Victims' Minister and attended by the Victims' Commissioner, is the ideal forum in which to monitor the implementation of these recommendations and to hold agency heads to account.

3.4 The Government is already working with criminal justice agencies to ensure they are complying with the Victims' Code and the Witness Charter. In July 2014, the Ministry of Justice published an updated version of the "CJS Strategy and Action Plan" which

included a commitment to monitor criminal justice agencies' compliance with the Victims' Code and Witness Charter. On 15 September 2014, the Government published "Our Commitment to Victims" which sets out a requirement for criminal justice agencies to publish information on how they have improved services for victims by April 2015.

3.5 The Criminal Justice Board has agreed a monitoring framework which will draw on the following sources:

- Quantitative data collected by the criminal justice agencies;
- Information published by criminal justice agencies to demonstrate how they have improved services for victims;
- The Crime Survey for England and Wales;
- Data on victim satisfaction gathered by police forces and published by HM Inspectorate of Constabulary;
- Reviews conducted by the Victims' Commissioner on aspects of compliance with the Victims' Code (such as this report on complaints);
- Individual and joint inspection reports published by the CJS inspectorates, including their first joint annual appraisal of the quality of victim and witness experiences to be published during 2015.

3.6 The Ministry of Justice will produce an annual report for the Criminal Justice Board, summarising the key findings of these and other relevant sources. The first such report will be submitted to the Criminal Justice Board in May 2015.

4. The Ministry of Justice should consider:

- **How the *Victims' Commissioner's Standards: Complaints Handling* might be incorporated into a Victims' Law.**
- **How the *Victims' Commissioner's Standards: Complaints Handling* will be taken into account when developing the Victims' Information Service and related policy for victims.**
- **Whether the voluntary support services available at some coroners' courts to bereaved families, could be made available across all coroners' courts in England and Wales.**

4.1 The Government agrees to consider these recommendations.

4.2 We announced in September 2014 that we will legislate in the next Parliament to ensure that the rights of victims are enshrined in law, putting the key entitlements of the Victims' Code into primary legislation, and ensuring their voice is heard in court. We will introduce new statutory weight for key entitlements in the Victims' Code, including: the right to make a Victim Personal Statement and to request to read it out in court; early identification of priority victims and witnesses and assessment of their needs; automatic referral to relevant support organisations; and information for victims about their case, at every stage. Subject to consultation we said we would introduce new powers and sanctions for the Ombudsman to ensure that victims get the redress they deserve when things go wrong.

4.3 We will consider how the *Victims' Commissioner's Standards: Complaints Handling* might be incorporated into that legislation.

4.4 The Ministry of Justice is developing a Victims' Information Service, which will bring together for the first time key sources of information and advice for victims, and act as a national, simple and clear entry point to locally and nationally commissioned victims' services. The Ministry of Justice will be launching the Victims' Information Service,

comprising a web portal and telephone information line, by the end of March 2015. The new service will be developed in three phases:

- Phase 1 (by the end of March 2015) will provide victims with information about the criminal justice system and signpost them to locally commissioned support services.
- Phase 2 (by April 2016) will develop the Victims' Information Service to offer a full 'one-stop-shop', where victims can submit complaints to the relevant agency and provide feedback about their experience.
- Phase 3 (by April 2018) will further develop the Victims' Information Service to include a tool that will allow the victim to track the progress of their case online, all the way through the criminal justice system.

4.5 The approach we are taking for phase 1 will be to signpost those that wish to make a complaint to the relevant part of the criminal justice system.

4.6 The Ministry of Justice will consider how the Victims' Commissioner's recommendation can be taken forward in Phase 2 of this work by April 2016.

4.7 The Government welcomes the recommendation to consider whether the voluntary support services available at some coroners' courts to bereaved families could be made available across England and Wales and is considering the feasibility of further expansion.

4.8 The Government wants bereaved people to be at the heart of the coroner system. That is why we have introduced major reforms to make sure that inquests are conducted quickly and consistently around the country. Coroners are a local service funded by individual local authorities, not central government. Nevertheless, Ministers are keen to see a support service in every coroner's area and on 1 December 2014 the Justice Minister, Simon Hughes, announced that we would be providing £110,000 to expand support services in the north east and north west of England. Further work is ongoing to consider how all coroners' courts could be provided with a support service.

Annex – Victims' Commissioner's Standards: Complaint handling

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

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

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

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

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

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



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