



Investigation into the policy and process followed by the victim contact scheme in the case of John Worboys

07 February 2018



Dear Secretary of State,

I am pleased to be able to provide you with my report into the contact that took place between the National Probation Service and the victims involved in the case of John Worboys and within scope of the Victim Contact Scheme.

You asked me to scrutinise the NPS handling of the John Worboys case. I have found that in the main, the NPS did as required by the Victim Contact Scheme. There was a two-year period starting in 2010 when the NPS appear not to have updated victims annually as expected, but otherwise the NPS generally complied with the scheme provisions.

That said, some of the NPS letters to victims were poorly or carelessly drafted. Small mistakes in letters - for example, spelling the recipient's name wrongly - can have a disproportionate impact, as it conveys a lack of care or concern. That would be the case in any letter, and we will all have experienced our own personal reaction to that at some time or other, but it is especially regrettable in letters to victims, sent in furtherance of the scheme. And when it came to the parole decision in this case, the letters did not convey the consequences of the decision in a way that was readily understandable.

I welcome your announcement of a broader review, and in response to your request I have identified issues arising from this case that the review may wish to consider, to improve arrangements for victims where possible.

Finally, I am grateful to NPS, Parole Board and HMPPS staff for their cooperation and openness in discussing this case and the Victim Contact Scheme with us. And I am especially grateful to the victims of John Worboys who took part in this prompt review. Without exception, they were clear-thinking, balanced and determined to contribute their experiences and ideas to a process that they hope will lead to much needed improvements. I would like to thank them and pay tribute to their courage.



Dame Glenys Stacey
HM Chief Inspector of Probation

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Executive Summary

The focus of this review is on the contact made by the National Probation Service ('NPS') with women who were victims of John Worboys and who fall within the scope of the Victim Contact Scheme.

The review considered whether the requirements of the scheme were met in all respects, specifically whether relevant and timely information was provided to the victims following sentence, and whether they were given the opportunity to contribute their views in anticipation of the Parole Board's consideration of John Worboys' application for release.

The NPS appears, by and large, to have complied with the Probation Instructions that were relevant at the time. After sentence, the twelve victims who fell under the statutory scheme were all contacted at the right time, and given the opportunity to opt-in to the scheme. Only four chose to do so, and over time contact was lost with one of these women. Two other women could have been accepted onto the scheme on a discretionary basis, should they have made initial contact themselves with those administering the scheme. They did not.

For most of the period of John Worboys' detention, the women who had opted-in to the scheme were sent letters annually and in accordance with the scheme, to inform them of developments. It appears, however, that contact lapsed in 2010 for no clear reason, before being resumed in 2012.

The quality of correspondence was poor. Some letters contained errors in victims' names and addresses, and the messages were not conveyed clearly. This was particularly significant at the time when the women had the opportunity to contribute their views to the parole hearing.

Prior to the hearing, the NPS took the unusual step of attempting to contact the women who had not opted-in to the scheme. This was a well-intentioned action, not required by the scheme, and designed to alert the women to the parole hearing and the possibility of release. Unfortunately, however, there was not enough time before the hearing for women to receive the letters, absorb the information and respond. What is more, the style and content of the letters lacked clarity and urgency. One woman who had engaged with the scheme from the start did make a Victim Personal Statement to the Parole Board. Others who we interviewed were adamant that they would have wanted to do so, had they had the opportunity.

By the time of the parole hearing, five women were in contact with the Victim Contact Scheme. The NPS took prompt action to notify each of the decision to release John Worboys. Notification was by letter, email or telephone call, depending on preferences expressed by victims much earlier. Inevitably, they each received the news at different times, and regrettably the news broke in the press before some had received and read the notification. Those women not in contact with the scheme - the majority - learnt of the decision through the media. All who spoke to us described their shock and distress. They had not felt prepared for this outcome.

We set out more detail in the body of this report.

This fact-finding review has focused on the work of the NPS's Victim Contact Scheme. In reviewing the case records and talking with the women affected, several more general issues arose. We have identified from those, matters for consideration in the broader review of policy and guidance in this area.

The scope of this review

Background

John Worboys was convicted in 2009 for rape and other sexual offences. He was given a sentence of Imprisonment for Public Protection (IPP) and ordered to serve a minimum of eight years in prison.

The Parole Board's decision to release Worboys was reported widely. Criticism has been levelled at the decision, and at the way in which the victims were informed and their views considered.

The Secretary of State for Justice asked H.M. Chief Inspector of Probation to carry out a rapid fact-finding exercise to confirm the contact that took place between the NPS and the victims involved in this case and offer a view on whether this conformed with existing legislative provisions, policy and practice guidance. The Secretary of State indicated that the Chief inspector may also wish to make recommendations as to how this policy and practice guidance might be improved as the Ministry of Justice takes forward a broader policy review in this area.

The media report that many more women may have been assaulted by John Worboys, but these cases had not progressed to prosecution. We have not investigated this claim, as it was outside the scope of this fact-finding review. Some concern was expressed that they had not been informed of the Parole Board's decision. The NPS had no responsibility to do so, and in any event, would not have had access to their contact details.

At the time John Worboys was convicted in 2009, the VCS was delivered by London Probation, which became London Probation Trust the following year. Under the Ministry of Justice's *Transforming Rehabilitation* programme¹, the delivery of probation services was split between the National Probation Service and Community Rehabilitation Companies in 2014. The National Probation Service is part of HMPPS, which is an executive agency sponsored by the Ministry of Justice. The Victim Contact Scheme (VCS) falls within the remit of the NPS.

The review focuses on the NPS's contact with victims who fall within the scope of the Victim Contact Scheme ('VCS'). John Worboys was convicted of offences against 12 women. It is these women who fall within the statutory remit of the scheme – that is, those named victims of offenders who have committed a serious violent or sexual offence and been sentenced to 12 months or more in custody or detained under the Mental Health Act 1983 with or without restrictions.

There is some provision for the NPS to accept onto the VCS, on a discretionary basis, those victims who fall outside of the statutory criteria. Examples include cases where an offender is sentenced to less than 12 months' custodial sentence and cases where there is high risk of potential harm to a victim, regardless of the length of sentence.

Once it has been decided to offer the VCS to these victims, they "should be assigned a VLO, provided with the opportunity to make representations about licence conditions, and provided with information which the Trust considers to be appropriate in all the circumstances of the case, in the same way as statutory victims"². The Probation Service were required to consider these victims on a case by case basis. There were two women who provided additional evidence in the trial of John

¹ *Transforming Rehabilitation: A Strategy for Reform*, Ministry of Justice, May 2013

² Probation Instruction 11/2013 'Victim Contact Scheme Manual' – issued 31 October 2013. Expiry Date 30 October 2017

Worboys and their cases were to lie on file. As such they could have opted-in to the service on a discretionary basis.

In 2013 cases considered as non- statutory cases were reliant on the individual contacting the NPS, once accepted on to the scheme they are treated in the same way as a statutory case³.

More recent guidance was issued in Probation Instruction 03/2017⁴. It notes that “in the vast majority of cases discretionary contact must not be considered unless there is a direct conviction and prison sentence in respect of that particular victim. Where this is not the case, contact will only rarely be appropriate.” It also states that in cases where offences ‘lie on file’ that “contact should not generally be offered to the individuals concerned.”

This review considers whether the requirements of the scheme were met in the key respects, in relation to the relevant guidance at the time. Specifically, the review considers whether relevant and timely information was provided to the victims following sentence, and whether they were given the opportunity to contribute their views at key points throughout the sentence.

Approach

The following lines of enquiry were considered:

1. Was appropriate initial contact made by the NPS Victim Contact Scheme (VCS) with the victims following sentence?
2. Were victims who asked to be kept informed about important changes during Worboys sentence, contacted by the VCS at the appropriate times and kept informed?
3. Were the victims given the opportunity to contribute their views to inform decisions about the conditions of his release?
4. Were any views expressed by these victims treated appropriately and in accordance with the scheme?

Sources of information

Interviews

During our review, we interviewed the following:

- NPS Executive Director
- NPS Divisional Director of Probation (London),
- NPS Divisional Director of Probation for Women and Victims,
- NPS London Head of Victims and Stakeholder Engagement
- Policy advisors from Her Majesty’s Prison and Probation Service (HMPPS) Safer Custody and Public Protection Group
- Chair of London MAPPA Strategic Management Board
- NPS Head of the Lewisham and Southwark Cluster Local Delivery Units
- NPS Senior Probation Officer responsible for Victim Liaison Officers in London
- NPS Victim Liaison Officers working on this case
- NPS offender manager (probation officer) for John Worboys
- Chair, Parole Board

³ Probation Instruction 11/2013 ‘Victim Contact Scheme Manual’ – issued 31 October 2013. Expiry Date 30 October 2017

⁴ Probation Instruction 03/2017 ‘Probation Victim Contact Service – Non- Statutory cases’ Issued 10 April 2017. No expiry date

- CEO, Parole Board

We also spoke with seven of the women who were named victims of John Worboys, and we received a written response from one woman.

Records

We examined the following records:

- Electronic victim contact records held for the twelve women known under the VCS as statutory victims. This included both the existing Victim Contact Management System (VCMS), but also the previous ‘Purple database’ and Lotus Notes-based recording systems. No paper records are held
- Offender management records for John Worboys on the NPS’ nDelius system
- Minutes from MAPPA meetings held about John Worboys in October and November 2017
- The Parole Report and subsequent addendum written by Probation staff about John Worboys in April and October 2017
- The Parole Board decision letter in relation to John Worboys
- All victim policies and guidance for probation staff applicable during the period of detention of John Worboys

We also considered the reports of internal reviews conducted by both the Parole Board and the NPS.

Policies, procedures and guidance

During the period reviewed, there have been several versions of the Probation Service’s national instructions and guidance covering work with victims. We have referred to the instructions in place at the relevant time. The relevant Probation Instructions are:

1. Probation Circular 11/2008 ‘New Victim Liaison Guidance Manual’ issued 2 June 2008. Expiry date June 2010⁵
2. Probation Instruction 03/2010 ‘Implementation of the Victim Liaison Service Specification’ Issued 30 March 2010. Expiry Date 29 March 2014⁶
3. Probation Instruction 11/2013 ‘Victim Contact Scheme Manual’ – issued 31 October 2013. Expiry Date 30 October 2017
4. Probation Instruction 48/2014 – ‘Victim Contact Scheme Guidance Manual’ – issued 1 June 2014. Expiry date 31 May 2018⁷
5. Probation Instruction 03/2017 ‘Probation Victim Contact Service – Non- Statutory cases’ Issued 10 April 2017. No expiry date.⁸

⁵ *National Probation Service Victim Liaison Policy Guidance Manual*, National Probation Service, issued under cover of PC11/2008

⁶ *Implementation of the Victim Liaison Service Specification*, National Offender Management Service, Probation Instruction 03/2010, issued 20 March 2010. Expiry Date 29 March 2014

⁷ *Victim Contact Scheme Guidance Manual*, HM Prison and Probation Service (HMPPS) PI48/2014, 1 June 2014. Due for expiry on 31 May 2018.

⁸ *Probation Victim Contact Service – Non- Statutory Cases*, HMPPS PI 03/2017, April 2017

Relevant contextual information:

Roles and responsibilities

Offender managers are responsible for the management and supervision of offenders in both the community and in custody. In cases such as this, it is the offender manager who will produce risk assessments on offenders in custody, complete reports for any parole hearing and work with an offender to plan for release. Separately, Victim Liaison Officers ('VLOs') ensure victims participating in the scheme are given regular information and are consulted, and have their views considered prior to the release of offenders.

The roles of offender manager and VLO are distinct and both fall within the NPS. Good liaison and communication between them is important.

Given the passage of time, there have been many changes in staff working on this case. Both the VLO responsible for contact with the twelve women, and John Worboys' offender manager have changed on numerous occasions over the time since he was sentenced.

There has been one offender manager responsible for the general oversight of John Worboys' case since 2013, although in the last 12 months the day to day management of the case has been delivered by that officer and also by two other offender managers at different times. It was decided that co-working was appropriate given the complex nature of the case.

Accessing information and records

Since John Worboys' sentence, three separate computer systems have been used to record work with victims. In 2009 London Probation was using a Lotus Notes-based recording system. This changed to something known as 'the purple database' in 2012, which remained in place until 2016, when a new system, the National Victim Case Management System ('VCMS') was implemented nationwide. We have had access to all three systems.

Probation instructions and guidance

Probation Instructions and guidance are to be understood and complied with by all Probation staff. We found there to be multiple versions of instructions and guidance relevant to the VCS and covering the period since 2009. Much of the guidance is extremely lengthy and wordy. This has the potential to be confusing to staff, who may have difficulty identifying key tasks. The victim service specification is an example of this. It was originally issued in 2009, and updated in 2010, 2011, 2014 and 2015⁹.

⁹*Service Specification for Victim Liaison* – Service Specification Document – originally issued in October 2009 and subsequently reviewed and re-issued in 2010, 2011, 2014 and 2015

The Victim Contact Scheme (VCS)

Here we describe the Victim Contact Scheme, and what was expected over the period of John Worboys' detention.

Victim contact

Probation Circular 108/2000 outlined the new statutory duty on probation services in respect of victims of serious sexual or violent crimes. Although such work had been undertaken by probation during previous years, this was put on a statutory basis by the Criminal Justice and Court Services Act 2000¹⁰. Located within local probation services, the VCS was designed to ensure that victims were given regular updates about an offender, were able to make representations about an offender's release arrangements and able to receive information about licence conditions. Responsibility for providing continuing support to victims remained (and remains) with victim support services, however.

This guidance has been updated on several occasions, as outlined above, but the basis of the scheme has remained fundamentally the same, with a focus on initial contact, annual updates and contact at key decision points throughout the sentence.

Opting-in or out of the scheme

Victims (statutory or discretionary) do not automatically receive annual updates and further contact at key decision points. Instead, they must opt-in to the scheme to receive them. Shortly after conviction of the offender, victims are asked (by letter) whether they wish to opt-in to the scheme.

Under the VCS, the NPS has a statutory responsibility to contact and offer the service to victims of offenders who have committed a specified serious violent or sexual offence and been sentenced to 12 months or more in custody. It also applies where the offender has been detained under the Mental Health Act 1983 as set out in the Criminal Justice and Courts Services Act (CJCSA) 2000, updated by the Domestic Violence, Crime and Victims Act (DVCA) 2004.

At the time John Worboys was convicted, Probation had a national performance target to ensure that letters were sent to victims within eight weeks of any sentence being imposed¹¹. The Code of Practice for Victims of Crime, first published in 2005 and updated in 2013 and 2015¹², requires the police to provide referrals to the NPS within 21 days of sentence. Victims are then contacted by the assigned VLO in the NPS, and asked to say if they are willing to participate or 'opt-in' to the VCS scheme.

Periodic updates

Victims opting-in to the VCS are entitled to some information each year about the offender's progression through his or her sentence, including the approximate date of release. They are not

¹⁰ *Criminal Justice and Court Services Act 2000*

¹¹ *Quality & Impact inspection: The effectiveness of probation work by the National Probation Service in London*, HMI Probation, January 2018

¹² *Code of Practice for Victims of Crime*, Ministry of Justice, October 2015

told about which prison an offender is being held in, nor exact dates of release, and they are not able to influence whether an offender is released from custody or when this will take place.

Considering release

Where the Parole Board is considering release of an offender, victims who fall within the statutory remit of the VCS (and those victims who would have done so but for the date of the relevant legislation) are to be made aware. They can make a Victim Personal statement (VPS) to bring to life the real impact of the crime, so that this is heard and considered by those charged with making decisions about the offender. They can express their concerns and suggest conditions of release that would help to protect them and give them some reassurance.

If there is an oral hearing by the Parole Board, the victim can request to attend to read out their VPS in person. The Code of Practice for Victims of Crime sets out the requirements for the NPS, and includes the rights of victims and what they can expect when making a VPS for a Parole Board hearing.

All victims in the VCS, whether or not they make a VPS, are entitled to make representations about the offender's licence conditions (typically an exclusion zone and/or non-contact condition) to the Parole Board.

Scope of the Victim Contact Scheme

Probation Circular 11/2008 provided guidance on the issue of non-statutory cases – those victims who could be offered contact on a discretionary basis. There were two women who provided additional evidence in the trial of John Worboys and their cases were to lie on file. As such they could have been considered as discretionary victims and then opted-in to the service.

A more recent probation instruction tightened the guidance on offering discretionary contact. Probation Instruction 48/2014 states that 'Victims of cases ordered to lie on file are not eligible for the VCS'. More recent guidance still was issued in Probation Instruction 03/2017. It notes that in cases where offences 'lie on file' that 'contact should not generally be offered to the individuals concerned'.

Of the 4,000 victims covered by the NPS VCS in London, less than 25 are those who have opted-in to the scheme on a discretionary basis. During our recent routine inspection of London NPS we found that the VCS had a lower take up throughout Greater London, compared to other NPS Divisions across the UK¹³. This was in line with findings by the London Mayor's office for Policing and Crime (MOPAC)¹⁴ recognising the need to improve engagement between victims and witnesses and the authorities in London.

¹³ *Quality & Impact inspection: The effectiveness of probation work by the National Probation Service in London*, HMI Probation, January 2018

¹⁴ *Safer City for all Londoners: Police and Crime Plan 2017-2021*, Mayor of London, March 2017

Findings

The initial contact by London Probation with the identified victims

The victims who fell within the statutory remit of the VCS were all contacted, at the right time, and given the opportunity to opt-in to the scheme. Contrary to guidance requirements, these letters did not provide a named point of contact for the victim. Those who did not respond were sent a follow up letter, although the policy and guidance did not specify that requirement. There is no record of the two women identified as potential discretionary victims making contact (in such cases the scheme is reliant on victims making the initial contact).

Twelve women were identified as statutory victims in this case, with a further two identified as victims who could be offered the VCS on a discretionary basis. Probation Circular 11/2008 states that 'the relevant Probation Board or provider of probation services must approach the victim and offer them contact with the Victim Liaison Scheme within 8 weeks of the offender being sentenced'. Probation Circular 108/2000¹⁵ details the Probation National Standard Performance targets which would have been in place in 2009. The target was to ensure that an initial offer of contact was made to victims of serious violent and sexual offences in 85% of cases. The target applied only to sentences of four years or more. We were not able to establish London Probation's performance against this target for 2009.

Probation records contain copies of letters to the twelve women whom the Probation Service had a statutory responsibility to contact under the VCS, as outlined in Probation Circular 11/2008. These were dated within required timescales, following the sentence of John Worboys. The women were asked whether they wished to participate, to opt-in to the scheme. A number of the women we spoke to said they did not receive, or had no recollection of receiving, these letters. There is no record of either of the two other women who could potentially have been classed as discretionary victims being contacted at this stage, but that is not a requirement of the scheme.

A follow up letter was also sent to each of the twelve women, reminding them of the service that was available to them. The national policy at the time did not require a follow up letter. We found that sending a follow up letter had been the practice in London for many years.

In 2009 the London Probation Victim team had five staff members who were responsible for tracing victims and ensuring contact details were accurate. This included contacting the Police, accessing the electoral role and postal service facilities. We were told that this team was part of the London Probation Trust delivery model and ceased to operate in early 2016.

According to records held by the NPS, seven of the twelve women did not respond to either of the two initial letters. One of the twelve responded saying that she did not wish to participate. Four indicated that they would like to be involved with the VCS. They opted-in to the scheme.

All the initial letters sent in 2009 were sent 'on behalf of the Victim Contact Scheme' rather than from a named individual. Probation Circular 11/2008 states that the initial letter should provide a point of contact at the Victim Liaison Unit. No named contact was provided for these victims, and therefore the letters were not compliant with guidance.

¹⁵*Criminal Justice and Court Services Act 2000: Implementation of the New Statutory Duty on Probation Services in Respect of Victims of Serious Sexual or Violent Crimes*, Probation Circular 108/2000

The letters briefly explained the purpose and remit of the VCS, and offered the opportunity for an initial face to face meeting. Although each letter asked for diversity information about the victim, it did not ask how those opting-in to the scheme would like to be contacted. There is nothing specific in the guidance (then or now) to say that this should have been done. However, it is reasonable to assume victims would like to be asked the best way they should be contacted.

Ongoing contact between the statutory victims and the Victim Contact Scheme

For most of the period of John Worboys detention, victims who had opted-in to the scheme were sent letters annually, informing them of developments. However, it appears contact lapsed in 2010 for no apparent reason, before being resumed in 2012. The quality, timeliness and consistency of message in these letters was inconsistent, and of poor quality overall. There is nothing in the guidance about what to do when a letter to a victim is returned marked 'gone away'.

Victims who opt-in to the VCS should be provided with information at key stages of the offender's sentence and/or at annual intervals. The guidance available in 2008 states that "it is good practice to send an annual letter to the victim as this will demonstrate that their case is still being monitored by the Victim Liaison Unit".

Probation Instruction 48/2014 notes that 'an annual update on the case must be offered to all victims, unless this is inappropriate in all the circumstances of the case. This is particularly relevant for victims of offenders serving a long sentence'.

Contrary to the policy and guidance, we found no evidence of any contact being made with any of the women during a period from 2010 to 2012. A Senior Probation Officer took up post and assumed responsibility for managing the VLOs in 2012, and identified that action needed to be taken. The four women then participating in the scheme were then sent a belated annual update.

Correspondence sent to one woman who had originally engaged in the VCS process was returned marked 'gone away'. No efforts were made to re-establish contact. VLOs said that in this situation, the presumption is that victims no longer wish to participate in the scheme, but there is no process to confirm that this is the case. We found nothing in the guidance to cover this not unexpected situation.

We reviewed all the correspondence available to us in relation to contact with the twelve women. The quality, timeliness and consistency of message contained in this correspondence was inconsistent and of a poor standard overall. Technical issues (e.g. licence, supervision) were not explained sufficiently. There were spelling and grammatical errors, even when templated letters had been used. By way of simple examples:

- in one case a victim's name had repeatedly been spelt incorrectly throughout the process
- how John Worboys was referred to throughout the correspondence was erratic, despite reassurances in some letters saying that he would always be referred to as JW.
- one woman told us that she had asked several times for an error in her address to be corrected
- one woman told us that the letter informing her of the Parole Board's decision was delayed because it was incorrectly addressed.

Some of the women we spoke to commented that the letters they received at various stages assumed a degree of knowledge about the system. For example, they were offered 'the opportunity to make further representations about certain licence conditions'. It was not clear to these women

what a 'representation' involved, and they had no knowledge of what conditions they were permitted to suggest, or of the sorts of conditions that would help to make them feel safe.

We found no evidence of any quality assurance process for VCS letters currently sent out by the NPS. Some letters are written using a templated format, others are not. There is no consistency about when templates are used. By way of background, in 2013 HMI Probation completed a thematic report on victim contact arrangements¹⁶ in which we questioned the quality of correspondence throughout the process. Probation Trusts were responsible for the scheme at that time.

Consideration of release

Liaison between the VLO and John Worboys' offender manager was poor. Frequent changes of offender manager exacerbated the situation. Nevertheless, three of the four women who had opted-in to the scheme were notified properly and in good time that parole board proceedings had commenced. They were given the opportunity to make representations about potential licence conditions and submit a Victim Personal Statement. The VCS had lost contact with the fourth victim. The Parole Board panel was told wrongly that all victims had been contacted. Although there is no requirement to do so, late attempts were made to contact those women who had not opted-in to the scheme. Regrettably, those letters did not provide sufficiently specific information to enable the women to contribute to the process as intended.

John Worboys' Parole Eligibility Date was 21 April 2017. This is the earliest date that he could have been considered for a release from custody, as by then he would have served his minimum tariff of eight years.

By this point, Probation Instruction 03/2010 had been replaced by Probation Instruction 48/2014. Both instructions state that the VLO must notify opted-in victims of key dates, including when the [Parole] review is due to start, when a VPS may be made, and when a hearing may take place. If release is being considered, the victim must be given as much notice as possible of when this could be likely to happen.

The parole report was completed in April 2017, by his then offender manager. The report says that the offender manager had made several attempts to liaise with the VLO in the case, but that at the time of writing the report, she had not received a response.

There has been one offender manager responsible for the general oversight of John Worboys' case since 2013, although in the last 12 months the day to day management of the case has been delivered by that officer and also by two other offender managers at different times. It was decided that co-working was appropriate given the complex nature of the case.

The offender manager currently co-working the case has done so since August 2017 and, whilst experienced, is an agency member of staff. Records showed that each new offender manager established contact with the relevant VLO in this case, but these changes did little to support the information sharing processes and contributed to some delays in the process. These difficulties were further compounded by the changes in the victims' database, as described elsewhere in this report.

¹⁶ Thematic inspection: *Victim Contact: an inspection of the victim contact arrangements in Probation Trusts*, HMI Probation, November 2013

Three of the women who had originally opted- in to the VCS were approached in sufficient time ahead of the parole hearing, with letters sent in April 2017 informing them that the parole process had commenced. The remaining woman who had originally opted-in was not contacted, as no current address information was held for her by the VCS. No attempts were made to trace her, although it later became apparent that the police had contact details for her. PI 48/2014 does state that at the initial stage if there is no response to a letter then VLOs may wish to consider alternative methods. However, the guidance is silent on the point of chasing details of victims if contact is lost.

These three women were offered the opportunity to make representations about licence conditions and to make a VPS. They were sent a further letter in September 2017 to inform them of the oral hearing date in November 2017.

A parole addendum report was completed by John Worboys' offender manager for the parole oral hearing in November 2017. This provided an update on the original report which had been prepared in April. It noted that all victims had been given the opportunity to submit a VPS. This was not the case. At that point only the three women in contact with the VCS had been given the opportunity to complete a VPS and one had done so.

When we asked NPS victim staff for a copy of the leaflet that is sent to victims about the completion of a VPS, we were provided with several different versions. It appears that the sending of such leaflets is inconsistent and there is a lack of clarity about which version is the most current.

In the one case where a VPS was completed there was a delay in it being received by the NPS. The woman had completed the document on a MAC computer, and the document produced was incompatible with Probation computer systems. This resulted in a lengthy email exchange between the VLO and the woman. This added to her anxiety. Because of the technical difficulty there was a delay in the submission of the VPS, although not so much as to prevent it being considered by the parole hearing.

Several of the women we interviewed - those who had originally not opted-in to the VCS - told us they would 'definitely' have completed a VPS for John Worboys' parole hearing, had they been given the opportunity to do so. Another told us that while she had opted-in to the scheme she did not feel that the proforma she was provided with suited her individual needs as a victim, and she subsequently did not complete it.

MAPPA

A Multi Agency Public Protection Arrangements (MAPPA) meeting was convened in early October 2017 to discuss John Worboys and the possibility of release. John Worboys' offender manager at the time made the referral. He asked that appropriate contingences be considered if release was directed following the Parole Board oral hearing.

Following discussion at the MAPPA meeting it was agreed that the two VLOs in the case should try to contact the seven women who had previously not engaged with probation. The police were asked to identify the current contact details for the women, given that over eight years had elapsed since the original trial date. The police provided contact details for six of the seven women who had not previously opted-in to the VCS. Letters were sent out at the end of October 2017.

While the intent here was good, and further contact in this way is more than is expected within current policy guidelines, the letters sent were not specific enough. They did not tell the women that there was to be a parole hearing or that such a hearing was imminent. It did not say that there was a

very short window in which they had an opportunity to provide their views, via a VPS to the Parole Board. These letters would have been received by the women less than two weeks prior to the parole hearing, and had a return date for response which was after the scheduled hearing date.

This letter was the first evidence we saw that the NPS had asked the women how they wished to be contacted in the future. The women were not asked whether there was a more immediate way of contact for urgent messages. With hindsight, and given the pressing timescales involved at this point, the letter could have been clearer about the value of providing a quicker way for NPS to get in touch with the women.

It seems unthinking that after eight years during which the women had received little or no contact from probation, they should now be expected to respond immediately. The urgency and tight timescales were not made clear in the letter sent. The request would have arrived out of the blue, and could be anticipated to trigger an emotional response.

We spoke to the Chair of the London MAPPA Strategic Management Board. While almost all MAPPA meetings involve discussions about the needs of victims, it was unusual for victims who had not previously engaged in the VCS to be re-approached. Technically there is no mechanism whereby such victims can be asked to contribute to licence conditions prior to any release. And yet it is not unreasonable for a victim who may not want any involvement throughout the whole sentence, to still want to be asked if they wish to contribute their views about licence conditions such as an exclusion zone near their home address.

In stepping outside the VCS guidance, the decision of the MAPPA was well intentioned. Regrettably the shortened timescales and the lack of clarity and urgency in the letter meant that an opportunity was missed for the women to understand and contribute to the parole process. Moreover, clearer communication at this stage would have forewarned them of the real, if unwelcome, possibility that John Worboys could be released on parole.

How the Parole Board decision to release John Worboys was communicated to victims

NPS staff complied with the guidance. The two VLOs took exceptional steps to be able to inform victims of the decision. Victims engaged in the process were notified in a variety of ways, in accordance with previously expressed preferences, but this meant they became aware of the decision at different times. Most victims were not engaged in the process, however, and most were shocked and distressed to hear or see in media the decision to release.

The decision to release John Worboys on Parole was received in the Public Protection Casework Section (PPCS) of HMPPS on Wednesday 3 January 2018. The NPS were informed immediately after John Worboys had been notified of the decision. The Parole Board issued the detailed decision letter (dated 3 January 2018) on 4 January 2018 to the prison, John Worboys' solicitor and to the NPS offender manager. This complies with the guidance in Section 24.7 of Probation Instruction 48/2014.

The date the decision was to be announced had been known several weeks before it was made. We found evidence that the disclosure of the information to victims was discussed, and specific reference made to ensuring that the women were informed prior to any media outlets receiving the information. The Parole Board completed a communications plan, which included the provision of information with the VLOs and ultimately the women involved.

The two VLOs involved in the case cancelled annual leave to ensure they would be available to manage the disclosure. At this point five of the women were engaging with the VCS, and were

notified of the decision by a variety of methods, in line with their communication preferences. Two of the women were sent an email with the information. One of these emails was not received immediately. It appears, having spoken to the recipient, that the email was automatically forwarded to her 'junk' mail and was not found for several days, by which time she had already received the news via the media.

One of the women received a telephone call, the other two a letter in the post. Despite the recognition of the sensitivities and potential media interest in the case, the women who had opted-in to the VCS received the news at various times and dates, depending on their chosen method of contact.

We reviewed the contents of the emails and letters sent, which we were told used a templated format. It was then amended by VLOs to reflect the circumstances of each individual. Again, the style and language of the letter was not wholly appropriate; for example, the term 'disappointing' - as applied to the reaction the women may have to the news of John Worboys' release - did not, in our view, demonstrate sufficient gravitas or empathy. A copy of one of the letters is attached at Annex One, by way of example.

Included with the letter was a leaflet from the charity Victim Support. This leaflet was out of date by several years. One woman described the inclusion of this leaflet as being offensive as not only was it not current but it also asked for donations to the charity. More recent versions of the leaflet do not include this donation request, and are now being used.

Those women not engaging in the VCS did not receive notification from the VCS. The current guidance would not require the VCS to do so. Some of the women first heard about the decision to release John Worboys via media channels on 4th January 2018. Most of those who spoke to us described their shock and distress, commenting that nothing had led them to prepare for this situation.

Delivering the VCS in London

In this section of the report we describe the organisational arrangements for delivering the VCS in London.

Staff

Prior to the changes in probation services introduced by the government's *Transforming Rehabilitation* programme in 2014, VLOs had been in posts of differing grades across the thirty-five Probation Trusts nationally.

Once the scheme had moved over to the newly formed NPS, a job evaluation took place and the role of VLO was graded as a Band 3 post/ Probation Service Officer (PSO) grade.

Two Senior Probation Officers ('SPOs') manage 23 FTE VLOs across London. Since September 2017 one of these SPOs has been off on long-term absence. The remaining SPO has covered the work in this time with support from the Assistant Chief Officer. VLOs said they felt supported, and we found evidence that staff supervision had taken place.

Structure and working arrangements

The London NPS victim contact team is organised in 'pods' covering Greater London. In September 2017 the number of VLO posts across London increased from 17 to a total of 22.6 VLO posts. Currently there are five vacancies. A re-structure is underway to align the delivery of the service to the Local Delivery Unit Clusters. The team is headed by the Head of Victims and Stakeholder Engagement, who reports directly to the NPS London Director.

Allocation of cases to VLOs is based on the offender in each case. All victims of one offender or case will normally be allocated to the same VLO. Caseloads of VLOs are in the region of 200-250 cases. These cases consist of individual opted-in victims. Case allocation is essentially an administrative task completed by a Case Administrator. There is no consideration of the nature of the offence nor of any potential media interest at the time of allocation.

Unusually in this case, in April 2017 the SPO took the decision to allocate two VLOs to the case so they could support each other. It was thought this would help ensure that victim contact was dealt with appropriately.

In our 2013 inspection of Victim Contact we found that staff training of VLOs (then the responsibility of Probation Trusts) was insufficient. During this fact-finding exercise we were told by the VLOs involved in this case that they had received little or no victim-specific training. We were informed by the NPS that further training for victim staff is now planned.

Information technology

During the period reviewed, three different computer systems were used to record work with victims. The information contained in the victims' databases was not fully migrated when the systems changed, yet the cases involved can inevitably remain active for many years. For information to be lost or archived potentially affects the management of the relevant cases, as records are incomplete. It was difficult to be certain in the cases that we reviewed that all actions taken since 2009 were included in the current records.

The VCMS system was rolled out nationally in 2016 and now holds the details of all victims for whom the scheme has a statutory responsibility. It is appropriate that information about victims is dealt with sensitively and is discrete from information about the perpetrator of the offence. VLOs told us of an operational difficulty, however. Contacts or other actions have to be recorded against individual victims or 'all victims'. We were told it was not possible to make entries against multiple victims (short of all victims) without entering each piece of data separately. We saw evidence of repeated recording of information under 'all victims' which had the potential for confusion and error. For example, one woman responded to her initial contact letter in 2009 saying that she did not wish to be involved in the VCS. Her electronic record on the Victim Management System shows a significant amount of correspondence and actions that had taken place on other cases and were not related to her as an individual.

The views of some of the women

In this section of the report and for the benefit of the proposed wider review, we summarise the views of some of John Worboys' victims: we offered all the women¹⁷ who were identified as statutory victims in this case the opportunity to speak to probation inspectors, as part of this review.

Initial contact was made through a joint letter from the Chief Inspector of Probation and the Victims Commissioner, inviting them to contribute to the initial fact-finding exercise and subsequently to the fuller review of the parole process and the Victim Contact Scheme.

We were able to talk to six of the women by telephone. One woman provided her views via a questionnaire. We are very grateful to the women who took time to give us their views. They gave us powerful accounts of their experiences.

Some common themes emerged.

Initial contact from the VCS

Following the trial, the women had received information and letters from a variety of sources. Unsurprisingly, they did not always find it easy to distinguish, or to remember which part of the 'system' was contacting them. They reported a lack of clarity about which organisation within the process had responsibility for what.

One woman said that while she had kept all correspondence from the time, she had no record of ever having received anything from probation. Where other women recalled getting a letter from the Victim Contact Scheme following trial - and most did not, or were not sure - the letter was not seen as particularly important at that point. We were told by almost all of the women that they would have opted in, had they been given the opportunity to do so.

Back in 2009, the women thought that John Worboys would be imprisoned for a very long time. They talked about being relieved about not having to think about him again, with his release the last thing on their minds.

Almost all the women commented on the lack of cohesion between agencies working with them. They gave examples of one agency having their email addresses or telephone number which they felt could and should have been provided to the Victim Contact Scheme. This was commonly the police officer involved in their case. There are obvious confidentiality and data protection issues around passing on such information. However, it is not a big leap to think it could be possible. One woman said, *"it's an impenetrable process - there are "so many different bits of it"*.

Being kept informed

Most women said that their addresses had changed over the period since John Worboys' conviction. They had, however, maintained the same email address and telephone number throughout this period. None of those spoken to recalled being asked what their preferred method of contact was. Some assumed that someone in the system would have their contact details and that these would be used if necessary.

¹⁷ With the exception of one woman who had made it clear on two occasions that she did not wish contact with the scheme.

One woman said *“It appears that the longer the sentence the greater the likelihood that contact details change – or database updated – and victims seem to drop off the radar. So, the more serious the case, the longer the sentence, and the less likely it is that victims can be contacted further down the line. That needs to be looked at”*.

On the other hand, one woman who had opted-in was clear that she preferred contact by letter as that gave her control of when and where she read it, could prepare herself and ensure she had support, and would then be able to file it away.

Several women thought that the scheme should be on an opt-out basis rather than an opt-in one. Women said that shortly after trial wasn't necessarily the right time to decide whether to opt-in or not. One said that the *“contact scheme could run on opt-out rather than opt-in basis. It's difficult for me to cast my mind back to the time after the trial. Many people may not want to jump back in. You are fed up with amount of emotional time and energy that being a victim has taken”*.

Those women who opted-in to the VCS said that they had received some annual updates but not always. Others talked of receiving some correspondence from the Criminal Cases Review Commission around the time of the outcome of John Worboys' appeal in 2015. Understandably, they were not able to be clear about which service had provided which piece of information to them.

Preparation for the offender's release

The women said that when they didn't hear anything for a number of years, they believed 'no news to be good news'. They assumed they would be informed well in advance of any release plans. They were therefore shocked, angry and distressed to find out about release 'out of the blue' when it had already been decided. Some made the point that it had only been two or three years since John Worboys had been appealing. They had simply not expected him to move so quickly to a point where his release was a possibility.

Most of the women we spoke to had not known about the parole hearing for John Worboys, nor that there was an opportunity for them to contribute their views at that point. All of them said that they would 'definitely' have completed a Victim Personal Statement for the Parole Board hearing, had they been given the opportunity to do so. One woman said, *“The thing that upsets me the most is that the Parole Board hadn't heard from all victims. If it had – it may have made a difference”*.

Most of the women we spoke to said that they found out via the media on or around 4 January 2018 that John Worboys was going to be released. Their distress, anxiety and disbelief at finding out that John Worboys was to be released from custody was palpable. This was further compounded by the method by which they received the news. Several noted their urgent need for information at that point, and their frustration about their search for the right agency to provide this.

Soon afterwards, all had contact with the NPS, but for some this was their first experience of contact. They said that while everyone was being supportive and helping with the determination of licence conditions, that this had come rather too late. Several women said they felt very much that this was an after-thought. One woman said that *“Because I haven't been given the opportunity to contribute up to now, it feels like I'm getting involved to strengthen the case for release”*.

Most of the women we spoke to made the point that the real source of their distress was the decision to release John Worboys. This was compounded by the way in which they found out. Some commented that they felt that probation were in a difficult position in trying to manage this and were grateful for the support they had recently received from the VCS.

Considerations for the proposed wider review

The VCS was conceived at a time when the needs of victims had come to the fore in the criminal justice system. Locating the scheme within the probation service was seen as a way of ensuring that the processes designed to manage offenders were informed by an understanding of the crime from the victims' perspective. Communication between the constituent parts of the system would be facilitated by co-location within the same organisation. At the same time, communication with the victims would be sensitive and timely. The wishes of those who chose not to opt-in would be respected.

Whilst this remains appropriate, the rapid expansion of social media and the speed with which information can be transmitted mean that it is now much more difficult to avoid being party to information from one source or another.

In our view, it would be helpful if the issues below were considered in the forthcoming wider review.

Initial contact with victims

The wider review should consider how best to manage initial and early contact with victims, given what we understand from the women we have spoken to in this case.

Not all victims want to opt-in to the VCS. After a protracted and traumatic court case, it is understandable that some may wish to forget the whole event. Many will have had contact with numerous agents of the criminal justice system. A letter received from yet another organisation, soon after the trial, may not be welcomed, and may not be seen as holding future significance.

As the scheme is now, however, the letter holds the key to whether, some years hence, the victim will be provided with information and asked to contribute their views on offence impact and potential license conditions, to inform a parole decision.

Approaching victims relatively soon after the court hearing makes good sense, to provide information quickly. However, within a short period of the sentence the victim may not have fully thought through how they feel. They will not know how they will feel in the future, nor how much information they wish to receive. Talking about an offender's potential release at the beginning of their sentence is unlikely to be what any victim of a serious offence wishes to hear.

Having not opted-in to the scheme by responding to the initial letters, those victims in this case were seen as having opted-out. From the perspective of the NPS, this is understandable. It had done what it was required to do. Continuing to attempt to make contact could have been perceived as harassing people who wanted to put the past behind them and get on with their lives. And yet the women we spoke to described how difficult it was to remember that period. If they did receive the letter, they did not recognise its import. The letter clearly did not convey its significance.

Continuing contact with victims

The wider review should consider whether and how the VCS can always be sure it can contact victims who have opted-in, and that those victims are contacted in the ways they wish. Important and urgent information should be conveyed promptly and in ways that make sure the victim knows.

There is nothing in the current guidance that mandates VLOs to check with victims periodically how they want to be contacted. It is reasonable to assume victims would like to be asked the best way

they should be contacted. Two women told us that they preferred an approach by letter so that they could be in control of when they received information. Others said they would have liked to have been contacted by telephone when being told about the decision to release John Worboys.

The most serious offences, with arguably the most impact on victims, will often receive lengthy sentences. There will therefore be a gap of several and perhaps many years between any initial offer of contact and any consideration of release. In that time, individual victims' contact details are likely to change, as we found in this case. The NPS does not currently chase contact details, cross-reference contact information with other organisations involved or make any other attempts to keep in touch with victims who lose touch.

With the benefit of hindsight, it is easy to suggest that email and mobile phone contact details would have been more reliable than postal addresses, but there is no means of knowing to what extent – nine years ago – these would have been the preferred means of communication of the women involved.

Some of the women we spoke to had contacted the police after finding out in the media that John Worboys was to be released. This was sometimes a specific police officer with whom they had formed a close connection during the court case. There was no sense that the VCS would be their first point of contact. Indeed, we were left with a sense that the VCS was very much on the periphery of the wider offer available to victims.

Technology has moved on since 2009 and continues to do so. We live in a world of social media and 24-hour news, making it even more crucial that victims are informed of critical points in a sentence – especially release decisions – before they find the information elsewhere and in the public domain. There are also likely to be secure information technology solutions that could facilitate timely and confidential information provision to victims.

Communication about the parole process

The wider review should consider from first principles how best to communicate with victims about the parole process.

The speed of modern communication through social media has introduced a new dimension to the already complex processes for informing all the relevant parties about a parole hearing and decision.

We suggest that as first principles, those personally affected should have the opportunity to prepare themselves for whatever decision the Parole Board subsequently make. They should be informed promptly and sensitively of the decision made, and be told in clear and understandable terms what any decision to release will mean in practice. In release cases, they should be told and given the chance to absorb the information before it is generally released.

We do not underestimate the complexity of achieving this in a way that meets the different needs of all involved. Modern technology may assist.

The NPS have advised HMI Probation that they intend to amend guidance for VLOs. This will emphasise the need for clear and effective victim contact strategies whatever the outcome of the Parole Board's decision. It will also highlight the risk of delaying contact with victims until it is too close to the parole hearing for them to make a VPS. This will help, but more radical solutions may be needed.

Victim Contact Scheme

The wider review should consider how to best guarantee good quality work, time after time.

Nationally, 40,000 victims are managed by the VCS, with 4,000 in London. VLOs are not qualified probation officers, by and large. Many have high caseloads and all are managing emotionally demanding work. The VCS staff that we met showed commitment and dedication to their roles and a desire to do right by victims. In this case, staff came in from annual leave to ensure they could contact those women subject to the VCS procedures when the Parole Board decision was received.

Nevertheless, the quality of work needs to improve. Letters are sometimes badly written. They do not always address the victim correctly. They can be sent to unverified or wrong addresses. They can fail to convey the necessary information or convey it in ways that are not readily understood. Victims find these shortcomings discourteous at best, and often upsetting. These common failings can also jeopardise their anonymity.

The NPS has already committed to provide more training for VLOs and to improve the quality and consistency of correspondence. The NPS Victims' Policy Team are working with the NPS national training team on a more comprehensive training package which will be available to all PSO staff commencing the VLO role. It is anticipated this training will be rolled out nationally from May 2018. There is to be a qualification which includes specific modules relating to victim work. This is an evidence based qualification which is available to all existing VLOs and is mandatory for all new Band 3 operational NPS staff. This qualification will ensure that staff working with victims have a specific qualification as recommended by the Victims Commissioner.

Roles and responsibilities

The wider review should consider the roles and responsibilities of those involved with victims and whether different arrangements are needed in relation to applications for parole

The developments outlined immediately above will help, but a more fundamental question remains about the most appropriate location for a service that keeps victims informed about the offender's progression through their sentence. It was notable that the women we spoke to were, by and large, confused about the range of agencies involved with victims. For several, their police contact had been the most obvious potential source of information, and they turned there for advice when the case made press headlines.

Parole board decisions are particularly important to victims, whether or not they have opted-in to the scheme. Yet under the current arrangements, the NPS retains responsibility for liaison with opt-in victims. No one is responsible for approaching victims who have opted-out but who may now want to participate in relation to a parole hearing.

Victims who opt-in to the scheme are informed periodically of developments during the period the offender is detained, and of any application for parole. Applications for parole are of a different order, and are much more significant than periodic updates. They are significant for victims, whether or not they opted-in to the scheme, but the current arrangements do not recognise that.

Non-statutory victims

The wider review should consider the current policy and practice in relation to victims who fall outside the statutory remit of the Victim Contact Scheme.

In this case, there were victims who could have opted-in to the scheme on a discretionary basis. Policy and guidance has since been tightened. This may well be appropriate but the wider review will wish to reflect on this victim category.

Annex A: Parole outcome letter



Victim Contact Service

PRIVATE & CONFIDENTIAL

Ms XXXXXXXXXXXX

Mitre House, 4th Floor 223-237 Borough
High Street,
London, SE1 1JD
Tel 020 7867 4242
Fax 020 7867 4243

XXXXXXXX@probation.gsi.gov.uk
www.gov.uk

Date: 3rd January 2018

Dear XXXXXXXXXXX,

You may remember you requested to be kept informed of developments in the offender's sentence.

The offender will be referred to by his initials **J.W.** in this letter and all future written contact. I would like to stress that we have no direct contact with the offender in this case, this is carried out by the Offender Management section of the Probation Service.

Since our last contact with you I can confirm an Oral Hearing was heard on 8th November 2017 to consider the offender's release back into the community. After reviewing his case, the Parole Board has made a decision to **grant** his application for Parole and he is due to be released end January 2018. Once the offender has actually been released into the community a further letter will be sent to you to confirm this.

The following Licence condition will be placed on his Licence:

- **Not to approach or communicate, directly or indirectly, the victims of the index offence without prior approval of the Supervising Officer.**

J.W will be subject to other stringent licence conditions including weekly reporting to his supervising Offender Manager. As this offender was given an Indeterminate Public Protection sentence he will be on Licence for the foreseeable future. The Supervision element of the Licence will last for a minimum of 10 years, after which the Parole Board may decide to revoke the licence. Any breach of licence conditions can result in offender being recalled to prison and a decision will be made by the Parole Board about when he can be re-released on supervision. I will update you should this be the case.

I appreciate that this news may be disappointing to you and I would like to send my apologies if this letter has caused you any further distress. If you have any queries relating to this case or the information provided in this letter please do not hesitate to contact our department on 020 7867 4242 Monday to Friday during office hours.

I enclose the numbers of organisations or charities that you may find useful if you feel that you may require any further support:

- Victim Support: Email: www.victimsupport.org.uk - Victim Support line Tel: 0845 30 30 900
- Rape Crisis: Email: rapecrisis.org.uk – general enquiries: rcewinfo@rapecrisis.org.uk
- National Women’s Aid: Email: womensaid.org.uk - Helpline – 0808 2000 247

Yours sincerely

XXXXXXXXXXXXXX

Victim Liaison Officer