 Regulatory Policy Committee	Opinion	
Impact Assessment (IA)	Improving the code of practice for victims of crime	
Lead Department/Agency	Ministry of Justice	
Stage	Final	
IA number	MOJ208	
Origin	Domestic	
Expected date of implementation (and SNR number)	Autumn 2013	
Date submitted to RPC	28/06/2013	
RPC Opinion date and reference	26/07/2013	RPC13-MOJ-1710(2)
Overall Assessment	GREEN	
RPC comments		
<p>The One-in, Two-out (OITO) assessment appears to be robust. However, there are some areas of the IA that the Department should address before publication.</p>		
Background (extracts from IA)		
<p>What is the problem under consideration? Why is government intervention necessary?</p>		
<p><i>“The Code of Practice for Victims of Crime (Victims’ Code) sets out how victims should be treated by the criminal justice system. Presently the Code is not a very accessible document for victims. The Government is consulting on how to revise the Victims’ Code so that victims are clear about the services they are entitled to receive from criminal justice agencies under the Code and so that agencies can better tailor services to individual needs. Only the Government can revise the Victims’ Code under section 32 of the Domestic Violence, Crime and Victims Act 2004 and this is the first time that the Victims’ Code has been revised since its introduction.</i></p>		
<p><i>Victims and the public at large need to have confidence in the system. There is a link between victims’ satisfaction and confidence with the criminal justice system and their willingness to engage with the system in the future. By revising the Victims’ Code to make it more user-friendly and by improving the transparency of the complaints process, the Government aims to improve victim confidence and engagement.</i></p>		
<p><i>Victims do not currently have a loud enough voice in the criminal justice process and anecdotally victims and witnesses often feel that they are accessories in the criminal justice system (CJS). The Government aims to strengthen the voice of victims in the criminal justice system. The Victim Personal Statement (VPS) will be included in the Victims’ Code for the first time. All victims will be entitled to make a VPS at the same time as they make an evidential witness statement.</i></p>		
<p><i>The Government is revising the Code as part of its wider domestic policy strategy to reform the CJS and to improve services and support to victims and witnesses. The revised Code will also transpose part of the EU Directive establishing minimum standards on the rights, support and protection of victims of crime, which</i></p>		

is due to come into force on 16 November 2015 along with part of the EU Directives on human trafficking and on child sexual exploitation.”

What are the policy objectives and the intended effects?

“To improve victims’ experience of, and satisfaction with, the criminal justice system.

To make the criminal justice system easier to understand for victims of crime by creating a set of clear entitlements of what victims can expect from the services provided by criminal justice agencies at each stage of the criminal justice process. The level of such services will vary according to need.

To provide an enhanced level of service for victims of serious crime, vulnerable and intimidated victims (including all victims who are under 18 years of age) and the most persistently targeted and to allow criminal justice agencies to tailor and focus services to those most in need.

To provide an entitlement enabling all victims of criminal conduct who make an evidential witness statement and all victims in the three groups listed above (victims of serious crime, vulnerable and intimidated victims and the most persistently targeted) to make a VPS, giving them a stronger voice in the criminal justice process. All businesses will also be able to make an Impact Statement to explain the impact a crime has had upon them.

To create a more transparent, user-friendly and effective process of registering complaints for victims of crime.

To signpost and offer information on Restorative Justice (RJ) to victims, where available within existing capabilities. This information on RJ will be provided to victims of adult offenders for the first time. The existing Code only provides information for victims where the offender is under the age of 18.”

Comments on the robustness of the OITO assessment

The IA does not include a specific OITO section but the summary sheet states that the proposal is out of scope of OITO. Our Consultation Stage opinion (25/02/13) indicated that the Final Stage IA should consider whether there were any direct impacts on civil society organisations. The Department has addressed these points in the Final Stage IA (paragraphs 74-75). The Department explains that there are no obligations on civil society organisations in relation to the VPS under the revised Code. Should a civil society organisation choose to undertake this service, it is expected that their costs would be “...*built into the contractual agreement so that they are remunerated appropriately, or can absorb the costs from existing funding streams if they choose to do so.*” (Paragraph 74).

This proposal would therefore appear to have no direct impacts on business or civil society organisations and is therefore out of scope of ‘One-In, Two-Out’ (Better Regulation Framework Manual - paragraph 1.9.8. i).

Comments on the robustness of the Small & Micro Business Assessment (SMBA)

The IA has a Small Firms Impact Test which states that “*The provision for small firms to make a VPS is contained in the current Victims’ Code. Therefore we do not expect any additional impact them by these proposals.*”

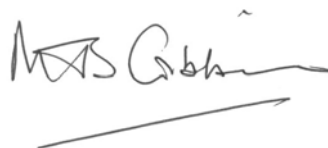
It would therefore appear that the proposal does not result in any direct impacts on small firms. It would also appear that the proposal is due to come into force before April 2014. However, the Department should have addressed explicitly whether an SMBA was required.

Quality of the analysis and evidence presented in the IA

The Department has sought to address the comments made in the RPC’s Consultation Stage opinion. In particular, the Department has monetised the cost to Criminal Justice Agencies in relation to reforms of the VPS (paragraph 70). However, there are some areas of the IA that the Department should address before publication. These do not affect the OITO assessment.

- a) It is not clear that some other impacts could not have been monetised. In particular, given that there are “*estimates available on the time taken to carry out current needs assessments*” (paragraph 66) it is not clear why, with assumptions, an estimate could not have been made for the cost of the amended needs assessments under option 1(a);
- b) the IA should explain how the estimated 200,000 additional VPS (paragraph 70) was calculated and provide further details on the hourly cost used (footnote 11), in particular whether the latter is consistent with Annual Survey of Hours and Earnings (ASHE) data;
- c) the 10 year present value (paragraph 81) figures for annual cost appear to be incorrect, with the upper estimate seemingly undiscounted;
- d) the information at paragraph 83 seems to suggest strongly that costs are likely to be nearer to the upper estimate but this is not reflected clearly in the IA;
- e) the explanation of the EU’s Victim Directive (pages 18-20) and how the proposals here relate to that could have been clearer;
- f) paragraph 104 states that the additional requirements under option 1(d) will be “*funded by existing budgets*” but does not acknowledge the opportunity cost involved.

Signed



Michael Gibbons, Chairman