

## **Criminal Justice Board**

**30<sup>th</sup> April 2018, 9:00-10:30AM**

Attendees:

- Lord Chancellor and Secretary of State for Justice (The Rt Hon David Gauke MP)
- Attorney General (The Rt Hon Jeremy Wright QC MP)
- Parliamentary Under Secretary of State for Crime, Safeguarding and Vulnerability (Victoria Atkins MP)
- Parliamentary Under Secretary of State for Youth Justice, Victims, Female Offenders and Offender Health (Dr Phillip Lee MP)
- President of the Queen's Bench Division (Sir Brian Leveson)
- Senior Presiding Judge (Lady Justice Macur)
- Commissioner of the Metropolitan Police Service (Cressida Dick)
- Chair of the Youth Justice Board (Charlie Taylor)
- Director of Public Prosecutions (Alison Saunders)
- Chair, National Police Chiefs' Council (Sara Thornton)
- Chair, Association of Police and Crime Commissioners (David Lloyd)
- Director General, Justice Courts Policy Group, MoJ (Mark Sweeney)
- Director General, Offender Reform and Commissioning Group, MoJ (Justin Russell)
- Director General, Crime Policing and Fire Group, Home Office (Scott McPherson)
- Chief Executive, HM Courts and Tribunals Service (Susan Acland-Hood)
- Chief Executive, HM Prison and Probation Service (Michael Spurr)
- Victims Commissioner for England and Wales (Baroness Newlove)
- Dame Vera Baird QC, Police and Crime Commissioner for Northumbria
- Director, Family, Criminal and Justice Policy, MoJ (Nicola Hewer)
- Deputy Legal Secretary and Head of Operations, Attorney General's Office (Michelle Crotty)
- Deputy Director, Victims and Witness Policy, MoJ (Catherine Hinwood)
- Deputy Director, Police Powers Unit, Home Office (Sarah Gawley)

Apologies:

- Justice and Home Affairs Adviser, Policy Unit, 10 Downing Street (Michael Livingston)

### **Agenda item 1: Introduction**

1. The Justice Secretary welcomed members to the meeting, including Charlie Taylor, Chair of the Youth Justice Board. He said it was important that youth justice had a voice at the CJB. He added that Baroness Newlove, Victims Commissioner for England and Wales, and Dame Vera Baird QC, Association of Police and Crime Commissioners Victims portfolio lead, would join the CJB for the agenda item on Code Compliance.

### **Agenda item 2: Reforms to pre-charge bail**

2. Sarah Gawley, Home Office, updated the Board on the action plan that the CJB had commissioned from the Home Office. There were concerns that the police had largely stopped using bail despite guidance on the changes, but the matter was receiving

attention. The Policing Minister wrote to all Chief Constables to ask them to review police forces' use of bail following his attendance at the previous CJB, and the National Police Chiefs' Council was liaising with domestic abuse leads to address concerns about vulnerable victims. Pre-charge bail was a standing agenda item at NPCC meetings. One concern was that there was wide regional variation by forces in the use of bail. Chief Constable Nick Ephgrave was pursuing this with the police service, with research underway across 12 forces to understand the regional variation.

3. The Home Office was exploring the connection between bail being used less and decreases in early guilty pleas, the impact on the number of ineffective trials, and increases in the remand population. The NPCC was also looking at whether police investigations were getting longer, now that the deadlines associated with bailed cases were no longer there.
4. The Justice Secretary asked whether the Home Office's update reflected Board members' understanding of how the changes to bail had affected the criminal justice system.
5. Sara Thornton, NPCC Chair, said that the police took this seriously, and that it thought that it was implementing the Home Office's will. The law had changed, so that the presumption was that police officers would release suspects without using bail unless there was a compelling reason to use pre-charge bail. The police needed better guidance from the College of Policing.
6. The Attorney General said that the CJB was not criticising the police, but it was not clear whether postal requisitioning and bail were being used for the right cases. He added that bail was exactly the kind of issue that the CJB should be addressing, and the work done so far on pre-charge bail demonstrated the positive impact that the CJB could have.
7. David Lloyd expressed the concern that we kept looking for more data, but it was already clear that far fewer people were being bailed, and we needed to do more than gather yet more evidence. The policy intent had been to stop bailing suspects for extended periods of time, but he was concerned that we had swapped bailing people for extended periods of time for releasing people under investigation for extended periods of time.
8. The Senior Presiding Judge said that we needed a better understanding of how long police investigations were lasting. Getting sensitive cases to court quicker made justice outcomes fairer in all cases. We needed to know how long the whole investigation was taking. The MPS Commissioner said that this was difficult. Susan Acland-Hood said that we had data on certain parts of the process, from offence to charge, for example, but not all the way through.
9. The President of the Queen's Bench Division said that we were generating the right discussion on pre-charge bail. What had been legislated for was being delivered, and we now had to address the impact of the changes.
10. The Crime and Safeguarding Minister said that the Home Office was concerned about victims and witnesses. The Home Office had changed the law to try to speed up investigations. She said that HO would raise this at the next HO-chaired interministerial group on domestic violence.

11. The Board agreed to return to the issue in the near future, at a time when it had all the information necessary to review progress.

### **Agenda item 3: Compliance with the Code of Practice for Victims of Crime**

12. Catherine Hinwood introduced the paper on Code Compliance. MoJ was working with partners to create a cross-system victims' strategy, of which compliance would form a key part. Compliance in respect of victims and survivors of child sexual abuse had also been raised as a concern in the recent interim IICSA report.

13. The CJB was being asked to agree the need for a cross-government approach aimed at improving data and transparency on whether victims are receiving their entitlements in the Code; whether criminal justice agencies are meeting their obligations under the Code and if resources should be focused on monitoring the top five entitlements victims have identified as being most important to them. It was also being asked to agree with the need for local monitoring and who should oversee this together with what role was envisaged for the CJB in providing national oversight. It was recognised that providing a good service to victims was more than simply just monitoring numbers, as it was equally important to assess the quality of the services to avoid it becoming a tick-box exercise.

14. Dame Vera Baird said that Police and Crime Commissioners were already undertaking compliance work, and were collecting survey data on victim satisfaction. They were seeking to drive this through Local Criminal Justice Boards, as those groups brought together those with responsibility for delivery. A key challenge was that victims did not know which agency was responsible for which entitlement, and national criteria for collecting data on entitlements were needed.

15. Baroness Newlove agreed that compliance varied regionally and by agency. Survey data suggested that in some areas, only 20% of victims were being offered the opportunity to make Victim Personal Statements. She reiterated a need for a Victims' Law. She also agreed that PCCs should be responsible for compliance as it would set a clear line of responsibility for the public. She suggested that national oversight would sit best with the Victims' Commissioner and emphasised that victim services should not be just transactional, as victims needed good quality support. If focus was only on the metrics, it ran the risk of hitting the target but missing the point.

16. Charlie Taylor said that the paper was very helpful, and suggested that it would be useful to disaggregate data on children.

17. Cressida Dick supported PCCs being responsible for compliance, noting the need for local accountability combined with national standards. She added that it was important to inform victims when an out of court disposal was chosen.

18. Alison Saunders suggested that a single point of contact was needed to help victims to make sense of the system. She supported the involvement of LCJBs, and the notion that the CJB should have national oversight.

19. David Lloyd agreed that a single person needed to be responsible for compliance. He was concerned that phrases in the current Code, such as, 'where circumstances permit', made it hard to hold some agencies to account.

20. Sir Brian Leveson agreed that a single person needed to be responsible for compliance across the piece. He commented that at least four of the highlighted entitlements were about keeping victims informed and that they concerned different CJS processes, which ran a risk of falling between different stools. Someone needed to be responsible for delivering all of the entitlements. He saw PCCs as being the best candidate for this process.
21. The Attorney General noted that the paper was perhaps not ambitious enough and it was necessary to look at a better way of delivering information.
22. Dame Vera Baird suggested that victims' representatives could be used or PCCs could be given responsibility to appoint an individual to be held to account.
23. Sara Thornton cautioned against creating a bespoke data selection and noted that officials should look at whether the data was already collected elsewhere in the system.
24. The Crime and Safeguarding Minister noted the work of the Victims of Terrorism Unit in signposting victims to support. She supported the recommendations of the paper.
25. Susan Acland-Hood emphasised the value of direct research – talking to complainants. She noted the potential GDPR implications of data collection.
26. The Victims Minister thanked the team for their work. He noted the need for services to be resilient, particularly given the potential rise in victims coming forward due to the IICSA investigation and DA Bill. He noted the importance of concentrating resources and having one person with responsibility.

#### **Agenda item 4: Any Other Business and future CJB meetings**

27. It was agreed that the next (July) meeting should focus on the following two items: disclosure; and the role of the PCC in the local CJS.
28. The Board also agreed to discuss Common Platform in the context of Court Reform and the Crime Programme at the following meeting, and to bring pre-charge bail back to this meeting.
29. The President of the Queen's Bench Division asked if we could revisit the mental health discussion that we had with the Health Secretary.
30. The Senior Presiding Judge cautioned against overloading CJB agendas, saying that having two substantive items for each meeting was enough.
31. Mark Sweeney said that we would bring a snapshot of items back to each meeting, to enable the CJB to track progress on issues that it discussed.