

Updates in the draft new Victims' Code

Overview

The Victims' Code (the Code¹) is a practical and useful guide for victims of crime to understand what they can expect from the criminal justice system. It sets out the minimum level of service that victims should receive in England and Wales.

While the Victims and Prisoners Bill (the Bill) details four key principles that the Code must reflect and sets the framework that the Code must follow, the detail of how and when the services are to be provided to victims sits in the Code itself. More information about the Code and how it relates to the Bill is in the Victims' Code policy paper.²

In April 2021, the Code underwent a comprehensive update, which included extensive consultation with stakeholders and the public and resulted in a user-friendly version setting out the 12 key entitlements for victims. We are not proposing to revise the whole Code again, but we will consult on a new Code under the Bill after Royal Assent, which will update it to strengthen it and to ensure it reflects the latest legislation and guidance.

This draft Code is not a final document, and we have indicated below some of the areas we plan to consult on. We will work with agencies, Commissioners and other interested parties as we develop this new Code for public consultation during the Bill's passage through Parliament, to enable us to consider any revisions that may arise during this process.

At this stage, we are publishing a provisional draft of the new Code to demonstrate the commitments to changes so far, which reflect:

- the changes detailed in the Victims and Prisoners Bill;
- the Government's existing commitments following consultation and pre-legislative scrutiny;
- the latest legislation introduced since the last update of the Code;
- minor technical and ordering changes to improve clarity and accuracy.

1 The Code of Practice for Victims of Crime in England and Wales and supporting public information materials - GOV.UK (www.gov.uk)

2 Fact sheet: The Victims' Code (publishing.service.gov.uk)

Proposed changes to the Victims' Code

1. Clarifying the four overarching principles that the Code must reflect

The draft Code sets out the four overarching principles enshrined in the Victims and Prisoners Bill, making it clear that the Code must reflect these and setting out how it does so.

2. Updating who is defined as a victim under the Code

In line with the Bill, the draft Code now clarifies that a victim includes those who have suffered harm as a direct result of:

- **Criminal 'conduct' – rather than a criminal 'offence'.** This updated language makes clear that it is not necessary for there to have been a charge or conviction in order for a person to be a victim under the Code. This matters because some entitlements apply before these points.
- **Being born as a result of rape.** We have now made it explicit that those who have suffered harm because they were born as a result of rape are considered to be victims under the Code.
- **Witnessing criminal conduct.** We have updated the language to make it clearer that witnesses are eligible to receive certain services under the Code if they have suffered harm as a direct result of witnessing criminal conduct.
- **Seeing, hearing, or experiencing the effects of criminal conduct involving domestic abuse as a child under the age of 18** where the person being abused or perpetrating the abuse is related to the child or has parental responsibility for them. We have made it clear that children in these circumstances are victims in their own right to ensure that this reflects the legislative definition of child victims of domestic abuse (the Domestic Abuse Act 2021).

Some further technical amendments have been made to clarify who may come under the definition of close family members bereaved by crime, and that a 'nominated family spokesperson' for those families is not defined as a victim but may receive Code entitlements on their behalf.

3. Setting out where some entitlements will apply to all victims

Rights 1, 4 and 12 (relating to being able to understand and be understood, having support services, and making complaints about rights not being met) continue to apply to all victims, including those in the updated definition as set out above. Right 4 has been amended to clarify that access to support services can apply regardless of interaction with the criminal justice system. This can be through contacting them directly, and/or through police referrals for those subjected to crime or bereaved by crime.

We have clarified that Enhanced Rights under the Code – such as receiving information sooner from agencies in cases – continues to apply to victims who have been subjected to or bereaved by crime. Separately, the Witness Charter sets out how witnesses can access additional support while going through the criminal justice process.

Different entitlements will continue to apply differently depending on a range of factors including where the victim is a child, the nature of the crime, and the circumstances by which someone is made a victim of that crime. We will consider with affected agencies and during consultation whether further detail in the Code is needed.

4. Reflecting the new duty from the Bill on relevant bodies to promote awareness of the Victims' Code

The draft Code reflects the new duty as set out in the Bill for relevant bodies to promote awareness of the Code, so that victims know what to expect from the system. This is included in Right 3 – 'to be provided with information when reporting a crime' which will ensure that oversight of the delivery of this duty can be incorporated into the new Code compliance framework that will be implemented by the Bill.

5. Reflecting the new duty from the Bill on Police and Crime Commissioners to keep compliance under review

The draft Code reflects the new duty as set out in the Bill for Police and Crime Commissioners to keep compliance with the Code in their local area under review. This is included in the section of the introduction that sets out 'the role of the Police and Crime Commissioners'.

6. Setting a new requirement for the CPS to meet victims in certain cases

The draft Code sets out a new provision which will require the Crown Prosecution Service (CPS) to offer to meet with adult victims of rape and other serious sexual offences once it is known that a case is proceeding to trial. This is reflected in Right 8 – 'to be given information about the trial, trial process and your role as a witness'.

The measure is targeted at supporting this group of victims, as we know many withdraw before the case even gets to court. Improved communication with the CPS will help give them confidence in attending court, by discussing their concerns about giving evidence and by clarifying access to special measures that are available to support them.

We continue to work closely with the CPS and the Attorney General's Office to develop the operational detail for these meetings. We recognise that meetings may benefit others. We are open to considering future expansion to other vulnerable groups, subject to the results of careful evaluation of how this offer works for victims of rape and other serious sexual offences.

7. Amplifying victims' voices in proceedings

- We have added an indication of the ongoing work with the judiciary to introduce an additional entitlement for victims eligible for the Victim Contact Scheme (which includes victims of sexual and violent crimes) to be able to submit a **Victim Personal Statement to the Mental Health Tribunal**.³ This would apply in cases where the release of the offender detained under the Mental Health Act is being considered, to provide an opportunity for victims to explain the impact of the crime on them. It would bring victims' entitlements more in line with those in the Parole Board process. While this policy is a matter for government, the drafting of rules to make this work in practice is a matter for the independent Tribunal Procedure Committee. We have indicated where information will be included for future consultation, under Right 7 – 'to make a Victim Personal Statement' and Right 11 – 'to be given information about the offender following a conviction'.
- We have added information about **Community Impact Statements** to the draft Code under Right 7 – 'to make a Victim Personal Statement'. This is indicative of the information we might include to increase awareness of these and how they may be used. We are undertaking research to better understand how they may be used most effectively, following the Justice Select Committee's recommendation to do so to identify what information might be most useful and how we might support any further promotion of their use.

³ Tribunals which exercise their functions solely in relation to Wales are devolved, which includes the Mental Health Review Tribunal for Wales, and the Welsh Government is considering whether this element of the code will apply in Wales.

- We have added more detail about the **Victims' Right to Review schemes** to the draft Code under Right 6 – 'to be provided with information about the investigation and prosecution' - and made clear that the police and the CPS must provide information about how the schemes operate and the possible outcomes. This responds to requests for further clarity in this area.
- We have updated Right 6 – 'to be provided with information about the investigation and prosecution' – to show that victims can give their views on conditions to be imposed on a suspect who is released on **pre-charge bail** (in line with the Police, Crime, Sentencing and Courts Act 2022).

8. Reflecting changes within parole proceedings

We have reflected changes to the Parole Board Rules and measures in the Bill, which expand victims' entitlements in the parole process. This is in Right 11 – 'to be given information about the offender following a conviction'. These measures will allow victims to:

- make submissions to the Parole Board;
- apply to the Parole Board for the hearing to be held in public, and
- have their views submitted to His Majesty's Prison and Probation Service (HMPPS) and the Parole Board if someone else applies for a public hearing.

9. Reflecting data privacy updates

We have included information about victims' entitlements regarding the digital extraction of victims' personal information from their electronic devices (such as mobile phones). This has been added to the introduction section. This clarifies that the police can only take information relevant to the investigation, and that when a request for information is made, victims must be informed about what information is being requested and why, how it will be used, and they must be told about their right to not agree to hand it over. This reflects the new legislative provisions from the Police, Crime, Sentencing and Courts Act 2022.

The Government will legislate to ensure that police requests for third party material about victims are proportionate and appropriate to an investigation. Third party material can include personal information, such as education records, medical files, local authority records, or counselling notes. We will consider how we can make sure that the new Code reflects the most up to date information on these measures.

10. Other updates

We have updated section 2.8 (under Right 2 – to have the details of the crime recorded without unjustified delay') in the Code to make it clear that victims can request a police interviewer of the 'sex' of their choice, rather than the 'gender'. This is not a policy change but clarifies a misunderstanding that victims may have been prevented from expressing a preference in relation to the biological sex of their interviewer.

We have expanded the examples of types of support services that victims may access under Right 4 – 'to access services that support victims and have services and support tailored to your needs'. This reflects the importance of a varied support sector which is crucial to help meet the diverse needs of victims.

We have also made a technical amendment to better reflect the eligibility for support from the National Homicide Service which is available when a murder or manslaughter has occurred.

Changes to be included in our consultation on the new Victims' Code

As set out above, we will be consulting on a new Victims' Code ahead of laying a final version in Parliament. The current draft is our starting point for these changes. We are open to issues that will be raised during passage of the Bill, and there are already some specific areas we plan to consult on for considering further changes. These include:

- **Police interviewing processes.** We will consider how to reflect operational discretion in facilitating victims' requests for an interviewer of the sex of their choice, where this might limit the effectiveness of the police investigation.
- **Measures relating to data privacy.** We will consider how we can make sure that the new Code reflects the most up to date information on this issue, including whether a dedicated section covering victims' entitlements in relation to data privacy would be useful.
- **Reflecting children's distinct needs.** We will consider how the Code's entitlements specifically address children's needs, including where we can strengthen this to ensure children are effectively supported through the criminal justice process.
- **Information relating to Victim Personal Statements.** We will consider if there are opportunities to be clearer about the use of Victim Personal Statements in the criminal justice process.

We are committed to working closely with agencies, Commissioners, and other interested parties to understand what could be further strengthened in the Code prior to consultation and laying a final version in Parliament. A draft of the new Victims' Code is set out below.



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Draft Code of Practice for Victims of Crime in England and Wales



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Summary of Victims' Rights

Right 1

To be able to understand and to be understood

You have the **Right** to be given information in a way that is easy to understand and to be provided with help to be understood, including, where necessary, access to interpretation and translation services.

Right 2

To have the details of the crime recorded without unjustified delay

You have the **Right** to have details of the crime recorded by the police as soon as possible after the incident. If you are required to provide a witness statement or be interviewed, you have the **Right** to be provided with additional support to assist you through this process.

Right 3

To be provided with information when reporting the crime

You have the **Right** to receive written confirmation when reporting a crime, to be provided with information about the criminal justice process and to be told about programmes or services for victims. This might include services where you can meet with the offender, which is known as Restorative Justice.

Right 4

To be referred to services that support victims and/or to contact them directly and have services and support tailored to your needs

You have the **Right** to be referred to services that support victims and/or the **Right** to contact them directly, and where appropriate to have your needs assessed so services and support can be tailored to meet your needs. If eligible, you have the **Right** to be offered a referral to specialist support services and to be told about additional support available at court, for example special measures.

Right 5

To be provided with information about compensation

Where eligible, you have the **Right** to be told about how to claim compensation for any loss, damage or injury caused as a result of crime.

Right 6

To be provided with information about the investigation and prosecution

You have the **Right** to be provided with updates on your case and to be told when important decisions are taken. You also have the **Right**, at certain stages of the justice process, to ask for decisions to be looked at again by the relevant service provider.

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To make a Victim Personal Statement

You have the **Right** to make a Victim Personal Statement depending on personal needs and circumstances, which tells the court how the crime has affected you and is considered when sentencing the offender. You will be given information about the process.

Right
7

To be given information about the trial, trial process and your role as a witness

If your case goes to court, you have the **Right** to be told the time, date and location of any hearing and the outcome of those hearings in a timely way. If you are required to give evidence, you have the **Right** to be offered appropriate help before the trial and, where possible, if the court allows, to meet with the prosecutor before giving evidence.

Right
8

To be given information about the outcome of the case and any appeals

You have the **Right** to be told the outcome of the case and, if the defendant is convicted, to be given an explanation of the sentence. If the offender appeals against their conviction or sentence, you have the **Right** to be told about the appeal and its outcome.

Right
9

To be paid expenses and have property returned

If you are required to attend court and give evidence, you have the **Right** to claim certain expenses. If any of your property was taken as evidence, you have the **Right** to get it back as soon as possible.

Right
10

To be given information about the offender following a conviction

Where eligible, you have the **Right** to be automatically referred to the Victim Contact Scheme, which will provide you with information about the offender and their progress in prison, and if/when they become eligible for consideration of parole or release. Where applicable, you also have the **Right** to make a new Victim Personal Statement, in which you can say how the crime continues to affect you.

Right
11

To make a complaint about your Rights not being met

If you believe that you have not received your **Rights**, you have the **Right** to make a complaint to the relevant service provider. If you remain unhappy, you can contact the Parliamentary and Health Service Ombudsman.

Right
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Introduction

What is the Victims' Code?

The Code of Practice for Victims of Crime¹ (Victims' Code) sets out the services and a minimum standard for these services that must be provided to victims of crime by organisations (referred to as service providers) in England and Wales.

The Victims' Code is required by law² to include services that reflect the following four overarching principles. The Rights explained in this document aim to fulfil these principles.

Code principle	Relevant Code Rights
Victims should be provided with information to help them understand the criminal justice process	<ul style="list-style-type: none"> ▪ Right 1: to be able to understand and be understood ▪ Right 3: to be provided with information when reporting the crime ▪ Right 5: to be provided with information about compensation ▪ Right 6: to be provided with information about the investigation and prosecution ▪ Right 8: to be given information about the trial, trial process and your role as a witness ▪ Right 9: to be given information about the outcome of the case and any appeals ▪ Right 11: to be given information about the offender following a conviction
Victims should be able to access services which support them (including, where appropriate, specialist services)	<ul style="list-style-type: none"> ▪ Right 4: to be referred to services that support victims and/or to contact them directly and have services and support tailored to your needs
Victims should have the opportunity to make their views heard in the criminal justice process	<ul style="list-style-type: none"> ▪ Right 2: to have the details of the crime recorded without unjustified delay ▪ Right 7: to make a Victim Personal Statement ▪ Right 10: to be paid expenses and have property returned
Victims should be able to challenge decisions which have a direct impact on them	<ul style="list-style-type: none"> ▪ Right 6: to be provided with information about the investigation and prosecution ▪ Right 12: to make a complaint about your Rights not being met

1 The Victims' Code is issued by the Secretary of State for Justice under section 2 of the Victims and Prisoners Act [TBC] and accords with the requirements of the Victims' Code of Practice Regulations [TBC].

2 The Victims and Prisoners Act TBC

Who is a 'victim' under this Code?

ORIGINAL TEXT: This Code acknowledges that the terms 'complainant' and 'survivor' are often used in the criminal justice system to describe a person who has made a criminal allegation to the police. However, for the purpose of this Code, the definition of a 'victim' is:

- a person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence
- a close relative (or a nominated family spokesperson) of a person whose death was directly caused by a criminal offence.

You can also receive Rights under this Code if you are:

- a parent or guardian of the victim if the victim is under 18 years of age or
- a nominated family spokesperson if the victim has a mental impairment or has been so badly injured because of a criminal offence that they are unable to communicate or lacks the capacity to do so.

This Code acknowledges that the terms 'complainant' and 'survivor' are often used in the criminal justice system to describe a person who has made a criminal allegation to the police. However, for the purpose of this Code, you are considered a 'victim'³ if you have suffered harm (including physical, mental or emotional harm, or economic loss) which was directly caused by:

- being subjected to criminal conduct;
- witnessing (described as seeing, hearing or otherwise directly experiencing the effects of) criminal conduct at the time that it occurred;
- being a close family member⁴ of a person whose death was directly caused by criminal conduct;
- being born as a direct result of rape or other criminal conduct;
- seeing, hearing, or experiencing the effects of criminal conduct involving domestic abuse as a child under the age of 18 in circumstances where the person being abused or perpetrating the abuse is related to the child or has parental responsibility for you.⁵

The term 'criminal conduct' reflects the fact that you do not need to have reported the crime to the police to be considered a victim of crime. Some of the Rights under this Code apply to you regardless of your engagement with the criminal justice system. For example, if you have suffered harm as a result of witnessing a crime, you are a victim of crime for the purposes of this Code and are able to access services that support victims. You do not need to have provided a statement to or been interviewed by the police, or be required to attend court as a witness.⁶

3 Legal persons (e.g. businesses or other enterprises such as charities) can receive relevant services in this Code and make an impact statement where a criminal offence has been committed against them, subject to provision of a named point of contact to the relevant service provider. More information about how to make an Impact Statement for Business. www.gov.uk/government/publications/impact-statements-for-business/impact-statements-for-business-guidance

4 This normally refers to the spouse, the partner, the relatives in direct line, the guardians, the siblings and the dependants of the victim. Other family members, such as carers, may be considered close family members at the discretion of the service provider.

5 As defined in section 3 of the Domestic Abuse Act 2021

6 The Witness Charter also sets out the standards of care you can expect if you are a witness to a crime or incident in England and Wales including the services that may be received in relation to giving evidence as a witness.

You can also receive **Rights** under this Code if you are:

- a parent or guardian of the victim if a victim is under 18 years of age⁷ or
- a nominated family spokesperson of a victim with a mental impairment or who has been so badly injured because of a crime that they are unable to communicate or lacks the capacity to do so, or
- a nominated family spokesperson for close family members of a victim whose death has been caused by a crime.

Resident status

You have the **Right** to services under this Code regardless of your resident status. However, if the crime was committed in England or Wales but you live elsewhere, you should access support services where you live. If you are required to give evidence in court in England or Wales, you will be able to access support services while you are in England or Wales.

Families bereaved⁸ by murder or manslaughter abroad

Families bereaved by murder or manslaughter of a British national committed outside of the United Kingdom should contact the Foreign, Commonwealth & Development Office (FCDO). They provide support and information about processes in the country where the incident occurred, including repatriation of the deceased. They may also be able to refer the deceased's family to specialist support services. Further information is available by calling: **020 7008 5000**⁹ or at: www.gov.uk/government/publications/helping-british-people-abroad-murder-and-manslaughter

There is a Memorandum of Understanding to help clarify the role of the FCDO, the police and coroners in England and Wales when a British national is a victim of murder, manslaughter or infanticide abroad. The Memorandum focuses on both the deceased and their family and explains what type of support is available.

7 Unless the parent or guardian is under investigation or has been charged by the police in connection with the crime or if, in the reasonable opinion of the service provider involved, it is not in the victim's best interests for your parent or guardian to receive such services.

8 This refers to the spouse, the partner, the relatives in direct line, the siblings and the dependants of the victim. Other family members, including guardians and carers, may be considered close family members at the discretion of the FCDO.

9 Available 24 hours a day, 7 days a week. If you are not in the UK, you can find the contact details of the nearest British embassy, high commission or consulate online at: <https://www.gov.uk/world/embassies>

Which Rights will apply to you?

ORIGINAL TEXT: Which Rights apply to you will depend on whether the crime is reported to the police, if the case goes to court, and whether the defendant is convicted, as well as your personal needs and circumstances. Rights 1, 4 and 12 apply to all victims. The remaining Rights only apply where a crime has been reported to the police. The relevant service provider will tell you which Rights apply to you.

Support for witnesses: If you have suffered harm, including physical, mental or emotional harm or economic loss, as a direct result of witnessing a crime, you are a victim of crime for the purposes of this Code and are able to access services that support victims. You do not need to have provided a statement to or been interviewed by the police, or be required to attend court as a witness. All other witnesses can access services provided under the Witness Charter, rather than under this Code.

The relevant service provider will tell you which **Rights** apply to you. This will depend on whether the crime is reported to the police, if the case goes to court, and whether the defendant is convicted, as well as your personal needs and circumstances. **Rights 1, 4 and 12** apply to **all** victims.

The remaining **Rights** only apply where a crime has been reported to the police and may not apply in all cases due to the need for agencies to operate discretion in individual cases. You should receive these rights unless there is a good reason not to, and if this is the case agencies will need to explain that to you. For example, while agencies will always carefully consider who they can share case information with, there may be some circumstances where they cannot share this with you.

Enhanced Rights

ORIGINAL TEXT: This Code acknowledges that victims who are considered vulnerable or intimidated, are a victim of the most serious crime (including a bereaved close relative) or have been persistently targeted are more likely to require specialised assistance (some victims may fall into one or more of these categories). Such support may include being offered a referral to a specialist support service, being contacted sooner after key decisions and having access to special measures (see Right 4) Within each individual Right this Code highlights where such Enhanced Rights apply.

This Code acknowledges that some victims (set out below) are more likely to require specialised assistance. Such support may include being offered a referral to a specialist support service, being contacted sooner after key decisions and having access to special measures (see **Right 4**). Within each individual **Right** this Code highlights where such **Enhanced Rights** apply.

Once a service provider has identified that you are eligible for **Enhanced Rights**, they must ensure that this information is passed to other service providers with responsibilities under this Code and, where appropriate, to services that support victims.

If you do not fall within the categories outlined below, a service provider may decide to provide access to certain **Enhanced Rights** depending on your circumstances or the impact of the crime.

Vulnerable or intimidated victims

You are eligible for **Enhanced Rights** under this Code as a vulnerable¹⁰ victim if you have been subjected to crime or are a close family member bereaved as a result of crime, and:

- you are under 18 years of age at the time of the offence,¹¹ or
- the quality of your evidence is likely to be affected because you:
 - suffer from mental disorder within the meaning of the Mental Health Act 1983;
 - otherwise have a significant impairment of intelligence and social functioning; or
 - have a physical disability or are suffering from a physical disorder.

You are also eligible for **Enhanced Rights** under this Code as an intimidated victim if you have been subjected to crime or are a close family member bereaved as a result of crime, and if the service provider considers that the quality of your evidence will be affected because of your fear of distress about testifying in court.¹²

10 This is based on the criteria in section 16 of the Youth Justice and Criminal Evidence Act 1999 (YJCEA) for the court to determine eligibility for special measures.

11 For general **Enhanced Rights** under this Code. However, in order to be eligible for special measures under section 16 of the YJCEA, you must be under 18 at the time of the hearing.

12 This is based on the eligibility criteria for special measures in section 17 of the YJCEA.

When assessing whether a victim is intimidated, the service provider must consider:

- the behaviour towards the victim on the part of the suspect, members of their family or associates, or any other person who is likely to be a suspect or witness in the case;
- the victim's age;
- if relevant, the victim's social and cultural background, religious beliefs or political opinions, ethnic origin, domestic and employment circumstances;
- the nature and alleged circumstance of the offence to which the case relates (victims of a sexual offence or human trafficking will be considered to be intimidated); and
- any views expressed by the victim.

Victims of the most serious crime

ORIGINAL TEXT: You are eligible for Enhanced Rights under this Code as a victim of the most serious crime, if you are a close relative bereaved by a criminal offence, a victim of domestic abuse, hate crime, terrorism, sexual offences, human trafficking, modern slavery, attempted murder, kidnap, false imprisonment, arson with intent to endanger life and wounding or causing grievous bodily harm with intent.

You are eligible for **Enhanced Rights** under this Code as a victim of the most serious crime, if you are a close family member bereaved as a direct result of crime or a victim who has been subjected to domestic abuse, hate crime, terrorism, sexual offences, human trafficking, modern slavery, attempted murder, kidnap, false imprisonment, arson with intent to endanger life and wounding or causing grievous bodily harm with intent.

Additional **Enhanced Rights** that are available for bereaved close family members are highlighted separately within each individual **Right** of this Code.

Persistently targeted victims

You are eligible for **Enhanced Rights** under this Code as a persistently targeted victim if you have been targeted repeatedly as a direct victim of crime over a period of time, particularly if you have been deliberately targeted or if you are a victim of a campaign of harassment or stalking.

Who is responsible for meeting the Rights under this Code?

The following organisations are required to deliver the **Rights** under this Code as service providers:

- All police forces in England and Wales, the British Transport Police and the Ministry of Defence Police
- Police Witness Care Units¹³
- Crown Prosecution Service
- His Majesty's Courts and Tribunals Service
- His Majesty's Prison and Probation Service and its executive agencies including the Probation Service
- The Parole Board for England and Wales
- The Criminal Cases Review Commission
- The Criminal Injuries Compensation Authority
- The UK Supreme Court
- Youth Offending Teams

Under this Code some victims will receive their **Rights** through a combination of the service providers listed above and other service providers, including:

- The Competition and Markets Authority
- Department for Business and Trade (Insolvency Services Legal Services Directorate)
- The Environment Agency
- The Financial Conduct Authority
- The Gambling Commission
- The Health and Safety Executive
- His Majesty's Revenue and Customs
- The Home Office (Immigration Enforcement)
- The Information Commissioner's Office
- Independent Office for Police Conduct
- The National Crime Agency
- The National Health Service
- Natural Resources Wales
- The Office of Rail and Road
- The Serious Fraud Office

When delivering the Victims' Code, all service providers must have the victim's best interests as their primary consideration and take the victim's age, maturity, views, needs and concerns fully into account.

Other service providers can also have a role in relation to the investigation and/or prosecution of crimes.¹⁴ However, unlike the police and the Crown Prosecution Service, who have a broad remit to investigate and prosecute crimes, these service providers are limited to investigating and prosecuting specific types of offences committed in certain circumstances. This will determine the way in which, and frequency with which, they come into contact with victims.

The **Rights** in this Code only apply where other service providers (such as those listed above) accept formal responsibility for conducting a criminal investigation or making a decision to prosecute. However, not all functions undertaken by other service providers are identical to those carried out by the police and CPS. Where functions are equivalent to a service provider under this Code (for example the other service provider is investigating or prosecuting an alleged offence), they must deliver the same **Rights** without unjustified delay regardless of whether the other service provider is listed above.

¹³ Witness Care Unit is the generic name to describe a police led function which provides information and support to victims and witnesses in cases progressing through the criminal justice system. This unit may be known by another name in your local area. The police will tell you the name of the unit who deliver the Rights assigned to the Witness Care Unit in this Code.

¹⁴ This only applies to the extent that the service provider has formally accepted responsibility for conducting a criminal investigation into the crime or has formally accepted responsibility for making a decision to prosecute that crime.

The role of the Police and Crime Commissioners¹⁵

Police and Crime Commissioners are locally elected to secure efficient and effective policing. Police and Crime Commissioners have a legal duty to keep compliance with the Code in their local area under review.¹⁶ They also have a legal duty to consult with victims in setting the policing priorities in their area and to hold the Chief Constable of the police in their area to account. They are responsible for commissioning many of the services that support victims outlined in this Code.

The role of the Commissioner for Victims and Witnesses (Victims' Commissioner)

The Victims' Commissioner is not listed as a service provider under this Code. This is because the Commissioner has a statutory duty to keep this Code under regular review.¹⁷ It is part of the Commissioner's role to listen to the views of victims, understand the criminal justice system from the victims' point of view and try to help improve the services and support available. The Victims' Commissioner cannot help with individual cases or challenge criminal justice agencies to make different decisions.

Coroners

Coroners are not included as service providers under this Code. This is because inquests are not criminal proceedings and bereaved family members already have interested person status in inquests which gives them certain statutory rights. This includes the right to ask relevant questions of the witnesses and to receive disclosure of documents and other evidence. Bereaved family members of a victim of crime who are involved in an inquest should instead consult the guidance on coroners' investigations for bereaved people which is available on: www.gov.uk/government/publications/guide-to-coroner-services-and-coroner-investigations-a-short-guide

15 All references to Police and Crime Commissioners (PCCs) are based on section 101 of the Police Act 1995 and include Police and Crime Commissioners; Police, Fire and Crime Commissioners; Mayors who exercise PCC and equivalent function; and MOPAC.

16 Under section 7 of the Victims and Prisoners Act [TBC], PCCs are required to keep under review how criminal justice bodies (the police, the CPS, HMCTS, HMPPS and its executive agencies and Youth Offending Teams) are complying with the Victims' Code in their police area. In relation to the non-territorial police forces (the Ministry of Defence Police and the British Transport Police), different arrangements are in place to monitor their compliance via the Ministry of Defence and the British Transport Police Authority, as those forces operate nationally.

17 Section 49(1)(c) of the Domestic Violence, Crime and Victims Act 2004, as amended by the Victims and Prisoners Act [TBC]

Further useful information

How can I ensure I receive the best service?

Service providers will try to minimise the number of different people you have contact with during your case and, wherever possible, offer you a single point of contact for information. To assist them in delivering your **Rights** under this Code, you should:

- let them know if your contact details or preferences change;
- ask them questions if you are unsure about anything related to your case or the criminal justice process; and
- give service providers your views on the services they are providing to help them deliver and tailor a high-quality service.

How can I expect to be treated?

You have the **Right** to:

- be treated with respect, dignity, sensitivity, compassion and courtesy;
- make informed choices that are fully respected;
- have your privacy respected by service providers as required by data protection laws and laws about what the police can extract from your personal devices¹⁸ (such as a mobile phone); and
- have services provided to assist you and your family to understand and engage with the criminal justice process and that are offered in a professional manner, without discrimination of any kind.

Your Right to be protected

You also have the **Right** to be protected from re-victimisation, intimidation and retaliation during and after the investigation and proceedings. If you are concerned for your immediate safety, you should contact the police on **999**.

In the unlikely event that the suspect (pre-trial) or offender (following conviction) escapes from custody, the police will contact you. If it is assessed that the suspect or offender poses a significant risk of harm to you, they will take any necessary measures to ensure your ongoing protection.

If you are receiving unwanted contact from an offender in prison, you should contact His Majesty's Prison and Probation Service Victim Helpline¹⁹ on **0300 060 6699**²⁰ or email: unwantedprisonercontact@justice.gov.uk. You can also complete the Unwanted Prisoner Contact form online via GOV.UK.

18 The Police, Crime, Sentencing and Courts Act 2022 (section 37) means that the police can request to extract information from your digital device but can only do this with your agreement in most cases; they should only request information where it is relevant, necessary and proportionate to their investigation which includes considering whether there are less intrusive ways of getting the information they need first.

19 His Majesty's Prison and Probation Service must maintain a telephone helpline (the Victim Helpline) to ensure that victims have a number to ring if they receive unwanted contact from a prisoner.

20 Monday – Friday, 9.00am – 4.00pm.

If you receive unwanted contact from an offender who is on licence in the community, you can contact the police (or if you have one, your Victim Liaison Officer). If the offender is under 18, you can also report any unwanted contact to the police, but if you know they are being supervised by a Youth Offending Team (YOT), you may wish to contact the team directly. Contact details for YOTs are available at: www.gov.uk/government/collections/youth-offending-team-contact-details

Information provided under this Code

Service providers must include information about this Code on their websites. This information must also signpost victims to the relevant pages on GOV.UK.

Specified providers²¹ are under a legal duty to promote awareness of the Code. See more information under Right 3 and also in [upcoming statutory guidance].

Where required to share information under this Code, service providers must do so effectively and in accordance with their obligations under the Data Protection Act 2018, the UK General Data Protection Regulation and other relevant legislation.

Where there is a high number of victims involved in a case, such as large-scale investment frauds with multiple investor victims, or in other exceptional cases, the service provider may communicate information²² that a victim has the **Right** to under this Code through alternative channels such as their website, rather than contacting each victim individually.

Nothing in this Code requires a service provider to provide information to the victim where its disclosure:

- could result in harm to any person;
- could affect the proper handling of any criminal investigation or prosecution, or could otherwise prejudice any civil or criminal case, or parole proceedings; or
- would, in the service provider's view, be contrary to the interests of national security.

What if I am contacted by the media?

Generally, journalists can attend and report events that happen in court. Sometimes the media may take an interest in a case and approach you and/or your family for comment. There is no obligation to speak to them. However, you should be careful that you do not do anything to risk unfairly influencing the outcome of a court case and being in contempt of court.²³

If you have any concerns or would like some advice, you can speak with the police or a victim support provider. Alternatively, you can contact the Independent Press Standards Organisation by visiting www.ipso.co.uk, who will talk to you about your concerns and give practical advice and guidance.

21 All police forces in England and Wales, the Crown Prosecution Service (CPS), HM Courts and Tribunal Services (HMCTS), HM Prison and Probation Service (HMPPS), Youth Offending Teams and non-territorial police forces (the British Transport Police and the Ministry of Defence Police)

22 This may include communication of information under **Rights 3, 4, 5, 6, 7, 8, 9** and **11** of this Code.

23 www.gov.uk/contempt-of-court

Access to medical support

If you have been the victim of crime and have a physical or mental health need as a result, you can access National Health Service (NHS) services. You do not need to have reported a crime to the police in order to access these services.

If someone is seriously ill or injured and their life is at risk, call the emergency services on **999**. If it is not a life-threatening emergency, there are several options you can take. You can:

- Call **111** (NHS England) or **0845 46 47** (NHS Wales) non-emergency medical helpline;
- go to your local NHS walk-in centre or local urgent care centre/minor injuries unit or your local Accident and Emergency (A&E) service department; and/or
- visit or call your General Practitioner (GP), who can refer you to specialist services including mental health support; or talk to a pharmacist.

More information about NHS services is available on: www.nhs.uk or www.wales.nhs.uk, or by calling: **111/0845 46 47** in (England/Wales) or by visiting your General Practitioner.

As well as being referred by the police, you can also refer yourself to a Sexual Assault Referral Centre.²⁴ These centres have specially trained professionals who can give you both physical and mental health support if you have experienced rape or sexual assault, regardless of whether you choose to report the crime to the police or not.

You can also access a wide range of psychological and emotional counselling and therapeutic approaches provided in a wide variety of settings, for instance, the NHS, voluntary sector agencies and private practice.

If you are not ordinarily resident in the United Kingdom, you should note that some health services are exempt from payment such as primary care services; services for the treatment of a physical or mental condition caused by torture, female genital mutilation, domestic violence, sexual violence or if you are a determined victim of modern slavery or human trafficking. Further details are available on: www.gov.uk/guidance/nhs-entitlements-migrant-health-guide

²⁴ www.nhs.uk/live-well/sexual-health/help-after-rape-and-sexual-assault/

What if I do not want to receive the Rights offered under this Code?

You may decide that you do not want some or all of the **Rights** under this Code. You should discuss this with the relevant service provider.

You can choose to opt back in to receiving **Rights** under this Code at any time while the case is under active investigation or prosecution or the offender is serving their sentence. This does not apply to the **Right** to access support to help you to cope, and as far as possible, recover from being a victim of crime. This **Right** is available regardless of whether anyone has been charged, convicted of a criminal offence and regardless of whether you decide to report the crime to the police or you do not wish to cooperate with the investigation.

DRAFT

Right 1: To be able to understand and to be understood

- 1.1 You have the **Right** to be helped to understand what is happening and to be understood. In considering appropriate measures, service providers must consider any relevant personal characteristics which may affect your ability to understand and to be understood. All service providers must communicate in simple and accessible language and all translation or interpretation services must be offered free of charge to the victim.
- 1.2 If, due to the impact of the crime, you need assistance to understand or to be understood, you can be supported by a person of your choice, unless the service provider considers that it would not be in your best interests or that it would impact the investigation or prosecution. In these circumstances, the service provider will tell you why.
- 1.3 If you have difficulty understanding or speaking English, you have the **Right** to use an interpreter²⁵ to help you understand, when:
 - reporting a criminal offence;²⁶
 - being interviewed by the police; and
 - giving evidence as a witness.
- 1.4 You can also receive the translation of any document where it is essential for the purposes of the interview or court proceedings to read a document that is given to you, including:
 - the written acknowledgment of the reported crime;
 - where it is essential for the purposes of the interview or court hearing to see a particular document that is disclosed to you, a copy of the relevant parts of the document;
 - communication informing you of the date, time and location of the trial;
 - the outcome of criminal proceedings and, where available, the reasons for the decision; and
 - the response to any complaint or request made under the Victims' Right to Review Scheme.²⁷
- 1.5 You can also receive an oral translation or summary of any of the documents listed above, unless doing so would prejudice the fairness of the proceedings.
- 1.6 For cases heard in Wales, you have the legal **Right** to use Welsh when giving evidence and the court will make the necessary arrangements.²⁸ If you are eligible to submit a Victim Personal Statement to the Parole Board, you have the **Right** to submit it in Welsh, irrespective of the location of the offender, and to ask for a summary of the parole decision to be provided in Welsh.

25 This includes both spoken and non-spoken interpreting, for example if a victim is deaf or hard of hearing.

26 You have the **Right** to report the crime in a language you understand or with the necessary linguistic assistance if you do not speak English.

27 See **Right 6** for explanation of the Victims' Right to Review.

28 Section 22(1) of the Welsh Language Act 1993 provides: "In any legal proceedings in Wales the Welsh language may be spoken by any party, witness or other person who desires to use it". No prior notice to use the Welsh language is required in magistrates' court proceedings. However, sometimes it is necessary for interpretation to be arranged, and prior notice will be given to the Welsh Language Unit to make necessary provisions.

Right 2: To have the details of the crime recorded without unjustified delay

- 2.1 You have the Right to have details of the crime recorded by the police without unjustified delay after the incident. When you report an incident, you will be asked to provide details about the crime.
- 2.2 If you are asked to make a witness statement, the police will explain to you that this may result in you needing to give evidence at court, if the case goes to trial.
- 2.3 If you are asked to be interviewed, any interview should take place without unjustified delay, the number of interviews should be kept to a minimum and where possible be conducted by the same person. The police must take any steps necessary to ensure that you (and your family) do not have unnecessary contact with the suspect.
- 2.4 The police must consider whether you would benefit from additional support, for example, the assistance of an interpreter, and that any interview is carried out by or through professionals trained for that purpose. They must also seek to ensure that it takes place in premises designed or adapted for the purpose. If this is not possible, the police will tell you why.
- 2.5 You also have the Right to request to bring a person of your choice to the interview. If this is not possible, the police will tell you why.
- 2.6 If the police or the Crown Prosecution Service believe that the quality of your evidence may be adversely affected by a vulnerability, they must consider whether you are eligible for support from a Registered Intermediary (see Right 4) and make any other reasonable adjustments based on your needs.

What is a Registered Intermediary?

A Registered Intermediary is a self-employed communication specialist who helps vulnerable victims and witnesses with communication difficulties to give evidence to the police and to the court in criminal trials.

A victim/witness might need the help of a Registered Intermediary because of their age, a learning disability, a mental disorder or a physical disability that affects their ability to communicate. They are often the difference between a witness being able to give evidence or not.

- 2.7 If a medical examination is required for the purposes of the criminal proceedings, these must be kept to a minimum and are subject to your consent.

ORIGINAL TEXT: If you are a victim of sexual violence, gender-based violence or domestic abuse, you have the Right to request that the police officer conducting the interview is of a gender of your choice. The police must meet your request unless doing so would prejudice the fairness of the proceedings. If this happens, the police will tell you why.

- 2.8 If you are a victim of sexual violence, gender-based violence or domestic abuse, you have the Right to request that the police officer conducting the interview is of a sex of your choice. The police must meet your request unless doing so would prejudice the fairness of the proceedings. If this happens, the police will tell you why.
- 2.9 If you are considered vulnerable, for example under 18 years of age or intimidated (see **Enhanced Rights**), the police will ask you, or your parent/guardian, if you would like your police interview to be video recorded to make it easier for you to tell them what happened. This may be presented as your evidence in court. You may also be able to have your court cross-examination evidence pre-recorded at a time earlier and separate to the trial. The police will discuss this option with you. If you do want to give your evidence at the trial, if eligible, a court may allow you to give your evidence and be cross-examined via a live-link room from the court or a remote site, to minimise the risk of meeting the defendant. However, if you would prefer, you can give your evidence in court, rather than via a video link. Prosecutors should make witnesses aware that while they can consider how they might like to give evidence, it will be subject to an application to the court and the final decision is made by a judge.

Right 3: To be provided with information when reporting the crime

- 3.1 If you report a crime to the police or have an allegation reported on your behalf, or if you are contacted as a victim in the course of investigations, you have the **Right** to written confirmation of your allegation. This will include the basic details of the offence, a crime reference number and the contact details of the police officer dealing with your case. The confirmation could be a letter, an email, text message, or it could be written by hand.
- 3.2 Where the police consider there may be a risk of harm to you from sending the written confirmation, for example in domestic abuse cases, they must provide confirmation in a way that does not potentially risk your safety.
- 3.3 The police will explain where you can get further information about the criminal justice process and your **Rights** as a victim. This should include making you aware of the Victims' Code and providing information on where and how to get advice and support. For example, where appropriate and available, how to seek compensation (see **Right 5**), access to medical support, specialist support, such as psychological support (including pre-trial therapy and counselling), and alternative accommodation. The police will also explain what arrangements are available if you do not live in England and Wales.
- 3.4 Like the police, other criminal justice bodies are under a legal duty to take reasonable steps to make you aware of the Victims' Code, so you can expect to be given this information at multiple points as your case progresses through the justice system.

Accessing safe accommodation

If you are experiencing domestic abuse there are a number of organisations that can provide advice and support on how to access safe accommodation. The National Domestic Abuse Helpline is staffed 24 hours a day, every day of the year, by a dedicated team of experts and can be reached on **0808 2000 247**. The Samaritans is also staffed every day, 24 hours a day, and can be contacted on **116 123**. Alternatively, a range of other services including social services, General Practitioners (GPs), pharmacies, and Citizens Advice can provide further information and signpost support in your area.

Further information can be found at: www.gov.uk/report-domestic-abuse. Most domestic abuse support sites have quick exit options for those with limited time. If you are in immediate danger you should contact the police on **999**.

Reporting a rape or sexual assault

If you need to report a rape or sexual assault, there is information about this process, what might happen after and what support is available at www.gov.uk/government/publications/guides-for-victims-of-rape-and-sexual-assault

- 3.5 If the offender is an adult, you have the **Right** to receive information about Restorative Justice from the police and how to access Restorative Justice services in your local area. If the offender is under the age of 18, you have the **Right** to receive information about Restorative Justice from the Youth Offending Team²⁹.
- 3.6 Although the police are responsible for providing you with information on Restorative Justice initially, all service providers must consider whether you would benefit from receiving this information at any stage of the criminal justice process.

What is Restorative Justice?

Restorative Justice is a process that brings those harmed by crime, and those responsible for the harm, into communication. It enables everyone affected by a particular incident to play a part in repairing the harm which can be valuable in finding a positive way forward. The communication may take many forms, for some this may mean meeting the offender face-to-face, for others, this could be communicating via letter, recorded interviews or videos. Whichever form of Restorative Justice is most suited to you, trained facilitators will prepare and support you throughout.

Restorative Justice is voluntary for all parties and it must be agreed by all involved, including facilitators, that it's safe and appropriate to proceed. It will only happen if you and the offender, having acknowledged the basic facts of the case, both want to take part. You do not have to take part and you can withdraw at any time. You can ask to participate in Restorative Justice at a time that is right for you. You may be offered the opportunity to take part because the offender has been referred and it is assessed as safe.

- 3.7 The police will provide all information under this **Right within 5 working days (1 working day under Enhanced Rights)** of reporting the crime. Other organisations promoting awareness of the Code should provide information in a timely and appropriate manner and in a way that is accessible to you. They should therefore exercise reasonable judgement about the most appropriate moment and method for sharing the Code with you.

²⁹ Youth Offending Team is a multi-agency team which works with children between the ages of 10 and 17 who have offended or may be at risk of offending. They are coordinated by a given local authority and as part of the youth justice system are monitored by the Youth Justice Board.

Right 4: To be referred to services that support victims and/or contact them directly and have services and support tailored to your needs

ORIGINAL TEXT: Right 4: To be referred to services that support victims and have services and support tailored to your needs

- 4.1 Services that support victims are there to help you cope and, as far as possible, recover after a crime. All victims as defined by this Code have the Right to access support services. For example, if you have suffered harm, including physical, mental or emotional harm or economic loss, as a direct result of witnessing a crime, you are a victim of crime for the purposes of this Code and are able to access services that support victims. You do not need to have provided a statement to or been interviewed by the police, or be required to attend court as a witness. Access to support is free, even if the crime hasn't been reported to the police. For further information about the support in your area, contact your local Police and Crime Commissioner - or visit: www.gov.uk/get-support-as-a-victim-of-crime

Needs assessments

- 4.2 If you are a victim who has been subjected to crime or a close family member bereaved by crime, when you report a crime to the police, you have the **Right** to be offered support. This will include an assessment of whether you are entitled to receive the **Enhanced Rights** as set out in the introduction to this Code. The more information you are able to provide during this assessment will ensure that service providers are able to offer help and support that better meets your needs.
- 4.3 Throughout your case, all service providers must give you the opportunity to be reassessed if you tell them how your needs have changed.
- 4.4 If you are required to attend court to give evidence, you will be offered a separate needs assessment by the Witness Care Unit to determine whether you require any further help and support before the trial and at the court.

Referral to services that support victims

- 4.5 If you are a victim who has been subjected to crime or a close family member bereaved by crime, when you report a crime to the police, you have the **Right** to be referred to a service that supports victims, including Restorative Justice services. The police will tell you about all the support services available in your local area. You will be referred to a support service **within 2 working days**, and these services will endeavour to provide timely access to support based on availability.
- 4.6 If you choose not to report the crime to the police, you still have the **Right** to access support services at any time. Depending on your needs and the nature of your case, you may be offered specialist support. You can contact local support services directly. To search for a support service near you, contact your local Police and Crime Commissioner or visit: www.gov.uk/get-support-as-a-victim-of-crime

ORIGINAL TEXT: Depending on your needs and the nature of your case, you may be offered specialist support, for example from an Independent Sexual Violence Advisor or an Independent Domestic Violence Advisor. Your advisor will normally act as your single point of contact throughout the case and communicate with the police, Witness Care Unit and the Crown Prosecution Service on your behalf.

What is the role of an Independent Sexual Violence Advisor or Independent Domestic Violence Advisor? An Independent Sexual Violence Advisor is an adviser who works with people who have experienced rape and sexual assault, irrespective of whether they have reported to the police. Independent Domestic Violence Advisors work with victims of domestic abuse to understand their experiences and their risk of ongoing harm. They will develop an individual safety plan with a victim to ensure they have everything they need to become safe and start to rebuild their lives free from abuse. This plan may include supporting victims to access statutory services (such as health care and housing services), representing their voice at a Multi-Agency Risk Assessment Conference and accessing other voluntary services in their communities. Independent Domestic Violence Advisors are independent of statutory services and are able to provide victims with relevant information and advice tailored to their needs.

Victim support services

You may experience a range of impacts following a crime and may require advice, recovery and support services, which could be medical, therapeutic, practical and/or emotional. You can access support services by phone, online and face-to-face. Some examples of support are set out below.

Support during court:

- Witness Support Services provide free and independent emotional and practical support to those giving evidence as witnesses in court proceedings.

Support for victims of sexual violence and abuse:

- Sexual Assault Referral Centres (SARCs): SARCs offer confidential medical and practical support to people who have been raped or sexually assaulted. SARCs offer a range of services, including crisis care, medical and forensic examinations, emergency contraception and testing for sexually transmitted infections.
- Independent Sexual Violence Advisors (ISVA): ISVAs work with people who have experienced offences of a sexual nature and provide impartial information about a victim's options, such as reporting to the police, accessing SARCs, and specialist support such as pre-trial therapy and sexual violence counselling. ISVAs also provide information on other services that victims may require, for example in relation to health and social care, housing, or benefits.

Support for victims of domestic abuse:

- Independent Domestic Violence Advisors (IDVA): IDVAs typically support high-risk victims of domestic abuse so that they can become safe. IDVAs will provide impartial support about a victim's options and work with different agencies to provide wrap-around support, such as supporting victims with engaging with the criminal justice system, housing, benefits, social services, and counselling. They will also represent victims' voices at a Multi-agency Risk Assessment Conference (MARAC) which discuss options for increasing the safety of the victim leading to a coordinated action plan.

Other support services:

For more information, including contact details, about the wide variety of support service available to victims and witnesses visit: www.gov.uk/guidance/victim-and-witness-services.

- 4.7 **If you are a bereaved close family member**, you have the **Right** to have a Family Liaison Officer assigned to you by the police, where the Senior Investigating Officer considers this to be appropriate (this will happen in most cases). Your Family Liaison Officer will normally act as the single point of contact between you and service providers. If you are a bereaved close family member as a result of a murder or manslaughter, you also have the **Right** to be referred to the National Homicide Service and any other relevant specialist support service. This offer will normally be made through your Family Liaison Officer.

What is the National Homicide Service?

The National Homicide Service is a free service that provides emotional, practical, specialist and peer support to families bereaved by murder or manslaughter, including after an act of terrorism.

- 4.8 If you are required to give evidence in court, you have the **Right** to be offered a referral to a Witness Support Service (see Right 8).
- 4.9 At the end of your case, regardless of the outcome, you have the **Right** to be offered a referral to a support service even if you haven't accessed them previously. To search for a service that supports victims near you, contact your local Police and Crime Commissioner³⁰ or visit: www.gov.uk/get-support-as-a-victim-of-crime

³⁰ www.apccs.police.uk/find-your-pcc/

Special Measures

- 4.10 You have the **Right** to have your needs assessed by the police or Witness Care Unit to determine whether you are eligible and would benefit from giving evidence using special measures.³¹ The police or Witness Care Unit will explain what special measures are available and will ask for your views about which you might like to apply for.

What are special measures?

Vulnerable or intimidated victims and witnesses³² (see **Enhanced Rights**) can ask for special measures to be used during the trial to help them give their best evidence in court and help to relieve some of the stress associated with giving evidence. If eligible, a court will decide whether special measures should be granted.

Common special measures include: having a screen/curtain around the witness box or giving evidence by live video-link, either from a separate room within the court or from a dedicated live link site outside the court building, so you do not have to face the defendant and court observers.

Other special measures include:

- giving evidence in private with no press or public allowed in the court room;
- removing of wigs and gowns worn by the judge, and the defence and prosecution advocates in the Crown Court;
- the use of communication aids or having the help of an intermediary to understand questions; or
- providing evidence or being cross examined through pre-recorded video which means the witness does not need to give evidence at the trial. (Witnesses are not able to change their minds from pre-recorded to attending trial to give evidence.)

- 4.11 The judge or magistrates will decide whether special measures should be granted following a request from the prosecutor. The Witness Care Unit will tell you the judge's or magistrates' decision (see **Right 8**) and His Majesty's Courts and Tribunals Service court staff will ensure that any special measures granted are available for you at court.

31 The Youth Justice and Criminal Evidence Act 1999 (YJCEA) introduced a range of measures that can be used to facilitate the gathering and giving of evidence by vulnerable and intimidated witnesses. The measures are collectively known as 'special measures'. Special measures help to relieve some of the stress associated with giving evidence and apply to prosecution and defence witnesses, but not the defendant.

32 This follows the criteria in section 16 and 17 of the Youth Justice and Criminal Evidence Act 1999 for the court to determine eligibility for special measures.

Right 5: To be provided with information about compensation

Court ordered compensation

- 5.1 If the defendant pleads or is found guilty, the judge or magistrate may order them to pay you compensation for any loss, damage or injury caused as a result of the crime. You have the **Right** to be told by the police how to seek compensation and you may be asked to provide evidence of any loss or damage, for example receipts or quotes for repairing the damage caused during the crime.

Criminal Injuries Compensation Scheme

- 5.2 If you have suffered a serious physical or mental injury as a direct result of a violent crime, you may be entitled to compensation through the Criminal Injuries Compensation Scheme (the Scheme).³³ The Scheme is for those injured in England, Wales and Scotland. You have the **Right** to be told by the police how to apply for compensation through the Scheme³⁴ (see **Right 3**).
- 5.3 The Criminal Injuries Compensation Authority is responsible for administering the Scheme.
- 5.4 Do not delay your application. You must apply as soon as reasonably practical. This should normally be within two years of the date of the incident. The Criminal Injuries Compensation Authority can only extend the time limits where there are exceptional circumstances³⁵. Different rules apply if you were aged under 18 years of age at the time of the incident. To be eligible for compensation, you will need to meet the wider eligibility criteria set out within the Scheme.
- 5.5 You should not wait for the outcome of a criminal trial to apply. Your claim is not dependent on the conviction of an offender. However, the Criminal Injuries Compensation Authority may put your application on hold until you know the outcome of the trial, if they do not have sufficient information to be able to progress your claim.
- 5.6 The Scheme is one of last resort. Where the opportunity exists to pursue compensation elsewhere, you should do so. An award under the Scheme will take account of other compensatory payments made to you, such as court ordered compensation or a civil personal injury award. The Criminal Injuries Compensation Authority may defer making a decision on a claim until you take reasonable steps to seek compensation through other routes available to you and await the outcome of those steps.

33 If you are considering making an application for criminal injuries compensation to the Criminal Injuries Compensation Authority, you should be aware that an award will be withheld unless you have cooperated as far as reasonably practicable in bringing the assailant to justice.

34 Eligibility for compensation from the Criminal Injuries Compensation Authority may depend on your residency or nationality unless you are conclusively identified by a competent authority as a victim of trafficking in human beings or granted asylum under Immigration Rules made under section 3(2) of the Immigration Act 1971.

35 Due to exceptional circumstances an application could not have been made earlier; and there is evidence available that a crime of violence occurred and a claims officer can make a decision without further extensive enquiries.

- 5.7 Once you have applied, the Criminal Injuries Compensation Authority will confirm that your application has been received and respond to all written correspondence regarding your application within 20 working days of it being received.
- 5.8 Having considered your application, you will be provided with information on the right to review the Criminal Injuries Compensation Authority's decision, including the procedure and time limits for reviewing that decision.
- 5.9 Further information about applying for compensation can be found at: www.gov.uk/claim-compensation-criminal-injury, from the police, your local support service, or by contacting the Criminal Injuries Compensation Authority on **0300 003 3601**.³⁶

Victims of Overseas Terrorism Compensation Scheme

- 5.10 Whilst it is outside of the scope of the Code, UK victims injured in terrorist attacks abroad may also be entitled to compensation through the Victims of Overseas Terrorism Compensation Scheme. Further information about applying for compensation can be found at: www.gov.uk/compensation-victim-terrorist-attack, or by contacting the Criminal Injuries Compensation Authority on **0300 003 3601**.³⁷

Civil (non-criminal) compensation

- 5.11 It may be possible to seek compensation from the suspect or offender outside of the criminal justice process. If you want to consider applying for civil compensation, you should seek legal advice and assistance from a solicitor.

Getting legal advice/assistance on claiming compensation

- 5.12 If you need legal advice and/or assistance you should contact a solicitor. If you are on a low income or benefits you may be able to get Legal Aid to help cover the cost. More information on whether you are eligible for Legal Aid is available on: www.gov.uk/legal-aid
- 5.13 To find a local solicitor you should contact the Law Society at: www.lawsociety.org.uk

³⁶ Monday – Friday, 10:00am – 3:00pm

³⁷ Monday – Friday 10:00am – 3:00pm

Right 6: To be provided with information about the investigation and prosecution

- 6.1 You have the **Right** to be told by the police when key decisions on the investigation are made and, where applicable, to have the reasons explained to you within **5 working days (1 working day under Enhanced Rights)** of a suspect being:
- arrested;
 - interviewed under caution;
 - released without charge; and
 - released on police bail or under investigation or if police bail conditions are changed or cancelled.
- 6.2 If the police decide not to investigate your case, you will be given an explanation of this decision within **5 working days (1 working day under Enhanced Rights)**. The police will also offer you a referral to a support service.
- 6.3 If the police decide to release the suspect on bail before they are charged, where possible they will discuss with you whether conditions should be imposed on the suspect and what those conditions should be.³⁸ You will have the opportunity to give your view on these conditions, which the police will take into account when making a final decision. If the conditions are changed at any point during the bail on request of the suspect, you will be informed by the police and given another opportunity to give your opinion, where this is reasonably practicable.
- 6.4 Where the police do investigate your case, they will discuss with you how often you would like to receive updates and your preferred method of contact. You can update your preferences at any time.
- 6.5 The investigation and decision on whether the case should go to court can take a long time and there may be long periods between key decisions. The police will discuss with you if you would like contact during this time and provide you with contact details if you have any questions during the investigation.
- 6.6 There may be times when a service provider is unable to provide you with updates and/or use your preferred method of contact, but in these instances, they will tell you why.
- 6.7 In some cases, the police or Crown Prosecution Service may decide to deal with the case without taking it court. This is called an out of court disposal.³⁹ This enables the incident to be dealt with relatively quickly and may prove more effective in preventing further offences.

38 Sections 30CA and 47ZZA of the Police and Criminal Evidence Act 1984, as amended by the Police, Crime, Sentencing and Courts Act 2022.

39 Alternatives to prosecution, such as cautions, conditional cautions and penalty notices for disorder, intended for dealing with low-level, often first-time offending, where prosecution would not be in the public interest.

- 6.8 Where the police or Crown Prosecution Service are considering an out of court disposal you have the **Right** to be asked for your views and to have these views taken into account when a decision is made. Where this is not possible for practical reasons, the police or Crown Prosecution Service will tell you why.
- 6.9 The police or Crown Prosecution Service will take the final decision after considering the full circumstances of the offence and your views. You have the **Right** to be told the reasons for their decision within **5 working days (1 working day under Enhanced Rights)** of an out of court disposal being given to the offender.

ORIGINAL TEXT: When the police have finished their investigation, they may decide what should happen next or, for more serious crimes, pass the information to the Crown Prosecution Service, who will then decide if there is enough evidence to take the case to court.

- 6.10 When the police have finished their investigation, they may decide what should happen next or, in more serious or complex cases, pass the information to the Crown Prosecution Service, who will then decide whether a person(s) should be charged with a criminal offence, and if so, what that offence should be.
- 6.11 If the police or Crown Prosecution Service decide not to prosecute the suspect, you have the **Right** to be told within **5 working days (1 working day under Enhanced Rights)** of the decision of:
- the reasons for the decision;
 - how you can get further information;
 - how to seek a review and make representations under the National Police Chiefs' Council or Crown Prosecution Service Victims' Right to Review Scheme;⁴⁰ and
 - how to be referred to a support service.
- 6.12 If you are unhappy with a police or Crown Prosecution Service decision not to prosecute the suspect, you have the **Right** to ask for a review under the National Police Chiefs' Council or Crown Prosecution Service Victims' Right to Review schemes. You should be provided with information about how the schemes work, including what the possible outcomes are. The police or Crown Prosecution Service will tell you whether the decision in your case is eligible for a review.

What is the Victims' Right to Review Scheme?

The Victims' Right to Review Scheme gives victims of crime a **Right** to request a review of a police or Crown Prosecution Service decision not to prosecute, or to stop the case. These are separate schemes, run independently by the police and the Crown Prosecution Service, but they share the same key principles that mean certain decisions are eligible for review, and you will be advised about this, how to request a review and the possible outcomes.

40 Other service providers (listed on page 9 of this Code) will explain how to ask for a review through their own scheme.

Police

The Victims' Right to Review Scheme gives you the right to ask for a review of a police decision not to prosecute⁴¹ a suspect. This applies to cases in which a suspect has been identified and interviewed under caution, either after an arrest or voluntarily. You have the right to request a review if the police decide:

- not to bring proceedings in cases where they have authority to charge; or where
- the case doesn't meet the test for referring the matter to the Crown Prosecution Service for a charging decision.

Crown Prosecution Service

[ORIGINAL TEXT: The Victims' Right to Review Scheme gives victims the Right to seek a review of a Crown Prosecution Service decision not to bring charges or to terminate all proceedings]

The Victims' Right to Review Scheme gives you the **Right** to seek a review of a Crown Prosecution Service decision not to start a prosecution or to stop a prosecution. If a decision qualifies for review under the scheme (see below), no reasons or justification for requesting a review are required. A simple request from you that you wish for the decision to be reviewed is all that is required.

Under the Scheme, you can seek a review of the following Crown Prosecution Service decisions:

- not to charge;
- to discontinue (or withdraw in the Magistrates' Court) all charges thereby ending all proceedings;
- to offer no evidence in all proceedings; or
- to leave all charges in the proceedings to "lie on the file" (this is the term used in circumstances where the Crown Prosecution Service makes a decision not to proceed and requests that the charges be allowed "to lie on the file" marked 'not to be proceeded with without the leave of this Court or the Court of Appeal').

Further information about which decisions qualify for review under the scheme, the review process, and potential outcomes after a review are available on the Crown Prosecution Service website.⁴²

41 VRR specifically relates to decisions not to prosecute. It doesn't cover crime-recording decisions or decisions not to continue with enquiries.

42 www.cps.gov.uk/legal-guidance/victims-right-review-scheme

- 6.13 If you are a victim in a specified case⁴³ where the Crown Prosecution Service tells you of a decision not to charge a suspect, you have the **Right** to be offered a meeting unless the Crown Prosecution Service decides that a meeting should not take place. On the rare occasions where the Crown Prosecution Service decide that a meeting is not appropriate, this decision will be explained to you.
- 6.14 If the suspect is charged with an offence(s), you have the **Right** to be told by the police within **5 working days (1 working day under Enhanced Rights)** of:
- the offence they are charged with;
 - the date, time and location of the first court hearing; and
 - where the suspect is released on police bail to appear in court, any bail conditions and any changes to these bail conditions.
- 6.15 If you are a bereaved close family member in a qualifying case⁴⁴ you have the **Right** to be offered a meeting with the CPS prior to or following a decision about whether or not to charge a suspect. If a decision is made to charge, the Crown Prosecution Service will explain how the case is likely to progress and answer any questions that you may have. The Crown Prosecution Service will also discuss your needs and jointly agree how regularly you will receive updates.
- 6.16 If, after the suspect has been charged with an offence(s), the Crown Prosecution Service decides to stop a charge and proceed with another, make a big change to a charge or stop the case, you have the **Right** to be told the reason why and, where the decision is to stop the case, how to ask for a review under the Crown Prosecution Service Victims' Right to Review Scheme, if you disagree with their decision.

43 Specified cases where victims are entitled to meet with the CPS are: child abuse; sexual offences; racially and religiously aggravated offences; offences with a homophobic or transphobic element; offences aggravated by hostility based on disability; and cases motivated by hostility based on age.

44 The cases where bereaved families are entitled to meet with the CPS are: murder, manslaughter, corporate manslaughter, familial homicide, causing death by dangerous driving, causing death by careless driving while unfit through drink or drugs, causing death by careless driving or through inconsiderate driving, causing death by driving whilst unlicensed, disqualified or uninsured and aggravated vehicle taking where death is caused.

Right 7: To make a Victim Personal Statement

- 7.1 You have the **Right** to make a Victim Personal Statement to explain in your own words how a crime has affected you, whether physically, emotionally, financially or in any other way. This is different from a witness statement. The Victim Personal Statement is considered by the judge or magistrates when determining what sentence the defendant should receive and can also help service providers to consider what additional support you and/or your family may require.
- 7.2 If you are a bereaved close family member, you have the **Right** to make a Victim Personal Statement and the **Right** to have someone with you when you do so, regardless of whether you have made a witness statement.
- 7.3 To help you decide whether you wish to make one, you have the **Right** to be provided with information about the Victim Personal Statement process by the police when reporting a crime. If you decide to make a personal statement, you will be asked for your preference about whether you would like to read your statement aloud in court or to have it read on your behalf. You can also request a copy from the police and will be given an opportunity to make an additional personal statement to reflect the changing impact of the crime.
- 7.4 If the defendant pleads guilty, or is found guilty, and you have asked that your statement is read aloud (or played) in court, the judge or magistrates will decide whether and what sections of your personal statement should be read aloud (or played), and who should read it. The judge or magistrates will always take your preference into account when making their decision, unless there is good reason not to do so. The Witness Care Unit will let you know the judge's or magistrates' decision.
- 7.5 You do not have to read your Victim Personal Statement yourself or have it read on your behalf. If at first you choose to have your personal statement read aloud but later decide you do not want this, you can change your mind. Your personal statement will be considered by the judge or magistrates in the same way, whether or not it is read (or played) aloud in court.
- 7.6 In addition to the named point of contact for a business being able to make a Victim Personal Statement, businesses of all sizes can make an Impact Statement for Business. This is similar to a Victim Personal Statement and will be used in the same way in court but allows the business to explain how a crime has affected them, such as direct financial loss, operational disruption or reputational damage.
- 7.7 The named point of contact has the **Right** to be provided information about the Impact Statement for Business process by the police when reporting the crime to help them decide whether the business wishes to make one.
- 7.8 Further information about the Victim Personal Statement and Business Impact Statement process is available from the police and at: www.gov.uk/government/publications/victim-personal-statement

When can I make a Victim Personal Statement?

You can make a Victim Personal Statement at any time prior to sentencing of the offender, however you may not have an opportunity to make it once the court hearing has started, especially if the defendant pleads guilty.

For many victims, the best time to make a Victim Personal Statement is when they are told that the suspect has been charged and the full impact of the crime may be clearer. The police may still ask for details of the initial impact when conducting your needs assessment or taking your witness statement.

Can I change my mind or update my Victim Personal Statement?

Once you have made a Victim Personal Statement, it becomes part of the court papers and you cannot withdraw or change it. However, if you remember something important, or feel that the impact of the crime on you has changed, you may make another statement.

Will the defendant be able to see my Victim Personal Statement?

If the case reaches court, the defendant will usually be allowed to read your personal statement. As with other evidence, if the court agrees it is relevant to the case, the defence can ask you questions about the contents of your personal statement. If your personal statement is read aloud in court, what is said could be reported by the media.

Further questions or help recording your Victim Personal Statement

If you have questions about making a Victim Personal Statement, how it will be used or what to include, you can speak with the police, Witness Care Unit or a support service for victims of crime. They can also help you to record it.

Victim Personal Statements in parole hearings, tariff review⁴⁵ hearings [and the Mental Health Tribunal]

- 7.9 If you are eligible for the Victim Contact Scheme, you can ask that your original Victim Personal Statement be used at tariff review hearings, at Parole Board hearings [and at Mental Health Tribunal hearings]. However, you are entitled to write a new Victim Personal Statement for these hearings, where you are able explain how the crime continues to affect you and/or your family, and the impact that any outcome at one of these hearings may have on you. Different rules apply to a Victim Personal Statement made to the Parole Board (see Right 11) [and to the Mental Health Tribunal].
- 7.10 [Placeholder: We are working on changes with the judiciary so that you can submit a Victim Personal Statement to the Mental Health Tribunal, if you are eligible for the Victim Contact Scheme (see Right 11). This might apply to you if the offender is detained under the Mental Health Act and their release is being considered. Different rules will apply to in these cases given the particular sensitivities relating to the offender's health, and we will set these out alongside the support in place to help you navigate this process. While this policy is a matter for government, the drafting of rules to make this work in practice is a matter for the independent Tribunal Procedure Committee. We have invited the Committee to consider making new rules that will be needed to deliver this policy.]

Community Impact Statements

The police may collect other types of statements to detail the impact of a crime that has been committed, for example where a community has been collectively harmed by crime.

A Community Impact Statement is used in exceptional cases to give affected communities a voice in the justice system. A community may be a geographical area or a social group. It provides context for decision-makers on the wider effect of an offence. This helps prosecutors to better assess the public interest when considering whether to bring a prosecution and allows the courts to better understand the seriousness of the offence when considering sentence.

[To note: this is a placeholder while the Government undertakes formal research into Community Impact Statements to help inform how we include more information about them in the new Victims' Code]

⁴⁵ The minimum term of those offenders detained at His Majesty's Pleasure who were under 18 years of age at the time that the crime took place can be reviewed by the High Court once the offender has served half of their original minimum term, in light of progress and development made by the offender. This reflects the fact that young people change more rapidly than adults, in a way that may not have been fully apparent at the time of sentencing. Victims including bereaved close family members may submit a Victim Personal Statement to the High Court.

Right 8: To be given information about the trial, trial process and your role as a witness

- 8.1 If the case goes to court, you have the **Right** to be told by the Witness Care Unit within **5 working days (1 working day under Enhanced Rights)** of them receiving the information from the court, which will be within 5 working days of the outcome of the relevant hearing:
- the time, date and location of any hearing (**within 1 working day for all victims**);
 - the outcome of any bail hearing (and relevant bail conditions, any relevant changes to these bail conditions and the reasons for those changes);
 - if an arrest warrant has been issued for the suspect and the outcome of a hearing if the suspect is re-arrested; and
 - the outcome of any hearing if the suspect has been re-arrested.
- 8.2 If the suspect pleads not guilty and you are required to attend court, you have the **Right** to:
- be told by the Witness Care Unit if you are required to give evidence within **1 working day** (for all victims) of them receiving the information from the Crown Prosecution Service;
 - have your needs assessed and be offered a referral to a witness support service (see box below) who can arrange a visit to the court before the trial date to familiarise yourself with the building, or another support service (see **Right 4**); and
 - be told of the outcome of any special measures application (see **Right 4**).
- 8.3 If you are required to give evidence, you will be able to refresh your memory by reading (or watching where it has been recorded) your witness statement. Where possible, if the court allows, the prosecutor will meet you before you go into court to explain what will happen and answer any questions you may have.
- 8.4 If you are a bereaved close family member, you have the **Right** to request, from your Family Liaison Officer or Witness Care Unit, a visit to the court before the trial date to familiarise yourself with the building, regardless of whether you are required to give evidence. You also have the **Right** to be offered a meeting with the Crown Prosecution Service prosecutor or advocate who will be presenting the case in court. This meeting will usually take place shortly before the trial and is an opportunity for you to be introduced and to ask any questions that you may have.
- 8.5 If you are an adult victim of rape or another serious sexual offence and you have been notified that the case is proceeding to trial, you have the **Right** to be offered a meeting with the prosecution team before the hearing takes place. This will provide you with the opportunity to discuss what happens next, what you can likely expect if attending court, and what support is available to you to help you give your best evidence. You can also ask any questions you might have about the process, but to ensure that your evidence can be used in court, you will not be able to discuss or ask questions about the evidence in the case.

- 8.6 When attending court, and where possible, you will be able to enter through a different entrance to the defendant and wait in a separate waiting area before and after your case has been heard. Some court buildings do not currently have separate entrances for victims, however, where informed in advance, His Majesty's Courts and Tribunals Service staff will make appropriate arrangements to ensure that you do not have to see the defendant on arrival.
- 8.7 During the trial, you may have to wait to give evidence, His Majesty's Courts and Tribunals Service court staff will give you a contact point at the court (who may be a member of a Witness Support Service) to keep you updated on the progress of the trial and they or the Crown Prosecution Service prosecutor or advocate will tell you how long you will likely need to wait.
- 8.8 Sometimes you may need to come back to court on another day, if this happens, His Majesty's Courts and Tribunals Service court staff or the Crown Prosecution Service prosecutor or advocate will tell you why.

Help when attending court

Having to attend court can be a worrying experience for any victim. However, you will be contacted by the Witness Care Unit before the trial.

As well as providing the Rights listed in paragraphs 8.1, 8.2 and 8.4, they can also provide practical guidance and advice to help you. This includes:

- being told about what to expect in court and answer any questions you might have about the court process;
- assessing your needs and being offered a referral to a Witness Support Service, which provides free and independent emotional and practical support to those giving evidence as witnesses;
- if the victim is under 18, being given information for young witnesses;
- being offered help with directions to the court and planning and/or arranging travel or accommodation;
- being offered help arranging child care or additional support to allow you to attend court;
- being given information about claiming witness expenses and allowances;
- being referred to the CPS, who will answer any questions you may have about the sentence which the Witness Care Unit is not able to answer; and
- being offered a referral to services that support victims before, during or after you have attended court.

Right 9: To be given information about the outcome of the case and any appeals

- 9.1 At the end of the case, you have the **Right** to be told the outcome, including where available, a brief summary of reasons for the decision,⁴⁶ by the Witness Care Unit, within **1 working day** of them receiving the information from the court which will be within **5 working days** of the outcome of the case.
- 9.2 If the defendant is convicted (found guilty), you have the **Right** to be told the sentence they received, including a short explanation about the meaning and effect of the sentence, by the Witness Care Unit, within **1 working day** of them receiving the information from the court which will be within **5 working days** of the outcome of the case. If you have any questions about the sentence which the Witness Care Unit are unable to answer, you have the **Right** to be referred to the Crown Prosecution Service, who will answer any questions you may have about the sentence which the Witness Care Unit is not able to answer.
- 9.3 If you are a bereaved close family member, you have the **Right** to be offered a meeting with the Crown Prosecution Service:
- following conviction, but before the sentencing hearing of the defendant, to confirm that a Victim Personal Statement has been made or to confirm that it is up to date (this meeting will usually take place at court);
 - following the sentencing hearing to explain the sentence given (this meeting will usually take place at court);
 - in cases where the defendant is found not guilty or is convicted of a less serious charge the offer of a meeting will be made a few weeks after the case has concluded, unless the Crown Prosecution Service decide that this is inappropriate. On the rare occasions where the Crown Prosecution Service decide that a meeting is not appropriate, this decision will be explained to you. The actual timing of the meeting will be informed by the wishes of the family so you will be contacted to discuss when the meeting should take place; and
 - in a murder case where all defendants are found not guilty of all charges, the police and Crown Prosecution Service will follow the process set out in the National Standards of Support for bereaved families. The National Standards of Support are available on the Crown Prosecution Service website at: www.cps.gov.uk and a copy is provided by the police to bereaved families as part of the police bereavement pack.

⁴⁶ The Witness Care Unit will be unable to provide an explanation if the offender has been found not guilty by a jury, because the jury do not have to provide reasons for their decision.

If you think the sentence given to the offender is far too low

- 9.4 For some (but not all) cases sentenced in the Crown Court you can ask⁴⁷ the Attorney General⁴⁸ to refer the sentence to the Court of Appeal to reconsider it. This can only be done if the Attorney General thinks that the sentence was not just lenient but 'unduly lenient',⁴⁹ such that the sentencing judge made a gross error or imposed a sentence outside the range of sentences reasonably available in the circumstances of the case.
- 9.5 If the Attorney General considers that the sentence meets the standard of being 'unduly lenient', the case is referred to the Court of Appeal. The Attorney General must consider the matter as soon as possible after sentence and no later than the **28th calendar day after** the sentence was imposed (in business hours and with sufficient time for consideration). If the Court of Appeal agrees, it may increase the sentence.
- 9.6 The Witness Care Unit will tell you about the scheme, when you are told the sentence in the case.

If the offender appeals

- 9.7 Sometimes the offender will ask the court to look at the case or the sentence again. This is called an appeal. What will happen next will depend on whether the offender is allowed to appeal and if so, the outcome of that appeal.

If an application is made to the Crown Court to appeal against a conviction or sentence in the Magistrates' Court

- 9.8 If the offender appeals to the Crown Court, you have the **Right** to be told by the Witness Care Unit within **1 working day** of them receiving the information from the court, which will be within **5 working days** of the outcome of the hearing:
- that a notice of appeal has been made;
 - the date, time and location of any hearing; and
 - the outcome of the appeal, including any changes to the original sentence.
- 9.9 If you wish to attend the appeal, you have the **Right** for court staff to arrange for you to:
- wherever possible wait and be seated in court in an area separate from the offender and their family and friends;
 - be provided with a contact point at the Crown Court; and
 - receive information about services that support victims where appropriate and available.

47 The CPS may also contact the Attorney General if they have concerns about the sentence.

48 The Attorney General is chief legal adviser to the Crown and has a number of independent public interest functions, as well as overseeing the Law Officers' departments.

49 A sentence is 'unduly lenient' if it falls outside the normal range of sentences the judge could have reasonably considered appropriate.

If an application is made to appeal against a conviction or sentence to the Court of Appeal, or an application or appeal is made to the UK Supreme Court in a criminal case on a point of law

- 9.10 If the offender appeals to the Court of Appeal or UK Supreme Court, you have the **Right** to be told by the Witness Care Unit within **5 working days (1 working day under Enhanced Rights)** of them receiving the information from the court, which will be within **5 working days** of the outcome of the relevant hearing:
- if the offender has been given permission to appeal against the conviction, sentence or point of law;
 - the date, time and location of any hearing, and any changes to this information (within 1 working day for all victims);
 - if the offender is to be released on bail pre-appeal or if the bail conditions have been changed (within 1 working day for all victims);
 - the name of a contact for the Criminal Appeal Office or UK Supreme Court staff;
 - the outcome of the appeal, including any changes to the original sentence, and
 - how to request a copy from the Criminal Appeal Office or UK Supreme Court staff of the court's judgment in the case once it has been published.
- 9.11 If you wish to attend the appeal, you have the **Right** for court staff or UK Supreme Court staff to arrange:
- wherever possible, for you to wait and be seated in court in an area separate from the offender and their family and friends; and
 - special arrangements for you if the offender is present and you do not wish to sit in the courtroom (it is rare for the offender to attend hearings in the Supreme Court).
- 9.12 Following a decision to give the offender permission to appeal, if you are a bereaved close family member, you have the **Right** to be offered a meeting with the CPS to explain the nature of the appeal and the court processes.
- 9.13 In determining an appeal against a sentence, the court will always take into account any Victim Personal Statement that was considered by the sentencing court.
- 9.14 It is not normally necessary for a further personal statement to be provided to the Court of Appeal. However, if there is information that the court should know about the continuing impact the crime has had on you, a new or further Victim Personal Statement may be sent to the Court through the police or the Crown Prosecution Service.

Criminal Cases Review Commission

- 9.15 The Criminal Cases Review Commission investigates alleged miscarriages of criminal justice in England, Wales and Northern Ireland. An offender can apply to the Commission to review their convictions and/or sentence if there is some new information or new argument which might mean the conviction is unsafe or the sentence too long.
- 9.16 The Commission, when reviewing a case, will assess the potential impact on you and decide if you should be notified.
- 9.17 The Commission will not usually try to contact you just because they have received an application. This is because most reviews will not lead to a referral to the Court of Appeal, and therefore there is no need to warn you that the offender has applied. However, the Commission will tell you if they think there is a reasonable chance that you may find out that they are looking at a case through the media or through another source. The Commission will usually work with the police to notify you of an application and will contact you again when a decision has been made on whether they refer the case.
- 9.18 If the Commission decides that it is not appropriate to contact you during the review, but subsequently decides to refer the conviction or sentence to the courts, the Commission will try their best to contact you before the case is referred for an appeal.

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Right 10: To be paid expenses and have property returned

- 10.1 If you attend court⁵⁰ to give evidence, you have the **Right** to claim certain expenses from the Crown Prosecution Service⁵¹, for example, for travel, child care, loss of earnings, refreshments and meals (further details are available on the CPS website at: www.cps.gov.uk). The Witness Care Unit will be able to help if you have any questions about claiming expenses.
- 10.2 The Crown Prosecution Service will pay any expenses due to you within **10 working days** of receiving a correctly completed claim form.
- 10.3 If the police took any of your property as evidence, you have the **Right** to get it back as soon as it is no longer required. The police will be able to help if you have any questions about the return of your property.

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50 If you attend a prison to present your Victim Personal Statement to the Parole Board panel you are eligible to claim certain expenses from the Parole Board, for example, for travel, or refreshments and meals. Your Victim Liaison Officer will be able to help if you have any questions about claiming these expenses.

51 Other service providers responsible for prosecuting an offence must have rules under which victims have the possibility of reimbursement of expenses incurred from attending court to give evidence.

Right 11: To be given information about the offender following a conviction

The Victim Contact Scheme

ORIGINAL TEXT: If you are the victim or a bereaved family relative and the offender was convicted of a specified violent or sexual offence, and sentenced to 12 months or more in prison⁴⁴ (or detained in a hospital for treatment under the Mental Health Act 1983 with or without a restriction order), you have the Right to be automatically referred within 10 working days of sentencing to the National Probation Service Victim Contact Scheme and be assigned a Victim Liaison Officer. The Victim Liaison Officer will contact you within 20 working days of the referral.

- 11.1 If you are a victim who has been subjected to crime, or a close family member bereaved by crime, you have the **Right** to be automatically referred within **10 working days** of sentencing to the Probation Service Victim Contact Scheme and be assigned a Victim Liaison Officer. This will apply in cases where the offender was convicted of a specified violent or sexual offence,⁵² and sentenced to 12 months or more in prison⁵³ or detained in a hospital for treatment under the Mental Health Act 1983 with or without a restriction order.⁵⁴ The Victim Liaison Officer will contact you within **20 working days** of the referral. If you are a victim because you have suffered harm as a result of witnessing a crime, you will not be automatically referred to the Scheme.
- 11.2 Where you choose to opt-in to the Victim Contact Scheme, you are entitled to receive information at key stages of the offender's sentence (see 11.3). You may opt-out and opt back into the Victim Contact Scheme at any time whilst the offender is serving their sentence/hospital order.

⁵² As defined in section 45(2) of the Domestic Violence, Crime and Victims Act 2004.

⁵³ Prison in this case can mean any place the person is liable to be detained, including for example a Young Offenders Institution.

⁵⁴ Restrictions will be placed on a patient if the court considers that this is necessary for the protection of others from serious harm. The Secretary of State is involved in the management of 'Restricted patients'. This means that the Secretary of State will make decisions about the offender's rehabilitation. '-Non Restricted patients' are managed by clinicians, and hospital managers.

11.3 The Victim Liaison Officer will tell you:

- what the sentence of the court means in terms of the offender's detention in prison or hospital, and if there are any changes to their sentence;
- when an offender in prison becomes eligible to be considered for a transfer to open conditions;
- if a prisoner moves to open conditions;
- when an offender is being considered for release or for conditional discharge;
- when the offender is released, or discharged from hospital, and if they are recalled to prison or hospital;
- how to apply to the Parole Board for the hearing to be held in public, or to submit your views if someone else applies for a public hearing;
- how to make a Victim Personal Statement where it falls to the Parole Board [or the Mental Health Tribunal] to decide whether to direct the release of the offender from prison [or to decide whether to release or discharge the offender from hospital];
- how to apply to read your Victim Personal Statement to the Parole Board [or the Mental Health Tribunal], or have it read out on your behalf, or make a pre-recording, in those cases where the Parole Board [or Mental Health Tribunal] hold an oral hearing;
- how to apply for licence/discharge conditions to reduce the chances of you encountering the offender in the community, or to prohibit them from contacting you;
- how to make submissions to the Parole Board or ask them questions [and the emotional support that is available if you need it to help you when observing parole hearings];
- about any licence/discharge conditions that relate to you and the date they will end or where a request to change or remove them has been made;
- how to ask for a summary of the Parole Board's decision and how to seek to make representations where the Parole Board decides the offender is safe to release;
- if the offender escapes or absconds from custody;
- how to ask for information should the offender be convicted of a most serious offence (see 11.18 – 11.19); and
- how to make a reconsideration request (where eligible) (see 11.9 – 11.10).

[Note: this section will be further updated to reflect the agreed procedure following relevant work with the judiciary set out under Right 7 in relation to Victim Personal Statements in the Mental Health Tribunals where an offender is detained in hospital under the Mental Health Act.]

11.4 In addition to the statutory offences where the Victim Contact Scheme is offered, the Probation Service will also offer victims access to the scheme where the offender is sentenced to 12 months or more in prison (or detained in a hospital for treatment under the Mental Health Act 1983 with or without a restriction order) for:

- Causing Death by Careless or Inconsiderate Driving (Road Traffic Act 1988);
 - Causing Serious Injury by Dangerous Driving (Road Traffic Act 1988); or
 - Controlling or coercive behaviour in an intimate or family relationship (Serious Crime Act 2015).
- Victims of offenders who are under 18 years old

- 11.5 If the offender in your case is under the age of 18 and you are not eligible for the Victim Contact Scheme, the Youth Offending Team may contact you directly. This is in cases where a young offender is sentenced to less than 12 months in custody, 12 months or more for a non-sexual or non-violent offence or a community-based order. A community-based order puts conditions on an offender serving a sentence in the community rather than prison.
- 11.6 The Youth Offending Team may seek your views prior to sentencing and explore whether you want to get involved in any Restorative Justice initiatives (see **Right 3**), where appropriate and available.
- 11.7 You have the **Right** to receive the following information from the Youth Offending Team:
- information about the progress of the offender’s case upon request; and
 - information on appropriate services that support victims if you ask for additional support.

The Parole Board

- 11.8 The Parole Board⁵⁵ must:
- consider any application by a victim for the hearing to be held in public;
 - consider all representations that victims have made about licence conditions; where a victim has requested a licence condition which has not been included, or has been amended, and provide an explanation for this non-inclusion or amendment; read a Victim Personal Statement if one is submitted;
 - consider any application by the victim to be permitted to attend the hearing and read their Victim Personal Statement or have it read by someone else on their behalf;
 - unless there is a good reason for not doing so, agree to the statement being read at the hearing by the victim or someone else on their behalf;
 - consider any submissions made by the victim, and address any questions they ask;
 - have regard to the protection of any victim of the prisoner when making a public protection decision; and
 - provide a summary of the parole decision upon application, unless there is a good reason for not doing so.⁵⁶
- 11.9 [Placeholder: We are working on changes so that you can participate in more ways within the parole process. We will set out relevant information, including the emotional support you will be able to access if you need it.]

55 The majority of prisoners are released automatically without any involvement from the Parole Board. The main categories of prisoner the Parole Board is responsible for considering the suitability for release of are: a), extended determinate sentence prisoners who can be released on licence after having served a specified part of their sentence in custody, b) indeterminate sentence prisoners such as those serving a life sentence or Imprisonment for Public Protection, and c) standard determinate sentence prisoners who have been recalled to custody after having breached their licence conditions.

56 For example, where it might put someone – the offender, victim or other person – at risk.

The Parole Board and Victim Personal Statements

When can I make a Victim Personal Statement to the Parole Board?

You can make a new Victim Personal Statement any time leading up to the parole review, but it must be submitted in good time in order for the Parole Board to read it. If there is to be a parole oral hearing the Victim Personal Statement should be submitted at least **eight weeks** in advance. A parole hearing is unlikely to be delayed to allow for a late Victim Personal Statement to be submitted.

Can I change my mind or update my Victim Personal Statement?

You can update your Victim Personal Statement or write a new one, but you will need to withdraw a previous version first. You can write a new statement for each parole review that may take place.

Will the offender be able to see my Victim Personal Statement?

The overriding principle is that the offender will see all information related to the parole review, unless in very exceptional circumstances the Parole Board agrees not to disclose it to the offender. This practice is consistent with the fundamental principles of our criminal justice system. However, if you do not wish the offender to read your statement you may ask your Victim Liaison Officer to apply for the statement to be withheld, under a non-disclosure application. There are rules about this which will need to be followed including strict timeframes for making a request (**eight weeks** ahead of an oral hearing) and specific reasons for when information can be withheld, which are set out in the Parole Board Rules 2019. The final decision lies with the Parole Board. If the Board agrees not to disclose your Victim Personal Statement, the prisoner's solicitor may still have sight of it, although he/she may be required not to disclose it to the prisoner.

If you request non-disclosure and the Parole Board turns it down, you may withdraw your Victim Personal Statement.

Further questions or help recording your Victim Personal Statement

If you have questions about making a Victim Personal Statement, how it will be used or what to include, you can speak to your Victim Liaison Officer. They can also help you to record your personal statement.

Asking for a parole decision to be reviewed⁵⁷ (Reconsideration Mechanism)

- 11.10 The Parole Board considers certain offenders for parole (release on licence) or re-release following recall and does so based on their risk of harm to the public.
- 11.11 If the Parole Board decides it is safe to release an offender the decision is provisional for 21⁵⁸ calendar days in the majority of cases (except standard determinate recalls⁵⁹). The Secretary of State may ask the Parole Board to reconsider the decision during this period, if he has an arguable case that:
- the correct process was not followed in the review of the offender for parole
 - for example, important evidence was not taken into account; or
 - the decision was irrational
 - the decision cannot be justified based on the evidence of risk that was considered.
 - As a victim, you may submit a request to the Secretary of State asking that an application for reconsideration is made, if you believe that the decision meets either of these tests. Your request must be submitted within the 21-day provisional window. The Secretary of State will only do so where there is evidence the criteria is met. You will receive a letter informing you of whether the Secretary of State makes an application for reconsideration or not.

Sexual Offender Notification Requirements Review Process

- 11.12 Registered sex offenders are subject to 'notification requirements'. This means they must tell the police about some of their personal details. The notification requirements are an automatic consequence of a conviction or caution, for a Schedule 3 offence under the Sexual Offences Act 2003, but the length of time an offender will be subject to the requirements will vary dependent upon the sentence they are given. A breach of the notification requirements is a criminal offence and is punishable by up to five years imprisonment.
- 11.13 Offenders who are subject to notification requirements for life can apply to have this reviewed after a set period of time following their first notification, which usually takes place at release from prison. The set period of time is 15 years for adults and 8 years for juveniles. If the offender makes such an application, the police will then carry out a review, including a risk assessment to decide whether the offender's notification requirements may be stopped. Sex offenders who are assessed as still being a risk will remain subject to notification requirements and will do so for life if necessary.
- 11.14 If you are a victim of an offender who makes such an application, you have the **Right** to be contacted by the police to provide your views on the application as part their review. Your Victim Liaison Officer will provide you with further information about this process.

57 <https://www.gov.uk/guidance/challenge-a-parole-decision>

58 In exceptional circumstance requests can be made to shorten this period, if this happens victims will be informed.

59 A determinate prison sentence is for a fixed length of time. The prisoner will spend the first half or two-thirds (depending on the overall length of the sentence and offence) of the sentence in prison and the remaining portion in the community 'on licence'. If they breach any licence conditions, for example they demonstrate poor behaviour which increases their risk, they could be recalled back to prison to serve the remainder of the sentence.

Foreign National Offenders

11.15 If you have been a victim of a crime committed by a foreign national and the offender:

- has received a prison sentence of 12 months or more, or a hospital order, for an offence against you;
- was recommended by a court for deportation for an offence against you; or
- was sentenced to a period in prison for a violent or sexual offence.

Then you have the **Right** to receive information about the offender's deportation. You can choose not to receive this information. The Probation Service (Victim Liaison Officer and Offender Managers) must take all reasonable steps to work with the immigration authorities to ensure, as far as possible, that information about the prisoner's immigration status and any deportation information is passed on to victims.

11.16 If you have been the victim of a crime as set out in 11.14, your Victim Liaison Officer assigned by the Victims Contact Scheme (see 11.1) will be able to obtain updates from the Home Office on your behalf.

11.17 If you are not eligible for the Victim Contact Scheme or have opted out of the scheme, but you meet the criteria (see 11.14 above) you have the **Right** to ask the Home Office for updates regarding the immigration case of the foreign national offender directly from the Home Office's Victim Support Team.

11.18 The Home Office Victim Support Team can tell you:

- whether the Home Office intends to take deportation action against the offender;
- the final outcome of any appeal against deportation;
- when the offender is going to be released from immigration detention;
- when the offender has been deported; or
- if the offender is not being deported and if possible, the reasons why.

Serious Further Offence Reviews

11.19 In the event that an offender commits a Serious Further Offence⁶⁰ while they are under statutory supervision by the provider of probation services, or shortly after this supervision has ended, the provider of probation services will carry out a Serious Further Offence Review to investigate how the case was managed and whether or not there are any improvements that need to be made to manage future cases.

11.20 In the most serious cases, providers of probation services will offer to share the findings of a Serious Further Offence Review with the victim or their families following conviction of the offender. If this occurs you have the Right to be contacted by your Victim Liaison Officer, to be asked whether you would like to meet with a senior manager from the provider of probation services to talk about the findings of the Serious Further Offence Review and if you would like a copy of the report.

⁶⁰ An offence listed in Annex C to Probation Instruction 15/2014 'Notification and review procedures for serious further offences' (as amended from time to time). These are currently all serious violent or sexual offences which attract a maximum of 14 years imprisonment or an indeterminate sentence.

Right 12: To make a complaint about your Rights not being met

- 12.1 If you believe that you have not received any of your **Rights** under this Code, you can make a complaint. In the first instance, and if you feel comfortable doing so, you should discuss your complaint with the person you have been dealing with at the relevant service provider.
- 12.2 If you remain unhappy, or if you do not feel comfortable discussing the complaint with the person you have been dealing with, you can make a complaint through the service provider's internal complaints' procedure.⁶¹ They will provide you with information about their complaints procedure and respond within the timescales set out in this procedure.
- 12.3 If you send your complaint to the wrong service provider or it needs to be dealt with by more than one service provider, they will let you know.

ORIGINAL TEXT: If you are still not satisfied after you have finished the service provider's complaints procedure, or they are taking too long to get back to you, you can ask your Member of Parliament to refer your complaint to the Parliamentary and Health Service Ombudsman. The Ombudsman will consider any complaints referred to them and, where appropriate, undertake an independent investigation

- 12.4 If you are still not satisfied after you have finished the service provider's complaints procedure, or they are taking too long to get back to you, you can refer your complaint directly to the Parliamentary and Health Service Ombudsman. If your complaint does not relate to your experiences as a victim of crime, you should ask your Member of Parliament to refer your complaint to the Ombudsman, rather than sending it yourself. The Ombudsman will consider any complaints referred to them and, where appropriate, undertake an independent investigation.
- 12.5 Further information about making a complaint to the Ombudsman can be found on their website at: www.ombudsman.org or by calling their Customer Helpline on **0345 015 4033**⁶²

61 Service providers must have a clearly identified complaints process through which victims can make a complaint if their Rights under this Code have not been met.

62 Monday – Thursday, 8.30am - 5.00pm, and Friday, 8.30am – 12:00pm.

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