

Clauses 6-11: Review of Compliance with the Victims' Code

Overview

The Victims' Code (the Code¹) sets out the minimum standards that organisations are expected to provide to victims of crime.

To improve how the services under the Code are delivered and appropriate oversight of this, the Bill introduces a duty on criminal justice bodies² to collect and share Code compliance information and to keep their compliance with the Code under review. Criminal justice bodies will share this information with Police and Crime Commissioners (PCCs), who will be required to keep the Code compliance of the criminal justice bodies under review in their local police area. Equivalent arrangements are in place for non-territorial police forces, who operate nationally and so do not fall within PCCs' local areas. The Ministry of Justice (MoJ) will set up a national oversight structure and publish appropriate transparency information.

Key measures

To ensure robust systems for understanding how local areas are complying with the Code, this duty requires criminal justice bodies and PCCs to keep compliance with the Code under review. As part of this, the Bill requires:

- **Criminal justice bodies to collect compliance information on the services they provide under the Code**, underpinned by regulations setting out what information must be collected and shared and in what form. This will include direct feedback from victims to hear about and learn from their experiences.
- **Criminal justice bodies to share information on their Code compliance with one another and PCCs** as part of the wider duty to keep their compliance with the Code under review.
- **PCCs to keep local compliance with the Code under review** by participating in joint reviews of compliance information with criminal justice bodies in their local area. This will allow PCCs to generate collective insights into how compliance is working in each area and to resolve issues collectively.

¹ The Code of Practice for Victims of Crime in England and Wales and supporting public information materials - GOV.UK (www.gov.uk). As a result of clause 2 of the Victims and Prisoners Bill, we will be introducing a new Code that will be consulted on after Royal Assent.

² All local police forces in England and Wales, the CPS, HMCTS, HMPPS & Youth Offending Teams.

- **PCCs to share compliance information and insights from the joint review about local performance with the Ministry of Justice** to build a national picture of how the criminal justice system is delivering for victims.
- **Code compliance information** to be published so that there is cross-system transparency for how the criminal justice system delivers for victims. MoJ will publish this data and PCCs will be required to take reasonable steps to make members of the public in their local area aware of how to access this information so that they can understand how criminal justice bodies are performing for victims in their local area.

We will also establish national oversight through cross-criminal justice system governance structures to share best practices and ensure that performance issues can be escalated and resolved.

These measures together will help to improve data collection and review of compliance with the Code, so we can better see how criminal justice bodies are performing and drive any necessary improvements.

Who the duties will apply to

The duties will be placed on the following bodies in England and Wales (defined in the Bill as “the criminal justice bodies”):

- PCCs³, who hold responsibility for the totality of policing in their area and who hold the Chief Constable of their force to account for the operational delivery of policing, and who can commission support services to victims;
- All local police forces in England and Wales, who are usually a victim’s first point of contact in the criminal justice system;
- The Crown Prosecution Service (CPS), which is responsible for prosecuting criminal cases investigated by the police and other investigative authorities;
- HM Courts and Tribunals Service (HMCTS), which is responsible for the administration of the court and the tribunal system;
- HM Prison and Probation Service (HMPPS) and its executive agencies, which carries out sentences given by the courts, in custody and in the community;
- Youth Offending Teams, which are local authority, multi-agency partnerships that work with children who have offended or may be at risk of offending.

Separately, the Bill puts in place equivalent arrangements for non-territorial police forces (the Ministry of Defence Police (MDP) and the British Transport Police (BTP)).

³ Which includes Mayors of Combined Authorities who exercise PCC functions, Police Fire and Crime Commissioners and the Mayor’s Office for Policing and Crime in relation to the Metropolitan Police District

As they operate nationally, they do not fall within PCC's local areas, therefore different arrangements are required in order to monitor their compliance.

Background

All criminal justice bodies already collect data and analyse their compliance with the Code, but we know there is room for improvement. In 2019/20, 45% of victims felt that the relevant criminal justice agency kept them informed, and only 18% of victims recall being offered the opportunity to make a Victim Personal Statement (VPS)⁴. The criminal justice system is a complex landscape where responsibility is spread across different operationally independent partners. There is evidence that the specified bodies do not consistently share information or collaborate effectively across the system on Code compliance. This means that it can be challenging to establish how well the system is working for victims.

The National Criminal Justice Board (NCJB) agreed that PCCs, who predominately chair their Local Criminal Justice Board (LCJB), would oversee a new monitoring process to measure criminal justice partners' compliance with the Code. This was set out in the Victims' Strategy in 2018⁵. However, the extent to which this is proving effective varies, and the necessary independence of respective players in the criminal justice system can make local criminal justice partnership working challenging.

In December 2021, the MoJ consulted on how it could improve oversight mechanisms and structures and ensure improved treatment of victims. We heard that greater local inter-agency collaboration is needed alongside better Code compliance data collection and sharing at local and national levels.

The consultation response⁶ in May 2022 set out this proposed legislative framework for the criminal justice bodies and committed to consider other issues outside of legislation to ensure effective and consistent local and national oversight. This framework will help ensure that victims are properly treated as they rightly expect by all parts of the criminal justice system.

Compliance Information Collection and Sharing

It is vital that the information collected provides a consistent picture of how the system is delivering for victims across England and Wales. That is why we will use regulations to specify what information must be collected and shared, with underpinning guidance detailing how criminal justice bodies should fulfil their duties. The intention is to require specified bodies to collect (whether directly or via arrangements to have it collected on their behalf) and share:

⁴ [Experience of the criminal justice system for victims of crime, England and Wales, year ending March 2020; Office for National Statistics, GOV.UK](#)

⁵ [Victims Strategy \(publishing.service.gov.uk\)](#)

⁶ [Delivering justice for victims: Consultation response - GOV.UK \(www.gov.uk\)](#)

- **Statistical data** to monitor progress on key elements of the Code.
- **Feedback from victims** to understand individual victims' experiences of the service provided.
- **Delivery assessment** of system-level processes used to deliver the Code and to review whether they're working.

By combining these three elements, we will build a comprehensive picture of the delivery of each Code entitlement. Requirements for these three elements will be set out in regulations, which are more appropriate for this level of technical detail. This will allow flexibility to amend the requirements if different information is needed in the future.

We also anticipate using other contextual information to support our understanding of compliance. For example, information provided to the Ministry of Justice by PCCs on their commissioning of victim support services, inspectorate reports, research published by the Victims' Commissioner and the victims sector, and information on victims' complaints from the Public Health Service Ombudsman.

During the passage of the Bill, we will publish updates on the details of guidance and regulations to enable Parliamentary consideration. Further consultation will take place on the full draft of the guidance and regulations after Royal Assent. The initial intentions for the regulations are set out below.

Statistical Data

The intention is for the regulations to specify the minimum dataset that criminal justice bodies and non-territorial forces must collect to monitor their compliance with the Code. The regulations will set out what information each body is required to collect and share in relation to Code entitlements. These metrics will enable effective monitoring at a local partnership level and create a standardised picture of delivery across England and Wales.

We recognise the value in disaggregating this data by crime type and protected characteristics. We will explore this as we develop this minimum data, which will seek to be both proportionate and sensitive to the challenges that come with collecting individual-level information, including the potential administrative costs.

Victims' Feedback

The intention is for the regulations to also set out a minimum level of feedback that the criminal justice bodies must collect from victims. This will ensure that criminal justice bodies are not only measuring the action that they are taking, but also the experience of victims accessing their services. This information may be collected independently, on behalf of the body, by another approved organisation. We have contracted external research services to help understand the most suitable way to survey victims on their experience of the criminal justice process.

Delivery Assessment

The intention is for the regulations to also set out services under the Code that the criminal justice bodies must provide further information on. This will include information on the processes and systems in place to deliver those responsibilities and areas for further development. This will create an additional pool of information and will help criminal justice bodies, PCCs and departments to understand areas of best practice and poor performance.

Monitoring the delivery of Code entitlements

We are taking time to work with bodies and government departments to develop these three areas of compliance information, and we value input from Parliamentarians and the sector. The table below shows an initial proposal for how these three areas can come together to assess both what is delivered and the quality of how it is delivered.

This initial proposal for metrics is based on existing systems and some new data collection that we will pilot to understand delivery quality and timeliness. For Victim Feedback and Delivery Assessments, the proposal is indicative of what information could be collected to assess compliance. For some entitlements it may be that one or two information sources could provide a sufficiently clear picture of delivery.

Following the conclusion of external research and further work with bodies and government departments, we will provide further detail on what will be collected and how frequently this will be shared.

Right	Information for Collection
<p>1: To be able to understand and to be understood</p>	<p>Metrics: None as the focus is on the victim’s subjective experience.</p> <p>Feedback: Asking if victims were helped to understand the CJS process effectively and felt that their voice could be understood.</p> <p>Delivery Assessment: Evaluating information provided to make sure this is done in accordance with victim need, i.e., for language support to assess it is meeting language/communication needs and assessing processes for providing interpreters/translated material.</p>
<p>2: To have the details of the crime recorded without unjustified delay</p>	<p>Metrics: Proportion of crimes recorded within 24 hours or not.</p> <p>Feedback: Asking victims about their experiences of reporting the crime.</p> <p>Delivery Assessment: Evaluating the procedures put in place to monitor effectiveness, and what evidence is collected on whether victims they felt their needs were considered in the process of giving evidence.</p>
<p>3: To be provided with information when reporting the crime</p>	<p>Metrics: Proportions of Crime Report Number delivered within 5 working days.</p> <p>Feedback: Asking victims about the information provided in order to understand its clarity and sensitivity of delivery.</p> <p>Delivery Assessment: Evaluating the methods used to provide victims with information and how they’re working.</p>
<p>4: To be referred to services that support victims and have services and</p>	<p>Metrics: Proportion of support referral numbers and timings and needs assessments for ‘enhanced’ rights.</p> <p>Feedback: Asking victims’ satisfaction with the support they received, how they were referred, and the time waited</p>

support tailored to your needs	Delivery Assessment: Evaluating the processes used to assess the needs of victims and ensure support offered meets those needs.
5: To be provided with information about compensation	<p>Metrics: None as the focus is victims understanding their eligibility and how to access compensation.</p> <p>Feedback: Asking victims' whether they were told of the compensation process and insights on accessibility and efficiency.</p> <p>Delivery Assessments: Evaluating information provided to ensure clear eligibility criteria and signposted support for victims.</p>
6: To be provided with information about the investigation and prosecution	<p>Metrics: Number of letters sent to victims explaining decision not to prosecute, and the timeliness of letters sent to victims. The number of victims requesting their Victims' Right to Review, and decisions overturned at each stage.</p> <p>Feedback: Asking about the quality of information provided during investigation and prosecution and the sensitivity of delivery.</p> <p>Delivery Assessment: Evaluating the procedures in place to share information with victims.</p>
7: To make a Victim Personal Statement (VPS)	<p>Metrics: The proportion of victims offered to make a VPS and those read out in court.</p> <p>Feedback: Asking whether victims received enough information to make an informed decision and how the process went.</p> <p>Delivery Assessment: Evaluating the quality of the information provided on the VPS process.</p>
8: To be given information about the trial, trial process and your role as a witness	<p>Metrics: Proportion of victims informed and timeliness of information about hearing dates and about the need to give evidence.</p> <p>Feedback: Asking victims about the quality of information provided about the trial process to assess clarity and sensitivity.</p> <p>Delivery Assessment: Evaluating the processes in place to ensure victims are provided with comprehensive information.</p>
9: To be given information about the outcome of the case and any appeals	<p>Metrics: Proportion of victims informed and timeliness of information about hearing outcomes and appeals and the number of victims engaged with youth offending teams about Restorative Justice.</p> <p>Feedback: Asking about the information provided about the outcome and appeals to assess quality, delivery and sensitivity.</p> <p>Delivery Assessments: Evaluating the communication between prosecutors and legal representatives to ensure effective.</p>
10: To be paid expenses and have property returned	<p>Metrics: Number of victims and witnesses paid expenses due and the percentage sent within 10 working days of receiving a correctly completed claim form.</p> <p>Feedback: Asking about the experience with the reimbursement and property return process.</p> <p>Delivery Assessment: Evaluating the procedures for property return and communication about the status of property and the steps required for its return.</p>

<p>11: To be given information about the offender following a conviction</p>	<p>Metrics: Referrals and updates to victims eligible for the Victim Contact Scheme, and the proportion of victims contacted by youth offending teams about the progress of a case.</p> <p>Feedback: Asking about the information provided about the offender and any concerns or difficulties encountered during the process.</p> <p>Delivery Assessment: Evaluating the procedure to ensure victims receive accessible letters and information.</p>
<p>12: To make a complaint about your rights not being met</p>	<p>Metrics: None as availability of a complaint process can show compliance and the volume of complaints is not an indicator of compliance.</p> <p>Feedback: Asking about the complaint process in relation to their rights not being met and its accessibility.</p> <p>Delivery Assessment: Evaluating the number and nature of complaints received, actions taken, and outcomes achieved.</p>

Monitoring Code compliance will be an iterative process to keep up with the changing needs of victims and development of information systems. We continue to develop this initial proposal and may explore additional metrics. Examples of other metrics that agencies have an ambition to collect but need further feasibility work, include: the number of bereaved families offered a meeting with the Prosecution team and when ‘special measures’ are used at trial.

Our ambition is to enhance this framework once a baseline has been implemented and proved operable. Overall, our approach will ensure a thorough but proportionate framework for assessing compliance with the Code, which can be built upon.

Information Sharing

Criminal justice bodies will be required to share compliance information with their local PCC to meet the new legislative duty. The regulations will also contain provision for how this information should be shared between criminal justice bodies and PCCs, and the information and form in which PCCs must share with the MoJ. This will be prescriptive so that there can be consistency across areas to enable meaningful comparison between agencies and across areas. The guidance will provide further advice on other information PCCs, or criminal justice bodies may share to help deepen joint discussion of Code compliance and establish a better understanding of victims’ experiences—for example, local information about support service provision.

Data Protection

It is not anticipated that the regulations will require personal data to be collected or shared in order for the criminal justice bodies to demonstrate their Code compliance. We therefore anticipate that the information will be anonymised and will not compromise victims’ and survivors’ confidentiality or jeopardise their ability to

consent to access services and support. In any event, the disclosure and processing of personal data is only permitted in accordance with data protection legislation.⁷

Compliance Oversight

Clear lines of oversight are necessary to keep compliance with the Code under review. Therefore, statutory guidance will set out further advice on monitoring of Code compliance and national oversight governance structures. Our initial expectations of what local and national oversight structures will look like are set out below, and we will work with and consult the criminal justice bodies and wider stakeholders to develop this guidance.

Local Oversight

Code compliance information will empower criminal justice bodies and PCCs to scrutinise local compliance, and for agencies to scrutinise their own compliance and identify if there are problems, why, and what actions are needed to resolve them. Co-operation and collaborative working will be required to enable PCCs to fulfil their function of keeping under review how the criminal justice bodies for the local area are complying with the Victims' Code requirements. The guidance will therefore recommend that PCCs chair a local meeting with representatives from each of the bodies subject to this duty. This will enable collaborative discussion on the insights gathered from the compliance information and on ways to improve victims' experiences.

Local Criminal Justice Boards (LCJBs) bring together criminal justice partners to identify priorities, address cross-cutting issues and deliver agreed objectives to improve the efficiency and effectiveness of the local criminal justice system, including the experiences of victims and witnesses. We recommend that criminal justice bodies and PCCs build on the existing infrastructure, strengths and capabilities as they review local Code compliance. We want to allow local flexibility for what works, but we expect it would be helpful to discuss the following:

- Areas of high and low compliance, as identified by the data.
- Feedback from victims.
- Sharing of best practices.
- Actions to improve performance.
- If there are any specific insights which they may want to raise with the national oversight structure.

Local Oversight Resourcing

It may be the case that PCCs' role in monitoring local compliance with the Victims' Code will require extra resources, particularly for collating and analysing compliance information. The Impact Assessment accompanying the Bill has estimated resourcing for up to two Senior Data Analysts for each PCC office, which will be

⁷ As defined in section 3 of the Data Protection Act 2018.

funded by MoJ for this Spending Review period. We will keep the impact of the duties on criminal justice bodies and PCCs under review.

National Oversight

Code compliance information will give a national picture of how the system is working for victims. While the Bill ensures robust local mechanisms will be in place, national oversight can develop strategic insights, share best practices, and provide an escalation route for issues that cannot be resolved locally.

The Victims' Strategy set out that the National Criminal Justice Board (which brings together senior leaders from across the criminal justice system to discuss the wide array of challenges the criminal justice system faces) would monitor the delivery of the Code at a national level and address cross-cutting issues with national service providers. However, given its extensive membership and discussion topics, a more targeted group may provide better scrutiny and oversight.

We intend, therefore, to establish a new cross-criminal justice system governance structure to monitor compliance with the Code nationally, with quarterly meetings alternating between a senior official-level Programme Board and a Ministerial Taskforce.

Both the Programme Board and Ministerial Taskforce will have senior representation from the criminal justice bodies under the duty, cross-government representatives, and wider stakeholders, such as the Victims' Commissioner (VC), the Association of Police and Crime Commissioners (APCC) and the Parliamentary and Health Services Ombudsman (PHSO). The inspectorates will also be invited to attend, which will help inform their inspection activity and our wider consideration of using the Bill's new power to direct a joint thematic inspection on victims' issues (Clauses 19-22).

While recognising the independence of individual member organisations, these forums should work in the common interest to discuss the challenges highlighted by the data and share learnings and insights. Where there are significant failings or issues require a cross-system solution, agencies will be expected to demonstrate how they are tackling these at the national forums. The meetings will enable collaborative solutions and are expected to focus on thematic issues highlighted by the data, including:

- Strategic insights generated from the local Code compliance information alongside contextual information from the Victims' Commissioner, inspectorates and complaints made to the PHSO, seeking to understand patterns and drivers behind any disparities or non-compliance.
- Sharing of good practice between those at the national level as well as encouraging sharing across local areas.

- Any action that is recommended to be taken to improve compliance at either local or national levels where issues require a cross-system solution or involve severe and persistent non-compliance.

This new structure will ensure collaboration and collective decision-making. Where necessary, those with responsibility for oversight of the specified bodies, who will be represented in these national forums, will use their existing performance management and accountability systems to hold bodies accountable for poor compliance. For the police, this may be the local PCC, whereas, for other bodies, this may be the responsible Minister. This will drive improvements while respecting the independence of criminal justice bodies.

Non-Compliance Notifications

If severe and persistent non-compliance does not improve following local and national intervention, the Ministerial Taskforce can agree to issue a public ‘Non-Compliance Notification’ to the relevant body or bodies. These will make it clear where victims are not receiving their entitlements and bring public scrutiny to bear on those responsible for making the improvements. Similar systems have been used to drive change elsewhere, including by the HM Inspectorate of Prisons.

This process will focus on the most severe cases, while local areas will continue to be expected to tackle all other non-compliance.

We expect to use a range of indicators to identify severe non-compliance. Illustrative examples of these indicators include: an agency is compliant in a particularly low number of cases, compliance is significantly worse than other like areas, a particularly low number of victims report delivery as good and a lack of clear processes in place to improve compliance. Our starting point would be that if these severe indicators are met in two consecutive quarters, the issue would be considered severe and persistent and so would be escalated to the national governance forums.

Once the Ministerial Taskforce, and compliance data reporting, is established, it will be a matter for the Taskforce to agree indicators for severe and persistent non-compliance. The Taskforce may wish to periodically review these indicators to ensure it remains relevant to a changing landscape of victim experience.

The Taskforce may choose to issue a notification if:

- There has been no improvement according to the severe indicators despite monitoring and support and further work is needed to develop improvement or action plans;
- There has been some but not sufficient improvement, and Ministers wish to put the matter on public record.

Non-Compliance Notifications will be published at the time of issue and set out: a summary of the severe and persistent non-compliance; and a time-bound request to

return to a future Ministerial Taskforce and provide an update and/or a produce an action plan, which agencies will be asked to publish in response to the notification.

They may be issued jointly by the Taskforce if the issue is cross-cutting, or by the relevant individual Minister on the Taskforce's advice for body-specific issues (e.g. the Lord Chancellor for HM Prison and Probation Service). Issues raised through notifications will be monitored through the Programme Board. Once the Taskforce agrees that the issue is resolved, the notification will be closed.

Publication

Compliance information

The Justice Select Committee welcomed our plan to publish compliance information but recommended a legislative requirement to publish Code compliance information in its pre-legislative scrutiny report. As a result of a duty introduced in the Bill, the MoJ will be required to publish relevant compliance information that it receives in relation to local areas to enable members of the public to assess the Code compliance of those bodies. Whilst recognising the independence of the bodies which have provided data, collecting and presenting the data in one place will show a coherent picture of how the criminal justice system delivers for victims. This will enable meaningful comparison between specified bodies and across areas.

We plan to fulfil this duty by building on the Criminal Justice System Delivery Data Dashboard⁸, a tried and tested model. An interactive victims' data tool would enable users to easily see and understand trends and patterns in the data, allowing them to filter by area and build graphs over a defined period.

The Bill also requires PCCs to take reasonable steps to make members of the public in their local area aware of how to access this information. We will use the guidance to provide further information on how PCCs should fulfil this duty, such as providing a narrative of local performance. This will provide helpful insights into what the data is telling us and what local areas are doing to drive up standards.

Annual report

To be transparent about activity of the national oversight forums, the Secretary of State will publish an annual report to set out an overview of the compliance information received, examples of good practice and innovation identified locally and nationally, and areas of focus for improvement.

Frequency

Across this framework, we are exploring what the frequency of compliance information collection, sharing, review and publication should be. At present we intend this to be quarterly, but we want to get the balance right between regular review locally and nationally, with proportionate and appropriate burdens on

⁸ [Home - CJS Dashboard \(justice.gov.uk\)](https://www.justice.gov.uk/cjs-dashboard)

operational partners and space for progress to allow meaningful conversations about what the compliance information shows.

Non-territorial police forces

Non-territorial police forces will be under equivalent duties with slight differences to reflect their different governance arrangements. As they are outside of local PCC areas, instead of being overseen by a PCC, they will be overseen by the Secretary of State for Defence and the BTP Authority, respectively. Those bodies will jointly review Code compliance information with them. Specified Code compliance information will be shared with MoJ and discussed as part of the national oversight governance structure alongside the local information before being published. Their compliance will also be considered by the Ministerial Taskforce, and they may be subject to Non-Compliance Notifications.