

DMPC Decision – PCD 603**Title: Responding to the London Victims Commissioner review of compliance with the Victims' Code****Executive Summary:**

In March 2019, the Independent Victims' Commissioner for London published her review of how well London's criminal justice system complies with the Victims Code of Practice (VCOP). As part of this review, the Victims' Commissioner put forward recommendations and next steps to make London's criminal justice system and processes more victim centred, in line with the Mayor's overarching ambition of putting victims at the heart of London's criminal justice service. This decision will support the Victims' Commissioner to drive forward those recommendations. It will be used to develop strategic partnership delivery plans and governance arrangements to address the findings in the review.

MOPAC and partners responded to the Victims' Commissioner recommendations, see MOPAC's response in annex 1. While MOPAC has already made substantial progress in ensuring commissioned victims services are integrated and support victims to access their VCOP entitlements; this decision will enable MOPAC to build on that progress and deliver further improvements in line with the London Victims' Commissioners recommendations.

The Mayor has allocated £3.5m additional funding which includes funding to make real and immediate progress against the recommendations in the VCOP review and thereby improve services for victims. This funding will enhance London partnership's ability to monitor compliance with the Victims Code, bespoke research on disclosure and technology evidence in cases of rape, support partnership arrangements to deliver the recommendations in the Victims' Commissioner report, and pilot training for front-line practitioners to take a trauma-informed approach to working with victims to build on the successes of the London Victims and Witness Service.

Recommendation:

The Deputy Mayor for Policing and Crime is recommended to approve the budget allocation of £607,116 of which £451,792 will be deployed in 2019/20 and the remaining £155,324 will be earmarked in reserves for future years for the purposes set out in this decision. This budget is for the following:

- £186,101 to sustain and increase the pace by which the Victims' Commissioner is able to drive forward the recommendations set out in the VCOP review and improve victims' experience with London's Criminal Justice Service;
- £125,691 to enable MOPAC to carry out the new responsibilities for monitoring VCOP compliance and to support criminal justice agencies and service providers in overcoming information sharing barriers that impede London's Criminal Justice Service's ability to provide a good service to victims; and
- £140,000 to pilot training for front-line practitioners to take a trauma-informed approach to working with victims within the context of the London Victims and Witness Service which will improve the frontline delivery of services.

Deputy Mayor for Policing and Crime

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. Any such interests are recorded below.

The above request has my approval.

Signature

Edna Hender

Date

14/08/19

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE DMPC

1. Introduction and background

- 1.1. On 21 March 2019, London's Independent Victims' Commissioner published a comprehensive and rigorous study of victims' experiences with the Victims' Code of Practice (VCoP) in London. It was informed by more than 2,100 victims of crime, as well as insights from 14 victims' focus groups, including representatives from the Met Police, the Witness Care Unit, and Her Majesty's Courts and Tribunals Service.
- 1.2. The review revealed that despite the police and service providers' desire to do the best possible job for victims and witnesses, lack of resources and funding were significant obstacles to following the Code. The review also highlighted that the Victims' Code itself needs revising and updating, to make it more accessible for both victims and front-line practitioners. In the review, the Victims' Commissioner set out her recommendations for London and national partners to make substantive improvements to the victims' experience in London. Please see annex 1 for MOPAC's detailed response to relevant recommendations which can also be found online here:
<https://www.london.gov.uk/what-we-do/mayors-office-policing-and-crime-mopac/victims-commissioner>
- 1.3. Partners have been supportive of the London Independent Victims' Commissioner's findings and recommendations. The London Crime Reduction Board's Victims Board and the London Criminal Justice Board's Victims and Witness Delivery Group are the partnership boards that have agreed to oversee the work to address the findings and take forward the recommendations.
- 1.4. In 2018, the National Criminal Justice Board set out that Police and Crime Commissioners would become responsible for overseeing a new monitoring process which measures criminal justice partners' compliance with certain entitlements under the Victims' Code. Subsequently, in May 2019, the Ministry of Justice set out in more detail what Police and Crime Commissioners are now expected to report back to the MoJ in terms of local compliance levels. MOPAC is actively working with partners under the London Criminal Justice Board governance to implement these new responsibilities.

2. Issues for consideration

- 2.1. This decision serves the dual purpose of providing the London Victims' Commissioner with the resources to sustain and increase the pace of delivery against the VCOP review while also enabling MOPAC to build on the successes of programmes and services like the London Victim and Witness Service in overcoming barriers to providing a good service to victims and driving a partnership approach to monitoring and improving compliance with VCOP in London.
- 2.2. With additional resources, the London Victims' Commissioner's office influence will have greater reach and more effectively manage the concurrent programmes needed to deliver at an increased pace the meaningful changes called for by the VCOP review.
- 2.3. In addition, a strategic partnership delivery plan is needed to ensure progress against the recommendations set out in the VCOP report is timely and efficient. Given the wide-reaching, multi-agency nature of the plan it is proposed that this be coordinated with the support of external consultants. An upfront investment in the planning and partnership

governance arrangements will pay dividends in future years in terms of the progress against the VCOP recommendations. It will also build on the growing evidence base for further devolution and integration of services for victims in London.

- 2.4. Additional funding are also needed to enable MOPAC to undertake its new responsibilities for monitoring VCOP compliance in London and carry out a bespoke piece of research . The funding is needed to undertake the programme management, analysis, and data gathering (additional surveys, focus groups, dip sampling, etc...). MOPAC continue to lobby central government to recoup the costs of the additional resources required to undertake these new responsibilities.
- 2.5. Information sharing challenges were frequently highlighted by practitioners in the VCOP Review as one of the main barriers to providing a good service to victims. Investing in a cross-agency resource that will upskill and unblock information sharing issues will help to bring about the integrated approach called for by the VCOP review. In addition, this resource will aid in facilitating a partnership approach to VCOP compliance monitoring by helping to troubleshoot any information sharing issues that arise.
- 2.6. An important driver for a good service to victims, as highlighted by the VCOP Review, is the manner in which services and entitlements are provided to victims. Despite growing resourcing pressures and a confusing/convoluted system, frontline practitioners regularly go above and beyond to provide victims with a good service. The purpose of this additional resource is to test what more can be done to assist frontline practitioners and the organisations they work for in taking an empathetic and trauma informed approach to delivering services. The objective is to improve a victim's overall experience and satisfaction with London's criminal justice service. This budget will be used to pilot training on communication and engagement styles alongside consultancy services to drive a cultural shift in the way services are delivered within the context of the London Victims and Witness Service.

3. Financial Comments

- 3.1. This report sets out proposals for responding to the VCOP review.
- 3.2. The maximum budget allocated for this piece of work is £607,116 and will be funded with £47,500 from MOPAC's core budget and £559,616 from the £3.5m additional budget provided by the Mayor to MOPAC for victims' services and crime prevention activity in the 2019 - 2020 budget process. Of the total budget for this piece of work, £451,792 will be deployed in 2019/20 and the remaining £155,324 will be earmarked in reserves for future years for the purposes set out in this decision. A breakdown of the budget for 2019/20 is set out in the table below.

Overview of budget and funding arrangements:

Activities	Total Funding in 2019/20
Sustain and uplift the capacity of the Victims Commissioner office to accelerate the pace of change	£186,101
To build on MOPAC's programme of work to integrate and improve services for victims	£265,691
Total	£451,792

4. Legal Comments

- 4.1. MOPAC's general powers are set out in the Police Reform and Social Responsibility Act 2011 (the 2011 Act). Section 3(6) of the 2011 Act provides that MOPAC must "secure the maintenance of the metropolitan police service and secure that the metropolitan police service is efficient and effective." Under Schedule 3, paragraph 7 MOPAC has wide incidental powers to "do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of the Office." Paragraph 7(2) (a) provides that this includes entering into contracts and other agreements.
- 4.2. Section 143 (1) (b) of the Anti-Social Behaviour Crime and Policing Act 2014 provides an express power for MOPAC, as a local policing body, to provide or commission services "intended by the local policing body to help victims or witnesses of, or other persons affected by, offences and anti-social behaviour."
- 4.3. In line with section 4 of MOPAC's Scheme of Consent and Delegation, the DMPC has authority for the approval of business cases for revenue expenditure above £500,000 and for the strategy for the award of grants. The proposals set out in this decision form are accordingly to be approved by the DMPC.
- 4.4. The delegation of responsibility for the finalisation of planning and contractual arrangements, including relevant terms and the signing of agreements, to the Chief Executive Officer for activities to the value of £499,000 or less, is in accordance with the general power of delegation in section 5.

5. Commercial Issues

- 5.1. Professional, technical and legal advice is being sought from TfL procurement and legal colleagues to determine the process which needs to be followed to identify any organisation required to support the delivery of these proposals, to ensure it is fully compliant with the Public Contract Regulations 2015.

6. Public Health Approach

- 6.1. This decision provides the funding to enable a better informed and more cohesive partnership approach to improving outcomes for victims in London which will much align with and support the Violence Reduction Unit's public health approach to tackling the causes of violent crime in London.

7. GDPR and Data Privacy

- 7.1. A DPIA will be undertaken as part of the scoping and planning phases of developing the trauma-informed training pilot.
- 7.2. Specialist advice from data privacy experts will be sought as part of developing the programme of work needed to improve London's ability to monitor VCOP compliance. This is to ensure any risks to personal data are identified and adequate safeguards are put in place.

8. Equality Comments

- 8.1. The programme of work to improve VCOP monitoring arrangements in London will have a particular focus on identifying any gaps in victim experiences across different demographics.
- 8.2. There are no significant equality or diversity implications to this programme of work that need to be considered in detail at this stage. MOPAC will review any equality and diversity implications of the trauma-informed training pilot in greater detail as part of the scoping and planning phases of that project.

9. Background/supporting papers

- 9.1. Annex 1: MOPAC's response to relevant VCOP recommendations

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOIA) and will be made available on the MOPAC website following approval.

If immediate publication risks compromising the implementation of the decision it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? NO

If yes, for what reason:

Until what date:

Part 2 Confidentiality: Only the facts or advice considered as likely to be exempt from disclosure under the FOIA should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a **Part 2** form – No

ORIGINATING OFFICER DECLARATION

Tick to confirm statement (✓)

Financial Advice

The Strategic Finance and Resource Management Team has been consulted on this proposal.

✓

Legal Advice

Legal advice is not required.

✓

Equalities Advice:

Equality and diversity issues are covered in the body of the report.

✓

Public Health Approach

Due diligence has been given to determine whether the programme sits within the Violence Reduction Unit's public approach to reducing violence. This has been reviewed and supported by a senior manager within the VRU.

✓

Commercial Issues

The Contract Management Team has been consulted on the commercial issues within this report. The proposal is in keeping with the GLA Group Responsible Procurement Policy.

✓

GDPR/Data Privacy

- GDPR compliance issues are covered in the body of the report and the GDPR Project Manager has been consulted on the GDPR issues within this report.
- A DPIA is not required.

✓

Director/Head of Service

The Director of Criminal Justice and Commissioning has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.

✓

Chief Executive Officer

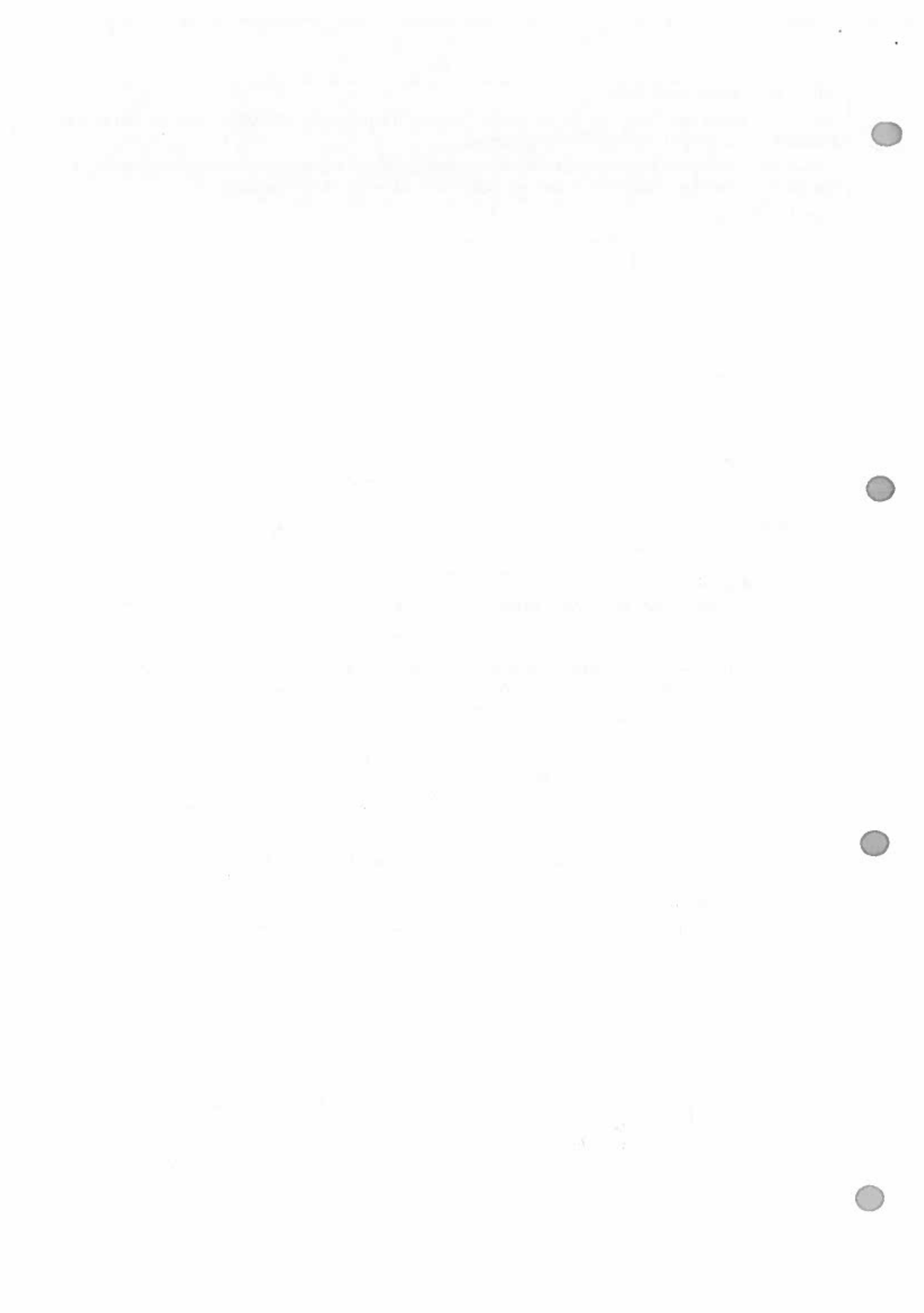
I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Deputy Mayor for Policing and Crime.

Signature

11. 

Date

7/8/19.



1	MOPAC has an extensive community engagement programme, covering issues including serious youth violence, violence against women and girls, hate crime, extremism and neighbourhood policing. MOPAC should develop training resources for those working in these programmes to give them the knowledge to provide appropriate advice to victims they come into contact with and to refer them to support.
<p>Empowering local communities to provide appropriate advice and signposting victims to support services is an important strand of several planned and ongoing programmes of work including the recommissioning of hate crime services, countering violent extremism programme, VAWG, and serious youth violence. This includes the development of tailored training resources. I look forward to working closely with you and partners in shaping and overseeing those engagement programmes in achieving this objective.</p>	
4	The low level of awareness of victim entitlements is a key issue. The Government and all statutory agencies must urgently take further steps to inform the public about their entitlements if they become a victim of crime if the purpose of the Code is to be fulfilled.
6	MOPAC should co-ordinate production and dissemination of victim care cards to ensure those that provide first point of contact to victims can signpost them to their rights and information on support.
10	All criminal justice agencies should take steps to ensure victims are reminded of their entitlements to be referred to support services at every stage in their case, and that this is reflected in the training given to all front-line staff.
30	All agencies in contact with victims of crime should ensure that information on restorative justice is provided to victims throughout the criminal justice journey
<p>The above recommendations all relate to raising awareness of VCOP entitlements and have therefore been responded to in the round here.</p> <p>MOPAC will continue to work with you to influence partners to ensure victims are reminded of their entitlements throughout their criminal justice journey. I foresee the London Crime Reduction Board (LCRB) and London Criminal Justice Board (LCJB) governance frameworks being the appropriate structures through which we can influence partners to train front-line staff on VCOP and victim care.</p> <p>MOPAC is working with the LCJB partnership to implement an effective mechanism for monitoring VCOP compliance and oversight arrangements in London. MOPAC recognises that additional investment is needed to develop these arrangements. MOPAC will be working with the London Victims' Commissioner and partners in deploying additional resources to deliver adequate arrangements to monitor compliance in London. MOPAC will continue to lobby central government for the</p>	

additional resources necessary to deliver these new responsibilities.

MOPAC will continue to work closely with the Metropolitan Police Service to ensure all victims are provided with information about their entitlements and the support available to them. This includes the production of victim care cards; the development of online resources; and other methods by which victims would like to receive/access information.

MOPAC is working with Victim Support as the lead provider for the London Victim and Witness Service (LVWS) to develop online resources specifically for victims and witnesses in London. This online offer is expected to include information about the services available in London as well information resources to assist victims and witnesses in understanding their entitlements and London's criminal justice systems and processes. The LVWS website will be published by Autumn 2019. MOPAC and Victim Support is committed to working with CJS partners and service users in the continuous development of this online resource, ensuring it best meets their needs.

13	The Integrated Victims and Witnesses Service, the MPS and the CPS should work together to ensure that victims are regularly updated on charging decisions and bail conditions, understand the reasons for delays and are given appropriate support to cope. In addition, victims should be constructively and clearly informed about the Victims' Right of Review and given details on how to apply for it when CPS decisions are communicated to them.
15	Late-notice adjournments are a systemic problem that is unlikely to change. However, more can be done to ensure that the victim's journey and their needs are taken into account in the way they are informed about adjournments, and to give them choices on where and when their case is heard. MOPAC, HMCTS, the Judiciary, Witness Care Units and the IVWS should work together to consider how victims and witnesses can be informed of adjournment in a timely, transparent and trauma-informed way.
23	Statutory services should put in place Information Sharing Agreements with the Integrated Victims and Witnesses Service to clarify processes and procedures for sharing case information.

MOPAC will ensure its commissioned services support victims to understand and take up their entitlements under the Victims Code. This includes supporting victims in producing Victim Personal Statements and receiving updates on their case. Supporting young victims of serious youth violence to complete Victim Personal Statement is already a feature of the Children and Young People's Service commissioned by MOPAC.

As part of London's Victims and Witness Service (LVWS), MOPAC is piloting the greater integration of the support service with the MPS's Witness Care Units in order to provide victims with updates on their case more effectively. There is still some distance to be travelled in terms of LVWS improving how victims are kept informed

about updates on their case when it has gone to court but MOPAC is actively working with partners as part of the Victims and Witness Delivery Group to try and achieve this in future.

Information sharing between agencies and victims is central to providing a good service to victims and underpins a number of the key VCOP entitlements. As such, MOPAC sees the value in commissioning a focused time-bound piece of work to support agencies to overcome information sharing barriers in the interests of providing a better, more integrated service to victims.

19	Victim Support's interactive courtroom tool for young people should be offered to all victims going to court by the Integrated Victims and Witnesses Service.
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MOPAC is working closely with Victim Support as the main service provider for LVWS to improve the online resources available to victims in London. This includes tools to help victims familiarise themselves with the courtroom environment.

21	A national network of local, integrated, multi-agency Victim Care Units is needed, to own the relationship between the criminal justice service and victims of crime, reducing workload on front line officers to allow more time for investigation and ensuring a consistent and quality service to victims of crime. A Unit of this kind should own ongoing communication with victims; be able to provide expert, trauma-informed advice to victims and practitioners alike at every stage of a case; and signpost victims to support services, ensure victim entitlements are delivered effectively and inform victims of sentencing outcomes.
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22	To facilitate such a Unit in London, the Government should ensure that London receives the victim support funding it needs to comply with the Victims' Code, and the MPS and London Criminal Justice partners should consider the feasibility of this as an option for inclusion in the next Police and Crime Plan.
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MOPAC recognises and supports the reasoning behind the Victim Care Unit proposal, it is the natural extension of the locally integrated and victim-centred approach that partners across the country have been working towards since the budget for victim support services was devolved to Police and Crime Commissioners. However, we must ensure that in pursuing this approach we balance the costs and benefits against other shared objectives like public protection, value for money, and an efficient but equitable justice system. A feasibility study is essential in assisting us all in understanding the costs and benefits of the proposed Unit before MOPAC and the MPS decide to proceed further this proposal.

One of the key attributes of LVWS is the caseworker model and planned needs assessment passport, which is aimed at minimising handoff points and reducing the need for victims to retell their stories or undertake duplicate needs assessments. This

approach, coupled with the LVWS' greater integration with criminal justice partners set out above, is already laying the groundwork for London one day achieving a truly integrated, multi-agency Victim Care Unit.

Unfortunately, at present, London does not receive the funding necessary from central government to enable this step change in how the criminal justice system treats victims of crime. MOPAC is committed to working with you, the MPS, and other criminal justice partners to explore the feasibility of any such Unit.

26 All agencies in contact with victims of crime should ensure that details on how to complain or give feedback, good or bad, are included clearly in their communications with victims and are seen as an opportunity to learn and improve.

27 All agencies should apply a customer service ethos that is trauma-informed to the way they handle victim's complaints and to adhere to the principles of Good Complaint Handling as outlined by Parliamentary and Health Service Ombudsman (PHSO).

MOPAC is committed to ensuring details on how to complain or give feedback are made apparent to the public and service users of all its commissioned services. Feedback and service user-led focus groups are integral to continuous development of services and therefore a requirement of all providers of its commissioned services.

MOPAC will be undertaking an assurance exercise to ensure its commissioned service providers are adhering to the principles of Good Complaint Handling as outlined by Parliamentary and Health Service Ombudsman (PHSO).

36 Training for criminal justice staff on trauma, the Victims' Code of Practice and victims' rights cannot be optional if victims are to be at the heart of the criminal justice service. All statutory agencies included in the Code must make training on taking a trauma-informed approach to working with victims and the Victims Code of Practice a mandatory requirement for all staff who come into contact with victims of crime.

MOPAC is committed to working with you to influence partners to train all frontline staff in taking a more trauma-informed approach to working with victims and raise awareness of victim entitlements. This is a core emerging strand of work for the Victims Board and MOPAC is open to working with you to develop a business case to pilot trauma-informed training for frontline staff in the context of the LVWS and carry out awareness raising activities for entitlements under the Victims' Code. MOPAC will also be taking steps to ensure a trauma-informed approach is embedded across the frontline delivery of all the commissioned services that work with victims of crime.