

Claire Waxman - Victims' Bill Consultation Response

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1. To Dominic Raab MP - Lord Chancellor and Secretary of State for Justice

Dear Dominic,

Thank you for your letter in December alerting me to the consultation informing the development of the Victims' Bill. Having spearheaded the Victims' Law campaign, drafted a [Victims' Bill of Rights](#) back in 2015, and having led much work in this area since, let me begin by expressing how pleased I am to finally see Government taking this firm step towards an eventual Victims' Law. I thoroughly welcome the consultation's vision for a cultural shift that places victims' experiences at its centre.

We have, as you no-doubt also do, high ambitions for this piece of legislation, which represents a once-in-a-generation opportunity to strengthen and even transform the way victims of crime are supported and interact with the justice system.

This legislation should provide victims with legally enforceable rights, ensuring they have the trust and confidence to report, the support to stay engaged in the justice system, and that they are treated as part of the process and not as a bystander. We must place victims at the heart of this system, making sure actions are taken in the victim's best interests, and that we create a more trauma-informed process that recognises the value of providing the right support and information to aid in a victim's cope and recovery journey, but that will also ultimately achieve better justice and recovery outcomes.

2. Meeting Victims' Expectations

2.1 Defining Victims

A logical starting point in this work is to define who we are talking about when using the phrase 'victims of crime'. Definitions and the subsequent recognition of victims vary, and so we need to be clear that victims include those who do not report to police, and hence do not enter the justice system formally. I also believe that victims of anti-social behaviour need to be recognised, as the nature of these offences mean these victims have been historically overlooked in law and in practice.

The concept of 'secondary' or 'co-'victims is important to consider, and so while I welcome the Code's clarity that bereaved family members in homicide cases are recognised as victims, I am disappointed that those bereaved by homicide abroad remain forgotten. These families, who are UK residents subjected to the unimaginable trauma of having a love one murdered abroad, deserve to be recognised as victims and receive the rights and entitlements in the Code where it is applicable to their circumstances.

Furthermore, I support the recognition of children born of rape as 'secondary victims' of crime, affording them rights under the Code. The Centre for Women's Justice (CWJ) have submitted a briefing to this consultation in relation to this proposed inclusion, which would help counter the lack of recognition and support currently available for those who are born as a result of rape, for whom such a discovery can be profoundly traumatic.

2.2 Fundamental Rights

A fundamental starting point for this law should be that every victim has a right to expect equal access to justice, support, and protection. In order to fulfil this ambition, I support plans to put the key principles of the Code into legislation. That is the **right to be informed**, the **right to be supported**, the **right to have one's voice heard**, and the **right to have decisions reviewed**. These are essential in legislation in order to engender trust and confidence in the justice system; something which is currently lacking.

I would propose a further principle in relation to the treatment of victims. [The Canadian Victims' Bill of Rights](#) – to provide an example – includes the **right to be treated with courtesy, compassion, dignity, and respect**. Similar principles are also set out in [the College of Policing's Code of Ethics](#), as well as in the Victims' Code itself, and so I would welcome such provision in this Bill.

The treatment and respect for victims of crime must also extend to respecting their **right to privacy**, which we see coming into conflict with police requests for mobile devices, and CPS requests for victims' counselling or social services records. We must ensure that such material is only requested through following reasonable lines of enquiry, and that victims are not unnecessarily subjected to intrusive requests. As was evident from my [2021 London Rape Review](#), I am very clear this behaviour only discourages victims from coming forward and from keeping engaged in the justice journey, and is a definite driver for the low prosecution rates for rape which we are currently seeing and must urgently tackle.

We see cases where the balance of admissibility of undermining evidence against the victim versus the suspect comes into question. For example, in a case I am aware of, transcripts had been heavily redacted when the suspect's mental health was undermined, but evidence of the victim's post-natal depression from 12 years ago was allowed. That is why, where lines of enquiry do lead to requests for victims' records or personal data, they should have a **right to access free legal representation** to ensure they are aware of their rights, and that these requests are being made correctly and not to discredit them and curb their access to fair justice. This was recommended in my [2019 London Rape Review](#). This right to legal representation extends to other areas of RASSO cases, such as the Victim's Right to Review and issues arising during the investigation process. The Centre for Women's Justice is submitting its own response in relation to legal advice, which very much echoes what we have long been calling for.

Access to pre-trial therapy also presents a significant barrier for victims of crime, with many concerned that these records may be requested. Given the backlogs in our court system, many victims wait a number of years prior to their case reaching trial, and their trauma and suffering is only worsened by feeling they cannot access appropriate support. A right to privacy set out in this Bill should be read as also applying to therapy notes pre-trial, encouraging vulnerable victims to safely seek support and to not be forced to choose between their recovery and justice.

The principle of equal access to justice, support, and protection is crucial, and in order to guarantee this a Victims' Bill must include the **right to safe and secure reporting**, and provide that a victim is entitled to their rights under the Code regardless of their immigration status. I was hugely disappointed in the Home Office's recent response to the super complaint regarding the sharing of information between the police and immigration enforcement, but hope that – if Government is serious about its commitment to supporting and protecting all victims of crime – this legislation will establish a firewall between policing and the immigration service, in order to protect these vulnerable victims.

The first right in the Victims' Code of Practice is the right to understand and to be understood, and achieving this requires the provision of qualified and independent translators for victims of crime. I have been made aware of cases where a victim's family member, or someone from their community, has been used as a translator during

interactions between a victim and the justice system. This is highly inappropriate, and so translation of documents and conversations should be a fundamental right set out in legislation.

Finally, it is important that one has a **right to not be discriminated against based on being a victim of crime**. We know that the trauma of events can lead to serious consequences for victims, impacting other elements of their lives such as their schooling, work, housing, and health. A victim might need to take time off work or school, and should be protected from being penalised for this.

2.3 Ground Rules Hearings

Meeting victims' expectations means supporting them to give their best evidence. Ground Rules Hearings are a mechanism in the court process designed to enable this by agreeing the 'ground rules' of questioning in advance. These Hearings, when they happen, address key issues such as questioning on a complainant's past sexual history, control of comment, stereotypes, insulting vocabulary, and management of questions accusing the witness of lying.

CPS guidelines already state that it is best practice for Ground Rules Hearings to take place in any case where a witness is considered vulnerable, and in 2014 the Court of Appeals recommended that Ground Rules Hearings should be used in every case involving a vulnerable witness, save for exceptional circumstances.

Despite this, Ground Rules Hearings do not happen in nearly enough eligible cases, and victims have relayed deeply retraumatising experiences on the witness stand, including being aggressively accused of lying or inappropriate questioning about third party disclosures such as previous mental health.

This Law should make Ground Rules Hearings mandatory in all rape and sexual offence cases as a means of enabling witnesses to give their best evidence – by setting expectations, reducing anxiety, and ensuring the remit of defence questioning is fair and appropriate.

It would also have the impact of ensuring that protections offered by Section 41 of the Youth Justice and Criminal Evidence Act 1999 (restrictions on questions around past sexual history) are used more effectively and regularly in the court. There is an ongoing debate about the efficacy of this legislation and evidence suggests that too many victims have faced inappropriate questions that should have been restricted. As such, the Ground Rules Hearing would also sure up the victims' right to privacy.

2.4 The Victim's Voice

A key tenet of this consultation is that the victims' voice would play a greater role in the justice process, and one proposal towards achieving this is a requirement for the prosecutor in a case to meet with the victim before a charging decision, and before the case proceeds to trial. I hear from many victims who feel voiceless in the justice system, and who feel particularly distanced from the decision making of the CPS.

While we must of course be wary of a system where the victim has the decision whether or not to 'press charges', I welcome a system which would see greater interaction between decision-makers and victims to ensure that victims are at the heart of those decisions. This is particularly relevant in the latter parts of the justice system, such as in the negotiating of plea bargains prior to trial, or in arranging bail conditions following a

charge, where a victim's voice must be heard in order to ensure their welfare and safety. Any opportunities for victims to engage in the decision-making process must be accessible to all victims through the provision of representation (such as a lawyer or advocate) who can explain the process and help the victim understand their rights.

The Victim Right to Review (VRR) scheme is another point at which the victim's voice should play a fundamental role, and so I welcome the proposal to include a duty on the police or CPS to invite victims to make representations. Where a victim wants to make representations, we must ensure they have sufficient clarity and guidance on the factors that form part of the decision making. A victim should have the right to an advocate or support service to be present during any representation. CWJ have also submitted a detailed briefing on issues with the VRR process which should be addressed as part of the Victims' Bill and redrafting of the Code, including the expertise of reviewing officers and the timing of a VRR where the CPS decides to offer no evidence.

This consultation also proposes the introduction of 'Community Impact Statements' as a way to represent the voice of a wider community when a crime has had an impact beyond the immediate victim(s). Having consulted with my Victims Board on this, I understand these statements have been successfully used in the context of protests, such as Extinction Rebellion in London, where Community Impact Statements demonstrated the financial impact of those missing work and the disruption for those who had hospital appointments nearby which they couldn't reach. They can also be of use in hate crime cases where a single incident or set of incidents have impacted a wider community. These statements allow for conclusions to be drawn as to the prevalence of a certain crime in an area, and lack of Community Impact Statements are often flagged by a Court of Appeal. There seems to be enthusiasm amongst partners to make better use of these statements, ranging from incidents of fly-tipping and anti-social behaviour to knife crime, and so I welcome efforts to increase their use where appropriate.

2.5 Victim Personal Statements

I was pleased to see that Victim Personal Statements (VPSs) were a significant feature of the consultation across a number of areas. I welcome the suggestion of allowing VPSs at Mental Health Tribunals, as victims of mentally disordered offenders should be entitled to this in line with other victims of crime whose offenders receive a custodial sentence. More must be done to ensure that victims going through a Mental Health Tribunal rather than a Parole Board are given the same rights, including giving their VPS in person if they wish to do so, being provided a copy of the reasons for the Tribunal's decision, and allowing the victim to request a review of the decision.

Victim Personal Statements are often a crucial part of a victim's journey to cope and recover, as well as a significant benefit to the justice process when it comes to charging and sentencing decisions. I have welcomed initiatives – including those from the Metropolitan Police – to make them more accessible to victims. Currently a VPS is classified as a form of witness statement, and the rules which govern the format of witness statements are strict, stating this must be in writing and in a certain format, meaning that a VPS cannot be recorded in video (body-worn video or otherwise). I therefore believe we could use the opportunity of this Victims' Bill to allow more innovative ways of taking a VPS which would better suit victims' circumstances.

Another crucial inclusion in this Bill with regards to VPSs is the introduction of legal restrictions around sensitive information that could place victims at further risk if reported in the media; this was a recommendation from my [2019 Review into the Victims' Code of Practice](#). Victims' right to be protected from harassment and

any further risk of harm, which can often be placed at risk with the publicising of personal or sensitive information given in the VPS relating to their case, must be included in law.

2.6 Beyond the Trial

Too few cases, particularly for certain offences, achieve a criminal justice outcome, however even when cases do reach this stage, victims and other interested parties may believe a sentence to be unduly lenient. As part of the Victims' Bill, I urge you to provide equality between the victim and the offender with regards to their right to request an appeal, allowing victims and others to submit applications outside of the 28-day timeframe where there are exceptional circumstances. The Victims' Code currently assigns Witness Care Units responsibility for informing victims of the Unduly Lenient Sentence (ULS) Scheme, however this decision leaves victims who are not witnesses, and bereaved family members, excluded. This oversight in the Code must be addressed.

I was disappointed to see the Minister push back against changes to the ULS Scheme during the Police, Crime, Sentencing and Courts Bill, however I hope that this Victims' Bill presents a fresh opportunity to consider this. If you truly want to put victims at the heart of the justice process, then at minimum you should acknowledge that a victim should have the same timeframe available to them as the offender. I urge you to reconsider the Minister's objections to these changes, and to use this opportunity to simply ensure that victims' rights are given the same weight as offenders', providing an equal and fair justice system.

Access to free, accurate, and timely sentencing remarks would greatly assist a victim in considering whether to apply under the ULS Scheme, but is also of huge value more broadly to victims in better understanding the reasoning behind a sentencing decision, and in providing closure to their case. As a first step, I support calls from the National Victims' Commissioner in her [Policy Paper](#) for victims whose cases are heard in the Crown Court to be offered a free transcript of the judge's sentencing remarks, and furthermore that bereaved families should be offered a free transcript of the Coroner's findings after an inquest.

Another crucial post-trial stage for some victims is the Victim Contact Scheme, which provides key updates on decisions relating to the offender, such as when they are coming up for parole or have been released. This scheme is of huge importance to vulnerable victims whose offenders present a risk both to them and to society.

An offender can be released on Home Detention Curfew (HDC) before their victim is properly engaged with the VCS, and so this needs to be addressed. A victim should have the right to be notified if their offender is eligible for HDC, and in order for this right to be fulfilled we need to ensure that the right victims are able to access the Victim Contact Scheme, and that they access it quickly enough to be notified before the offender's release, which can be after as little as 28 days in HDC cases.

As the Scheme only covers those whose offenders receive a sentence of over 12 months, we find that many vulnerable victims – particularly of offences such as stalking – are ineligible, in spite of the serious risk posed to them by the offender. Despite this risk, their perpetrators are still eligible for HDC, which means they can come up for release much earlier than a victim is aware of. I believe there are pilots being considered in some areas, and I would urge Government to consider the expansion of the Victim Contact Scheme in consideration of the type of offence, rather than the length of sentence.

With regard to the Parole Board, victims often feel like bystanders in these proceedings, and I welcome initiatives to make the process more transparent for victims and for decisions to be fully and clearly explained, providing the victim with greater confidence in the decision making. With regards to specific changes which I believe are required, I would encourage you to review [my response to the Parole Board consultation](#) in 2020.

2.7 Transparency and Support for Bereaved Families

The Mayor of London and I have recently added our support to cross-party calls for changes to the justice system to ensure fairer treatment for bereaved families and to prevent others going through what the Hillsborough families have had to endure. This Victims' Bill could provide the passage to ensure police and public officials are compelled to tell the truth by law and for all bereaved families to have access to adequate public funding to support their fight for justice. Such measures should include a statutory duty of candour on public servants, including police officers, which applies during all forms of public inquiry and criminal investigation; proper participation of bereaved families at inquests, through publicly-funded legal representation and an end to limitless legal spending by public bodies; a Public Advocate to act for families of the deceased after major incidents; and clarification in law that major inquiries commissioned by the Government or other official bodies constitute "courses of public justice".

3. Improving Oversight and Driving Better Performance

3.1 Awareness

Significantly more work is needed in raising awareness among justice partners – in particular the police – around the Victims' Code, and inevitably in this Victims' Bill once it receives Royal Assent. My team and I work closely with the Victim Care Team within the Metropolitan Police on initiatives to raise awareness of the Code, including the updating of victim care leaflets and internal comms campaigns, yet the proportion of victims being made aware of the Code remains low, and has even fallen. Further investment is needed in the training of staff and publishing of materials in relation to victims' rights, including materials relevant to specific locations and parts of the justice journey. For example, police stations need to have materials for victims informing them of their rights at the point of reporting a crime (such as being given a crime reference number, and being able to request an officer of a different gender). A further example is the need for specific literature and awareness on Restorative Justice, so that victims for whom this is safe and appropriate can be informed of how to engage.

Although I believe the emphasis should be on those responsible for delivering victims their rights, educating members of the public on their rights as victims is also important. The point at which victims report a crime to the police can often be the point at which they are experiencing greatest trauma and struggle to take in information, which is why more should be done to equip people with this knowledge prior to becoming victims of crime. Public awareness of consumer rights is high, and considering the vast majority of people will fall victim to some kind of crime in their lifetimes it is equally important that we educate them on their rights as victims as their rights as consumers. This could even form part of the curriculum at school through PSHE / civics lessons.

3.2 Victim Care Hub

It is very clear from conversations with victims, the sector, and from this consultation that timely and effective communication is fundamental to a victim's engagement with the justice system. You may be aware that in my

2019 Review into the Victims' Code of Practice I made a recommendation for a 'Victims Hub' model. This legislation and its supporting documents (including the Victims' Code and any relevant guidance) present a golden opportunity to transform a victim's journey through the justice system, and I believe legislation should provide a right for victims to have, as far as is possible, a single point of contact available to them through their justice journey. The Government recognises the value of ISVAs, IDVAs, and IVAs, and I would like to extend this principle to victims more broadly.

There must be a recognition that justice agencies are continually struggling and failing to deliver victim care, with awareness of the Victims' Code actually falling in London since the introduction of the new Code in April 2021. To address this in London, we are working towards a 'Victim Care Hub', which would take the above principle and deliver it to victims through a service which would provide a single point of contact, provide key updates on case progression, provide information and advice, answer questions, refer on to specialist support, ensure entitlements under the Victims' Code are being delivered, and monitor this to drive better performance.

This Victims' Bill and Code gives us an opportunity to achieve this by allowing agencies to discharge their victim care and update obligations under the Code in a way that benefits victims and the justice process. Along with an obligation to share data and actively liaise with any Hub, this will enable victims to be best served and will help improve justice outcomes.

A Victims' Bill should enable local areas to take forward a Victim Care Hub in the way that best meets the needs of victims in their area. Legislation needs to enable these models, which might be a fully independent hub, or one that is run by their police force (such as [the Lighthouse Model in Avon and Somerset](#)). Regardless of the approach, it is important that the direct management of a Hub sits independently of the justice system. This independence is crucial in providing victims with the trust and confidence to come forward and seek support, and to stay engaged if and when they go through the justice journey.

3.3 Victims' Commissioners

As London's first Independent Victims' Commissioner, it will come as no shock that I place great value in the role of a 'Victims' Commissioner' or 'Victims' Champion', and I believe a requirement should be placed on Police and Crime Commissioners to appoint a local Independent Victims' Champion, who is independent of the justice system and is best-placed to ensure the victims' voice is at the heart of the work of the PCC.

The existence of the role in London has been invaluable in ensuring that victims' experiences feed into the policy and commissioning work of the Mayor's Office for Policing and Crime (MOPAC). Furthermore, these roles would provide an excellent opportunity to forge close links with local police forces, CPS, and other justice agencies, feeding back issues when they come to light, making recommendations, and working together to improve victim care and justice outcomes.

A 'network' of Victims' Commissioners in each PCC would be able to report local issues, best practice, and data to the National Victims' Commissioner, who is best placed to influence national policy and legislation.

I believe Police and Crime Commissioners can play an important role in ensuring that victims are supported, that their rights and entitlements are being met by services and justice agencies, and that the Victims' Code is being delivered. I therefore think that all PCCs should have a local partnership board focused on victims, such as the London Victims' Board which I chair. Furthermore, I believe that PCCs should ensure there is a local directory of services available for victims, which is clear on where one can go for support.

3.4 Feedback and Complaints

A robust feedback mechanism in the justice system is crucial in enabling issues to be addressed prior to a case being prevented from proceeding. Too often I speak to victims who did not have their rights delivered, and withdrew from the justice process as a result. While there should of course be a complaints system in place, we should aim for a system where resolutions can happen quickly, and a justice journey can be put ‘back on track’.

In considering how we might provide that ‘troubleshooting’ functionality, we could look at models like the [NHS’ Patient Advice and Liaison Service \(PALS\)](#). In London I see the Victim Care Hub model (as I have described above) playing an important role in this feedback mechanism, picking up when a victim has been denied their rights under the Victims’ Code. Although my office currently is not outfitted to play such a role, we often find that victims approach us when there is an issue with their case, and through making some simple enquiries and informing the victim of their rights, we are able to get the case back on track and that victim is able to stay engaged in the justice journey. It is this kind of role which I think a Victims’ Bill could look to formalise as part of the system, with a Victim Care Hub playing this role in the first instance, and issues being escalated to the local Victims’ Champion when a Hub is unable to resolve them.

Of course, not all issues can be resolved in such a way, and there will inevitably be circumstances where issues must be escalated to formal complaint as the most appropriate route. Victims should be able to clearly understand the appropriate complaints route for a justice agency or service, and what the potential outcomes or resolutions of these are. As was raised in my 2019 Victims’ Code of Practice Review, the consultation document acknowledged the issue that victims have to approach their Member of Parliament in order to refer a complaint to the Parliamentary and Health Service Ombudsman (PHSO). While I acknowledge that the PHSO should not be the first point of call in complaints, they play an important role in looking at serious breaches of the Victims’ Code (and this Victims’ Bill) and so this ‘MP filter’ must be removed for all complaints, allowing victims the ability to take their complaint directly to the Ombudsman. I am aware the Ombudsman is submitting its own response to this consultation and is highly supportive of this change.

Lastly, in order to have appropriate oversight mechanisms, it is important that the Victims’ Code of Practice applies to all relevant agencies who deal directly with victims. While I welcome some reference to the National Health Service in the latest revision of the Code, I believe they should be considered as an organisation fully responsible under the Code, given the importance of therapeutic support for a victim’s justice journey and their coping and recovery. Furthermore, I am disappointed that the Foreign and Commonwealth Development Office and Coroners remain absent. While I recognise that homicides abroad present additional complexity, the bereaved family members deserve to be treated as victims under the Code, and to be entitled to the rights relevant to them. I believe that the Coroners, and the Murder and Manslaughter Team within the FCDO should be included under the Code. Victims of Modern Slavery and Trafficking also deserve the same level of service throughout their journey, and so the Home Office National Referral Mechanism should also be subject to the provisions set out in the Victims’ Code and Law.

3.5 Specialisms and Training

Through conversations with organisations supporting victims, as well as through research such as Operation Soteria / Bluestone, we have seen that inexperienced police officers who lack the relevant training are placed in

charge of complex cases which require some degree of knowledge or specialism. This issue has presented itself for victims of cyber-crime, where officers in the case lack the specialist knowledge to be able to progress an investigation, leaving the victim feeling frustrated and the case unsolved. Operation Soteria has also highlighted this issue with regard to rape and serious sexual offences, with inexperienced officers leading highly complex and traumatic cases. Greater specialism is needed for certain areas of policing to ensure that officers dealing with such cases have received the appropriate training.

Training is of particular importance in regard to rape and sexual offences, as we know that rape myths and harmful stereotypes are still present in policing and the wider justice system. I believe a Victims' Bill should include provision for specialist sexual violence and domestic abuse training for judges, barristers, and solicitors. Victims of these crimes often find themselves in the Family Courts as well as the Criminal Courts, and so such training is equally relevant there.

Wider mandatory trauma-informed training should also be rolled out to all staff who regularly interact with victims, including the police, CPS, victim support services, and health and social services. As set out in the Victims' Bill I first drafted in 2015, this should cover the impact of crime on victims and their rights.

3.6 Specialist Courts

Rape and serious sexual offences are some of the most vulnerable cases in the court system; often deeply traumatised victims have experienced a lengthy investigative process and then face an agonising wait for court. Many are unable to cope with these delays, meaning the risk of victim withdrawal is high in these cases.

Waits for court have only increased as a result of the pandemic, putting many cases at risk of collapsing through victims withdrawing. This risk is further increased by last-minute, unexpected changes to court schedules. We have seen numerous examples of serious sexual offences being put on "floater" lists and victims only being made aware that their trial is not going ahead at the very last minute.

I welcomed Government's public apology to rape victims in 2021, and its ambition to improve conviction rates, and so as a first step, the government should allocate some of the additional Nightingale Court capacity to create a dedicated rape offence court. This would not only clear the backlog of some of the most serious cases but would provide victims with more certainty and swifter justice. Ultimately, it would help lead to better justice outcomes as more trials would be successfully concluded.

Beyond this, the government should explore the establishment of long-term, specialist rape offence courts which deal solely with rape and sexual offences. These courts would be staffed by specially trained staff and cases would be heard by Judges with specialist training. These courts could also ensure they prioritise processes designed to help witnesses in these cases give their best evidence – such as Section 28 evidence and Ground Rules Hearings. The impact would be increased victim confidence and support for the trial process and ultimately improved justice outcomes.

3.7 Notification of Child Abuse

As was included in my 2015 Bill, and in the more recent Labour Victims' Bill, any person who works in a regulated profession or works with children in a regulated activity in England and Wales must make a notification if the person discovers that a child appears to have been subject to an act of sexual abuse. The

notification should be made to the chief officer of police for the area in which the child resides and must be made within 28 days of discovery. This is all the more crucial following a [recent release from the NSPCC](#) that showed a stark drop in prosecutions and convictions for child sexual abuse.

4. Supporting Victims of Crime and Improving Advocacy Support

4.1 Support Services

Every victim of crime should have the right to be referred to and to receive timely and effective support. There are currently a number of barriers to this aspiration, with justice agencies not informing victims of the support available to them, support services struggling under the current financial climate, and waitlists for ISVA and therapeutic support far too long in London. Ensuring ISVAs have the appropriate skills to be able to support victims while also navigating the justice system is crucial, and so I support the recommendation from a [Centre for Social Justice report](#) to establish a national register of accredited ISVAs alongside undertaking a mapping exercise to identify gaps in service provision – geographically and with regards to diversity. These gaps should be filled and national standards for ISVAs should be developed.

Having done significant engagement with minoritised communities, I also want to highlight the importance of specialist services which reflect the communities they are supporting. This is true both of victim support services but also of therapeutic services. With data showing that less than 10% of therapists are ‘BAME’, with a low proportion of these being Black, victims often fail to find someone who understands their culture and their lived experiences. Though I recognise this is not something which can be picked up in legislation, I thought it important to raise so we can consider how to encourage people from entering these professions.

Long-term sustainable funding is the other major barrier for support services, and so I fully support calls from the Deputy Mayor and other PCCs for a move to a multi-year arrangement, with a formula that recognises regional variations in crime rates.

In my 2015 Bill I called for the establishing of a regulatory body that would publish and enforce quality standards for the provision of services to victims. I believe the need for such standards and professionalism remains, to safeguard the vulnerable victims who are supported by such services. I am conscious that smaller and specialist victim support organisations, with limited staffing and resources, may find it more difficult to meet the standards and achieve some kind of certification, and so anything set up needs to ensure it is accessible to organisations of all sizes, and that there is a clear pathway in place to achieving certification.

Following an amendment proposed to the Domestic Abuse Bill, I welcome the reference made to community-based support services, particularly for victims of traumatic crimes that are often hidden from view such as domestic abuse, sexual violence, and other serious violence offences. The amendment proposed to the Domestic Abuse Bill included a duty for public authorities to take all reasonable steps to secure provision of such services to meet the needs of relevant persons within their area. I am highly supportive of similar provision being included in this Victims’ Bill.

4.2 Surcharges and Compensation

Regarding the proposal to increase the Victim Surcharge, I am supportive of measures which increase the level of accountability on the offender. However while I welcome this, Government must prioritise recouping this money, as the latest data from HMCTS shows that after 18 months, less than 60% of the victim surcharges have been recovered from the offender.

The issue of reclaiming financial impositions from offenders is broader than just the surcharge, and this Victims' Bill could provide an opportunity to reform the wholly inadequate system of court-awarded compensation. Since 2014 I have been calling on the Ministry of Justice to pay court awarded compensation upfront to the victim in a single one-off payment shortly after sentencing, and HMCTS recover the funds from the offender, as takes places in the Netherlands.

Paying the victim upfront would avoid the unnecessary ongoing relationship between the victim and offender. Victims continue to suffer from the impact of the crime as HMCTS fail to retrieve payments from compensation orders in a timely and effective way. The Victims Strategy is all about improving victims' experience and helping them to recover, however court compensation orders are preventing this due to irregular payments that span decades and serve as an ongoing reminder of the offender and the crime for the victim. This is particularly dangerous in cases of stalking, coercive control, and domestic abuse where the perpetrator is able to continue to exert control over the victim by withholding payments and paying erratically.

With regards to the Criminal Injuries Compensation Authority (CICA), I am concerned that we have not yet seen the outcome of the review into CICA which was published and consulted on in 2020, and must also ensure that the recommendations made by the National Victims' Commissioner in her January 2019 report ['Struggling for Justice: Entitlements and Experiences of Bereaved Families following Homicide'](#) are reflected in the Victims' Bill and Victims' Code where appropriate. One such recommendation highlights that families bereaved by homicide abroad cannot currently claim compensation from CICA, despite the fact that many victims are unable to claim compensation from foreign authorities, and so are burdened with the cost themselves. I believe that bereaved victims of homicide abroad should be eligible to claim Criminal Injuries Compensation.

4.3 Outside of the Justice System

An important question posed in the consultation is around how we ensure that non-criminal justice agencies are aware of victims and the support they should be offering to them. This is of vital importance, as we too-often forget that a victim's life does not revolve around the criminal justice system, and that they will often be engaged with services relating to health, housing, the Family Courts, and others. It is important that work be done with agencies in these areas to ensure they take a trauma-informed approach, and recognise the complex issues experienced by many victims of crime.

5. Conclusion

As I have stressed throughout this letter, I believe this Victims' Bill presents a once-in-a-generation opportunity to not only legislate around existing rights for victims of crime, but to strengthen these and even fundamentally transform elements of the criminal justice system.

This consultation represents a positive step towards a Victims' Law, and I welcome many of the proposals it puts forward, however we must be ambitious from the start, and maintain this ambition throughout the process if we are to fulfil the Government's promise that "victims' needs lie at the heart of the criminal justice system", and to transform the way they are treated and supported to access justice and cope and recover.

I very much look forward to continuing to work closely with you as this process towards a Victims' Law continues.

Yours sincerely,

Claire Waxman OBE

Independent Victims' Commissioner for London

5.1 Thanks and acknowledgements

With thanks to the members of my Victims Reference Group for their inputs:

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The Survivor's Trust
Nxt Steps 4 Communities
Calm Mediation
The Josh Hanson Trust
The National Association of People Abused in Childhood (NAPAC)
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