



## Review of Compliance with the Victims' Code of Practice (VCOP)

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Findings, recommendations  
and next steps

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## FOREWORD

This Review – the first of its kind - has been exhaustive – involving thousands of people and hundreds of hours of conversations. I am deeply grateful to all of those who took the time to participate and share their insights and ideas, especially those victims who showed great courage in reliving often highly traumatic experiences to help progress much needed change.

The research has highlighted many examples of exemplary service, humanity, empathy and determination to do the right thing. I'm delighted that this Review gives us an opportunity to recognise the often-unsung heroes and heroines of our justice service.

Sadly, the Review has also revealed examples of unacceptable service that exacerbated victims' trauma and delayed their recovery. There are some who work in the criminal justice service who lack the skills or training to understand and respond to victim needs effectively. There are elements of poor practice and process that need to be dealt with as a matter of urgency if putting victims at the heart of our justice service is to have a meaning.

The research has shown very clearly that the vast majority of the people working in the justice service are committed to helping and desperate to do a good job. Why then, do so many victims feel dissatisfied with the service they have received?

This Review has brought forward a wealth of new evidence to support what many have known for a long time. It is the system, not always the people, that ultimately leads to victims being failed & re-traumatised. Front line workers supporting victims are frustrated in their jobs on a daily basis by overwhelming demand, lack of resources, deficient training and an impossibly complex framework for victim care that has been developed piecemeal over decades and bolted on to a system that pre-dates victims' rights and entitlements. Victims suffer the consequences of these problems time and again.

In short, the Victims' Code of Practice (VCOP) is failing to deliver the improvements and sense of change required because of fundamental, systemic problems that need fundamental, systemic change to resolve. Victim needs are not being met by it and agencies are struggling to deliver it. Reform is urgently needed.

The Code was applied on top of long-established and complex system of processes and procedures for victims and witnesses of crime. I heard repeatedly from practitioners about long lists of requirements and checklists they have to work through in cases, of which VCOP is only one element. All of these are no doubt well-intentioned and important tasks, but so numerous as to render them either impossible to complete or as meaningless box-ticking.

This is the antithesis of what we are ultimately seeking to achieve – moving from a process-driven criminal justice *system* to a victim-centred, trauma-informed criminal justice *service* built from the victim upwards.

I am calling on the Government to finally act on their overdue commitment to establish a Victims' Law, giving victims legally enforceable rights and specifying clear legal duties for agencies. It is absolutely clear from this Review that, 13 years since the Code's creation, compliance is the exception and not the rule. It is time now that we learn the lessons of the Victims' Code's failings and apply them to create a law to show that victims' rights are important; that mandates a clear set of key entitlements that can be understood, complied with and remembered by public and practitioners alike; sets out which agencies must deliver them; and gives victims accessible and swift means of recourse if their entitlements are not met. I am clear that ultimately, it is only by enshrining key entitlements into a legally enforceable Victims' Law, that we can create the culture change needed to ensure that victims are truly at the heart of the justice service and valued at every stage.

Moreover, it is time for an honest conversation in this country about the future of our justice service, what we expect from it and how much we are willing to invest in it.

The Government, as our lawmakers and as the key decision makers on funding must be at the heart of that conversation. The Metropolitan Police Service has lost hundreds of millions of pounds, thousands of officers and staff and most of its police stations due to funding cuts. London has around 21% of the crime in the country but receives only 16% of Government funding for victims' services. Entitlements for victims amount to empty promises when the people tasked to deliver them lack the resources, skills and time to do so.

The independence of my role as Victims' Commissioner for London has been vital in gathering victims' and practitioners' experiences and views, and in galvanising action. Since my appointment, this work has included:

- Bringing the victim's voice to policy and commissioning decision making at a London level for the first time, through the creation of both the Victim Reference Group and Victims Board;
- Enabling the MPS to prioritise the needs of victims - within the MPS overall strategic direction a clear focus is placed on the MPS achieving good criminal justice outcomes and support for victims. This includes the introduction of basic victim care to front line officers, improvements to communications with victims and improving reporting pathways;
- Influencing national policy making and reviews, representing London on the Government's Victim and Witness Advisory Group and lobbying on issues including disclosure in rape cases, safer reporting for victims with insecure immigration status and criminal injuries compensation; and

- Advising on the commissioning of London's victims service – moving toward an integrated model; devolving witness services and improving outreach to vulnerable victims and witnesses. This new service aims to address both the victim's ability to recover as well as ensuring best evidence in court and continued victim engagement.

Thus far, I have been encouraged by the honest and proactive engagement of the vast majority of criminal justice agencies and support services, not only in this Review but in wider efforts to improve their service to victims of crime.

This research and its findings change the conversation about victim care in London. Looking forward, it will form the basis of discussions and further partnership work to develop and agree an action plan with regional and national partners, with a view to finalising a Strategic Delivery Plan later this year. I will be using all of the existing partnership governance structures to move this work forward – the starting point being the London Victims Summit in March 2019.

**Claire Waxman**  
Independent Victims'  
Commissioner for London



# POLICE INVESTIGATION, CHARGE AND BAIL

## REPORTING A CRIME

In the aftermath of a crime, the quality of the victim's first interactions with either the police or other support services is crucial, influencing their decisions on whether to pursue their case further, whether they would report another crime in future, and their overall confidence in policing and criminal justice. This is key when looking at the Victims' Code of Practice, as agencies can only provide for victim entitlements if a crime has been reported.

The online and telephone surveys, together with focus groups, found that most victims reported their crime/incident to the Metropolitan Police Service (MPS). Less frequently, crimes were reported to a local authority or council, another police force or a support service. A small number indicated the crime/incident was not reported by them or indicated that the crime hadn't been reported by anyone.

Encouragingly, the research revealed many positive victim experiences of reporting a crime to the MPS. This is a testament and a credit to the officers and staff involved. Those who had a positive experience most frequently cited the quality of their treatment - being listened to, taken seriously, treated with empathy, courtesy and respect.

However, for some victims, reporting was a difficult, even re-traumatising experience. Some victims voiced concerns about the inappropriateness of the environment in which they had to give their initial statement, including lack of privacy and old, worn out facilities. This is an issue identified in the consultation for the MOPAC/MPS Public Access Strategy and I welcome the Strategy's commitments for improving the provision of safe, private and dignified channels for victims to report. The findings of this Review underline the importance of these improvements for victims.

Some victims spoke of feeling pressured and the lack of time to consider their statement. A number of victims related how they were asked to make the same statement repeatedly. In a small number of cases, victims shared shocking instances of inappropriate questioning, and multiple incidents illustrating a lack of sensitivity, empathy and discretion on the part of those taking reports and statements.

Some of those who participated in the research never reported their crime at all. A range of reasons were cited, such as fear of the perpetrator, cultural or community pressure to not report, negative past experiences and fears around their immigration status.

Hate crime victims said that they and others (especially those with a learning disability) may not recognise what they have experienced as a crime as they have 'normalised' what can be regular experiences of victimisation - particularly if these involve verbal rather than physical abuse. Moreover, even if there is recognition, some people apparently do not report for fear of being discriminated against and/or not being listened to or taken seriously.

For young people specifically, a negative perception or even fear of the police was cited several times as a barrier to reporting. Furthermore, there appears to be a perception that young people are 'stereotyped' or 'tarred with the same brush' by the police: a perception that can deter them from reporting even serious crimes for fear of being treated more like a perpetrator than a victim. Moreover, some young people felt that the risk of repercussions or of being labelled as a 'snitch' or 'grass' outweighed the importance of reporting a crime – particularly in tight-knit communities.

It is therefore clear that there is more to be done to bridge gaps between the justice service and communities, to provide greater confidence and dispel myths. I welcome the work undertaken by MOPAC to ensure that improved community outreach will be incorporated into the new Integrated Victims and Witnesses Service (IVWS) and make further recommendations for wider initiatives to help victim engagement. However, without systemic reform and improvement of the service provided to victims, we must be realistic about these recommendations. Ultimately, while more effective outreach and communication might go some way to improving engagement and trust, confidence and willingness to participate in the justice process stems directly from the quality and consistency of the service offered. Without this, any attempts at greater outreach are as likely to deter victims as they are to encourage them.

*"I reported the incident to the Met Police a week after it happened. I was very scared, because then and even now it's my word against his. I didn't feel like I had enough evidence to prove I was telling the truth so I was scared about that. But my police officer was very helpful and supportive, and she tried to do what was best for me. I was satisfied with the way I was treated by the Police: I don't think that anything could have been done better."*

*Victim of a sexual offence [rape],  
Greenwich*

## THE INTEGRATED VICTIMS AND WITNESSES SERVICE (IVWS)

Research commissioned by MOPAC found that, as a result of being passed between different agencies and organisations, some victims missed out on support and in some cases had to tell their stories and relive their experiences repeatedly.

With £15m investment from the Mayor of London, in 2019 MOPAC awarded a contract to Victim Support to lead the delivery of an integrated support service for victims and witnesses of crime in London. Victim Support will provide a single point of contact for victims, working in partnership with a number of agencies such as Shelter, Galop, Sistah Space, St Giles Trust, Stay Safe East and Calm mediation to ensure a smooth referral process to specialist support services and removing the need for victims to repeatedly retell their story.

The new service will also use a proportion of budget devolved from the Ministry of Justice to offer a pre-trial support service to witnesses. This means that, for the first time, witnesses will be offered the support from the same package as victims, enabling them to give their best evidence at court, improving justice outcomes.

## KEY FINDINGS

- The channels, locations and senses of security and dignity when reporting crime remain key to victims in London. Victims have highlighted the need for us to consider how we move forward with third-party reporting and specifically how this links to statutory services.
- Victims find re-telling their story traumatic and often it does not progress their case.

## RECOMMENDATIONS

- 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.
- As part of their reform of VCOP, the Ministry of Justice (MOJ) should commit to including clear guidelines on 'Achieving Best Evidence' for officers interviewing victims of crime to cover reporting a crime as well as giving a statement, setting clear and trauma-informed parameters for interviewing, timings and support so victims are aware of their entitlements. The MOJ may be required to refresh and extend 2011 'Achieving Best Evidence' guidelines for officers as a result.
- The MPS should continue to work with the Victims' Commissioner for London to further develop their training, building towards trauma-informed training that empowers officers and staff to understand victim needs and provide empathetic, effective and joined-up victim care.

## NEXT STEPS

These issues will be raised at the London Victims' Board to engage partners in discussion about how we can improve the reporting experience, giving specific consideration to how we utilise existing VCS services, the effectiveness of third party reporting in London and opportunities for further collaboration.

The MPS Business Plan 2018-21 identifies that refurbishment of local police stations will begin in Q4 2019-20. Through governance structures including Bilateral meetings with Senior MPS Leaders and the Oversight Board, MOPAC will continue to oversee this work.

## AWARENESS OF THE VICTIMS' CODE OF PRACTICE

At this first stage in the justice process, after they have given their report, victims have a number of entitlements under the Code, including:

- A written acknowledgement that a crime has been reported, including basic details of the offence;
- A needs assessment to help identify the support required;
- Information on what to expect during the criminal justice process; and
- Referral on to relevant victim support services.

However, entitlements count for little if victims are not aware of them. This research found that no more than one third of participating victims had been told about VCOP and their entitlements not only when they reported, but at any stage at all in their case. This is just one aspect of a wider lack of information for victims about what happens in the criminal justice process that has been identified throughout this Review and that will be discussed further later in this document.

This is a missed opportunity for improving the victim experience. During the focus groups, victims who knew about the Code found it helpful and empowering. Victims who had not been aware of it were largely positive about the concept of the Code and felt it would have been useful to them had they known about it.

I therefore welcome MOPAC's commitment to developing a comprehensive online resource to provide information and advice to victims of crime in London, as an element of the Integrated Victims and Witnesses Service.

At an organisational level, awareness of VCOP amongst practitioners was better. While practitioners generally supported the idea of the Code, there were mixed views on its purpose and application; and patchy awareness and understanding of the Code and the systems in place to track and ensure compliance.

Victims were asked which entitlements set out in the Code they felt were most important. For the majority of participants, the most important VCOP entitlements during the reporting investigation phase of the crime/incident are: being kept informed and being offered victim support services.

### **These should be key rights within a Victims' Law.**

*"It's very hit and miss whether victims receive information about these sorts of things or not.*

*I've spoken to a lot of victims and I haven't met anyone who has been given the Code or has known about it. It was only when I started getting involved in the victim's agenda and I started to look more in depth at what I was entitled to that I became familiar with the document.*

*It should have been mentioned to me and given to me at the very start... Until there is a Victims' Law nothing will change. The Code of Practice is just telling victims what should happen; I want to know what will happen and when this doesn't what should I do then?"*

*Bereaved relative [murder], Brent*

## INCLUSION IN THE VICTIMS' CODE OF PRACTICE

Through the process of research and engagement with victims and practitioners, concerns were raised about groups of potentially highly vulnerable victims missing out on entitlements under the Code.

For example, relatives of people murdered abroad are not currently covered by the Code. Victims of road traffic accidents and victims of crimes found to be perpetrated by mentally disordered offenders don't have key entitlements provided for effectively under the Code. We can and must do better for these people.

Furthermore, practitioners highlighted a number of statutory bodies in regular contact with victims of crime but who are not currently included in the Victims Code of Practice. This includes the National Health Service, HM Coroners and the Foreign and Commonwealth Office.

## A WRITTEN ACKNOWLEDGEMENT

This is the first element of the work to keep victims informed about their case, yet already at this early stage, research found that significant numbers of victims were not receiving this basic communication to confirm details of their report.

Victims who reported the crime or antisocial behaviour incident to the police were asked whether they received written confirmation that they reported a crime, including the basic details of the offence. More than two fifths (44%) of online respondents stated that they had received written confirmation, although a similar proportion (41%) said that they had not.

More than two thirds (69%) of telephone respondents received a written confirmation of the offence, with only around a fifth (22%) stating that they did not. Very few victims and survivors who took part in an in-depth interview had received a written confirmation that they had reported a crime.

When asked whether receiving written confirmation would have been useful, most of those who had not received one said that it would in terms of: checking the accuracy of what was recorded; helping in the event of needing practical action from another party; having an ongoing record in the case of repeat victimisation; and feeling more "part of the process" as a victim of crime.

## REFERRALS TO SUPPORT AND ONGOING CONTACT

At the point of reporting, victims are entitled to an assessment of their needs and referral to appropriate support services. In addition, victims are entitled to ask for 'special measures' - steps that can be taken to help vulnerable or intimidated witnesses to give their best evidence, whether during a police interview or in court. Such special measures are tailored to the person's particular needs.

Of online respondents, around a third (32%) reporting to the police said that the police or person dealing with their case talked to them about the support they needed. Of these, 65% were referred to a support service. Of telephone respondents, 56% said that the police discussed with them the support they might need and what was available.

Around half of those taking part in an in-depth interview could recall having a discussion with the police or person who dealt their case about their support needs and what was available. Those that did were grateful for this, particularly regarding their entitlements in the event of needing to go to court - but it was frustrating to those for whom it was not provided. For example, one young victim could not remember a discussion about the special measures available to them until immediately before they were due in court. Had they known these would be provided in advance, their experience would have been much less stressful.

Key issues were identified in the practitioner research around the process of referring into support, often linked to other issues around awareness, training and resources. These are addressed elsewhere in this document.

Another significant issue raised by response officers in relation to the Code was the need to obtain explicit as opposed to implied consent from victims for a referral to a support service since the introduction of the General Data Protection Regulation (GDPR). In some cases, officers spoke of making difficult judgement calls on whether or not to refer.

Victims gave mixed accounts of ongoing contact after a crime was reported and as a case progressed. Many were positive:

*"We were getting updates pretty much every day, calling us all the time. It showed that they cared and that they weren't taking it lightly."*

*Victim of violent crime, Sutton*

*"It happened in August and they didn't find the man until December but they kept me informed which helped reassure me that they were still looking for him."*

*Victim of a sexual offence [rape], Greenwich*

However, others were not kept informed about their case, which for some was a source of great dissatisfaction and concern.

*"The officer in charge didn't contact us once in six months; not even to tell us the case was going to court. I think my mum called to find out. He still hasn't been in contact now that the sentencing has been done."*

*Victim of assault, Lambeth*

Practitioners from the MPS recognised that there were sometimes shortcomings in victim contact, citing overwhelming demand and declining resources as key factors in this gap in service. This is discussed further later in this document.

*"I think the most important thing for us is how you deal with the victim at the time because you're probably the only police officer they're going to see...but we're so stretched that sometimes it's difficult to do that...you're trying to give them the victim support you're told to do from day one and then you get a call saying you need to pull away from whatever you're dealing with.*

*So although sometimes you might think 'I've done a good job with that person', you go to another call and you won't have enough time and you feel a bit rubbish about how it's gone. And you can tell they know that you're rubbish...people know you're rushing and don't have time for it"*

*MPS Response Officer*

With many different potential points of contact between victims and statutory agencies like the MPS; with awareness and interpretation of VCOP patchy; and with officers and staff often struggling to manage their VCOP responsibilities amidst high workloads and reducing resources, action is needed to ensure more seamless, consistent service and care.

I welcome work underway by the MPS to address these issues, notably through the rollout of Mi-Investigation, through which the handovers between officers are reduced.

Going further, I believe a wider, long-term solution to these issues would be to bring core victim care duties into a single unit to enable dedicated, end-to-end ownership of victim care and VCOP compliance and the provision of expert advice given in a considerate and trauma-informed way.

## VICTIM PERSONAL STATEMENTS

*"I want him to hear how it's impacted me; my life, my relationships, my work performance. It will give me some form of control and some form of voice in all of this. I thought I was taking control by reporting it but it's so out of your hands when you do. So this will be a really good way of taking back at least some control."*

*Victim of a sexual offence, Brent*

Under the Code, all victims of crime should be offered the opportunity to give a Victim Personal Statement (VPS), setting out the impact the crime has had on them. Only a fifth (20%) of online respondents whose crime was reported to the police were offered the opportunity to make a Victim Personal Statement.

7 in 10 online respondents who were offered the opportunity to make a VPS made one, but only around three fifths (61%) were told how it would be used. Two fifths (40%) of telephone respondents were offered the chance to make a VPS, of which nearly two thirds (65%) did so.

*"A family liaison officer visited me a couple of times and one visit was about how I felt and how the incident had impacted me; I made a Victim Personal Statement. I have to say that he was extremely understanding, I did speak for quite a while and I did think that was good for me."*

*Bereaved relative  
[road traffic incident], Barnet*

The in-depth interviewees who had been offered the opportunity to make a Victim Personal Statement described how important this had been in allowing them to articulate their feelings and, again, to feel part of the criminal justice process - a view echoed by those who had not yet been through the process but would go on to do so in due course. Those who were not offered the opportunity to make a statement typically felt aggrieved at not being able to describe the impact of the offence upon them - even if it would never be publicly articulated in the event of a not guilty verdict.

*"I should have been asked to read my statement at court but it was never offered. The CPS advocate didn't tell me anything about how I could be involved in court and said that I didn't need to be involved. I wish I'd been listened to rather than have my words go through third parties. I wanted to speak to my advocate, to read my statement out...my voice was always going through other people who I felt didn't have my best interests at heart."*

*Victim of knife crime, Ealing*

Clearly, the Victim Personal Statement is an important and valued entitlement. It is vital that victims understand this option, and this is reflected in recommendations elsewhere in this document.

*"In all honesty I was asked to give back my victim's statement the day after I gave evidence which I felt was too rushed. Purely because, I have read it back since and what I probably didn't get across in the best way possible was how it had really impacted me."*

*Victim of a sexual offence [rape],  
Kingston-upon-Thames*

A small number of victims and survivors noted that, in the immediate aftermath of the offence, they did not feel ready to give their Victim Personal Statement and that being asked to do so while traumatised meant they had not been able to express the full impact of the crime on their lives. If the Victim Personal Statement is to fulfil its purpose of expressing the impact of a crime, victims must have the opportunity to complete their Statement in their own time, and opportunities to return to it as the full impact of a crime becomes clear.

Moreover, some victims said that, albeit with the best intentions, police officers can sometimes be too directive in instructing victims on what to say or write, resulting in the latter not recognising the statement as their own.

These issues can be resolved by providing simple guidance to officers and victims on how best to draft their Statement, deadlines and how it is likely to be used. At present, this is provided through a part of a form known as MG11, and some practitioner feedback suggests that historically, this form may not have been offered as officers did not have copies on their person.

However, with the rollout of mobile tablets to frontline officers, there is an opportunity to ensure that officers have a copy of the VPS pro-forma electronically, as part of the MPS e-statements app.

However, with many cases never making it to court, for many victims producing a Personal Statement will ultimately be a fruitless task. Throughout this research, it has been clear that victims understand that many cases will not progress far beyond reporting and understand the reasons for that – and that an honest assessment from the police and other services is highly valued in those instances. If a case appears highly unlikely to progress further beyond the report, it is better that victims are not asked to produce a VPS that may require them to relive their trauma for no benefit to them.

Once completed, Victim Personal Statements are often seen as 'up-for-grabs' in the judicial process, with little thought given to the impact on victims of their statement being used in court; released to the public and appearing in the media. In certain cases where there is repeat victimisation and ongoing risk such as reprisal for giving evidence or in domestic violence, coercive control and stalking cases, describing personal impact such as seeking counselling, problems at work or having to move house gives the defence or the media reporting it personal information that can be used to continue some of the criminal behaviour post trial. This is another example of practice where a trauma-informed approach is needed to ensure that potential trauma to victims is considered and mitigated.

*"This happened at the request of the CPS after the perpetrator was arrested following the second investigation. The CPS said 'we want an impact story from her' and they made my mum do a statement as she'd seen all the messages and the calls. I said to the police officer 'what's the point of me doing all this again if it ain't going to go nowhere?' I'm constantly peeling the same onion...and we never get anything at the end of it."*

*Victim of stalking and harassment,  
Barking and Dagenham)*

## KEY FINDINGS

- Thirteen years since its creation, many victims of crime still do not know about the Victims' Code of Practice or understand their entitlements.
- Victims aware of the Code of Practice highlighted a number of ways in which it does not meet their needs and that what is in place is inconsistently used by practitioners.
- It is clear that Victim Personal Statements are used inconsistently and are not always effectively supporting either improved justice outcomes or victims' recovery.

## RECOMMENDATIONS

- 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.
- The MPS should review and update the Victim Personal Statement template to ensure it is as easy to complete as it can be for traumatised victims and provides clear guidance to victims on the role of the VPS, when to make one, what it should contain and how it will be used.
- 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.
- The MPS should introduce a Victim Personal Statement pro-forma onto the e-statements app on officers' mobile tablets, so it is available in all interactions with victims.
- The Ministry of Justice should consider the feasibility of a trusted advocate or family member providing a Victim Personal Statement on behalf of the victim, when they are too vulnerable or traumatised to provide a statement themselves.
- As part of their reform of VCOP and any future Victims' Law, the Ministry of Justice should ensure that vulnerable victims and their families, regardless of the circumstances of the crime, should have the entitlements they are eligible for clearly set out and, as far as possible, that there be parity of entitlements. To enable this, all statutory bodies that come into contact with victims of crime, including the NHS, HM Coroners and the Foreign and Commonwealth Office should be included as partners in the Victims' Code of Practice.
- 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.
- As part of their reform of VCOP, the Ministry of Justice should clarify when Victim Personal Statements should be mentioned to victims and outline the exact time periods during the justice process that victims can produce or amend it. They should also clarify how victims can ensure that sensitive material within VPS is protected so not to cause further risk and harm.

## NEXT STEPS

A copy of this Review and the findings will be sent to the Ministry of Justice to inform their ongoing review of the Victims' Code of Practice and I will continue to work with Government on their consultation through the Victim and Witness Advisory Group. In addition, I will work with London partners through the London Criminal Justice Board to discuss how London responds to these findings and whether some elements of the Code should be prioritised, based on what victims want.

The MPS has committed to delivering a range of improvements in victim care by 2021, as set out in its Business Plan 2018-21.

MOPAC will confirm timings for the delivery of the online victims resource as part of IVWS and ensure that I and the Victim Reference Group can review and test the site before launch.

MOPAC has written to the MPS to ask for clarification around GDPR and guidance for consent and referrals to support.

## CHARGE AND BAIL

A number of issues were raised by participants regarding the charge and bail stage of their case. For some, the length of time for a final charging decision was a serious problem – effectively leaving them in 'limbo' for long periods of time, unable to move forward with their lives. Others felt pressured into settling for a lesser charge to secure a conviction in a quicker timeframe, leaving them little time to fully consider the implications of this.

*"We're always waiting for a decision about whether it goes to court or not. It's been a nightmare. I'm fizzing waiting to hear. The barrier is getting the decision the CPS being able to put the time aside to read whatever has been sent up to them. I keep getting told that that I will be told a date and then I have to chase them up when we hear nothing. It's just back and forth between the CPS and Police all the time. We are now 2.5 years down the line and still waiting. I want it to be done and dusted so that I can get on with my life... Non-recent abuse needs to be treated just as importantly as recent abuse, which isn't happening. In my area we have a dedicated non-recent abuse team and we've still been waiting for 2.5 years."*

*Victim of non-recent abuse, Bromley*

There were mixed views from victims about whether they were aware of the Victims' Right to Review (VRR) scheme, through which they can appeal against a decision not to prosecute their case. Several complained that the charges in their cases had been dropped by the CPS without explanation and without them being informed of any recourse to challenge the decision. Indeed, in some cases victims felt actively pressured not to request a review of the decision.

*"I had a letter saying I could appeal the decision not to charge. Then I met the police to see what they thought...and they thought I had a strong case and wanted me to do it. So I said I wanted to appeal the decision and I eventually got a letter back from the CPS and I really didn't like the tone of it; it was very much like 'we don't think there's any point in you doing it but you have the right to do it so you might as well'. It then goes on ages...I appealed it in early July and it's gone on and on until I found out today that it's now likely to go to court"*

*Victim of a sexual assault, Brent*

The Victims Right of Review is an important check and balance, empowering victims to challenge charging decisions that they are not happy with. However, with many victims unaware of their rights, many are left disempowered and demoralised by charging decisions that they feel unable to challenge. **This underlines the need for the Right of Review to be a part of a Victims' Law.**

## KEY FINDINGS

- Delays to charging decisions are impacting victims' ability to cope and remain confident in criminal justice proceedings.
- Victims are not empowered to challenge charging decisions, with negative implications for their ongoing recovery and confidence in the justice service.

## RECOMMENDATIONS

- 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.

## NEXT STEPS

This will be raised with the IVWS, MPS and CPS to consider remedial actions and resource implications.

# BEFORE TRIAL, AT TRIAL, AFTER THE TRIAL

Giving evidence in court can be a daunting, traumatic experience for victims of crime, and efforts to support and inform witnesses are vital to the effectiveness of trials. As with the reporting and investigation stages of a case, this Review found a mixed picture of victims' experiences, with some extremely positive examples of excellent service, and other examples of poor practice. Similarly, practitioners clearly demonstrated their desire and determination to do the best possible job for victims and witnesses, highlighting issues around resourcing, training and consistency as hindrances in doing their jobs.

## THE WITNESS SERVICE

*"They were lovely, really lovely. There was one point in the court proceedings where I had to leave as they were discussing a point of law and I got quite upset, but the woman from the Witness Service was there and she was being very supportive, telling me it would be ok and handing me tissues etc. I also got upset in the witness box and she reassured me that she was there for me if I needed anything and reminded me that I could take a break if I needed to"*

*Victim of a sexual offence [rape],  
Kingston-upon-Thames*

The Witness Service provides expert support to victims who give evidence as part of a trial. Their work was almost universally praised by those who had worked with them, a great credit to their staff. In particular, they were praised for their victim-centred, reassuring approach, and for their work in keeping victims informed about what was going to happen in court during their trial. This reflects a common theme in this Review – victims put a real premium on emotionally intelligent service and clear information on what is happening with their case.

## COURT FAMILIARISATION VISITS

*"A visit to the court before the case was arranged; me, my daughter and son went. This was really helpful because both me and my daughter were giving evidence. I was taken around the court and they explained what was going to happen"*

*Victim of domestic abuse, Bexley*

Most of the victims who participated in interviews and focus groups had been offered the opportunity to visit a court prior to their trial, and this was widely welcomed as a reassurance. Those who were not offered a visit felt that being unfamiliar with a court setting added to their anxiety before trial. I welcome the work underway by HMCTS to explore the potential for publishing diagrams and creating 'virtual tours' of all courts, providing victims and witnesses with an additional, accessible option for familiarising themselves with the court setting ahead of trial. This should be rolled out as soon as possible.

Some concerns were raised that it was not always clear that the court a victim would visit before a trial might not be the one which ultimately hosts their trial. This can be a source of anxiety on the day of trial for a victim expecting to attend another court.

Pre-trial court visits will shortly become the responsibility of the MOPAC-commissioned Integrated Victims and Witnesses Service (IVWS) to arrange and deliver. MOPAC recognises the need arising from the findings of this Review to give clear information to victims that their trial may be in a different court to the one they visit and that court dates may change, so they can be prepared for this eventuality.

## BEING KEPT INFORMED

Of the respondents who went to court, 64% said that they had been told of the time, date, location and outcome of any court hearings, while around 6 in 10 (59%) felt they were kept informed about the progress of their case.

*"The ladies at witness care have been helpful in the sense of getting the information of when the next court date is...they have also told me what is likely to happen which has been important"*

*Victim of false imprisonment,  
Tower Hamlets*

Most of the depth interview and focus group participants who went to court were satisfied that they had been kept sufficiently and properly informed (mainly by the MPS Witness Care Unit) both before and during the process.

Of those who said they were given information about court hearings, more than four fifths (85%) felt that they had been given these details in enough time, but 13% felt they were not. Some victims spoke of their frustration at short-notice changes to their trial date. Of the respondents who were told about their court hearings, around two thirds (67%) said their trial started on the date they were first told. Less than a fifth had their trial adjourned on the day it started (18%) or before it was due to start (15%).

The impact of adjournments on victims, who have mentally prepared themselves for court on a particular day, can be significant, and as the statistics show in some cases adjournments can happen repeatedly. Giving evidence in court can be one of the most significant and traumatic events in a person's life and highlights the importance of making suitable and sensible future arrangements that minimise disruption for victims and allow them adequate time to prepare.

A number of police participants in the consultation also noted the impact of 'constant adjournments' granted to defence lawyers with no apparent regard for the inconvenience this causes to victims and witnesses; and secondly the lack of consideration for the fact witnesses will have travelled often very considerable distances to testify when it is decided, often at the last minute, that they are no longer required.

Witness Care Unit staff – who are responsible for notifying victims and witnesses of adjournments – also noted that when they are told about the adjournment, they rarely receive any information about the reasons for it. This limits what they can tell victims and witnesses, a source of frustration to all parties.

*"The first time it got moved was really bad because I had properly psyched myself up and I found out about it before the police had even told me. They moved it to over the Easter period...I queried whether this was sensible with the bank holidays and all but was told it was fine. But I then got a phone call saying that because of complications around this the court date had been brought forward, and that it would either have to start in two days' time or in another six months' time.*

*I was given an hour to make the decision. I decided to go to court with two days' notice, and it felt very hectic. For example, I really wish that I had seen a copy of my statement a bit earlier on; they literally gave it to me 20 minutes before I went on the stand. It was a very draining experience"*

*Victim of a sexual offence [rape],  
Greenwich*

## MEETING THE CPS ADVOCATE

*"I only met my barrister five minutes before I was about to go in the witness box. I think it's because they say you're not allowed to talk about the case...but I would have like to have met him before he was about to start"*

*Victim of a sexual offence [rape],  
Waltham Forest*

Most of the participants in depth interviews and focus groups were able to meet with the Crown Prosecution Service Advocate before their trial and ask them questions about the court process.

However, this meeting usually happens only a few hours prior to a trial and the interaction itself is usually short. All said they would have liked to have had this opportunity to meet much earlier and for longer in order to get to know them, give more information about their case and understand how it would be argued in court. This highlights the need to manage victim expectations before going to trial.

## GIVING EVIDENCE - SPECIAL MEASURES

*"I was told I would be able to have a screen or a video link and that one of the people from the witness service would be able to stand behind me. With the person behind me I just knew someone was there and with the curtain I was able to speak to the jury without seeing the person. I don't think I'd have been able to give evidence without them; I'd have just shut down"*

*Victim of non-recent sexual abuse,  
Wandsworth*

Special measures might include: giving evidence in court behind a screen; giving evidence via video link instead of in court; assistance from a Registered Intermediary to assist those with difficulty communicating; and asking for the public gallery to be cleared so evidence can be heard in private.

An application for any special measures that are required is submitted on behalf of the witness to the Judge or Magistrate, who will decide whether the special measures should be granted. If the application is granted, the witness should be informed of this decision and HMCTS staff should ensure that the measures are available, and that assistance as required is provided on the day.

All of those victims interviewed who had used special measures were positive about their value. This underlines their real value in protecting victims and supporting the justice process.

Conversely, some victims who participated in the consultation suffered greatly because agreed special measures were not ultimately delivered or were ineffective. These incidents are completely unacceptable. This is an important learning point for all parties in the justice process – special measures work – every effort should be made to ensure they are put in place.

*"I had requested a screen to not be seen by the culprit via the witness care unit. The lawyer on the day was unaware of this and said that he would speak to the judge but that it may be too late. I wanted not to be seen by the culprit and the witness care unit said that these measures would be in place.*

*A special plea was made to the judge for the items and they were provided on the day. They were all really proud of themselves and I was like 'it should have been there anyway'. It was very stressful. Also, there was no provision for my disability and this wasn't brought up by anyone in the police or the court."*

*Victim of knife crime, Ealing*

I welcome the proposal in the new Domestic Violence Bill for special measures to be mandatory in domestic abuse cases, however it is vital that it is clearly explained to victims that it is possible for them to opt out.

This Review found that some victims complained that they had not been given the choice on whether to use special measures or not, either because they had been provided without their knowledge or because their investigating officer suggested that doing so would impact on their credibility. All of those victims would have liked to have had a say on special measures, and agencies must do everything they can to ensure that victims are given the chance to make an informed choice.

*"What I hated was, when there were breaks from court there was a family room I could use but I had to go through security to get there and I was basically sitting right by the person who killed my parents! He ended up knowing who we were because when the court said my parents' names I cried and ran out of the public gallery. So the next time he was waiting around for me and stood directly behind me as I entered security and the police liaison officer stepped in between us. The defendant then stared at me for a couple seconds before walking off. He was trying to goad me. I shouldn't have had to go through the same entrance as the person who killed my parents. It made me feel like we were being treated so much worse than the defendant was."*

*Bereaved relative [road traffic incident],  
unknown borough*

The Review has also underlined the importance of ensuring victim needs are considered not just into the courtroom itself – which is currently the only area considered in safety planning for witnesses - but throughout the court building and the immediate surroundings. Most participants were able to enter court through a different entrance from the defendant and wait in a separate area. This is absolutely essential to ensure that victims do not feel intimidated. However, not all courts have separate entrances, or have safe routes into court. HMCTS staff need to plan the route to ensure safety or consider staggered arrival times. This has resourcing implications and depends on HMCTS staff being available to facilitate those conversations and to meet with victims on the day of trial. This underlines the earlier recommendations on setting out this expectation on agencies in a Victims' Law, the respective roles and responsibilities of the agencies, and on the urgent need for greater resourcing of the criminal justice service.

## KEY FINDINGS

- Late-notice adjournments – and the way practitioners and victims are kept informed about them - are a source of dissatisfaction and frustration for all concerned.
- Victims highlighted a lack of awareness of special measures and engagement in agreeing what was required. Clear information on what they are entitled to, and their consent to the use of special measures, are critical.

## RECOMMENDATIONS

- The CPS should ensure that their current guidelines for victims about the role of the CPS Advocate in their trial are provided to every victim going to trial as part of their court familiarisation visit, or given by the IVWS if the victim chooses not to attend their visit.
- 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.
- As part of their reform of VCOP and in any future Victims' Law, the Ministry of Justice should provide a clear explanation to victims about what special measures are, being clear on the application process, who decides on them, who should inform them, the right to opt-out, and how their use might impact on a trial.
- Special measures should be extended in the Victims' Code of Practice and the Victims' Law, to include additional measures such as voice distortion and the option to be met at a separate entrance or at a different time to avoid encountering the defendant at court. The Ministry of Justice should ensure that HMCTS has the necessary resources to provide sufficient staffing to provide these entitlements.
- Virtual tours of all courts to allow victims and witnesses to familiarise themselves with the court setting ahead of trial should be rolled out as quickly as possible by HMCTS.
- 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.
- HMCTS should ensure witness safety plans be extended to cover the point of their arrival in the court building to the point of their exit, so victims and witnesses do not come into contact with defendants or the defendants' friends or family as far as reasonably practicable. Where it is not possible to ensure that level of separation, the Witness Service should inform witnesses in advance of the trial.

## NEXT STEPS

MOPAC will also work with partners to ensure that opportunities presented by the new integrated victims service model to focus further efforts on improving victims' awareness and experience of special measures.

## AFTER TRIAL

61% of online respondents whose case went to court were informed about the outcome of the trial, including the sentence given in cases where the suspect was convicted. Around 7 in 10 (72%) of the respondents who were informed about the outcome of the trial had the outcome – including the sentence given to the suspect if they were convicted – explained to them. 87% of telephone respondents that went to court were informed of the outcome of the trial, including the sentence, but less than three quarters of these victims (74%) had the outcome explained to them.

*"I was told what the outcome of the trial was but I didn't feel that I had a full explanation. And the way I was told over the telephone was impersonal. Luckily for me he was found guilty, but if he hadn't been found guilty and I was told over the telephone I would have been devastated. There was also a lot of media coverage and I was concerned I might not have been the first to know. I don't know how long after the verdict was given they called me, and in the days of smart phones and social media and everything else I could have read about it first and I think for me that's something they need to be really, really aware of."*

*Victim of a sexual offence [rape],  
Kingston-upon-Thames)*

All victims who took part in an in-depth interview had been informed of the trial outcome, although again, some did not feel they had received enough explanation of what the sentence entailed.

The conclusion of a trial – the verdict and sentencing – are vital points of closure for victims, and more must be done to ensure that victims are told about this, and that the outcome is explained. Victims want the assurance that official contact and informed explanation can give them, and practitioners want to be able to provide that service. However, problems with disjointed processes and a lack of clarity on where to seek advice on verdicts and sentencing outcomes can often frustrate that.

Timeliness, accuracy and consistency in official communication with victims is increasingly important in the age of social media and 24-hour news coverage, where court outcomes can be reported near instantaneously to a large audience. I recognise that the media will often be better placed to report a verdict more quickly than the justice service. Accepting this, I believe there is an opportunity to ensure that these outcomes are reported in a trauma-informed way, minimising the risk of re-traumatisation to the victim in question and also signposting other people who may be affected by the issues reported to relevant support.

There is precedent for this – the media have worked closely and effectively with mental health organisations to ensure that suicide is reported more responsibly – and I believe this approach can be extended successfully to the reporting of court proceedings. I have engaged with the Independent Press Standards Organisation (IPSO), who are updating the Editor's Code of Practice to inform editors and journalists on research and reporting on a range of issues, such as reporting on deaths, inquests, sexual offences and suicide. IPSO must continue to ensure the victim's voice is heard in this work and to support editors and journalists with training on these subjects.

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## VICTIM CONTACT SCHEME

The Victim Contact Scheme (VCS), provided by the Probation Service, is offered to victims of violent and sexual offences. Presently it is offered not on the basis of need but on the basis of sentencing decisions – victims can only access the VCS when the offender receives a sentence of 12 months or more. In my view this is not the appropriate basis on which to decide eligibility for the Scheme.

Through the VCS, victims are provided with information and advice on the justice process by a specialist Victim Liaison Officer (VLO). Through the VCS, victims should be kept informed of the stages of the perpetrator's sentence, such as a parole hearing, transfer to a less secure prison or release. The VCS also enables the victim to make a Victim Personal Statement at a parole hearing, and make representations for specific conditions that can be attached to the offender's release licence.

32% of online respondents who went to court indicated that the VCS was not applicable to them. Excluding this category, of the remaining victims, around a quarter (24%) said they were told about it. Just 14% of victims who indicated the scheme was applicable to them stated they had joined the Victim Contact Scheme. Five victims spoken to in depth had been through the scheme, with three reporting a positive experience thus far and two reporting some negative experiences.

In the wake of the Worboys case I raised my serious concerns about the VCS and made recommendations for improvements. Dame Glenys Stacey's Review of the policy and practice of the VCS during the case found errors and failings which led to a number of Worboys' victims remaining unaware of his impending parole hearing and only learning about the now-overturned decision to release him in the media.

I welcome the Government's commitment to address those issues and improve victim contact, and I will continue to work with the National Probation Service in London, who have already taken great steps to improve service delivery and create more victim-centred processes and structures.

## COMPLAINTS PROCESS

*"I haven't been told how [to complain] and I should have. There should be a number for the police or ombudsman at the end of an email and there should be a way to make it easy to say that you're not happy.."*

*(Victim of robbery, Southwark)*

Few of the victims who participated in this Review said they had been told how to make a complaint against a criminal justice agency or a support service, and perhaps unsurprisingly, fewer still actually had. Most of those who had complained were dissatisfied with the way in which it was handled, having received little in the way of response or resolution following a lengthy and complex process.

This is not only an unacceptable service to provide to victims of crime, but a missed opportunity to identify problems and improve service. A lack of response from an individual agency can often result in the escalation of complaints, many of which could have been resolved more quickly for victims and more efficiently by agencies.

Worse still, the process for escalating a complaint on a breach of VCOP is complex and lengthy – involving a complaint to the agency in question, awaiting their response, then an escalation to the victim's Member of Parliament, before being referred to the Parliamentary and Health Service Ombudsman (PHSO).

There are obvious steps that can be taken to make this process more effective and less difficult for victims, the first being for victims to be able to contact the PHSO directly. I therefore support proposals for change put forward by the PHSO.

## RESTORATIVE JUSTICE

Victims' awareness of the possibility of restorative justice (RJ) was low. When asked for their views on RJ, most had no wish whatsoever for any kind of contact with the offender, but some were more positive and felt it should at least be mentioned as a potential option.

Practitioners, statutory and voluntary, were largely positive about restorative options and the potential benefits for victims but agreed that this was not being effectively communicated.

I welcome the commitment from MOPAC that, as part of the Integrated Victims and Witnesses Service development, steps will be taken to increase awareness of restorative justice amongst practitioners and amongst victims of crime.

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## COMPENSATION

The process of recovery after a crime can incur significant costs. Whether it be for psychotherapy, physical therapy or loss of income, compensation payments can make a huge difference to a victim's recovery and confidence in the justice process.

No consideration is given to how criminal justice service processes impact a victims' ability to claim compensation – particularly in cases where the victim has already been significantly harmed, as in cases of rape or sexual assault which can take years to come to court. These victims are often advised not to apply for financial compensation as this may be used by the defence to cast doubts on their motivations and credibility. Subsequently, their applications can fall outside of the time limits set by the Criminal Injuries Compensation Authority (CICA) and thus be rejected, through no fault of their own.

In addition, difficulties accessing compensation via the CICA were noted by victims of terror attacks, particularly in relation to interim payments to cover costs such as private rehabilitation and psychotherapy. One victim spoke of having to use their student loan to cover these. Some victims of terror attacks in London do not live here, presenting difficulties around attendance at inquests and other meetings without any financial assistance to do so. Interim payments could assist with this. I have given recommendations to the Ministry of Justice review of the CICA and will continue to engage with them.

## KEY FINDINGS

- Victims are not being consistently officially informed about the outcomes of their case, nor are they consistently aware of the perpetrator's location.
- Victims are largely unaware of the complaints procedure. In the few incidences when complaints have been made, the process has been found to be opaque, complex and time consuming. This does not support the victim recovery journey, nor does it encourage poor practice to be highlighted and lessons learned.
- Financial compensation is highly important to victims' recovery, but many felt that the criminal justice service does not share or reflect that view.

## RECOMMENDATIONS

- 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.
- 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 MOPAC, 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.
- 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.
- Informing victims of sentencing outcomes is a critical part of the victim journey that currently lacks clear and timely process. HMCTS and Witness Care Units should review the current results mechanism and make improvements.
- The Ministry of Justice should work with the Independent Press Standards Organisation (IPSO) to develop guidelines on court reporting, including guidance on the reporting of sentencing outcomes.
- 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.

- 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).
- The Government should remove the requirement for a victim to involve their MP before escalating a complaint of a breach of the Code to the PHSO.
- As part of their reform of VCOP and any future Victims' Law, the Government should give either the PHSO or the national Victims' Commissioner the authority and resources to initiate their own investigations into criminal justice agencies, without the requirement for a victim to lodge a complaint, and publicly censure any persistent or significant failings in compliance.
- All agencies in contact with victims of crime should ensure that information on restorative justice is provided to victims throughout the criminal justice journey
- As part of their reform of VCOP, the Ministry of Justice should ensure that the offer of compensation is defined clearly, including when it should be offered and by which agency or agencies.
- The Government should ensure that victims currently unable to claim compensation, such as families bereaved by homicide abroad, are able to do so in future.
- The Ministry of Justice and HMCTS should review court-awarded Compensation Orders as a matter of urgency, to ensure victims receive their compensation.

## **NEXT STEPS**

Discussions later this year on the next stages of justice devolution to London are an important opportunity to address many of these issues. Working with MOPAC, I will ensure that these issues are raised in the consultation and development of the next version of the Memorandum of Understanding between the Ministry of Justice, MOPAC and London Councils.

I will work with the Government through their Victims and Witness Advisory Group to ensure victims can: access a simpler process to compensation, with a Single Point Of Contact (SPOC) who can support and advise; and ensure that those currently excluded will be recognised.

# SUPPORT

*"It was really important, because I wouldn't have known about Victim Support if the police hadn't told me about them. It made me feel like I wasn't alone and that there was always someone with me. I live alone so it made me feel less vulnerable."*

*Victim of theft,  
Redbridge*

*"I was referred to Rape Crisis. That was really useful because I was finding it really difficult to communicate with the Police and they took over the liaising side for me. If I hadn't had Rape Crisis I would have felt really alone and lost."*

*Victim of a sexual offence [rape],  
Kingston-upon-Thames*

*"HEET (a not-for-profit organisation providing services to make homes safer and more energy efficient) came out and fixed my door after the break-in and made it more secure. I was really happy with them; they gave lots of practical help with making my property more secure. Victim Support gave me emotional support... they also chased the housing department to see what was happening with getting me moved. So they have tried to make things happen."*

*Victim of threatening behaviour,  
Waltham Forest*

Support services play a vital role in keeping victims engaged with the justice service; helping them to navigate the process; and in their longer-term journey to recovery. Across the different surveys, focus groups and interviews conducted for this Review, between a third to one half of those who participated had been put in contact with a support service. The majority referred to support were satisfied with the service they received.

Many victims and survivors who did not receive a referral highlighted the importance of at least being informed of avenues of support that might help them begin that journey, and the potential consequences of not accessing them in terms of both navigating the criminal justice system and long-term recovery. Even those who did not access support considered it essential that victim support services are offered to all victims regardless of crime type, given that people react to situations in different ways. This reflects the importance of the offer of support when a crime is reported and therefore, the need for compliance with this assessment and offer of referral.

Support can take many forms. Around half of depth interview participants could recall being offered a referral to a support service. When accepting this offer, victims were seeking many different forms of assistance: emotional support; counselling; practical support; help to feel safe; advocacy in navigating the criminal justice process; and financial support. Those that had accessed support almost universally described how important this had been for them on their journey to recovery.

## RESOURCES, MORALE AND MOTIVATION

*"I think it goes down to cuts. I've worked in this job for 29 years and I was on the old system, the crime desk. We had seven members of staff answering calls from victims under just one borough. There's now 20 members of staff, maximum, on a daily basis answering all the victim calls and our average demand is between 1,000 and 1,200 calls a day. And now they want us to update reports as well.*

*Victims often ring up and say 'I haven't heard anything'. So, you go on to CRIS, you find it and now we're told as part of the Victim Focus Desk that 'you've got to do that investigation.' So, what about the other 25 calls that are waiting to be spoken to for updates? We have to conduct that inquiry which I don't think we should be doing. But it's all down to numbers."*

*MPS TDIU staff member*

The pressure police officers and staff face on a daily basis was raised consistently during the research, not only by police but also by victims. The extent of cuts to the Metropolitan Police Service are at this point well known – with £850m savings made since 2010. While the population of London continues to increase, the number of officers has declined to below 30,000. Most of the city's police stations have been closed to release funding to protect front line officer numbers.

Officers and staff spoke candidly about the impact this is having on the front line and consequently on the victims they serve. Participants from the MPS teams and units in most frequent contact with victims, such as response officers and the Telephone and Digital Investigation Unit (TDIU) spoke of the difficulties they faced in handling current demand with fewer people.

Officers and staff spoke about the impact of cuts on training, and the number of experienced officers leaving the service. They raised many concerns about the physical and emotional toll the pressure takes on the people in the MPS.

*"You want to do the best for every crime and every victim. I certainly do, so you do take that home with you. You think 'I haven't done this, I haven't done that'. Or 'did I do the right thing by dropping that, because there wasn't enough evidence'. Because once you've got rid of one, you're moving onto the next four..."*

*Specialist Officer- safeguarding*

Victims sense this pressure too. Several shared experiences where they decided against reporting to spare police resources for other priorities.

*"I don't think the Police aren't trying; obviously they've experienced a lot of cuts and the way they operate now is different."*

*Victim of a sexual assault, Redbridge*

*"When I've contacted the police before nothing has really come from it but they are stretched. You have to weigh it up; they have a lot of really serious stuff to deal with."*

*Victim of vehicle crime, Ealing*

The feedback and findings of this Review will be all-too familiar to most who have been close to or involved in policing in recent years, and they should be a wake-up call to the Government. The Mayor has increased the amount he can raise for policing through council tax by the maximum amount possible every year and used business rates to augment that, but with the Government responsible for more than 70% of police funding in London, the MPS remains under incredible pressure. The Government simply cannot ignore the crisis in policing.

If the Government is serious not just about victim care, but about policing and safety more broadly, they must urgently invest in it. If they are unwilling or unable to do so, then an honest, national conversation is needed about the level of service the public should expect from policing in the decades ahead.

*"I suppose I have mixed views on the Code. What the public want and what the police say they will deliver are drifting apart because of the restrictions on budgeting. I understand that what someone wants and what they are going to get are different things and I understand why. In theory it's a good thing but I don't believe the facilities are available for it to work."*

*Victim of burglary, Lewisham*

Time and again, victims and practitioners recounted stories of truly exceptional victim care, and the spirit of public service and humanity for which our police service has been rightly praised.

*"The police were very understanding...they spoke to me slowly in case I didn't understand a couple of sentences. Anything I didn't understand they explained to me; everything that was going to happen, the process, they explained to me in detail. So they made sure I understood the severity, the action and what was going to happen. So they've actually respected me and understood what I've been going through and actually taken some action to make me understand. The treatment I have received from them is incredible compared to the one you receive in my home country...there they wouldn't take you seriously and you would have to bribe them to do their job. Seeing the police here actually do their job changed my perspective. I now want to be a police detective and help people like I've been helped"*

*Victim of assault [racially-motivated hate crime], Brent*

We must not forget how fortunate we are to have our police service. It cannot be taken for granted, and this Review should give the Government pause for thought about the direction the police service is heading in as a result of their reform agenda. Low morale, loss of experience and difficulties in recruiting are warning signs of an organisation under serious pressure.

*"The main challenge we have is financial. There is a chronic lack of funding for the demand. I appreciate there are many other good causes out there but the trauma suffered by survivors of sexual abuse is big and it does ruin their lives. It can impact on their ability to work, to have a normal and healthy relationship within a family environment, can increase their dependence on substances. By not having the counselling available, all of this is a cost to the public purse. As an organisation we do work with people to try to get them to the point where they can hold down a job and have healthy relationships."*

*VCS organisation*

Practitioners from all of the voluntary and community sector support services who participated in this Review also spoke of the challenge of funding for their work.

I am deeply concerned about the lack of funding for support services. Taking sexual violence as an example, while 15 per cent of all recorded sexual offences take place in the capital, only six per cent of government funding comes to London. Demand for support services for women has increased by 83% since 2010, yet over the same period, funding has declined by 50%.

There are victims of serious offences going without the specialist help they need as a result. For example, Rape Crisis Centres across the capital have been regularly forced to close their waiting lists. 2018 marked a grim milestone for London when all four of London's Rape Crisis centres were left with no choice but to close their lists due to demand. Other vital services for victims face similar levels of demand and similarly difficult choices. It is totally unacceptable that victims in this country should be denied these vital services.

This is not the foundation on which to build a truly victim-focused service, and we should never overlook the value of victims to the effectiveness of justice as a whole. If they are not confident that the justice service can support them and respond effectively they will not engage with it, leaving offenders unpunished and the public at risk.

## KEY FINDING

- Acute and constant resource pressures on statutory and voluntary services mean that they cannot realistically deliver the current set of victim entitlements on a consistent basis. Neither a Victims' Code or a Victims' Law can make a difference if the services delivering it cannot afford to cope with demand.

## RECOMMENDATIONS

- The Government must urgently and significantly increase direct funding to policing and other victim-focused statutory services. If they do not do so, they should be clear with the public that the level of service that these services provide is at risk.
- The Government must also act to provide more money for support services and to ensure that it is distributed relative to demand if we are to ensure help is there for all victims.

## NEXT STEPS

- All partners continue to work together through the existing mechanisms in place, such as the London Crime Reduction Board and the London Criminal Justice Board to plan and prioritise resourcing according to need.
- Intensive lobbying of the Government by the Mayor and others on the issue of resources is ongoing. I encourage Londoners to add their voices to these efforts by writing to their local Member of Parliament.

## ADVOCACY

Advocates, such as Independent Domestic Violence Advocates (IDVAs) and Independent Sexual Violence Advisers (ISVAs) make a tremendous contribution to victim wellbeing and the wider justice service. This has been reflected in the recent victim needs assessment conducted by MOPAC, in the subsequent development of the Integrated Victims and Witnesses Service, and through the £15m in additional funding for front line services for victims of VAWG.

Several victims noted that their interactions with criminal justice agencies and other organisations were treated with more seriousness and urgency once they were taken over by a support service. Whilst this underlines the value of support services, equally it is another telling insight into a justice service in which the victim's voice often remains unheard.

General services such as Victim Support were considered essential and were generally positively regarded. Victims of sexual offences and hate crime in particular also spoke of the benefits of receiving support from specialist organisations - especially from individuals with similar experiences to them.

## PEER SUPPORT

Peer support was seen as particularly beneficial for victims of sexual and domestic violence/abuse, who can struggle with feelings of isolation and guilt. Several participants said that hearing the similar experiences of others helped them to come to terms with and overcome those issues. Relatives bereaved by violence and road traffic collisions and survivors of terror attacks reported similar benefits of peer support. Victims of human trafficking also spoke of the particular importance of peer support to them, given their separation from the support of their family and friends.

## MENTAL HEALTH

*"We have seen some successes. One woman had the mental health crisis team out, she was self-harming and was in a terrible state. But she messaged me yesterday to say that she'd got a distinction in her MA in Occupational Therapy. We were there for her throughout her crisis points but she also had interventions from mental health teams, Samaritans etc. and together we provided what this young woman needed."*

*Survivors Together*

Mental health was a recurring theme in the Review research. Not only is victimisation linked to associated mental health conditions, such as Post-Traumatic Stress Disorder (PTSD), anxiety and depression; these conditions can themselves increase an individual's risk of further victimisation. Appropriate mental health care can make a huge difference to a victim's chances of recovery, and the quality of their life.

It is concerning therefore that victims and practitioners raised the challenges they faced in accessing mental health support. The level and standard of available support from the NHS in particular was criticised by many participants. Counselling services and therapy were frequently mentioned - many victims and survivors spoke of long waiting times, with some opting to go private to get help sooner.

As part of the development of the Integrated Victims and Witnesses Service for London, MOPAC has committed to mapping out the different pathways for victims to access mental health provision or other support, so they are triaged and referred to appropriate support at the earliest opportunity.

However, service provision from the health service must be in place if these referrals are to achieve what they are intended to do. The NHS and the Ministry of Justice offer a health care package for those released from custody and provide continuity of care upon release. There is no such offer for victims of crime, a gap which must be addressed.

I commend the open engagement of NHS England (London) with this Review, and their willingness to work towards improvements. This will include reviewing good practice on mental health service provision to victims of the 2017 terror attacks, and work to understand the pathway for those victims with the most complex needs.

## SUPPORT WORKERS

Of the online respondents who had accessed victim support services, just over a third (35%) were given a support worker, while over half (51%) were not. A similar proportion of telephone respondents were also given a support worker (32% yes; 68% no).

Victims who were given a support worker were asked whether they were empathetic, knowledgeable and helpful. 94% of online respondents with a support worker said they were empathetic, 94% said they were knowledgeable and 9 in 10 (90%) said they were helpful. 100% of telephone respondents with a support worker said they were empathetic and knowledgeable; 94% felt they were helpful.

These findings again demonstrate the value of an empathetic, trauma-informed approach to victim care, and the invaluable contribution those working in the justice service and associated support services can make to victims' recovery.

## BARRIERS TO ACCESS

Those who did not access support offered varying reasons for not doing so: not knowing or being informed about what was available; not receiving any follow-up to an initial enquiry; concerns about long waiting lists; concerns about immigration status; not wishing to define themselves as a victim; not wanting to talk about what had happened; and fear that the service would disclose their details to the police. Some victims said that their first concern was to feel safe, and that support was a secondary concern to that. Some victims felt that they were strong enough to cope without support.

Some victims of what might be considered more 'minor' crimes spoke of feeling 'unworthy' of accessing victim support services. It is important to stress then that support is available to all victims, regardless of crime type - and that all victims are entitled to help. The online resource being developed as part of the Integrated Victims and Witnesses Service will play an important role in helping to challenge these beliefs and ensure victims can better understand what happens during the justice process.

Several victims said that, while they had wanted and needed support, they were actively discouraged from seeking it while waiting for a trial for fear of accusations of 'coaching' prejudicing their case or having to disclose their counselling records. While most could understand this, it was recognised that going potentially lengthy periods with no support was a risk. Some accessed support anyway regardless of the impact of doing so as they felt they could not do without it any longer. Separately to this Review, I am engaged in work with the Information Commissioner's Office and a number of partner organisations to investigate issues and unacceptable practices around disclosure in rape trials to ensure victims have a right to access counselling support without prejudicing their case.

Some victims who rejected support at the time of offering came to regret that decision later. Some suggested a follow-up check a few months down the line to establish whether victims feel ready and wish to access help, without which people in need of help might 'slip through the net'.

## KEY FINDINGS

- Victims agree that a combination of universal and specialist support services is the right way to meet differing individual needs and aid the journey towards recovery.
- Independent advocacy and casework matters to victims – and to statutory agencies. These services fulfil a vital role.
- The lack of an integrated offer of mental health support to victims has serious and far-reaching consequences, not only for victims themselves but also for the wider justice service.
- While victims identify a range of barriers preventing them from accessing support, there are obvious steps that can be taken quickly to overcome many of them, particularly those stemming from a lack of information or a trauma-informed service.

## RECOMMENDATIONS

- 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.
- To ensure a consistently high quality of service is provided to all victims of crime, the Ministry of Justice should introduce quality standards and establish a professional body to regulate organisations offering services to victims and hold them to those standards.
- The NHS and Ministry of Justice should develop a health care package for victims of crime, ensuring that every victim has easy access to ongoing support for the conditions resulting from the crime.
- Funding should be provided from the Ministry of Justice Victims' Fund to Mayors and Police and Crime Commissioners to enable commissioned services to enhance peer support.

## NEXT STEPS

- Working with the Victims' Board, NHS partners - via their Healthy London Partnerships - will map the current mental health provision to victims, identify gaps in service provision and where recommendations need to be made.
- MOPAC is aware of the importance of reviewing and developing the services for young victims of crime in London, taking into the severity of offending and the complexity of their needs. Work is ongoing to develop an improved service offer as set out in the Police and Crime Plan. This research provides an important evidence base to support future commissioning in 2019/20.
- MOPAC, with London partners and key specialist providers will be reviewing the effectiveness of services for victims of hate crime to inform commissioning decisions in 2019/20. This process will make best use of additional funds announced by the Mayor in February 2019.
- Copies of this Review will be sent to all service providers in London, and will form the basis of a further consultation on how services can respond to these key findings. This will feed into the Strategic Delivery Plan to be published later this year.



# ABOUT THIS REVIEW

The Code of Practice for Victims of Crime – commonly known as the Victims' Code – came into force in 2006. For the first time, this statutory Code set out the minimum level of service that victims of crime in England and Wales should expect from criminal justice agencies.

The Code applies to those who:

- Have suffered physical, mental or emotional harm or economic loss as a direct consequence of a crime committed against them; or
- Have experienced the bereavement of a close relative as a consequence of a crime.

Under the Code, a victim of crime has a range of entitlements, including:

- being kept informed about the progress of their case by the police;
- hearing when a suspect is arrested, charged, bailed or sentenced;
- applying for extra help when giving evidence in court (special measures) if they are vulnerable, intimidated, or a child or young person;
- applying for compensation;

- making a Victim Personal Statement to explain the impact the crime has had on them, and to have it read out in court, with the permission of the court;
- being told when an offender will be released, if that offender has been sentenced to a year or more in prison for a violent or sexual offence;
- information about taking part in restorative justice schemes;
- being referred to victims' support services;
- seeking a review of a decision not to prosecute.

In June 2017, Mayor of London Sadiq Khan appointed Claire Waxman to be London's first Victims' Commissioner, an independent advocate for victims of crime in London, giving a voice to their experiences and needs and driving improvement in the level of support provided to them.

This Review was commissioned by the Mayor and the Victims' Commissioner in response to the growing body of anecdotal evidence of low levels of compliance with the Victims Code of Practice and represents the most comprehensive and rigorous study of the victim's experience – and victims' needs - ever conducted in London.

The Review methodology incorporated:

### **Scoping phase**

- 25 in-depth scoping interviews with senior stakeholders;
- 29 responses to a Call for Evidence from criminal justice agencies and victims' groups.

### **Victims' Voices**

- 1044 responses were received via an online survey for victims;
- 1001 responses were received via a telephone survey with victims;
- 106 in-depth interviews with victims were conducted;
- 14 victims' focus groups were hosted, looking at themes including domestic violence, human trafficking, terrorism, hate crime, children and young people.

More than half (54%) of respondents had experienced multiple incidents of crime or anti-social behaviour. Just under two fifths (37%) had experienced one crime or antisocial behaviour incident, whereas around 1 in 10 (9%) said that they had not experienced a crime at all. These tended to be individuals who were either witnesses to a crime or anti-social behaviour incident, had given medical assistance to a victim of crime or had intervened in a crime in another way. While not perceiving themselves as 'victims', many of these went on to seek support for their experiences or involvement with the police.

More than a quarter (77%) of victims who said they had been a victim of a single crime or anti-social behaviour incident said that it occurred after October 2015, while just less than a quarter (23%) said it had occurred before or during October 2015. Around four fifths (79%) of those who had experienced multiple offence had experienced at least one after October 2015.

Almost all (97%) of the offences/incidents reported by victims happened in London. Only 3% were affected by issues outside of London. A similar proportion (94%) lived in London at the time of the incident.

Around two fifths (39%) felt that the crime was motivated by a personal characteristic, such as ethnicity, nationality, religion or belief, disability, age, sex, gender identity, sexual orientation. Of these, more than a third said the incident or crime was motivated by their sex (36%) and/or ethnicity (34%).

The most commonly reported crime that respondents were victims of was burglary (12%), followed by serious violence (10%). Similar proportions of victims had experienced sexual abuse (9%) and anti-social behaviour (9%).

### **Practitioners' Insights**

- 14 focus groups were held with frontline practitioners from criminal justice agencies and service providers.

Organisations and teams involved in these focus groups included: MPS response officers, MPS Telephone and Digital Investigation Unit (TDIU) staff, MPS traffic officers, MPS safeguarding officers, MPS Family Liaison Officers (FLOs), Witness Care Unit (WCU) officers, City of London Police Economic Crime Victim Care Unit (ECVCU) officers, Her Majesty's Courts and Tribunals Service (HMCTS), National Probation Service's Victim Liaison Officers (VLOs), Citizens Advice Witness Service (CAWS), Local Authority Anti-social Behaviour Co-ordinators, Victim Support, Safer London, Redthread, Galop, LGBT Jigsaw, Stop Hate UK, Survivors' Trust, Roadpeace, the Community Security Trust, personal injury lawyers, Catch 22.

Fieldwork and analysis were carried out by the independent market research agency Opinion Research Services.

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