

## Code of practice for Victims of Crime

### Ministry of Justice October 2013

The Code of Practice outlines the entitlement of victims in the criminal justice system. There are also enhanced entitlements to certain victims.

*1:2...(extracts from Enhanced Entitlements)...if you are under 18 years of age you will be automatically eligible for enhanced services as a **vulnerable victim** regardless of whether you are also a victim of the most serious crime or are a persistently targeted victim.*

#### Introduction

*(Page 2)*

*8...All service providers listed...(this includes YOTs)...must include information about this Code on their websites. This information must signpost victims to the relevant pages of the GOV.UK website and have a mechanism for providing feedback...*

*10. Service providers must share information between each other effectively and in accordance with their obligations under the Data Protection Act 1998*

*12... Service providers must communicate with you in simple and accessible language, taking appropriate measures where possible (e.g. EasyRead, Braille or the use of a Registered Intermediary) to assist you to understand and be understood.*

## **Chapter 2 - Adult Victims**

### ***Out of Court Disposals***

*(Page 18)*

#### **Section 2.8**

*In some cases, the police, CPS or Youth Offending Team (YOT) (if the offender is under 18) may consider it appropriate to deal with an offence without taking it to court. This enables the incident to be dealt with relatively quickly and may prove more effective in preventing further offences. Where an out of court disposal is being considered by the police, CPS or YOT, you are entitled, where practicable, to be asked for your views and to have these views taken into account when a decision is made.*

### ***Victim Contact Scheme***

*(Page 23)*

#### **Section 6.7**

*The statutory Probation Service Victim Contact Scheme (VCS) is offered to victims of violent and sexual offences where the offender receives a sentence of 12 months or more. The purpose of the VCS is to provide eligible victims with information and advice about the criminal justice process by a designated Victim Liaison Officer.*

*(Page 24)*

#### **Section 6.12**

*If the offender in the case is under 18, the Youth Offending Team will refer your details to the probation trust so you can be offered an opportunity to take part in the VCS.*

## ***Victims of offenders who are under 18 years old***

*(Page 27)*

### **Section 6.32**

*If the offender in your case is under 18 and you are not eligible for the Victim Contact Scheme, the Youth Offending Team may contact you directly. This is in cases where a young offender is sentenced to less than 12 months in custody, 12 months or more for a non-sexual or non-violent offence or a community based order. A Community based order puts conditions on an offender serving a sentence in the community rather than prison. The Youth Offending Team may seek your views prior to sentencing and explore whether you want to get involved in any Restorative Justice initiatives where appropriate and available.*

*(Page 28)*

### **Section 6.33**

*You (victim) are **entitled** to the following from your Youth Offending Team:*

- Information about the progress of the offender's case upon request.*
- Information on appropriate victims' services if you ask for additional support.*

*(Page 28, 29)*

### **Section 7.8**

*If the offender is under the age of 18, you are **entitled** to be offered the opportunity by your Youth Offending Team to participate in voluntary Restorative Justice activities where appropriate and available.*

*You can ask the police not to pass on your details to a Youth Offending Team if you do not want to participate in Restorative Justice activities.*

## **Section 7.9**

*You will be told about the Youth Offending Team's role so that you have an informed choice about whether you wish to participate in Restorative Justice. If you do want to take part you will be asked for written consent. You should not be pressured into taking Restorative Justice at any time. You and the community (where appropriate) should be consulted about the types of restorative justice activities the offender may undertake. The Youth Offending Team will take the necessary measures to ensure any Restorative Justice activity is a safe. They will also make sure that any Restorative Justice activity is delivered in line with recognised quality standards.*

## **Adult Victims Part B: Duties on Service Providers**

*(Page 41)*

### **Post Court**

#### **Section 6.8**

*If unwanted contact is reported to a Youth Offending Team, they must:*

- *inform the prison in which the offender is being held if there has been any contact from a prisoner with a victim, in order that this can be investigated by the prison*
- *consider whether an offender has breached his licence conditions if there has been any contact from an offender with a victim while the offender is on licence.*

## **Victim Contact Scheme (VCS)**

### **Section 6.9**

*Within 1 working day of receiving the information from court, the Witness Care Unit or Youth Offending Teams (where the offender is under 18) must notify victims of offenders who are given a sentence of 12 months or more for a violent or sexual offence<sup>18</sup>, or detained in a hospital for treatment under the Mental Health Act 1983, about the VCS.*

### **Victims of youth crime**

*(Page 44,45)*

### **Section 7.2**

*Youth Offending Teams must:*

- *make sure any Restorative Justice initiatives involving the victim are in line with recognised quality standards, such as the Restorative Service Standards*
- *consider whether to invite the victim to a Restorative Justice activity*  
*keep victims' personal data securely and separate from data relating to offenders*
- *when contacted by victims, explain the Youth Offending Team's role to allow victims to make an informed choice on whether they wish to participate in Restorative Justice activities*
- *consider when it is inappropriate to offer Restorative Justice given the sensitivities of the case and/or the vulnerability of the victim, particularly in cases involving sexual or domestic violence, human trafficking, stalking and child sexual exploitation. It is important that no-one is pressured into Restorative Justice*
- *obtain the written consent of any victims willing to engage in direct victim reparation or restorative processes*
- *consult with victims and the community (where appropriate) about reparation placements and willingness to engage in restorative processes*

- *ensure that any reparation activity required of a child or young person under a court order or an out of court disposal is set out in writing, specifying the type of activity, dates, times and duration. This must be explained fully to the child or young person and his or her parents/carers*
- *ensure victims' safety by providing all necessary safeguards throughout the preparation for the Restorative Justice activity and the activity itself*
- *ensure appropriate training is provided to staff working with victims.*

### **Section 7.3**

*The police must pass the victim's contact details to the Youth Offending Team to enable them to participate in Restorative Justice activities, unless asked not to do so by the victim.  
(Page 46)*

### **Section 9.2**

*Service providers must have a clearly identified complaints process through which victims can complain if their entitlements as set out under the code have not been met.*

### **Section 9.3**

*All service providers must provide either an acknowledgement or response to the victim within 10 working days of receipt of their complaint. Where an acknowledgement is provided, it must clearly set out the internal complaints process of that service provider, including timeframes for sending a substantive response to the complaint where appropriate. Service providers must provide clear contact details at both a local and, where appropriate, a national level for victims in case of enquiries or complaints and communicate these to the victim on request.*

#### **Section 9.4**

*Where a service provider (the initial provider) receives a complaint which should have been sent to a different service provider, the initial provider is responsible for ensuring that the complaint is directed to the appropriate service provider to respond. The initial provider remains responsible for the complaint until the appropriate service provider has taken responsibility for the complaint.*

#### **Section 9.5**

*The service provider must provide a full and timely response which informs victims of the outcome of their complaint, and includes information about how the victim can escalate their complaint to the Parliamentary and Health Service Ombudsman if they wish to do so. The response must be provided in an accessible language and format.*

<b>Code Obligation or requirement</b>	<b>Assessment of current gaps in compliance</b>	<b>Actions to be taken</b>	<b>By whom</b>	<b>By when</b>	<b>How action/ongoing compliance to be monitored</b>	<b>Lead contact</b>	<b>Completed</b>	
<b><u>Introduction</u></b> <i>..information about this Code on their websites..</i>	No current website	Include victim 'page' on proposed website						
<i>Agencies)...share information between each other effectively...</i>								
<i>..communicate with you in simple and accessible language</i>	No current easy-to-read leaflet.  Existing Leaflet needs revising, and produced in Welsh.	Produce new in line with Code  Produce new in line with Code  Translations	Participation group?					
<b><u>Adult Victims</u></b>  <b>Section 2.8</b> <i>(Pre- Court)...asked for your views and to have these views taken into account when a decision is made.</i>	Timescales to ensure adequate time to consult victims							



<p><b>Section 6:7</b> Victim Contact Scheme (VCS)</p>	<p>Protocol for referral to Probation and/or Victim support</p>	<p>Clear guidelines</p>						
<p><b>Section 6:12</b> (VCS) - refer your details to the probation..</p>								
<p><b>Section 6:32</b> Contact from YOT</p>								
<p><b>Section 6:33</b> ...entitled to Information about the progress...and services...(from YOT)</p>	<p>Protocols for who contacts victims and what information can be shared</p>	<p>Clear guidelines</p>						
<p><b>Section 7:8</b> ... entitled to be offered the opportunity ...to participate in Restorative Justice..(by YOT) And 'opt out' option</p>								
<p><b>Section 7:9</b> RJ consent and quality standards</p>	<p>Victims need only consent to being referred to YJS</p> <p>Need to 'visit' quality standards</p>	<p>Protocol and consent form?</p> <p>Ensure standards are being met</p>						

<b><u>Adult Victims Part B</u></b> 6:8 and 6:9 Post Court responsibilities								
<b><u>Victims of Youth Crime</u></b>  <b>Section 7:2</b> YOT Responsibilities	Need for system of keeping victims details and paperwork separate and secure							
<b>Section 7:3</b> Police Responsibilities	Is current practice adequate?  Is there common knowledge of RJ?							
<b>Section 9:2 – 9.5</b> Complaints	Victims unlikely to know details of complaints procedure  (reference on current leaflet but only to YJS)	Use of Powys procedure + Ombudsman etc.						

Other considerations:

Re-introduce Dyfed-Powys and/or national group for Victim Liaison workers to share initiatives and good practice.