



Ministry  
of Justice

# Code of Practice for Victims of Crime

October 2015





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of Justice

# Code of Practice for Victims of Crime

Presented to Parliament pursuant to section 33 of the Domestic Violence,  
Crime and Victims Act 2004

October 2015



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Print ISBN 9781474125390

Web ISBN 9781474125406

ID 21101511

10/15

Printed on paper containing 75% recycled fibre content minimum

Printed in the UK by the Williams Lea Group on behalf of the Controller of Her Majesty's Stationery Office

You can download this publication from  
<https://www.gov.uk/moj>

# Summary of key entitlements

Below is an indicative list of key entitlements contained within Chapters 1 to 3 of the Code. This is not an exhaustive list and will not be applicable to all victims. For information as to which sections of the Code apply to you please read the Introduction.

You are **entitled** to:

- A written acknowledgement that you have reported a crime, including the basic details of the offence;
- An enhanced service if you are a victim of serious crime, a persistently targeted victim or a vulnerable or intimidated victim;
- A needs assessment to help work out what support you need;
- Information on what to expect from the criminal justice system;
- Be referred to organisations supporting victims of crime;
- Be informed about the police investigation, such as if a suspect is arrested and charged and any bail conditions imposed;
- Make a Victim Personal Statement (VPS) to explain how the crime affected you;
- Read your VPS aloud or have it read aloud on your behalf, subject to the views of the court, if a defendant is found guilty;
- Be informed if the suspect is to be prosecuted or not or given an out of court disposal;
- Seek a review of the police or CPS's decision not to prosecute in accordance with the National Police Chiefs Council (NPCC) and CPS Victims' Right to Review schemes;
- Be informed of the time, date and location and outcome of any court hearings;
- Be informed if you need to give evidence in court, what to expect and discuss what help and support you might need with the Witness Care Unit;
- Arrange a court familiarisation visit and enter the court through a different entrance from the suspect and sit in a separate waiting area where possible;
- Meet the CPS advocate and ask him or her questions about the court process where circumstances permit;
- Be informed of any appeal against the offender's conviction or sentence;
- To opt into the Victim Contact Scheme (VCS) if the offender is sentenced to 12 months or more for a specified violent or sexual offence;
- If you opt in to the VCS to:
  - make a VPS for consideration by the Parole Board if the offender is considered for release or transfer and apply to the Parole Board to read it out at the hearing;
  - make representations about the conditions attached to the offender's licence on release and be informed about any licence conditions relating to you;
- Apply for compensation under the Criminal Injuries Compensation Scheme;
- Receive information about Restorative Justice and how you can take part;
- Make a complaint if you do not receive the information and services you are entitled to, and to receive a full response from the relevant service provider.

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# Introduction

1. This Code of Practice for Victims of Crime forms a key part of the wider Government strategy to transform the criminal justice system by putting victims first, making the system more responsive and easier to navigate. Victims of crime should be treated in a respectful, sensitive, tailored and professional manner without discrimination of any kind. They should receive appropriate support to help them, as far as possible, to cope and recover and be protected from re-victimisation. It is important that victims of crime know what information and support is available to them from reporting a crime onwards and who to request help from if they are not getting it.
2. This Code sets out the services that must be provided to victims of crime by organisations in England and Wales.<sup>1</sup>
3. This Code sets a minimum standard for these services. Service providers can choose to offer additional services and victims can choose to receive services tailored to their individual needs that fall below the minimum standard.
4. For the purposes of this Code, a “victim” is:
  - a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence<sup>2</sup>;
  - a close relative (see glossary) of a person whose death was directly caused by a criminal offence.
5. Legal persons (e.g. businesses) are not included within the definition of a victim. Businesses are only entitled to services under this Code in accordance with Chapter 4.
6. Enhanced entitlements are provided to victims of the most serious crime, persistently targeted victims and vulnerable or intimidated victims. These three categories are explained in paragraphs 1.1-1.12 of Chapter 1 of this Code.
7. In addition to this Introduction which is important to read, the table below shows which chapter of the Code may be relevant to you. Each chapter allows you to follow your journey through the criminal justice process and find out what you are entitled to at each stage.

An adult victim of crime	Chapter 2 (Part A) or Chapter 5
A victim under 18 years of age	Chapter 3 (Part A) or Chapter 5
The named point of contact for a business that is a victim of crime	Chapter 4 and Chapter 2 (Part A)
An organisation listed in paragraph 8 which provides services to victims under this Code	Chapters 2 or 3 (Part B)
An organisation listed in paragraph 9 which provides services to victims under this Code	Chapter 5

<sup>1</sup> This Code is issued by the Secretary of State for Justice under section 32 of the Domestic Violence, Crime and Victims Act 2004. It implements relevant provisions of the EU Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime; Directive 2011/92/EU combating the sexual abuse and sexual exploitation of children; and Directive 2011/36/EU preventing and combating the trafficking of human beings.

<sup>2</sup> For the purposes of the Code ‘criminal offence’ means an offence that is committed, or subject to criminal proceedings, in England and Wales.

### Which organisations have to provide services under this Victims' Code?

8. This Code requires the following organisations to provide services to victims in accordance with this **Introduction**, and **Chapters 1 to 4**<sup>3</sup>:
  - The Criminal Cases Review Commission
  - The Criminal Injuries Compensation Authority
  - The Crown Prosecution Service (CPS)
  - The First-tier Tribunal (Criminal Injuries Compensation)
  - Her Majesty's Courts and Tribunals Service (HMCTS)
  - Her Majesty's Prison Service
  - National Offender Management Service (NOMS)
  - The Parole Board
  - Police and Crime Commissioners
  - All police forces in England and Wales, the British Transport Police and the Ministry of Defence Police
  - The National Probation Service
  - The UK Supreme Court
  - Witness Care Units
  - Youth Offending Teams.
9. This Code requires the following organisations to provide services to victims in accordance with **Chapter 5** only (and, accordingly, this Introduction and Chapters 1 to 4 of the Code have no application to these organisations):
  - The Competition and Markets Authority
  - The Department for Business, Innovation and Skills (Criminal Enforcement)
  - The Environment Agency
  - The Financial Conduct Authority
  - The Gambling Commission
  - The Health and Safety Executive
  - Her Majesty's Revenue and Customs
  - Home Office (Immigration Enforcement)
  - The Information Commissioner's Office
  - The Independent Police Complaints Commission
  - The National Crime Agency
  - Natural Resources Wales
  - The Office of Rail and Road
  - The Serious Fraud Office.
10. Organisations that provide services under this Code are referred to as **service providers**.
11. Other organisations, including voluntary sector organisations, may provide victim support services (see glossary) for victims but they are not covered by this Code.

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<sup>3</sup> The introduction and 'Chapter 1 on Enhanced Entitlements' forms part of the Code and contains important obligations. Each organisation should produce operational guidance about how to fulfil the relevant duties. Service providers are encouraged to discuss with victims the level of service they require to meet their needs.

12. Where required to share information under this Code, service providers must do so effectively and in accordance with their obligations under the Data Protection Act 1998 and other relevant legislation.
13. Service providers must include information about this Code on their websites. This information must signpost victims to the relevant pages of the GOV.UK website and explain how a victim can provide feedback.
14. **Police and Crime Commissioners (PCCs)** are locally elected to secure efficient and effective policing. They have a legal duty to consult with victims in setting the policing priorities in their area and hold the Chief Constable of the police in their area to account. They also have a reciprocal duty with other criminal justice agencies to work in a way which delivers an efficient and effective local criminal justice system.
15. The **Commissioner for Victims and Witnesses** ('Victims' Commissioner') is not listed as a service provider under this Code. This is because the Victims' Commissioner has a statutory duty to keep this Code under regular review. It is part of the Victims' Commissioner's role to listen to the views of victims, understand the criminal justice system from their point of view and try to help improve the services and support available.

### What kind of support can I expect as a victim of crime?

16. Victims of criminal offences, including bereaved close relatives, should have access to information on the range of victim support services (see glossary) available. These victim support services may be provided by locally or nationally commissioned organisations. You will be directed to victim support services where required under this Code, but this does not prevent you from accessing those services directly if you wish. Service providers must communicate with you in simple and accessible language, taking appropriate measures (e.g. EasyRead, Braille or the use of a Registered Intermediary) to assist you to understand and be understood. In considering appropriate measures, service providers must take account of any relevant personal characteristic which may affect your ability to understand and be understood.
17. If, due to the impact of the crime, you need assistance to understand or to be understood in your first contact with the police you are **entitled** to be accompanied by a person of your choice unless the police consider it would be contrary to your interests or prejudicial to the investigation or prosecution.
18. You are **entitled** to receive written information on what to expect from the criminal justice system such as the "information for victims of crime leaflet", or the details of a website which contains that information. Subject to paragraph 19, access to the following information must be offered to you from your first contact with the police:

- where and how to get advice or support, including access to medical support, any specialist support (such as psychological support) and alternative accommodation;
  - what you need to do to report a criminal offence, and who you should contact in case you have any questions about the case;
  - any measures available for your protection, if required;
  - how to seek compensation;
  - the arrangements available if the victim is not present in England and Wales;
  - the availability of interpretation and translation services;
  - how to make a complaint about a service provider;
  - the availability of restorative justice services;
  - how to recoup expenses incurred as a witness in a criminal trial.
19. The extent or detail of the information in paragraph 18 may vary depending on the type of crime, your personal circumstances, or its relevance to the particular stage of the investigation or criminal proceedings.

### Who is entitled to receive services under this Victims' Code?

#### *Victims of crime, where an allegation has been made*

20. You are **entitled** to receive services under Code if you have made an allegation to the police that you have suffered harm (including physical, mental or emotional harm or economic loss) which was **directly** caused by a criminal offence, or have had such an allegation made on your behalf, or if you are contacted as a victim in the course of investigations. If you have witnessed a criminal offence, but are not a victim, you can access services under the Witness Charter, rather than under this Code.
21. You are entitled to receive the services set out in this Code if the crime took place in England or Wales, or if the services relate to criminal proceedings that are taking place in England or Wales.<sup>4</sup>
22. You are entitled to access victim support services at any time, whether you have reported a crime or not, and after the conclusion of the investigation and prosecution. Where the victim is not present in or has left the territory of England and Wales, whichever country the victim is located in should provide victim support services to that victim.

#### *Bereaved close relatives of a victim of crime*

23. Close relatives of the deceased are entitled to receive services under the Code as victims of the most serious crime.

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<sup>4</sup> Eligibility for compensation from the Criminal Injuries Compensation Authority may depend on your residency or nationality unless you are conclusively identified as a victim of human trafficking, or granted asylum, humanitarian protection or discretionary leave to remain.

### ***The family spokesperson for families bereaved by crime***

24. If a family is bereaved as a direct result of a criminal offence, the deceased's close relatives are **entitled** to nominate a family spokesperson to act as the single point of contact to receive services under this Code. If the close relatives cannot choose a family spokesperson, the Senior Investigating Officer working on the case must choose the family spokesperson.
25. If a family is bereaved following a road traffic collision where the police are investigating whether a criminal offence has been committed, a family spokesperson may be nominated as set out above.

### ***The family spokesperson for victims of crime who have a disability or for victims who have been so badly injured as a result of a criminal offence that they are unable to communicate***

26. If you have a disability or have been so badly injured as a result of a criminal offence that you are unable to communicate, you or your close relatives are **entitled** to nominate a family spokesperson to act as the single point of contact to receive services under this Code.

### ***The parent or guardian of a victim who is under 18 years of age***

27. If you are a victim who is under the age of 18 you, and usually your parent or guardian, are entitled to receive services under this Code.<sup>5</sup>

### ***Businesses that have had criminal offences committed against them***

28. Businesses that have had criminal offences committed against them are only entitled to receive services under this Code in accordance with Chapter 4. This includes businesses or enterprises (such as charities) but not public sector bodies, their agencies or other subsidiary organisations.

### **Additional information for all those entitled to receive services under the Code**

29. You are **entitled** to access services under the Code regardless of whether anyone has been charged or convicted of a criminal offence and regardless of whether you decide that you do not wish to co-operate with the investigation.<sup>6</sup>
30. If, following an investigation, it is decided that you are not a victim of a criminal offence you or, where relevant, the family spokesperson will be informed by the relevant service provider that you are no longer entitled to services under this Code.

### ***Information provided under the Code***

31. Where there is a high number of victims involved in a case, or where otherwise appropriate in exceptional cases, the service provider may communicate information to which a victim is entitled under this Code through alternative channels such as the service provider's website.

<sup>5</sup> Unless your parent or guardian is under investigation or has been charged by the police in connection with the crime or if in the reasonable opinion of the service provider involved it is not in your best interests for your parent or guardian to receive such services.

<sup>6</sup> If you are considering making an application for criminal injuries compensation to the Criminal Injuries Compensation Authority, you should be aware that an award will be withheld unless you have cooperated as far as reasonable practicable in bringing the assailant to justice.

32. Nothing in this Code requires a service provider to provide information where disclosure of that information:
- a. could result in harm to any person;
  - b. could affect the proper handling of any criminal investigation or prosecution, or could otherwise prejudice any civil or criminal case;
  - c. would, in the service provider's view, be contrary to the interests of national security.
- the outcome of criminal proceedings where so entitled under this Code and at least brief reasons for the decision where available.
35. An oral translation or summary of the information in paragraph 34 may be provided, unless doing so would prejudice the fairness of the proceedings. The relevant service provider must ensure such interpretation or translation is available free of charge. In hearings in Wales you have the legal right to use Welsh when giving evidence and the court will make the necessary provisions.<sup>8</sup>

### ***Interpretation and translation***

33. If you do not understand or speak English (for Welsh speakers see paragraph 35), you are entitled to request interpretation into a language you understand:
- when reporting a criminal offence<sup>7</sup>;
  - when being interviewed by the police; and
  - when giving evidence as a witness.
34. If you do not understand or speak English, you are entitled on request to translation of the following information:
- the written acknowledgment of the reported crime;
  - where it is essential for the purposes of the interview or court hearing to see a particular document that is disclosed to you, a copy of the relevant parts of the document;
  - the document informing you of the date, time and place of trial; and
36. If you are unhappy with a decision not to provide interpretation or translation services, you are **entitled** to make a complaint to the relevant service provider. The relevant service provider must consider your request in accordance with the complaints procedure in section 9 of Chapter 2, Part A (for adults) and section 9 of Chapter 3, Part A (for children and young people).

### ***What if I do not want to receive the services that I am entitled to under this Code?***

37. You may decide that you do not want some or all of the information or services you are entitled to under this Code or that you want to opt out of receiving these at a later date. If this is the case, you can discuss with the service provider how these entitlements are best tailored to your needs.
38. You may choose to opt back into receiving services under the Code at any time while the case is under active investigation or prosecution.

<sup>7</sup> You are entitled to report the crime in a language you understand or with the necessary linguistic assistance if you don't speak English.

<sup>8</sup> Section 22(1) of the Welsh Language Act 1993 provides that: "in any legal proceedings in Wales the Welsh language may be spoken by any party, witness or other person who desires to use it". No prior notice to use the Welsh language is required other than in Crown Court proceedings. However, sometimes it is necessary for interpretation to be arranged, and prior notice will be given to the Welsh language Unit to make necessary provisions.

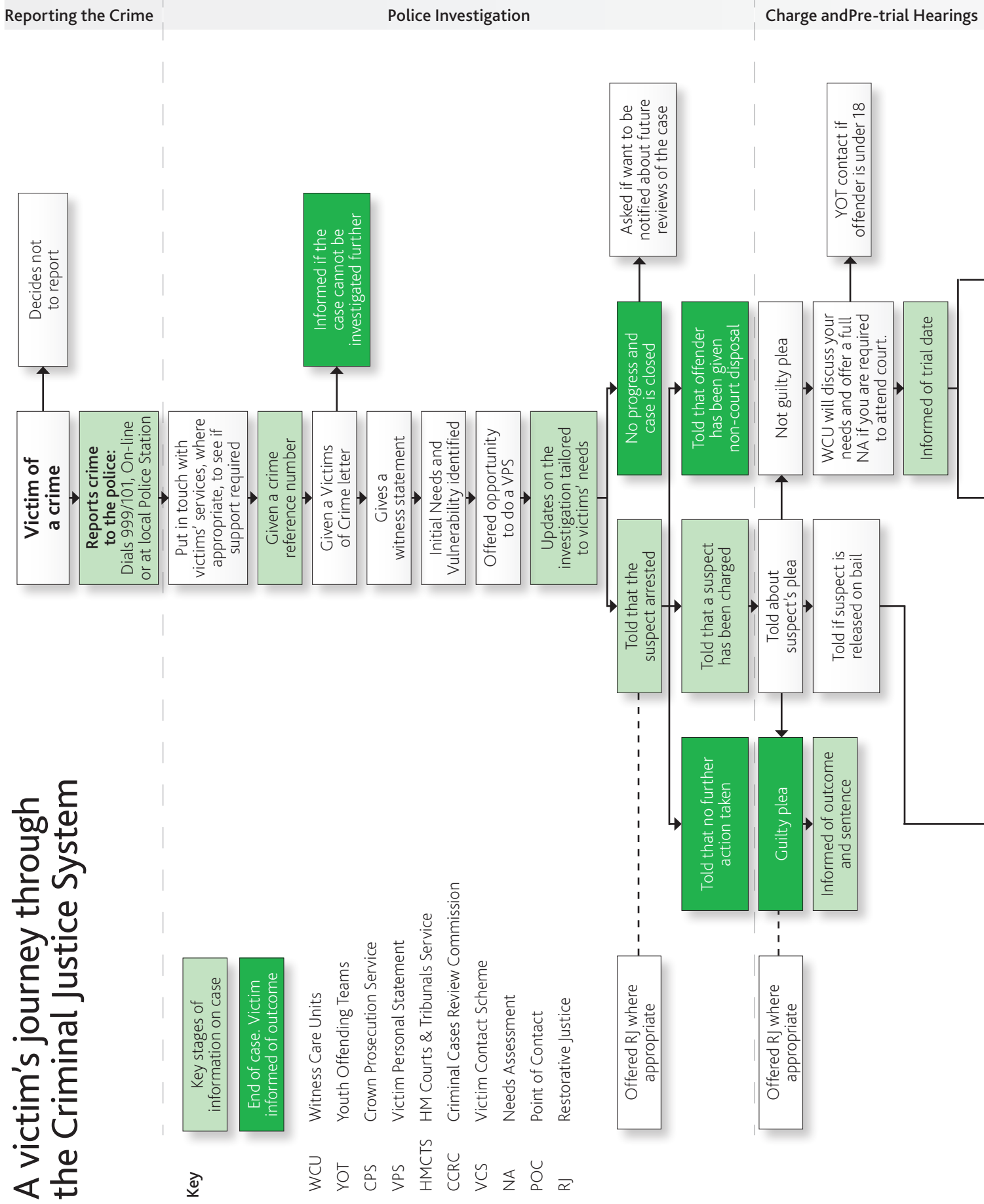
***What happens if I don't receive the services that I am entitled to under this Code?***

39. Section 9 of Chapter 2, Part A (for adults), section 9 of Chapter 3, Part A (for children and young people) and paragraphs 1.49-1.53 of Chapter 5 of this Code sets out your entitlements if you wish to make a complaint about the services you have received.

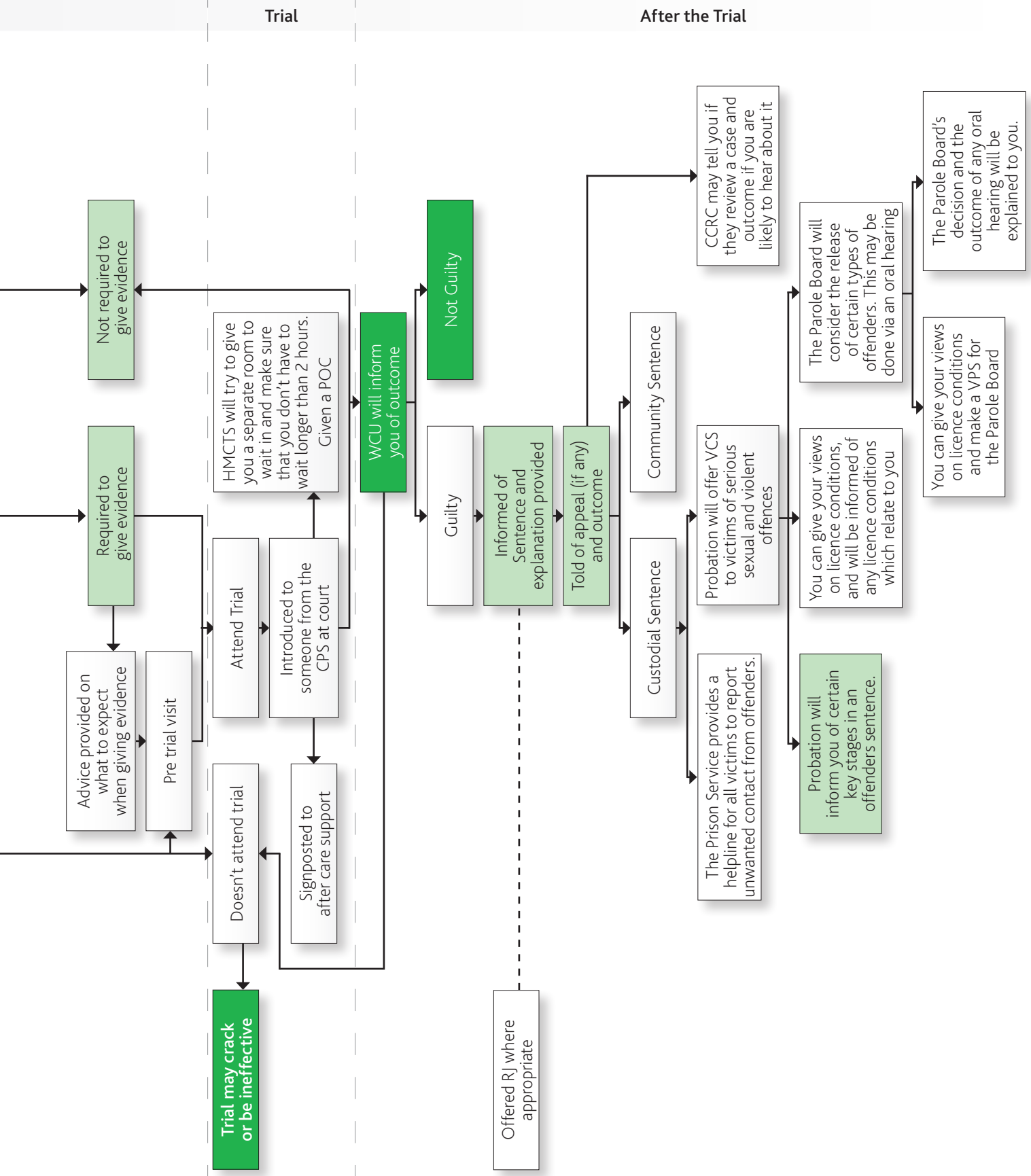
***What if I want to give feedback or make suggestions about the services I receive under this Code?***

40. You will find information on the relevant service provider's website about the best way to contact them to give feedback or to make suggestions about the services you have received from them. Feedback is always welcomed to help service providers provide a high quality service to victims at every stage.

# A victim's journey through the Criminal Justice System









# Chapter 1

## Enhanced Entitlements



# Enhanced Entitlements

- 1.1 This Code sets out enhanced entitlements for victims in the following categories because they are more likely to require enhanced support and services through the criminal justice process:
- victims of the most serious crime;
  - persistently targeted victims; and
  - vulnerable or intimidated victims.
- How do I know if I am in one of the three groups who are entitled to receive enhanced entitlements?***
- 1.2 The three categories are designed to ensure that victims who are most in need will be able to access enhanced support. You may be entitled to enhanced services under more than one category at the same time. For example, 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. A victim of domestic violence is eligible for enhanced services as a victim of the most serious crime, but may also qualify for enhanced services as a vulnerable or intimidated victim.
- 1.3 The final decision on whether you fall into one or more of the three categories is the responsibility of the relevant service provider.
- 1.4 All victims of a criminal offence are entitled to an assessment by the police to identify any needs or support required, including whether and to what extent they may benefit from Special Measures. The length and content of this assessment depends on the severity of the crime and your individual needs. The assessment will take into account your personal characteristics, the nature and circumstances of the crime, and your views. The more information you are able to provide during the assessment, the more tailored the level of support will be to your individual needs.
- 1.5 As your needs may change while the criminal offence is being investigated due to your health, intimidation or any other reason, service providers must give you the opportunity to be re-assessed if your change of circumstances is brought to their attention.
- 1.6 Once a service provider has identified that you are eligible for enhanced entitlements under this Code, that service provider must ensure that this information is passed on as necessary to other service providers with responsibilities under this Code and to victim support services where appropriate. Service providers should check with you first that you are content for them to pass on your information to victim support services.

1.7 If you do not fall into the three categories outlined below, although they are not obliged to do so, the service provider may exercise their discretion and provide enhanced entitlements under one of these categories depending on the circumstances of the victim concerned and the impact that the crime has had on them.

### ***Victims of the most serious crime***

1.8 You are eligible for enhanced entitlements under this Code as a victim of the most serious crime if you are a close relative bereaved by a criminal offence, a victim of domestic violence, hate crime, terrorism, sexual offences, human trafficking, attempted murder, kidnap, false imprisonment, arson with intent to endanger life and wounding or causing grievous bodily harm with intent. Additional enhanced entitlements that are available for bereaved close relatives are identified separately at various stages of this Code.

### ***Persistently targeted victims***

1.9 You are eligible for enhanced entitlements under this Code as a persistently targeted victim if you have been targeted repeatedly as a direct victim of crime over a period of time, particularly if you have been deliberately targeted or you are a victim of a sustained campaign of harassment or stalking.

### ***Vulnerable or intimidated victims***

1.10 You are eligible for enhanced entitlements under this Code as a **vulnerable victim**<sup>9</sup> if:

- (a) you are under 18 years of age at the time of the offence, or

(b) the quality of your evidence is likely to be affected because:

- i) you suffer from mental disorder within the meaning of the Mental Health Act 1983;
- ii) you otherwise have a significant impairment of intelligence and social functioning; or
- iii) you have a physical disability or are suffering from a physical disorder.

1.11 You are eligible for enhanced entitlements under this Code as an **intimidated victim** if the service provider considers that the quality of your evidence will be affected because of your fear or distress about testifying in court.<sup>10</sup>

1.12 When assessing whether a victim is **intimidated**, the service provider must take account of:

- any behaviour towards the victim on the part of the accused, members of the family or associates of the accused, and any other person who is likely to be an accused or witness in a potential court case;
- the nature and alleged circumstance of the offence to which a potential court case relates. Victims of a sexual offence or human trafficking will automatically be considered to be intimidated;
- the victim's age and, if relevant, the victim's social and cultural background, religious beliefs or political opinions, ethnic origin, domestic and employment circumstances.

<sup>9</sup> This is based on the criteria in section 16 of the Youth Justice and Criminal Evidence Act 1999 for the court to determine eligibility for Special Measures (see paragraphs 1.13-1.15 of Chapter 1).

<sup>10</sup> This is the test in section 17 of the Youth Justice and Criminal Evidence Act 1999 by which the court determines eligibility for Special Measures (see paragraphs 1.13-1.15 of Chapter 1).

## Special Measures

1.13 If you give evidence at court you will do so as a witness. Special Measures is the term used to describe the measures a court can order to assist **vulnerable or intimidated witnesses** to give their best evidence in court. Special Measures are mentioned in Chapters 2, 3 and 5 of the Code. When your needs are assessed by a relevant service provider and you are identified as being eligible for Special Measures, the relevant service provider will discuss the measures available with you and record what you think will best help you to give evidence. You are **entitled** to ask the relevant service provider, which could be the police or your Witness Care Unit, for Special Measures to be used during the trial to help to give your best evidence. The CPS will take your views into account when deciding whether to make an application. In cases where the CPS do make an application for Special Measures, you are **entitled** to be informed of the outcome of this application. It is the court that decides whether Special Measures should be ordered. Once the court orders Special Measures, you are **entitled** to receive them. If you are a **vulnerable or intimidated** victim (in accordance with paragraphs 1.10-1.12 above) the following Special Measures may be available:

- screens / curtains in the courtroom so the witness does not have to see the defendant, and, in some cases, the public gallery;
- a live video link allowing a witness to give evidence away from the courtroom. This could be from a separate room within the court, or from a dedicated live-link site outside the court building;

- evidence in private – the public gallery can be cleared in cases involving a sexual offence, human trafficking, or where the court is satisfied that someone other than the accused may seek to intimidate the witness;
- removal of wigs and gowns by judges, defence and prosecution advocates;
- video-recorded statements – these allow a witness to use a pre-recorded video statement as their main prosecution evidence.

1.14 If you are considered to be a vulnerable victim (in accordance with paragraph 1.10 above) then, in addition to the above Special Measures, the use of communication aids, such as alphabet boards or assistance from Registered Intermediaries (see paragraph 1.15 below) are available.

### Registered Intermediaries

1.15 Registered Intermediaries are specialists who help vulnerable witnesses with an assessed communication difficulty to give their best evidence in court. They can also assist victims when they are being interviewed to help them communicate their evidence to the police. The intermediary is approved by the court and can help to explain the questions and answers so far as necessary to help the witness but without changing the substance of the evidence.





# Chapter 2

## Adult Victims



# Adult Victims

## Part A: Victims' Entitlements

### Section 1: Police Investigation

#### (i) Information, referral to victim support services and needs assessments

- 1.1 You are **entitled** to receive the following from the police:
- a written acknowledgement that you have reported a crime including the basic details of the offence. The written acknowledgement could be in the form of a letter, an electronic notification such as an email or text, or it could be written by hand. You may request not to receive such acknowledgement. Where the police consider there may be a risk of harm to you from sending the written acknowledgement (for example in domestic violence cases), they may agree with you not to send one;
  - a clear explanation of what to expect from the criminal justice system when you report a crime or are contacted as a victim in the course of investigations;
  - an assessment of whether you want support, and if so what help or support you may need. This will help to identify whether you are in one of the three categories of victim who may need enhanced support, and to determine whether and to what extent you may benefit from Special Measures. Victim support services may do a more detailed assessment on behalf of the police;
  - either written information (in accordance with paragraphs 18 and 19 of the **Introduction**) on what to expect from the criminal justice system such as the "information for victims of crime" leaflet, or the details of a website which contains the same information, as soon as possible, and not later than 5 working days after reporting the crime or being contacted as a victim in the course of investigations;
  - to be informed how often you will receive updates on the status of the case following discussion with the police;
  - an explanation, within 5 working days of a decision not to investigate a crime;
  - to be advised when an investigation into the case has been concluded with no person being charged and to have the reasons explained to you;
- 1.2 Victim support services are organisations which offer victims of crime help and support to help them cope and recover after a crime. The police will explain to you that they will automatically pass your details to victim support services within 2 working days of reporting the crime. You are **entitled** to ask the police not to pass on your details to victim support services. If you are a victim of a sexual offence or domestic violence, or if you are a **bereaved close relative**, the police will seek your explicit consent before sending your details to victim support services.

- 1.3 If you are making a witness statement the police should explain to you that this may result in you needing to give evidence in court if the case goes to trial.
- 1.4 You are **entitled** to receive information about victim support services including their contact details from the police so that you can access their support at any time.
- 1.5 You are entitled to be informed by the police of the following information and to have the reasons explained to you within 5 working days of a suspect being:
- arrested;
  - interviewed under caution;
  - released without charge;
  - released on police bail, or if police bail conditions are changed or cancelled.
- 1.6 If you are a victim of the most serious crimes, persistently targeted or vulnerable or intimidated, you are **entitled** to receive this information within 1 working day.
- 1.7 You may discuss and agree with the police different timings to receive the information and services in paragraphs 1.1-1.5 to suit your needs.
- 1.8 If you are being interviewed by the police, you are **entitled** to:
- be accompanied by a person of your choice, unless a reasoned decision has been made to the contrary;
  - have any interviews with you conducted without unjustified delay;
  - have the number of interviews limited to those that are strictly necessary for the purposes of their investigation;
- have medical examinations kept to a minimum and carried out only where strictly necessary for the purposes of the criminal proceedings;
  - have the interview, where necessary, conducted in premises designed or adapted for that purpose;
  - have the same person, where possible, conduct all the interviews (unless to do so would prejudice the proper handling of the investigation);
  - be offered the opportunity to have a person of the same sex conduct the interview where you are a victim of sexual violence, gender-based violence, or domestic violence (any request will be met where possible unless to do so would prejudice the proper handling of the investigation).
- 1.9 The police will ensure, wherever possible, that you and your family members do not come into direct contact with the suspect whilst on police premises.
- 1.10 In addition to the entitlements outlined above, **if you are a victim of the most serious crime, persistently targeted or vulnerable or intimidated, you are entitled** to the following from the police:
- to have information on Special Measures explained to you, where appropriate (see Chapter 1, paragraphs 1.13-1.14);
  - to be referred to a specialist organisation, where appropriate and available;
  - to receive information on pre-trial therapy and counselling where appropriate;
  - on being advised that a case has been concluded without charge, to be asked if you wish to be informed if the investigation is to be reopened. The police must consider your views if the case is reviewed.

- 1.11 In addition to the entitlements outlined above, if you are a **bereaved close relative of a victim who died as a result of a criminal offence**, you are **entitled** to:
- have a Family Liaison Officer assigned to you by the police, where the Senior Investigating Officer considers this to be appropriate. This will happen in the majority of cases;
  - be offered accessible advice on bereavement and information on available victim support services by the police.

## (ii) Victim Personal Statement

- 1.12 A Victim Personal Statement (VPS) gives you an opportunity to explain in your own words how a crime has affected you, whether physically, emotionally, financially or in any other way. This is different from a witness statement about what happened at the time, such as what you saw or heard. The VPS gives you a **voice** in the criminal justice process. However you may not express your opinion on the sentence or punishment the suspect should receive as this is for the court to decide.
- 1.13 You are **entitled** to be offered the opportunity to make a VPS at the same time as giving a witness statement about what happened to the police about a crime. When making your VPS, you are **entitled** to say whether or not you would like to have your VPS read aloud or played (where recorded), in court if a suspect is found guilty. You are also **entitled** to say whether you would like to read your VPS aloud yourself or to have it read aloud by someone else (for example, a family member or the CPS advocate). The decision as to who reads out the VPS is ultimately for the court, but it will always take into account your preferences, and follow them unless there is good reason not to do so.
- 1.14 If you do not want to read your VPS aloud yourself or have it read aloud on your behalf, you do not have to choose this option. Your VPS will still be considered as part of the evidence before the court prior to sentencing if the defendant is found guilty. If at first you choose to have your VPS read aloud but later decide you do not want this, you can change your mind.
- 1.15 Although you are entitled to make a VPS, you do not have to do so. If you are initially unsure about making a VPS when you are giving a witness statement about what happened, you may **choose** to make a VPS at a later time - provided this is before the case comes to court or the suspect is sentenced. You should be aware that if you **choose not** to make a VPS when initially offered, you may not have another opportunity to make one later on. This is because the case may be dealt with by the courts very quickly.
- 1.16 In addition to the entitlements outlined above, **if you are a victim of the most serious crime (including bereaved close relatives), persistently targeted, or vulnerable or intimidated**, you are **entitled** to make a VPS to the police at any time prior to sentence whether or not you make an witness statement about what happened.
- 1.17 If you are not giving a witness statement about what happened and you are not a victim in one of the three priority categories as outlined in paragraph 1.15 above, the police may make arrangements for you to make a VPS at their discretion.
- 1.18 Once the statement is completed and signed, a VPS (like any other formal statement) cannot be changed or withdrawn if you have second thoughts about what you have said. However, you may submit a further VPS to the police to add to or clarify your original VPS.

**(iii) Victim Personal Statement and the Court**

- 1.19 A VPS will always be shared with the Crown Prosecution Service (CPS). If the case reaches court, then the VPS will be served on the court and the defence if it is included as evidence in the trial, so the suspect will usually be able to see it.
- 1.20 If the defendant is found guilty, you are **entitled** to say whether you would like to have your VPS read aloud or played (where recorded), in court. You are also **entitled** to say whether you would like to read your VPS aloud yourself or to have it read aloud by someone else (for example, a family member or the CPS advocate). Before deciding whether you wish to have your VPS read aloud or played in court, you will be advised about the possible consequences, including that your VPS could be reported on in the media. You could also be asked questions about your VPS in court by the defence.
- 1.21 If you do request that your VPS is read aloud or played in court, it is for the court to decide whether and what sections of the VPS should be read aloud or played, and who will read it, taking into account your interests. In most cases some or all of your VPS will be read out or played, unless the court decides there are good reasons not to do so. You will be told of the court's decision.
- 1.22 The court will pass what it judges to be the appropriate sentence, having regard to all the circumstances of the offence and of the offender. This will include taking into account, so far as the court considers it appropriate, the impact of the offence on you as set out in your VPS. Your VPS will be considered in exactly the same way whether or not it is read or played in court.

**Section 2: Pre-Trial – Charge and Bail****(i) Charge and Bail**

- 2.1 You are **entitled** to be informed of a decision:
- to prosecute the suspect;
  - to give the suspect an out of court disposal, such as any caution given by the police; or
  - not to prosecute the suspect.
- 2.2 Following a police or CPS decision not to prosecute you are **entitled** to be notified of the reasons why this decision was made, how you can access further information about the decision and how you can seek a review of the decision if you are dissatisfied with it, in accordance with their 'Victims' Right to Review' Schemes (see the text box on page 23).
- 2.3 You are **entitled** to be informed by the police of the following information within 5 working days of the police receiving it:
- the date, time and location of the first court hearing;
  - where the suspect is released on police bail to appear in court, any bail conditions and any changes to these bail conditions.
- 2.4 You are **entitled** to receive the information at paragraphs 2.1-2.3 within 5 working days of the suspect being charged, being told that no charges will be brought or being given an out of court disposal. **If you are a victim of the most serious crime, persistently targeted or vulnerable or intimidated**, you are **entitled** to the information in paragraphs 2.1-2.3 within 1 working day.

- 2.5 In addition to the entitlements outlined above, if you are a **bereaved close relative**, in a **qualifying case** (see glossary), you are **entitled** to be offered a meeting with the CPS prior to or following a CPS decision about whether or not to charge a suspect. If a decision is made to charge, the CPS will explain how the case is likely to progress, and answer any questions that you may have. The CPS will also discuss your needs and jointly agree the frequency of contact.
- 2.6 In certain **specified cases** (see glossary) where the CPS informs you of a decision not to charge, you are also **entitled** to be offered a meeting with the CPS. The CPS is responsible for holding the meeting and may conclude that in all the circumstances, the meeting should not take place. If the CPS decides that a meeting is not appropriate, the decision will be explained to you.

### ***The Police and CPS Victims' Right to Review Schemes***

If you are dissatisfied with the police or CPS's decision not to prosecute, you are **entitled** to seek a review of that decision in accordance with the **National Police Chiefs Council (NPCC) and CPS Victims' Right to Review schemes**.

The CPS launched their Victims' Right to Review Scheme on 5 June 2013. Police forces in England and Wales adopted a Victims' Right to Review scheme on 1 April 2015. The schemes give victims of crime a right to request a review of a police or CPS decision not to prosecute, or otherwise to terminate criminal proceedings.

Where you are notified of a decision that qualifies for a review under either the NPCC or the CPS Scheme, you are **entitled** to receive sufficient information in the notification to enable you to decide whether or not you wish a review to take place.

### **(ii) Out of Court Disposals**

- 2.7 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.

**(iii) Post-Charge**

- 2.8 You are **entitled** to be informed and be given reasons for any decision the CPS makes to:
- discontinue a charge and proceed on another;
  - substantially alter a charge;
  - discontinue all proceedings;
  - offer no evidence in all proceedings.
- 2.9 In addition, where the CPS discontinues or offers no evidence in all proceedings, you are also **entitled** to be informed of how you can access further information about the decision and to seek a review of the decision if you are dissatisfied with it, in accordance with the **CPS' Victims' Right to Review Scheme**.
- 2.10 You are **entitled** to receive the information in paragraphs 2.8 and 2.9 above within 5 working days of the decision being made. If you are a **victim of the most serious crime, persistently targeted or vulnerable or intimidated**, you are **entitled** to receive this information within 1 working day.
- 2.11 In addition, if you are a **bereaved close relative** in a **qualifying case** (see glossary), or a victim in a **specified case** (see glossary) you are **entitled** to be offered a meeting with the CPS to explain further a decision to discontinue or substantially alter a charge, discontinue all proceedings or offer no evidence in all proceedings. This is unless the CPS concludes that in all the circumstances a meeting should not take place. If the CPS decides that a meeting is not appropriate, the decision will be explained to you.

**(iv) Pre-trial**

- 2.12 In this section, where your Witness Care Unit (see glossary) is required to provide you with some of the services listed below, the police may provide some or all of those services instead where they act as a single point of contact for victims. You will be told by the police if this is the case.
- 2.13 You are **entitled** to:
- be informed of the outcome of any bail hearing (any relevant bail conditions and any relevant changes to these bail conditions) with reasons within 5 working days. If you are a victim of the most serious crime, persistently targeted or vulnerable or intimidated, you are entitled to receive this information within 1 working day;
  - be informed of the date, location and outcome of any criminal court hearings in the case by your Witness Care Unit. This information must be provided within 1 working day of the Witness Care Unit receiving it from the court;
  - be informed if an arrest warrant is issued for a suspect and the outcome of a hearing if the suspect is re-arrested. If a suspect is re-arrested after a warrant has been issued they normally attend court soon afterwards. This information must be provided within 5 working days of the Witness Care Unit receiving it from the court;
  - in cases where the suspect pleads not guilty, discuss any needs you may have with the Witness Care Unit and be referred to a relevant support group or agency where appropriate;



- be informed by your Witness Care Unit if you are required to give evidence within 1 working day of them receiving notification from the CPS. You are also entitled to be told about what to expect, including how to access the “Witness in Court” leaflet;
  - view your statement to help refresh your memory – if you made a written statement, it will be available for you at court on the day; if you made a video recorded statement, arrangements will be made for you to view this separately before the trial.
- 2.14 If you are required to give evidence, you are **entitled** to be offered a full needs assessment by your **Witness Care Unit** to make sure you are supported in giving your best evidence. This may include the use of Special Measures (see Chapter 1, paragraphs 1.13-1.15). You are also **entitled** to visit the court before the trial date to familiarise yourself with the building and the court room.
- 2.15 In addition to the entitlements outlined above, if you are a **victim of the most serious crime, persistently targeted, or vulnerable or intimidated**, you are also **entitled** to:
- be informed by the Witness Care Unit within 1 working day of them receiving the information from the court if an arrest warrant is issued for a suspect and the outcome of the hearing if the suspect is re-arrested;
  - be informed of the outcome of any Special Measures application.
- 2.16 If you are a **bereaved close relative**, you are also **entitled** to:
- request from your Witness Care Unit a visit to the court before the trial date to familiarise yourself with the building, whether or not you are required to give evidence;
  - be offered a meeting with the CPS or the advocate who will be presenting the case in court. This meeting will usually take place shortly before the trial and is an opportunity for you to be introduced and to ask any questions that you may have.
- (v) Measures for victim’s protection in case of escape**
- 2.17 In the unlikely event of a suspect escaping from custody, the police, once aware of the escape or notified of it by the prison, Youth Offending Team, hospital or immigration detention centre, will notify you wherever possible of the escape and any measures taken for your protection if it is assessed that the suspect poses a significant risk of harm to you.
- Section 3: Trial**
- (i) Attending Court as a Witness**
- 3.1 You are **entitled** to:
- ask the court staff if you can enter the court building through a separate entrance from the suspect and their family and friends;
  - where circumstances permit, meet the CPS advocate or representative and ask him or her questions about the court process. They will indicate where possible how long you may have to wait before giving evidence;

- wherever possible, receive an explanation from the CPS advocate or representative if there is a delay in proceedings on the day and how long the wait is likely to be;
  - wait and be seated in an area separate from the suspect and their family and friends. The court will ensure this is done wherever possible;
  - have any Special Measures set up for you where these have been ordered by the court;
  - be given a contact point at the court so you can find out what is happening in the case whilst it is being heard.
- 3.2 If you need to leave the court building at any time, you should give your contact details to court staff so they can contact you if necessary.
- 3.3 Part of the court process involves the cross-examination of witnesses to test their evidence. It is up to the court to make sure the trial is conducted in a fair and just manner, taking into account representations from the defence advocate and the CPS advocate representing the Crown. The CPS will treat victims who are witnesses in court respectfully and, where appropriate, will seek the court's intervention where cross-examination is considered by the advocate to be inappropriate or too aggressive.
- 3.4 If you are not a witness in the case you are entitled to observe court proceedings from the public gallery.
- (ii) After the trial**
- 3.5 Following the trial, where your Witness Care Unit is required to provide you with some of the services listed below, the police may provide some or all of those services instead where they act as a single point of contact for victims. You will be told by the police if this is the case.
- 3.6 Following the trial you are entitled to:
- be paid any expenses the CPS have decided are due to you if you have attended court to give evidence not later than 10 working days after the CPS has received a correctly completed claim form<sup>11</sup>;
  - be informed by the **Witness Care Unit** about the outcome of the trial including, where available, a brief summary of reasons for the decision<sup>12</sup>. This information will be provided within 1 working day of the Witness Care Unit receiving it from the court;
  - be directed by the Witness Care Unit to victim support services where appropriate and where they are available.
- 3.7 If you are a **bereaved close relative** in a qualifying case, you are also **entitled** to be offered a meeting with the CPS:
- following conviction of the suspect to confirm that a VPS has been made or to confirm that it is up to date. This meeting will usually take place at court;

<sup>11</sup> In accordance with the Crown Prosecution Service (witnesses' etc Allowances) Regulations 1988.

<sup>12</sup> The duty to provide reasons does not apply to the final outcome of a jury trial.

- in cases which result in an acquittal or in a conviction on a less serious charge. The offer of a meeting will be made a few weeks after the case has concluded unless the police advise that this is inappropriate. The actual timing of the meeting will be informed by the wishes of the family so you will be contacted to discuss when the meeting should take place.

### Section 4: Sentencing Information

- 4.1 Your Witness Care Unit is required to provide you with some of the services listed below. In some cases, the police might act as a single point of contact for victims and provide some or all of those services instead where they act as a single point of contact for victims. You will be told by the police if this is the case.
- 4.2 You are **entitled** to be informed by the Witness Care Unit of the sentence given to the suspect (if convicted) within 1 working day of the Witness Care Unit receiving the information from the court. This includes a short explanation about the meaning and effect of the sentence.
- 4.3 You are **entitled** to be referred to the CPS who will answer any questions you may have about the sentence which the Witness Care Unit is not able to answer.
- 4.4 In addition to the entitlements outlined above, if you are a **bereaved close relative**, in a **qualifying case**, you are also **entitled** to be offered a meeting with the CPS representative who will explain the sentence given. This meeting will usually take place at court.

### Section 5: Appeals

- 5.1 Where your Witness Care Unit is required to provide you with services in this section, the police may provide some or all of those services instead, where they act as a single point of contact for victims. You will be told by the police if this is the case.

#### (i) If an application is made to the Crown Court to appeal against a conviction or sentence in the Magistrates' Court.

- 5.2 You are **entitled** to be informed of the following information by your Witness Care Unit within 1 working day of them receiving it from the court:
- any notice of appeal that has been made;
  - the date, time and location of any hearing;
  - the outcome of that appeal, including any changes to the original sentence.
- 5.3 You are also **entitled** to:
- wait and be seated in court in an area separate from the appellant and their family and friends. The court will ensure this is done wherever possible;
  - be provided with a contact point at the Crown Court;
  - receive information about victim support services where appropriate and available.

**(ii) If an application is made to appeal against a conviction or sentence to the Court of Appeal, or an application or appeal is made to the UK Supreme Court in a criminal case on a point of law.**

5.4 You are **entitled** to:

- be told that the appellant has been given leave to appeal within 5 working days of the Witness Care Unit receiving that information from the court. If you are a victim of the most serious crime, persistently targeted or vulnerable or intimidated you are entitled to receive this information within 1 working day;
  - receive information about the date, time and location of any hearing from the Witness Care Unit within 1 working day of them receiving the information from the court;
  - be told by the Witness Care Unit if the appellant is to be released on bail pre-appeal or if the bail conditions have varied within 1 working day of them receiving this information from the court;
  - receive an update from the Witness Care Unit on any changes to hearing dates within 1 working day of receiving this information from the court;
  - be provided, by your Witness Care Unit, with a contact point for the Criminal Appeal Office or UK Supreme Court staff;
  - be told about the result of the appeal within 5 working days of the Witness Care Unit receiving that information from the court. This includes any changes to the original sentence. If you are a victim of the most serious crime, persistently targeted or vulnerable or intimidated you are entitled to receive this information within 1 working day;
- wait and be seated in court in an area separate from the appellant and their family and friends. The court staff will ensure this is done wherever possible. It is rare for the appellant to attend hearings in the Supreme Court. Special arrangements will be made for you if the appellant is present and you do not wish to sit in the courtroom;
  - request a copy from the Criminal Appeal Office or UK Supreme Court staff of the court's judgment in the case once it has been published.

5.5 Following grant of leave to appeal, if you are a **bereaved close relative**, in a **qualifying case**, you are **entitled** to be offered a meeting with the **CPS** to explain the nature of the appeal and the court processes.

**(iii) The Court of Appeal and Victim Personal Statements.**

5.6 In determining an appeal against sentence, the court will always take into account any Victim Personal Statement (VPS) that is presented to it which was provided to the sentencing court.

5.7 It is not normally necessary for a further VPS to be provided to the Court of Appeal. However, if there is information the court should know about the continuing impact the crime has had on you, a new or further VPS may be sent to the court through the police or CPS. In very rare cases, you may be asked questions about your VPS in court. If the VPS is used in evidence, it will be disclosed to the defence and should not contain any comments about the sentence given or whether the appeal should succeed or not.

## Section 6: Post Trial

### (i) Criminal Cases Review Commission

- 6.1 On receiving an application from an offender, the Criminal Cases Review Commission undertakes reviews of convictions and sentences imposed as a result of the offender's criminal offending. The Commission may refer a conviction or sentence for a fresh appeal if there is some new information or new argument which might mean the conviction is unsafe or the sentence too long. The Commission receives about 1000 applications from convicted persons every year and refers about 30-40 cases for a fresh appeal. When reviewing a case, the Commission will assess the potential impact on you and decide if you should be notified. The Commission will record the reasons for its decisions as to the form of contact with you and in appropriate cases will notify the police of those decisions.
- 6.2 You are **entitled** to be notified by the Commission if it deems there is a reasonable prospect of a review coming to your attention.
- 6.3 If the Commission decides that it is appropriate to contact you during the course of the review, the Commission will notify you that an application has been received and that the case is under review. Following the review, the Commission will decide if the conviction or sentence should be referred to the courts, and will notify you of its decision unless you have expressly asked not to be informed.

- 6.4 If the Commission decides that it is not appropriate to contact you during the review, but subsequently decides to refer the conviction or sentence to the courts, the presumption is that the Commission will inform you of the referral.

### (ii) Unwanted contact from offenders

- 6.5 Prisoners are not allowed mobile phones and are allowed access to the internet only for educational purposes, employment and resettlement activities. They are not permitted to use social networking sites. If you receive unwanted contact from a prisoner in any form, you can speak to your Victim Liaison Officer (VLO, see glossary) if you have one, or report this by calling the National Offender Management Service Victim Helpline on **0300 060 6699**.
- 6.6 If you receive unwanted contact from an offender who is on licence (see 'licence conditions' in glossary) in the community, you can contact the National Probation Service, the police, or your VLO if you have one. If the offender is under 18 and being supervised by a Youth Offending Team, you can contact that Youth Offending Team to report any unwanted contact.

**(iii) Victim Contact Scheme**

- 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. This includes being kept informed of key stages of the offender's sentence, at the discretion of the National Probation Service, such as transfer to open conditions or release, and to make representations about victim-related conditions that can be attached to the offender's release licence.
- 6.8 If you are the victim of an offender who has committed a violent or sexual offence<sup>13</sup> and received a sentence of 12 months' imprisonment or more or has been detained in a hospital for treatment under the Mental Health Act 1983, you are **entitled** to be notified about the VCS by your Witness Care Unit and be told that your details will be automatically referred to the National Probation Service within 20 working days, unless you have said you do not want them to be.
- 6.9 If you choose to take part in the VCS you are **entitled** to:
- decide whether you want to receive information about key stages of the offender's sentence;
  - be assigned a VLO who will act as your point of contact in the National Probation Service unless you are a victim of an unrestricted patient (see below);
  - receive information and make representations to the National Probation Service about victim-related conditions to be included on the offender's release licence or conditions of discharge in the event of release. For example, this could include a condition to prevent the offender from contacting you or your family;
  - be informed by the National Probation Service about any conditions which an offender is subject to on release or discharge which relate to you or your family;
  - be informed of the date on which these conditions will end;
  - be informed about any other information which the National Probation Service considers to be appropriate in the circumstances of the case, including about key stages of the offender's sentence, or treatment in the case of a restricted or unrestricted mental health patient.
- 6.10 If you are a **bereaved close relative** of the victim of an offender sentenced to 12 months in prison or more for a violent or sexual offence or detained in a secure hospital for treatment, you will also be offered participation in the VCS. However, if you are not the next of kin of the victim, this will be at the discretion of the National Probation Service.
- 6.11 If you are the parent, guardian or carer of a victim who is under 18, a vulnerable adult, or is otherwise unable to fully participate in the VCS, then you will usually be offered participation on their behalf. However, this participation may not be offered to a parent, guardian or carer if it is considered not to be in the best interests of the victim.

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<sup>13</sup> As defined in section 45(2) of the Domestic Violence, Crime and Victims Act 2004.

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

#### **(iv) Measures for victim's protection in case of escape**

6.13 In the unlikely event of an offender escaping from custody, the police, once notified by the prison, Youth Offending Team, hospital or immigration detention centre, will notify you wherever possible of the escape and any measures taken for your protection if it is assessed that the offender poses a significant risk of harm to you.

#### **Victim Contact Scheme for victims of mentally disordered offenders**

6.14 If you are the victim of an offender who committed a specified violent or sexual offence<sup>14</sup> but has been detained in a hospital for treatment because he or she has a mental disorder, you will still be entitled to participate in the VCS. If the offender's detention was made subject to 'restrictions by the court' (a 'restricted patient', see glossary), you will be provided with information by your VLO. If no restrictions are imposed (a 'non-restricted patient', see glossary), hospital managers will provide you with information.

6.15 In these circumstances, as the offender has been diverted away from the criminal justice system and is being treated in hospital as a patient, some of the decisions about the offender's management will be related directly to his or her medical treatment, and as such will be confidential medical information.

6.16 You are **entitled** to make representations about the offender's conditions of discharge, such as conditions that prevent the offender making contact with you or your family or entering the area in which you live.

6.17 You are **entitled** to be informed if the offender is to be discharged either with conditions or absolutely (this applies to restricted patients) or discharged subject to a Community Treatment Order (this applies to non-restricted patients), and if so you will also be informed of:

- the conditions, if any, in place for your own or your family's protection;
- changes to those conditions; and
- when those arrangements end (because the offender has been recalled to hospital; absolutely discharged; or the Community Treatment Order has been lifted).

<sup>14</sup> As defined in section 45(2) of the Domestic Violence, Crime and Victims Act 2004.

### (v) Serious Further Offence Victim Summary Reports

6.18 In the event that an offender commits a Serious Further Offence<sup>15</sup> (SFO) while they are under statutory supervision by the provider of probation services, or shortly after this supervision has ended, the provider of probation services will carry out a SFO Review to investigate how the case was managed and whether or not there are any lessons to be learned to improve future practice. In the case of particular kinds of SFO<sup>16</sup> where the offender was charged on or after 1 April 2013, the victim is entitled to ask for a victim summary report of the SFO Review.

6.19 If you are a victim or the **bereaved close relative** of a victim of such a SFO, you are **entitled** to:

- be informed by the Witness Care Unit of your entitlement to ask for a Victim Summary Report. This provides you with a summary of how the case was managed and whether or not there are any lessons to be learned to improve future practice. Your details will be referred to the provider of probation services so that they can contact you about this;
- ask the provider of probation services to prepare a Victim Summary Report for you;
- have your details sent to the provider of probation services by the Witness Care Unit, unless you ask them not to;
- have a meeting with a senior manager from the provider of probation services who will explain the findings in the Victim Summary Report and will try to answer any questions you might have.

6.20 You are **entitled** to receive a Victim Summary Report even if you decide not to opt in to the VCS.

6.21 If your single point of contact is not the Witness Care Unit, the police officer who has been acting as your single point of contact, such as a **Family Liaison Officer**, must provide you with this service.

### (vi) Sex Offender Notification Requirements Review Process

6.22 Registered sex offenders are subject to 'notification requirements'. This means they must tell the police about some of their personal details. The notification requirements are an automatic consequence of a conviction or caution for a Schedule 3 offence under the Sexual Offences Act 2003. The information the offender needs to give to the police and how long they need to do this for depends on the sentence they were given.

6.23 Offenders who are subject to notification requirements for life can apply to have this reviewed after a set period of time following their first notification, which usually takes place at release from prison. The set period of time is 15 years for adults and 8 years for juveniles. If the offender makes such an application, the police will then carry out a review, including a risk assessment to decide whether the offender's notification requirements may be stopped. Sex offenders who are assessed as still being a risk will remain subject to notification requirements and will do so for life if necessary.

<sup>15</sup> An offence listed in Annex C to Probation Instruction 15/2014 'Notification and review procedures for serious further offences' (as amended from time to time). These are currently all serious violent or sexual offences which attract a maximum of 14 years imprisonment or an indeterminate sentence.

<sup>16</sup> These are murder, manslaughter or death by dangerous driving; rape, assault by penetration, or a sexual offence against a child under 13 years of age; or an attempt at any of the above.



6.24 If you are a victim of an offender who makes such an application, you are **entitled** to make representations to the police as part of the review. For more information, you should contact your local police force.

### **(vii) The Parole Board and Victim Personal Statements**

6.25 The Parole Board is an independent body that works with its criminal justice partners to protect the public by risk assessing certain prisoners to decide whether they can be safely managed in the community. They can make directions to the Secretary of State on the release of certain types of offender, namely indeterminate sentenced prisoners, including those who have received a life sentence, and some determinate (fixed term) sentenced prisoners. The Parole Board can also make recommendations to the Secretary of State about the transfer to open conditions of these prisoners. If you are unsure if the offender in your case will be subject to consideration by the Parole Board, you should discuss this with your VLO.

6.26 If you have opted into the VCS and the Parole Board are going to consider the offender's release or a move to open conditions, you are **entitled** to:

- be informed by the National Probation Service if a Parole Board hearing is to take place;
- make representations about licence conditions (see glossary) to the Parole Board;
- be provided with an explanation if a licence condition you have requested is not included on the offender's release licence;

- have the Victim Personal Statement (VPS) explained to you by your VLO, including how it will be used by the Parole Board;
- make a VPS which will be sent to the Parole Board;
- apply to attend an oral Parole Board hearing to present your VPS in cases where the Parole Board decides that it is appropriate to hold an oral hearing.

6.27 The VPS gives you the opportunity to explain in your own words how a crime has affected you and your family, whether physically, emotionally, financially or in any other way. You may have already made a VPS closer to the time of the offence or prior to the trial. At this stage, you will have the chance to make a new VPS for use by the Parole Board to reflect your current views or feelings. The VPS will be taken by your VLO. The Parole Board will always read your VPS when they are considering an offender's release or move to open conditions.

6.28 You should include your views on:

- the impact of the offence on you, both at the time it happened and afterwards; and
- the possible impact that you think the prisoner's release or move to open conditions would have on you.

6.29 You should not include views on whether the prisoner should be released. This is because the Parole Board's decision will be made on the risk the offender currently presents.

- 6.30 If you are worried or have any new evidence suggesting that the offender might currently be dangerous to you, you should discuss this with your VLO. Your VLO will make sure that those responsible for preparing risk reports for the Parole Board are aware of this.
- 6.31 Normally, your VPS will be disclosed to the prisoner. In exceptional cases, you can make an application for your VPS not to be disclosed to the prisoner if you think that such disclosure might place you or your family at risk of serious harm or would have a very negative effect on you. The final decision on disclosure will be taken by the Parole Board.
- 6.32 If you want to attend the hearing to read your VPS in person or have it read on your behalf by someone else, such as your VLO, you are **entitled** to inform the Parole Board that you wish to do so. The decision on whether you can attend will be made by the chair of the Parole Board panel. Normally, a request to attend in person will be granted, but it is subject to the discretion of the Parole Board panel chair who may have reasons for not granting such a request. The prisoner may or may not be present when you read your VPS, but will definitely not be present if the Parole Board has agreed not to disclose your VPS to the prisoner. You will not be able to attend the whole of the Parole Board hearing. You may also request to read your VPS via live video link or to provide a recording of it to be played at the hearing if the facilities are available.

### **(viii) Victims of offenders who are under 18 years old**

- 6.33 If the offender in your case is under the age of 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.
- 6.34 You are **entitled** to the following from your Youth Offending Team:
- information about the progress of the offender's case upon request;
  - information on appropriate victim support services if you ask for additional support.

## **Section 7: Restorative Justice**

- 7.1 Restorative Justice is the process of bringing together victims with those responsible for the harm, to find a positive way forward.
- 7.2 Restorative Justice offers you an opportunity to be heard and sometimes to have a say in the resolution of offences. This can include agreeing activities for the offender to do as part of taking responsibility for their actions and to repair the harm that they have done. Restorative Justice can provide a means of closure and enable you to move on, while providing an opportunity for offenders to face the consequences of their actions and to understand the impact that it has had upon other people.

- 7.3 Restorative Justice can take place while criminal proceedings are ongoing, as part of a sentence after criminal proceedings have finished or as part of an out of court disposal. Any Restorative Justice will be led by a trained facilitator who will take your needs into consideration and deliver services in line with recognised quality standards.
- 7.4 Restorative Justice is voluntary – **you do not have to take part**, and both you and the offender must agree to it before it can happen. You can ask to participate in Restorative Justice at a time that is right for you or you may be asked to take part because the offender has requested Restorative Justice. Even if both parties want to take part, it might not be appropriate and the facilitator will make an assessment of this.
- 7.5 Appropriate measures will be put in place to make sure that anything you agree to take part in is safe; a trained facilitator will always be present during any meeting between you and the offender. If the offender has admitted guilt and is willing to participate in a meeting or communicate with you, you may be able to explain to the offender how the incident has affected you. You may then decide to seek an apology, or agree an activity that the offender has to undertake as part of making good the harm that has been done.
- 7.6 Restorative Justice is not the same as Community Resolution. Community Resolution is an informal police disposal that enables the police to deal more proportionately with low level crime and anti-social behaviour, outside the formal criminal justice system. Community Resolutions are primarily aimed at first time offenders where genuine remorse has been expressed, and where the victim has agreed that they do not want the police to take formal action.

### **(i) Victims of adult offenders**

- 7.7 If the offender is an adult, you are **entitled** to receive information on Restorative Justice from the police or other organisation that delivers Restorative Justice services for victims in your area, including how you could take part. This depends on what Restorative Justice services are provided in your local area. You can ask the police not to pass on your details to organisation delivering Restorative Justice services if you do not want to take part in Restorative Justice.
- 7.8 Restorative Justice will be explained to you by the police or other organisation that delivers Restorative Justice services in your area, so that you have an informed choice about whether you wish to participate. If you do want to take part you will be asked for written consent. You should not be pressured into taking part in Restorative Justice. The necessary measures will be taken to make sure any Restorative Justice is safe, is delivered by a trained facilitator and is in line with recognised quality standards.

### **(ii) Victims of youth crime**

- 7.9 If the offender is under the age of 18, you are **entitled** to be offered the opportunity by the Youth Offending Team in your area to participate in Restorative Justice 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.

7.10 Restorative Justice will be explained to you by the Youth Offending Team and you will be told about the Youth Offending Team's role so that you have an informed choice about whether you wish to participate. If you do want to take part you will be asked for written consent. You should not be pressured into taking part in Restorative Justice. The necessary measures will be taken to make sure any Restorative Justice is safe, is delivered by a trained facilitator and is in line with recognised quality standards.

## Section 8: Applying for compensation

### (i) Making an application

- 8.1 The Criminal Injuries Compensation Authority (CICA) processes all applications made under the Criminal Injuries Compensation Scheme. The Scheme is funded by the Government to compensate blameless victims of crime and intended to be one of last resort. CICA expects you to try to claim compensation from the person, or persons, who caused your injury or loss. However, if you do not know who injured you, or your assailant does not have the means to pay you compensation, you can make a claim under the Scheme.
- 8.2 You must apply **within two years of the date of the incident**. CICA can only extend this time limit where:
- due to exceptional circumstances an application could not have been made earlier; and
  - there is evidence available that a crime of violence occurred and a claims officer can make a decision without further extensive enquiries.
- 8.3 The decision by CICA will be based on the balance of probabilities. CICA will not wait for the outcome of a trial if there is already enough information to decide your case robustly, so do not delay your application.
- 8.4 You are **entitled** to the following from CICA:
- clear information on eligibility for a payment under the Scheme;
  - confirmation that CICA has received your application;
  - information about the progress of your application at key stages of your claim;
  - a clear explanation of the decision made about your application for compensation;
  - information on the right to review the decision including the procedure and time limits for reviewing that decision.
- 8.5 If you do not agree with the decision made about your application for compensation, you are **entitled** to the following from CICA, to:
- request a review of the decision;
  - have the review processed efficiently, fairly and afresh by a different claims officer than the officer who made the first decision;
  - a clear explanation of the review decision covering points raised in the review application;
  - information on the right to appeal the decision, including the procedure and time limits of appealing the decision to the First-tier Tribunal – Criminal Injuries Compensation (FTT-CIC).

- 8.6 In addition to the entitlements outlined at paragraphs 8.4 and 8.5 above, **if you are a vulnerable or intimidated victim**, you are **entitled** to the following from CICA:
- assistance obtaining information in support of your application, such as medical evidence;
  - assistance completing an application over the telephone;
  - assistance from a support service organisation in completing your application;
  - information in a format which is sufficient for your needs such as Braille or large print.

#### **(ii) Appeals to the First-tier Tribunal – Criminal Injuries Compensation**

8.7 The **First-tier Tribunal (Criminal Injuries Compensation)** deals with appeals against decisions made by the Criminal Injuries Compensation Authority (CICA). The Tribunal is separate and independent from CICA. Further information about the First-tier Tribunal (Criminal injuries Compensation) can be found on their website at <https://www.gov.uk/criminal-injuries-compensation-tribunal>.

- 8.8 After you have submitted an appeal you are entitled to:
- receive a letter from the Tribunal to acknowledge that your appeal has been received;
  - receive a response from CICA including copies of all the documents relevant to your case within 6 weeks. Following receipt of this response from CICA, you will have a period of 1 month to submit any further documents or arguments you want the Tribunal to consider.

8.9 You are also **entitled** to:

- receive notice of the time, date and location of your appeal hearing between 4 and 6 weeks ahead of the hearing from the Tribunal. The hearing is usually held at the most convenient venue for all those attending;
- bring any witnesses to the hearing you believe can help your case, subject to the court's discretion;
- withdraw your appeal at any time before the start of the hearing – in writing to the Tribunal.

8.10 At the hearing, you will usually be told what the outcome is and will be provided with a Decision Notice. This will confirm the decision but will not give detailed reasons.

- 8.11 Following the hearing, you are **entitled** to:
- request, from the Tribunal, the reasons for their decision about your appeal. You will need to make this request within 1 month of the decision;
  - apply to CICA for the medical re-opening of your case after a Tribunal has made its decision, if there has been a material change in your medical condition;
  - seek permission to apply for Judicial Review of the Tribunal's final decision by applying to the Upper Tribunal (England and Wales).

8.12 In the first letter you receive from the Tribunal, you will be asked if you need any assistance in support of your appeal to meet your particular needs. For example, the Tribunal can arrange an interpreter to support you at the hearing. You should contact CICA if you need any additional assistance. You will also receive advice about who to contact to make these arrangements.

### Section 9: How to make a complaint

9.1 You are entitled to be treated by service providers in a respectful, sensitive and professional manner without discrimination of any kind. Where they fail to do so, or fail to provide the services required under this Code, you are **entitled** to make a complaint and for that complaint to be swiftly and fully addressed.

9.2 In the first instance, if you feel your entitlements have not been met or that any service provider has not delivered their duties under the Code, and you feel comfortable doing so, you should discuss your complaint with the person you have been dealing with at that service provider.

9.3 If you remain dissatisfied, or if you do not feel comfortable discussing the complaint with the person you have been dealing with in the relevant service provider, you can make a complaint through the internal complaints procedure of that service provider. If you send your complaint to the wrong service provider, that provider will redirect your complaint to the relevant service provider and inform you that they have done this.

9.4 You are **entitled** to:

- receive information from the service provider on how to make a complaint, including contact details, and the process for dealing with a complaint;
- make a complaint if you feel that your entitlements set out under the Code have not been met by service providers;
- receive either an acknowledgement or full response to your complaint within 10 working days of receipt of the complaint;
- if you receive an acknowledgement of your complaint, be given information on the internal complaints process of the service provider to whom you are complaining, including a timeframe for receiving a substantive response where appropriate;
- receive a full response from the relevant service provider within a set timeframe, provided in an accessible language and format;
- receive information about how to complain to the Parliamentary and Health Service Ombudsman from the service provider(s) handling your complaint in the response you receive to your complaint;
- refer your complaint to the Parliamentary and Health Service Ombudsman via your Member of Parliament if you remain dissatisfied.

## **Parliamentary and Health Service Ombudsman**

- 9.5 If you are not satisfied with the response to your complaint which you have received through the internal complaints procedure of a service provider, you can refer your complaint to the Parliamentary and Health Service Ombudsman via your Member of Parliament. The Parliamentary and Health Service Ombudsman will consider any complaints referred to them from victims via a Member of Parliament and undertake an independent investigation where appropriate.
- 9.6 Information about making a complaint to the Parliamentary and Health Service Ombudsman can be found online.<sup>17</sup>

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<sup>17</sup> [www.ombudsman.org.uk](http://www.ombudsman.org.uk)

# Adult Victims

## Part B: Duties on Service Providers

This section sets out the information, help and services that service providers in paragraph 8 of the **Introduction** must provide to adult victims of crime and bereaved close relatives to enable them to deliver the entitlements set out in earlier sections. For the avoidance of doubt, the relevant service providers must provide the entitlements as set out in Chapter 2, Part A, and the duties set out in the Introduction and Chapter 1 of this Code. Businesses are also **entitled** to receive services under the Code, as set out in the entitlements in Chapter 2, Part A, provided they give a named contact to the relevant service provider.

Service providers should also be aware that in some cases victims of crime may also be victims of a wider emergency. Information on the provision of wider humanitarian assistance in emergencies can be found at:

<https://www.gov.uk/government/publications/humanitarian-assistance-in-emergencies>

### Section 1: Police Investigation

#### (i) Information, referral to victim support services and needs assessments

1.1 The **police** must:

- provide the entitlements set out in Chapter 2, Part A, Section 1(i) and (ii), paragraphs 1.1 to 1.18 where they are not specifically listed in the duties below;
- provide all victims with a written acknowledgement of the crime that they have reported including the basic details of the offence. The written acknowledgement could be in the form of a letter, an electronic notification such as an email or text, or it could be written by hand. The victim may request not to receive such acknowledgement. Where the police consider there may be a risk of harm to the victim from sending the written acknowledgement (for example in domestic violence cases), they may agree with the victim not to send one;
- conduct a needs assessment at an early stage to decide whether victims fall into one of the three priority categories: **victims of the most serious crime**, **persistently targeted victims**, and **vulnerable or intimidated victims**, following the tests set out in Chapter 1;
- explain Special Measures where appropriate to victims in the three priority categories and establish what measures, if any, the victim feels they need to best help them give their evidence;
- record the outcome of the needs assessment and requests for Special Measures and share this information with Witness Care Units and the CPS;



- provide (in accordance with paragraphs 18 and 19 of the Introduction) all victims either with the “information for victims of crime” leaflet or refer the victim to a website which contains the same information as soon as possible and within 5 working days of reporting a crime or being contacted as a victim in the course of investigations;
  - inform all victims about the Victims’ Code and how they can find out more about it;
  - explain to all victims that their details will be passed to victim support services unless they ask the police not to;
  - seek explicit consent from victims of sexual offences or domestic violence, or bereaved close relatives, before sending their details to victim support services;
  - automatically refer all victims to appropriate victim support services within 2 working days of the allegation being reported unless they ask not to be referred;
  - inform all victims that they can choose to refer themselves to victim support services at a later date and provide information about victim support services, including contact details;
  - explain that any witness statement that is taken may result in the victim having to give evidence in court at a later date;
  - explain within 5 working days a decision not to investigate a crime;
  - advise the victim when an investigation into a case has been concluded with no person being charged and explain the reasons.
- 1.2 The **police** or any other service provider acting as the main point of contact in the case, should inform those victims identified in the three priority categories that pre-trial therapy is available if needed, and, if requested, will be facilitated. The relevant service provider must also refer victims in the three priority categories to specialist organisations where appropriate and available.
  - 1.3 The **police** must notify victims and explain the reasons within 5 working days of a suspect being:
    - arrested;
    - interviewed under caution;
    - released without charge;
    - released on police bail or if their bail conditions are changed or cancelled.
  - 1.4 The information in paragraph 1.3 above must be provided to **victims of the most serious crime, persistently targeted or vulnerable or intimidated victims** within 1 working day.
  - 1.5 If the **police** need to interview a victim, they must consider the “Achieving Best Evidence in Criminal Proceedings” guidance and ensure that a suitably trained professional conducts the investigative interview in a way that considers the needs and views of the victim in order to minimise his or her stress. This should be planned in advance, taking into account factors such as:
    - the need for a Registered Intermediary to help the victim to communicate their evidence effectively;
    - any disabilities or special needs the victim has;
    - the timing and location of the interview;
    - the gender of the interviewer and victim;
    - the need for a suitable adult to be present to provide emotional support.

### 1.6 The **police** must:

- allow the victim to be accompanied by a person of their choice, unless a reasoned decision has been made to the contrary;
- conduct the interview without unjustified delay after the facts have been reported;
- limit the number of interviews where possible and only carry out interviews where strictly necessary for the purposes of the investigation;
- keep medical examinations to a minimum, and carry them out only where strictly necessary for the purposes of the criminal proceedings;
- conduct the interview, where necessary, in premises designed or adapted for that purpose;
- if possible, ensure that the same person conducts all the interviews with the victim (unless this would prejudice the proper handling of the investigation);
- offer all victims of sexual violence, gender-based violence or domestic violence the opportunity to have their interview conducted by a person of the same sex. Any such request should be agreed to if possible, unless doing so would be likely to prejudice the proper handling of the investigation.

### (ii) **Victim Personal Statement**

#### 1.7 The **police** must offer the opportunity to make a VPS to the following people:

- any victim at the time they complete a witness statement about what has happened;

- **victims of the most serious crime** (including bereaved close relatives), **persistently targeted victims, and vulnerable or intimidated victims**, irrespective of whether or not they have given a witness statement about what happened;
- a parent or carer of a vulnerable adult or of a young victim under the age of 18 unless it is considered not to be in the best interests of the child or vulnerable adult.

1.8 In addition the **police** may offer the opportunity for the victim to make a VPS in any other case where it seems appropriate. The police may make arrangements for the VPS to be submitted online.

1.9 The **police** may arrange for a VPS or further VPS to be taken by an organisation offering victim support services or another service provider, but all statements must be taken in accordance with the requirements of section 9 of the Criminal Justice Act 1967.

1.10 When taking the VPS, the **police** or other **service provider** must ask the victim whether he or she wants their VPS to be read aloud or played (if recorded) in court. The police must also ask the victim whether they would prefer to read the statement aloud themselves or whether they would like someone else (for example, a family member or the CPS advocate) to do this on their behalf. The police must explain to the victim:

- that their VPS does not have to be read aloud if they do not want it to. It should be explained to the victim that they can change their mind and choose not to have their VPS read aloud;
- that the victim may be questioned on the VPS in court;

- the risk to the victim's privacy;
- that the contents of the VPS may be reported by the media; and
- that ultimately it is a matter of judicial discretion as to whether the statement is read out (and by whom) or played (where recorded), in full or in part, in court.

- 1.11 The **police** or other **service provider** taking the statement must ensure it is forwarded to the CPS and must inform the CPS of the victim's preference (to read their VPS out, to have it read aloud for them, or to have it played in court or not) in a timely manner.
- 1.12 The **CPS** must ensure that the VPS and information about the victim's preference (as above) is served on the court in a timely manner to enable the court to consider whether, and what sections of, the VPS should be read aloud or played, and who will read it. This is unless the case is not proceeding on the charges to which the VPS relates, in which case the VPS remains unused material.
- 1.13 **HMCTS court staff** must ensure wherever possible that the police or relevant **Witness Care Unit** are notified within 1 working day of the court's decision about whether, and what sections of, the VPS should be read aloud or played, and who will read it.
- 1.14 **The Witness Care Unit** (or **police** if they are acting as the main point of contact in the case) must wherever possible notify the victim of the court's decision about whether, and what sections of, the VPS should be read aloud or played, and who will read it in a timely manner so that the victim can make arrangements to attend court if necessary.

## Section 2: Pre-Trial

### Charge and Bail

The relevant service providers below must ensure that they provide the entitlements in Section 2 of Chapter 2, Part A which fall to them.

- 2.1 The **police** must inform victims of all decisions to prosecute or to give the suspect an out of court disposal, including all police cautions.
- 2.2 The **police** must inform victims of all police decisions not to prosecute a suspect. They must give reasons for the decision to the victim, how they can access further information about the decision and how they can seek a review of the decision if they are dissatisfied with it in accordance with the police 'Victims' Right to Review Scheme'. Sufficient information must be provided to enable the victim to decide whether or not they wish a review to take place.
- 2.3 Where the **CPS** decides not to prosecute during a charging consultation,<sup>18</sup> the police must inform the victim of the decision, the reason for the decision (insufficient evidence or on public interest grounds), how they can access further information about the decision from the **CPS** and how they can seek a review of the decision if they are dissatisfied with it, in accordance with the CPS' Victims' Right to Review Scheme. If the decision is a 'qualifying decision' under that scheme, the notification of the decision must include sufficient information to enable the victim to decide whether or not they wish a review to take place.

<sup>18</sup> Includes face-to-face meetings, area consultations, telephone and digital consultations held in accordance with guidance issued by the Director of Public Prosecutions.

- 2.4 **Victims of the most serious crime, persistently targeted victims and vulnerable or intimidated victims** must be provided with the information in paragraphs 2.1-2.3 above within 1 working day of the suspect being charged, being told that no charges will be brought, or being informed that they will be given an out of court disposal. All other victims must be provided with this information within 5 working days.
- 2.5 The **police** must inform victims of:
- the date, time and location of the first court hearing;
  - if the suspect is released on police bail, the bail conditions and any changes to these bail conditions with reasons.
- 2.6 The **police** must provide the information in paragraph 2.5 to **victims of the most serious crime, persistently targeted victims and vulnerable or intimidated victims** within 1 working day. All other victims must be provided with this information within 5 working days.
- 2.7 The **CPS** must provide information on CPS prosecution decisions to the police, so they can inform victims of the decision.
- 2.8 Where the **CPS** does not hold a charging consultation<sup>19</sup>, the **CPS** will be responsible for informing the victim of any decision not to prosecute, how they can access further information about the decision and how they can seek a review of the decision if they are dissatisfied with it in accordance with the CPS' Victims' Right to Review Scheme. If the decision is a 'qualifying decision' under that scheme, the notification of the decision must include sufficient information to enable the victim to decide whether or not they wish a review to take place. **Victims of the most serious crime, persistently targeted victims and vulnerable or intimidated victims** must be provided with the information within 1 working day. All other victims must be provided with this information within 5 working days.
- 2.9 The **CPS** must offer to meet bereaved close relatives in qualifying cases (see glossary) prior to or following a **CPS** decision to charge or not to charge a suspect. If a decision is made to charge, the **CPS** must explain how the case is likely to progress, answer any questions, discuss the victim's needs and agree on the frequency of contact with the victim that is mutually agreeable.
- 2.10 Where the **CPS** is responsible for informing the victim of a decision not to prosecute under paragraph 2.8 above in specified cases (see glossary), the **CPS** must also offer a meeting to further explain the decision unless the **CPS** concludes that in all the circumstances a meeting should not take place. Any decision not to offer a meeting must be recorded and explained to the victim.

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<sup>19</sup> Includes all face-to-face meetings, area consultations, telephone and digital consultations held in accordance with guidance issued by the Director of Public Prosecutions.

2.11 If the **police, CPS or Youth Offending Team** is considering dealing with an offence through an out of court disposal the police must where practicable, ask the victim(s) for their views and take these into account when a decision is made.

### Post Charge

2.12 The **CPS** must inform victims of and give reasons for decisions to:

- discontinue a charge and proceed on another;
- substantially alter a charge;
- discontinue all proceedings; or
- offer no evidence in all proceedings.

2.13 Where the **CPS** discontinues or offers no evidence in all proceedings, the **CPS** must also inform the victim how they can access further information about the decision and how they can seek a review of the decision if they are dissatisfied with it, in accordance with the **CPS' Victims' Right to Review Scheme**. If the decision is a 'qualifying decision' under that scheme, the notification of the decision must include sufficient information to enable the victim to decide whether or not they wish a review to take place.

2.14 **Victims of the most serious crime, persistently targeted victims and vulnerable or intimidated victims** must be provided with the information at paragraphs 2.12 and 2.13 within 1 working day of the decision being made. All other victims must be provided with the information within 5 working days.

2.15 Where the **CPS** decides to make a decision as set out in paragraph 2.12 above, in qualifying cases (see glossary) and other specified cases (see glossary), the **CPS** must also offer a meeting to further explain the decision unless the **CPS** concludes that in all the circumstances a meeting should not take place. Any decision not to offer a meeting must be recorded and explained to the victim.

### Pre-trial

2.16 This paragraph outlines the duties that the relevant **Witness Care Unit** must provide to victims. In some cases, the police might act as a single point of contact for the victim and provide the information in this paragraph to victims instead. The **police** must tell victims if this is the case and agree with the **Witness Care Unit** which of the following services they will provide. The relevant **Witness Care Unit** must:

- inform victims of the outcome of any bail hearing (any relevant bail conditions and any relevant changes to these bail conditions) with reasons within 1 working day of receiving the information from the court for **victims of the most serious crime, persistently targeted victims and vulnerable or intimidated victims**. All other victims must be provided with this information within 5 working days;
- notify victims of the time, date, location and outcome of any criminal court hearing no later than 1 working day after receiving this information from the court;

- inform all victims within 5 working days of receipt from the court and within 1 working day of receipt for victims within the three priority categories, if an arrest warrant has been issued for a suspect who failed to attend court and the outcome of a hearing if the suspect is re-arrested;
  - following a not-guilty plea, discuss any needs the victim may have and refer the victim to victim support services where appropriate ;
  - notify victims who are required to attend court to give evidence within 1 working day of receiving the notification from the CPS and inform them what to expect, including how they can access the “Witness in Court” leaflet;
  - offer a full needs assessment to those victims who are required to attend court to give evidence to assess what support they may require;
  - inform victims of the outcome of Special Measures applications;
  - arrange for bereaved close relatives, in qualifying cases (see glossary), who are not witnesses in the case to visit the court before the trial if they wish to.
- 2.17 The **police** should, where possible, update the victim if a suspect is arrested for breaching their bail conditions prior to their hearing. If, following an allegation from the victim of a breach of bail by the suspect, the police decide not to place the suspect before the court; the police should notify the victim and explain the reasons why.
- 2.18 **HMCTS court staff** must ensure wherever possible that the police or relevant **Witness Care Unit** are notified within 1 working day of the following decisions being made for **victims of the most serious crime, persistently targeted, and vulnerable or intimidated victims** (in cases in which the court staff have been notified that these categories of victims are involved), and within 3 working days in cases involving all other victims:
- court dates in relation to all hearings;
  - the outcome of bail or change in remand status hearings and administrative Special Measures applications;
  - adjournments and postponements of scheduled hearings.
- 2.19 **HMCTS court staff** must also ensure that the police, or the relevant Witness Care Unit, are notified as soon as possible of a suspect being re-arrested following the issuing of a warrant.
- 2.20 The **CPS** must:
- provide **Witness Care Units** with the list of witnesses attending court as soon as it is finalised so that the **Witness Care Units**, or in some instances, the police if they are acting as the single point of contact for the victim, can inform victims who are required to give evidence;
  - if appropriate, consider making a Special Measures application to the court taking into account any views expressed by the victim and record the outcome of that consideration;
  - offer bereaved close relatives in qualifying cases (see glossary) a meeting with the advocate who will be presenting the Crown’s case in court. This meeting will usually take place shortly before the trial.

## Section 3: Trial

The relevant service providers below must ensure that they provide the entitlements in Section 3 of Chapter 2, Part A which fall to them.

### 3.1 The CPS must:

- where circumstances permit, introduce themselves to victims, answer any questions they have on the court process and where possible indicate how long victims may have to wait before giving evidence;
- wherever possible, explain any delay in proceedings and tell the victim how long the wait is likely to be.

3.2 The CPS will treat victims who are witnesses in court respectfully and, where appropriate, will seek the court's intervention where cross examination is considered by the advocate in all the circumstances of the case to be inappropriate or aggressive.

### 3.3 HMCTS court staff must ensure that:

- any Special Measures required by the victim are available if the court has ordered them;
- victims can enter the court through a different entrance and are seated in a separate waiting area from the suspect where possible;
- there is a contact point for victims so they can find out what is happening in their case whilst it is being heard in court.

### 3.4 HMCTS court staff must also ensure wherever possible that:

- victims giving evidence do not have to wait more than two hours;

- contact details for all victims who are witnesses are taken so they are able to leave the court precincts and be contacted when necessary.

## After the trial

3.5 **Witness Care Units** must notify victims of the outcome of the trial hearing within 1 working day of receiving the information from the court and must direct victims to victim support services where appropriate and available. If the police are acting as a single point of contact for the victim and agree with the **Witness Care Unit** to provide this information to victims instead, they must tell victims that they will do so. The notification of the outcome must include, where available, a brief summary of reasons for the decision concerned<sup>20</sup>.

3.6 The CPS must pay any expenses the CPS has decided are due to the victim not later than 10 working days after receiving the correctly completed claim form.<sup>21</sup>

3.7 The CPS must offer to meet bereaved close relatives in qualifying cases (see glossary) where:

- the offender has been convicted to confirm that a VPS has been made or to confirm that it is up to date. This meeting will usually take place at court;
- there is an acquittal or a conviction on a less serious charge. The offer of a meeting will take place a few weeks after the case has concluded. Where a meeting is to take place, the CPS will liaise with the family, through the police as appropriate, to agree when the meeting should take place.

<sup>20</sup> The duty to provide reasons does not apply to the final outcome of a jury trial.

<sup>21</sup> In accordance with the Crown Prosecution Service (Witnesses' etc Allowances) Regulations 1988.

## Section 4: Sentencing Information

- 4.1 **Witness Care Units** and the **CPS** must ensure that they provide the entitlements in Section 4 of Chapter 2, Part A which fall to them. In some cases, the police might act as a single point of contact for the victim and agree with the **Witness Care Unit** to provide the information in this section to victims instead. The **police** must tell victims if this is the case.
- 4.2 **Witness Care Units** must notify victims of the sentence given to the suspect if convicted within 1 working day of receiving the information from the court. This must include a short explanation about the meaning and effect of the sentence.
- 4.3 If **Witness Care Units** cannot answer the questions asked by the victim, they should refer the victim to the **CPS**.
- 4.4 Where a suspect is convicted the **CPS** must answer any question the victim has about the sentence if the victim is referred to the **CPS** by the **Witness Care Unit**.
- 4.5 The **CPS** must also offer to meet bereaved close relatives in **qualifying cases** (see glossary) following the sentence hearing, to explain the sentence given. This meeting will usually take place at court.

## Section 5: Appeals

- 5.1 The relevant service providers below must ensure that they provide the entitlements in Section 5 of Chapter 2, Part A which fall to them. In some cases, the **police** might act as a single point of contact for the victim and agree with a **Witness Care Unit** to provide the relevant information to victims instead. The **police** must tell victims if this is the case.

### (i) If an application is made to the Crown Court to appeal against a conviction or sentence in the Magistrates' Court.

- 5.2 **Crown Court staff** must ensure that they notify **Witness Care Units** within 1 working day of receipt of an appeal against conviction or sentence, and within 1 working day of the outcome of the appeal. **Witness Care Units** must then notify the victim about these developments within 1 working day of receipt, including:
- the date, time and location of any hearings; and
  - the outcome of the appeal, including any changes to the original sentence.
- 5.3 **Crown Court staff** must also ensure wherever possible that they:
- provide a contact point for the victim during usual working hours;
  - provide appropriate waiting and seating facilities as set out in Chapter 2, Part A, Section 5(i), paragraph 5.3, including separate facilities for victims and their family and friends where available.

### (ii) If an application is made to appeal against a conviction or sentence to the Court of Appeal, or an application or appeal is made to the UK Supreme Court in a Criminal Case on a point of law.

- 5.4 The **CPS** must ensure wherever possible that they identify the correct **Witness Care Unit** for the Criminal Appeal Office within 5 working days of receipt of a request to do so.
- 5.5 Following notification that the appellant has been given leave to appeal, the **CPS** must offer bereaved close relatives in all qualifying cases, (see glossary), a meeting to explain the nature of the appeal and the court processes.



- 5.6 **Criminal Appeal Office and UK Supreme Court Office staff** must ensure wherever possible that they notify the Witness Care Unit at the same time as notifying the appellant when leave to appeal is granted, when a date and time has been set for a hearing or a change is made to a hearing date and when the outcome of the appeal is known.
- 5.7 **Criminal Appeal Office staff** must also notify the Witness Care Unit of the decision to release an appellant on bail pre-appeal within 1 working day.
- 5.8 After receiving information from the Criminal Appeal Office staff that an appellant is to be released on bail pre-appeal or that bail conditions have varied, the **Witness Care Unit** must inform all victims and the National Probation Service victim contact team within 1 working day.
- 5.9 On receiving the relevant information from the Criminal Appeal Office or UK Supreme Court Office staff the **Witness Care Unit** must inform victims and the National Probation Service of the following information:
- that leave to appeal has been granted and a hearing in designated form will occur;
  - a contact point for the victim during usual working hours during the hearing;
  - the outcome of the appeal including any changes to the original sentence.
- 5.10 The **Witness Care Unit** must provide the information in paragraph 5.9 to **victims of most serious crime, persistently targeted, or vulnerable or intimidated** and the National Probation Service within 1 working day of receiving the information from the Criminal Appeal Office or from the UK Supreme Court. This information must be provided to all other victims within 5 working days of receipt.
- 5.11 On receiving information from the Criminal Appeal Office, or UK Supreme Court Office staff about the time, date and location of any hearing or any changes to hearing dates, the **Witness Care Unit** must inform victims and the National Probation Service victim contact team within 1 working day of receiving the information from the court.
- 5.12 **Criminal Appeal Office and UK Supreme Court Office staff** must also ensure that they:
- provide appropriate waiting and seating facilities as set out in Chapter 2, Part A, paragraph 5.3, including separate facilities for victims and their close relatives where available;
  - provide a victim in the case or their family spokesperson with a copy of the court's approved and published judgment when requested.
- 5.13 **Witness Care Units** must provide the CPS and the police with their contact details or the receipt point for notifications relating to the Witness Care Unit. In addition, they must notify the CPS and the police of any changes to this information.

5.14 Where a **Witness Care Unit** receives a notification about an appeal but is not responsible for the case, they must inform the relevant court: the **Criminal Appeal Office** or **UK Supreme Court staff**. The **Criminal Appeal Office** or **UK Supreme Court staff** must liaise with the CPS to identify the correct Witness Care Unit. Once identified, the **Criminal Appeal Office** or **UK Supreme Court staff** must forward the notification to the correct Witness Care Unit within 1 working day for **victims of the most serious crime, persistently targeted and vulnerable or intimidated victims**. For all other victims the notification must be communicated to the correct Witness Care Unit within 5 working days.

5.15 The **Witness Care Unit** must inform the victim about the opportunity to make a new or further VPS in limited circumstances.

## Section 6: Post Trial

The relevant service providers below must ensure that they provide the entitlements in Section 6 of Chapter 2, Part A which fall to them.

### (i) Criminal Cases Review Commission

- 6.1 When undertaking a review, the **Criminal Cases Review Commission** must assess the potential impact on the victim and decide if they should be notified of that review. The **Commission** must record the reasons for its decisions as to the form of contact with the victim and in appropriate cases will notify the police of those decisions.
- 6.2 The **Commission** is obliged to notify the victim if it deems there is a reasonable prospect of a review coming to the victim's attention.

- 6.3 If the **Commission** decides that it is appropriate to contact the victim during the course of the review the **Commission** must notify the victim that an application has been received and that the case is under review. Following the review, the **Commission** will decide if the conviction or sentence should be referred to the courts, and must notify the victim of its decision unless they have expressly asked not to be informed.
- 6.4 If the **Commission** decides that it is not appropriate to contact the victim during the review, but subsequently decide to refer the conviction or sentence to the courts, the presumption is that the **Commission** will inform the victim of the referral.

### (ii) Unwanted contact from offenders

- 6.5 The **National Offender Management Service** must maintain a telephone helpline (the Victim Helpline) to ensure that victims have a number to ring if they receive unwanted contact from a prisoner.
- 6.6 If unwanted contact from an offender is reported to the **National Probation Service**, they must:
- inform the National Offender Management Service if this contact has been made by a prisoner via social networking sites, detailing the web address of the offender's user profile;
  - 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.

- 6.7 The **National Probation Service** must also consider whether an offender has breached his or her licence conditions if there has been any contact from an offender with a victim while the offender is on licence.
- 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.
- (iii) Victim Contact Scheme (VCS)<sup>22</sup>**
- 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>23</sup>, or detained in a hospital for treatment under the Mental Health Act 1983, about the VCS.
- 6.10 Unless the victim informs the **Witness Care Unit** within 10 working days of being notified of their entitlement to take part in the VCS that they do not wish to receive contact under the VCS from the National Probation Service, the **police** or **Witness Care Unit** must refer eligible victims' details to the **National Probation Service** so that they may be offered participation in the VCS. This referral must be made by the **police** or **Witness Care Unit** within 10 working days of the expiry of this date.
- 6.11 Therefore the actions in paragraphs 6.9 and 6.10 must be completed within a total maximum of 21 working days of the Witness Care Unit being notified of the sentence by the court. In some cases, the police might act as a single point of contact for the victim and agree with the Witness Care Unit to provide the relevant information to victims instead. The **police** must tell victims if this is the case.
- 6.12 The **National Probation Service** must take all reasonable steps to:
- contact victims of offenders who are given a sentence of 12 months or more, or detained in a hospital for treatment under the Mental Health Act 1983, after being convicted of a violent or sexual offence<sup>24</sup>, to offer them participation in the VCS, unless they have expressly told the Witness Care Unit that they do not wish to have their details referred;
  - assign a VLO to victims who choose to participate in the VCS, unless the victim is the victim of an offender who was detained in hospital as an unrestricted patient;
  - provide information to victims about certain key stages of an offender's sentence when they have decided to participate in the VCS and wish to receive this information, and the provision of this information is considered appropriate at the discretion of the National Probation Service;
  - find out whether the victim would like to be informed of and/or make representations about licence conditions or discharge conditions and pass their views to those responsible for making the decision;

<sup>22</sup> The National Probation Service must comply with the relevant duties as outlined in sections 35-45 of the Domestic Violence, Crime and Victims Act 2004.

<sup>23</sup> As defined in section 45(2) of the Domestic Violence, Crime and Victims Act 2004.

<sup>24</sup> As defined in section 45(2) of the Domestic Violence, Crime and Victims Act 2004.

- inform the victim about relevant licence conditions or discharge conditions which relate to the victim and their family;
- offer the services outlined above to the victim's next of kin and to other bereaved close relatives if this is considered appropriate by the National Probation Service;
- offer the services outlined above to the parent, guardian or carer of a victim who is under 18, or is a vulnerable adult, or is otherwise unable to participate in the VCS unless it is not considered to be in the best interests of the victim to do so;
- in cases concerning Foreign National Offenders, work with the immigration authorities to ensure as far as possible that information about the prisoner's immigration status and any deportation information is passed on to victims.

6.13 If the offender has been detained in hospital, the **National Probation Service** must comply with their duties under sections 36-45 of the Domestic Violence, Crime and Victims Act 2004. For example, if the offender is an unrestricted patient the **National Probation Service** must:

- inform the victim that information about the offender will be provided by the hospital manager in future, not by the National Probation Service;
- ask the victim whether they would like their details to be passed to the relevant hospital manager, so that this information can be provided in future;
- refer the victim's details to the relevant hospital in which the offender is being detained, if the victim requests this.

6.14 The **prison service** must ensure that any approved victim related conditions are included on the offender's release licence and ensure that this information is communicated to the National Probation Service.

#### **(iv) Serious Further Offence Victim Summary Reports**

6.15 If the offender has been convicted of a Serious Further Offence (SFO) which would require a mandatory SFO Review<sup>25</sup>, and the offender was charged on or after 1 April 2013, the **Witness Care Unit** must:

- inform the victim following sentencing that they are entitled to ask to receive a Victim Summary Report outlining the findings of the SFO Review;
- explain that they are entitled to receive this even if they choose not to opt in to the VCS;
- refer their details to the provider of probation services, unless the victim states that they do not wish for this to happen;
- refer the victim to the provider of probation services for more information;
- inform the provider of probation services of whether the victim has been informed about the Victim Summary Report and whether they would like to receive one, even if they do not wish to opt in to the VCS.

<sup>25</sup> Murder, manslaughter or death by dangerous driving; rape, assault by penetration or a sexual offence against a child under 13 years of age; or an attempt at any of the above.

6.16 If the offender was charged with the SFO after 1 April 2013 and the offence would require a mandatory SFO Review, the **provider of probation services** must:

- contact the Witness Care Unit when notification is received that the offender has been charged with a SFO, and inform the Witness Care Unit that the victim should be told, after conviction, of their entitlement to a Victim Summary Report;
- following sentencing and having received contact details from the Witness Care Unit, contact the victim of a SFO to offer them information about a Victim Summary Report unless the victim has expressly stated they do not want contact from the provider of probation services;
- offer the victim a face to face meeting with a senior manager to explain the Victim Summary Report and to try to answer any questions they might have about the report.

6.17 If the victim's single point of contact was not the Witness Care Unit, the police officer who has been acting as the victim's single point of contact must provide this information to the victim. For example, this may be a Family Liaison Officer or another specialist officer.

#### **(v) Sex Offender Notification Requirements Review Process**

6.18 The **National Probation Service** must:

- explain to victims of sexual offences who have opted in to the VCS that offenders subject to life notification requirements may apply to have these removed, and the timescale on which this could happen;

- explain that victims can make representations to the police as part of the review process, and direct them to the police for more information.

6.19 The **police** must:

- contact victims who have provided their contact details if an application for review is made;
- where appropriate, provide information to victims about the process for reviewing notification requirements works;
- where appropriate, take representations from the victim into account when reviewing the offender's application.

#### **(vi) The Parole Board and Victim Personal Statements**

6.20 Where the release or transfer of the relevant offender will be considered by the Parole Board and the victim has opted into the VCS, the **National Probation Service** must:

- inform the victim when notification is received that (a) the Parole Board will be considering the offender's release or transfer, (b) whether an oral hearing will take place and (c) when the hearing will take place;
- provide victims with information about the VPS, the Parole Board and their right to apply to attend a hearing subject to the discretion of the Parole Board panel chair, and take all reasonable steps to establish whether a victim wants to make a VPS;
- forward the VPS in time for it to be considered by the Parole Board panel;
- forward any requests for non- disclosure of the VPS to the Public Protection Casework Section of the National Offender Management Service;

- forward any representations the victim makes about licence conditions in time for them to be considered by the Parole Board panel.

6.21 The **Parole Board** must:

- consider all representations that victims have made about licence conditions;
- where a victim has requested a licence condition which has not been included, provide an explanation for the non-inclusion;
- read a VPS if one is submitted;
- consider applications from the victim if they want to attend the oral hearing;
- consent to a request from the victim to attend in person unless there are good reasons for not doing so.

**(vii) Victims of offenders who are under 18 years old**

6.22 In those cases where the victim is not eligible for services under the Victim Contact Scheme, the Youth Offending Team must:

- inform the victim about the progress of the offender's case, if agreed by the victim;
- provide information about appropriate victim support services if the victim asks for additional support.

## Section 7: Restorative Justice

7.1 Restorative Justice services are delivered, funded and commissioned by a number of service providers, including **police forces**, the **National Probation Service**, **Her Majesty's Prison Service**, **Youth Offending Teams**, and **Police and Crime Commissioners**. While the service provider may vary depending on whether Restorative Justice is initiated by a victim or an offender, any service provider listed in paragraph 8 of the Introduction to this Code that delivers Restorative Justice must meet the requirements of this section. Where a service provider funds or commissions an organisation to deliver Restorative Justice services on their behalf, they must ensure that the organisation meets the requirements in this section.

7.2 The relevant service providers must ensure that they provide the entitlements in Section 7 of Chapter 2, Part A which fall to them.

7.3 First the **police** must pass the victim's contact details to the organisation that is to deliver Restorative Justice services for victims to enable the victim to participate in Restorative Justice, unless asked not to do so by the victim.

7.4 Dependent on Restorative Justice being available in the relevant area, the **service provider** that delivers Restorative Justice services must:

- provide victims with full and impartial information on Restorative Justice and how they can take part. It must include information about the process of Restorative Justice, the potential outcomes, and the procedures for supervising the implementation of any outcome agreement that is reached between the victim and offender as a result of their participation;
- confirm the offender has acknowledged the basic facts of the case and is willing to participate in Restorative Justice;
- obtain the written consent of a victim who is willing to engage in Restorative Justice. Such consent must be free and informed, and may be withdrawn by the victim at any time. It is important that no one is pressured into taking part in Restorative Justice;
- be satisfied that Restorative Justice is in the interest of the victim, taking particular account of 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;
- ensure victims' safety by putting in place appropriate safeguards and consider the needs of the victim to make sure the victim is not re-victimised, particularly in the cases listed above;
- Where victims ask to participate in Restorative Justice, they should not be automatically precluded on the basis of the crime committed against them. However, the facilitator will consider a range of issues, including the risk of revictimisation, and may decide that it would not be appropriate for Restorative Justice to take place. Where a request to participate is made by an offender, particularly an offender convicted of one of the offences listed above, the offender's motivation will be carefully examined and it is extremely unlikely that such a request would be progressed.
- make sure any Restorative Justice is delivered by a trained facilitator and is in line with recognised quality standards, such as the Restorative Service Standards.
- Make sure that appropriate safeguards are in place to protect the confidentiality of all discussions relating to, or that are part of, a Restorative Justice process. Such discussions must not be disclosed without the agreement of all parties, unless there is an overriding public interest or legal requirement to do so;
- keep victims' personal data securely and separate from data relating to offenders;
- ensure that any outcome agreement reached between the victim and offender as a result of Restorative Justice is reached voluntarily, and keep the victim informed of the progress of the offender in meeting the outcome agreement.

## Section 8: Compensation

The relevant service providers below must ensure that they provide the entitlements in Section 8 of Chapter 2, Part A which fall to them.

### (i) Making an application

8.1 The Criminal Injuries Compensation Authority must:

- provide the entitlements set out at Chapter 2, Part A, paragraphs 8.4-8.6;
- respond to all written correspondence regarding an application within 20 working days of it being received;
- provide the applicant and First-tier Tribunal – Criminal Injuries Compensation (FTT-CIC) with a response to an appeal within 42 days of the FTT-CIC notifying the Authority that an appeal has been lodged.

### (ii) Appeals to the First-tier Tribunal - criminal injuries compensation

8.2 The administrative staff of the **First-tier Tribunal (Criminal Injuries Compensation)** must:

- send a letter to the appellant acknowledging that the application has been received and signpost the appellant to the First-tier Tribunal (Criminal Injuries Compensation) website for further information;
- make available to appellants relevant information regarding the procedure for appeals by producing and keeping up to date guidance materials, including their website;

- consider providing additional assistance upon request, such as arranging an interpreter at the hearing, and provide advice about who to contact to make such arrangements;
- respond to all correspondence from claimants relating to appeal cases under the Scheme which need a reply, no later than 10 working days after the day the correspondence was received by the Tribunal;
- notify all claimants of the time, date and location of their appeal hearing between four and six weeks ahead of the hearing. Further information about the appeal hearing can be found at the First-tier Tribunal (Criminal Injuries Compensation) website at <https://www.gov.uk/criminal-injuries-compensation-tribunal>;
- where appropriate, provide a decision notice to the claimant on the date of the hearing;
- respond to all requests for the full Tribunal reasons for a decision, within 1 month of receipt of any such request.

8.3 The **Criminal Injuries Compensation Authority** must send a letter to the appellant including copies of all the documents relevant to their case within six weeks. They must also consider any applications for the medical re-opening of the case after the Tribunal has made their decision, if there is a material change to the victim's medical condition.



### **(iii) Requests from Criminal Injuries Compensation (CICA) and First-tier Tribunal - Criminal Injuries (FTT-CIC)**

8.4 The **police** must respond to the initial requests (TB1) within 30 days of receiving the requests from the CICA or the FTT-CIC. This will enable a victim's claim for compensation to be assessed with the most accurate information available at that time. Subsequent requests (TB2) must be passed to CICA within 60 days of the police receiving the request.

## **Section 9: Complaints**

9.1 **Service providers** must ensure that they provide the entitlements in Section 9 of Chapter 2, Part A when they receive a complaint, recognising and treating victims in a respectful, sensitive and professional manner without discrimination of any kind.

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.

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.

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.

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.



# Chapter 3

## Children and Young people



# Children and Young People

## Part A: Entitlements for Children and Young People

This section tells you what information, help and services you should receive from the criminal justice system if you are under 18 and are a victim of crime that is being dealt with by the police.

Your parent or guardian may also receive help and support unless they are a suspect in connection with the crime or if it is considered not to be in your best interests. A suspect is someone who the police believe may be involved in the crime.

### ***How should I read this part of the Code?***

You can use this section to help you follow your journey through the criminal justice system and find out what help you should get at each stage. This section has two parts. The first part is written for you and shows you what information, help and services you should get. These are called your 'entitlements'. The second part is written for the organisations listed at paragraph 8 of the Introduction working as part of the criminal justice system, like the police, who should be giving you this help and support.

You can also use the glossary at the back of this Code which explains what certain words and phrases mean.

A shorter leaflet guide to the Code is also available which also explains what you can expect during the criminal justice process. You can find it online.<sup>26</sup>

### **Section 1: Police Investigation**

#### **Information provided to you when you report a crime**

- 1.1 When you report a crime to the police, you are **entitled** to:
  - receive written confirmation that you have reported a crime, including the basic details of the offence. The written acknowledgement could be in the form of a letter, an electronic notification such as an email or text, or it could be written by hand. You may request not to receive such acknowledgement. Where the police consider there may be a risk of harm to you from sending the written acknowledgement, they may agree with you not to send one;
  - a clear explanation of what happens next;
  - a local or national leaflet or website address with information for victims of crime, within 5 working days (Monday to Friday) of reporting the crime or being contacted in the course of investigations. This will include information about people you can talk to if you are upset and need support and how you can get in touch with them;
  - talk to the police to help you work out what support you need. This is called a "needs assessment";

<sup>26</sup> [www.gov.uk](http://www.gov.uk)

- have your contact details sent to organisations that help victims within 2 working days of reporting the crime unless you ask the police not to do so. These organisations are called “victim support services” in this Code. They will get in touch with you to let you know what support is available to you.
- be told about Special Measures if you might have to give evidence to the court. Special Measures are things ordered by a court to make it easier for you to give evidence. These can include giving evidence from a different room by video link or judges removing their wigs and gowns. You can find a full list of Special Measures in paragraphs 1.13-1.15 of Chapter 1.

### ***Police Investigation***

- 1.2 A police investigation is when the police look for suspects and evidence of the crime you told them about. If the police decide not to investigate they will let you know within 5 working days of the decision.
- 1.3 When you tell the police a crime has taken place, you may be asked to tell the police in an interview what happened. This is called a witness statement. When you give your witness statement to the police you are **entitled** to:
- have someone with you unless the police decide this is not allowed and tell you why. This could be a parent or family friend but normally they should be over 18 years old;
  - ask for someone to help you understand the questions you are being asked;
  - have your statement video recorded to make it easier for you to tell the police what happened. This may also mean that you do not have to repeat this in court. You can choose to give live evidence at court if you would prefer not to make a video statement;
- 1.4 You are also **entitled** to:
- make a Victim Personal Statement. The Victim Personal Statement lets you explain in your own words how you feel the crime has affected you. This is not the same as a witness statement about what you saw and heard. Both your witness statement and Victim Personal Statement can be video recorded where appropriate. You do not have to make a Victim Personal Statement if you do not want to. If you decide not to make a Victim Personal Statement at first, you can do it later but only if this is before sentencing. Sentencing is when the court orders the punishment that the offender will receive. The information you give in a Victim Personal Statement will be shared with the defence (who represent the person who has been accused of the crime) if it is used in court. The defence might ask you questions about your Victim Personal Statement on rare occasions.
- 1.5 If the defendant is found guilty, you are **entitled** to tell the court if you would like your VPS to be read aloud or played (if recorded) in court before the defendant is sentenced. When the police are taking your VPS, you are **entitled** to say whether you would like to read your VPS aloud, have it read aloud by someone else or played in court and what this means.

- 1.6 When the police are investigating your case you are **entitled** to:
- receive information about what is happening and discuss with the police how often they will contact you;
  - be told if no one is found to be a suspect, or if the case is closed and be told why within 1 working day of the decision being made;
  - be told if a suspect in your case is arrested, interviewed or released by the police and have the reasons explained to you within 1 working day of the event happening;
  - be told if a suspect in the case is let out on police bail or if police bail conditions change within 1 working day of the decision being made. Police bail is when the police let a suspect leave the police station on the condition that they must return to the police station or court on another day;
  - say if you want to be told if a closed case has been reopened, so the police can consider your wishes.
- 1.7 You are **entitled** at any time during the investigation and trial to speak to someone specially trained to listen to you and help you get over the crime. This may be called therapy or counselling and is often provided by a specialist organisation.
- Section 2: Before the trial (Charge, Bail and Information about the trial)**
- Charge and Bail**
- 2.1 This section tells you what happens when the suspect is charged with committing the crime. Being charged is when there is enough evidence (or proof) and it is in the public interest to formally accuse the suspect of the offence.
- 2.2 You are **entitled** to be told within 1 working day of the following events happening:
- if the suspect is charged or not and of any police decision not to prosecute (take to court) and be told why if not. You can ask for a review of a decision not to prosecute if you are not happy with it and you should be given enough information to help you decide whether or not you want to do that;
  - a Crown Prosecution Service decision to prosecute (take to court) or not to prosecute the suspect. You are **entitled** to be told how you can get more information about the decision if the Crown Prosecution Service decides not to prosecute the suspect. You can ask for a review of the decision if you are not happy with it, and you should be given enough information to help you decide whether or not you want to do that. The Crown Prosecution Service prosecutes (takes to court) criminal cases investigated by the police in England and Wales;
  - if the suspect is going to be dealt with by not having to go to court. This is called an 'out of court disposal' (see glossary). You or your parents or guardians may be asked for your views about this which will help decide whether this is appropriate;
  - if the police decide to apply for the suspect to be kept in custody. This means keeping the suspect in prison or in a police cell;
  - the date of any hearing being set and the outcome of the first hearing;
  - if a suspect is released with bail conditions and be told the reasons why. You will also have a chance to ask any questions you have about this;
  - if bail is changed or cancelled and be told the reasons why.

### Meeting with the Crown Prosecution Service

2.3 You are **entitled** to be offered a meeting with the Crown Prosecution Service in “specified cases” (see glossary) so that they can explain the following decisions to you:

- not to prosecute the case (take it to court);
- to make big changes to the charges against the suspect;
- to stop the case.

The Crown Prosecution Service might not offer this meeting if they decide a meeting should not take place or would not help you. The Crown Prosecution Service will explain their reasons if they decide this meeting should not take place.

### Preparation for the trial

2.4 Where a suspect is charged with committing a crime, you are **entitled** to be informed within 1 working day of a Crown Prosecution Service decision to make big changes to the charges against the suspect, to stop the case, to charge the suspect with another crime or to offer no evidence to the court (i.e. end the case).

2.5 Where the Crown Prosecution Service decides to stop the case or to offer no evidence, you are **entitled** to be told how you can get more information about the decision and how you can ask for a review of the decision if you are not happy with it. You are **entitled** to receive enough information to help you decide whether or not you want to ask for a review.

2.6 Paragraphs 2.7 – 2.9 give you information about services you are **entitled** to get from the Witness Care Unit. The Witness Care Unit is a group of people whose job is to support victims and witnesses in cases which go to court. Sometimes the police might provide you with this information and support instead if they are your main point of contact. The police will tell you if they are your main point of contact.

2.7 You are **entitled** to be told about the following by the Witness Care Unit within 1 working day of the Witness Care Unit receiving the information from the court:

- the date, time and place of any court hearings, the court’s decision and what should happen next. You will also be told what this means for you and what you need to do;
- whether the suspect has been released on bail or kept in custody and what this means for you;
- if the suspect does not come to court when they should have, an arrest warrant may be issued. An arrest warrant is an order made by the court to arrest a suspect. If a suspect is re-arrested, he or she will normally have to go to court soon after.
- The police should, where possible, update you if a suspect is arrested for breaching their bail conditions before their hearing. If the police decide not to place the suspect before the court; the police should inform you and tell you why.

2.8 If the suspect pleads not guilty, you are **entitled** to talk to the Witness Care Unit about what support you may need. You can ask for your contact details to be sent to victim support services so they can get in touch with you to talk about any extra support they could offer you.



2.9 You are **entitled** to be told by your Witness Care Unit if you have to give evidence within 1 working day of them getting this information from the Crown Prosecution Service.

2.10 If you are asked to give evidence at the trial you are **entitled** to:

- see your video recorded or written statement shortly before the trial to help you remember what you said when you told the police what happened to you. The police will arrange this for you.
- If you made a written statement, it will be available for you on the day. If you made a video recorded statement, arrangements will be made for you to view this separately before the trial;
- be informed by the Witness Care Unit about what will happen on the day. The Witness Care Unit will also make sure you get the support you need when giving evidence and will explain the Special Measures available to help you (see Chapter 1, paragraphs 1.13-1.15);
- be told by the Witness Care Unit how you can get a Young Witness Pack that helps you understand what will happen when you give evidence to a court;
- visit the court before the trial to see what it looks like. You should see the court room and practice using Special Measures equipment like video links or screens around the witness box depending on what the court has ordered. Where possible, you will get to meet the staff who will help you on the day.

### Section 3: Trial

3.1 At a trial, if you have pre-recorded your witness statement this will usually be played to the court so that you do not have to give this evidence again. You will then be asked questions about your evidence. This is called cross-examination. The usual way to do this is from a different room using a video link, though you can also give evidence away from the court building. It is up to the court to make sure the trial is conducted in a fair way, taking into account what is said by the defence and the CPS advocate. The CPS will treat victims who are witnesses in court respectfully and, where appropriate, will seek the court's intervention where cross-examination is considered by the advocate to be inappropriate or too aggressive.

3.2 If you do go to court to give evidence at the trial, you are **entitled** to:

- wherever possible, meet the Crown Prosecution Service advocate (the lawyer who presents the case against the suspect) or representative and ask him or her questions about what will happen in court, how long you may have to wait before giving evidence and be told about any delay;
- ask court staff if you can use a different entrance to the court from the suspect and their family and friends. This means that when you go to court you do not need to see the suspect or their family and friends;
- wait in a separate area of the court from the suspect and their family and friends;
- be given a contact point at the court where you can find out what is happening while you are waiting to give your evidence;

- have any Special Measures arranged for you by court staff when the court has ordered them;
- give your contact details to court staff so they can call you back quickly if you have left the court building for a short while;
- watch the trial in the public gallery if you are not giving evidence as a witness.

### Section 4: After the trial

- 4.1 You are **entitled** to be paid any expenses the Crown Prosecution Service has decided are due to you if you have attended court to give evidence not later than 10 working days after the Crown Prosecution Service has received a correctly completed claim form.<sup>27</sup>
- 4.2 Paragraphs 4.3 – 4.4 tell you about the services you are **entitled** to get from the Witness Care Unit. Sometimes the police might provide you with this information and support instead if they are your main point of contact. The police will tell you if they are your main point of contact. You are entitled to receive this information within 1 working day of the information being received by the Witness Care Unit from the court.
- 4.3 You are **entitled** to be informed about the decision of the court and, where available, receive a brief summary of reasons for the decision<sup>28</sup>. If the defendant has been found guilty, you are **entitled** to be told the sentence he or she has been given. The sentence is the punishment ordered by the court. This will include a short explanation about what the sentence is and what it means. If the Witness Care Unit is not able to answer your questions about the sentence, they will pass you to the **Crown Prosecution Service**. The Crown Prosecution Service will then help to answer your questions.
- 4.4 You are **entitled** to be put in touch with victim support services by the Witness Care Unit where available and appropriate.

### Section 5: Appeals

- 5.1 Sometimes the offender asks the court to look at the case or the sentence again. This is called an appeal. If the offender does appeal, you are **entitled** to the following within 1 working day of the Witness Care Unit receiving this information from the court, to:
- be told whether the court will let the appeal go ahead;
  - be told if the offender is going to be released on bail before the appeal or if bail conditions change;
  - be given the dates, times and locations of any further hearing dates and any changes to the dates if the appellant is allowed to appeal;
  - be told the outcome of the appeal or if there are any changes to the sentence originally given by the court;
  - receive information about victim support services that can help you where available.
- 5.2 If the appeal is to the Court of Appeal or it is a UK Supreme Court case you can ask for a copy of the decision from the relevant court (which is called a Judgment) once it has been published.
- 5.3 If there is going to be an appeal hearing, you may be able to make a new or further Victim Personal Statement (see paragraph 1.4). This lets you tell the court about the longer term effects that the crime has had on you. Your Witness Care Unit will let you know if it is possible to make such a Victim Personal Statement.

<sup>27</sup> In accordance with the Crown Prosecution Service (witnesses etc Allowances) Regulations 1988.

<sup>28</sup> The duty to provide reasons does not apply to the final outcome of a jury trial.

## Section 6: After the sentence

### Victim Contact Scheme

- 6.1 The Victim Contact Scheme (VCS) is for victims of violent and sexual offences where the offender gets a sentence of 12 months or more. In these cases, victims who take part in the VCS can get information and advice about the criminal justice process from a Victim Liaison Officer. This includes being kept informed of key stages of the offender's sentence.
- 6.2 If the suspect is found guilty of a violent or sexual offence<sup>29</sup> and is given a prison sentence of 12 months or more, or is kept in a hospital for treatment because they are mentally unwell, you are **entitled** to take part in the Victim Contact Scheme. Under the Victim Contact Scheme you are **entitled** to:
- ask for conditions to be put on the offender if they are released. For example, these could include conditions that the offender is not allowed to make contact with you in any way;
  - be told when the offender is released from prison or hospital and any conditions put on them which relate to you;
  - be told about any other important information which the National Probation Service think you should be told;
  - be told you can choose at any time not to take part in the Victim Contact Scheme.
- 6.3 If you choose to take part in the Victim Contact Scheme you will be given a Victim Liaison Officer (VLO) who will act as your point of contact in the National Probation Service. A VLO works with victims who are in the Victim Contact Scheme (see below). They keep victims informed about important stages in the offender's sentence. They also make sure that the victim's views and worries are shared with the prison or Parole Board when they are discussing whether to release the offender. The Parole Board is an organisation that decides whether certain offenders can safely be released from prison.
- 6.4 If the offender in your case is under 18, the Youth Offending Team dealing with the offender will pass your information to the National Probation Service so they can get in contact with you about the Victim Contact Scheme.
- 6.5 Your parent or guardian will normally be told about information on the Victim Contact Scheme rather than it being given directly to you. If you and your parent or guardian would prefer, the information can be given to you and your parent or guardian at the same time. Once you are 18, the information will be given to you directly.
- 6.6 If you are under 18, your parent or guardian should be told about the following where relevant:
- if you are entitled to a Victim Summary Report because the crime was a certain type of Serious Further Offence and was not the offender's first serious crime. The police or Witness Care Unit will tell you if this is relevant for you. If it is relevant for you, the National Probation Service can provide you with more information about this;

<sup>29</sup> As defined in section 45(2) of the Domestic Violence, Crime and Victims Act 2004.

- if the offender asks to be removed from what is known as the 'sex offenders' register'. If this is the case the police can give you more information about this.

### **Unwanted contact**

- 6.7 If you receive unwanted contact from a prisoner (including telephone calls, emails, social media, or by post), you can report this by calling the National Offender Management Service Victim Helpline on **0300 060 6699**. You can also speak to your Victim Liaison Officer (VLO), if you have one.
- 6.8 If you receive unwanted contact from an offender who has been released from prison and who is on licence, meaning they are no longer in prison but have to follow certain restrictions, you can contact the police, or your VLO if you have one. If the offender is under 18 and being supervised by a Youth Offending Team (YOT), you can contact that YOT to report any unwanted contact. YOTs work with young people that get into trouble with the law.
- 6.9 It is very unlikely that a suspect or offender will escape from prison, but if this does happen, and the police think that the offender poses a significant risk of harm to you, they will, wherever possible, tell you (or your parent/guardian) and let you know of any steps they are taking to make sure that you are safe.

### **The Parole Board and Victim Personal Statements**

- 6.10 The Parole Board is an organisation that decides whether certain offenders, including those who have got a life sentence for a particularly serious crime, can safely be released from prison or moved to an open prison. An open prison is for lower risk offenders who can reasonably be trusted to serve their sentences in open conditions and so do not need to be locked in a prison cell. This may happen near to or after the end of the minimum prison sentence the judge said the offender must serve in prison. The Parole Board make decisions by working with agencies including the prison and the National Probation Service to understand how much risk the offender is to the public and to see whether the offender can be safely released under supervision. Because the Parole Board only consider some kinds of cases, you should ask your parent or guardian, or VLO, whether this applies to you.
- 6.11 If you are worried or have any new evidence that shows the offender might be dangerous to you right now, you should discuss this with your VLO. Your VLO will make sure the people who prepare risk reports for the Parole Board are aware of this.

6.12 You will be asked whether you want to make a Victim Personal Statement for the Parole Board to consider when they make the decision on whether to release the offender or move them to an open prison. If you do not want to make a written statement, you can tell your VLO about how the offence hurt you or your family, how it still makes you feel, and how you think you would feel if the offender was released. Your VLO will make sure the Parole Board is aware of this when they are considering the offender's case. You can do this through your parent or guardian if you would prefer, and your parent or guardian will also be able to make a Victim Personal Statement (VPS) of their own.

6.13 If your parent or guardian would like to attend the hearing to read their VPS, or to read both your VPS and their VPS, or to have someone else read either or both statements aloud, they are entitled to inform the Parole Board that they wish to do this. The decision on whether they can attend will be made by the chair of the Parole Board panel. Normally a request to attend in person will be granted, but this is up to the Parole Board panel chair, who may have reasons not to grant such a request. Your parent or guardian will not be able to attend the whole hearing. You and your parent or guardian can also ask the Parole Board chair if you can read your VPS via Live-Link or record it so that it can be played at the hearing if these facilities are available.

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

6.14 If the offender in your case is under 18 and is being supervised by a Youth Offending Team, the Youth Offending Team will contact you directly if you are not receiving support under the Victim Contact Scheme. You are **entitled** to the following from the Youth Offending Team:

- information about the progress of the offender's case;
- information on victim support services if you want to get any additional support;
- to take part in Restorative Justice (if suitable). More information on this is in Section 7 below.

### Section 7: Restorative Justice

7.1 If you are a victim of a crime, Restorative Justice lets you talk about what happened with the offender – the person who carried out the crime. You and/or your close relatives and the offender can try to find ways to deal with the harm caused. This can help you, as the victim, to move on with your life and for the offender to understand what they did and how you felt about it.

7.2 Restorative Justice is voluntary – you do not have to take part. If you do want to take part you will be asked to agree this in writing. Both you and the offender must agree to it before it can happen. You can ask to take part in Restorative Justice at any point that you think would be helpful to you or you may be asked to take part because the offender has asked for Restorative Justice. Even if both you and the offender want to take part, it will only happen if someone who has been specially trained in Restorative Justice decides it is safe for you to take part. That person will be at any meeting with the offender.

- 7.3 If the offender is an adult, the police or other organisation that delivers Restorative Justice services for victims in your area must tell you, your parents or guardians about Restorative Justice, including how you, your parents or guardians can take part. This depends on what Restorative Justice services are provided in your local area.
- 7.4 If the offender is under the age of 18, the Youth Offending Team in your area must offer you, your parents or guardian the chance to take part in Restorative Justice where it is available. You can ask the police not to pass on your details to a Youth Offending Team if you do not want to take part in Restorative Justice.
- 8.4 If the incident or incidents happened before you turned 18, but it was not reported to the police at the time, the CICA will consider your claim if it is made within two years of when the incident was first reported to the police.
- 8.5 If you make an application in either of the situations in paragraphs 8.4 or 8.4 above, it will not be accepted unless the evidence given means the application can be considered without needing lots more enquiries.
- 8.6 CICA can only extend the time limit in exceptional circumstances where an application could not have been made earlier.

## Section 8: Compensation

- 8.1 The Criminal Injuries Compensation Authority (CICA) is an organisation that deals with applications that are made under what is called the Criminal Injuries Compensation Scheme. This Scheme is paid for by the Government to make payments to blameless victims of violent crime.
- 8.2 If you are under 18 at the time of the incident it is best if a responsible adult applies on your behalf but this must be within 2 years of the incident occurring. This is because it may be harder for you to provide evidence that you were injured due to the crime if you wait until later.
- 8.3 If the incident or incidents were reported to the police before you turned 18 and no-one made a claim for you, the CICA will accept a claim from you as long as you make this claim before you turn 20.
- 8.7 You are **entitled** to get the following from the Authority:
- clear information on whether you can receive a payment under the Criminal Injuries Compensation Scheme;
  - be told that the Authority has received your application;
  - information about the progress of your application at important stages of your claim in the way that you choose (for example by letter or by telephone);
  - a clear explanation of the Authority's decision about your application for compensation;
  - information on your right to have the decision looked at again.
- 8.8 If you do not agree with the decision made about your application for compensation, you are **entitled** to the following from the Authority:
- request that the decision is looked at again (a review);

- have your compensation claim looked at by a different claims officer than the officer who made the first decision;
- a clear explanation of why they made the decision and answers to the questions you asked when you asked for a review of the decision;
- information on how to appeal to the First-tier Tribunal – Criminal Injuries Compensation (FTT-CIC) and time limits.
- receive an acknowledgement saying that the organisation has got your complaint and is dealing with it, or
- a full response to your complaint, within 10 working days;
- if you receive an acknowledgement, information about how the organisation deals with complaints including how long it may take to get a full response where appropriate;

### Section 9: How to make a complaint

- 9.1 You are **entitled** to be treated by service providers in a respectful, sensitive and professional manner without discrimination of any kind. If you do not think that you have received the services and support that you are entitled to in this Code, you can make a complaint.
- 9.2 If you feel comfortable doing so, you should first talk about your complaint with the person you have been dealing with at that organisation.
- 9.3 If this does not help to answer your complaint, you can make a complaint through the organisation's official complaints system. If you send your complaint to the wrong service provider, they will send your complaint to the right service provider and tell you they have done this.
- 9.4 You are **entitled** to:
- receive information from the organisation on how to make a complaint, including contact details and the process for dealing with a complaint;
  - receive confirmation from the organisation you complain to that says they have got your complaint and when to expect an answer;
  - receive a full response from the organisation within the timeframe they set out, including how to make a further complaint to the Parliamentary and Health Service Ombudsman if you are unhappy with the response;
  - make a complaint to the Parliamentary and Health Service Ombudsman by sending it to your local Member of Parliament. Information about the Parliamentary and Health Service Ombudsman can also be found online.<sup>30</sup>

<sup>30</sup> [www.ombudsman.org.uk](http://www.ombudsman.org.uk)

# Children and Young people

## Part B: Duties on Service Providers for Children and Young People

This Chapter applies to the service providers listed at paragraph 8 of the Introduction. The purpose of this Chapter is to provide accessible information for young people. Because of this, in some places it is not as specific as Chapter 2. However all child victims of crime are automatically eligible for the enhanced services provided to vulnerable victims of crime. All service providers must therefore ensure that they provide the same enhanced level of service to child victims and have regard to their duties in the Introduction and Chapters 1 and 2 of this Code.

For the avoidance of doubt the relevant service providers must also ensure that they provide the entitlements to child victims or their parents as set out in Chapter 3, Part A.

At all times the child's best interests must be a primary consideration for service providers.

Where the age of a victim is uncertain and there are reasons to believe that the person is under 18 years of age, service providers should presume that person to be under 18 and therefore entitled to receive the enhanced entitlements set out in the separate section under this Code for victims who are under 18 years of age (Chapter 3).

This section includes duties that the relevant Witness Care Unit must provide to victims. In some cases, the police might act as a single point of contact for the victim and provide the information in this section to victims instead of the Witness Care Unit. The police must tell victims if this is the case and agree with the Witness Care Unit which of the following services they will provide.

### Section 1: Police Investigation

- 1.1 The relevant service providers must provide the entitlements to child victims or their parents or guardians set out in Chapter 3, Part A, Section 1 and the duties on service providers set out in Chapter 2, Part B, Section 1 (noting that victims who are under 18 years of age are automatically eligible for enhanced services under this Code).
- 1.2 The **police** must:
  - provide the relevant entitlements to child victims or their parents or guardians set out in Section 1 of Chapter 2, Part A and Section 1 of Chapter 3, Part A;



- provide a written acknowledgement of the crime that the victim has reported, including the basic details of the offence. The written acknowledgement could be in the form of a letter, an electronic notification such as an email or text, or it could be written by hand. The victim may request not to receive such acknowledgement. Where the police consider there may be a risk of harm to the victim from sending the written acknowledgement (for example in domestic violence cases), they may agree with the victim not to send one.
  - discuss and agree with the victim, or their parents or guardians how often they will receive updates on the case;
  - inform the victim when the police decide not to investigate within 5 working days of the decision being made;
  - offer a Victim Personal Statement, which can also be video recorded and ensure this is forwarded to the CPS. The police must also make arrangements for the victim to make a written statement if they prefer;
  - ask the victim whether they would prefer to read the statement aloud, have the CPS advocate to do this on their behalf, or have it played (where recorded), in the court and ensure this information is forwarded to the CPS;
  - explain the possible consequences to the victim of having their VPS read aloud, such as the risk to the victim's privacy, being asked questions about their VPS in court and it being reported in the media;
  - explain to the victim that their VPS does not have to be read aloud if they do not want it to be. It should be explained to the victim that they can change their mind and later choose not to have their VPS read aloud;
  - explain what Special Measures may be available to the victim to help them give their best evidence if they have to go to court and record any views expressed by the victim about going to court.
- 1.3 The **police** or any other service provider acting as the main point of contact in the case, should inform the victim that pre-trial therapy is available if needed, and, if requested, will be facilitated. The relevant service provider must also refer the victim to specialist organisations where appropriate and available.
  - 1.4 When recording the victim's evidence, the **police** must have regard to Section 21 of the Youth Justice and Criminal Evidence Act 1999 which states that the 'primary rule' for child witnesses (subject to prescribed limitations) is that the Court must provide (by way of direction) for any relevant recording to be admitted under section 27 (video recorded evidence in chief); and must provide for any evidence given by the witness in the proceedings which is not given by those means to be given by means of a live link.
  - 1.5 If the **police** require a child to be interviewed, they must ensure that they fulfil the duties outlined in Section 1 of Chapter 2, Part B, paragraphs 1.5 to 1.6. This includes allowing the child to be accompanied by an adult of their choice to help provide emotional support, unless it is in their best interests not to be accompanied by this person.

## Section 2: Before the trial (Charge, Bail and Information about the trial)

- 2.1 The relevant service providers must provide the entitlements to child victims or their parents or guardians set out in Chapter 3, Part A, Section 2 and the duties on service providers set out in Chapter 2, Part B, Section 2 (noting that victims who are under 18 years of age are automatically eligible for enhanced services under this Code).

### Preparation for the Trial

- 2.2 The **Witness Care Unit** must:
- offer a full needs assessment to victims who are required to give evidence to make sure they are supported in getting to court and giving their best evidence. Victims must be informed what to expect including how they can access the Young Witness Pack;
  - where appropriate, explain the Special Measures that may be available to assist the victim in giving their best evidence.
  - as part of the needs assessment, offer the victim a pre-trial visit to the court to familiarise themselves with the court room and to practise using Special Measures equipment.
- 2.3 The **police** must arrange to show victims their video recorded or written statement shortly before the trial to refresh their memory. If the victim made a written statement, it must be available for the victim at court on the day. If the victim made a video recorded statement, the police must arrange for this to be viewed by the victim separately before the trial.

## Section 3: Trial

- 3.1 The relevant service providers must provide the entitlements to child victims or their parents or guardians set out in Chapter 3, Part A, Section 3 and the duties on service providers set out in Chapter 2, Part B, Section 3 (noting that victims who are under 18 years of age are automatically eligible for enhanced services under this Code).

## Section 4: After the trial

- 4.1 The relevant service providers must provide the entitlements to child victims or their parents or guardians set out in Chapter 3, Part A, Section 4 and the duties on service providers set out in Chapter 2, Part B, Section 4 (noting that victims who are under 18 years of age are automatically eligible for enhanced services under this Code).

## Section 5: Appeals

- 5.1 The relevant service providers must provide the entitlements to child victims or their parents or guardians set out in Chapter 3, Part A, Section 5 and the duties on service providers set out in Chapter 2, Part B, Section 5 (noting that victims who are under 18 years of age are automatically eligible for enhanced services under this Code).

## Section 6: After the sentence

- 6.1 The relevant service providers must provide the entitlements to child victims or their parents or guardians set out in Chapter 3, Part A, Section 6 and the duties on service providers set out in Chapter 2, Part B, Section 6 (noting that victims who are under 18 years of age are automatically eligible for enhanced services under this Code).

## **Serious Further Offence Reviews and Victim Summary Reports**

- 6.2 The duties on **Youth Offending Teams** dealing with offenders under 18 are the same as for adults. Therefore Youth Offending Teams must fulfil the duties that fall to them in section 6 of Chapter 3, Part A and section 6 of Chapter 2, Part B. This includes informing the victim about the progress of the offender's case and providing information about appropriate victim support services if the victim asks for additional support. Contact will be made via the probation VLO in cases where the offender (under 18) is sentenced to 12 months or more for a sexual or violent offence.

## **Section 7: Restorative Justice**

- 7.1 The relevant service providers must fulfil the duties that fall to them in Chapter 2, Part B, Section 7, and Chapter 3, Part A, Section 7.

## **Section 8: Compensation**

- 8.1 The CICA and FTT-CIC must fulfil all the duties that fall to them in Chapter 2, Part B, Section 8, and Chapter 3, Part A, Section 8.

## **Section 9: Complaints**

- 9.1 Service providers must adhere to all the duties set out in the section on complaints in Chapter 2, Part B, Section 9.
- 9.2 Service providers must recognise and treat victims who are under 18 years of age in a respectful manner without discrimination of any kind.



# Chapter 4

## Businesses



# Businesses

- 1.1 **All businesses or enterprises (such as charities) that have had criminal offences committed against them<sup>31</sup> are entitled to:**
- receive services in accordance with Chapter 2 of the Code provided they give a named point of contact for all communication between the business and service provider;
  - make an Impact Statement. This may be offered at the same time as a witness statement if appropriate, or by self-completion by post or by email;
  - say whether the business would like to have relevant parts of the Impact Statement read aloud by a CPS advocate before the defendant is sentenced. Whether all or part of the Impact Statement is read aloud is subject to the discretion of the Court.
- 1.2 Businesses of all sizes can make an Impact Statement. The Impact Statement outlines how a crime has affected the business.
- 1.3 The court must pass what it judges to be the appropriate sentence taking into consideration the circumstances of the offence and of the offender and where the court considers it appropriate, the impact on any victims.
- 1.4 The police will refer a business to guidance on how to complete the statement. The statement provides the business with a voice in the criminal justice process, but should not express an opinion on the sentence or punishment the offender should receive.
- 1.5 The named point of contact can submit the statement by email or by fax or by post to the police. Making an Impact Statement does not prevent an individual victim from making a separate Victim Personal Statement. A business may make another Impact Statement to add to, clarify or amend the existing statement at a later date, provided this is before the case comes to court or the suspect is sentenced. Any statement submitted must be in accordance with section 9 of the Criminal Justice Act 1967.
- 1.6 If the case reaches court, the Impact Statement will be disclosed to the defence. The named contact that made the statement may be required to attend a court hearing and be questioned on this statement.

## **Duties**

- 1.7 The **police** should offer a named contact the opportunity to make an Impact Statement, refer them to guidance on how to complete this, and forward a completed statement to the **CPS**.
- 1.8 The **CPS** must ensure that an Impact Statement is brought to the attention of the court where appropriate.

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<sup>31</sup> Legal persons (e.g. Businesses) are not included within the definition of a victim, but are eligible for services under this Code in accordance with Chapter 4.





# Chapter 5

## Duties on other Service Providers



# Duties on other Service Providers

1.1. This Chapter sets out the services that service providers listed in paragraph 9 of the Introduction (and repeated below in paragraph 1.2) must provide to victims of crime and bereaved close relatives. Along with the earlier chapters of this Code it implements relevant provisions of the Victims' Directive<sup>32</sup> but deals with service providers not covered in previous versions of this Code. Victims of crime should be treated in a respectful, sensitive, tailored and professional manner without discrimination of any kind.

## Which organisations have to provide services under this chapter of the Code?

1.2. This Chapter of the Code requires the following organisations to provide services to victims:

- The Competition and Markets Authority
- The Department for Business, Innovation and Skills (Criminal Enforcement)
- The Environment Agency
- The Financial Conduct Authority
- The Gambling Commission
- The Health and Safety Executive
- Her Majesty's Revenue and Customs
- Home Office (Immigration Enforcement)
- The Information Commissioner's Office
- The Independent Police Complaints Commission

- The National Crime Agency
- Natural Resources Wales
- The Office of Rail and Road
- The Serious Fraud Office.

1.3. These service providers all have functions in relation to the investigation and/or prosecution of crime. However, unlike the police and the CPS, who have a broad remit to investigate and prosecute crimes, these service providers have a narrower remit and have specialised roles in the context of criminal proceedings. Often their criminal functions are limited to investigating or prosecuting specific types of offences or offences committed in certain circumstances. These functions largely determine the ways in which, and frequency with which, they come into contact with victims.

1.4. Subject to paragraphs 1.5 and 1.6, this Chapter applies if the victim has made an allegation to the relevant service provider that they have suffered harm (including physical, mental, or emotional harm or economic loss) which was directly caused by a criminal offence, had such an allegation made on their behalf, or if the victim is contacted by the relevant service provider as a victim in the course of their criminal investigations.

<sup>32</sup> The EU Directive establishing minimum standards on the rights, support and protection of victims of crime (2012/29/EU).

- 1.5. This Chapter only applies to a service provider to the extent that the service provider has formally accepted responsibility for conducting a criminal investigation into the crime, or has formally accepted responsibility for making a decision to prosecute that crime.
- 1.6. Some of the service providers in this Chapter have a range of criminal, civil and regulatory enforcement powers. This Chapter only applies to service providers in the context of their criminal enforcement functions.
- 1.7. Although the service providers listed in paragraph 1.2 are only obliged to provide services in accordance with this Chapter, the victim may also be entitled to receive services from a service provider listed in paragraph 8 of the Introduction to this Code where the service provider has relevant functions in relation to criminal proceedings (for example, the victim may be entitled to interpretation or translation services in the course of a criminal trial). Similarly, nothing in this Chapter prevents a victim from reporting a crime to the police, rather than one of the specialist agencies listed in this Chapter.
- 1.8. Where required to share information under this Code, service providers must do so effectively and in accordance with their obligations under the Data Protection Act 1998 and other relevant legislation.
- 1.9. References to a victim in this Chapter have the same meaning as in paragraph 4 of the Introduction, that is:
- a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence<sup>33</sup>;
  - a close relative (see glossary) of a person whose death was directly caused by a criminal offence.
- 1.10. Legal persons (e.g. businesses) are not included within this definition of a victim. Businesses are only entitled to services under this Code in accordance with Chapter 4.
- 1.11. A victim is entitled to receive the services set out in this Chapter if the crime took place in England or Wales, or if the services relate to criminal proceedings that are taking place in England or Wales.<sup>34</sup> You are entitled to access victim support services at any time, whether you have reported a crime or not, and after the conclusion of the investigation and prosecution. Where the victim is not present in or has left the territory of England and Wales, whichever country the victim is located in should provide victim support services to that victim.

### **The family spokesperson for families bereaved by crime**

- 1.12. If a family is bereaved as a direct result of a criminal offence, the deceased's close relatives are entitled to nominate a family spokesperson to act as the single point of contact to receive services under this Chapter. If the close relatives cannot choose a family spokesperson, the service provider must choose the family spokesperson.

<sup>33</sup> For the purposes of this Chapter 'criminal offence' means an offence that is committed, or subject to criminal proceedings, in England and Wales.

<sup>34</sup> Eligibility for compensation from the Criminal Injuries Compensation Authority may depend on your residency or nationality unless you are conclusively identified as a victim of human trafficking, or granted asylum, humanitarian protection or discretionary leave to remain.

### **The family spokesperson for victims of crime who have a disability or for victims who have been so badly injured as a result of a criminal offence that they are unable to communicate**

1.13. If the victim has a disability or has been so badly injured as a result of a criminal offence that they are unable to communicate, the victim or their close relatives are entitled to nominate a family spokesperson to act as the single point of contact to receive services under this Chapter.

### **The parent or guardian of a victim who is under 18 years of age**

1.14. If the victim is under the age of 18 they, and usually their parent or guardian, are entitled to receive services under this Chapter.<sup>35</sup>

### **What if the victim does not want to receive the services that they are entitled to under this Code?**

1.15. This Chapter sets a minimum standard for these services. Service providers can choose to offer additional services and victims can choose to receive services tailored to their individual needs that fall below the minimum standard.

1.16. The victim may decide that they do not want some or all of the information or services they are entitled to under this Chapter or that they want to opt out of receiving these at a later date. If this is the case, the victim can discuss with the service provider how these entitlements are best tailored to their needs.

1.17. The victim may choose to opt back into receiving services under this Chapter at any time while the case is under active investigation or prosecution.

## **Information and support**

### **Right to understand and to be understood**

1.18. Service providers must communicate with the victim in simple and accessible language, taking appropriate measures to assist the victim to understand and be understood. In considering appropriate measures, service providers must take account of any relevant personal characteristic which may affect the victim's ability to understand and be understood.

1.19. If, due to the impact of the crime, the victim needs assistance to understand or to be understood in their first contact with the service provider they are entitled to be accompanied by a person of their choice, unless the service provider considers it would be contrary to the victim's interests or prejudicial to the investigation or prosecution.

### **Right to interpretation and translation**

1.20. If the victim does not understand or speak English, they are entitled to request interpretation into a language they understand:

- when reporting a criminal offence<sup>36</sup>; and
- when being interviewed by the service provider that is responsible for investigating the crime.

1.21. If the victim does not understand or speak English, they are entitled on request to translation of the following information where it is provided to them:

- the written acknowledgment of the reported crime;

<sup>35</sup> Unless your parent or guardian is under investigation or has been charged by a service provider in connection with the crime or if in the reasonable opinion of the service provider involved it is not in your best interests for your parent or guardian to receive such services.

<sup>36</sup> You are entitled to report the crime in a language you understand or with the necessary linguistic assistance if you don't speak English.

- where it is essential for the purposes of the interview or court proceedings to see a particular document that is disclosed to them, a copy of the relevant parts of the document;
  - the document informing them of the date, time and place of trial; and
  - the outcome of criminal proceedings where so entitled under this Chapter and at least brief reasons for the decision where available.
- any measures available for the victim's protection, if required;
  - how to seek compensation;
  - the arrangements available if the victim is not present in England and Wales;
  - the availability of interpretation and translation services;
  - how to make a complaint about a service provider;
  - the availability of restorative justice services;
  - how to recoup expenses incurred as a witness in a criminal trial.

1.22. An oral translation or summary of these may be provided, unless doing so would prejudice the fairness of the proceedings. The relevant service provider must ensure such interpretation or translation is available free of charge.

1.23. If the victim is unhappy with a decision not to provide interpretation or translation services, they are entitled to make a complaint to the relevant service provider. The **service provider** must consider the victim's request in accordance with the complaints procedure in paragraphs 1.49-1.53.

1.25. The extent or detail of the information in paragraph 1.24 may vary depending on the type of crime, the victim's personal circumstances, or its relevance to the particular stage of the investigation or criminal proceedings.

1.26. **Service providers** must include information about this Code on their websites. This information must signpost victims to the relevant pages of the GOV.UK website.

### Information about the rights of victims

1.24. The victim is entitled to receive written information on what to expect from the criminal justice system or the details of a website which contains that information. Subject to paragraph 1.25, access to the following information must be offered to the victim from their first contact with the relevant service provider:

- where and how to get advice or support, including access to medical support, any specialist support (such as psychological support) and alternative accommodation;
- what the victim needs to do to report a criminal offence, and who they should contact in case they have any questions about the case;

### Acknowledging the report of a crime

1.27. Where a victim reports a criminal offence to a service provider responsible for investigating offences, the **service provider** must ensure that the victim receives a written acknowledgement, including the basic details of the offence. The written acknowledgement could be in the form of a letter, an electronic notification such as an email or text, or it could be written by hand. The victim may request not to receive such acknowledgement. Where the service provider considers there may be a risk of harm to the victim from sending the written acknowledgement, they may agree with the victim not to send one.

## Referral to victim support services

- 1.28. Where a victim reports a criminal offence to a service provider, the **service provider** must ask whether the victim wishes to be referred to victim support services. If the victim wishes to be referred, the service provider must facilitate that referral.
- 1.29. Where the victim is not present in or has left the territory of England and Wales, whichever country the victim is located in should provide victim support services to that victim.

## Individual Assessments

1.30. Where a victim reports a crime to a service provider responsible for investigating offences, the **service provider** must ensure that the victim is individually assessed to identify any specific protection needs and to determine whether and to what extent the victim would benefit from specific protection measures or Special Measures in the course of being interviewed or Special Measures when giving evidence<sup>37</sup>. The nature of the assessment will depend on all the circumstances, including the severity of the crime and the degree of apparent harm suffered by the victim. The assessment must take into account the victim's personal characteristics, his or her views, and the nature and circumstances of the crime.

1.31. If the **service provider** becomes aware that a victim's circumstances have changed significantly it must give the victim the opportunity to be re-assessed.

## Interviews

1.32. When interviewing a victim, a **service provider** responsible for investigating an offence must ensure it:

- conducts the interview without unjustified delay after the making of a complaint that an offence has been committed;
- keeps the number of interviews to a minimum so far as possible and only carries out such interviews as are strictly necessary for the purposes of the investigation;
- allows the victim to be accompanied by a person of the victim's choice, unless a reasoned decision has been made to the contrary; and
- only seeks a medical examination where strictly necessary for the purposes of the criminal proceedings and otherwise keeps the number of medical examinations to a minimum.

1.33. Where a **service provider** responsible for investigating an offence interviews a victim, it must, where necessary, take steps to ensure the victim (and their family) does not have unnecessary contact with the suspect.

1.34. Where, as a result of the individual assessment, a **service provider** has identified a victim as having specific protection needs and who would benefit from specific protection measures in the course of being interviewed, the **service provider** responsible for investigating an offence must also ensure, subject to operational and practical constraints, that the following are available:

- if possible, ensure that the same person conducts all the interviews with the victim, unless doing so would prejudice the proper handling of the investigation;

<sup>37</sup> Special measures are set out in Part 2 of the Criminal Justice and Youth Evidence Act 1999 (see Chapter 1, paragraph 1.13).

- that the interview takes place, where necessary, in premises designed or adapted for the purpose;
- that interviews are carried out by or through professionals trained for the purpose; and
- that in cases of sexual violence, gender-based violence or domestic violence, victims are offered the opportunity to have their interview conducted by a person of the same sex. Any such request should be agreed to if possible, unless doing so would be likely to prejudice the proper handling of the investigation.

## Information

### Right to receive a decision not to investigate or to cease investigating

- 1.35. The **service provider** responsible for investigating the offence must, without unnecessary delay, ensure that a victim is notified of their right to receive a decision not to proceed with, or to end, an investigation into that crime.

### Right to receive information about a prosecution

- 1.36. The **service provider** responsible for prosecuting an offence must, without unnecessary delay, ensure that a victim is notified of their right to receive the following information:
- a. a decision not to prosecute a suspect;
  - b. the time and place of the trial and the nature of the charges against the suspect.
- 1.37. The **service provider** responsible for prosecuting an offence must, without unnecessary delay, ensure that a victim who is a witness in the criminal proceedings is notified of their right to receive the following information:
- a. information about the state of the criminal proceedings, unless in exceptional cases the service provider considers the proper handling of the case may be adversely affected by the notification of such information;
  - b. the final outcome in any trial.

### Duties to provide information on request and the giving of reasons

- 1.38. If a victim requests information following notification in accordance with paragraphs 1.35-1.37 above, the relevant service provider must ensure it is provided.

In providing the information listed in paragraphs 1.35, 1.36(a) and 1.37(b) the service provider must give at least a brief summary of the reasons for the decision concerned (in the case of 1.37(b), only where such reasons are available). The duty to provide reasons does not apply to the final outcome of a jury trial.

- 1.39. Where there is a high number of victims involved in a case, or where otherwise appropriate in exceptional cases, the service provider may communicate information to which a victim is entitled under this Chapter through alternative channels such as the service provider's website.

- 1.40. Nothing in this Chapter requires a service provider to provide information where disclosure of that information:

- could result in harm to any person;
- could affect the proper handling of any criminal investigation or prosecution, or could otherwise prejudice any civil or criminal case;
- would, in the service provider's view, be contrary to the interests of national security.



## Right to Review

1.41. The **service provider** responsible for prosecuting the offence must provide victims with a right to review a decision not to prosecute. The service provider must provide such a right at least in respect of serious offences (as determined by the service provider)<sup>38</sup>. The service provider may set procedural rules for the review. Where a victim is informed by the service provider (in accordance with paragraph 1.38) of a decision not to prosecute a suspect, the service provider must, without unnecessary delay, notify the victim of their right to a review and provide sufficient information to enable the victim to decide whether to request a review.

## Expenses

1.42. A **service provider** responsible for prosecuting an offence must have rules under which victims have the possibility of reimbursement of expenses incurred from attending court to give evidence.

## Property

1.43. Where in the course of criminal proceedings a **service provider** has seized recoverable property of the victim and where it is no longer necessary to retain the property, the service provider must return the property without delay.

## Special Measures

1.44. Where, as a result of the individual assessment, a victim is identified as having specific protection needs and would benefit from Special Measures when giving evidence, the **service provider** responsible for prosecuting an offence must apply to the court for the appropriate Special Measure under Part 2 of the Youth Justice and Criminal Evidence Act 1999.

## Children and Young People

1.45. At all times **service providers** must have the child's best interests as a primary consideration.

1.46. Where the age of a victim is uncertain and there are reasons to believe that the person is under 18 years of age, **service providers** must presume the person to be under the age of 18.

1.47. A child who is a victim is presumed to require specific protection measures for interviews, and is eligible for Special Measures when giving evidence.

1.48. A **service provider** responsible for investigating an offence must ask a child who is a victim (or their parent/guardian) if they would like their interview to be video recorded in order that the recorded interview may be used as evidence in criminal proceedings.

<sup>38</sup> This paragraph does not preclude the provision of a more extensive right of review, either as provided by the service provider at their discretion, or as required by any other rule of law.

## Complaints

- 1.49. **Service providers** who receive a complaint must ensure that they recognise and treat victims in a respectful, sensitive and professional manner without discrimination of any kind.
- 1.50. **Service providers** must have a clearly identified complaints process through which victims can complain if their entitlements as set out under this chapter have not been met.
- 1.51. 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.
- 1.52. 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.
- 1.53. 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.

# Glossary

This section provides an explanation of the key words or phrases found in this Code. You will also find a summary of all the Special Measures available and information about Registered Intermediaries at paragraph 1.15 of Chapter 1.

## **Acquittal**

A formal direction or finding that the accused is not guilty of the criminal charge.

## **Adjournment**

The temporary suspension of the hearing of a case by order of the court.

## **Advocate**

The person who represents the CPS or the defendant in court. This person could be a barrister or a solicitor-advocate.

## **Appeal**

A legal process by which a case is brought before a higher court for review of the decision of a lower court.

## **Arrest Warrant**

A warrant issued by a court which authorises the arrest of an individual suspected of committing an offence.

## **Bail (and bail conditions)**

The release of a suspect from custody, until his or her next appearance in court. This is sometimes subject to security being given and/or compliance with certain bail conditions, such as periodically reporting to a police station.

Also see 'police bail'.

## **Charge**

A formal accusation against a person(s) by the state.

## **Close relatives**

This refers to the spouse, the partner, the relatives in direct line, the siblings and the dependants of the victim. Other family members, including guardians and carers, may be considered close relatives at the discretion of the service provider.

## **CPS (Crown Prosecution Service)**

The CPS is responsible for prosecuting criminal cases investigated by the police in England and Wales.

## **Crown Court**

A court where criminal proceedings are heard before a judge and a jury. The Crown Court also acts as an appeal court for cases heard and dealt with by the magistrates' and youth courts.

## **Entitlement**

Service(s) that are to be provided to victims of a criminal offence by the relevant service provider.

## **Family Liaison Officer (FLO)**

A police officer trained to work with bereaved families to secure their confidence and trust, to provide support and information about the investigation and support agencies, and to gather information which contributes to the investigation.

## **Guardian in relation to a person under the age of 18**

A person who has for the time being the care of a person who is under the age of 18.

## **Hate crime**

Any criminal offence that is motivated by hostility or prejudice based on the victim's disability, race, religion or belief, sexual orientation or transgender identity.

### **Licence conditions**

Some prisoners are released from prison 'on licence'. This means they will be supervised by Probation and will have to comply with certain conditions which are designed to protect the public, prevent reoffending and reintegrate the offender into the community.

### **Magistrates' Court**

A court where criminal proceedings are heard before magistrates or district judges, who examine the evidence and statements put before them.

### **National Probation Service**

The National Probation Service is a statutory criminal justice service that supervises high-risk offenders released into the community. Victim Liaison Officers work within the National Probation Service (See 'Victim Liaison Officers' below).

### **Needs assessment**

An evaluation carried out by service providers to determine the kind of support that a victim may need following a crime. This process can also be used to identify any Special Measures that a victim might need if they are going to be giving evidence.

### **Notifying/Informing a victim**

The posting of a letter, the making of a telephone call, a face-to-face meeting or the sending of an e-mail, fax, text message or any other communication method that the service provider considers is most appropriate.

### **Offence**

Any crime punishable in a Crown Court, Magistrates' Court or by an out of court disposal.

### **Offender**

The person who committed the crime.

### **Out of court disposal**

Alternatives to prosecution, such as cautions, conditional cautions and penalty notices for disorder, intended for dealing with low-level, often first-time offending, where prosecution would not be in the public interest.

### **Parliamentary and Health Service Ombudsman**

Investigates complaints received from MPs that individuals have been treated unfairly or have received poor service from government departments or agencies.

### **Police bail**

When the police let a suspect out of the police station but they will have to return to the police station or to the court on another day.

Also see "bail".

### **Provider of probation services**

An organisation which provides probation services on behalf of the Secretary of State for Justice - either the National Probation Service or a Community Rehabilitation Company.

### **Qualifying cases**

The cases where bereaved families are entitled to meet with CPS, which are: murder, manslaughter, corporate manslaughter, familial homicide, causing death by dangerous driving, causing death by careless driving while unfit through drink or drugs, causing death by careless driving or through inconsiderate driving, causing death by driving whilst unlicensed, disqualified or uninsured and aggravated vehicle taking where death is caused.

### **Remand hearings**

A court hearing to decide whether a suspect should be kept in custody pending further court appearance(s).

**Restorative Justice**

This is the process of bringing together those harmed by crime or conflict with those responsible for the harm, to find a positive way forward.

**Restricted patients**

Restrictions will be placed on a patient if the court considers that this is necessary for the protection of others from serious harm. The Secretary of State is involved in the management of "Restricted patients". This means that the Secretary of State will make decisions about the offender's rehabilitation, and the victim will be allocated a Victim Liaison Officer, who will provide the victim with information about key developments. "Non-Restricted patients" are managed by clinicians, and hospital managers may provide the victim with information about these key developments in the offender's rehabilitation.

**Sentence**

Punishment given to a suspect found guilty by a court.

**Service provider**

An organisation required to provide services under this Code, as specified in the Introduction, paragraphs 8 and 9.

**Special Measures**

The various measures that a court can order to assist vulnerable or intimidated witnesses to give their best evidence as set out under sections 16 to 30 of the Youth Justice and Criminal Evidence Act 1999. These measures include live video links, video-recorded statements, screens around the witness box and assistance with communication, including the use of an Intermediary. The full list with an explanation is included in paragraphs 113-115 of Chapter 1.

**Specified cases**

The cases where victims are entitled to meet with CPS, which are: cases of child abuse; sexual offences; racially and religiously aggravated offences; offences with a homophobic or transphobic element; offences aggravated by hostility based on disability; and cases motivated by hostility based on age.

**Suspect**

Someone who the police believe may have committed the crime.

**Trial**

The court process that determines whether someone who is accused of a crime is guilty.

**UK Supreme Court**

The highest appeal court in the United Kingdom.

**Victim Contact Scheme**

A statutory scheme, offered by the National Probation Service to victims of offenders who have committed a specified violent or sexual offence and have been sentenced to 12 months or longer in custody or been detained in a hospital for treatment. It enables victims to be informed of key developments in the offender's sentence, and to make representations on conditions to which the offender may be subject to on release.

**Victim Liaison Officer**

Victim Liaison Officers (VLOs) are probation staff who work with victims who are in the Victim Contact Scheme. VLOs keep victims informed about key stages or events in the offenders' sentence and ensure that victims' views and concerns are conveyed to the prison or Parole Board when release is being considered.

**Victim support services**

Organisations providing emotional and practical support services to victims of crime.

### **Witness Care Units**

Units which have been set up across England and Wales to provide information and support to victims and witnesses in cases progressing through the criminal justice system. Support and information will be tailored to the needs of the individual victim.

### **Witness Charter**

This sets out the help and support that a witness can expect to receive at every stage of the criminal justice process. Unlike the Victims' Code, the Witness Charter is not statutory.

### **Witness Statement**

A written or video account by a witness of the facts and details of a crime or an incident.

### **Working day**

A day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971. For the purposes of calculating time periods under this Code the first "working day" is the first day after the decision or event.

### **Youth Offending Team (YOT)**

A multi-agency team which works with young people between the ages of 10 and 17 who get into trouble with the law. YOTs are coordinated by a local authority and are overseen by the Youth Justice Board.



ISBN 978-1-4741-2539-0



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