

2019-2021

# Victims & Witnesses

A NATIONAL STRATEGY



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# INTRODUCTION

Most people join policing, to serve the public and make a difference. The level of service we provide to victims and witnesses from first point of contact right through to resolution – whatever that may be – fulfils this fundamental premise for many of us.

The initial contact a victim or witness has with the police, may be their only experience of the criminal justice system; in contrast, it could be the starting point of a lengthy journey for a victim, involving multiple statutory and non-statutory agencies.

Whatever the next steps, it is crucial to get it right from the start. First impressions count and are not easily changed and a victim's overall experience of the criminal justice system may well be shaped by police contact determining the likelihood of them engaging with the system in the future. We cannot, however, shoulder the responsibility for confidence in the criminal justice system alone and we should ensure our roles and responsibilities are clear.

The nature of crime is evolving with new crime types, such as 'upskirting' emerging and others, such as controlling and coercive behaviour gaining recognition. Knowledge of high profile cases has given victims and witnesses the confidence to come forward to report their own experiences. Policing is

adapting, with greater focus placed on harm caused and a person's vulnerability. We recognise victims are individuals with differing needs and expectations.

We must therefore ensure victims are referred to appropriate support services from the outset, to enable them to receive the emotional and practical support required to assist in their cope and recovery. Where criminal cases progress to charge, we will work closely with our criminal justice partners the Crown Prosecution Service (CPS), Her Majesty's Court and Tribunal Service (HMCTS) and the Witness Service to ensure victims and witnesses receive the support required to remain engaged in the criminal justice process whilst acknowledging our role as evidence gatherers and impartial investigators. Collectively, we will strive towards fair justice whilst treating victims and witnesses with dignity and respect.

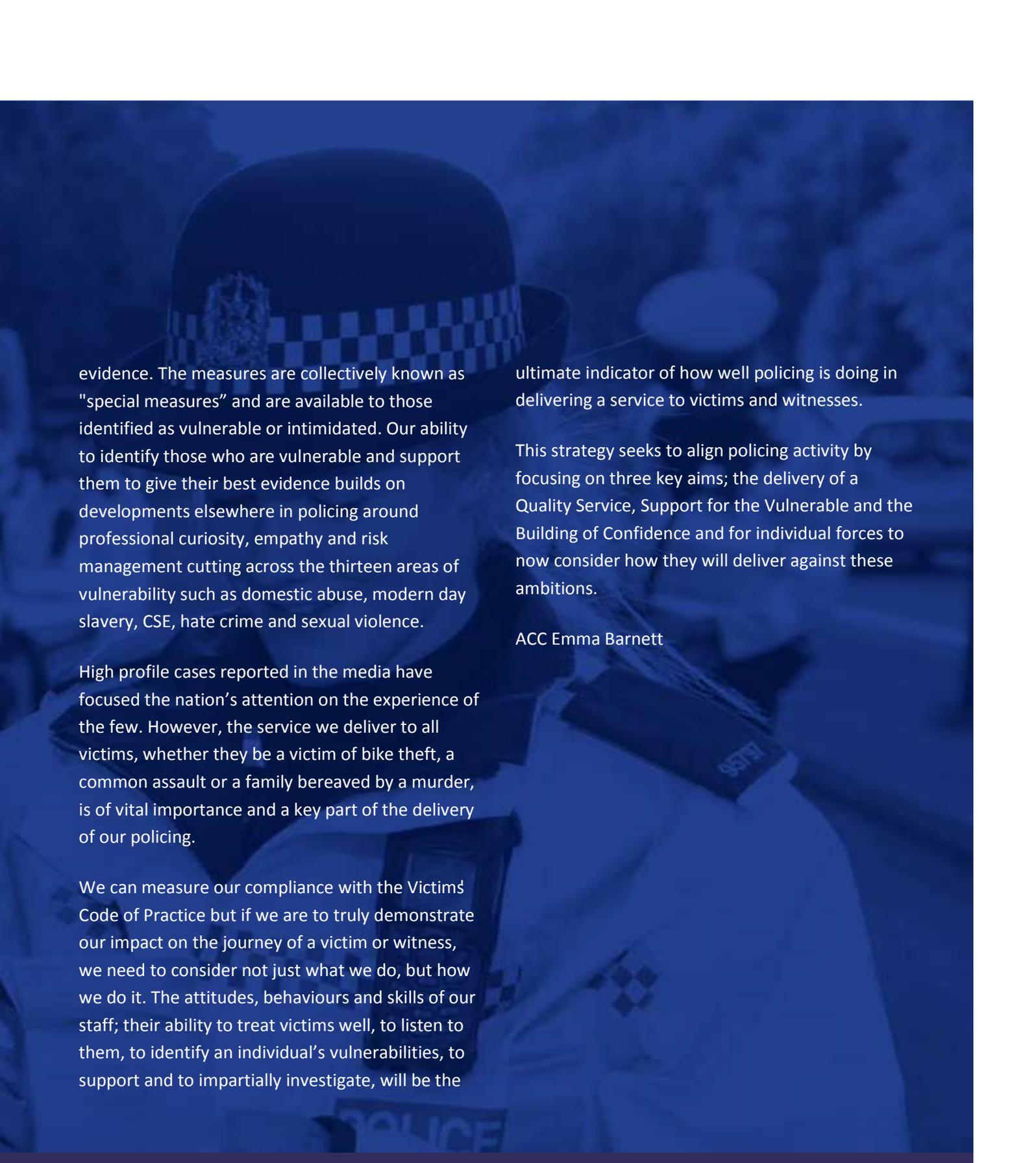
For victims and witnesses who, due to the nature of the crime they have experienced, or their personal circumstances, are more likely to require additional support, the Youth Justice and Criminal Evidence Act 1999 introduced a range of measures that can be used to facilitate the gathering and giving of





## **ACC Emma Barnett**

NPCC Portfolio Lead for Victims & Witnesses



evidence. The measures are collectively known as "special measures" and are available to those identified as vulnerable or intimidated. Our ability to identify those who are vulnerable and support them to give their best evidence builds on developments elsewhere in policing around professional curiosity, empathy and risk management cutting across the thirteen areas of vulnerability such as domestic abuse, modern day slavery, CSE, hate crime and sexual violence.

High profile cases reported in the media have focused the nation's attention on the experience of the few. However, the service we deliver to all victims, whether they be a victim of bike theft, a common assault or a family bereaved by a murder, is of vital importance and a key part of the delivery of our policing.

We can measure our compliance with the Victims Code of Practice but if we are to truly demonstrate our impact on the journey of a victim or witness, we need to consider not just what we do, but how we do it. The attitudes, behaviours and skills of our staff; their ability to treat victims well, to listen to them, to identify an individual's vulnerabilities, to support and to impartially investigate, will be the

ultimate indicator of how well policing is doing in delivering a service to victims and witnesses.

This strategy seeks to align policing activity by focusing on three key aims; the delivery of a Quality Service, Support for the Vulnerable and the Building of Confidence and for individual forces to now consider how they will deliver against these ambitions.

ACC Emma Barnett

## CONTEXT

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### **The Victims Code of Practice**

The Code of Practice for Victims of Crime 2015 (the Victims' Code) and the Witness Charter 2013 set out the minimum level of service victims and witnesses can expect to receive from agencies within the criminal justice system. They provide forces with the framework

or minimum standards to deliver. The Victims' Code is due for review with a number of key entitlements being identified.

## **The Victims' Commissioner**

Greater advocacy for victims has been achieved with the appointment of a Victims Commissioner – a statutory position giving victims a greater public voice over the support and services they receive. A key function of the role is the regular review the Victims' Code and research and reviews conducted by the Victims Commissioner office have simultaneously exposed gaps in service as well as highlighted effective practice across the victim's journey. Recommendations from her reviews have included improvements on the use of registered intermediaries, the taking of Victims Personal Statements and the accessibility of compensation.

## **Governments Victims Strategy**

In September 2018 the Government published their cross departmental Victims' Strategy<sup>1</sup> setting out a criminal justice system response to improving the support offered to victims of crime. The Government committed to a review of the Victims' Code to ensure the entitlements victims receive, are the right ones. There will be an increased focus on compliance with local accountability via Police and Crime Commissioners. In addition, the government has pledged to consult on the detail of a Victims' Law. Policing has a number of commitments within this strategy.

## **Non-recent victims and the Independent Inquiry Child Sexual Abuse (IICSA)**

Non-recent abuse victims coming forward and the IICSA have highlighted the poor service some victims experienced in the past and the challenges of seeking effective justice, years later. High profile cases of nonrecent offending have given other victims confidence to come forward, whilst also creating doubts as to whether they will be believed and concerns over how they will be treated by the criminal justice system. This commentary has increased the spotlight on how we interact with victims, from language used to our attitudes and behaviours,

recognising the significant shift in policing culture and approach over recent years. Striking the right balance with our role as impartial investigators whilst dealing empathetically with victims is vital and not mutually exclusive.

## **Criminal Justice system**

The criminal justice system has faced many challenges over recent years, in particular, reduced funding and high profile failures in justice. Policing and criminal justice partners have been endeavouring to deliver a quality service with less, yet still within a fragmented way. Differing objectives, structures and pressures can lead to isolated decision-making and challenges to effective collaborative working. At all times it has to be remembered that whilst victims and witnesses are a key part of the criminal justice system, they are only part, and all our actions must be in the pursuit of fair justice.

## **Current Position**

Our collective ability to demonstrate compliance with the Victims' Code is challenging with inconsistent measurement and evaluation across the country, compounded by differing IT systems and ways of working. The quality of service provided to victims and witnesses has been measured in most force areas through traditional satisfaction surveys. The relaxing of the mandatory requirements through the Annual Data Return by the Home Office has given forces the opportunity to re-evaluate how they measure satisfaction, to move away from traditional surveys and to find out what matters to victims and the public they serve in a more meaningful way.

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<sup>1</sup> Victims Strategy – Published 10th September 2018

# VISION

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The vision of the NPCC Strategy for Victims & Witnesses is:



To support Victims and Witnesses through the Criminal Justice process from first point of contact, ensuring Victims and Witnesses receive a consistent, good quality service.

# PRINCIPLES

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1. We will strive to deliver justice that is fair to all
2. We will focus on both victims and witnesses
3. We will recognise victims as individuals with individual needs, expectations and behaviour
4. We will recognise this is part of everyday policing, the reason we join and that it is everyone's responsibility
5. We will remember the impact of our service on victims' ability to recover and cope
6. We will focus on staff behaviour, attitudes and leadership rather than words
7. We will focus on victims and witnesses from first point of contact to resolution whether court or out of court
8. We will simplify, streamline and standardise the process
9. We will work to a set of minimum standards allowing for local flexibility
10. We will focus on quality not just compliance
11. We must work collaboratively alongside CJ agencies with the victim at the heart of decision making
12. We will adopt a cross NPCC portfolio approach
13. We will seek to harness all opportunities with emerging technology and communication methods
14. We will use victims' experiences to inform our approach across criminal justice

# AIMS

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## 1

Deliver a consistent, good quality service to Victims and Witnesses.

We know the service we deliver to victims can vary within forces and across policing but by focusing on the key entitlements under the Victims' Code of Practice we can meet the needs of victims and deliver a good service. Officers and staff need to be able to demonstrate that they have delivered the entitlements from the Victims' Code of Practice as we know that these can have the biggest impact on victims and their satisfaction.

- > We will deliver on the key entitlements under the Victims' Code of Practice:
  - Referring to support services
  - Keeping victims and witnesses informed about the progress of their case
  - Offering a Victims Personal Statement
  - Referring to Probation Victim Contact Scheme
- > We will demonstrate compliance and quality of service
- > We will inform victims of their right to seek compensation in appropriate/qualifying cases
- > We will support victims and witnesses through the criminal justice system including out of court resolutions, signposting to support services as needed
- > We will work with CJ partners to redesign the victim and witness journey post charge, to clarify roles and responsibilities and introduce minimum

# 3

- > We will identify vulnerability at the earliest standards opportunity and ensure right support is offered

## Support vulnerable victims and witnesses through the Criminal Justice System.

Those who are vulnerable should be supported as they navigate the criminal justice system. Early identification of vulnerability and the needs assessment of a victim or witness can go a long way to ensuring they receive the right support. This includes how we interview and obtain evidence from victims through to the range of special measures that may be available. Officers and staff need to ensure they are aware of what support is available to those who need it.

- > We will raise awareness of special measures and ensure requests are made where required

standards

- > We will support the use of registered intermediaries where

- > We will abide by the Code of Ethics, treating victims with dignity and respect, empathising and listening to them

## Build the confidence of victims and witnesses to report and remain engaged with the Criminal Justice process

Victims and witnesses should feel confident to come forward and report crimes regardless of when the incident occurred. Attending a police station or picking up the phone to the police, can be a traumatic proposition for a victim which may be due to previous poor experiences or perceptions of how they will be treated. It is therefore imperative that we deal with victims in line with the Code of Ethics, creating the right environment for reports to be made, building trust and confidence in policing whilst allowing us to maintain our role of the impartial investigator.

appropriate

- > We will focus on the quality of the service provided

- > We will ensure staff are equipped, trained and skilled to Achieve Best Evidence

- > We will focus on staff having the right behaviours and attitudes

- > We will support the roll-out and introduction of the remaining Special Measure (s28 – pre-trial cross examination by video)

- > We will support vulnerable victims and witnesses by referring or signposting them to specialist support services

- > We will work with CJ partners to redesign the victim and witness journey post charge, to clarify roles and responsibilities and introduce minimum

> We will use victims' experiences to shape our service delivery

> We will ensure the training and learning available to staff concerning victim care and support is fit for purpose

> We will work with CJ partners to redesign the victim and witness journey post charge, to clarify roles and responsibilities and introduce minimum standards

> We will work to understand the reasons for attrition within the criminal justice process

## ENABLERS

1.

Our staff to have the right skills, attitudes, leadership and behaviours

- working with the College of Policing to review victims and witnesses' training products
- the creation of new learning standards
- having a focus on values and quality of service



- using the CJ Maturity Model, inspections and reviews to drive improvements in service quality

2.

Across policing, to take opportunities to harness developments in technology and communication methods

- to give victims more choice with preferred communication more appropriate for their needs
- to test and trial new ways of working
- to increase digitalisation of contact

3.

To work collaboratively across criminal justice

- within NPCC CJ Committee to influence and understand the impact of other criminal justice developments on victims, such as bail/RUI, consent and disclosure
- across NPCC portfolios consider the experience and impact on victims of specific crime types or with specific vulnerabilities
- across criminal justice agencies and support services to streamline and simplify the victim and witness journey and create clarity of roles and responsibilities
- to influence the policing impact of changes made elsewhere within the criminal justice process with a focus on the victim in decision making
- working with partners, statutory and non-statutory, to support victims and witnesses to give their evidence

## KEY ACTIVITIES 2019-2020

This strategy is designed to provide a framework for forces to develop their approaches to victims and witnesses as part of service delivery whilst providing opportunity to address commitments under the government's victims' strategy and recommendations from reviews of service.

Our priority should be the delivery of key entitlements under the Victims' Code and the raising of staff awareness of special measures and support for those victims and witnesses who need it through the criminal justice system.

The below list highlights key activities in the forthcoming year – those in bold being the priority.

- Review of the Victims Code of Practice | **MoJ led**
- Design of a compliance framework for key entitlements of the Victims Code | **MoJ led/APCC**
- Delivery of key entitlements from the Victims Code | **All forces**
- Enhance the offer of a Victim Personal Statement | **All forces**
- Review of CICA and compensation orders | **MoJ led**
- New protocol and operating guidance for Criminal Injuries Compensation Claims | **NPCC/All forces**
- Redesign of witness care and the development of minimum standards | **NPCC with CPS, HMCTS & NPPS**
- Raising awareness and use of Special Measures and Registered Intermediaries | **NPCC/All forces**
- Rollout of s28 (pre-trial recorded cross examination) | **HMCTS led - force roll-out**
- Revision of Achieving Best Evidence guidance | **MoJ, NPCC, NCA**
- Design of new victim and witness learning standards and associated training products | **College of Policing**
- Developing the use of the CJ Maturity Model for Victims and Witnesses | **NPCC/All forces**
- Review of Police Victims Right to Review Scheme | **NPCC**

# KEY STAKEHOLDERS

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- Ministry of Justice
- Crown Prosecution Service
- Her Majesty's Courts and Tribunal Service
- Probation
- Judiciary
- Criminal Injuries Compensation Authority
  
- Home Office
- Association of Police & Crime Commissioners (APCC)
- Her Majesty's Inspectorate of Constabulary and Fire & Rescue Service (HMICFRS)
- College of Policing
- National Crime Agency (NCA)
- Victims Commissioner

## NPCC CJ Committee:

- Enforcement
- Courts
- Out of Court
- Performance
- Custody
- File quality

## Other NPCC Portfolio:

- Child abuse
- Domestic abuse
- Modern Slavery
- Investigations
- Hate Crime
- Sexual Violence/RASSO



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