



Agenda Item 6

## **VICTIMS & WITNESSES CHARTER**

This report has been prepared on behalf of the  
Warwickshire Police and Crime Commissioner.

It is for the information of the  
Warwickshire Police and Crime Panel  
22<sup>nd</sup> November 2018.

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### **1. Police and Crime Panel (PCC)**

The PCP have requested to scrutinise the impact of the Police and Crime Commissioner's (PCC) 'Victims and Witnesses Charter' that was launched in November 2017, specifically the impact that the Charter has had in Warwickshire and how this is being monitored. It also presents an opportunity to look at the progress with victims and witnesses services generally to ensure the actions agreed following the review in 2015 are producing the desired outcomes.

### **2. Victims and Witnesses Charter**

One of the key objectives of the PCC's Police and Crime Plan 2016-2020 is putting victims and survivors first. A charter for victims and witnesses was consequently a key pledge the PCC made during his election and the OPCC has subsequently worked closely with Warwickshire Police and the other agencies involved in delivering justice to make it a reality. The PCC has stated that he is determined that it should help to make another genuine step forward in improving victim satisfaction.

The charter consists of nine key expectations that set out the standards of service communities should receive from the police and criminal justice agencies in the county if they fall victim to, or witness, a crime. It seeks to give victims and witnesses a voice and ensure that the needs of the most vulnerable and intimidated will be recognised and understood. It also provides a means for the public to hold the PCC, the police and the other justice partners to account to make sure the standards are being delivered.

### **3. Impact**

On Friday 3<sup>rd</sup> November 2017 the Charter was launched by Baroness Helen Newlove, the 'Victim's Commissioner', at a partnership ceremony held at Leek Wootton. Since then the Charter has been at the organisational cultural core of the OPCC and has been repeatedly referenced when dealing with victim and witness issues with other criminal justice agencies, including Warwickshire Police. The focus has been to further embed the vision of putting the needs of victims and witnesses at the heart of the criminal justice system. The Warwickshire Charter has been used as a beacon to display the PCC's intent on these matters to other agencies. It has also reassured Warwickshire victims and witnesses, especially those who come into direct contact with the OPCC.

It should be said that there is not a neat performance framework that sits around the Warwickshire Charter that captures data and translates into easily defined measures of success or failure. Measuring victim and witness issues is complex and requires professional judgement

and interpretation across the criminal justice board. Some of the issues are challenging in terms of the availability of data, where historically HM Government has not required criminal justice agencies to measure such performance. Establishing the compliance measures for the Code of Practice for Victims of Crime 2015 is a typical example and remains unresolved to date. Likewise, agencies have never been required to report against the Ministry of Justice Witness Charter 2013. Bespoke criminal justice victim and witness reporting systems have therefore not been fully developed to date. That said there are some sources of both quantitative and qualitative data available to the Warwickshire OPCC that enables valid professional judgement to be made on the impact the Charter has had in Warwickshire. The following narrative deals with the nine areas that the Warwickshire Charter seeks to influence: -

**1. 'A victim or witness can expect to be given useful, informative and timely communication...'**

There are numerous positive developments to report upon here. Mr Christopher Lewis, as the OPCC lead for victims and witnesses, has developed a strong working relationship with Warwickshire Police on these matters. In particular, the new Warwickshire Policing Model has a 'Harm Hub' component containing a 'Victim Management Unit' (VMU). The main aim of the VMU is to work with repeat victims of crime and disorder to reduce their chances of repeat victimisation.

The OPCC has an excellent relationship with the leadership of the VMU and the importance of the Charter and the need for effective communication has been pressed home. It is reassuring the force has given a lot of time to explaining to staff the need to establish good communication with victims and witnesses. The creation of aide memoires for officers and staff, the use of screen savers on computers reinforcing the message together with posters in police stations is evidence of this commitment to effective communication. This whole approach was also robustly endorsed during the Chief Constable's Leadership Seminars held earlier this year for all staff.

In a wider perspective Victim Support, who provide contracted support services to victims in Warwickshire for the PCC, are very alert and attentive to their communication style and plans and there is no doubt effective empathetic communication sits at the core of their organisational culture. The following quote from a recent Victim Support performance report is not atypical of the quality of support provided by the organisation,

*"Fantastic, more than 100% happy with the support. To be perfectly honest I don't think I would have been able to carry on without you, thank you so much".*

As a result of regular engagement by the PCC and the OPCC on victim and witness issues with criminal justice partners they are also acutely aware of the need for quality communication

relating to the progression of the crime investigation particularly in a post charge context. These partners include: -

- Crown prosecution Service (CPS)
- HM Courts and Tribunal Service (HMCTS)
- National Probation Service (NPS)
- Community Rehabilitation Company (CRC)

On the 6<sup>th</sup> November 2018 a workshop with criminal justice partners was held, examining all aspects of communication with victims and witnesses to establish what further improvements can be made. An action plan is now in development to drive forward the areas identified for service improvement.

***2. 'Victims of crime are offered appropriate support to help them cope and recover...'***

The PCC continues to fund support services for victims of crime to enable cope and recovery processes to be offered. The main area of investment relates to the general support services contract currently held by Victim Support. However, the PCC also significantly invests in specialist areas allowing support to be offered to victims of domestic abuse, sexual abuse and violence and child sexual exploitation.

In terms of the Victim Support contract which attracts an annual investment of £461k from the PCC, Victim Support deal annually with approximately 12,000 victim of crime referrals. Cope and recovery support maybe achieved in a simple supportive short term series of contacts. In depth, extensive and longer term support can also be provided. Typically to ensure good cope and recovery outcomes Victim Support will offer support across a range of services relating to advocacy, information provision, emotional support, home and personal security advice and signposting to other agencies. Since the PCC has led the Victim Support contract and also invested in other victim support areas, more help and assistance has been offered to more victims of crime than was ever previously achieved.

***3. 'All victims of crime are given the opportunity to make a victim personal statement or business impact statement...'***

The Warwickshire Victim and Witness Forum (VWF) chaired by Mr Chris Lewis from the OPCC has recently undertaken a strengths, weaknesses, opportunities and threats (SWOT) assessment on Victim Personal statements (VPS) and Business Impact statements (BIS).

In broad terms it is felt the culture of offering and taking VPS is good in Warwickshire. However, this probably can't be said for BIS. The actual statistical monitoring of VPS and BIS take-up is complex and requires further pan agency work. Feedback from HHJ Lockhart QC (resident

Warwick Crown Court senior presiding judge) is however very supportive and the courts very much value the use of VPS in respect of understanding the impact of the crime and it also assists in determining appropriate sentences.

VPS and BIS will be very much kept under scrutiny by the VWF and the detailed findings of the SWOT will be converted into an action plan for the VWF in 2019.

**4. *'The needs of the most vulnerable and intimidated...will be recognised and understood...'***

Recognising vulnerability as early as possible is a priority across the whole criminal justice sector and is constantly reinforced by the work of the PCC and the influence brought to bear in the Victim and Witness Forum and the Strategic Criminal Justice Board.

The development of the Warwickshire Police VMU is a prime example of local policing wanting to achieve the organisational aspiration of 'being great at protecting the most vulnerable'. Victim Support are also very alive to this mission statement and constantly assess and scrutinise their referrals for vulnerability factors and markers. Likewise, the alliance Witness Care Unit, who have responsibility for the progression of prosecution files in close liaison with the CPS and HMCTS, are also very alert to identifying vulnerability and providing bespoke support. Those who support vulnerable victims and witnesses are absolutely committed to offering the right enhanced services. In addition, liaison is good between the criminal justice agencies, but there is no room for complacency.

Identifying vulnerability is reliant on accurate and comprehensive victim and witness personal data. With the advent of Athena this aspect has been challenging as it has been found that such data quality has not always been good enough. This performance issue will remain under tight scrutiny by the PCC and VWF.

**5. *'Victims and witnesses will be offered appropriate care and support...'***

Another feature of the VWF 2018 work programme is an assessment of vulnerability and the use of special measures in Warwickshire. The work has direct correlation with this particular aim of the Charter. Where vulnerability or special needs have been identified it is imperative that police officers make victims and witnesses aware of the availability of special measures that can be offered in trials upon application to the respective court. The use of screens, live link and pre-recorded evidence are a few examples from the complete suite of special measures that are available for the court's consideration.

It is also essential that such individuals are also offered support from the court based witness service delivered by Citizen's Advice (CAWS) on behalf of the Ministry Of Justice. CAWS do excellent work in Warwickshire and maximise the use of the bespoke facilities available for

vulnerable and intimidated witnesses at Leamington and Nuneaton. On the 3<sup>rd</sup> November 2017, Baroness Newlove visited the Warwickshire Justice Centre at Royal Leamington Spa and was very impressed and encouraged by the modern facilities in regular use.

In order to maximise the quality of witness evidence CAWS also provide pre-trial visits in both crown and magistrates courts. Typically, CAWS will support about 300 witnesses in Warwickshire courts per quarter, where approximately half will be viewed as either vulnerable or intimidated and about a third will take up pre-trial visits. In excess of 80% of these witnesses are highly satisfied with the service, resulting in over 90% prepared to give evidence again in court.

**6. *'Support for any victim or witness does not end at court'***

It is a common theme that all victim support services the PCC supports are not time limited. Support ends when the client is personally ready to leave the support programme after extensive and sensitive self-assessment assisted by the case worker.

At the time of writing there are no statistics available to give a sense of actual post court support demand. This will be further explored. However, as a measure of support services professional commitment it is not untypical for support to last easily over a year and quite likely extending into two years or more for complex cases such as historical sexual violence. A case that Victim Support recently highlighted concerned a vulnerable youth who was seriously assaulted and assistance is now extending into its second year because of complexities around the case. Support will always be tailored to the needs of the client.

**7. *'Victims of crime are offered restorative justice...'***

Victim Support coordinate and offer, when appropriate, Restorative Justice (RJ) opportunities to victims of crime in Warwickshire. They work closely with other key partners who also have key interests in developing restorative opportunities. Typically this would include Warwickshire Police, Warwickshire Youth Justice Service, National Offender Management Service (NOMS), NPS and CRS.

Typically, Victim Support work with about 20 appropriate referrals per quarter. Setting up RJ cases can be complex and detailed pieces of work due to ensuring the needs of both victim and offender are understood and professionally and safely managed. RJ will never be a high output quick turnaround transactional mechanism. It is an investment in a evidence led belief that professionally delivered restorative processes will deliver long term positive change in offender behaviour, coupled with giving victims the opportunity to seek a form of closure around their crime. For some it is a profound and life changing experience.

The offer of RJ in Warwickshire has been dynamic and innovative. Victim Support have highlighted a recent case where a young female victim who was groomed on-line and subsequently raped in Warwickshire has recently met her attacker for an RJ conference. It has taken over 12 months to arrange. The offender is serving a substantial custodial sentence. However, such was the success of the meeting that the young woman is now able to start rebuilding her life successfully. The qualitative benefit of that experience for her is immeasurable. Victim Support was recently awarded the Restorative Justice Council Quality Assurance Award for their RJ work in Warwickshire and West Mercia.

**8. *'When victims seek financial compensation from the CICA, effective support is provided by agencies...'***

Without doubt, effective support is provided when agencies are supporting victims and a CICA claim is relevant. A CICA claim is notoriously difficult and challenging for many seeking a claim. The process requires particularly well informed and consistent support, otherwise the process can be very off putting for victims acting alone. In the main, the scope of the CICA has been reduced in relatively recent years; put simply there is less money available for compensation and the type of offences suitable for basing a claim on have also reduced. Overriding this is a detailed application process. That said, Victim Support have knowledge and expertise in this area and have a good track record of assisting victim claims. They are also an influential national lobby group on this matter.

A very recent Warwickshire case relates to a CICA award of over £16,000 to a child victim of very serious sexual abuse. Victim Support provided valuable assistance to the victim and family during the process.

On a note of caution, insufficient numbers of police officers and staff have adequate knowledge of the current CICA process. This results, at times, in mixed and confusing compensation messages being relayed to victims. This issue is being further explored to scope out the scale of the issue and determine what corrective measures need to be taken.

**9. *'Victims and witnesses have a voice'***

All criminal justice (CJ) agencies have complaints processes. However, in general there is very little official sharing of complaint data between the agencies and of specific complaints relating to victim and witness issues. Complaints processes are not proactively marketed by CJ organisations or understood by victims and witnesses.

There are however some positive developments, for example the VWF operates an 'Issues Log' that identifies adverse matters in relation to trials where there have been difficulties for victims

and witnesses. Whilst the majority of trials go ahead without incident, where there have been problematic issues then CAWS identifies the salient points and records them on the log. The issues are then debated and considered as an official agenda item at the bi-monthly VWF. This mechanism has been very useful in identifying a range of issues, prompting robust debate between the CJ partners. The chair of the VWF then either escalates the issue to the Warwickshire Criminal Justice Board or seeks direct remedial action from the most relevant CJ partner. All of this action is conducted in the interest of victims and witnesses and serves to provide a voice on their behalf.

The most concerning issue at present relates to the Transforming Summary Justice (TSJ) agenda and the strict guidelines placed on magistrates courts significantly limiting the opportunity for adjournments to be requested by the CPS. Too often it seems the CPS have been harshly treated resulting in a case being dismissed or dropped and so victims and witnesses are denied justice. This matter has been escalated and is subject of ongoing dialogue between the CPS and HMCTS.

The PCC recently commissioned an independent consultant to undertake a Victims Needs Assessment (VNA) for Warwickshire. Part of this research comprised the extensive surveying of victims of crime in Warwickshire, providing these victims with a voice to shape future service delivery. Many views and much data was gathered as a result, to inform the publication of the first comprehensive and definitive VNA for the victims of crime in Warwickshire.

In essence, victims and witnesses said they want: -

- **Information and Communication.** Timely accurate information and effective methods of communication, both in delivering information and updates and listening to victim needs.
- **Procedural Justice.** Victims wanting fair treatment by the CJS, including knowledge of and access to judicial entitlements. This increases victims' perceptions of legitimacy and aids their compliance.
- **Multi-agency Working.** Co-located multi-agency partnership working across statutory and voluntary sectors.
- **Professionalised Services.** Particularly those that provide victims with a single individual advocate or case worker, to help them in their whole journey throughout the Criminal Justice System (CJS).

These principles are at the core of the new victim services being commissioned by the PCC from the 1<sup>st</sup> April 2019.

##### **5. Victim Services Task and Finish Group.**



In 2014/15 Mr Chris Lewis worked with the Victim Services Task and Finish Group, as appointed by the Police and Crime Panel. A report was produced containing 19 recommendations that were translated into an action plan. The action plan was last updated in November 2015 at which point 10 actions were completed.

A current review of the action plan for the purposes of this report would suggest that a number of the uncompleted actions / recommendations still have some relevance, whilst for some others the victim and witness landscape has changed resulting in their reduced importance. As an immediate future priority it may be prudent for Chris Lewis to update the action plan in order to reframe the recommendations in a 2018/19 context for the consideration of the Police and Crime Panel.

## **6. Summary**

It is the professional judgement of the Warwickshire PCC that the Warwickshire Victim and Witness Charter has good resonance across the criminal justice landscape in Warwickshire. As a result of PCC leadership and influence there has been positive progression against the nine core principles of the Charter.

The Warwickshire victim and witness agenda is vibrant and subject of constant attention much of which is steered by the PCC. Going forward the ethos of the Warwickshire Charter has to be consistently and effectively communicated to ensure its principles become totally secured in the 'DNA' of the Warwickshire criminal justice system and the agencies who support on a daily basis both victims and witnesses.

**Chris Lewis**

**Development and Policy Lead – Victim Services**

**Warwickshire OPCC**