


Getting it right

Reviewing and improving compliance
with the Victims' Code in Cumbria



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“They did assess me for special measures. We sat in a different bit of the court, we had a different door to go outside, different toilets to go to. There was no conflict or anything [with the offender].”

(Survivor of domestic abuse)

A photograph showing the back of a man with short brown hair wearing a grey t-shirt, looking out at a black and white dog on a sandy beach. The background is a blurred view of the ocean.

Introduction

Code of Practice for Victims of Crime

An estimated ten million people in England and Wales fall victim to crime every year, which represents one in five of the population.¹ While the majority of these crimes go unreported, last year 3.7 million victim based crimes were recorded by the police, including around 22,600 crimes in Cumbria.² Each victim that comes into contact with the criminal justice system (CJS) is entitled to a minimum level of service from each criminal justice agency including the police, the Crown Prosecution Service (CPS) and HM Courts and Tribunals Service (HMCTS).

This is set out in the statutory Code of Practice for Victims of Crime (Victims' Code), which establishes the rights and entitlements of victims of crime in England and Wales. It outlines in clear terms the service that they must receive from each criminal justice agency during their journey through the CJS. The Code was established by the Domestic Violence, Crime and Victims Act 2004 and came into effect in 2006. It has been revised a number of times and its most recent iteration came into force in October 2015 in order to comply with the EU Directive 2012/29/EU, which established minimum standards on the rights, support and protection of victims of crime across the European Union.

Key entitlements under the Victims' Code include the right to be kept informed about case progress; make a Victim Personal Statement (VPS) to explain the impact of the crime and have it read out in court, with permission; be referred to victim support services; apply for compensation; and apply for special measures in court for vulnerable, intimidated or

young victims. The Code aims to 'transform the criminal justice system by putting victims first, making the system more responsive and easier to navigate'. It states that 'victims of crime should be treated in a respectful, sensitive, tailored and professional manner without discrimination of any kind' and 'should receive appropriate support to help them, as far as possible, to cope and recover and be protected from re-victimisation'.

While the Victims' Code is statutory it is not legally enforceable and no single agency is responsible for monitoring its compliance. The Commissioner for Victims and Witnesses (Victims' Commissioner) does have within their remit a duty to 'keep under review the operation of the Code of practice', however, these reviews are piecemeal, looking only at select aspects of the Code and not the operation of the Code as a whole.³

Reviews looking at a national picture undertaken by the Victims' Commissioner have found that compliance with the Code is patchy, few victims are aware of their entitlements and 'victims are often left feeling confused, ignored and dismissed'.⁴ Recent research from Victim Support looking at compliance with victims' rights across England and Wales suggests that as many as six in ten victims are not receiving their entitlements under the Code.⁵ A national survey published by the CPS focusing on their own compliance found that a third of victims were not offered the chance to make a VPS, a key entitlement under the Code.⁶

It is clear that across the country criminal justice agencies are not always fully complying with their obligations. This can result in some victims not receiving the level of service from the CJS that they deserve to expect. Additionally, analysis of the Code has found a clear correlation between victim satisfaction and the number of entitlements received. The more the entitlements in the Code that are met, the higher victims rate their satisfaction with their experience.⁷ This suggests that agencies meeting their obligations under the Code is vital to driving up satisfaction rates and improving how victims and witnesses experience the CJS.

With no national monitoring or enforcement regime for the Victims' Code it falls upon criminal justice agencies to monitor their own compliance and ensure that they are meeting their obligations. As such, Safer Cumbria has developed the Quality Assessment Framework (QAF) to monitor how each criminal justice agency in Cumbria meets their responsibilities and to ensure continual improvement in levels of compliance.



Quality Assessment Framework

Safer Cumbria is committed to improving victims' and witnesses' experience of the CJS in the county. At the heart of this commitment is the Victims' Code QAF which has been developed with one clear goal in mind:

Victims and witnesses in Cumbria get the services, support and help they need from the criminal justice system.

The QAF sets out to measure compliance with the Victims' Code in Cumbria and to continually drive improvements in the way criminal justice agencies meet their obligations under the Code.

The framework sets out four priorities that have been identified as the most important areas for action, based on engagement with victims, witnesses and members of Safer Cumbria. These are:

1	2	3	4
Care and Respect	Enhanced Support	Communication and Information	Engagement and Collaboration
<ul style="list-style-type: none"> ■ Fair and respectful treatment for victims and witnesses ■ Victims and witnesses are appropriately cared for ■ More victims are able to be heard in the criminal justice process by the use of Victim Personal Statements (VPS). 	<ul style="list-style-type: none"> ■ Improved identification of, assessment of needs of and provision of support for those entitled to enhanced services ■ Enhanced advice to bereaved close relatives ■ Children's and young people's needs are respected in investigation. 	<ul style="list-style-type: none"> ■ Victims and witnesses are well informed in a timely manner ■ Better means of communication with victims and witnesses ■ Eased victims and witnesses access to information. 	<ul style="list-style-type: none"> ■ Improved information flow and referrals between agencies ■ Increased sharing of knowledge and expertise ■ Enlarged engagement and consultation with victims and witnesses.

It also provides four methods with a number of procedures tailored for each criminal justice agency to follow to evaluate and improve the support and information they provide for victims and witnesses, so that entitlements in the Victims' Code are met. These procedures also facilitate victims' and witnesses' ability to shape change through their experiences and feedback. These are:

A Monitoring and evaluation of compliance with the Code of Practice for Victims of Crime

- a. The self-assessment and rating system – A set of clear standards and robust measurements for entitlements. A simple rating system will be used to indicate status of performance: **Bronze** – Significant improvement required; **Silver** – Meeting standard; **Gold** – Exceeding standard. A bi-annual evaluation of performance followed by an annual detailed review to be published in a report.
 - b. Dip sampling of victims' and witnesses' journey through the CJS – Procedure for acute evaluation of a smaller number of cases from the reporting of the crime throughout the journey in the CJS. The assessment will be conducted externally on an annual basis and the results will be presented to Safer Cumbria and published in a report.
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B Learning from victims' and witnesses' experiences and views

- a. Service users' surveys – Focused on victims' and witnesses' experience and satisfaction with the information and support provided to them, to detect areas for improvement and changes over time. Surveys will be completed at multiple stages during the criminal justice process, which offers new possibilities for data analysis and reporting. Results will be reviewed quarterly and published in an annual report.
 - b. Regular qualitative data collection and consultations with victims and witnesses – Produces insight on situations and problems from the victims' and witnesses' experience. Centred on complex issues, sensitive matters and harder to reach groups. Appropriate methods, such as focus groups, consultations or interviews, will be chosen in accordance with the theme in question. The results will be published as part of the annual report.
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C Implementing collaborative working procedures

- a. Taskforces – Safer Cumbria will set up taskforces to address any issues or accomplish a specific purpose. These action-oriented 'task and finish' groups will bring together representatives from all organisations as well as victims and witnesses to deliver an action plan that achieves the desirable change. Safer Cumbria will be accountable to the taskforce in performance against its desired outcomes. Activities delivered by the taskforce will be captured in the annual report as well as results, where appropriate.
 - b. Regular knowledge and best practice sharing – Promote the sharing of knowledge and examples of what 'good' looks like. Case studies of good practice will be shared bi-annually with all other members at Safer Cumbria's meetings.
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D Ensuring continual improvement

The continuous monitoring and evaluation of progress is linked to strategic planning and identifying actions for improvements. Continual progress will be achieved through the involvement and accountability of key stakeholders from the criminal justice agencies and planned steps for progress. To this end, regular – quarterly and annually – deadlines are set for the reviewing and reporting of results, and planning and implementation actions for change.

With a clear, victim focused goal, the QAF aims to provide a number of benefits for victims and witnesses, including:

- Increased transparency in how criminal justice agencies in Cumbria are complying with the Victims' Code
- Feedback from experience is responded to in a more systematic way
- Improved treatment and access to support that meet victims' needs
- Higher likelihood of being able to give a VPS, if desired
- Increased identification and meeting of the needs of those entitled to enhanced support
- Better and more timely information provided by the criminal justice agencies and partners
- Enhanced collaboration between agencies
- Continuous monitoring and improvement embedded in system.

This report sets out the results and recommendations from the pilot of the QAF. The QAF is an ongoing effort and the results of the pilot will help inform future assessments as well as set a clear ratings system for Code compliance.

Methodology

This is the first report produced by Safer Cumbria using the QAF. It outlines key findings and recommendations on compliance, providing a benchmark for the future, and the audit process itself through piloting the approach. The audit consisted of three components: a self-assessment of Code compliance by each criminal justice agency; the dip sampling of 25 cases by an external agency; and qualitative data collection through in-depth interviews with victims and witnesses. The criminal justice agencies involved are the police, CPS, HMCTS, National Probation Service (NPS), the Witness Care Unit (WCU), Youth Offending Teams (YOT) and Restorative Justice (RJ) service providers. The audit looks at Code compliance solely in Cumbria by statutory agencies and the research only involved victims and witnesses who had experienced the CJS in the county.

The self-assessment system sets out the entitlements in the Code and the agency responsible for delivering them. Each agency self-assessed their performance against the specific entitlements attributed to them by first setting out how their performance was measured and second by providing the results of their compliance with the entitlement. The results have been analysed independently by Victim Support to indicate areas of good practice and areas that need improvement. As entitlements are being measured over time, progress can be tracked and evaluated.

The results from the pilot provide a benchmark for future assessments and have been used to set standards for each measure. The results from future audits will be assessed against these standards as either Bronze (significant improvement required), Silver (meeting standard) or Gold (exceeding standard).

The dip sampling involved an evaluation of a small number of cases from the first contact with the CJS throughout the victims' journey. The aim is to assess whether the correct processes and policies are being followed at each stage as well as the quality of working relationships and information sharing between agencies.

Twenty cases that involved a number of agencies were selected by Safer Cumbria for the dip sampling, as well as an additional five involving the Youth Offending Teams (YOT). The cases were created between July 2014 and June 2016 and were for a number of offences: six cases of assault, five cases of sexual offences, three cases of burglary, three cases involving death or injury through dangerous or inconsiderate driving, two cases of attempted murder and one case of murder. The selected cases were numbered to enable comparison across agencies and ensure the anonymity of the victims, witnesses and bereaved family members. The cases have been analysed by Victim Support to assess compliance with the Code and information sharing between agencies.

To gain as rich an understanding as possible into victims' and witnesses' experiences with the CJS the audit included qualitative data collection. Qualitative data was collected and analysed by Victim Support. The qualitative data collection took place from May 2017 to June 2017. It comprised ten in-depth interviews with current and former Victim Support service users of various crime types who had an experience with the CJS in Cumbria.

The qualitative data explored in detail victims' experiences of the criminal justice process, the impact this experience had on their lives and levels of compliance with the Victims' Code by criminal justice agencies.

Service user surveys have also been developed to capture quantitative data from victims and witnesses of various crime types on their experiences of and satisfaction with criminal justice agencies in Cumbria. The surveys were not used for this pilot but may be used for future audits as part of efforts to improve monitoring of compliance.

About Safer Cumbria

Safer Cumbria is a Partnership between *Criminal Justice, Community Safety, and Domestic and Sexual Abuse Strategic Leads*. It provides a mechanism to coordinate activities to deliver an effective and joined up community safety and justice system that meets the needs of victims and witnesses, and brings offenders to justice. The Safer Cumbria Delivery Board (SCDB) fulfils the function of the county strategic Community Safety Partnership and also functions as the CONTEST Board for the county of Cumbria.





Findings

1. Care and Respect

Aims:

- Victims and witnesses are treated with fairness, dignity, and respect during all phases of the criminal justice process
- Victims and witnesses are appropriately cared for to help them cope with the effects of crime and ease their experience at each stage
- More victims are able to be heard in the criminal justice process by the use of Victim Personal Statements (VPS).

The impact of crime can be profound on victims, their families and the wider community. Research suggests that crime has a negative effect on victims' emotional or psychological wellbeing as well as their sense of safety and security. Many find their health suffers as a result, or the crime leaves them in financial difficulties.⁸

All victims and witnesses deserve help to cope with the effects of crime as much as possible and to be treated with care and respect. Criminal justice agencies play a key role in their experience and access to support services. The opening paragraph of the Victims' Code states: 'Victims of crime should be treated in a respectful, sensitive, tailored and professional manner without discrimination of any kind.' This is crucial. Victims are entitled to nothing less. The crime can be improved or made worse by how the CJS responds to them.⁹

Twenty eight entitlements within the Victims' Code are identified as falling under the 'Care and Respect' priority area. These include subjects such as offering victims the chance to make a Victim Personal Statement, allowing victims to be accompanied by a person of their choice at interview and offering a needs assessment to those required to attend court. Two thirds of these were able to be measured through self-assessment.

Strong levels of compliance were found with a large number of these entitlements; 78% of those measured showed full compliance and a further 17% showed high compliance that just fell short of full. For example, 100% of victims were provided with a written acknowledgement of the crime and basic details of the offence, 99% of victims were payed expenses owed within the timetable set out in the Code and every victim participating in the Victim Contact Scheme was allocated a Victim Liaison Officer. Needs assessments were offered to victims required to attend court in all cases.

This is reflected in the testimony of victims who reported being treated fairly and with respect.

"They were very professional, very prompt. They were very caring, respectful and very mindful that I'd been injured. They were compassionate."

(Victim of violence)



One victim stated how being treated with care and respect made them feel comfortable with the criminal justice process, illustrating how important this is for victims.

“The police were excellent. They came out straight away, they were really understanding and they were really thoughtful. They answered all my questions; you know they were really understanding and listened. They were really helpful. I was a bit worried about my auntie at the time... and they said that they will look after her as well so they took [into consideration] everything I said... They made me feel at ease, that’s what was good about it.”

(Victim of assault and theft)

Some examples of good practice were also highlighted through dip sampling. One such case showed how the restorative justice worker involved had a ‘huge impact’ on the victim, preparing them for the RJ session and being alongside them at the meeting.

However, the research did show that, for some victims and witnesses, the level of care and respect fell short of what they deserved and expected.

“I found that really, really upsetting... I feel so hurt... I think how I’ve been treated by the police force that is, and I feel really let down... I feel very, very hurt, abused mentally... I feel let down.”

(Victim of fraud)

“Sometimes I felt like I knew that it was really upsetting me, it was really hurting me everything that was going on. But I felt like it wasn’t the most serious thing in the world [for the police].”

(Survivor of domestic abuse)

Those who felt they did not receive the level of care and respect they expected found that it impacted on them negatively, with one family member even worrying that poor treatment would result in the victim withdrawing from the criminal justice process altogether.

“It’s more like he [police officer] put fear in him before gaining his trust where needed. There was nothing, no reassurance at all. It was just like right you know you’ve come to the police and that. Are you not worried that it’s going to make a situation worst, being bullied they will probably bully you, it will get worse before it will get better? And I was thinking... don’t talk him out of it [reporting the crime].”

(Mother of a minor who was victim of bullying and violence)

The third key aim of this priority area is to enable more victims to be heard in the criminal justice process. A Victim Personal Statement (VPS) does just this; providing victims with the opportunity to explain the impact that the crime has had on them and their family, whether emotionally, physically, financially or in any other way. It gives victims a much needed voice in the CJS and will be taken into account at sentencing, as far as it is considered appropriate. It is a key entitlement in the Victims’ Code and one that research has found is rated highly by victims.¹⁰

The audit found that a third of victims are not offered the chance to make a VPS (63% compliance rate in the self-assessment). The dip sampling found that in two of 18 cases victims had not been offered the chance to make a VPS, which is a higher compliance rate



than the self-assessment, but still not universal. Fourteen of the sixteen victims (88%) who were offered the chance to make a VPS made one, suggesting that the opportunity to do so is valued by victims.

The victim interviews also highlighted some problems with the VPS with one attendee reporting that they had to insist on giving a VPS themselves:

“I was meant to give a VPS right at the start and I did eventually but at the start it wasn't getting done. I actually got in touch with them and told them that I want to do one... I got in touch with them, I rung them and said I do not know who is in charge of this case but it is coming to court. I want to do victim statement and then they came out and did it.”

(Survivor of domestic abuse)

Concerns were also raised with the manner in which the VPS was taken:

“When they did mine they said to me we can keep it short, we don't need to go into a lot of things, we can keep it brief. And that made me want to be quiet and not do it because I thought 'I've got so much I want to put down and he's telling me let's keep it short, we don't need to break one's teeth', those were his words. It just made me think 'what's the... point in doing it'. I don't think that was very good at all.”

(Survivor of domestic abuse)

However, an example of good practice when it came to the opportunity to give a VPS was also highlighted in the interviews:

“He [police officer] did really well with handling my VPS. He explained what will happen with it. That is how it is supposed to be.”

(Victim of assault and theft)

It is clear that effort has been made by criminal justice agencies to treat victims and witnesses with care and respect and the fact that eight in ten entitlements are at 100% compliance is promising. This provides a positive basis in ensuring victims and witnesses continue to receive the service they deserve. Nevertheless, findings suggest improvements need to be made around the opportunity to provide a VPS, with many victims not being offered the chance to have their say in the criminal justice process.

2. Enhanced Support

Aims:

- Improved identification of victims and witnesses who are entitled to enhanced services and support, more meticulous assessment of their needs and better provision of required support
- Enhanced advice is offered to bereaved close relatives through the criminal justice process
- The needs of children and young people are respected in any police investigation.

The Victims' Code sets out enhanced entitlements for those victims who are 'more likely to require enhanced support and services through the criminal justice process' due to the nature of the crime they have suffered or because of their particular vulnerabilities. Those eligible are victims of the most serious crimes (including domestic abuse, hate crime, sexual offences and terrorism); persistently targeted victims (such as victims of a sustained campaign of harassment or stalking); and vulnerable or intimidated victims (victims under-18 or victims with a mental or physical disability).¹ Research shows that these victims, particularly vulnerable victims, require services that go beyond the general framework of victim care and should be more extensive and long term.¹¹

Ten entitlements in the Victims' Code represent the enhanced support priority area, which is the lowest number of entitlements in the framework's four areas. These cover areas including conducting a needs assessment, informing relevant victims that pre-trial therapy is available and offering to meet bereaved close relatives in certain cases.

Four of these were not able to be measured, but two thirds of entitlements that were showed 100% compliance, including the entitlements involving contact with bereaved close relatives. An enhanced service was offered to bereaved close relatives in all cases. This included offering to meet the bereaved before court; where the offender had been convicted; where there was an acquittal; and following a sentencing hearing.

The results of the qualitative research were also largely positive, with many victims eligible for enhanced support feeling they received the required service and advice.

"I feel as if my personal needs were assessed and taken into consideration, they were."
(Victim of hate crime)

"I've got a letter from CPS saying the date of the trial and did I want any special measures and that sort of things, contact them if I had any problems, about witness protection and all that stuff."
(Victim of assault and theft)

"They did assess me for special measures. We sat in a different bit of the court, we had different door to go outside, different toilets to go to. There was no conflict or anything [with the offender]."
(Survivor of domestic abuse)

ⁱ Comprehensive details of the victims covered by the three enhanced entitlements can be found on page 14 of the Code of Practice for Victims of Crime.

The victims who reported good practice emphasised how it had improved their experience of the CJS and made them feel safer and more comfortable.

“We did have a pre-trial visit. We knew kind of then [after the pre-trial visit] what it [court] looked like, what to expect. It put our mind at ease. She mentioned the video link and screen and when we went before the actual day she showed us what it will look like, how it will be. She explained who would see me behind the screen. That was good to know.”

(Survivor of domestic abuse)

“When I was there [in court] I felt really protected, I felt safe because obviously if it wasn't for them [special measures] I wouldn't feel safe because I would've been in the same room or waiting room with [the offender's] family. They put us to ease really. We were having conversations not just about what's going to happen on that day, [but] about all different random staff which took our mind off it as well.”

(Survivor of domestic abuse)

However some issues were flagged in the self-assessment and dip sampling. The majority of cases within the dip sampling did not identify that a needs assessment had been conducted. The self-assessment also flagged that the entitlement 'When children or young people are involved discuss and agree with the victim, or their parents or guardians how often they will receive updates on the case' was only met in half of cases. Crime against children and young people is significantly underreported and it is vital that those who do come forward are provided with timely information and updates throughout the progression of their case.

In the qualitative research one parent also raised concerns that their child did not receive enhanced support.

“I felt that they [police] took him more as an adult.”

(Mother of a minor who was victim of bullying and violence)

Overall compliance in this area was fairly good. The self-assessment and dip sampling showing some positive results and many clear examples of good practice emerged from the victim interviews. This was often around the provision of special measures once victims had been identified. However, there is room for improvement around conducting a needs assessment, which is important in ensuring people do not fall through the net and with updates on cases involving children or young people.



3. Communication and Information

Aims:

- Victims and witnesses are fully informed in a timely manner about their rights, case and the legal proceedings
- Better means of communication with victims and witnesses ensuring information provided is clear and understandable
- Eased access to information for victims and witnesses.

For many victims, the criminal justice process can be confusing and complex. Therefore, timely information and communication is needed from agencies in order to navigate it. Previous studies with victims have found that being kept informed and updated about their case is one of the main actions they most want from the CJS.¹² Evidence also suggests that a lack of communication can give victims the perception that they are being neglected or not taken seriously and that this dissatisfaction can lead to them disengaging from the CJS altogether.¹³

For these reasons, communication and information has been highlighted by Safer Cumbria as a key area for action. Thirty five entitlements within the Victims' Code have been identified as relating to communication and information, placing obligations on all of the agencies involved in the QAF. The vast majority (three quarters) of the entitlements in this section were able to be measured through the self-assessment method.

On the whole, these were encouraging across the agencies with full compliance identified in 80% of entitlements. For instance, victims were notified of the time, date, location and outcome of any criminal court hearing within one working day of receiving this information from the court in 100% of cases evaluated. One of the first entitlements in the Victims' Code is to 'receive written information on what to expect from the criminal justice system'. On this, compliance is 100%, excluding cases such as domestic abuse where sending information may put the victim at risk.

The dip sampling also showed that on average victims were given updates about their case on seven different occasions during their journey through the CJS, with one victim receiving 18 updates over a three month period. It also found that victims were informed of prosecution decisions and about the suspect being arrested, interviewed, or released in all cases.

Many victims reported receiving an exemplary service and gave examples of good practice across the local criminal justice agencies.

"They [the police] have been very very supportive. They actually contacted me quite regularly with updates. The DC that is working on the case... she's been contacting me and keeping me updated and asking me if... there is any more support that I need. They were very, very good"

(Victim of domestic abuse, rape)



“They [the CPS] were really good. They were always ringing telling me what’s happening, what’s going to be next, what to expect on the day of court, that’s someone is going to be meeting us there [at court].”

(Survivor of domestic abuse)

“Experience with the police was very good. They dealt with it very well. I was informed and kept up to date with things. Everything was explained well. Most things were explained very well actually. ... Police gave me all the information ... I was satisfied with what the police have done.”

(Victim of violence)

Many of the victims who felt satisfied with the communication and information they received from agencies spoke of the positive impact that this had on their experience. A domestic abuse survivor said that the dialogue they had with agencies amounted to being told that “someone will always be there for you”. It is clear that regular, appropriate communication was valued very highly by those who felt that they had received it, as it helped them cope with the experience.

“They [police] were very respectful, they were polite. They weren’t rude. They listened. They were alright. I mean when I had to ring up and ask questions... because I didn’t understand something... they were very good, you know, they answered all my questions... They did really help me.”

(Survivor of domestic abuse)

However, the audit does also suggest that there are areas where compliance should be increased for the benefit of victims and witnesses. The self-assessment found this to be particularly true of keeping victims notified and informed about developments in their case. These obligations, covering advances such as the arrest of a suspect, the decision not to investigate and the release of a suspect on bail or without charge, were only complied with 70% of the time. These updates are of clear interest to the victim and with almost one in three not receiving this information in a timely manner, there is a clear remit to make improvements.

A number of victims interviewed also perceived the levels of communication and information they received from criminal justice agencies to have fallen short of what they expected and needed.

“It was a horrific experience. On top of the assault, on top of the going down and reporting it, the actual communication, the lack of communication, was so so bad. It is horrendous for someone trying to [get in] contact.”

(Survivor of domestic abuse)

“There was no respect from the police, no communication at all. It was really poor. They didn’t ring me and explain that the offender was questioned; there was no update, no feedback. When I left messages for the police officer they never got back to me. So, I ended up sending emails so I had proof that I had contacted them.”

(Mother of a minor who was victim of bullying and violence)

“I had to chase police for the updates, I had to phone them, no one [from the police] actually told me anything. I could have done with more regular updates... Just to be more informed.”

(Victim of assault and theft)

For some, the impact of poor or inadequate communication was profound. Lack of communication was found to not only leave the victim unsure as to the progress of their case, but can leave them despondent, unable to move on from the crime and even afraid.

“If you knew what was happening you could start putting it at the back of your mind and get on with your life. It’s impossible to move on because it’s in your thoughts every single day. You go to bed at night and you get up in the morning and you are thinking will I hear anything today. You think about it every day. You are getting mood swings and you start going into your shell. I just go very quiet, very solemn. It’s impossible to put it at the back of your mind.”

(Victim of violence)



Overall the levels of compliance in this key area were encouraging. Many victims spoke of communications and information being timely and supportive. However, it is also clear this is not the universal experience, with some victims not receiving the levels of communication and information that they deserve to expect in particular in reference to key case developments, which can cause negative effects on the victim including disengagement from the process and anxiety.



4. Engagement and Collaboration

Aims:

- Improved information flow and referrals between agencies and services
- Increased sharing of knowledge and expertise between agencies in general and around particular objectives
- Amplified engagement and consultation with victims and witnesses.

Engagement and collaboration between agencies is vital to making sure that victims get a seamless service through the CJS. Effective joint-working also ensures that victims and witnesses get the support they need through referrals to victims' services. This area includes responsibilities around engagement and consultation to enable victims' and witnesses' views to be heard.

The two main methods used for the audit in this area were the self-assessment and dip sampling. The dip sampling of cases allowed them to be examined as they passed from agency to agency, identifying where the process worked well as well as any gaps.

Many of the 21 entitlements from the Victims' Code relating to collaboration presented challenges in reporting results as part of the self-assessment method. Six in ten entitlements were not able to be quantified; however, it is understood that for some of these the obligation is automatically completed through computer software, such as sending updates to other agencies. All entitlements that were able to be measured showed extremely strong compliance rates of either 99% or 100%. The audit found that the NPS contacted all relevant victims to tell them of their entitlement to a Victim Summary Report in cases involving a serious further offence (SFO); that HMCTS informed the police or WCU of relevant developments within 24 hours in 99% of cases; and the police responded within 30 days to initial Criminal Injuries Compensation Authority (CICA) requests 100% of the time.

The dip sampling identified some good areas of cross-agency collaboration. The victim was referred onto support services post trial in 100% of cases and it was identified that the list of witnesses attending court was provided to the WCU by the CPS in all cases.

Information on the levels of engagement between criminal justice agencies were difficult to obtain through interviews with victims. Not only will many victims be unaware of how agencies communicate with each other about their case, but many struggle to fully grasp the complex CJS and the difference between the many agencies involved in their case. However, one victim did speak positively about how all the agencies worked together:

"They all talked to each other. They were good. They communicated with each other, and they did their various things. They were good."

(Survivor of domestic abuse)

Good practice was found around engagement with victims and witnesses. The Police and Crime Commissioner's Police and Crime Plan (2016–2020) includes a commitment to establishing 'a Victims' Consultation Group, where the members from across the county talk about their experience of the criminal justice system and give views on new proposals'.¹⁴

This group consists of a number of victims from the county who meet quarterly, with their experiences, information and comments feeding into Safer Cumbria's work.

The audit did also identify some areas for improvement. The dip sampling found that 50% of victims are not being referred to Victim Support. This is a particular cause for concern. Victims of crime can experience various short and long-term psychological effects, including stress, shock, uncertainty, fear, disempowerment, anxiety and anger.¹⁵ It is essential that all victims are referred on to support services so that they can get the emotional and practical help that they need to move beyond the crime.

It was also found that the VPS was not passed on to the CPS from the police in one in five cases (21%) where the victim had given one. This problem is particularly concerning given that the audit also found many victims are not being offered the chance to make a VPS. This entitlement was not able to be measured through the self-assessment, highlighting the importance of dip sampling in filling any gaps.

Additionally, the dip sampling flagged a case where the opportunity to take part in the Victim Contact Scheme (VCS) was missed as the case never came to the attention of the National Probation Service (NPS). The VCS is available to victims of violent and sexual offences where the offender has received a sentence of 12 months or more. It provides victims with information and updates about key stages of the offender's sentence, including their release, and therefore it is vital that victims are given the option to participate in the Scheme.

It is encouraging that a number of the entitlements in this section are at 100% compliance and that there are clear examples of good practice regarding agencies working together. However, to ensure that victims receive the service that they need and deserve it is essential that agencies work together seamlessly. Some gaps that need addressing have been identified, especially around the VPS and referral to support services.





Conclusions and next steps

The audit found that criminal justice agencies in Cumbria are meeting the majority of their obligations under the Victims' Code, with nine in ten entitlements measured showing compliance of between 90% and 100%. Two thirds of entitlements under the Code were able to be measured, with agencies investing time and effort into the process. A number of areas for improvement were also identified; specifically around the VPS, conducting a needs assessment, updates on the progress of cases and referral to support services.

Safer Cumbria is committed to ensuring continual improvement and this audit marks the beginning of this process and not the conclusion. A number of steps will be taken to meet the goal of ensuring that victims and witnesses in Cumbria get the services, support and help they need from the criminal justice system.

One of the means of doing this is through the introduction of the taskforce to take forward a jointly owned quality improvement action plan. The taskforce is a key component of the Quality Assessment Framework (QAF); it will comprise an action orientated group and offer activities to achieve desired change. Taskforces will run for a specific time period and each one will address a particular area or accomplish a particular purpose. Participants are expected to become advocates for the taskforce, which includes promoting the agreed actions and change in their organisation.



Following the results of the pilot audit, it was agreed by Safer Cumbria that the remit of the first taskforce should be on increasing monitoring and improving compliance. The group will focus on the one-third of entitlements unable to be measured for the pilot audit and develop solutions to increase the number of obligations monitored. It will also look at ways to improve on the levels of compliance identified in the pilot review. The vehicle for the taskforce will be the Cumbria Victim and Witness sub-group, which meets on a quarterly basis. Safer Cumbria will be accountable to the taskforce in performance against its desired outcomes.

The taskforce will be time-limited and future taskforces may wish to address more specific areas, for example the VPS, inter-agency co-operation or communication. Given that this audit has been a pilot process and this is the first established taskforce it is right to have a remit that is more general in focus. A charter will be agreed and written following the first meeting of the taskforce, which includes the purpose and objectives of the taskforce, its roles and responsibilities, a list of tasks and expected outcomes, and the overall project timeline.

Regular deadlines have also been set to ensure that systematic, ongoing improvements are made into how Safer Cumbria operates. The self-assessment system will be completed by all agencies biannually with performance results reported to Safer Cumbria twice a year for discussion. The dip sampling will be repeated annually with an external agency analysing the resulting information.

Throughout the year best practice will be shared through case studies. This will allow for the regular sharing of knowledge between agencies and two cases from different agencies will be presented bi-annually at meetings of Safer Cumbria.

Service user surveys will also be carried out to capture victims' and witnesses' perspective and feedback in relation to the Victims' Code. This will enable victims' and witnesses' voices to be heard in the process and ensure that agencies are able to learn from their experiences and views.

Finally, the audit will be repeated annually. The next review is expected in spring/summer 2018. This will examine the full self-assessment results; the dip sampling; the full annual results of the service user survey; qualitative data collection and consultations; and the outputs of the taskforce. Areas for improvement will be highlighted and the remit of future taskforces agreed. Safer Cumbria will then publish the review, outcomes and recommendations in an annual report.

While similar in nature to the pilot review, next year's audit will have built upon the experiences and learnings of its first audit. It will have had the benefit of a taskforce focusing on monitoring and compliance between this audit and the next. In addition, criminal justice agencies will have a year to focus on the good practice and any shortcomings identified. Next year's review will also include service user surveys, not included in the pilot audit, to paint a richer picture of victim and witness experience. The 2018 review will also have the results of the bronze, silver, gold rating system.



This pilot audit has established a set of standards for each entitlement against which agencies can measure performance and any progress made over time. These are:

Bronze – significant improvement required;

Silver – meeting standard; and

Gold – exceeding standard.

The results of these standards and any advances made will form part of the next annual review.

It is important not to lose sight of the good practice identified and the fact that the majority of obligations under the Victims' Code are being fully met by agencies in Safer Cumbria. Overall the results of the audit were encouraging, demonstrating that many victims and witnesses receive a satisfactory service from the CJS in Cumbria. Where agencies have fallen short, steps will be taken to improve compliance with the Victims' Code and a taskforce is being established with the specific aim of achieving this purpose. By building on good practice, tackling the issues identified and ensuring continual improvement, Safer Cumbria can make a real positive difference to victims' and witnesses' experience and truly put them at the heart of the criminal justice system.



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"They [police] were very respectful, they were polite. They weren't rude. They listened. They were alright. I mean when I had to ring up and ask questions... because I didn't understand something... they were very good, you know, they answered all my questions... They did really help me."

(Survivor of domestic abuse)

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