



# Home Office consultation on reforming the powers of police staff and volunteers

## A response by Victim Support

October 2015

Victim Support is the independent charity for victims and witnesses of crime in England and Wales. Last year we offered support to more than 1 million victims of crime and helped more than 198,000 people as they gave evidence at criminal trials through our Witness Service, which we delivered up until April 2015. Victim Support also provides the Homicide Service supporting people bereaved through murder and manslaughter and runs more than 100 local projects which tackle domestic violence, antisocial behaviour and hate crime, help children and young people and deliver restorative justice. The charity has 1,100 staff and 3,000 volunteers and has recently celebrated its 40th anniversary.

Victim Support welcomes the opportunity to respond to the Home Office consultation on Reforming the Powers of Police Staff and Volunteers. We agree that greater flexibility in the way powers are designated by Chief Officers is needed to ensure that police forces are better able to respond to local demands and pressures.

However, in reforming the way in which powers are designated, we believe it is vital that the needs of victims are prioritised. Though it is unclear from the consultation document whether it would be police constables, staff and/or volunteers who would be supporting victims under the proposals, it is critical that all frontline staff are aware of their role in providing victim care. In addition to requiring sufficient training there also needs to be an accurate, consistent and reliable way of measuring police staff compliance with the Victims' Code.

We know from our work and research with victims that they have specific support needs from the criminal justice system and believe these must be taken into consideration when considering how, and to whom, policing powers should be designated. Victims' needs include being treated sensitively, receiving regular contact that is adapted to their needs and information about their case that is understandable, comprehensive and accurate. This is essential, since gaps in the knowledge of police staff about victims' needs and/or their obligations under the Victims' Code can have wide-ranging negative implications both for the victim and for their communities.

While we welcome the enhanced role of volunteers under the proposals, further clarification is needed on whether the Home Office intends to allow Chief Constables to delegate powers to victim support organisations delivering services on their behalf. Under the Victims' Code, 'the police may arrange for a VPS or further VPS to be taken by an organisation offering victims' services or another service provider'<sup>1</sup>. Similar legislation may be beneficial to achieve this sort of delegation in other areas and we would welcome clarification from the Home Office as to whether it is intended.

In addition to other police staff and volunteers taking on greater responsibility, we also feel that in light of the challenges facing the police there is more that the voluntary sector can do to assist them. As highlighted by the recent CPS Victim and Witness Satisfaction Survey, only 35% of victims gave a VPS and 35% were not offered this chance. This may be an indication that police officers are not providing sufficient information to victims about the VPS and may not understand its exact role. Taking VPSs, in particular, is an area of work that we feel victims' services, with adequate support, could assist the police in.

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<sup>1</sup> Ministry of Justice, Code of Practice for Victims' of Crime, October 2013

Finally, in considering the impact on victims of any changes in roles of responsibilities of police staff, it is important that the Home Office takes into consideration Directive 2012/29/EU that will be introduced later this year and ensures that any proposed changes are compliant with it.

**Question 1: Do you agree with the idea of giving control to chief officers over the powers of their designated staff?**

Victim Support agrees with the principle that greater flexibility in the way powers are designated by Chief Officers would help to deliver a better service to the public. We believe that it represents an opportunity for suitably qualified and skilled police staff and volunteers to assist police officers in supporting victims of crime and improving service delivery.

Police officers currently play a central role in communicating with victims about their crime, often acting as the main, and only, point of contact with criminal justice agencies. While it is not clear from the Home Office proposals whether this would still be the case in future, it appears that in freeing up police officers to carry out their core roles other police staff and volunteers would take on a wider range of supporting roles, potentially in the area of victim care.

Our primary concern is that, irrespective of which roles within the police work with victims of crime, the safeguards, as prescribed by Section 38 (4) of the Police Reform Act, are applied. Of particular importance is the requirement under this legislation that Chief Officers may only designate powers to an individual if they 'have received adequate training in carrying out those functions and in the exercise and performance of the powers and duties to be conferred'. It is vital that all police staff and volunteers who come into contact with victims are aware of their obligations under the Victims' Code, are sufficiently trained and understand the importance of victim care. We believe that central to this should be specialist training on interviewing vulnerable and intimidated victims and witnesses and in particular the application of ABE principles, to ensure that their needs are met.

Research conducted by Victim Support found that there are already disparities in the level of awareness of the Victims' Code amongst police officers. It is important that this disparity is addressed swiftly so that all officers (and any police staff or volunteers who work with victims) are aware of their obligations under the Code.

Other research has shown how important it is that police staff are aware of their obligations to victims and that they understand the significance of their role. In dealing with the criminal justice system, evidence strongly suggests that most victims want to be kept informed about their case. Our 2011 report 'Left in the dark' found that victims want and need to receive regular timely updates on the progress of their case with information that is understandable, comprehensive and accurate. It is also

important to them that they are treated sensitively, receive personal contact where appropriate and ultimately that their needs are taken into account by the officer handling their case. Lack of such communication, we know, can result in the victim feeling distressed, isolated and frustrated. It can also make them think that their case is being neglected and not taken seriously. The implications of negative experiences with the police, however, can extend beyond the victim; often influencing the individual's perception of the wider justice system and reducing their likelihood of reporting incidents in the future.

As stated above, giving control to Chief Officers over the powers of their designated staff should therefore be conditional on the application of safeguards as prescribed by Section 38 (4) of the Police Reform Act. We also believe that a suitable model of supervision would be necessary to monitor the application of the additional responsibilities.

**Question 2: Do you have any views on the proposed new role titles?**

Victim Support agrees that since Police Community Support Officers are a well-established and well-recognised role within the police, their title should not be changed. We also feel that the title Police Community Support Volunteers is suitable for their volunteer equivalents.

However, we believe that Investigation Support Officer is not a suitable title for the amalgamated role because it only reflects certain aspects of the position. We feel that it suggests responsibilities such as taking statements and providing direct support to the investigative process. It does not, however, reflect the powers which fall under the existing roles of Detention and Escort Officers to which it would also apply.

Alternatively, we would suggest that the three existing roles become two instead of one. Alongside the position of Investigation Support Officer, previously Investigating Officer, we propose the role of Detention Support Officer. As an amalgamation of Detention and Escort Officers, we feel this structure and title would be more appropriate; better reflecting to the public a broader and clearer spectrum of the responsibilities that can be designated to this role.

**Question 3: Do you agree with the concept of a single list of the 'core' powers that would remain exclusive to police officers?**

Victim Support does not take a view on the concept of a single list of 'core' exclusive powers for police officers.

As outlined in our answer to question 1, it is important that victim care is prioritised by any and all individuals within the police who come into contact with them. They

must be sufficiently trained and are aware of their obligations under the Victims' Code.

**Question 4 and 5: Is the proposed list correct, or should other powers be added or removed? Do you agree that it would be appropriate to include an order-making power to enable the Home Secretary to add to the list of powers which only police officers can have?**

Victim Support does not take a view on whether the proposed list is correct.

What is essential, we believe, is that core list is amendable to reflect relevant changes in legislation and to ensure that any powers found to be inappropriate can be taken out. In addition to the inclusion of an order-making power to enable the Home Secretary to add powers to the core list, it would therefore also be appropriate to include one to allow for their removal.

To ensure that this list of powers is consistently relevant and appropriate for modern day policing, and has the safeguard of parliamentary oversight, there would need to be an articulated mechanism for adding and removing them.

**Question 6: Should chief officers be able to designate volunteers with powers?**

As outlined in our answer to question 1, Victim Support believes that enabling Chief Officers to designate powers to volunteers would allow them to assist police officers in supporting victims of crime and improving service delivery. This should, however, be conditional on the use of safeguards to ensure that they are appropriately trained to support victims and accompanied by an accurate, consistent and reliable way of measuring compliance.

In addition, victim services play a crucial role in providing core services for victims of crime and supporting public service delivery. However, it is unclear from the consultation document whether, in areas where the police contract a provider to deliver certain services, the Chief Constable would be able to delegate powers to volunteers of the provider. Further clarification from the Home Office is therefore needed as to whether this would be the case under the proposals. In addition, we would be grateful for clarification as to whether a person designated by a Chief Constable with powers under any act to perform duties hitherto exercised by a police officer, would fall within the jurisdiction of the Independent Police Complaints Commission (IPCC)? Also, where the Chief Constable designates a person with such powers who is employed by a contractor acting on behalf of the police force, would the person and the contractor fall within the IPCC jurisdiction?

**Question 8: Do you have any other comments?**

Victim Support believes that Chief Officers would need to be held accountable if they were to be given greater flexibility in delegating powers. We feel that this may be a suitable role for Police and Crime Commissioners who could be responsible for the oversight of the delegation process, agreeing with Chief Officers how the powers would be utilised most effectively locally.