

Making a Victims Law a Reality

A Manifesto for Victims and Witnesses of Crime

April 2015

An estimated seven million people in England and Wales were victims of crime last year, yet only around three per cent of offences reached court. Even victims who were fortunate enough to see their case brought to justice were often left dissatisfied by the criminal justice system. Our **eight proposals** have the potential to greatly improve the experience for many victims and should be included in any meaningful 'Victims Law'.

Victim Support Manifesto Policies

Victims of crime need a better deal from the criminal justice system. Too often seeing their crime investigated and prosecuted is a frustrating, dispiriting experience. At worst, it can feel like being victimised again. In the 41 years our charity has been helping victims we have seen many improvements in their treatment, but much more needs to be done.

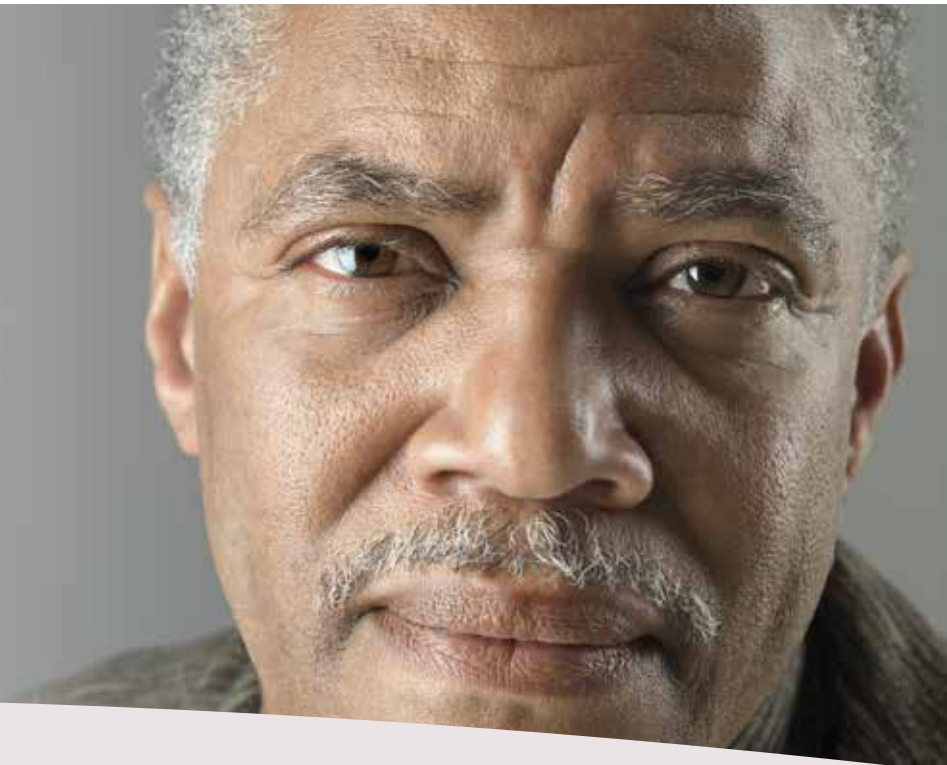
There is a growing consensus across the political spectrum that victims' rights need to be enshrined in law. We welcome this move. But it is vital to ensure that the rights included in a new Victims Law go further than those set out by the current Code of Practice for Victims of Crime, and that the Law is clearly enforceable and rigorously monitored. We look forward to working with anyone who seeks to bring in such a Law. On the following pages we set out additional measures, beyond those in the current Victims Code, which we believe should be introduced at the earliest opportunity.



Our eight proposals:

1. A single complaints system for victims of crime
2. A more powerful Victims' Commissioner
3. Better communication with victims about the outcomes of their case
4. Court-compensation to be paid immediately
5. Trained intermediaries to be available for all child witnesses
6. No child to be obliged to enter a court building to give evidence
7. Pre-trial therapy for all victims of sexual crimes
8. A national strategy for victims with mental health issues

Reforms to improve the experience of all victims



14

A victim can deal **with up to 14 different agencies** on their journey through the criminal justice process.

13

The Independent Ombudsman (PHSO) for the Victims Code **processed a mere 13 complaints** in 2012/13.

80%

The Office of Victims' Commissioner has had a **budget cut of more than 80 per cent** since 2010.

A single complaints system for victims of crime

Victims of crime tell our volunteers that they frequently encounter poor communication, procedural delays, insensitive decision making and other problems. Yet too often they do not know where to turn. In future, victims must have access to a clearly signposted single complaints system. It must take away from them the burden of having to identify who to complain about and how to complain. Victims must be kept informed about the progress of their complaint.

A more powerful Victims' Commissioner

The time is right for the Victim's Commissioner's office to take a bigger role in checking that the police, the courts and other parts of the criminal justice system respect the rights of victims. The Commissioner should administer the unified complaints system for victims and have the power to investigate individual complaints. But the Commissioner should also take a more proactive role in monitoring the operation of a Victims Law, highlighting lack of compliance by organisations covered by a Victims Law and assessing the quality of victims' services delivered around the country. This will require more resources but is nothing more than victims deserve.



Reforms to improve the experience for victims after sentencing

Better communication with victims about the outcomes of their case

A criminal trial can be a confusing and traumatic time for the victim, even if it ends in a conviction. Too often when a sentence is imposed, it is not made clear what it means in practice, particularly when custody is involved. The judge or chair of the magistrates, assisted by their clerk, should write a short letter to the victim explaining what the sentence means in practice, and what if any further information and involvement the victim can expect to have in the process. This would impose a small administrative burden on the court but one we feel is well worth it. The letter should be accompanied by a 'victim's pack' explaining the roles of the criminal justice agencies that are relevant to the case.

Court-compensation to be paid immediately

At present if a court orders compensation to be paid by an offender to their victim, the money must be recovered from the offender before the victim receives anything. The offender can ask to pay in instalments – for instance £5 a week over a year – and all too often payments are never made. Instead the court should make the payment direct to the victim within ten working days after sentence and recover the funds from the offender itself.

9%

Only **nine per cent of court compensation orders were paid** within one month in 2014.

£17.5m

Over **£17.5 million of compensation orders were not paid** within the year 2013.

Reforms to improve the experience of child victims and witnesses

We believe justice is best served when witnesses and victims of crime are able to give their best evidence, subject to appropriate challenge but free from harassment and unnecessary pressure. Too often today this is not the case, especially when children give evidence about their own sexual experiences. To end this we propose the following measures:

Trained intermediaries to be available for all child witnesses

Accredited intermediaries are independent individuals trained to assist the court with effective communication. They help to agree ground rules for questioning, explain proceedings, simplify questions and intervene when appropriate on behalf of the witness. Children currently have to apply for the support of an intermediary but we believe this provision should be made automatic to provide vital support at what is often a very difficult time.

No child to be obliged to enter a court building to give evidence

We believe that no matter what is done to try to improve the experience of children in them, courtrooms are not suitable places to expect children to give their best evidence. Although three quarters of child witnesses do now give evidence via video link from a separate room inside the court building and pre-recording of evidence is being piloted, the system needs to go further. We want alternative provision to be made to allow children to give evidence from venues wholly separate from the court building. Every police force area should establish at least one 'safe space' from which children can give evidence remotely.

94 There are only **94 Registered Intermediaries for the 21,000 children** that give evidence in court every year.

45% **45 per cent of child witnesses** bumped into the defendant or defendant's supporters in the court building.

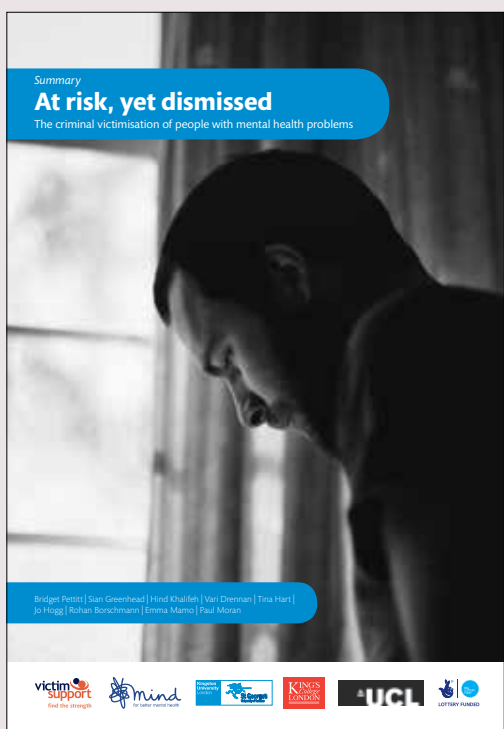


Pre-trial therapy for all victims of sexual crimes

Victims of sexual exploitation can often benefit from therapy but too often this is withheld pending a criminal trial in which the victim will give evidence. This is due to the fear that therapy will somehow corrupt or taint the victim's evidence. This is despite the existence of clear official guidance that appropriate therapy should be offered to all vulnerable witnesses and victims. This guidance needs to be put into force with a clear statement that appropriate therapy should be offered to all child victims of sexual crime at the earliest appropriate opportunity.



Reforms to improve the experience of victims of crime with mental health issues



A national strategy for victims with mental health issues

People with mental health issues are far more likely to become victims of crime than offenders and their experiences of the criminal justice system are likely to be very poor. Our recent research found people with mental health issues are three times more likely than average to become victims of crime and five times more likely to suffer an assault. They were also more likely to be dissatisfied with their treatment by the police than victims without mental health problems. The criminal justice system must radically improve its treatment of victims of crime with mental health needs, through a co-ordinated, cross-departmental strategy for victims with mental health problems.

10 Women who have a severe mental illness are **ten times more likely** to be a victim of assault than women who don't.

www.victimsupport.org.uk

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