

# The Code of Practice for Victims of Crime

CRIMINAL JUSTICE SYSTEM





# THE CODE OF PRACTICE

## 1. Introduction

1.1 This Code of Practice governs the services to be provided in England and Wales by the organisations listed in section 2 below to victims of criminal conduct which occurred in England and Wales. It is issued by the Home Secretary under section 32 of the Domestic Violence, Crime and Victims Act 2004.

1.2 This introduction does not form part of the Code of Practice and does not place any obligations on service providers.

1.3 Where a person fails to comply with this Code, that does not, of itself, make him or her liable to any legal proceedings. The Code is, however, admissible in evidence in both criminal and civil proceedings and the court may take failure to comply with the Code into account in determining a question in any such proceedings.

1.4 Breaches of this Code should be referred initially to the service provider(s) concerned. The complaints procedures of the organisations with obligations to provide services are included in the final section of this Code (section 16). If the complainant remains dissatisfied, the complaint can be investigated and reported on by the Parliamentary Ombudsman under the Parliamentary Commissioner Act 1967, as amended by Schedule 7 to the Domestic Violence, Crime and Victims Act 2004.

1.5 This Code represents a minimum level of service in England and Wales. In some parts of England and Wales, organisations, including organisations not mentioned in this Code, will be providing additional services in accordance with priorities agreed by Local Criminal Justice Boards (or equivalent groups). These additional services are not covered by this Code.

### **Support**

1.6 All victims, including relatives of victims who have died as a result of relevant criminal conduct, should have access to a range of support services in their area. While no organisation has an obligation under this Code to ensure appropriate support services are available for every victim, the Government aims to ensure that every victim has access to appropriate support services in their local area. Such support needs to be timely and of sufficient quality to meet the individual needs of every victim, including victims who require specialist support. For example, victims who are called to give evidence at criminal proceedings as witnesses in respect of relevant criminal conduct should expect to receive pre-trial court familiarisation visits before the court hearing if so desired and, where the court makes a special measures direction under section 19 of the Youth Justice and Criminal Evidence Act 1999, the victim being called to give evidence should expect to receive an enhanced level of support.

1.7 All victims are entitled under this Code to receive information about local support services in their area. As at paragraph 5.3, the police must ensure victims are provided with information about local support services and contact details for those services. With some exceptions outlined in the Code at paragraphs 5.5 and 5.6, the police must also ensure the victim's contact details are referred to the appropriate Local Victim Support Group.

## 2. Organisations required to provide services under the Code

2.1 This Code requires the following organisations to provide services to victims:

- The Criminal Cases Review Commission
- The Criminal Injuries Compensation Authority
- The Criminal Injuries Compensation Appeals Panel
- The Crown Prosecution Service
- Her Majesty's Courts Service
- The joint police/Crown Prosecution Service Witness Care Units
- All police forces for police areas in England and Wales, the British Transport Police and the Ministry of Defence Police
- The Parole Board
- The Prison Service
- The Probation Service
- Youth Offending Teams

## 3. Persons entitled to receive services under the Code

3.1 This Code requires services to be given to any person who has made an allegation to the police, or had an allegation made on his or her behalf, that they have been directly subjected to criminal conduct under the National Crime Recording Standard (NCRS). In the Code this will be referred to as 'criminal conduct'. This will include, for example, cases where the person has alleged that they have been subjected to racial insults or homophobic insults.

3.2 The person who has made the allegation (or on whose behalf the allegation has been made) must be the **direct** victim of the criminal conduct. This Code does not require services to be provided to third parties or indirect victims such as witnesses of violent crime.

3.3 Where a person has died, or become incapacitated to such an extent that they are unable to communicate as a result of criminal conduct, it is not necessary that an allegation has been made to a police officer. It is sufficient that a criminal investigation into the conduct causing the death or incapacitation has started.

3.4 Where a person has died as a result of criminal conduct, or is unable to receive services as a result of a disability, the victim's family spokesperson is entitled to receive services under this Code. A family spokesperson should be nominated by the close relatives of the person who has died. If the close relatives cannot nominate a family spokesperson, the Senior Investigating Officer (SIO) working on the criminal investigation must nominate a family spokesperson. If the person who has died has no identified close relatives, the SIO may nominate someone who appears suitable to receive assistance under the Code in respect of the death.

3.5 Where a person entitled to receive services under this Code is under the age of 17, then that person's parent or guardian is entitled to receive services under this Code as well as the young person. The parent or guardian is not, however, entitled to receive services under this Code if he or

she is under investigation, or has been charged, in respect of the criminal conduct of which the young person is a victim or, in the reasonable opinion of the organisation providing the relevant services, does not represent the best interests of the young person.

3.6 If the family spokesperson is an independent arbiter there will be no requirement for the police to provide family liaison support to that person. The nomination of an independent arbiter does not remove the necessity for a family liaison officer to be appointed to family members as deemed appropriate by the SIO and subject to the family wanting Family Liaison Officer support. Decisions made by the service provider in relation to contact with the family and independent arbiter should be recorded.

3.7 Businesses are entitled to receive services under the Code. However, in order for them to do so, a named contact must be provided to the service provider. This person will be the contact for all communications between the service providers and the business.

3.8 A victim of crime as defined under the Code may opt out of receiving services under the Code, or request that the obligations that they qualify for be modified, at any time. Service providers are, however, under no obligation to provide services beyond the minimum requirements expressed in this Code. A victim of crime as defined under the Code may choose to opt back into receiving services at any time while the case is under active investigation or receive an update if the investigation has been concluded. These decisions must be recorded by the service provider receiving this information and passed onto other service providers as appropriate on a case by case basis.

### **Exceptions**

3.9 This Code does not require services to be provided to a person in circumstances where the criminal conduct is the subject of an investigation by an inspector under section 20 of the Health and Safety at Work etc. Act 1974 or prosecution by an inspector under section 39 of that Act (for example where an incident in the workplace is the subject of an investigation by the Health and Safety Executive).

### **Deciding whether a person is entitled to services under the Code**

3.10 In determining whether a person is entitled to receive services under this Code, the service provider should only take into account the nature of the allegation of criminal conduct made by, or on behalf of, the person to a police officer. It is immaterial that:

- (a) the service provider does not believe the allegation;
- (b) no person has been charged with an offence in respect of the criminal conduct;
- (c) a person has been charged with a different offence in respect of the criminal conduct (for example a person has been charged with handling stolen goods in circumstances where an allegation of theft was made);
- (d) no person has been convicted of an offence in respect of the criminal conduct (including where a person has been acquitted of an offence in respect of the conduct).

3.11 A person is entitled to receive services under this Code only if an allegation of **criminal** conduct (i.e. a crime which would be recorded under the National Crime Recording Standard (NCRS)) is made. This includes the additional requirements of paragraphs 3.13 and 3.14. If a service provider is satisfied an allegation of conduct which does not constitute a criminal offence has been made, the service provider is not required to provide services under this Code.

3.12 If following an investigation it is decided that the person is not a victim of a crime under the NCRS then the service provider is not required to provide any further services under the Code (subject to the additional requirements of paragraphs 3.13 and 3.14). The person must be informed of this finding and that they will not receive further services under this Code.

3.13 Where a person has died and a police investigation has started into the cause of death, the provisions of the Code will apply until a decision is made as to whether criminal conduct was the cause of the death. If the decision is that the death was not as a result of criminal conduct then the family must be advised of this fact and that they will no longer receive services under the Code. If the death continues to be investigated by the police as criminal conduct then the family are entitled to receive services under the Code.

3.14 Where a person has died as a result of a road collision and the police are investigating whether an offence under section 3 of the Road Traffic Act 1988 has been committed, the family and family spokesperson are entitled to receive services under the Code.

3.15 If the victim of a crime is not at the time of the criminal conduct resident in England and Wales, then the basic provisions of the Code will still apply. The process of notifying the victim will, however, by default fall to either letter to the victim's home address, email, or text message to a mobile telephone. If the victim is temporarily resident in England and Wales, then the full provisions of the Code will apply until they leave England and Wales at which time contact will revert to letter, e-mail or text message as above.

3.16 If a service provider makes an incorrect assessment as to whether or not a person is entitled to receive services under this Code, then this can be investigated in the same way as any other breach of this Code.

## 4. Vulnerable or intimidated victims

4.1 Some services under this Code are to be provided only to vulnerable or intimidated victims based on the definitions given by sections 16 and 17 of the Youth Justice and Criminal Evidence Act 1999. For the purposes of this Code, vulnerable and intimidated victims are defined as such at the time of the offence, rather than at the time of hearing as specified in the 1999 Act.

### ***Vulnerable victims***

4.2 For the purposes of the Code a victim of crime is eligible for an enhanced service under the Code:

- (a) If under the age of 17 at the time of the offence; or
- (b) If the service provider considers that the quality of evidence given by the victim is likely to be diminished by reason of any circumstances falling within 4.3.

4.3 The circumstances falling within this subsection are-

- (a) That the victim
  - (i) suffers from mental disorder within the meaning of the Mental Health Act 1983,
  - (ii) otherwise has a significant impairment of intelligence and social functioning;
- (b) that the victim has a physical disability or is suffering from a physical disorder.

4.4 In determining whether a victim falls within the definition in paragraph 4.3 the service provider must consider any views expressed by the victim.

4.5 In this Section references to the quality of a victim's evidence are to its quality in terms of completeness, coherence and accuracy; and for this purpose "coherence" refers to a victim's ability in giving evidence to give answers which address the questions put to the victim and can be understood both individually and collectively.

### ***Intimidated victims***

4.6 For the purposes of the Code a victim of criminal conduct is eligible for an enhanced service under the Code if the service provider is satisfied that the quality of evidence given by the victim is likely to be diminished by reason of fear or distress on the part of the victim in connection with testifying in the proceedings.

4.7 In determining whether a victim falls within the definition in paragraph 4.6 the service provider must take into account, in particular-

- (a) the nature and alleged circumstances of the offence to which the proceedings relate;
- (b) the age of the victim;
- (c) such of the following matters as appear to the service provider to be relevant, namely-
  - (i) the social and cultural background and ethnic origins of the victim,
  - (ii) the domestic and employment circumstances of the victim, and
  - (iii) any religious beliefs or political opinions of the victim;
- (d) any behaviour towards the victim on the part of-
  - (i) the accused,
  - (ii) members of the family or associates of the accused, or
  - (iii) any other person who is likely to be an accused or a witness in the proceedings.

4.8 In determining whether a victim falls within the definition in paragraph 4.6, the service provider must in addition consider any views expressed by the victim.

4.9 The complainant in respect of a sexual offence or domestic abuse and the relatives of those who have died as a result of criminal conduct are eligible for an enhanced service under the Code unless the victim has informed the service provider of the victim's wish not to be so.

4.10 A victim's vulnerability may change during the course of an investigation due to health, intimidation or other reason. Service providers must give the victim the opportunity to be provided with an enhanced service if such a change in circumstance is brought to their attention.

4.11 All organisations with responsibilities under the Code should identify victims as vulnerable or intimidated as defined by this Code. Once the service provider has identified a victim as vulnerable or intimidated, that service provider must ensure that this information is passed on as necessary to other organisations with responsibilities in this Code.

# OBLIGATIONS OF SERVICE PROVIDERS

## 5. The Police

5.1 All police forces for police areas in England and Wales, the British Transport Police and the Ministry of Defence Police (the “police”) have the following obligations.

### ***Crime Reporting, Assessment and Victim Support***

5.2 Following the report of a crime to which the NCRS applies (criminal conduct); if the police, using their professional judgment, decide that there will be no investigation into that crime, they will advise the victim of that fact as soon as possible and within five working days at the latest. Once this decision is made the only sections of the Code which will apply are 5.3 (in all cases) and 5.4 (subject to the exceptions in 5.5 and 5.6).

5.3 The police must ensure that victims can access information about local support services and contact details for those services as soon as possible after an allegation of criminal conduct is made and no later than five working days after an allegation is made. The police can provide this information by either giving the victim a copy of the current local “Victims of Crime” leaflet or by ensuring that the victim can access the information in another format, such as via the internet. Subject to availability from national sources, any local “Victims of Crime” leaflet given to a victim by the police must be provided in a language or format the victim can understand.

5.4 Subject to the exceptions in paragraphs 5.5 and 5.6 below, the police must clearly explain to the victim that their details will be passed on to Victim Support unless they ask the police not to. The police must then provide the relevant local Victim Support Group with the victim’s contact details no later than two working days after the day an allegation of criminal conduct is made.

5.5 In accordance with the victim referral agreement between the police and Victim Support, the police should not routinely pass over to a relevant local Victim Support Group the details of victims of the following criminal conduct:

- (a) theft of a motor vehicle;
- (b) theft from a motor vehicle;
- (c) minor criminal damage; and
- (d) tampering with motor vehicles.

However, aggravating factors such as repeat victimisation, victim request for contact, vulnerable victims or victims of hate crime will ensure a referral to Victim Support.

5.6 The police should only pass Victim Support the details of victims of sexual offences or domestic violence or the details of the relatives of homicide victims if the victims or relatives have given their explicit consent.

### **Identification of vulnerable or intimidated victims**

5.7 The police must take all reasonable steps to identify vulnerable or intimidated victims using the criteria given at section 4.

5.8 Where a vulnerable or intimidated victim may be called as a witness in criminal proceedings, and may be eligible for assistance by way of special measure under Chapter I of Part II of the Youth Justice and Criminal Evidence Act 1999, the police must explain to the victim the provision about special measures in that Act and record any views the victim expresses about applying for special measures.

### **Investigation**

5.9 If no suspect is arrested, charged, cautioned, reprimanded, given a final warning or subject to other non court based disposal in respect of relevant criminal conduct, the police must notify the victim on at least a monthly basis, of progress in cases being actively investigated up until the point of closure of the investigation.

5.10 Where an investigation into a serious crime is concluded with no person having been charged with the offence, the police must advise the victim, or family if bereaved, of this fact and the reasons for it. At this time, the fact that the case will be subject to periodic review must be discussed with the victim or family representative and they must be given the opportunity to decide whether they wish to be advised of any review procedures which take place. This decision must be recorded by the senior investigating officer at the time of the discussion.

5.11 If the victim or family representative expresses a wish to be advised of any review procedures, the police must ensure that information about the review is passed on to the victim or family representative within one working day of the review procedure commencing.

5.12 The victim or family must also be given the opportunity at this stage to say whether they wish to be advised of the reopening of the investigation due to new evidence or changes in forensic procedures. This decision must be recorded by the senior investigating officer at the time of the discussion. If an enquiry is reopened, the police must consider the expressed wishes of the victim or family before making contact with them and record the reasons for any decision made in this respect.

### **Family Liaison Officers**

5.13 Where a victim has died as a result of criminal conduct or suspected criminal conduct, the police must assign a Family Liaison Officer to any relatives which the police consider appropriate and make a record of the assignment. The police must also provide close relatives of the victim with the packs "Advice for bereaved families and friends following murder or manslaughter", or "Advice for bereaved families and friends following death on the road", or equivalent packs.

### **Arrest and Bail**

5.14 If a suspect is arrested on suspicion of an offence in respect of relevant criminal conduct, the police must notify the victim of this within one working day for vulnerable or intimidated victims and no later than five working days for all other victims.

5.15 If the suspect is released with no further action being taken the police must notify the victim of this event and the relevant reasons for no further action being taken within one working day for vulnerable or intimidated victims and no later than five working days for all other victims.

5.16 If the suspect is released on police bail to return to the police station the police must notify vulnerable or intimidated victims of this event, reasons for bail and any relevant bail conditions within one working day and notify other victims within five working days.

5.17 If police bail is altered by change of bail conditions, date of return on bail or bail is cancelled, the police must notify vulnerable or intimidated victims of these events and the reason within one working day and notify other victims within five working days.

### ***Decisions to bring Criminal proceedings***

5.18 If a suspect is interviewed and/or reported for offences by a police officer in relation to relevant criminal conduct, the police must notify the victim of this fact and the fact that a file will be submitted for a decision on prosecution to be made or summons to be issued. This notification must be within three working days of the suspect being interviewed and/or reported. When a summons is issued by the court the victim must be notified of this fact and the date of the first hearing within five working days of the police being notified of the summons being issued.

5.19 It will be the duty of the police to notify victims of all decisions to bring any criminal proceedings for a relevant offence. If a decision is made not to prosecute the suspect, the victim must be notified of this fact. If the decision is made by the police, the responsibility for notification lies with the police. In this case vulnerable or intimidated victims must be notified within one working day of the person being charged. All other victims must be notified within five working days of the person being charged.

5.20 In cases where, following a discussion between the investigating officer and a Crown Prosecutor, a decision is taken that there is insufficient evidence to charge a suspect with a relevant criminal offence, or a suspect is charged with an offence, it will be the responsibility of the police to notify the victim of this fact within one working day for vulnerable or intimidated victims and within five working days for all other victims.

### ***Bailing of Persons to Court***

5.21 If a suspect is charged with an offence in relation to relevant criminal conduct and released on police bail to appear at a court, the police must notify the victim of this event, the date of the court hearing and any relevant bail conditions within one working day for vulnerable or intimidated victims and within five working days for other victims. Where the decision to charge a suspect with a relevant offence is made by the police in accordance with the Director's Guidance on Charging, the notification must also state that the decision is subject to review by the CPS and that if after review the CPS takes a decision to substantially alter or drop any charge, the CPS will notify the victim.

5.22 If bail conditions are amended by the police prior to the suspect appearing at court the police must notify vulnerable or intimidated victims of any relevant changes to the bail conditions within one working day and all other victims within five working days.

5.23 If a suspect is charged with an offence in relation to relevant criminal conduct and the police will be applying to the court to remand the suspect in custody, the police must notify a vulnerable or intimidated victim of this event and the date of the remand hearing within one working day.

5.24 If a suspect in respect of relevant criminal conduct is remanded in custody by the court in circumstances where the police had applied for the suspect to be remanded in custody the police must notify a vulnerable or intimidated victim within one working day and all other victims within five working days.

5.25 The police must inform all victims if a suspect in respect of relevant criminal conduct is given bail by the court in circumstances where the police made an application to remand the suspect in custody. At the same time, the police must also inform all victims of any conditions attached to the bail that relate to, involve or affect the victim, and what the victim can do if conditions are broken. This information must be provided by the police within one working day for vulnerable or intimidated victims and within five working days for all other victims.

### ***Other disposal methods***

5.26 If a suspect is cautioned (simple or conditional), reprimanded, given a final warning, issued a penalty notice for disorder, or given any other non-court disposal method, in respect of relevant criminal conduct, the police must notify the victim of this event no later than one working day after the day of the event in the case of vulnerable or intimidated victims and within five working days after the day of the event in the case of other victims.

### ***Youth Offending Teams***

5.27 In cases where the perpetrator of relevant criminal conduct is under the age of eighteen, the police must pass the victim's contact details to the Youth Offending Team (unless the victim asks the police not to) to enable victims to have access to reparation or other restorative justice type initiatives.

### ***Requests from the Criminal Injuries Compensation Authority (CICA) and/or the Criminal Injuries Compensation Appeals Panel (CICAP).***

5.28 The police must respond to requests for information from the CICA or the CICAP to enable a victim's claim for compensation to be assessed with the most accurate information available at that time.

5.29 In the case of the initial request (TB1) for basic information from the CICA the police must pass this information on within 30 days of the police receiving the request.

5.30 In the case of subsequent requests for information (TB2) from the CICA following the agreement between ACPO and the CICA, the police must pass this information on within 60 days of the police receiving the request.

5.31 In the case of requests for information from the CICAP, the police should pass on this information within 30 days of the police receiving the request.

### ***Information about the Criminal Cases Review Commission***

5.32 Paragraphs 5.33 to 5.35 below do not apply where the Criminal Cases Review Commission has decided to contact the victim directly under section 15 of this Code below.

5.33 If a conviction or sentence in respect of relevant criminal conduct is being reviewed by the Criminal Cases Review Commission and, taking all the circumstances of the case into account, it is likely that the review will come to the victim's attention, the police must notify the victim no later than ten working days after the day the police receive notification of the review.

5.34 If the Criminal Cases Review Commission decides not to refer a conviction or sentence in respect of relevant criminal conduct to the Court of Appeal or the Crown Court, and the victim has been informed of the review under paragraph 5.33 above, the police must notify the victim no later than two working days after the day the police receive notification of the decision.

5.35 If the Criminal Cases Review Commission decides to refer a conviction or sentence in respect of relevant criminal conduct to the Court of Appeal or the Crown Court, the police must notify the victim no later than ten working days after the day the police receive notification of the decision.

## 6. Joint Police/Crown Prosecution Service (CPS) Witness Care Units

6.1 The joint police/CPS Witness Care Units have the following obligations.

6.2 The joint police/CPS Witness Care Units must conduct a full needs assessment with all victims where a 'not guilty' plea is entered.

6.3 The joint police/CPS Witness Care Units must notify victims of any requirement of them to give live evidence, and any subsequent amendment to this requirement, within one working day of receiving the notification from the CPS.

6.4 The joint police/CPS Witness Care Units must notify victims of the date of all criminal court hearings, including any set down for consideration of an amendment to the sentence originally passed, and any subsequent amendments to that date, within one working day of receiving the date from the court.

6.5 The joint police/CPS Witness Care Units must provide victims who are to be called as witnesses in criminal proceedings in respect of relevant criminal conduct with a copy of the "Witness in Court" leaflet, or current equivalent national information leaflet.

6.6 Where victims under the age of seventeen are to be called as witnesses in criminal proceedings in respect of relevant criminal conduct which involves sex, violence, or cruelty, the joint police/CPS Witness Care Unit must ensure that the victims and their parents or guardians are provided with the relevant "Young Witness" information pack (or equivalent).

6.7 Where a criminal trial is held in respect of relevant criminal conduct, the joint police/CPS Witness Care Units must notify any vulnerable or intimidated victim of the outcome of all pre-trial hearings (including applications for special measures directions under section 19 of the Youth Justice and Criminal Evidence Act 1999) and the verdicts of the trial, including the sentence if the suspect is convicted, no later than one working day after the day of receipt of these decisions from the court, and must notify other victims of the sentence (or any not guilty verdict) no later than one working day after the day of receipt of the sentence or not guilty verdict from the court.

6.8 The joint police/CPS Witness Care Units must explain to victims the meaning and effect of the sentence given to the offender in their case, and respond to any questions the victim may have. If the joint police/CPS Witness Care Unit is not able to answer the questions asked by the victim, they should refer the victim to the CPS.

6.9 If there is a significant amendment to the sentence originally passed the joint police/CPS Witness Care Units must notify the victim of this amendment within one working day of receipt of the information from the court.

### **Warrants**

6.10 If a warrant is issued for the arrest of a defendant in relation to relevant criminal conduct following his or her failure to attend court on the appointed day, the police or the joint police/CPS Witness Care Unit must notify the victim of this fact within one working day of the receipt of the information from court in the case of vulnerable or intimidated victims and no later than four working days of receipt of the information for all other victims.

6.11 Following the arrest of a defendant on a warrant issued by a court for failure to appear in relation to relevant criminal conduct, the police or joint police/ CPS Witness Care Units must notify the victim of the arrest, next court date and result of the appearance, if known, within one working day of receipt of this information from the court in the case of vulnerable or intimidated victims and no later than four working days from receipt of the information for other victims.

### ***Appeals from Magistrates' to Crown Court***

6.12 If a person who has been convicted of an offence at the Magistrates' Court in respect of relevant criminal conduct appeals against their conviction or sentence to the Crown Court, the joint police/CPS Witness Care Units must inform all victims of the appeal no later than one working day after the joint police/CPS Witness Care Units are notified by the courts that an appeal notice has been lodged. When giving this information, the joint police/CPS Witness Care Units must make all victims aware of the Witness Service and explain that they will refer their details to the Witness Service unless they ask the police not to do so.

### ***Appeals from Crown Court to the Court of Appeal***

6.13 If a person who has been convicted of an offence at the Crown Court in respect of relevant criminal conduct appeals against their conviction or sentence to the Court of Appeal, the joint police/CPS Witness Care Units must inform any vulnerable or intimidated victim and the Probation Service victim contact team of the appeal no later than one working day after the joint police/CPS Witness Care Units are notified by the Appeal Court that leave to appeal has been granted and a hearing in a designated format will occur, and must inform any other victim no later than five working days after that day. When giving this information, the joint police/CPS Witness Care Units must make both vulnerable or intimidated victims and other victims aware of the Witness Service and explain that they will refer their details to the Witness Service unless they ask the police not to do so.

6.14 The joint police/CPS Witness Care Units must inform any vulnerable or intimidated victim and the Probation Service victim contact team of the result of an appeal in respect of relevant criminal conduct no later than one working day after the day the joint police/CPS Witness Care Unit is notified by the court of the result, and any other victim no later than four working days after that day.

### ***Information about National Probation Service Victim Contact Scheme***

6.15 In cases where an offender is convicted of a sexual or violent offence as defined in section 45 of the Domestic Violence, Crime and Victims Act 2004 in respect of relevant criminal conduct and given a sentence of imprisonment or detention of twelve months or more, or hospital order with restriction order, the joint police/CPS Witness Care Units must provide the victim with a copy of the "National Probation Service Victim Contact Scheme" leaflet or equivalent updated leaflet. The joint police/CPS Witness Care Unit must refer the victim's details to the Probation Service no later than ten working days after the expiry of the period in which victims may opt out of the National Probation Service Victim Contact Scheme. Both of these actions must be completed no later than a total of twenty working days after the day the joint police/CPS Witness Care Unit is notified of the sentence by the court.

## 7. The Crown Prosecution Service

7.1 The Crown Prosecution Service (CPS) has the following obligations.

7.2 It is the duty of the CPS to ensure that victims are informed of charging decisions taken by the CPS. In cases where, following discussions between an investigating officer and a Crown Prosecutor, the decision is taken that there is insufficient evidence to bring any proceedings for a relevant criminal offence it will be the responsibility of the police to notify the victim of this fact.

7.3 Where a Crown Prosecutor takes the decision that there is insufficient evidence to bring any proceedings following receipt of a full evidential report and other than during a discussion with the investigating officer, it will be the responsibility of the CPS to notify the victim of this fact within one working day for vulnerable or intimidated victims and within five working days for all other victims.

7.4 If, after an offender has been charged and following a case review, the CPS takes a decision to substantially alter or drop any charge, the CPS must notify the victim within one working day for vulnerable or intimidated victims and within five working days for all other victims. In all other circumstances, the police will be responsible for notifying victims of decisions in cases.

7.5 The Prosecutor may decide in accordance with CPS guidance that it is inappropriate or unnecessary in the particular circumstances to notify the victim, or that for legal reasons, no explanation beyond setting out the tests in the Code for Crown Prosecutors can be given. In such cases the reasons for providing no information or only limited information must be recorded.

7.6 The CPS has an additional obligation set out in paragraph 7.7 below in relation to cases involving a death allegedly caused by criminal conduct, such as murder, manslaughter, dangerous driving or careless driving, cases of child abuse, sexual offences, racially and religiously aggravated offences and offences with a homophobic or transphobic element.

7.7 The CPS must offer to meet the victims of the types of cases identified in 7.6 to explain a prosecution decision in the following circumstances:

7.7.1 where the Prosecutor decides not to bring any proceedings in respect of criminal conduct, following the provision of a full evidential report by the police to the CPS for a CPS decision on charge (in accordance with guidance issued by the Director of Public Prosecutions, and other than during a face-to-face consultation with an investigator);

7.7.2 where a decision is made to drop or substantially alter charges in respect of relevant criminal conduct;

unless the Prosecutor concludes that in all the circumstances a meeting ought not to take place in which case he or she must record in writing the reason for that conclusion.

7.8 Where a victim who is to be called as a witness in criminal proceedings in respect of relevant criminal conduct, has been identified as potentially vulnerable or intimidated, the CPS must have systems in place to assist prosecutors in considering whether or not to make an application to the court for a special measures direction under Chapter I of Part II of the Youth Justice and Criminal Evidence Act 1999. The outcome of that consideration must be recorded.

7.9 The CPS must ensure that, where circumstances permit, Prosecutors or, if Prosecutors are unavailable, other representatives of the CPS introduce themselves to victims at court. When meeting victims, Prosecutors or their representatives must answer any questions victims may have about court procedures and give an indication where possible of how long they will have to wait before giving evidence.

7.10 In the event of delays to criminal proceedings in respect of relevant criminal conduct, the CPS must, wherever possible, explain the reason for the delay and, wherever possible, tell the victim how long the wait is likely to be.

7.11 The CPS must pay expenses that the CPS has decided are due to the victim, in accordance with the Crown Prosecution Service (Witnesses' etc. Allowances) Regulations 1988 not later than ten working days after the day the CPS receives a correctly completed claim form.

7.12 The CPS must answer any questions the victim has about the sentence in their case if the victim is referred to the CPS by the joint police/CPS Witness Care Units as at paragraph 6.8.

7.13 The CPS must provide the joint police/CPS Witness Care Units with copies of the List of Witnesses Attending Court as soon as these are finalised to enable the joint police/CPS Witness Care Units to notify victims if they are required to give evidence.

7.14 The CPS must respond to requests for information from the Criminal Injuries Compensation Authority or the Criminal Injuries Compensation Appeals Panel no later than 60 working days after the day on which the CPS receive the request.

## 8. Her Majesty's Courts Service

8.1 Her Majesty's Courts Service (the "court staff") have the following obligations.

8.2 The court staff must notify the joint police/CPS Witness Care Units, in relation to all hearings including any set down for the consideration of an amendment to the sentence originally passed, of the court date(s) in respect of relevant criminal conduct, no later than one working day after the day on which the date is set in cases which court staff have been notified involve vulnerable or intimidated victims; and no later than three working days after the day on which the date is set in cases involving other victims.

8.3 In order for information about court decisions in criminal proceedings in respect of relevant criminal conduct to be passed to victims promptly, court staff must:

- (a) in relation to first hearing bail/remand applications ensure that, in cases which the court staff have been notified involve vulnerable or intimidated victims, decisions reach the police and the joint police/CPS Witness Care Units no later than one working day after the day on which the decision is made; and in cases involving other victims, decisions reach the police and the joint police/CPS Witness Care Units no later than three working days after the day on which the decision is made.

If this is not possible in a particular case, a record must be made of why the decision was not conveyed to the police and the joint police/CPS Witness Care Units within the appropriate time-limit.

- (b) in relation to all later hearings, including any resulting in a significant amendment of the sentence originally passed, ensure that, in cases which the court staff have been notified involve vulnerable or intimidated victims, decisions reach the joint police/CPS Witness Care Units no later than one working day after the day on which the decision is made; and in cases involving other victims, decisions reach the joint police/CPS Witness Care Units no later than three working days after the day on which the decision is made.

If this is not possible in a particular case, a record must be made of why the decision was not conveyed to the joint police/CPS Witness Care Units within the appropriate time-limit.

- (c) in relation to all adjournments and postponements of scheduled hearings agreed to without a court hearing, ensure that, in cases which the court staff have been notified involve vulnerable or intimidated victims, decisions reach the joint police/CPS Witness Care Units no later than one working day after the day on which the decision is made; and in cases involving other victims, decisions reach the joint police/CPS Witness Care Units no later than three working days after the day on which the decision is made.

If this is not possible in a particular case, a record must be made of why the decision was not conveyed to the joint police/CPS Witness Care Units within the appropriate time-limit.

- 8.4 The court staff must ensure that, where possible, at criminal proceedings in respect of relevant criminal conduct victims have, and are directed to, a separate waiting area and a seat in the courtroom away from the defendant's family or friends.
- 8.5 Where the court hearing criminal proceedings in respect of relevant criminal conduct makes a special measures direction under Part II of the Youth Justice and Criminal Evidence Act 1999, the court staff must ensure the availability of those special measures so far as is possible.
- 8.6 The court staff must ensure, as far as is reasonably within their control, that victims who are witnesses do not have to wait more than two hours before giving evidence in criminal proceedings in respect of relevant criminal conduct in the Crown Court or Magistrates' Court.
- 8.7 Where victims are witnesses in criminal proceedings in respect of relevant criminal conduct, the court staff must, if appropriate, take contact telephone numbers for the victims so that the victims are able to leave the court precincts and be contacted when they are needed.
- 8.8 The court staff must ensure, whenever possible, that there is an information point where all victims in criminal proceedings in respect of relevant criminal conduct can find out what is happening in their case while their case is being heard in court.
- 8.9 If a person who has been convicted of an offence at the Magistrates' Court in respect of relevant criminal conduct gives notice of appeal against their conviction or sentence, the Magistrates' Court staff must notify the joint police/CPS Witness Care Units within one working day of the notice being lodged.
- 8.10 Staff at the Court of Appeal must notify the joint police/CPS Witness Care Units if a person who has been convicted of an offence in respect of relevant criminal conduct appeals against their conviction or their sentence no later than three working days after the Court receives the judge's decision granting leave to appeal.
- 8.11 If leave to appeal is granted by any court above the Court of Appeal, the court staff at that court must notify the joint police/CPS Witness Care Units no later than one working day after the day on which leave to appeal is granted.
- 8.12 The court staff at the relevant court must notify the joint police/CPS Witness Care Units of the result of the appeal no later than one working day after the day of the result.

## 9. Youth Offending Teams

- 9.1 Youth Offending Teams (YOTs) are required to take account of victims' needs and have the following obligations in respect of victims of youth crime referred to youth offending teams.
- 9.2 On receipt of a victim's details from the police, the YOT must decide if it would be appropriate to invite the victim to become involved in a restorative justice intervention relating to relevant criminal conduct, and record the reasons for this decision.

9.3 The YOT must keep victims' personal details securely and separate from details kept on offenders. Information on victims should be destroyed when the restorative justice intervention in a case is at an end, apart from information that would be relevant for future research and evaluation.

9.4 If it decides to make contact with victims, the YOT must explain its role and allow victims to make informed choices about whether they want any involvement and if so, the nature of that involvement. The involvement of victims must always be voluntary. Victims must not be asked to do anything which is primarily for the benefit of the offender.

9.5 YOTs must ensure that all staff working with victims have had appropriate training.

9.6 If the victim agrees to be involved, either directly or indirectly in a restorative justice intervention in respect of relevant criminal conduct, the YOT must, if the victim requests this, keep the victim informed about the progress of the case and notify the victim when the intervention has concluded.

9.7 The YOT must give victims who ask for additional support before, during or after a restorative justice intervention in respect of relevant criminal conduct access to information about appropriate services.

## 10. Probation – National Offender Management Service

10.1 Under the Domestic Violence, Crime and Victims Act 2004, the local probation boards have responsibilities in relation to the victims of offenders sentenced to 12 months or more for a sexual or violent offence, including mentally disordered offenders, in certain circumstances. These responsibilities are set out in full in the 2004 Act but are summarised below.

10.2 The Probation Service has the obligations set out below in relation to:

10.2.1 the victim of an offender who receives a sentence of imprisonment of 12 months or longer after being convicted of a sexual or violent offence;

10.2.2 the victim of an offender who is convicted of a sexual or violent offence and receives a restricted hospital order (including an order made under criminal insanity legislation); or is transferred to prison under the Mental Health Act 1983 with a restriction direction; or receives a hospital and limitation direction. (This only applies where the order or direction is made or the transfer to prison is directed on or after 1 July 2005).

10.3 The Probation Service must take all reasonable steps to establish whether a victim wishes to make representations about what licence conditions or supervision requirements (where it is a young offender) the offender should be subject to on their release from prison and/or conditions of discharge from hospital and to forward these to those responsible for making decisions about the prisoner's or patient's release.

10.4 The Probation Service must forward any requests for non-disclosure to those responsible for making decisions about the prisoner's or patient's release.

10.5 The Probation Service must pass on any information to the victim about whether the prisoner or patient will be subject to any conditions or requirements in the event of release or discharge and must provide the victim with details of any which relate to contact with the victim or their family and the date on which any restriction order, limitation direction or restriction direction is to cease to have effect.

10.6 The Probation Service shall also provide the victim with any other information which it considers appropriate in all the circumstances of the case. Generally, victims will be given information at key stages in an offender's sentence, for example, a move to a lower category prison or a temporary release from prison on licence.

## 11. Prisons – National Offender Management Service

11.1 Prisons and NOMS have the following obligations.

11.2 The National Offender Management Service must maintain the Prison Service telephone helpline to ensure that victims have a number to ring if they receive unwanted contact from a prisoner who has been convicted or remanded in custody in respect of relevant criminal conduct; or have any concerns about the prisoner's temporary release or final discharge.

11.3 The Probation Service may, as a result of information received from the victim, recommend to the Parole Board or the Secretary of State (as appropriate), that conditions relating to non-contact or exclusion are placed on prisoners' release licences. Governors and Controllers of Contracted Prisons must ensure that all approved conditions are inserted into release licences and that all associated administrative procedures are meeting victims' needs. In addition, prisons must ensure that this information is passed to the Probation Service so that the Probation Service can notify the victim.

11.4 Prisons must ensure that information about victims and their families, or their views and concerns about a prisoner's temporary or permanent release, is stored securely. As a general principle information provided by the victim which is pertinent to decisions about the conditions of a prisoner's release will be made available to that prisoner unless the victim requests that it is not disclosed and the Governor considers that to do so would put the victim or their family at risk of harm or would compromise any duty of confidentiality owed to the victim. Victims who wish their views not to be disclosed to the prisoner can make representations to the Governor/Controller through their Victim Liaison Officer.

## 12. The Parole Board

12.1 The Parole Board has the following obligations.

12.2 The Parole Board must consider any representations that victims have offered to the Probation Service on the conditions to be included in the release licences of prisoners serving sentences subject to consideration by the Parole Board and reflect these considerations in the parole decisions. Conditions relating to the victim should be disclosed to the victim through the Probation Service, and where a licence condition has not been included, the Parole Board should provide an explanation for the non-inclusion.

12.3 The Parole Board must consider any information regarding the victim that relates directly to the current risk presented by a prisoner in deciding whether or not to grant or recommend release and reflect this in the parole decision.

## 13. The Criminal Injuries Compensation Authority

- 13.1 The Criminal Injuries Compensation Authority (CICA) has the following obligations.
- 13.2 CICA must process all applications for compensation made under the Criminal Injuries Compensation Scheme ("the Scheme") in accordance with the rules of the Scheme.
- 13.3 CICA must make available clear information on eligibility for compensation under the Scheme.
- 13.4 CICA must respond to all correspondence regarding applications for compensation under the Scheme which requires a reply, no later than 20 working days after the day the correspondence was received by CICA.
- 13.5 In the event of a claim for compensation under the Scheme being refused or reduced, CICA must ensure that it gives explanations for its decisions to the applicant.
- 13.6 If CICA is unable to send a decision letter to an applicant for compensation under the Scheme within 12 months of receipt of the application, it must notify the applicant of the status of their claim after 12 months of receipt of the application.
- 13.7 When issuing its decision, CICA must notify applicants of their right to a review of the decision, and provide information on the procedure and the time limit for applying for review.
- 13.8 Where an applicant requests a review, CICA must process the review efficiently, fairly, and entirely afresh on the basis of all available information.
- 13.9 CICA must provide explanations of the review decision to the applicant, and must notify them of the process of applying for an independent appeal to the Criminal Injuries Compensation Appeals Panel.
- 13.10 Where an appeal is lodged, CICA must provide the applicant and the Criminal Injuries Compensation Appeals Panel with copies of all papers required for the appeal, as soon as is reasonably practicable. The applicant should be given at least 15 working days to deal with any new issues raised in the papers.

## 14. Criminal Injuries Compensation Appeal Panel

- 14.1 The administrative staff of the Criminal Injuries Compensation Appeal Panel (CICAP) have the following obligations at all stages of the process of an appeal under the Scheme, including at oral hearings.
- 14.2 CICAP staff must make available to claimants relevant information regarding the procedure for appeals by producing and keeping up to date guidance materials.
- 14.3 CICAP staff must respond to all correspondence relating to appeal cases under the Scheme which needs a reply, no later than 20 working days after the day the correspondence was received by CICAP.
- 14.4 CICAP staff must ensure explanations for appeal decisions under the Scheme are available to applicants.

## 15. The Criminal Cases Review Commission

15.1 The Criminal Cases Review Commission (the "Commission") has the following obligations.

15.2 The Commission must consider the extent of contact to be made with a victim where, during the course of a review of a conviction or sentence in respect of relevant criminal conduct, the Commission considers there is a likelihood of the case coming to the victim's attention. The Commission must record the reasons for its decisions as to the extent of contact with a victim and notify the police of those decisions.

15.3 If the Commission decides, under paragraph 15.2, to contact the victim during the course of the review the Commission must notify the victim that an application has been received and that the case is under review. If, following the review, the Commission decides not to refer the conviction or sentence to the Court of Appeal or the Crown Court, the Commission must notify the victim of that decision.

15.4 If the Commission refers a conviction or sentence in respect of relevant criminal conduct to the Court of Appeal or Crown Court, the Commission must notify the victim of its decision, unless the victim has made it clear that they do not wish to be informed, or the case includes no identifiable victim. In doing so the Commission must, so far as possible, make certain that arrangements are in place to ensure that the victim is notified of the decision to refer at the same time as the person whose conviction or sentence has been referred. The Commission must not issue a press statement when a case has been referred until arrangements have been made for notifying the victim.

15.5 If the Commission contacts a victim, under paragraph 15.2 or 15.4, this may be done either directly by the Commission or with the assistance of the police. In either case the victim must be provided with information about Victim Support and the Witness Service.

## 16. Complaints about any of the service providers with obligations under the Code

16.1 If the victim feels that any of the service providers has not delivered their obligations under the Code, they should discuss their complaint with the person they have been dealing with at that organisation. Following this, they should make a complaint through the internal complaints procedure of that service provider.

<b>Service Provider</b>	<b>How to complain</b>
Police	The victim should ask at their local police station for a leaflet explaining how to make a complaint. Victims will receive a response within 10 working days.
Crown Prosecution Service (CPS)	The victim should write to the CPS office which dealt with the case outlining their complaint. Contact details for CPS offices can be found at Police Stations, Citizens Advice Bureaux or the Yellow Pages. The CPS office will aim to reply within 3 working days.
Joint Police/Crown Prosecution Service Witness Care Units	The victim should write to the Witness Care Unit which dealt with their case, setting out their complaint.
Crown Court	If the victim has a complaint about the court process, the court will be able to provide a leaflet about the complaints procedure. Complaints should be made in writing to the Complaints Officer at the court. A reply will be sent within five working days.
Magistrates' Court	If the victim has a complaint about the court process, the court will be able to provide a leaflet about the complaints procedure. Complaints should be made in writing to the Complaints Officer at the court. A reply will be sent within five working days.
Court of Appeal	The victim should make their complaint in writing to the Customer Service Manager, The Royal Courts of Justice, Strand, London WC2A 2LL.
Youth Offending Team	The victim should write to the Youth Offending Team Manager at their local Youth Offending Team explaining their complaint.
National Probation Service	The victim should make their complaint to the local manager or Senior Probation Officer at the office they have been dealing with.
Prison Service	Complaints should be addressed to the Director General's Briefing and Casework Unit, HM Prison Service, Cleland House, Page Street, London SW1 4LN. In cases where the offender is held in a contracted prison, the Prison Service will refer the matter to the Office of Contracted Prisons as appropriate.
Parole Board	The victim should complain in writing to The Complaints Officer, Parole Board for England and Wales, Abell House, John Islip Street, London, SW1P 4LH.

<b>Service Provider</b>	<b>How to complain</b>
Criminal Injuries Compensation Authority	The victim should make their complaint in writing to The Manager, Customer Care Team, Criminal Injuries Compensation Authority, Tay House, 300 Bath Street, Glasgow, G2 4LN. The victim will receive a reply within 20 working days.
Criminal Injuries Compensation Appeals Panel	The victim should make their complaint within three months of the hearing by writing to Customer Service Manager, Criminal Injuries Compensation Appeals Panel, 11th Floor Cardinal Tower, 12 Farringdon Road, London, EC1M 3HS.
Criminal Cases Review Commission	The victim should write to The Complaints Manager, Criminal Cases Review Commission, Alpha Tower, Suffolk Street, Queensway, Birmingham, B1 1TT.

### ***Referral to the Parliamentary Ombudsman***

16.2 If the victim makes a complaint regarding a breach of the Code using the procedures set out above for the relevant service provider, and they are not satisfied with the outcome, they may refer the issue, through a Member of Parliament, to the Parliamentary Ombudsman for consideration. Information about taking a complaint to the Parliamentary Ombudsman can be found at [www.ombudsman.gov.uk](http://www.ombudsman.gov.uk).

## Definitions

In this Code –

“close relative” means a spouse, co-habitee, parent (including a step-parent) or guardian, sibling (including half-siblings and step-siblings) or a child;

“co-habitee” means a person who is living in the same household with another person as a husband, wife or same or different sex partner;

“criminal conduct” means conduct constituting a criminal offence;

“independent arbiter” means a person who is not involved in the police investigation, is not a member of the bereaved family or a close friend of the deceased, who acts on behalf of the family in their communications with the police. Examples of independent arbiters could be: a lawyer, local religious or community leader or member of a community interest group;

“Family Liaison Officer (FLO)” means a police officer trained to work with bereaved families to secure their confidence and trust, to provide support and information about the investigation and support agencies, and to gather information which contributes to the investigation;

“guardian”, in relation to a person under the age of 17, means any person who, in the opinion of a service provider, has for the time being the care of that person;

“Local Victim Support Group” means a local group approved by Victim Support to provide services in the name of Victim Support;

“notifying a victim” means the posting of a letter, the making of a telephone call, making a personal visit, or the sending of an e-mail, fax, text message or any other mass communication method;

“relevant criminal conduct” means conduct in respect of which a victim is entitled to receive services under this Code;

“service provider” means a person required to provide services under this Code, as specified in section 2;

“victim” means a person entitled to receive services under this Code as specified in section 3 except where the context requires otherwise;

“Victim Support” means Victim Support National Office;

“working day” means a day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971.



Criminal Justice System: working together for the public

Produced by the Office for Criminal Justice Reform, October 2005. VictCode/1.