

# Victims' Code of Practice: A Guide for Victims

## Consultation

March 2005

CRIMINAL JUSTICE SYSTEM





## **Victims' Code of Practice: A Guide for Victims**

This document is designed to provide victims with an easy to read guide to their rights under the forthcoming Victims' Code of Practice.

As with the latest version of the Code, this guide will be subject to a full three month consultation exercise with the deadline for responses being **30 May 2005**.

We are very keen to get your views on the following questions:

*Does this Guide give you clear information about your rights as a victim of crime?*

*In what ways do you think this Guide could be improved?*

*The annex to the Guide tells you where you can find more information about support available for victims of crime. When the Guide is published in its final form it will also provide space for some local contact details (for example a Witness Care Unit telephone number). What other useful information do you think should be available or signposted in the Guide?*

Background information on the Code of Practice and full details of the consultation process are contained in the main consultation paper.

Please send your responses to this consultation document to:

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## The Code of Practice for Victims of Crime: a Guide for Victims

### Why should I read this?

The new Code of Practice for Victims of Crime is designed to ensure that the needs of victims are being put at the heart of the Criminal Justice System.

This Guide to the Code has been put together to tell you:

- what your rights are, as a victim; and
- what help and information you can expect to get over the coming weeks and months.

### Am I covered by the Code?

You're covered by the Code if you have been the victim of a crime where:

- someone took or damaged your property;
- someone tried to take or damage your property;
- you suffered physical or mental injury;
- the crime was intended – or likely – to injure or kill you;
- a sexual offence was committed.

You are also covered by the Code if you're the spokesperson for someone who has died as a result of a crime.

### Vulnerable victims

Some of the services described in the Code are only available to vulnerable victims.

You are considered to be a vulnerable victim if:

- you are under 17;
- you have a history of physical or mental disability, which makes it more likely that you'll be the victim of a similar crime in the future;
- you suffer from a mental disorder;
- you've experienced domestic violence;
- you have a history of being bullied;
- you have a history of self-neglect or self-harm;
- you were the victim of a sexual or racial offence, or you were singled out because of your sexual orientation or religion;
- English (or Welsh) isn't your first language;
- you are the family spokesman of a person who's died; or
- reporting the crime might lead to you being intimidated.

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## What can you expect from each organisation?

### The Police

There are some exceptions, but generally the police have to tell you if a suspect is arrested or charged in connection with the crime that you were a victim of.

They will tell you if:

- the suspect has been released on police bail; or
- the suspect is cautioned, reprimanded, or given a final warning; or
- they decide to take no further action; or
- they decide to drop or substantially change the charges being made against a suspect.

you should be told within three working days of this happening, or within one working day if you are a vulnerable victim.

If you are a vulnerable victim, the police must also tell you:

- If the suspect is granted bail by the court, against the police's wishes.
- What conditions are attached to the bail that might affect you.
- What you can do if these conditions are broken.

### Giving you the right information

The police are usually the first people you will come in to contact with. For this reason, the police are also responsible for:

- Giving you a copy of the latest 'Victims of Crime' leaflet within two working days of you first talking to them.
- Giving you the opportunity to complete a victim personal statement.

- Passing on your contact details to the Local Victim Support Group, unless you specifically ask them not to.
- Passing your contact details onto a Youth Offending Team (YOT), if the offender was under 18 – unless you ask them not to.

## Looking after witnesses

If you are called as a witness, the Witness Care Unit has to give you a copy of the “Witness in Court” leaflet. This leaflet will tell you about the different types of court, attending court, and giving evidence.

The Witness Care Unit must tell you:

- The date of the hearing.
- What happened in any pre-trial hearing, and what happened in the trial itself.

They will let you know within 4 working days of finding out themselves. Vulnerable victims should get this information within 1 working day.

The Witness Care Unit must also tell you:

- Whether the sentence or conviction is being appealed.
- Whether or not the appeal was successful.

They will tell you this within 5 working days of finding out themselves. Vulnerable victims should be told within two working days

If you were the victim of a serious crime involving sex or violence, and your attacker is convicted and given a prison sentence of at least twelve months, the police will also:

- Give you a copy of the “Release of Prisoner: Information for Victims of Serious Sexual or Other Violent Offences” leaflet; and
- Pass your details to the Probation Service.

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## The Crown Prosecution Service

The Crown Prosecution Service (The CPS) must normally tell you:

- if they decide not to bring the case to court; or
- if they decide to drop or substantially alter charges.

In cases involving:

- murder or manslaughter
- child abuse
- sexual offences
- racism or religious discrimination
- homophobia

the CPS must usually agree to meet you to explain why they decided to not bring charges, or why they have dropped or substantially altered the charges.

If the CPS decides not to give you this information, or not to meet you, then they must give you their reasons in writing.

During court proceedings, the CPS must:

- Introduce themselves to you at court.
- Answer any questions that you have about court procedures.
- Tell you how long you will have to wait before you give evidence. If there are delays in the proceedings, then wherever possible, the CPS must explain the reason for the delay, and tell you how long the wait is likely to be.
- Pay your witness expenses within ten days of getting a correctly completed claim form.

## Victim Support

If you're a victim:

You can call the Victim Supportline (0845 30 30 900). This is a national telephone service that offers advice and support to victims of crime.

Your local Victim Support group must also:

- Offer to help you, unless you say that you don't want them to.
- Call, write or visit you in person within two days of you contacting them, or of the police passing them your details.
- Give you basic information and help to apply for compensation under The Criminal Injuries Compensation Scheme.
- Pass your details on to other organisations, where appropriate and if you want them to.

If you might be called as a witness:

The Witness Service must:

- Give you information about its services.
- Arrange for you to visit the court beforehand, if you want to.
- Tell you what to expect when you get to court.
- Answer any questions you have about court proceedings.

## The Courts

Staff at the courts should:

- Ensure that you are given a separate waiting area where possible and a seat in the court room away from the defendant's family or friends.
- Put in place any special measures that were requested by the court to make it easier for you to give evidence so far as is possible.

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- Take a telephone number for you where appropriate, so you can leave the court and be contacted when you're needed.
- Provide an information point, if possible, where you can go and find out what is happening with your case.

## Youth Offending Teams

Under the Code, Youth Offending Teams (YOTs) have to:

- Clearly explain what they do, so that you can make an informed choice about whether you want to be part of it. You shouldn't be asked to do anything that is mainly for the benefit of the offender.
- Decide whether to ask you to be part of a restorative justice initiative. Restorative Justice might involve arranging a meeting between the offender and victim, with a mediator, where victims can tell the offender how the offence has affected them. It also gives the offender the chance to make amends directly to their victims.
- Let you know what's happening with the case, if you've opted for restorative justice.
- Tell you when the restorative justice process has finished.
- Keep your personal details secure and separate from the offender's details.

## The Probation Service

The Probation Service mainly deals with victims of sexual or violent crimes, where the offender has either been given a minimum 12 month prison sentence, or has been found not guilty of these crimes on the grounds of insanity.

In these circumstances, the Probation Service must:

- Find out whether you want to ask for any specific conditions to be put on the offender when he is released from hospital or prison.

- Send your request to the people responsible for making decisions about the offender's release.
- Pass on any information to you about whether the offender will be released with conditions.
- Tell you about any conditions that might directly affect you or your family.
- Tell you when a hospital order is coming to an end.

## The Prison Service

The Prison Service must:

- Give you a number to ring in case you have any unwanted contact from a prisoner, or you have any concerns about the prisoner's release.
- Store any information about you or your family, or your views about the prisoner's release, in a safe place.
- Give the prisoner any relevant information that you provided about their release, unless you ask them not to.
- **This information will not be made available to the prisoner if the Governor of the prison thinks that it would put you, or your family, in any danger.**

## The Parole Board

The Parole Board must:

- Consider any requests you make to attach conditions to a prisoner's release.
- Explain why they have turned down your request if they don't attach those conditions.

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- Take in to account any information about you, and any risk that the offender might pose to your safety.

## The Criminal Injuries Compensation Authority (CICA)

The Criminal Injuries Compensation Authority must:

- Tell you who is eligible for compensation.
- Process your application for compensation efficiently, fairly and sensitively.
- Reply to all correspondence about your application within 20 days of getting it.
- Explain why they have refused or reduced the compensation you claimed.
- Let you know about what is happening to your claim if they haven't given you a decision within 12 months of receiving your application.
- Tell you about your right to have their decision reviewed, and how you go about applying for a review.
- Explain the thinking behind the review decision. They must also tell you how to apply for an independent appeal by the Criminal Injuries Compensation Appeal Panel.

## Criminal Injuries Compensation Appeals Panel (CICAP)

The Criminal Injuries Compensation Appeals Panel (CICAP) must:

- Give you up-to-date information about how to make an appeal, and what procedures to follow.
- Reply to correspondence about your appeal case within 20 days of getting it.

## **The Criminal Cases Review Commission**

- If the Commission is reviewing a conviction and sentence in a case you are connected to, and it's likely that you'll hear about what's going on, the Commission must decide whether to contact you, to let you know that the case is under review.
- After the review, the Commission has to keep you informed of their decision.

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## Making a complaint

You can make a complaint about any of the organisations covered by the Code, if you feel that you haven't been treated properly.

### Police

Ask your local police station for a leaflet explaining how to complain. You can find the address of your local police station in the Yellow Pages or on [www.police.uk](http://www.police.uk)

You can make a complaint about a police officer, or police force policy, practice or procedure at the police station involved, or by writing to the Chief Constable.

You should receive a response within 10 working days.

If you are not satisfied with the response, you should contact your MP who will consider referring your complaint on to the Parliamentary Ombudsman.

### Crown Prosecution Service (CPS)

Write to the CPS office which dealt with the case. The contact details are available from Police Stations, Citizens Advice Bureaux, the Yellow Pages or [www.cps.gov.uk](http://www.cps.gov.uk).

The CPS aims to reply within three working days of receiving the letter. If they can't send a full reply within this time, they will acknowledge the letter and send a full reply within 10 working days.

If the local CPS office doesn't deal with your complaint to your satisfaction, you may write to the Chief Crown Prosecutor of the area, who will then carry out an independent review. Ask your local CPS office about what action you can take if you are still not satisfied at the end of the review.

## Victim Support

Victim Support's complaints procedure is currently being revised.

## Crown Court

Ask the court to give you a leaflet explaining the court's complaints procedure.

Complaints should be made in writing to the Court Manager of the court. If you are not satisfied with their response, you can then write to the Area Director. The names of the Court Manager and the Area Director are displayed at every court.

If you are still not satisfied, you can write to the Customer Service Unit at: **Court Service Headquarters, 5th Floor Clive House, 70 Petty France, London, SW1H 9HD**. If a complaint is made in writing, they must acknowledge the complaint within two working days and send a full reply within 15 working days.

## Magistrates' Court

Details of the complaints procedure will be displayed in the court building. Leaflets are also available in some court buildings.

Complaints should be addressed to the Senior Manager. If you are not satisfied with the response, you can write to the Area Director. The address is available at the Court. Complaints will be acknowledged within a few days.

If you are still not satisfied, you can write to the Customer Service Unit at: **Court Service Headquarters, 5th Floor Clive House, 70 Petty France, London, SW1H 9HD**. If a complaint is made in writing, they must acknowledge the complaint within two working days and send a full reply within 15 working days.

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## Youth Offending Team

In the first instance, you should discuss the complaint with the member of the Youth Offending Team that you have been in contact with. If the problem isn't resolved to your satisfaction, you should then write to the Youth Offending Team Manager at your local Youth Offending Team.

## National Probation Service

Speak to the local manager or Senior Probation Officer at the office you have been dealing with. If you are not satisfied with the response, you can complain to the Chief Officer for your area. Within five working days of receiving a letter of complaint, the Chief Officer will write explaining how the complaint will be handled and giving you a date by which it will have been dealt with.

If you're still not happy, you can appeal within 15 working days to the Secretary of the Probation Board. A panel, including at least one board member, will look at the appeal.

## Prison Service

The Prison Service is currently reviewing their complaints procedure.

## Parole Board

Initially, discuss your complaint with the member of staff you've been dealing with. If an informal agreement is not possible, you should put your complaint in writing to:

**The Complaints Officer, Parole Board for England and Wales, Abell House, John Islip Street, London SW1P 4LH.**

## Criminal Injuries Compensation Authority

If you wish to complain about the way your application for compensation was dealt with, or you believe you have lost money as a result of a mistake, you should write to: **The Manager, Customer**

**Care Team, Criminal Injuries Compensation Authority, Tay House, 300 Bath Street, Glasgow, G2 4LN.** You should receive a reply to your complaint within 20 working days.

### **Criminal Injuries Compensation Appeals Panel**

Make your complaint within three months of the hearing by writing to the Customer Services Manager at: **Criminal Injuries Compensation Appeal Panel, 11th Floor, Cardinal Tower, 12 Farringdon Road, London EC1M 3HS.**

The complaint will be acknowledged and then investigated by a senior member of staff. You should receive a reply within 21 working days.

### **Criminal Cases Review Commission**

If you wish to complain about the way the Criminal Cases Review Commission has handled the case in which you were involved, you should write to: **The Complaints Manager, Criminal Cases Review Commission, Alpha Tower, Suffolk Street, Queensway, Birmingham B1 1TT** setting out the details of your complaint.

The complaint will be acknowledged and then investigated in accordance with the Commission's Complaints Procedure, which is available from the Commission by post or on their website at [www.ccrcc.gov.uk](http://www.ccrcc.gov.uk)

### **Parliamentary Commissioner for Administration (Parliamentary Ombudsman)**

If you follow the procedures set out above and you still aren't satisfied with the outcome, you can raise the issue with your Member of Parliament (MP). He or she can then ask the Parliamentary Ombudsman to look at your complaint.

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If the Parliamentary Commissioner thinks the complaint is justified, she can make recommendations to the organisation(s) involved. These could include: suggested rule changes, reimbursement of your expenses, or an apology to you from the organisation.

## **Annex – Other useful information**

### **Useful telephone numbers:**

Victim Supportline 0845 30 30 900

Prison Service Victim Helpline 0845 7585 112

Domestic Violence Helpline 0808 2000 247

### **Useful websites:**

Online victims walkthrough

<http://www.cjsonline.gov.uk/victim/walkthrough/index.html>

Online witnesses walkthrough

<http://www.cjsonline.gov.uk/witness/walkthrough/index.html>

Victim Support

[www.victimsupport.org](http://www.victimsupport.org)

Womens Aid

[www.womensaid.org.uk](http://www.womensaid.org.uk)

Support After Murder and Manslaughter

[www.samm.org.uk](http://www.samm.org.uk)

Crime Reduction

[www.crimereduction.org.uk](http://www.crimereduction.org.uk)

How to contact your Member of Parliament

[www.locata.co.uk/commons/](http://www.locata.co.uk/commons/)











Criminal Justice System: working together for the public