



A REVIEW OF THE VICTIM'S CHARTER

February 2001

Summary

The Government and all the criminal justice agencies are committed to providing better services and improved support for victims of crime.

Since 1997, the Government has:

- Doubled the annual grant to the voluntary organisation, Victim Support. Among other developments, this grant has enabled Victim Support to set up a national telephone helpline for victims, and to have made good progress in implementing a support service for victims and witnesses in the magistrates' courts (such a service already exists in the Crown Court);
- Introduced measures to support vulnerable victims and witnesses by, for example, banning the cross-examination of rape victims by the defendant;
- Made improvements to the Criminal Injuries Compensation Scheme;
- Enacted legislation to put the services provided to victims by the Probation Service after an offender is convicted on a statutory footing;
- Provided a grant to Support After Murder and Manslaughter, a self help group for the relatives and friends of murder victims;
- Encouraged the Crown Prosecution Service to provide information direct to victims about decisions it has responsibility for;
- Taken forward the recommendations in The Stephen Lawrence Report relating to better treatment of victims and witnesses from a minority ethnic background.

We want to reflect these changes in a new Victim's Charter. The responsibilities of the criminal justice agencies, and the expectations that victims can have of them, are contained in the revised draft Charter which forms the second half of this consultation paper.

We also want to look to the future. We think the time is right to introduce statutory rights for victims. We would like to establish a Victims' Ombudsman to investigate complaints and to champion victims' interests. We want views on whether it would be worthwhile setting up a "victims' fund" to ensure that compensation orders made by the courts are paid promptly. And so in the first half of the paper, we invite comments on these and other new ideas.

The Victim's Charter

All responsible people want offenders to be caught and, if charged and found guilty, to receive a sentence to fit the crime. If we become a victim of crime, we want to be treated with respect and consideration. We want to know if the police catch someone; if that person is charged; what happens at court, including the eventual outcome; and whether we might get any compensation. We want to know how the system works and what information we can give to help decision-makers reach their conclusions. If the offender is sent to prison, we want to know how the prison system works and how we can be sure that any concerns we might have about the offender's eventual release are taken into account. And we want to know what we can do if anything goes wrong. These are among the key issues that we want to cover in this review of the Victim's Charter.

2. The first Victim's Charter was published in 1990. It was a Charter on behalf of the entire criminal justice system rather than a series of Charters on the individual parts. It described how the system worked and gave examples of good practice. Building on the increased awareness of the needs of victims throughout the 1980s, it was a major step in seeing that victims started to get better treatment.
3. A substantially revised Victim's Charter was issued in 1996. It set out 27 standards of service which victims could expect to receive. While some of the standards were clear and reflected new benefits for victims, others were vague, more peripheral or not easily evaluated.
4. The challenge now is to improve the Charter, taking into account developments over the last 5 years both domestically and internationally, and to show the increasing commitment the Government is giving to helping victims and witnesses¹. Our aim is to produce a document which reflects evolving practice, and provides better guidance and services for victims. But we also want views on significant new measures which we are suggesting, namely the introduction of statutory rights for victims, and the creation of the new post of Victims' Ombudsman to champion victims' interests.
5. Recent developments from overseas, to which we have made a major contribution, have also influenced our thinking. In 1999, the United Nations published a "Handbook on Justice for Victims". This includes a declaration of basic principles of justice for victims of crime and abuse of power. Early in 2000, the then Portuguese Presidency of the European Union (EU) introduced a draft framework decision² on the standing of victims in criminal procedure. Although this draft remains subject to approval by EU member states, the final framework decision would provide outline rights for victims for the first time across the EU.
6. We (though not all other EU countries) are in fact already doing what would be required by the framework decision. And so we want to be more ambitious than this. Although successive surveys reveal that a majority of victims are satisfied with their treatment by the criminal justice system, there are clearly many who are not. For some, the dissatisfaction is with sentencing decisions or what happens in prison. These issues are about the treatment of offenders, not victims. They are therefore beyond the scope of this consultation paper. What we are interested in receiving are views about what more can be done to improve services to victims of crime and support for them.
7. The direct effect on victims of the incorporation of the Human Rights Act into the law of England and Wales from October 2000 remains to be seen. In reality, the rights conferred by the Act have been in existence for many years, but the new opportunity is for cases to be heard in British Courts rather than the European Court. We are monitoring how the Act works in practice.
8. As part of the consultation process, we shall be considering whether the document should continue to be known as the Victim's Charter. But, for convenience, we shall refer to it as such throughout this discussion paper.

¹ In this context, we are referring to victims who are also witnesses. Separate arrangements apply to witnesses who are not victims. These arrangements are outlined in the Charter for Court Users.

² Paper recommending procedures which would be binding on EU countries.

9. The Government welcomes views from the police, prosecuting authorities and the National Probation Service, all of which have important expertise and experience in dealing with victims. We also want to hear from judges, magistrates and others from 'inside' the system.
10. But just as important are the views of those 'outside' the system. These include organisations which represent actual or potential victims of crime including Victim Support (which has commitments under the current Charter), the National Neighbourhood Watch Association and many others. We would also welcome the views of other groups working with victims of crime, voluntary and community groups in general, and individual members of the public. We are interested in practical ideas and suggestions as to how the criminal justice system can better meet the needs of victims.

The Consultation Process

11. The consultation period will end on 15 June 2001.
12. Responses should be sent to Geoff Bradshaw, Room 334, Justice & Victims Unit, The Home Office, 50 Queen Anne's Gate, London SW1H 9AT. The e-mail address is geoff.bradshaw@homeoffice.gsi.gov.uk. Responses may be published and attributed unless the individual or organisation requests otherwise. If there are any complaints or comments about the consultation process, they should be addressed to Richard Thew, Room 337, Justice and Victims Unit, The Home Office, Queen Anne's Gate, London, SW1H 9AT. The e-mail address is richard.thew@homeoffice.gsi.gov.uk.
13. Further copies of the consultation document can be ordered by telephoning 020 7273 4349. Copies can also be taken from the Home Office website <http://www.homeoffice.gov.uk>.

Definition of a 'Victim'

14. The present Victim's Charter applies to all individual victims of theft, burglary, criminal damage, arson, assault, domestic violence, racial harassment, sexual crimes and homicide. It also applies to the parents or carers of child victims of any of these offences, and to the relatives or close friends of homicide victims.
15. The current Charter does not apply to large companies, large businesses or corporations, unless an individual employer or employee bears the brunt of the offence (e.g. shoplifting in small businesses, violence or threats of violence during the course of a robbery). We do not think that should change. Nor do we think the Charter should apply to those who have witnessed serious offences, although such people would be eligible for referral to Victim Support and be entitled to the services provided to witnesses if the case came to court.
16. The Charter does not encompass road traffic incidents either. But we would welcome views on whether it should in cases leading to death or serious injury³, whether or not criminal charges are brought. The needs of victims or their bereaved relatives in these cases, particularly for information and support, can be just as great as other victims or their families. But a decision to extend the provisions of the Charter in this way would clearly be subject to the availability of resources, in particular for the police, the Crown Prosecution Service (to extend the service it already provides to bereaved relatives) and Victim Support (the Witness Service already offers help for those cases which go to court).

Q1. Should a new Charter include road traffic incidents which lead to death or serious injury?

Guiding Principles

17. With greater awareness of the rights, duties and expectations of victims of crime, the Government believes, that in setting out the responsibilities of the

³ *Serious injury – an injury for which the person is detained in hospital as an in-patient, or any of the following injuries whether or not the casualty is detained in hospital: fractures, concussion, internal injuries, crushings, severe cuts and lacerations, severe general shock requiring medical treatment and injuries causing death 30 or more days after the accident. (Department of the Environment, Transport and the Regions definition.)*

The Victim's Charter

criminal justice agencies, the new Victim's Charter should be guided by the following principles. The need:

- (i) to treat victims with dignity and respect;
- (ii) to provide appropriate protection;
- (iii) to provide help and support;
- (iv) to provide compensation and/or reparation;
- (v) to provide accurate and timely information about significant developments in the case;
- (vi) for victims to be offered the chance to say how they have been affected by the crime, and for this to be taken into account by those taking decisions within the criminal justice system;
- (vii) for a system of justice that is open and clearly understood.

Q2. Should any other principles be taken into account?

18. New measures to benefit victims since 1996 (or which are in the offing) and which might be taken into account in the new Charter

- (i) Expansion in the services provided by Victim Support:
 - a) national telephone helpline;
 - b) magistrates' courts witness service;
 - c) enhanced response to victims of racist crimes;
 - d) involvement in restorative justice (see xi and xii on page 6).
- (ii) Funding for the self help group, Support After Murder and Manslaughter, since 1998-99.
- (iii) The *Speaking Up for Justice*⁴ report made 78 recommendations to help vulnerable or intimidated witnesses (many of whom are likely

to be victims as well as witnesses). All have been accepted and are in the process of being implemented. Among them are:

- a) improvements in the identification of vulnerable or intimidated witnesses;
 - b) measures to provide protection and reassurance for intimidated witnesses;
 - c) greater communication about the needs of a witness;
 - d) use of appropriate interview methods and pre-trial support;
 - e) a ban on defendants in rape cases from being able to cross-examine their victims.
- (iv) The Macpherson Report⁵ into the murder of Stephen Lawrence made several recommendations which will benefit all victims, as well as the victims of racist crimes. They include:
 - a) improved liaison between the police and the victim's family;
 - b) better Crown Prosecution Service communication with victims;
 - c) review of the law on double jeopardy (a suspect being charged again with an offence for which he has already been tried and acquitted).
 - (v) The Criminal Injuries Compensation Scheme has been reviewed and changes are being considered.
 - (vi) Victim Personal Statements are being introduced from October 2001.
 - (vii) From April 2000, families of homicide victims have been able to claim expenses to enable them to attend trial (separate payments are made if they are required as witnesses).
 - (viii) The role of the National Probation Service in post conviction work with victims (or their families) of serious offenders has been reviewed and further improvements to the service are in hand. At present, the National

⁴ *Speaking Up for Justice: Report of the Interdepartmental Working Group on the treatment of Vulnerable or Intimidated Witnesses in the Criminal Justice System. Published by the Home Office June 1998.*

⁵ *The Stephen Lawrence Inquiry: Report by Sir William Macpherson of Cluny. Published February 1999.*

Probation Service begin working with victims when the offender is sentenced to 4 years imprisonment or more for a sexual or violent offence. The Criminal Justice and Court Services Act is reducing this period to 12 months or more from April 2001.

- (ix) Plans are being considered to ensure that victims of mentally disordered offenders have the same entitlement to receive information as the victims of other offenders.
- (x) Measures taken to reduce delays in cases coming to court, including:
 - a) all suspects charged with crime now come before the court at a very early stage;
 - b) ensuring defendants have access to free legal representation at the first hearing;
 - c) having police and Crown Prosecution Service staff working alongside each other in criminal justice units to speed up case preparation.

Other measures setting time limits for the progress of the case through the system are being piloted in the Youth Court.

- (xi) Changes made to the Youth Justice System give greater consideration to the needs of victims. Restorative Justice aims to 'restore' the effects of an offender's actions for the victim and the wider community. Through the new Reparation Order and Action Plan Order victims of young offenders will have the opportunity, where they wish it, to receive direct reparation from the offender: victims can convey how they have been affected by the offence and receive an explanation, an apology and some practical compensation for the distress and inconvenience caused to them.
- (xii) In addition, we are currently piloting the Referral Order, which will be aimed at those who come before the court for the first time

and plead guilty (and who do not warrant custody). It will require an offender to be referred to a Youth Offender Panel where a contract with the offender, with input from their family or other carers, will be drawn up to deliver the action needed to tackle their offending and the factors associated with it. The Panel will take account of the views of the victim which will help to determine the form of reparation to be included in a contract. If successful, it is planned to implement the Order in 2002.

- (xiii) Home Office information leaflets, including the pack for the families of homicide victims, have been updated and made available in a wide range of ethnic minority languages. Most leaflets are also available in formats for those with hearing or sight impairments.
- (xiv) The new criminal justice areas and increasing use of new technology will improve communications between the agencies, including the exchange of information about individual cases.
- (xv) Other developments in information technology, including increased use of and access to the Internet, are leading to the provision of general information to people who find themselves victims of crime (UK Online, and the following Websites - Home Office Crime Reduction, Crown Prosecution Service, Lord Chancellor's Department, The Court Service, Victim Support, Prison Service, Parole Board, Criminal Injuries Compensation Authority, and Criminal Injuries Compensation Appeals Panel).
- (xvi) To ensure that all these new measures are broadly monitored, targets have been set for improvements in victim and witness satisfaction, as measured by the now annual British Crime Survey and by a new survey of witnesses.

The Victim's Charter

19. We are also aware of, and await the findings of, other related reviews which are currently taking place:
- (i) the Auld review of the Criminal Courts;
 - (ii) the Sentencing review;
 - (iii) the review of Parole and Lifer processes;
 - (iv) the review of Death Certification by Coroners.

Q3. Do those consulted have comments or observations on the measures listed?

Q4. Are there any other measures which should be taken into account?

Format of Charter

20. The existing Charter follows the sequence of the criminal justice process, highlighting what victims can expect from a particular agency at each stage. It goes on to outline the complaints procedure that each agency has put in place.
21. There have been several criticisms of the Charter. The first is that it is too long. The second is that the standards of service are buried within the text. And the third is the difficulty in measuring some of the standards. A further common criticism is the lack of public awareness of the Charter. We deal with that separately later.
22. We suggest that there should be three different sections to the new Charter. Firstly, there might be headline standards (similar to the Guiding Principles contained in paragraph 17) which will feature prominently at the outset. The second section could bring together what victims should expect from each of the agencies in turn (i.e. police, Crown Prosecution Service, the courts, National Probation Service, Victim Support, Witness Service, Criminal Injuries Compensation Authority, Prison Service, Parole Board and the Home Office). The third and final section might be the complaints procedure of each agency (updated where necessary). Much of the description of how the criminal justice system works is already contained in various leaflets which

victims will have access to. But we are considering inserting a chart giving a step by step guide of how a case may proceed, including those cases where an offender is never charged.

A draft Charter, excluding complaints procedures and chart, is attached.

Q5. Are there comments on the proposed format?

Standards or Rights?

23. The first Charter had a secondary heading "A statement of the rights of victims of crime". But any actual rights within the document were hard to find.
24. The 1996 Charter avoided mention of rights and talked the then Charter language of "standards of service".
25. Victim Support's policy paper "The rights of victims of crime" (1995) pointed out that victims had few rights. The following year, the Parliamentary All Party Penal Affairs Group published the paper "Increasing the rights of victims of crime" which recommended the introduction of several initiatives which have subsequently been implemented. This paper draws on both of these documents in the sample new Charter attached.
26. We believe that the key issues are:
- (i) whether the 'service standard' approach in the current Charter should be continued in the new Charter or be replaced by a 'rights' approach;
 - (ii) if the 'rights' approach is taken, should the rights be put on a statutory basis;
 - (iii) should the rights be enforceable.

27. In the past, some have questioned referring to victims' 'rights', because rights implies some means of legal redress and compensation. And if victims have 'rights', some will inevitably be limited by defendants' 'rights'. At present, complaints procedures are the main route by which victims seek redress from the individual criminal justice agencies. But, in the light of the growth of services for victims, the Government believes that this is the right time to define at least the key services in legislation.
28. We have considered the alternative or additional step of the appointment of a Victims' Ombudsman. The Ombudsman would be an arbiter of last resort should complainants remain unhappy with an agency's response. The Ombudsman would be unable to comment on or intervene in judicial or other legally based decisions, but would be able to investigate and comment on the way a case or an individual victim had been dealt with. The Ombudsman might also act as a champion of victims' interests in general. There might be a role for an Ombudsman either as a supplement to a rights based approach or instead of such an approach.
29. Some have suggested that there should be a Minister for Victims, as there is in Northern Ireland. We believe that, in view of the oversight of the criminal justice system shared by the Home Secretary, Lord Chancellor and Attorney General and the way in which both Ministers and their civil servants are working cross-departmentally, the responsibility for victims should remain a shared one. Ministers need to be aware of the whole of the criminal justice system and the need to ensure a balance between concern and care for victims, and the rights of suspects, particularly before a plea or finding of guilt.

Proposals

30. The Government invites comments on the proposal that headline rights for victims should be put on a statutory basis. The 'guiding principles' listed in paragraph 17 are the most likely to be framed as rights. Because of the evolving nature of the services provided, it is unlikely to be practicable to legislate beyond this headline level.
31. The route for victims to complain will therefore remain the complaints procedures of the individual agencies, but supplemented by the establishment of the new post of Victims' Ombudsman to investigate unresolved issues. The Victims' Ombudsman would have the additional powers to recommend improvements to agencies' procedures to ensure they were victim sensitive, and to make other recommendations to Government arising from their work. If this is agreed, care would be taken to ensure that these duties did not conflict or overlap with those of the joint Prisons and National Probation Service Ombudsman, with the Police Complaints Authority, or with the Criminal Injuries Compensation Authority and Appeals Panel, which are subject to oversight by the Parliamentary Ombudsman.

Q6. The Government welcomes comments on these proposals.

Information to victims

32. Keeping victims informed of developments in their case is a key priority. Plans are in hand to ensure that the police or the Crown Prosecution Service continue to carry out this function up to and including the conclusion of the case in the courts, including information about appeals when relevant. When an offender is convicted of a sexual or violent offence which leads to a prison sentence of 12 months or more, the National Probation Service will offer victims the opportunity to be told about the eventual release plans of their offender.
33. This service does not currently extend to the victims of non violent offenders (such as burglars) sentenced to 12 months or more. To do so would be a significant additional task for the National Probation Service. We are unsure whether demand exists for the service to be extended in this way, and would welcome the views of those consulted.

The Victim's Charter

Q7. Is there demand for the victims of non violent offenders sentenced to 12 months or more to be informed of prison release plans?

Hate crimes

34. The Government believes that victims of crime where the offence is motivated or aggravated by a victim's race, gender, sexuality, age or disability, and where there is a real fear of further victimisation, should be subject to the special measures outlined in the *Speaking Up for Justice* report.
35. This may include coming within the Witness Protection Programme or having the opportunity to give evidence on a video link, or from behind a screen if the case comes to court.
36. Other ways to ensure that victims of hate crimes receive the necessary personal support are being developed by the police, Victim Support and other specialist support agencies.
37. Victims of racist incidents who, for whatever reason, are reluctant to make a complaint to the police, increasingly have the opportunity to report to a range of other community organisations. The complaint will not be forwarded to the police without the victim's consent.
38. The Government believes that the guiding principles, or headline rights, referred to earlier in this document will also embrace the victims of hate crimes. We do not propose to make additional arrangements, but are happy to consider the views of those consulted who may disagree.

Q8. What other practical measures can the Government introduce to support the victims of hate crimes?

Better services for victims at court

39. Sir William Macpherson's report into the murder of Stephen Lawrence made a number of recommendations relating to the better treatment of victims. In this section of the consultation paper, we are concerned with recommendation 41. That said:

"that consideration should be given to the proposition that victims or victims' families should be allowed to become civil parties to criminal proceedings, to facilitate and to ensure the provision of all relevant information to victims or their families."
40. A special conference about the role of the victim in the criminal justice system was held in September 1999. The conference concluded that victims (or their families in cases involving homicide or offences against children) becoming civil parties to criminal proceedings, as it works in practice abroad, was not the best option.
41. It is beyond the scope of this paper to provide a detailed account of the civil parties system as it operates in other European jurisdictions, or the alternative European model known as assistant or auxiliary prosecutor. These systems do give victims an opportunity to be formally involved in criminal proceedings, in most countries, but usually to safeguard their possible right to receive financial compensation. Victims overseas do not receive many of the other benefits described in this paper. In our view, the essential point is that victims should receive better treatment when they attend court, but stopping short of being made a party to those proceedings.

42. Like all the other agencies, the Crown Prosecution Service is committed to improving the service it provides to victims. Its main focus has to remain on representing the interests of the public at large and not just the interests of any particular individual. Earlier in this paper (paragraph 18 iv, and paragraph 32), we have referred to the Crown Prosecution Service's undertaking to pass on its decisions to victims. In some serious or otherwise sensitive cases, they will offer a face to face meeting as well. But they want to offer more than this. They would like to work with the Witness Service to set up visits to the court, in advance of trials, to explain the process, to explain who sits where, and to explain the roles of the various people involved in proceedings.
43. On the day the case begins, the Crown Prosecution Service want to ensure that its representatives at court have time to welcome and speak to victims before the hearing or trial starts. This will be an opportunity to explain any late developments which the victim is not aware of or, if the case proceeds, how long the victim may have to wait before giving evidence. In some cases, the defendant may offer to plead guilty to certain charges. The prosecutor will wish to take the victim's interests and views into account before deciding whether the pleas should be accepted or the case proceeds to trial. If the case does go on, the Crown Prosecution Service will want to ensure that the victim is kept informed of developments as the case proceeds. If the victim wishes to remain in court after giving evidence, it may be possible to arrange for the victim to sit near to a representative of the Crown Prosecution Service who is able to explain what is happening during the hearing.

Q9. The Government welcomes comments on these proposals.

Compensation Orders

44. Victims of violent crimes in England, Scotland and Wales may apply for compensation under the Criminal Injuries Compensation Scheme (separate

arrangements apply in Northern Ireland). The scheme applies whether an offender has been convicted or not. In the financial year 1999-2000, it paid out £206 million to over 43,000 successful claimants, which is more than all the other schemes in Europe added together. A separate consultation process has taken place on the scheme and changes were announced recently.

45. An additional source of compensation to a victim is the Court Compensation Order. Courts are required to consider in every case where the offence has resulted in personal injury, loss or damage whether the offender should be ordered to pay compensation. The court collects the compensation, pays it to the victim and enforces the order when offenders default. But we know that some offenders still fail to pay up. To ensure that victims receive the full amount awarded to them by the Court promptly in every case, we are looking carefully at whether to establish a "Victims' Fund" to ensure that victims receive the financial compensation they deserve from offenders more quickly. We would have to give considerable thought to the creation of any fund.

Q10. The Government invites comments on this proposal.

Presentation and Promotion

46. Public awareness of the current Charter is not high. When the contents of the new document have been settled, we want to ensure that it is promoted widely. It will be made available in a range of languages, and we will encourage its display in police stations, courts, Victim Support Schemes, Citizen's Advice Bureaux etc, and on the Home Office and other websites. A poster version of the headline standards will also be considered for display in similar areas.

The Victim's Charter

Title

47. There are several options on which we would welcome views, including:

The Victim's Charter – Rights for Victims of Crime

Rights for Victims – A Guide for Victims of Crime

Victims First – A Guide/Rights for Victims of Crime

The Victim's Charter – New Standards of Service for Victims of Crime

Q11. The Government welcomes any alternative suggestions.

SUMMARY OF KEY QUESTIONS

The Government invites comments on the following:

Whether victims' rights should be put on a statutory basis;

Whether a Victims' Ombudsman should be introduced;

The guiding principles of the Charter;

The new measures that the Charter should take into account;

The format and title of the Charter;

Whether the victims of road traffic incidents should be included within the scope of the Charter;

Whether further measures can be introduced to support the victims of hate crimes;

Whether victims of non violent offenders sentenced to 12 months or more should be informed of their release from prison;

The proposals to offer better services at court;

Whether there is support for considering the introduction of a "victims' fund" to ensure that court compensation orders are paid promptly.

Possible Contents of New Victim's Charter

The following pages detail how the Government expects victims to be treated by the criminal justice system, and then goes on to describe what can be expected from each of the criminal justice partners. The list is not exhaustive and suggested additions, deletions or amendments are welcomed. This could form the basis of a revised Charter, with a Bill of Rights, possibly underpinned by legislation, to highlight the seven main headings.

To treat victims with dignity and respect

1. All victims of crime should be treated with dignity and respect. Special concern should be shown where the victim is vulnerable by reason of, for example, age, gender, disability, sexual orientation, or ethnic minority background.
2. All those working in the criminal justice system who come into contact with victims of crime will be made aware of the effects of crime through formal training or other guidance.
3. Victims' interests will be taken into account at every stage of the criminal justice process.

To provide protection

1. Those taking decisions at every stage of the criminal justice process, including bail, sentencing and release decisions, will take into account the interests of the victim in securing protection.
2. In many serious cases (those that must be heard in the Crown Court) where the defendant enters a guilty plea, there should no longer be significant delays between charge and completion of the case.
3. Victims at risk of serious harm or severe intimidation will be provided with appropriate protection.
4. Waiting areas separate from the defendants, their family and friends, and defence witnesses, will, wherever possible, be provided at court for victims and their families.
5. Vulnerable victims required to give evidence in court will be provided with a range of special forms of assistance to enable them to do so.

6. The Prison Service will minimise the opportunities for prisoners to make unwanted contact with their victims by telephone or by letter, and will identify all prisoners who present a risk to children and consider more what can be done to minimise that risk whilst in custody.
7. The Prison Service will provide a helpline for victims to ring if they have received, or are worried about receiving, unwanted contact from a prisoner, if they have any concerns about the prisoner's temporary release, or want to be informed when they are finally released.

To provide help and support

1. Victims should be offered the services of a specialised victims' support service e.g. Victim Support.
2. Victim Support's telephone helpline, Victim Supportline, will be available outside of normal office hours.
3. Support After Murder and Manslaughter will offer additional or alternative support to those bereaved as a result of homicide.
4. Witnesses should be offered the services of The Witness Service.

To provide accurate and timely information

1. Victims will be provided with clear, concise information about the criminal justice system.
2. The police will provide victims with a copy of the *Victims of Crime* leaflet within 4 days of a crime being reported.
3. Victims will be asked if they want to receive further information about the case. If they do, they will be told the following at various stages:

4. By the police

- (i) when a suspect has been arrested.
- (ii) what charge has been brought.
- (iii) whether the suspect has been released on bail and whether any conditions have been attached.
- (iv) the date of the court hearing.
- (v) the result of the court hearing or trial.
- (vi) if found guilty, whether the offender has appealed against conviction or sentence.
- (vii) the date and result of an appeal hearing.

5. By the Crown Prosecution Service

whether the charges are subsequently dropped or altered substantially.

6. By the Prison Service

on request, the length of tariff set, i.e. the minimum sentence to be served, in life sentence cases.

7. By the National Probation Service

(in sexual or violent cases):

- (i) information about prison sentences in general and how prisoners can proceed through the prison system.
- (ii) information about a prisoner's release, and relevant conditions that may be attached to the release.

8. The aim is to provide this information to victims as soon as possible after it becomes available and, if possible, before they hear about it from other sources.

9. General information about help available to victims of crime can be seen at the Cabinet Office's UK Online website, the Home Office Crime Reduction website, the Crown Prosecution Service website and the Victim Support website. Full addresses are given at the back of the document (not included with this paper).

To provide compensation or reparation

1. Victims of crime may be able to get some financial compensation from a convicted offender. Victims of violent crime may also be eligible for compensation from the Government.

2. The Criminal Injuries Compensation Authority administers the Criminal Injuries Compensation Scheme. It publishes annual targets for responding to applications from victims of violent crime.

3. If victims are dissatisfied with the decision taken by the Authority, they have the right to appeal to the independent Criminal Injuries Compensation Appeals Panel. The Panel has its own targets for responding to appeals. Details will be provided at the time an appeal is made.

4. Another source of compensation is the courts. If someone is found guilty of an offence, the court must, in all cases involving personal injury, loss or damage, consider ordering them to pay victims compensation within their means. The compensation awarded may not necessarily cover victims' losses in full, and the offender is often allowed to pay by instalments.

5. As part of the Government's reform of the Youth Justice System, young offenders may be required to make reparation to victims for any loss or harm they have suffered. Victims will have the opportunity to say whether they are prepared to accept the reparation offered.

6. In some instances, victims may have the opportunity to meet the young offender to explain the effects of the crime. Such meetings may be in Youth Offender Panels, at a conference, or in one to one mediation. Whether victims decide to attend is entirely for them to decide, and they will not be pressured in any way to agree to such a meeting.

To give victims the opportunity to say how they have been affected by the crime

1. Victims who make a witness statement will have the opportunity to add a personal statement (known as a Victim Personal Statement).

Possible Contents of New Victim's Charter

2. This will enable victims to tell the criminal justice agencies how the crime has affected them, and identify and protect their interests in general.
3. The agencies will take the statement into account when they take decisions, including those taken after a defendant has been convicted.
4. While all victims will be offered support, the statement might influence the nature of the support. Victims will be asked if they have any substantial fears about the offender being released on bail. They may be asked to comment on the physical, financial or emotional impact of the crime, or how they have been affected in any other way.
5. The bereaved relatives of homicide victims and the carers of child victims will also be invited to make a personal statement.
6. If it is known or suspected that the criminal is a young offender, victims may be asked if they are willing to accept reparation or if they want to meet the offender to explain how the crime has affected them.
7. Following the conviction of serious offenders (those sentenced to 12 months or more for a violent or sexual offence), the National Probation Service will find out whether the victim wants to make their views known when the conditions for the prisoner's release are being considered.
3. The close relatives of homicide victims will be provided with an information pack. A police family liaison officer or Victim Support volunteer will offer to talk through the contents of the pack with the relatives.
4. The Witness Service in the Courts aims to provide information and reassurance to victims when they go to court.
5. Following a defendant's conviction, in the most serious or sensitive cases leading to a prison sentence of 12 months or more, the National Probation Service will contact victims to ask if they wish to receive information about how the prison system works, including how offenders typically progress through that system. At the time of or shortly after the conviction, the police will provide a copy of the leaflet *Release of Prisoners: Information for Victims of Serious Sexual or Other Violent Offences* which explains these procedures.

To provide a transparent system of justice

1. Victims and witnesses will be provided with advice and information about how the criminal justice system works.
2. Victims will receive a copy of the *Victims of Crime* leaflet. Victims who go on to give evidence in court will be provided with a copy of the *Witness in Court* leaflet. Other information leaflets may be available locally.

Responsibilities of the criminal justice agencies

The Police will:

1. Tell you if a suspected offender is arrested, cautioned or charged.
2. If charged, tell you (if you wish) whether the suspected offender is given bail and if any conditions are attached to the bail.
3. Tell you the date of the hearing or trial.
4. Tell you the outcome of the hearing or trial.
5. Tell you the outcome of any appeal by the offender against conviction or sentence.
6. Give you news of any significant developments should the offender go on to apply to the Criminal Cases Review Commission.
7. Identify if you need protection from threats or intimidation.
8. With your consent, unless you object, refer your details to your local Victim Support Scheme.
9. Record your victim personal statement, where you are eligible to make one, and have chosen to do so, and take it into account when making decisions.
10. Provide you with a copy of the *Victims of Crime* leaflet.
11. Provide the families of homicide victims with an Information Pack.
12. Ensure that a family liaison officer is assigned to the families of homicide victims.

13. In cases of serious sexual or other violent offences leading to a prison sentence of 12 months or more, provide you with a copy of the *Release of Prisoners: Information for Victims of Serious Sexual or Other Violent Offences* leaflet.
14. Draw your attention to the Victim's Charter (or equivalent).

The Crown Prosecution Service will:

1. Tell you if they decide to drop or alter charges substantially and provide an explanation of the reasons for their decision.
2. Offer a face to face meeting in certain categories of serious or sensitive cases if you require a further explanation.
3. Take into account your victim personal statement, where you are eligible to make one and have chosen to do so, when making prosecution decisions.
4. Ensure that appropriate applications are made to the court for special measures in the case of vulnerable or intimidated witnesses.
5. Ensure that applications are made for appropriate bail conditions or remand in custody where a victim is vulnerable or intimidated.
6. Ensure that, wherever possible, the Witness Service has advance notice if you are asked to attend court.
7. Ensure that prosecutors or other representatives of the Crown Prosecution Service introduce themselves to witnesses at court, whenever possible.
8. Deal with any questions you may have about court procedures and tell you approximately how long you will have to wait before giving evidence.

Possible Contents of New Victim's Charter

9. In the event of delays, explain the reason why and tell you how long the wait is likely to be (Crown Prosecution Service or court staff may provide this information).
10. When defence pleas in mitigation contain unjust criticism of the character of the victim or witness, tell the court that the mitigation is not accepted by the prosecution and invite the court, where necessary, to hear evidence on the issues raised by the defence.
11. Pay travel and certain other expenses for the time you are at court to give evidence where possible within 5 days, but not later than 10 working days from receipt of a correctly completed claim form.

Victim Support will:

1. Contact you if your details have been passed on to them by the police or if you have approached Victim Support for help yourself.
2. Offer practical information and emotional support to victims of crime and their relatives and friends.
3. Liaise with colleagues in its court-based Witness Service to ensure a continuous support service for you if you are also required to give evidence or make it known that you would like some support if you decide to attend court to observe proceedings.
4. Offer help and information if you wish to make a claim for criminal injuries compensation.
5. Provide the Victim Supportline, a national low cost telephone service which offers information and support during and outside normal office hours.
6. Refer you, with your consent, to any local services which may be of help to you.

The Witness Service will:

1. Provide information about its services in advance of the court hearing if you are called to give evidence.
2. Provide emotional support and practical information about court proceedings.
3. Offer you the chance to visit the court before the date of the hearing to show you the courtroom and to explain the court's procedures.
4. Offer, where possible, a separate waiting area.
5. Put you in contact with your local Victim Support Scheme should you wish to use their services.

The Courts will:

1. Ensure that they liaise effectively with the police and the Crown Prosecution Service so that information about court decisions is passed on to you promptly.
2. Ensure that, where possible, you have a separate waiting area and a seat in the courtroom away from the defendant's family or friends.
3. Where the court so orders, ensure the provision of special measures, such as screens or video links, for vulnerable or intimidated witnesses who are required to give evidence.
4. Prevent unrepresented defendants from conducting cross-examination in rape trials and exercise discretion about defendants conducting cross-examination in other serious cases.
5. Restrict the circumstances in which evidence or questions about a complainant's sexual behaviour can be introduced in rape and certain sexual offence cases.
6. Where appropriate, give cases involving child victims priority.

7. Facilitate the operation of the Witness Service.
 8. Provide a liaison officer who will meet witnesses (both adults and children) and show them how the court works, particularly if TV links are being used to give evidence.
 9. Try to ensure that victims who are witnesses do not have to wait more than two hours before giving evidence in the Crown Court and one hour in magistrates' courts.
 10. Provide telephone pagers, if appropriate, so that witnesses, including victims, may remain at home until required or be able to leave the court precincts until they are needed.
 11. Provide adequate signs in court buildings.
 12. Wherever possible, have an information desk where all witnesses, including victims, can find out where to go and what is happening in their case.
6. Ask you if you wish to receive further contact. And if you agree, they will:
 7. Maintain contact as necessary at key stages of the criminal justice process.
 8. Inform you when an offender is being considered for release.
 9. Offer you an opportunity to make representations about the conditions or requirements of an offender's release.
 10. Forward your representations to the authority considering the offender's conditions of release.
 11. Inform you of any conditions or requirements attached to the offender's release which are relevant to contact with you, and provide any other information appropriate in all circumstances of the case.

The National Probation Service will:

(In cases of serious sexual or other violent offences leading to a prison sentence of 12 months or more)

1. Offer you face to face contact within two months of sentence.
2. Give you information about prison sentences in general and how prisoners can proceed through the prison system.
3. Check whether you have any concerns or anxieties which you would like taken into account when conditions for the prisoner's final release are being considered.
4. Explain how any information which you provide will be used.
5. Give you a contact point at your local Probation Office.

The Criminal Injuries Compensation Authority and Appeals Panel will:

1. Process efficiently, fairly and consistently all claims made under the criminal injuries compensation scheme; aiming
2. to ensure that 85% of applicants receive a decision within 12 months.
3. to ensure that 80% of appeals are decided within 6 months.
4. to respond to all correspondence needing a reply within 4 weeks.
5. to ensure you receive an explanation for decisions made.

Possible Contents of New Victim's Charter

The Prison Service will:

1. Maintain their telephone helpline to ensure that you have a number to ring if you receive unwanted contact from a prisoner, have any concerns about their temporary release or want to be informed when they are finally released. [You will be informed of the action taken to follow up concerns raised with the Helpline]
2. Respond within 20 working days if you enquire, in a life sentence case, about the minimum period that will be served by the prisoner (the tariff).
3. Issue release licences for prisoners, taking account of any additional conditions requested by the National Probation Service or recommended by the Parole Board as a result of views you have offered.

The Parole Board will:

1. Consider any views you have offered to the National Probation Service in providing advice to the Prison Service on the conditions to be included in the release licences of prisoners serving sentences of four years or more.
2. Take account of any information that relates directly to the current risk presented by a prisoner in deciding whether or not to grant or recommend parole.

The Criminal Cases Review Commission⁶ will:

1. Ensure that the police, via the Crown Prosecution Service, are informed of significant developments in its consideration of cases, including:
2. If a major re-investigation of a case is to take place.
3. If the case is to be referred back to the Court of Appeal.

The Home Office will:

1. Ensure that the Victim's Charter is readily available.
2. Ensure that the arrangements outlined [when agreed] are monitored regularly.
3. Arrange surveys of victim and witness satisfaction.
4. Ensure that its information leaflets and web sites are regularly reviewed and updated.
5. Maintain a watching brief over policy and practice developments affecting victims and witnesses, and ensure that updated guidance is circulated as necessary.
6. Liaise regularly with criminal justice agencies and organisations representing victims and witnesses to discuss matters of mutual interest or concern.

⁶ The Criminal Cases Review Commission took over the Home Secretary's responsibilities for considering alleged miscarriages of justice in 1997. They have the power to refer cases back to the Court of Appeal. So far about 30 cases each year have been reconsidered by the Court of Appeal.

