



DEBATE PACK

Number CDP-2018-0066, 9 March 2018

Rights of victims of crime

Westminster Hall, Tuesday 13 March
2018, 2.30pm

A Westminster Hall debate on Rights of victims of crime is scheduled for Tuesday 13 March 2018 at 2.30pm. The Member leading the debate is Alex Sobel MP.

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1. Background

Summary

Currently victims' rights are set out in the [Code of Practice for Victims of Crime](#). This sets out what victims should expect from various criminal justice agencies.

Although the Code is a statutory one, provided for in the *Domestic Violence Crime and Victims Act 2004*, failure to comply with it does not of itself make a person liable to criminal or civil proceedings. Courts can take such failure into account in other proceedings however. Some argue that the "rights" in the code are not sufficiently enforceable. The Victims Commissioner and Victim Support have pointed to problems with victims being given their rights under the Code.

In the run up to the 2015 and the 2017 General Elections, various political parties including the Conservatives promised legislation on victims' rights.

The Government [has said](#) it will publish a strategy for victims "by the summer".

1.1 Introduction

The Code of Practice for Victims of Crime

Currently victims' rights are set out in the [Code of Practice for Victims of Crime](#). This sets out what victims should expect from various criminal justice agencies.

The Code started life in the 1990s as the Victim's Charter, but was made statutory by the Labour Government in 2004. It has since been revised by the Coalition Government, and by the subsequent Conservative Government. This latest revision, which came into force in November 2015, was partly to implement some of the requirements of an EU Directive on victims' rights.

The following extract from the Code summarises the main rights:

Key entitlements under the Code

You are entitled to:

- A written acknowledgement that you have reported a crime, including the basic details of the offence;
- An enhanced service if you are a victim of serious crime, a persistently targeted victim or a vulnerable or intimidated victim;
- A needs assessment to help work out what support you need;
- Information on what to expect from the criminal justice system;
- Be referred to organisations supporting victims of crime;
- Be informed about the police investigation, such as if a suspect is arrested and charged and any bail conditions imposed;

- Make a Victim Personal Statement (VPS) to explain how the crime affected you;
 - Read your VPS aloud or have it read aloud on your behalf, subject to the views of the court, if a defendant is found guilty;
 - Be informed if the suspect is to be prosecuted or not or given an out of court disposal;
 - Seek a review of the police or CPS's decision not to prosecute in accordance with the National Police Chiefs Council (NPCC) and CPS Victims' Right to Review schemes;
 - Be informed of the time, date and location and outcome of any court hearings;
 - Be informed if you need to give evidence in court, what to expect and discuss what help and support you might need with the Witness Care Unit;
 - Arrange a court familiarisation visit and enter the court through a different entrance from the suspect and sit in a separate waiting area where possible;
 - Meet the CPS advocate and ask him or her questions about the court process where circumstances permit;
 - Be informed of any appeal against the offender's conviction or sentence;
 - To opt into the Victim Contact Scheme (VCS) if the offender is sentenced to 12 months or more for a specified violent or sexual offence;
 - If you opt in to the VCS to:
 - make a VPS for consideration by the Parole Board if the offender is considered for release or transfer and apply to the Parole Board to read it out at the hearing;
 - make representations about the conditions attached to the offender's licence on release and be informed about any licence conditions relating to you;
 - Apply for compensation under the Criminal Injuries Compensation Scheme;
 - Receive information about Restorative Justice and how you can take part;
- Make a complaint if you do not receive the information and services you are entitled to, and to receive a full response from the relevant service provider.

What is the Code's status?

The Code is a statutory one made by Order under section 32 of the *Domestic Violence Crime and Victims Act 2004*. Section 34 sets out the effect of non-compliance. It states that:

- If a person fails to perform a duty imposed on him by the code, the failure **does not** of itself make him liable to criminal or civil proceedings
- **But** the code is admissible in evidence in criminal or civil proceedings and a court may take into account a failure to comply with the code in determining a question in the proceedings.

So if, for example, a person was taking civil action against the police or another service provider on other grounds, the court could take a failure to meet the Code's requirements into account.

Although the Code is statutory, this doesn't mean that a service provider who fails to comply would be committing a criminal offence because of this.

1.2 Calls for change

The Victims Commissioner

In December 2012 the Government appointed Baroness Helen Newlove as the new [Victims' Commissioner](#). An important part of her role is advising the Government on views from victims.

Baroness Newlove published the results of a broad investigation, [A review of complaints and resolution for victims of crime](#), in January 2015. It surveyed experiences of 200 victims and found that almost 75 per cent of the victims consulted during the review were unhappy with the response they received and over 50 per cent found the relevant agency's complaints process difficult to use. The report called for better support for victims.

A second review, [The silenced victim: A Review of the Victim Personal Statement](#), was published in November 2015, found inconsistencies in approach, with six out of ten victims not recalling being offered the chance to make a Victim Personal Statement. Baroness Newlove called for "all criminal justice agencies to work together to better support victims and to make sure they are given chance for their voice to be heard."¹

In October 2017, Baroness Newlove called for a "victims law":

The Victims' Commissioner for England and Wales, Baroness Newlove, is calling for a 'Victims' Law' that guarantees victims legal 'rights' within the criminal justice system, stating that there must be a "seismic change" in the culture of the justice system.

In her speech, Lady Newlove will say: *"I am calling for a 'Victim Law' to make the needs and rights of victims central to the delivery of justice.*

"Over recent years, there has been considerable debate about putting victims at the heart of the criminal justice system. So why do victims complain that the justice system leaves them feeling like bystanders?"²

The Victims' Commissioner has called for improved support, better complaints systems and more consistency about offering victims the chance to make personal statements.

Victim Support

In April 2015, Victim Support published [Making a Victims Law a Reality: A Manifesto for Victims and Witnesses of Crime](#). This called for a new Victims Law, which would be clearly enforceable:

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

Victim Support has called for a new Victims Law.

The manifesto set out eight proposals:

¹ Victims' Commissioner [Failure to offer VPS to every victim leaves many without a voice](#), 23 November 2015

² Victims' Commissioner [Victims' Commissioner calls for new Victims' Law](#), 11 October 2017

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

In 2017 Victim Support published a further [report](#) on victims' rights which found that as many as six in ten victims do not receive their rights under the Victims' Code. The report also found that the more rights victims receive, the more satisfied they were with the police.³

1.3 Party manifestos

In the run up to the 2015 General Election, Conservative, Labour and Liberal Democrat manifestos all promised legislation on victims. The Government's 2015 [Queen's Speech Background Briefing Notes](#) referred to "putting the key entitlements of the Victims Code in primary legislation". The 2017 Conservative Manifesto, [Forward together: Our plan for a stronger Britain and a Prosperous Future](#), also promised to "enshrine victims' entitlements in law" (p44):

We will ensure that victims of crime are supported at every stage of the criminal justice system. We will enshrine victims' entitlements in law, making clear what level of service they should expect from the police, courts and criminal justice system

The 2017 Labour Party manifesto, [For the many not the few: Labour party manifesto 2017](#), also promised legislation:

We will ensure appropriate support is provided to victims of crime and introduce legislation for minimum standard entitlements to service from criminal justice agencies (p78)

The Liberal Democrats, [Change Britain's Future: Liberal Democrat Manifesto 2017](#) promised a "Victims' Bill of Rights that will create a single point of contact for victims in the criminal justice system, increase victims' access to information about their cases, and give victims the right to request restorative justice rather than a prison sentence" (p74)

Introduce a Victims' Bill of Rights that will create a single point of contact for victims in the criminal justice system, increase victims' access to information about their cases, and give victims the right to request restorative justice rather than a prison sentence

³ Victim Support, [The experiences, interests and rights of victims of crime in the criminal justice process](#), April 2017

Plaid Cymru [Action Plan 2017](#), promised “new laws to protect victims of crimes such as rape and domestic abuse so that they can give evidence in court without being intimidated”. (p 38).

2. News and blogs

Victim Support

[Victim Support responds to the government's draft domestic abuse bill](#)

8 March 2018

Home Office

[Government takes action to tackle domestic abuse](#)

8 March 2018

Parole Board

[Parole Board chair pushes for greater transparency for parole system](#)

28 February 2018

Parole Board

[Parole Board welcomes independent review of victim contact and extended terms of reference for review of parole processes](#)

19 January 2018

Home Office

[Modern slavery victims to receive longer period of support](#)

26 October 2017

Victims' Commissioner

[Victims' Commissioner calls for new victims' law](#)

11 October 2017

Rights Info

[Child sex abuse victims 'failed' and 'devastated' by compensation scheme](#)

4 October 2017

Mayor of London

[Mayor appoints first Victims Commissioner for London](#)

13 June 2017

Voice4Victims

[The new government must keep to manifesto pledge of a victims' law](#)

18 May 2017

Attorney General's Office

[Unduly lenient sentence scheme ensuring justice for victims of crime and their families](#)

24 August 2016

Ministry of Justice

[New national service to help victims](#)

27 August 2015

Victim Support

[Victim Support launches manifesto](#)

1 May 2015

Ministry of Justice

[Response to the Victims' Commissioner's Review of complaints and resolution for victims of crime](#)

13 March 2015

Liberty

[Victims' law](#)

Rosie Brighthouse 15 September 2014

2.1 Press

Observer

[Ministers shelve pledge on women's safety](#)

4 March 2018

Independent

[Brexit could cut support for victims of abuse and minority groups, human rights charities warn](#)

27 February 2018

Guardian

[Helen Newlove: 'Victims should never be let down by the justice system'](#)

27 February 2018

Huffington Post UK

[Leaving rape victims unsupported is no way to achieve justice](#)

Claire Waxman 30 January 2018

BBC News

[Vulnerable witnesses 'denied help to give evidence'](#)

17 January 2018

Guardian

[Child victims let down by lack of help in court, says UK watchdog](#)

16 January 2018

BBC News

[John Worboys: Government to review victim communications](#)

9 January 2018

Independent

[Justice Secretary orders review of Parole Board transparency following outrage at Worboys decision](#)

7 January 2018

Guardian

[MoJ scraps legal aid restrictions for victims of domestic violence](#)

4 December 2017

Guardian

[Victims need legally enforceable rights, commissioner says](#)

11 October 2017

Telegraph

[Offenders have more rights than victims in Britain, Baroness Newlove says](#)

10 October 2017

Guardian

[Top police officer backs 'Sammy's law' pardons for grooming victims](#)

8 October 2017

BBC News

[Sex abuse victims 'failed' by criminal payout scheme](#)

30 September 2017

Guardian

[Lack of compensation for child sexual abuse victims 'unacceptable'](#)

19 September 2017

Telegraph

[Non-English speaking victims of crime to be given priority, police chief suggests](#)

25 August 2017

Telegraph

[Child sexual abuse victims denied compensation 'because they consented'](#)

18 July 2017

Guardian

[Child victims of violent and sexual crimes 'not being taken seriously'](#)

22 February 2017

Guardian

[Labour publishes proposals for victims' law](#)

24 February 2015

BBC News

['Victims' law' proposals from Labour panel](#)

24 February 2015

BBC News

[Crime victims ignored and confused, says Baroness Newlove](#)

27 January 2015

3. Parliamentary Business

3.1 Ministerial Statements

[Parole Board: Transparency and Victim Support](#)

HC Deb 19 January 2018 c1193-202

[Parole Board and Victim Support](#), HC Deb 9 January 2018, c192-204

[Extract](#), c197:

Sir Mike Penning

As the new Lord Chancellor, my good friend, knows—I welcome him to his post—I was the victims and the police Minister in the previous Administration. One reason for that was the justice side cannot really be taken away from the police and the Crown Prosecution side. In the files on his desk will be a draft Bill for a victims’ law, which has cross-party support, which I believe was in both Conservative and Labour manifestos, but one of the biggest issues is what is a victim. It is obvious to us what a victim is, but in law that is often very different; so where there has not been a prosecution, victims very often will not be informed in the same way as someone whose case has been before the courts. Why the Crown Prosecution Service did not prosecute as many cases as we all know about now must be investigated as part of the review, but we must put the victim first, and a victims’ law would be a very good way to start.

3.2 Debate

[Policing and Crime Bill](#)

HL Deb 18 January 2017 c218-36

Extract, c233:

Baroness Williams of Trafford

(...)

There is already an established legislative framework providing for the rights of victims of crime. As I have indicated, there is scope for improvement in strengthening the rights of victims, ensuring that agencies are fulfilling their duty and are appropriately trained to deliver those rights, and considering how delivery is monitored. Given the difficulties with the amendments, I put it to the House that it would be inappropriate to legislate further in advance of the Government setting out our strategy for victims, which we intend to do within 12 months. I further assure the House that we will take the appropriate action to give effect to the strategy, including bringing forward any appropriate primary legislation. I ask that the House await the outcome of this work rather than rushing ahead with this untested and uncoded package of measures.

3.3 Parliamentary Questions

[Crime: Victims](#)

Asked by: Gloria De Piero

To ask the Secretary of State for Justice, which organisations his Department consulted on the introduction of a victims' law.

Answered by: Phillip Lee | Ministry of Justice

Supporting victims of crime is a priority for the Government and we have made a commitment to publish a victims' strategy in 2018. We are looking at legislative and non-legislative options to give effect to the strategy.

We are engaging widely with victims, victims' groups and other stakeholders, including but not limited to the Victims' Commissioner, Criminal Justice Agencies, and the Association of Police and Crime Commissioners.

29 January 2018 | Written question | 124290

[Victims of Crime](#)

Oral questions

HC Deb 23 January 2018 c125-6

[Victims of Crime](#)

Asked by: Gloria De Piero

We all know that, too often, victims are failed by the criminal justice system. That is presumably why, in 2015, the Conservatives matched Labour's manifesto commitment to enshrine victims' rights in a victims' law. It is three years on. Can Ministers give me a single good reason why it has not happened?

Answered by: Phillip Lee | Ministry of Justice

After Easter my victims' strategy will be published, as promised, and within it there will be recommendations on legislative and non-legislative measures, part of which will be the legislative underpinning of the victims' code.

HC Deb 23 January 2018 c125-6

[Crime: Victims](#)

Asked by: Liz Saville Roberts

To ask the Secretary of State for Justice, when he plans to start the consultation on introducing a victims' code and a victims' law.

Answered by: Phillip Lee | Ministry of Justice

The Code of Practice for Victims of Crime (Victims' Code) is issued by the Secretary of State for Justice under section 32 of the Domestic Violence, Crime and Victims Act 2004. The Code sets out the services that must be provided to victims of crime in England and Wales, as well as the corresponding obligations on criminal justice agencies to provide these services.

We have committed to publish a victims' strategy in early 2018, which will consider legislative and non-legislative options to give effect to the strategy. We have had representations from victims' groups on many issues and we are engaging widely with victims, victims' groups and other stakeholders as we develop the strategy. We will bring forward any legislation for victims when Parliamentary time allows.

18 December 2017 | Written question | 118746[Crime: Victims](#)**Asked by: Liz Saville-Roberts**

To ask the Secretary of State for Justice, what progress has been made on the consultation on the need for a victims of crime law which was announced on 18 January 2017.

Answered by: Dr Phillip Lee | Ministry of Justice

On 18th January 2017 Baroness Williams of Trafford stated in the House of Lords that the Government was considering how to address a lack of awareness among victims of their rights under the code. Baroness Williams further stated that the Government is considering how compliance with the code might be improved or monitored, and exploring how those responsible for the delivery of rights and entitlements might be held accountable for failings. Baroness Williams then committed to the House that the Government would set out a strategy for victims.

I can confirm that this Government is committed to publishing a strategy for victims in early 2018. We are engaging with engaging victims, victims' groups, and criminal justice agencies. We are working with the Association of Police and Crime Commissioners to better understand compliance with the Victims' Code at a local level. We will be carrying out further engagement which we will announce in due course.

17 October 2017 | Written question | 106616[Crime: Victims](#)**Asked by: Liz Saville Roberts**

To ask the Secretary of State for Justice, what his policy is on a victims' law.

Answered by: Sam Gyimah | Ministry of Justice

On 18 January, the previous government announced that it would set out a strategy for victims of crime within 12 months, and that it would take the appropriate action to give effect to the strategy.

We are also committed to enshrine victims' entitlements in law, making clear what level of service they should expect from the police, courts and criminal justice system. Now the election has passed further consideration can be given to this work.

We will announce further details in due course.

4 July 2017 | Written question | 1092

4. Further reading

[A new victims' law in England and Wales?](#) Commons Library Briefing Paper SN07139, 26 May 2016

Victims' Commissioner, [Current review](#)

Victims' Commissioner, [Published reviews](#)

Ministry of Justice, [Code of practice for victims of crime](#), October 2015

Dame Glenys Stacey HM Chief Inspector of Probation, [Investigation into the policy and process followed by the Victim Contact Scheme in the Worboys case](#), 7 February 2018

Home Office, [Victim personal statement](#), Guidance, 10 December 2013

Parole Board, [Information booklet for victims](#), 13 May 2015

[Criminal Injuries Compensation Authority](#)

Ministry of Justice, [Criminal Injuries Compensation Scheme 2012](#), TSO, 2012

Victim Support

Victim Support, [Your rights](#)

Victim Support, [Victims' code](#)

Doreen Lawrence, Peter Neyroud and Keir Starmer, [Recommendations on a Victims Law, Victims' Taskforce for the Labour Party](#), February 2015

Victim Support, [The experiences, interests and rights of victims of crime in the criminal justice process](#), April 2017

Victim Support, [Survivor's justice: how victims and survivors of domestic abuse experience the criminal justice system](#), December 2017

Victim Support, [Making a victims' law a reality: a manifesto for victims and witnesses of crime](#), April 2015

Political parties

Conservative Party Manifesto 2017, [Forward together](#)

The home of democracy and the rule of law, page 44:

Standing up for victims

We will ensure that victims of crime are supported at every stage of the criminal justice system. We will enshrine victims' entitlements in law, making clear what level of service they should expect from the police, courts and criminal justice system. We will ensure that child victims and victims of sexual violence are able to be cross-examined before their trial without the distress of having to appear in court. Publicly-funded advocates will have specialist training in handling victims before taking on serious sexual offences cases. To ensure that the pain and suffering of the Hillsborough families over the last twenty years is not repeated, we will introduce an independent public advocate, who will act for bereaved families after a public disaster and support them at public inquests. We will extend the scope of the Unduly Lenient Sentence Scheme so a wider range of sentences can be challenged. And we will push forward with our plan for tackling hate crime committed on the basis of religion, disability, sexual orientation or transgender identity.

Labour Party Manifesto 2017, [For the many not the few](#)

[Safer communities: Police and crime:](#)

We will ensure appropriate support is provided to victims of crime and introduce legislation for minimum standard entitlements to service from criminal justice agencies.

[Safer communities: Justice:](#)

Labour will immediately re-establish early advice entitlements in the Family Courts. The shameful consequences of withdrawal have included a requirement for victims of domestic abuse to pay doctors for certification of their injuries. Labour's plans will remove that requirement. At the same time, we will legislate to prohibit the cross-examination of victims of domestic violence by their abuser in certain circumstances.

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