

The Victims' Code sets out a minimum standard of service for victims of crime

What is the Victims' Code?

The Code of Practice for Victims of Crime¹ (Victims' Code) sets out the services and a minimum standard for these services that must be provided to victims of crime by organisations (referred to as **service providers**) in England and Wales.

Who is a victim under this Code?

For the purposes of this Code, a "victim" is:

- a person² who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence³;
- a close relative⁴ (or a nominated family spokesperson) of a person whose death was directly caused by a criminal offence.

What you need to do as a victim of crime?

To help **service providers** deliver your **Rights** under this Code, you should:

- ask **service providers** questions if you are unsure about anything related to your case or the criminal justice process;
- let the relevant **service provider** know if your contact preferences or details change; and
- provide feedback to help **service providers** provide a high-quality service to victims at every stage of the criminal justice process.

Who can also receive rights under this Code?

- a parent or guardian of the victim if under 18 years of age⁵. All **service providers** must have the victim's best interests as their primary consideration and take the victim's age, maturity, views, needs and concerns fully into account⁶;
- a nominated family spokesperson if the victim has a disability or has been so badly injured because of

- a criminal offence that they are unable to communicate.

You are entitled to services under this Code regardless of your resident status. However, if the crime was committed in England or Wales but you live elsewhere, you should access victim support services where you live.

Families bereaved by murder or manslaughter of a British national committed outside of the United Kingdom should contact the **Foreign and Commonwealth Office**. They provide consular support, such as information about local processes including repatriation options, and may be able to refer the deceased's family to specialist support services. Further information is available on **Gov.uk**

This Code acknowledges that the term "**complainant**" is often used in the criminal justice system to describe a person who has made a criminal allegation to the police. However, for the purpose of this Code, the definition set out above is used.

Support for witnesses who have suffered physical, mental or emotional harm which was directly caused by a criminal offence

If you have suffered harm, including physical, mental or emotional harm or economic loss, as a direct result of witnessing a crime, you are able to access victim support services under this Code. You do not need to have provided a statement to or been interviewed by the police or be required to attend court as a witness.

Businesses that have had criminal offences committed against them

Businesses that have had criminal offences committed against them have the right to receive information and services under this Code, if they provide a named point of contact for all communication between the business and service provider.

¹ The Victims' Code is issued by the Secretary of State for Justice under section 32 of the Domestic Violence, Crime and Victims Act 2004.

² Legal persons (e.g. businesses) are not included within the definition of a victim, they can only receive services under this Code if they provide a named point of contact.

³ For the purposes of this Code 'criminal offence' means an offence that is committed, or subject to criminal proceedings, in England and Wales.

⁴ This normally refers to the spouse, the partner, the relatives in direct line, the siblings and the dependants of the victim. Other family members, including guardians and carers, may be considered close relatives at the discretion of the service provider.

⁵ Unless the parent or guardian is under investigation or has been charged by the police in connection with the crime or if in the reasonable opinion of the service provider involved it is not in the victim's best interests for your parent or guardian to receive such services.

⁶ At all times the child's best interests must be a primary consideration for service providers. Where the age of a victim is uncertain and there are reasons to believe that the person is under 18 years of age, service providers should presume that person to be under 18.

This includes businesses or enterprises (such as charities) but not public-sector bodies, their agencies or other subsidiary organisation.

How you can expect to be treated

You have the **Right** to be treated with respect, dignity, sensitivity, compassion and courtesy, with your right to make informed choices fully respected. **Service providers** must also respect your privacy in accordance with their obligations under relevant privacy and data protection laws. Services should be provided to assist you and your family to understand and engage with the criminal justice process and should be offered in a professional manner without discrimination of any kind.

Service providers must try to minimise the number of different people you have contact with throughout the life of your case. Where possible, they should offer a single point of contact for information on your case.

What if I do not want to receive the services offered under this Code?

You may decide that you do not want some or all of the services you are entitled to under this Code or that you want to opt out of receiving some at a later date. You can discuss this with the relevant **service provider** at any time.

You can choose to opt back into receiving services under this Code at any time. However, some rights will only be available while the case is under active investigation or prosecution or the offender is still serving their sentence.

What if I do not want to report the crime to the police?

You have rights under this Code regardless of whether you report the crime to the police, whether anyone has been charged or convicted of a criminal offence and whether you decide that you do not want to cooperate with the investigation⁷.

Information provided under this Code

If, following an investigation, it is decided that you are not a victim of a criminal offence you or, where relevant, the family spokesperson will be informed by

the relevant **service provider** that you are no longer entitled to services under this Code.

Service providers must include information about this Code on their websites. This information must signpost victims to the relevant pages on **Gov.uk**

Where there is a high number of victims involved in a case, or where otherwise appropriate in exceptional cases, the **service provider** may communicate information that a victim has the right to under this Code through alternative channels such as the **service provider's** website rather than contacting each victim individually.

Nothing in this Code requires a **service provider** to provide information to the victim where its disclosure:

- could result in harm to any person;
- could affect the proper handling of any criminal investigation or prosecution, or could otherwise prejudice any civil or criminal case; or
- would, in the **service provider's** view, be contrary to the interests of national security.

Your right to be protected

You have the **Right** to be protected from re-victimisation, intimidation and retaliation during and after the investigation and proceedings.

In the unlikely event that the suspect (pre-trial) or offender (following conviction) escapes from custody, the **police**, once aware of the escape or notified of it by the prison, **Youth Offending Team**, hospital or immigration detention centre, will contact you and if it is assessed that the suspect or offender poses a significant risk of harm to you, they will take any necessary measures for your protection.

You should contact the **police** on **999** if you are concerned about your immediate safety.

If you are receiving unwanted contact from an offender in prison, you should contact **Her Majesty's Prison and Probation Service** Victim Helpline⁸ on **0300 060 6699**⁹ or by emailing **victim.helpline@justice.gov.uk**

⁷ If you are considering making an application for criminal injuries compensation to the Criminal Injuries Compensation Authority, you should be aware that an award will be withheld unless you have cooperated as far as reasonable practicably in bringing the assailant to justice.

⁸ The National Offender Management Service must maintain a telephone helpline (the Victim Helpline) to ensure that victims have a number to ring if they receive unwanted contact from a prisoner

⁹ Monday – Friday 9.00am – 4.00pm.

If you receive unwanted contact from an offender who is on licence in the community, you can contact the **National Probation Service**, the **police**, or your **Victim Liaison Officer**, if you have one.

If the offender is under 18 and being supervised by a **Youth Offending Team**, you should contact that **Youth Offending Team** to report any unwanted contact. Contact details are available on **Gov.uk**

What if I am contacted by the media?

Sometimes the media may take an interest in the case and approach you and your family for comment. Generally, journalists can go to court and report most evidence which is said or given as evidence in court and it is normal for journalists to want to speak to those involved when writing a story on the case. There is no obligation to speak to the media.

There can be advantages and disadvantages to speaking with the media but if you have any concerns or would like some advice, you can speak with the **police** or a victim support provider. Alternatively, you can contact the **Independent Press Standards Organisation** by visiting **www.ipso.co.uk**, they can talk to you about your concerns and give practical advice and guidance.

Access to medical support

If you have been the victim of crime and have a physical or mental health need as a result, you can access **National Health Service (NHS)** services. You do not need to have reported a crime to the police in order to access **NHS** services.

If someone is seriously ill or injured and their life is at risk, call the emergency services on **999**. If it is not life-threatening, there are several other options you can take:

- if it is urgent, go to your local **NHS** walk-in centre or local urgent care centre/minor injuries unit or make your way to your local Accident and Emergency service department;
- if you are not sure what to do and need advice, call **111** (NHS England) or **0845 46 47** (NHS Wales) non-emergency medical helpline; or
- if it is not urgent, visit or call your **General Practitioner (GP)** (who can refer you to specialist services including mental health support) or talk to a pharmacist.

More information about **NHS** services is available on the website **www.nhs.uk** or **www.wales.nhs.uk**, by

calling **111 / 0845 46 47** in (England/Wales) or by visiting your **GP**.

There are also some specialist services that you can access directly by self-referral, for example sexual assault referral centres.

If you are not resident in the United Kingdom some health services are exempt from payment. Further details of exemptions to charges are available on **Gov.uk**

Who is responsible for meeting the rights?

This Code requires the following organisations to meet the rights set out in this Code:

- Police and Crime Commissioners
- All police forces in England and Wales, the British Transport Police and the Ministry of Defence Police
- Police Witness Care Units¹⁰
- Crown Prosecution Service
- Her Majesty's Courts and Tribunals Service
- Her Majesty's Prison Service
- The Parole Board
- The National Probation Service
- National Offender Management Service
- The Criminal Cases Review Commission
- The Criminal Injuries Compensation Authority
- The UK Supreme Court
- Youth Offending Teams

Other service providers

Other service providers also have functions in relation to the investigation and/or prosecution of crime. However, unlike the **police** and **CPS**, which have a broad remit to investigate and prosecute crimes, other **service providers** have a limited remit and have specialised roles in the context of criminal proceedings. Often their criminal functions are limited to investigating and prosecuting specific types of offences committed in certain circumstances. These functions largely determine the ways in which, and frequency with which, they come into contact with victims.

Some of these organisations have a range of criminal, civil and regulatory enforcement powers. The rights in this Code only apply to their criminal enforcement functions.

The rights delivered by these organisations and the way in which they are delivered depend on the function(s) they undertake. Where they undertake functions equivalent to those of a specified service provider (e.g. the **police**), they must deliver the rights assigned to the specified service provider below without unreasonable delay, including informing victims how to request a review of a decision not to prosecute¹¹.

Some victims will receive a combination of rights delivered by the **service providers** above and **other service providers** listed here.

The **other service providers** under this Code include:

- The Competition and Markets Authority
- Department for Business, Energy and Industrial Strategy (Criminal Enforcement)
- The Environment Agency
- The Financial Conduct Authority
- The Gambling Commission
- The Health and Safety Executive
- Her Majesty's Revenue and Customs
- Home Office (Immigration Enforcement)
- The Information Commissioner's Office
- Independent Office for Police Conduct
- The National Crime Agency
- Natural Resources Wales
- The Office of Rail and Road
- The Serious Fraud Office

Role of the Police and Crime Commissioners

Police and Crime Commissioners are locally elected to secure efficient and effective policing. They have a legal duty to consult with victims in setting the policing priorities in their area and hold the **Chief Constable of the police** in their area to account. They are responsible for commissioning the majority of the victim support services outlined in this Code. In April 2019, Commissioners were given greater responsibility around the monitoring of compliance with entitlements in this Code through their **Local Criminal Justice Partnerships**.

Role of the Commissioner for Victims and Witnesses (Victims' Commissioner)

The **Victims' Commissioner** is not listed as a service provider under this Code. This is because the **Victims' Commissioner** has a statutory duty to keep this Code under regular review. It is part of the **Victims' Commissioner's** role to listen to the views of victims, understand the criminal justice system from their point of view and try to help improve the services and support available. The **Victims' Commissioner** cannot help with individual cases or challenge criminal justice agencies to make different decisions.

¹⁰ Witness Care Unit is the generic name to describe a police led function which provides information and support to victims and witnesses in cases progressing through the criminal justice system. This unit may be known by another name in your local area. The police will tell you the

name of the unit who deliver the rights assigned to the Witness Care Unit in this Code.

¹¹ In accordance with the service provider's right to review scheme.

Summary of Victims' Rights

Below is a summary of the rights contained within this Code. This is not an exhaustive list and some rights will not apply to all victims. Further information is available in the victims' rights section below.

RIGHT 1: TO BE ABLE TO UNDERSTAND AND TO BE UNDERSTOOD

You have the **Right** to be given information in a way that is easy to understand and be provided with help to be understood, including where necessary, to have access to interpretation and translation services.

RIGHT 2: TO HAVE THE DETAILS OF THE CRIME RECORDED WITHOUT UNJUSTIFIED DELAY

You have the **Right** to have details of the crime recorded by police as soon as possible after the incident. If you are required to provide a witness statement or be interviewed, you have the **Right** be provided with additional support to assist you through this process.

RIGHT 3: TO BE PROVIDED WITH INFORMATION WHEN REPORTING THE CRIME

You have the **Right** to receive a written confirmation when reporting the crime, be provided with information about the criminal justice process and be told about programmes or services for victims. This might include services where you can meet with the suspect or offender known as restorative justice.

RIGHT 4: TO BE REFERRED TO VICTIM SUPPORT SERVICES AND HAVE SERVICES AND SUPPORT TAILORED TO YOUR NEEDS

You have the **Right** to be referred to victim support services, including contacting them directly, and to have your needs assessed so services and support can be tailored to meet your needs. If eligible, you have the **Right** to be offered a referral to specialist support services and be told about additional support available at court (special measures).

RIGHT 5: TO BE PROVIDED WITH INFORMATION ABOUT COMPENSATION

You have the **Right** to be told how to claim compensation.

RIGHT 6: TO BE PROVIDED WITH INFORMATION ABOUT THE INVESTIGATION AND PROSECUTION

You have the **Right** to be provided with updates on your cases and be told when important decisions are taken, including, if possible, how to ask for a decision to be looked at again.

RIGHT 7: TO MAKE A VICTIM PERSONAL STATEMENT

You have the **Right** to make a Victim Personal Statement, which tells the court how the crime has affected you and is used by the court when sentencing the offender. You will be given information about the process and be asked how you would like your statement to be used in court.

RIGHT 8: TO BE GIVEN INFORMATION ABOUT THE TRIAL, TRIAL PROCESS AND YOUR ROLE AS A WITNESS

If your case goes to court, you have the **Right** to be told the time, date and location of any hearing and the outcome of those hearings. If you are required to give evidence, you have the **Right** to be offered help before the trial and, where possible, to meet with the prosecutor before giving evidence.

RIGHT 9: TO BE GIVEN INFORMATION ABOUT THE OUTCOME OF THE CASE AND ANY APPEALS

You have the **Right** to be told the outcome of the case and, if the defendant is convicted, be given an explanation of the sentence. If the offender appeals against their conviction or sentence, you have the **Right** to be told about the appeal and its outcome.

RIGHT 10: TO BE PAID EXPENSES AND HAVE PROPERTY RETURNED

If you are required to attend court and give evidence, you have the **Right** to claim certain expenses. If any of your property was taken as evidence, you have the **Right** to get it back as soon as possible.

RIGHT 11: TO BE GIVEN INFORMATION ABOUT THE OFFENDER FOLLOWING A CONVICTION

If eligible, you have the **Right** to be automatically referred to the Victim Contact Scheme, who are able to provide you with information about the offender.

RIGHT 12: TO MAKE A COMPLAINT ABOUT RIGHTS NOT BEING MET

If you believe that you have not received your rights, you have the **Right** to make a complaint to the relevant service provider. If you remain unhappy, you can contact the Parliamentary and Health Service Ombudsman.

Victims' Rights in the Criminal Justice System

Who do the Rights apply to?

Which **Rights** apply to you under this Code will depend on whether the crime is reported to the **police**, if the case goes to court, as well as your personal needs and circumstances.

Rights 1, 4 and 12 apply to **all** victims, the other **Rights** only apply where a crime has been reported to the police. The relevant **service provider** will tell you which **Rights** apply to your case.

Enhanced Rights

This Code acknowledges that victims who are considered **vulnerable** or **intimidated**, are a **victim of the most serious crime** (including a **bereaved close relative**) or have been **persistently targeted** are more likely to require more assistance. Some victims may fall into one or more of these categories.

Such support may include being offered a referral to a specialist support service, being contacted sooner after key decisions and having access to special measures (see **Right 4**). Within each **Right** we have highlighted where enhanced rights apply.

Once a **service provider** has identified that you are eligible for enhanced rights under this Code, they must ensure that this information is passed to other **service providers** with responsibilities under this Code and, where appropriate, to victim support services.

If you do not fall within the categories outlined above, a **service provider** may exercise their discretion and provide access to certain enhanced rights depending on your circumstances or the impact of the crime.

Vulnerable or intimidated victims

You are eligible for enhanced rights under this Code as a **vulnerable**¹² victim if:

- you are under 18 years of age at the time of the offence¹³, or
- the quality of your evidence is likely to be affected because:
 - you suffer from mental disorder within the meaning of the Mental Health Act 1983;
 - otherwise have a significant impairment of intelligence and social functioning; or

- have a physical disability or are suffering from a physical disorder.

You are eligible for enhanced rights under this Code as an **intimidated** victim if the **service provider** considers that the quality of your evidence will be affected because of your fear of distress about testifying in court¹⁴.

When assessing whether a victim is **intimidated**, the **service provider** must consider:

- the behaviour towards the victim on the part of the suspect, members of their family or associates, or any other person who is likely to be a suspect or witness in the case;
- the victim's age;
- if relevant, the victim's social and cultural background, religious beliefs or political opinions, ethnic origin, domestic and employment circumstances;
- the nature and alleged circumstance of the offence to which the case relates. Victims of a sexual offence or human trafficking will be considered to be intimidated; and
- any views expressed by the victim.

Victims of the most serious crime

You are eligible for enhanced rights under this Code as a **victim of the most serious crime** if you are a close relative bereaved by a criminal offence, a victim of domestic violence, hate crime, terrorism, sexual offences, human trafficking, modern slavery, attempted murder, kidnap, false imprisonment, arson with intent to endanger life and wounding or causing grievous bodily harm with intent.

Additional enhanced rights that are available for **bereaved close relatives** are identified separately at various stages of this Code.

Persistently targeted victims

You are eligible for enhanced rights under this Code as a **persistently targeted victim** if you have been targeted repeatedly as a direct victim of crime over a period of time, particularly if you have been deliberately targeted or you are a victim of a sustained campaign of harassment or stalking.

¹² This is based on the criteria in section 16 of the Youth Justice and Criminal Evidence Act 1999 (YJCEA) for the court to determine eligibility for special measures.

¹³ For general enhanced rights under this Code. However, in order to be eligible for special measures under section 16 of the YJCEA, you must be under 18 at the time of the hearing.

¹⁴ This is based on the eligibility criteria for special measures in section 17 of the YJCEA.

RIGHT 1: TO BE ABLE TO UNDERSTAND AND TO BE UNDERSTOOD

- 1.1 You have the **Right** to be helped to understand what is happening and to be understood. All **service providers** must communicate in simple and accessible language.
- 1.2 If, due to the impact of the crime, you need assistance to understand or to be understood, you can be supported by a person of your choice, unless the **service provider** considers that it would not be in your best interests or that it would impact the investigation or prosecution. If this is not possible, the **service provider** will tell you why.
- 1.3 If you have difficulty understanding or speaking English, you have the **Right** to receive on request an interpreter to help you understand when:
- reporting a criminal offence¹⁵;
 - when being interviewed by the police; and
 - when giving evidence as a witness.
- 1.4 You can also receive on request the translation of any document where it is essential for the purposes of the interview or court proceedings to see a document that is given to you, including:
- the written acknowledgment of the reported crime;
 - where it is essential for the purposes of the interview or court hearing to see a particular document that is disclosed to you, a copy of the relevant parts of the document;
 - the document informing you of the date, time and place of the trial; and
 - the outcome of criminal proceedings and at least brief reasons for the decision where available.
- 1.5 You can also receive on request an oral translation or summary of any of the documents listed above, unless doing so would prejudice the fairness of the proceedings.

- 1.6 All translation or interpretation services provided under this right must be offered free of charge to the victim.
- 1.7 In hearings in Wales you have the legal right to use Welsh when giving evidence and the court will make the necessary provisions¹⁶.

RIGHT 2: TO HAVE THE DETAILS OF THE CRIME RECORDED WITHOUT UNJUSTIFIED DELAY

- 2.1 You have the **Right** to have details of the crime recorded by the **police** as soon as possible after the incident. When you report an incident, you will be asked to provide details about the crime.
- 2.2 If you are asked to make a witness statement the **police** should explain to you that this may result in you needing to give evidence in court if the case goes to trial.
- 2.3 If you are asked to be interviewed, any interview should take place without unjustified delay, the number of interviews should be kept to a minimum and where possible be conducted by the same person. The **police** must take any steps necessary to ensure that you (and your family) do not have unnecessary contact with the suspect.
- 2.4 The **police** must consider whether you would benefit from additional support during the interview and ensure that it takes place in premises designed or adapted for the purpose and is carried out by or through professionals trained for that purpose. If this is not possible, the **police** will tell you why.
- 2.5 You also have the **Right** to bring a person of your choice to the interview. If this is not possible, the **police** will tell you why.
- 2.6 If the **police** believe that you may be **vulnerable** (see **enhanced rights section**), they must consider whether you would benefit from the support of a **Registered Intermediary** and make any other reasonable adjustments based on your needs.

¹⁵ You are entitled to report the crime in a language you understand or with the necessary linguistic assistance if you don't speak English.

¹⁶ Section 22(1) of the Welsh Language Act 1993 provides: "In any legal proceedings in Wales the Welsh language may be spoken by any party, witness or other person who desires to use it". No prior notice to use

the Welsh language is required in magistrates' court proceedings. However, sometimes it is necessary for interpretation to be arranged, and prior notice will be given to the Welsh language Unit to make necessary provisions.

What is a Registered Intermediary?

A Registered Intermediary is a self-employed communication specialist who helps vulnerable victims and witnesses to give evidence to the police and to the court in criminal trials.

- 2.7 If a medical examination is required for the purposes of the criminal proceedings, these must be kept to a minimum.
- 2.8 If you are a victim of sexual violence, gender-based violence or domestic abuse, you have the **Right** to request that the police officer conducting the interview is of the same sex as you. The **police** must comply with this request unless doing so would prejudice the fairness of the proceedings. If this happens, the **police** will tell you why.
- 2.9 If you are under 18 years of age, the **police** will ask you, or your parent/guardian, if you would like your interview to be video recorded to make it easier for you to tell the police what happened as this may mean that you do not have to repeat this in court. You can choose to give live evidence in court rather than have a video statement admitted as your evidence, if you would prefer.

RIGHT 3: TO BE PROVIDED WITH INFORMATION WHEN REPORTING THE CRIME

- 3.1 If you decide to report a crime to the **police**¹⁷, you have the **Right** to written confirmation. This will include the basic details of the offence, a crime reference number and the contact details of the police officer dealing with your case. The confirmation could be a letter, an email, text message, or it could be written by hand.
- 3.2 Where the **police** consider there may be a risk of harm to you from sending the written confirmation, for example in domestic abuse cases, they may agree with you not to send one.
- 3.3 The **police** will explain where you can get further information about the criminal justice process and your **Rights** as a victim. This will include information on where and how to

get advice and support. This may include, where appropriate and available, access to medical support, specialist support, such as psychological support (including pre-trial therapy and counselling), and alternative accommodation. The **police** will also explain arrangements available if you do not live in England and Wales.

- 3.4 The **police** will explain to you, where applicable, how to seek compensation (see **Right 5**) and how to access **Restorative Justice services**.

What is Restorative Justice?

Restorative Justice can give you the chance to explain to the offender the impact that their crime has had on you. It will only happen if you and the offender, having acknowledged the basic facts of the case, both want to take part and a trained facilitator decides that it's safe and appropriate.

You will be provided with full and impartial information on **Restorative Justice** and how to take part.

Restorative Justice is voluntary, you do not have to take part and you can withdraw at any time.

You can ask to participate in **Restorative Justice** at a time that is right for you and you may be asked to take part because the offender has requested **Restorative Justice**. Even if both you and the offender want to take part, it might not be appropriate, and the trained facilitator will make an assessment of this.

- 3.5 All information under this right must be provided within **5** working days (**enhanced – 1** working day) of reporting the crime.
- 3.6 If you are a **bereaved close relative**, you have the **Right** to have a **Family Liaison Officer** assigned to you by the **police**, where the **Senior Investigating Officer** considers this to be appropriate - this will happen in most cases. Your **Family Liaison Officer** will normally act as the single point of contact between you and **service providers**.

¹⁷ Or have had such an allegation made on your behalf, or if you are contacted as a victim in the course of investigations.

RIGHT 4: TO BE OFFERED A REFERRAL TO VICTIM SUPPORT SERVICES AND HAVE SERVICES AND SUPPORT TAILORED TO YOUR NEEDS

Needs Assessments

- 4.1 When you report a crime to the **police**, you have the **Right** to be offered an assessment of whether you want support, and if so what help or support you may need. This will include an assessment of whether you are entitled to receive the enhanced rights set out earlier in this Code. The more information you are able to provide during the assessment, the more tailored the level of help and support will be to your individual needs.
- 4.2 As your needs may change through the life of your case, all **service providers** must give you the opportunity to be re-assessed if you tell them how your needs have changed.
- 4.3 If you are required to attend court to give evidence, you will be offered a separate needs assessment by the **Witness Care Unit** to determine whether you require any further help and support before the trial and at court.

Referral to Victim Support Services

- 4.4 Victim support services are independent organisations and charities which offer victims of crime help and support to cope and, as far as possible, recover after a crime.
- 4.5 You have the **Right** to access victim support services at any time even if you choose not to report the crime to the **police**. If you report the crime to the **police**, they will tell you about the victim support services available in your local area and how you will be referred.
- 4.6 Most referrals to support services will happen shortly after you have contacted the **police** but there may sometimes be a delay in accessing these services.
- 4.7 If you choose not to report the crime to the **police**, you can contact your local victim support services directly. To search for a service that supports victims near you, contact your local **Police and Crime Commissioner** or visit **Gov.uk**
- 4.8 If you are a **bereaved family relative** in a case involving an allegation of murder or

manslaughter, you have the **Right** to be offered advice on coping with a bereavement and offered a referral to the **National Homicide Service**. This offer will normally be made through your **Family Liaison Officer**.

What is the National Homicide Service?

The **National Homicide Service** is a free service that provides emotional, practical, specialist and peer support to families bereaved by murder or manslaughter, including after an act of terrorism.

- 4.9 Depending on your needs and the nature of your case, you may be offered specialist support, for example from an **Independent Domestic Violence Advisor** or an **Independent Sexual Violence Advisor**. They are trained to provide emotional and practical support and will keep you updated about your case.
- 4.10 Your independent advisor will normally act as your single point of contact throughout the case and communicate with the **police**, **Witness Care Unit** and the **Crown Prosecution Service** on your behalf.
- 4.11 If you are required to give evidence in court, you have the **Right** to be offered a referral to the **Witness Support Service (see Right 8)**.

What are Witness Support Services?

These are free services, such as the **Court Based Witness Service**, which provide support to you before, during and after a trial. They support witnesses for both the prosecution and defence. They can give you:

- information about what to expect in court, including a visit to the court to see the courtroom beforehand and learn about court procedures;
- someone to talk to confidentially about how you're feeling before the trial;
- a quiet place to wait before you are called to give evidence;
- practical help (for example with claiming your expenses); and
- a chance to talk over the case when it has ended and to get more help or information.

- 4.12 At the end of your case, regardless of the outcome, you have the **Right** to access victim support services even if you haven't accessed them previously. To search for a service that supports victims near you, contact your local **Police and Crime Commissioner** or **Gov.uk**

Special Measures

- 4.13 You have the **Right** to have your needs assessed by the **police** or **Witness Care Unit** to determine whether you are eligible and would benefit from giving evidence using special measures¹⁸.

What are special measures?

Special measures can be put in place for victims and witnesses who are considered to be vulnerable or intimidated to help them give their best possible evidence in court. Common special measures include giving evidence from behind a screen/ curtain so the defendant and court observers cannot see you or from outside the courtroom via video-link.

Other **special measures** include: giving evidence in private where the public gallery is cleared; removal of wigs and gowns worn by the judge, and defence and prosecution advocates in the Crown Court; use of communication aids or being examination through an intermediary; or admitting a video recording of the witness as part of the witness's evidence in chief, cross-examination and/or re-examination (which may mean the witness does not need to give evidence in court).

- 4.14 Some victims are eligible to be offered special measures as **vulnerable witnesses** (see enhanced rights section).
- 4.15 Other victims will be eligible for special measures as **intimidated witnesses** (see enhanced rights section).
- 4.16 The **judge** or **magistrates** will decide whether special measures should be granted to an

eligible witness following a request from the prosecutor. The **Witness Care Unit** will tell you the court's decision (see **Right 8**). **Her Majesty's Courts and Tribunals Service court staff** will ensure any special measures granted are available at court.

RIGHT 5: TO BE PROVIDED WITH INFORMATION ABOUT COMPENSATION

Court ordered compensation

- 5.1 If the defendant pleads or is found guilty, the court may order them to pay you compensation for any loss, damage or injury caused as a result of the crime. You have the **Right** to be told by the **police** how to seek compensation and you may be asked to provide evidence of your loss or damage, for example receipts or quotes for repairing the damage caused during the crime.

Criminal Injuries Compensation Scheme

- 5.2 If you have been physically or mentally injured because you were the victim of a violent crime, you may be entitled to compensation through the **Criminal Injuries Compensation Scheme**¹⁹. You have the **Right** to be told by the **police** how to apply for compensation through the **Criminal Injuries Compensation Scheme**²⁰ (see **Right 3**).
- 5.3 The **Criminal Injuries Compensation Authority** is responsible for administering the **Criminal Injuries Compensation Scheme**.
- 5.4 You must apply as soon as reasonably practicable and within two years of the date of the incident. Different rules apply if you were aged under 18 years of age at the time of the incident.

¹⁸ The Youth Justice and Criminal Evidence Act 1999 (YJCEA) introduced a range of measures that can be used to facilitate the gathering and giving of evidence by vulnerable and intimidated witnesses. The measures are collectively known as "special measures". Special measures help to relieve some of the stress associated with giving evidence and apply to prosecution and defence witnesses, but not the defendant.

¹⁹ If you are considering making an application for criminal injuries compensation to the Criminal Injuries Compensation Authority, you

should be aware that an award will be withheld unless you have cooperated as far as reasonably practicable in bringing the assailant to justice.

²⁰ Eligibility for compensation from the Criminal Injuries Compensation Authority may depend on your residency or nationality unless you are conclusively identified as a victim of human trafficking, or granted asylum under Immigration Rules made under section 3(2) of the Immigration Act 1971.

- 5.5 The authority will not wait for the outcome of a trial if there is already enough information to decide your case meets the Scheme's eligibility criteria.
- 5.6 Once you have applied, the authority will confirm that your application has been received and respond to all written correspondence regarding an application within **20** working days of it being received.
- 5.7 Having considered your application, you will be provided with information on the right to review the decision, including the procedure and time limits for reviewing that decision.
- 5.8 Further information about applying for compensation can be found by visiting **Gov.uk**, from the **police**, your local **Police and Crime Commissioner** or by contacting the **Criminal Injuries Compensation Authority**.

Civil (non-criminal) compensation

- 5.9 It may be possible to seek compensation from the suspect or offender outside of the criminal justice process. If you want to consider applying for civil compensation, you should seek legal advice and assistance from a solicitor.

Getting legal advice/assistance on claiming compensation

- 5.10 If you need legal advice and/or assistance you should contact a solicitor. If you are on a low income or benefits you may be able to get Legal Aid to help cover the cost. More information on whether you can get Legal Aid is available on **Gov.uk**. To find a local solicitor you should contact the Law Society by visiting: **www.lawsociety.org.uk**

RIGHT 6: TO BE PROVIDED WITH INFORMATION ABOUT THE INVESTIGATION AND PROSECUTION

- 6.1 You have the **Right** to be told by the **police** when key decisions on the investigation are made and to have the reasons explained to you within **5** working days (**enhanced** - within **1** working day) of a suspect being:
- arrested;
 - interviewed under caution;
 - released without charge;
 - released on police bail or under investigation or if police bail conditions are changed or cancelled.
- 6.2 If the **police** decide not to investigate your case, you have the **Right** to be told why within **5** working days (**enhanced** – **1** working day) of their decision.
- 6.3 The **police** will discuss with you how often you would like to receive updates and your preferred method of contact. You can update your preferences at any time.
- 6.4 The investigation and decision whether the case should go to court can take a long time and there may be long periods between key decisions. The **police** will discuss with you if you would like contact between key decisions and provide you with contact details if you have any questions during the investigation.
- 6.5 There may be times when a **service provider** is unable to provide you with regular updates and/or use your preferred method of contact, but they will tell you why.
- 6.6 In some cases, the **police**, **CPS** or **Youth Offending Team**²¹ may decide to deal with the case without taking it court. This is called an **out of court disposal**²². This enables the incident to be dealt with relatively quickly and may prove more effective in preventing further offences.
- 6.7 Where the **police**, **CPS** or the **Youth Offending Team** (if the offender is under 18) are considering an **out of court disposal** you have the **Right** to be asked for your views and to have these views taken into account when a

²¹ Youth Offending Team is a multi-agency team which works with children between the ages of 10 and 17 who have offended, or may be at risk of offending. They are coordinated by a given local authority and as part of the youth justice system are monitored by the Youth Justice Board.

²² Alternatives to prosecution, such as cautions, conditional cautions and penalty notices for disorder, intended for dealing with low-level, often first-time offending, where prosecution would not be in the public interest.

decision is made. Where this is not possible for practical reasons, the **police, CPS or Youth Offending Team** will tell you why.

6.8 The **police, CPS or Youth Offending Team** will take the final decision after considering the full circumstances of the offence, offender and your views. You have the **Right** to be told within **5 working days (enhanced - within 1 working day)** of the decision to give the offender an out of court disposal.

6.9 When the **police** have finished their investigation, they may decide what should happen next or, for more serious crimes, pass the information to the **CPS**, who will then decide if there is enough evidence to take the case to court.

6.10 You have the **Right** to be told by the **police or CPS** if they decide not to prosecute the suspect, to have the reasons explained to you, be told how you can get further information, how to seek a review under the **police or CPS Victims' Right to Review Scheme**, and how you can access support. That information must be provided within **5 working days** of the decision (**enhanced - within 1 working day**).

6.11 If you are unhappy with a **police or CPS** decision not to prosecute the suspect, you have the **Right** to ask for a review under the **National Police Chiefs' Council or CPS Victims' Right to Review schemes**.

What is the Victims' Right to Review Scheme?

The **Victims' Right to Review Scheme** gives victims of crime a right to request a review of a **police or CPS** decision not to prosecute, or otherwise to stop the case.

6.12 If the suspect is charged with an offence(s), you have the **Right** to be told by the **police** within **5 working days (enhanced - within 1 working day)**:

- the offence they are charged with;
- the date, time and location of the first court hearing; and
- where the suspect is released on police bail to appear in court, any bail conditions and any changes to these bail conditions.

6.13 If you are a bereaved close relative in a qualifying case²³, you have the **Right** to be offered a meeting with the **CPS** prior to or following a **CPS** decision about whether or not to charge a suspect. If a decision is made to charge, the **CPS** will explain how the case is likely to progress and answer any questions that you may have. The **CPS** will also discuss your needs and jointly agree how regularly you will receive updates.

6.14 If a decision has been made to stop a charge and proceed with another, make a big change to a charge(s); or stop the case, the **CPS** will inform you within **5 working days (enhanced - within 1 working day)**. They will tell you how to get more information about their decision, and how to ask a review if you disagree with their decision to stop the case under the **Victims' Right to Review Scheme**.

6.15 If you are a victim in a specified case²⁴ where the **CPS** tells you of a decision not to charge a suspect, you have the **Right** to meet with **CPS**. This is unless the **CPS** decides that a meeting should not take place. If the **CPS** decides that a meeting is not appropriate, they will tell you why.

RIGHT 7: TO MAKE A VICTIM PERSONAL STATEMENT

7.1 You have the **Right** to make a **Victim Personal Statement** to explain in your own words how a crime has affected you, whether physically, emotionally, financially or in any other way. This is different from a witness statement about what happened at the time, such as what you saw or heard.

7.2 If you are a **bereaved close relative**, you have the **Right** to make a personal statement regardless of whether you have made a witness statement.

²³ The cases where bereaved families are entitled to meet with CPS, which are: murder, manslaughter, corporate manslaughter, familial homicide, causing death by dangerous driving, causing death by careless driving while unfit through drink or drugs, causing death by careless driving or through inconsiderate driving, causing death by driving whilst unlicensed, disqualified or uninsured and aggravated vehicle taking where death is caused.

²⁴ Specified cases where victims are entitled to meet with the CPS are: child abuse; sexual offences; racially and religiously aggravated offences; offences with a homophobic or transphobic element; offences aggravated by hostility based on disability; and cases motivated by hostility based on age.

- 7.3 The **Victim Personal Statement** is used by the court when determining what sentence the defendant should receive. If the defendant pleads guilty, or is found guilty, and you have asked that your statement is read aloud (or played) in court, the court will decide whether and what sections of your personal statement should be read aloud (or played), and who should read it. The court will always take your views into account when making their decision and follow them unless there is good reason not to do so.
- 7.4 If you do not want to read your **Victim Personal Statement** aloud yourself or have it read aloud on your behalf, you do not have to choose this option. If at first you choose to have your personal statement read aloud but later decide you do not want this, you can change your mind. Your personal statement will be considered by the court in the same way whether or not it is read (or played) in court.
- 7.5 You have the **Right** to be provided information about the **Victim Personal Statement** process by the **police** when reporting the crime to help you decide whether you wish to make one. If you make a personal statement, you can request a copy from the **police** and will be given an opportunity to make an additional personal statement to reflect the changing impact of the crime.
- 7.6 In addition to the **named point of contact for a business** being able to make a **Victim Personal Statement**, businesses of all sizes can make an **Impact Statement for Business**. This is similar to a **Victim Personal Statement** and will be used in the same way in court but allows the business to explain how a crime has affected the business such as direct financial loss, and wider impacts, e.g. operational disruption or reputational damage.
- 7.7 The **named point of contact** has the **Right** to be provided information about the **Impact Statement for Business** process by the **police** when reporting the crime to help the **named point of contact** decide whether the business wish to make one.
- 7.8 If the defendant pleads guilty, or is found guilty, you will be told how your **Victim Personal Statement** or **Impact Statement for Business** was used in court when the **Witness**

Care Unit contact you to explain the sentence (see **Right 9**).

- 7.9 Further information about the **Victim Personal Statement** and **Business Impact Statement** process is available from the **police** and **Gov.uk**

When can I make a Victim Personal Statement?

You can make a **Victim Personal Statement** any time prior to sentencing of the offender, however you may not have an opportunity to make a personal statement once the court hearing has started, and especially if the defendant pleads guilty.

For many victims, the best time to make a **Victim Personal Statement** is when they are told that the suspect has been charged and the full impact of the crime may be clearer. The police may still ask for details of the initial impact when conducting your needs assessment or taking your witness statement.

Can I change my mind or update my Victim Personal Statement?

Once you have signed your **Victim Personal Statement**, you cannot withdraw or change it. However, if you remember something important, or feel that the impact of the crime on you has changed, you may make another.

Will the defendant be able to see my Victim Personal Statement?

Yes. If the case reaches court the defendant will usually be allowed to read your statement. As with other evidence in the case, if the court agrees it is relevant to the case, the defence can ask you questions about the contents of your personal statement. If your personal statement is read aloud in court, what is said **could** be reported by the media.

Further questions or help recording your Victim Personal Statement

If you have questions about making a **Victim Personal Statement**, how it will be used or what to include, you can speak with the **police**, **Witness Care Unit** or **victim support service**. They can also help you to record your personal statement.

RIGHT 8: TO BE GIVEN INFORMATION ABOUT THE TRIAL, TRIAL PROCESS AND YOUR ROLE AS A WITNESS

8.1 If the case goes to court, you have the **Right** to be told by the **Witness Care Unit** within **5** working days of them receiving the information from the court (**enhanced** – within **1** working day):

- the time, date and location of any hearing (within **1** working day for all victims);
- the outcome of any bail hearing (and relevant bail conditions, any relevant changes to these bail conditions and the reasons for those changes);
- if an arrest warrant has been issued for the suspect and the outcome of a hearing if the suspect is re-arrested; and
- the outcome any hearing if the suspect has been re-arrested.

8.2 If the suspect pleads not guilty and you are required to attend court, you have the **Right** to:

- be told by the **Witness Care Unit** if you are required to give evidence within **1** working day of them receiving the information from the **CPS**;
- have your needs assessed and be offered a referral to the **Witness Service** by the **Witness Care Unit** (see **Right 4**); and
- be told to the outcome of any special measures application (see **Right 4**).

8.3 If you are required to give evidence, you will be able to refresh your memory by reading your witness statement. Where possible, the prosecutor will meet you before you go into court to explain what will happen and answer any questions you may have.

8.4 If you are a **bereaved close relative**, you have the **Right** to request from **your Family Liaison Officer** or **Witness Care Unit** a visit to the court before the trial date to familiarise yourself with the building, regardless whether you are required to give evidence.

8.5 If you are a **bereaved close relative**, you also have the **Right** to be offered a meeting with the **CPS** or the advocate who will be presenting the case in court. This meeting will usually take place shortly before the trial and is an opportunity for you to be introduced and to ask any questions that you may have.

8.6 When attending court, where possible, you will be able to enter through a different entrance to the defendant and wait in a separate waiting area. Some court buildings do not currently have separate entrances for victims and arrangements will be made to make sure you do not have to see the defendant on arrival.

8.7 During the trial, sometimes you may have to wait to give evidence, **court staff** will give you a contact point at court to keep you updated on the process of the trial and they or the **CPS prosecutor or advocate** will tell you how long you will likely need to wait.

8.8 Sometimes you may need to come back to court on another day, if this happens, the **court staff** or the **CPS prosecutor or advocate** will tell you why.

Help when attending court

Having to attend court can be an intimidating experience for any victim. However, you will be contacted by the **Witness Care Unit** before the trial.

As well as providing the rights listed in 8.1 and 8.2, they can provide practical guidance and advice to help you. This includes:

- being told about what to expect in court and answer any questions you might have about the court process;
- if the victim is under 18, being given information for young witnesses;
- being offered help with directions to court and planning and/or arranging travel to court or accommodation;
- being offered help arranging child care or additional support to allow you to attend court;
- being given information about claiming witness expenses and allowances;
- being offered a referral to victim support services before, during or after you have attended court; and
- answering any questions about the sentence or referring you onto the **CPS** if they cannot answer your questions.

RIGHT 9: TO BE GIVEN INFORMATION ABOUT THE OUTCOME OF THE CASE AND ANY APPEALS

- 9.1 You have the **Right** to be told the outcome of the case including, where available, a brief summary of reasons for the decision²⁵, by the **Witness Care Unit** within **1** working day of them being told by the court.
- 9.2 If the defendant is convicted (found guilty), you have the **Right** to be told the sentence they received, including a short explanation about the meaning and effect of the sentence, if you made a **Victim Personal Statement**, how it was used and how you can get further information from the **CPS** by the **Witness Care Unit**, within **1** working day of them being told by the court.
- 9.3 If you are a **bereaved close relative**, you have the **Right** to be offered a meeting with the **CPS**:
- following conviction, but before the sentencing hearing of the defendant, to confirm that a **Victim Personal Statement** has been made or to confirm that it is up to date. This meeting will usually take place at court;
 - following the sentencing hearing to explain the sentence given. This meeting will usually take place at court;
 - in cases which result in an acquittal or in a conviction on a less serious charge. The offer of a meeting will be made a few weeks after the case has concluded unless the **police** decide that this is inappropriate. The actual timing of the meeting will be informed by the wishes of the family so you will be contacted to discuss when the meeting should take place; and
 - in a murder case where all defendants are found not guilty of all charges, the **police** and **CPS** will follow the process set out in the **National Standards of Support** for bereaved families. The National Standards of Support are available on the **CPS** website www.cps.gov.uk and a copy is provided by the **police** to bereaved families as part of the police bereavement pack.

If you are unhappy with the sentence given to the offender

- 9.4 For some (but not all) cases sentenced in the **Crown Court** it is possible to ask²⁶ the **Attorney General**²⁷ to refer the sentence to the **Court of Appeal** to reconsider it. This can only be on the basis that the sentence was not just lenient but 'unduly lenient'²⁸, that there was a gross error and therefore far too low. The sentence cannot be referred just because the sentence could have been greater.
- 9.5 If the **Attorney General** considers that the sentence meets the standard of being 'unduly lenient', the case is referred to the **Court of Appeal**. The **Attorney General** must consider the matter as soon as possible after sentence and no later than the 28th calendar day after the sentence was imposed. If the **Court of Appeal** agrees, **it may** increase the sentence.
- 9.6 The **Witness Care Unit** will tell you about the scheme, including how to make a referral, when you are told the sentence in the case.

If the offender appeals

- 9.7 Sometimes the offender will ask the court to look at the case or the sentence again. This is called an appeal. What will happen next will depend on where the appeal takes place.

If an application is made to the Crown Court to appeal against a conviction or sentence in the Magistrates' Court.

- 9.8 If the offender appeals to the **Crown Court**, you have the **Right** to be told by the **Witness Care Unit** within **1** working day of them being told by the court:
- that a notice of appeal that has been made;
 - the date, time and location of any hearing; and
 - the outcome of the appeal, including any changes to the original sentence.

²⁵ The Witness Care Unit will be unable to provide an explanation if the offender has been found not guilty by a jury, because the jury do not have to provide reasons for their decision.

²⁶ The CPS may also contact the Attorney General if they have concerns about the sentence.

²⁷ The Attorney General is chief legal adviser to the Crown and has a number of independent public interest functions, as well as overseeing the Law Officers' departments.

²⁸ A sentence is 'unduly lenient' if it falls outside the normal range of sentences the judge could have reasonably considered appropriate.

9.9 If you wish to attend the appeal, you have the **Right for court staff** to arrange for you to:

- wait and be seated in court in an area separate from the offender and their family and friends, wherever possible;
- be provided with a contact point at the **Crown Court**; and
- receive information about victim support services where appropriate and available.

If an application is made to appeal against a conviction or sentence to the Court of Appeal, or an application or appeal is made to the UK Supreme Court in a criminal case on a point of law.

9.11 If the offender appeals to the **Court of Appeal** or **UK Supreme Court**, you have the **Right** to be told by the **Witness Care Unit** within **5** working days of them being told by the court (**enhanced** - within **1** working day):

- if the offender has been given permission to appeal against the conviction, sentence or point of law;
- the date, time and location of any hearing, and any changes to this information (within **1** working day for all victims);
- if the offender is to be released on bail pre-appeal or if the bail conditions have been changed (within **1** working day for all victims);
- the name of a contact for the **Criminal Appeal Office** or **UK Supreme Court staff**;
- the outcome of the appeal, including any changes to the original sentence, and
- how to request a copy from the **Criminal Appeal Office** or **UK Supreme Court staff** of the court's judgment in the case once it has been published.

9.12 If you wish to attend the appeal, you have the **Right for court staff** or **UK Supreme Court staff** to arrange for:

- you to wait and be seated in court in an area separate from the offender and their family and friends, wherever possible; and
- Special arrangements to be made for you if the offender is present and you do not wish to sit in the courtroom. However, it is rare for the offender to attend hearings in the **Supreme Court**.

9.13 Following a decision to give the offender permission to appeal, if you are a **bereaved**

close relative, you have the **Right** to be offered a meeting with the **CPS** to explain the nature of the appeal and the court processes.

9.14 In determining an appeal against sentence, the court will always take into account any **Victim Personal Statement** that was considered by the sentencing court.

9.15 It is not normally necessary for a further personal statement to be provided to the **Court of Appeal**. However, if there is information that the court should know about the continuing impact the crime has had on you, a new or further **Victim Personal Statement** may be sent to the **Court** through the **police** or **CPS**.

Criminal Cases Review Commission

9.14 The offender can ask the **Criminal Cases Review Commission** to review their convictions and/or sentence if there is some new information or new argument which might mean the conviction is unsafe or the sentence too long. The **Commission** investigates alleged miscarriages of criminal justice in England, Wales and Northern Ireland.

9.15 When reviewing a case, the **Commission** will assess the potential impact on you and decide if you should be notified.

9.16 The **Commission** will not usually try to contact you just because they have received an application. This is because most reviews will not lead to an appeal and there is no need to warn you that the offender has applied. However, the **Commission** will tell you if they think there is a reasonable chance that you may find out that they are looking at a case though the media or through another source.

9.17 If the **Commission** decides that it is not appropriate to contact you during the review, but subsequently decides to refer the conviction or sentence to the courts, the **Commission** will try to contact you before the case is referred to appeal.

RIGHT 10: TO BE PAID EXPENSES AND HAVE PROPERTY RETURNED

- 10.1 If you attend court to give evidence, you have the **Right** to claim certain expenses, for example for travel, child care, loss of earning and refreshments and meals, from the **CPS**²⁹. The **CPS** will pay any expenses they have decided are due to you within **10** working days of receiving a correctly completed claim form.
- 10.2 If the **police** took any of your property as evidence, you have the **Right** to get it back as soon as it is no longer required.

RIGHT 11: TO BE GIVEN INFORMATION ABOUT THE OFFENDER FOLLOWING A CONVICTION

Victim Contact Scheme

- 11.1 If you are the victim or a bereaved family relative and the offender was convicted of a specified violent or sexual offence³⁰, and sentenced to **12 months** or **more** in prison (or detained in a hospital for treatment under the Mental Health Act 1983 with or without a restriction order³¹), you have the **Right** to be automatically referred within **20** working days to the **National Probation Service Victim Contact Scheme** and be assigned a **Victim Liaison Officer**. You can opt-out and opt back into the **Victim Contact Scheme** at any time while the offender is serving their sentence/hospital order and any subsequent licence conditions are live.
- 11.2 The **Victim Liaison Officer** will tell you:
- what the sentence of the court means in terms of their detention in prison or hospital, if there are any changes to their sentence, and when they'll be
 - transferred to open conditions or considered for release or conditional discharge;
 - how to make a **Victim Personal Statement** if an offender's case is due a Parole Board review;
 - how to apply to read your **Victim Personal Statement** to the **Parole Board**, in those

case where the **Parole Board** holds an oral hearing;

- how to apply for licence/discharge conditions to reduce the chances of you encountering the offender in the community, or from them contacting you;
- about any licence/discharge conditions that relate to you and the date they will end; and
- how to ask for a summary of the **Parole Board's** decision and how to seek to challenge the decision if the **Parole Board** decides the offender is safe to release (see **11.8 – 11.9** below).

- 11.3 In addition to the statutory offences where the **Victim Contact Scheme** is offered, the **National Probation Service** will also refer victims to the scheme where the offender is sentenced to 12 months or more in prison (or detained in a hospital for treatment under the Mental Health Act 1983 with or without a restriction order) for:

- Causing Death by Careless or Inconsiderate Driving (Road Traffic Act 1988);
- Causing Serious Injury by Dangerous Driving (Road Traffic Act 1988); or
- Controlling or coercive behaviour in an intimate or family relationship (Serious Crime Act 2015).

Victims of offenders who are under 18 years old

- 11.4 If the offender in your case is under the age of **18** and you are not eligible for the **Victim Contact Scheme**, the **Youth Offending Team** may contact you directly. This is in cases where a young offender is sentenced to less than **12** months in custody, **12** months or more for a non-sexual or non-violent offence or a community based order. A community based order puts conditions on an offender serving a sentence in the community rather than prison.

²⁹ Other service providers responsible for prosecuting an offence must have rules under which victims have the possibility of reimbursement of expenses incurred from attending court to give evidence.

³⁰ As defined in section 45(2) of the Domestic Violence, Crime and Victims Act 2004.

³¹ Restrictions will be placed on a patient if the court considers that this is necessary for the protection of others from serious harm. The Secretary of State is involved in the management of "Restricted patients". This

means that the Secretary of State will make decisions about the offender's rehabilitation. "Non-Restricted patients" are managed by clinicians, and hospital managers.

11.5 The **Youth Offending Team** may seek your views prior to sentencing and explore whether you want to get involved in any **Restorative Justice** initiatives, where appropriate and available.

11.6 You have the **Right** to receive the following information from the **Youth Offending Team**:

- information about the progress of the offender's case upon request; and
- information on appropriate victim support services if you ask for additional support.

The Parole Board

11.7 The **Parole Board** must:

- consider all representations that victims have made about licence conditions;
- where a victim has requested a licence condition which has not been included, provide an explanation for this non-inclusion;
- read a **Victim Personal Statement** if one is submitted;
- consider applications from the victim if they want to attend the oral hearing and consent to a request from the victim to attend in person for the reading of the statement unless there are good reasons for not doing so.

Asking for a parole decision to be reviewed (Reconsideration Mechanism)

11.8 The **Parole Board** considers certain offenders for parole (release on licence) based on their risk of harm to the public.

11.9 If the **Parole Board** decides it is safe to release an offender the decision is provisional for **21** calendar days. During this time the you can ask the **Secretary of State** to challenge the decision on your behalf if you believe either:

- the correct process was not followed in the review of the offender for parole - for example, important evidence was not taken into account; or
- the decision was irrational or unreasonable - the decision cannot be justified based on the evidence of risk that was considered.

Sexual Offender Notification Requirements Review Process

11.10 Registered sex offenders are subject to "notification requirements". This means they must tell the **police** about some of their personal details. The notification requirements are an automatic consequence of a conviction or caution for a Schedule 3 offence under the Sexual Offences Act 2003. The information the offender needs to give to the police and how long they need to do this for depends on the sentence they were given.

11.11 Offenders who are subject to notification requirements for life can apply to have this reviewed after a set period of time following their first notification, which usually takes place at release from prison. The set period of time is **15** years for adults and **8** years for juveniles. If the offender makes such an application, the police will then carry out a review, including a risk assessment to decide whether the offender's notification requirements may be stopped. Sex offenders who are assessed as still being a risk will remain subject to notification requirements and will do so for life if necessary.

11.12 If you are a victim of an offender who makes such an application, you have the **Right** to be contacted by the police to provide your views on the application as part their review. Your **Victim Liaison Officer** will provide you with further information about this process.

Foreign National Offenders

11.13 If you have been a victim of a crime committed by a foreign national and the offender:

- has received a prison sentence of **12** months or more, or a hospital order, for an offence against you; or
- was court recommended for deportation for an offence against you; or
- was sentenced to a period in prison for a violent or sexual offence.

You have the **Right** to receive information about the offender's deportation. You can choose not to receive this information. The **National Probation Service (Victim Liaison Officer and Offender Managers)** must take all reasonable steps to work with the immigration authorities to ensure, as far as possible, that information about the prisoner's immigration

status and any deportation information is passed on to victims.

- 11.14 If you have been the victim of a crime as set out in 11.13 above, your **Victim Liaison Officer** assigned by the **Victim Contact Scheme** (see 11.1 above) will be able to obtain updates from the **Home Office** on your behalf.
- 11.15 If you are not eligible for the **Victim Contact Scheme** or have opted out of the scheme, but you meet the criteria (see 11.13 above) you have the right to receive updates regarding the immigration case of the foreign national offender directly from the **Home Office's Victim Support Team**.
- 11.16 The **Home Office Victim Support Team** can tell you:
- whether the **Home Office** intends to take deportation action against the offender;
 - the final outcome of any appeal against deportation;
 - when the offender is going to be released from immigration detention;
 - when the offender has been deported; or
 - if the offender is not being deported and if possible, the reasons why.

Serious Further Offence Reviews

- 11.17 In the event that an offender commits a **Serious Further Offence**³² while they are under statutory supervision by the provider of probation services, or shortly after this supervision has ended, the provider of probation services will carry out a **Serious Further Offence Review** to investigate how the case was managed and whether or not there are any improvements that need to be made to manage future cases.
- 11.18 If this occurs, you have the **Right** to be contacted by the **Witness Care Unit** to be asked whether you would like to receive a copy of the **Serious Further Offence** report following the conviction of the offender and be offered a meeting with a senior manager from the provider of probation services to talk about the findings of the report and ask any questions. In the most serious cases providers

of probation services will offer to share the findings of the **Serious Further Offence** review with the victim or their families following conviction of the offender.

RIGHT 12: TO MAKE A COMPLAINT ABOUT RIGHTS NOT BEING MET

- 12.1 If you believe that you have not received any of your **Rights** under this Code, you can make a complaint. In the first instance, and if you feel comfortable doing so, you should discuss your complaint with the person you have been dealing with at that **service provider**.
- 12.2 If you remain unhappy, or if you do not feel comfortable discussing the complaint with the person you have been dealing with, you can make a complaint through their internal complaints' procedure³³. The relevant **service provider** will provide you with information about their complaints procedure and respond within the timescales set out in their procedure.
- 12.3 If you send your complaint to the wrong service provider or it needs to be dealt with by more than one, the **service provider** will let you know.
- 12.4 If you are still not satisfied after you have finished the **service provider's** complaints procedure, or they are taking too long to get back to you, you can contact the **Parliamentary and Health Service Ombudsman**. The **Ombudsman** will consider any complaints referred to them and undertake an independent investigation where appropriate.
- 12.4 Information about making a complaint to the **Ombudsman** can be found on their website at: www.ombudsman.org

³² An offence listed in Annex C to Probation Instruction 15/2014 'Notification and review procedures for serious further offences' (as amended from time to time). These are currently all serious violent or sexual offences which attract a maximum of 14 years imprisonment or an indeterminate sentence.

³³ Service providers must have a clearly identified complaints process through which victims can make a complaint if their rights under this Code have not been met.