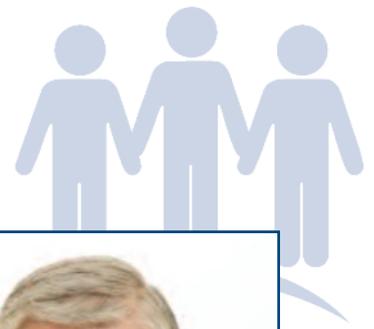


Durham Police And Crime Commissioner

# Delivering Change for Victims & Witnesses

September 2014



# Foreword

**Ron Hogg**

*Police and crime Commissioner - Durham*



As Police and Crime Commissioner I am committed to ensuring that victim needs are central to my Police and Crime Plan. The recent Government initiatives around the funding of victim services will allow me to tailor many of these services to meet local need.

A report commissioned by the Home Office, entitled “Listening and learning - Improving support for victims in Durham”, found some general improvements to provision for victims, but highlighted that there are still significant issues:

- under reporting of certain crimes;
- confidence levels in the criminal justice system; and
- A general lack of awareness with regard to the victims’ code of practice.

The report urged PCCs to review existing referral processes and pathways, to introduce harm or impact based models of assessment, develop advocacy provision, explore and initiate models of collaborative service delivery and review communication.

I have therefore commissioned this report in order to refresh the information and ensure that the basis of our commissioning is an accurate representation of our area. This report develops the themes as outlined above and highlights additional concerns around the quality of the first point of contact and the need for timely and well-presented information. There is clearly a need to move towards an outcomes framework of cope and recover; measuring the difference being made to people’s lives as a result of specific and targeted interventions.

In taking forward these issues we need a comprehensive, systemic approach. In commissioning services we will draw on a range of resources including, most importantly, regular and routine feedback from victims. Developing a process for continuous rather than episodic needs assessment and strategic planning will be a key element in achieving real change. Consequently, I intend to introduce a number of mechanisms that will facilitate partnership working and in particular:

- The development of shared objectives to help reduce waste and duplication;
- The identification and agreement of joint priorities and action;
- The development of a mutually agreed strategy that includes short, medium and long term aspirations; a realistic implementation plan; robust monitoring and evaluation arrangements which is underpinned by effective governance;
- The introduction of effective mechanisms for the collection and analysis of both quantitative and qualitative data about victim experience that will ensure commissioning arrangements are supported by a body of evidence-based knowledge.

I want to thank all those who have participated in the research and production of this report, with particular thanks to Victim Support for their coordination of the work.



# 1. Executive Summary

**1.1 The vision of the Police and Crime Commissioner is to transform the way in which victims and witnesses of crime are supported by continuously improving the quality of the response and support available.**

This report was commissioned by the Police and Crime Commissioner (PCC) for Durham in anticipation of assuming new responsibilities in relation to commissioning services for victims. The report aims to:

- Identify and discuss current support for victims;
- Summarise perceived needs, gaps and solutions;
- Outline proposed actions to address the issues raised.

Five sources of information contributed to the findings of the report:

- A review of a mapping exercise undertaken in 2012 ;
- Information from focus groups and interviews with victims of crime;
- Face to face and on-line consultation during December 2012 and January 2013;
- Feedback from PCC seminars on Hate Crime and Domestic Abuse;
- Existing local and national evidence and research.

## **1.2 The information gathered told us that:**

- Support for victims of crime is currently provided by a range of voluntary, public and independent sector providers in County Durham and Darlington;
- While some organisations deliver services specifically to victims of crime, others offer support as part of a more generic service;
- The importance of robust partnership arrangements with mainstream agencies such as the NHS, housing providers and welfare rights, for example, cannot be underestimated if cope and recover outcomes are to be achieved for victims;
- Many organisations, particularly in the voluntary and community sector (VCS,) rely on a variety of funding sources to maintain their core services;
- Complicated commissioning arrangements, such as tendering have the potential to create competition between service providers which could lead to the loss of smaller, more specialist services;
- Ensuring that victims are not refused support due to lack of capacity or the availability of appropriate services will be challenging in a climate of reducing budgets;
- There are additional challenges in reaching and serving victims of crimes that are traditionally not reported;
- Emerging crimes such as human trafficking, child sexual exploitation and financial fraud are likely to become priorities in the future.



### 1.3 From a victim perspective:

- There is agreement that there have been significant improvements in the way in which support is delivered but that there are still inconsistencies in terms of response, quality, availability of and access to services;
- The first response to victims, the provision of timely, appropriate information and communication, individually tailored needs assessment and referral protocols along with consistency and equity of access to and quality of support are still matters of concern;
- A priority issue is how effectively allied practitioners are engaged in victim issues - that is, professionals who do not self-identify as victim service providers, such as NHS services for example – as this is crucial to connect with issues surrounding the support of vulnerable victims such as those experiencing mental ill health, those with a physical or learning disability, children and young people as well as older people;
- Consideration needs to be given to the inherent tension between a focus on responding to victims of particular crime types and the need to expand that focus - beyond the presenting crime - to the holistic needs of individual victims whatever crime they have been exposed to. This was described as particularly important in relation to identifying and supporting vulnerable victims where it should be acknowledged that simply becoming a victim of crime can lead to vulnerability depending on the individual circumstances and level of resilience.

### 1.4 In addressing these issues, the following recommendations are made:

- Support for victims and witnesses should be tailored to the needs of the individual not on the basis of crime type;
- The development and adoption of a common assessment and outcome framework would ensure consistency and equity of access to appropriate care and support;
- Service delivery should be aligned with the standards included in the Victims' Code, Witness Charter and EU directive;
- Assessment and availability of specialist support for vulnerable victims as defined in the Victims' code should be audited and any gaps addressed as appropriate. However, consideration is also needed for those victims who become vulnerable precisely because of their experience;
- Greater consideration should be given to ensuring that effective multi-agency partnerships and protocols are in place to enable the specific needs of very vulnerable victims to be met;
- The availability of independent advocacy services would better empower vulnerable victims and enable them to participate more fully in criminal justice processes;
- The co-ordination and streamlining of existing processes, protocols and assessment processes would limit the burden on victims and witnesses who often have to repeat their story several times;
- The various agencies often involved with victims and witnesses is confusing - there should be a single point of contact for information and advice;
- There should be clarity over the role of the first responder particularly in relation to initial assessment of need;
- A more in-depth audit of capacity within existing services is needed to ensure the availability of support in those areas defined in the Victims' Services Commissioning Framework;
- On-going co-ordinated engagement with victims, witnesses, communities and partners should be embedded across agencies;

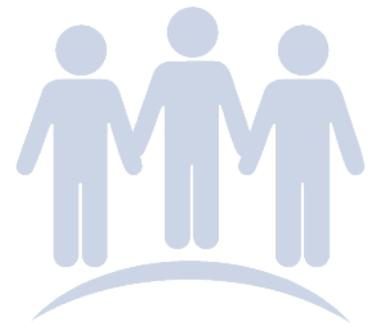


## Delivering Change for Victims and Witnesses



- Restorative Justice is still relatively unknown territory for victims but the current drive to ensure services are delivered and regulated locally provides an opportunity to develop a set of common policies, principles and practice on the use of Restorative Justice that are based on local priorities and concerns.

**1.5 While care has been taken to explore a broad range of issues concerning victim and stakeholder perceptions, it is acknowledged that there may be issues that the report has not been able to cover, given the timescales and scope. It is also acknowledged that, given the complexity of the subject area, there are issues that do not have simple solutions. These will require close partnership working across systems and agencies to deliver change.**



## 2. Introduction

... Victims too often feel themselves to be an afterthought for the criminal justice system. Despite improvements over the last two decades, the system has continued to fall short - whether in relation to helping victims recover in the aftermath of a crime, supporting them through the stresses of investigation and trial, or providing the right services. (Getting it right for Victims and Witnesses, MOJ 2012).

### 2.1 Background

Nationally, improving victim and witness experience is a key priority for the Government. Locally, protecting communities and empowering victims is a cornerstone of the Police and Crime Plan. In particular, the intention is to empower local communities and the victims of crime by:

- Involving them in the design/redesign of local police and crime services;
- Listening to their feedback in the evaluation of service delivery;
- Defining services that match the needs our communities have identified.

A key objective is to ensure that the diverse interests of the community, including those of vulnerable groups and victims, are represented as part of a wider communications and engagement plan.

County Durham and Darlington has a combined population of approximately 604,900. Geographically, the area is predominantly rural, with half of residents living in settlements of less than 10,000 people. While the population is growing, this is at a slower rate than similar areas in other parts of the country but in common with other areas, there is a significant increase in the ageing population. There is a relatively small ethnic population although this has grown over the past three years. There are two Unitary Authorities - Darlington and County Durham.

With below average crime rates, above average detection and outcome rates and above average victim satisfaction County Durham and Darlington are considered to be among the safest places in the country. However, evidence suggests that, nationally, there are an estimated nine and a half million crimes every year but fewer than half of these (4.3m) are reported to the police and this pattern of reporting has changed little over the past decade. The level of reporting varies considerably for different crime types. For example, while only a quarter of pick pocketing incidents are reported, nearly all burglaries are (this may be connected with insurance claims). In addition, children and young people and the very vulnerable are amongst those most likely not to report a crime.

Equally, while there is evidence that about 80% of victims of crime require no support, the remaining 20% of victims often need complex care and support that requires robust needs assessment and a multi-agency approach .

The statistics therefore should not diminish the importance of meeting the needs of those who do become victims of crime; the significant under reporting of certain high harm crime such as domestic abuse, sexual violence and hate crime and the often complex needs of vulnerable victims.



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The impact of any crime is not felt equally by all victims. There are a number of factors that can account for variations including, for example, level of personal resilience, age, vulnerability and access to family/community support networks. In addition, many victims have complex needs that cannot be met by individual agencies but require integration and co-ordination across sectors. Neither is the impact of crime necessarily restricted to individual victims but can be extended to the effect it can have on families, carers and the wider community.

The vision for County Durham and Darlington reflects the national agenda to transform the criminal justice system by putting victims first; making the system more responsive and easier to navigate; treating victims and witnesses of crime in a respectful, sensitive and professional manner without discrimination of any kind and providing appropriate support to help them, as far as possible, to cope and recover and be protected from re-victimisation.

Effective stakeholder engagement, particularly victims and witnesses, will be central to achieving this vision and ensuring delivery of services that are, as far as possible, tailored to individual need and delivered in an accessible, seamless and equitable manner.

### 2.2 This Report

From April 2015, Police and Crime Commissioners will be responsible for commissioning most of services that support victims and witnesses of crime. This report has been produced to support the process of commissioning by exploring perceived needs, gaps and solutions from a victim and partner perspective.

A number of sources of information contributed to the findings of the report:

- A review of a mapping exercise undertaken in 2012 ;
- Information from focus groups and interviews with victims of crime;
- Face to face and on-line consultation during December 2012 and January 2013;
- Seminars on Hate Crime and Domestic Abuse;
- Existing local and national evidence and research.



## 3. Policy and Guidance

It is generally accepted that crime is a wrong against society as well as a violation of the rights of the individual victim and there is a range of policy and legislative frameworks detailing the rights, services and treatment that victims of crime are entitled to

### 3.1 The Victims' Code

When the revised Victims' Code was launched in December 2013 the intention was to put victims first in the criminal justice system and set out in plain English what people should expect from the moment they report a crime to the end of a trial. The code also includes the provision of tailored advice for young people, their parents and guardians, support for businesses that are victims of crime; access to restorative justice and the use of victim personal statements. Specifically, the code is intended to secure the best possible support for victims to help them cope and recover from the effects of crime; create a fairer criminal justice system where victims have a louder voice and ensure everyone working with victims delivers the promises in the Code by putting the needs of victims first."

The revised Code describes the responsibilities of Criminal Justice Agencies to focus support on those victims deemed to have the greatest need and outlines a minimum level of service to which all victims are entitled. "Improving the code of practice for victims of crime" (MOJ, March 2013) acknowledged that a "one size fits all" approach to providing services and support for victims is not appropriate and that victims should have services tailored to individual need. While some victims may not want any contact or support, others should be able to agree with the police, or any other agency, the frequency of contact or support they need. Additionally, victims of the most serious crimes, vulnerable or intimidated victims and the most persistently targeted victims will be entitled to an enhanced service.

### 3.2 The EU Directive on the Rights, Support and Protection of Victims of Crime

The EU Directive on the rights, support and protection of victims of crime was formally adopted by the UK on 4th October 2012, and must be implemented by 16th November 2015. The EU Directive considerably strengthens the rights of victims and their family members to information, support and protection as well as their procedural rights when participating in criminal proceedings. It also includes provisions that will ensure that professionals are trained on victims' needs and awareness of victims' rights. Crucially, the Directive recognises that the very nature of a criminal act can leave a victim vulnerable and often in need of assistance; being involved in the criminal justice system, speaking to police officers, lawyers and judges and ultimately going to court often leaves victims confused and overwhelmed by processes. The directive is therefore intended to ensure that victims:

- o Are recognised and treated with respect and dignity;
- o Are protected from further victimisation and intimidation from the offender and further distress when they take part in the criminal justice process;
- o Receive appropriate support throughout proceedings and have access to justice;
- o Have appropriate access to compensation;



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- o Victims benefit from this minimum level of rights without discrimination across the EU, irrespective of their nationality or country of residence and whether a minor or serious crime is involved, whether they have reported the crime and whether they are the victim or a family member.

Launching the official EU Directive proposal, the Justice Commissioner argued that “While our criminal justice systems focus on catching criminals, they sometimes end up neglecting the victims themselves”. The Directive is intended to mark a dramatic shift away from a perceived “patchy” and inadequate approach.

### 3.3 The Victims’ Services Commissioning Framework

The publication of a Victims’ Services Commissioning Framework is further indication of the Governments’ determination to ensure that available funding is better targeted at those victims most in need of support and that a wide range of good quality service providers is available. Specifically, the proposal to introduce outcome based performance measures is considered to be far more effective than an approach which measures service providers’ performance against factors such as how many victims they have contacted, or how many referrals they have received. Measuring performance in this way does not allow any assessment of how a victim has been supported or the results of that support. In terms of the overarching outcomes of supporting victims to cope with the immediate impacts of crime and long-term recovery from the harm experienced, commissioning frameworks are expected to cover the following categories of need:

- o Mental and physical health;
- o Shelter and accommodation;
- o Family friends and children;
- o Education; skills and employment;
- o Drugs and alcohol;
- o Finance and benefits;
- o Outlook and attitudes;
- o Social interaction.

While the Commissioning Framework recognises that not all victims will be able to return to the same state before the crime took place, the key objective is to return an individual to their previous or comparable level of well-being and, subsequently, for commissioners and providers to achieve real results based on outcomes rather than processes.

### 3.4 The Witness Charter

The revised Witness Charter sets out standards of care that anyone who witnesses a crime should expect from the Criminal Justice System. The Charter is for both prosecution and defence witnesses and although the standards are not legally binding, they set out the level of service that can be expected by witnesses. Where the standards cannot be met, witnesses should be informed of this and efforts made to accommodate any identified needs.



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### 3.5 Victim Services Commissioning

From April 2015, Police and Crime Commissioners will be responsible for commissioning support services for victims of crime locally although some specialist services, such as the court based Witness service and the Homicide service, will continue to be commissioned nationally. Local commissioning of victim services presents the opportunity to focus on and prioritise support for victims in relation to the needs of an individual rather than crime type; there are however, also challenges. The shift from output to outcome based performance, developing the dynamic process of “understand, analyse, plan, do and review” that effective commissioning is based on along with the need to secure value for money and best use of resources will all require robust relationships with key stakeholders, proactive engagement with victims and witnesses and successful partnerships.



## 4. The Provider Landscape in County Durham and Darlington

A mapping of victim services undertaken in 2012 did not include those offering more generic support – for example general housing, disability or drug and alcohol support. It is evident however that some victims do not seek help from specialist victims’ services, but rely on those delivering more generic support. As a result, while the original mapping identified over 30 organisations and bodies, the inclusion of a range of general services reveals that there are in excess of 50 different organisations and bodies planning, commissioning or delivering support for victims of crime.

... to define justice in terms of assessing the full impact of a crime on a victim and then supporting the victim to overcome that impact – will inevitably result in needs being discovered that cannot be met by justice agencies alone. Organisations including local councils, housing associations, education authorities, social and children services, the NHS and others will all need to play an active part in delivering the new definition of justice for victims and witnesses. (Redefining Justice - addressing the individual needs of victims and witnesses, Sarah Payne: 2009).

The services that deliver support to victims and witnesses in County Durham and Darlington are many and varied. While some have been funded from national sources, others are commissioned locally through Community Safety Partnerships, for example. In addition, a number of voluntary and community organisations delivering support use a variety of funding streams, such as Charitable Trusts, to maintain services. Others, such as social housing providers, deliver support for victims of certain crime, such as anti-social behaviour, as part of their core service. Equally, there are many voluntary and community organisations indirectly delivering services to victims of crime, for example Citizens Advice Bureaux, local MIND, MENCAP and bereavement support organisations. In addition, the need to have well developed links with and pathways into mainstream public services such as NHS bodies is crucial to ensuring holistic support for victims of crime.

Although some services provide support to victims across the area, others work in specific geographical locations or serve victims of particular types of crime, such as domestic abuse or sexual violence. Similarly, there are a few organisations that deliver support to victims of crime from communities of identity, for example Gay Advice Darlington and Durham. Victim Support is currently the only provider whose core service is universal support for victims irrespective of crime type, geographical location or community of identity.

For many of these organisations concerns over increasing numbers of referrals and the capacity to sustain current levels of delivery, as well as consistency and sustainability of funding are priorities. Some voluntary and community organisations, for example, have funding from multiple sources that needs to be maintained and managed if they are to continue to deliver at their current level. This creates a volatile landscape where there is the potential for services to lose some or all of their funding, with the subsequent loss of provision. The issue of future funding is also a consideration for statutory services given current pressures to reduce public spending.



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A further complication is the risk of including payment by results in service provider contracts with the often perverse incentives this brings in relation to focusing on easier to achieve outputs and outcomes compared to those associated with victims and witnesses who have complex needs where outcome achievement is likely to be a more long term aspiration.

Most organisations that deliver support to victims or witnesses of crime have their own eligibility criteria, assessment procedures, referral protocols and pathways. What is evident is that the remit, nature and extent of these processes vary across agencies and organisations. In particular, assessments of need that are different in terms of how they are undertaken, who undertakes them and how they are interpreted and followed through e.g. collection of data rather than person-centred assessments aimed at developing personalised support plans tailored to the individual.

Whilst all of the agencies involved with victims and witnesses have a specific role and a potentially valuable service to provide, if not co-ordinated, multiple contacts can cause confusion and information and support overload. This can result at best in a victim or witness feeling overwhelmed and at worst asking for no further contact to be made.

A single point of contact that the victim or witness can easily reach and an end-to-end approach that brings the many agencies involved in delivering justice together will help ensure that the victim's needs remain central to the justice process and do not get lost between the many people who work on a criminal case. (Redefining Justice - addressing the individual needs of victims and witnesses, Sarah Payne: 2009).

The different ways in which organisations collect, monitor, evaluate and report on outcomes and outputs and victim/witness satisfaction and experience make it difficult to assess and act on overall victim and witness experience. A consistent and harmonised approach would allow for information to be compared and addressed jointly. However, consideration of, and respect for, the different priorities, targets and performance measures that organisations have to comply with is essential if a mutually agreed and implemented set of victim and witness outcome and experience indicators is to be arrived at and achieved.

The landscape of services that support victims has, to a degree, evolved in response to a range of national priorities, policies and guidance. Overlaid with local initiatives and drives to improve performance and service, this has, in many ways, resulted in numerous initiatives and targets which may have differing consequences and the subsequent impact of each not being effectively managed. If organisational change, interdependencies and the impact of individual initiatives and projects are not considered within the context of cross-cutting issues the focus of attention moves to the next project and delivering a large and complex change agenda becomes a "tick box" exercise.

Without an overarching framework for the development and delivery of services, inconsistencies can develop in the availability of support for victims of crime types or localities that have not been identified as priority areas. There is also the risk that certain victims of crime such as very vulnerable adults, children and young people or minority groups will have very little provision other than that provided by allied services rather than tailor made specialist support.



## 5. The Victims' Perspective

Cope and recover are outcomes which support services for victims should aim to achieve and against which they will be monitored. Cope and recover are part of the social values that commissioning of services for victims of crime seeks to address. Social values success reflects more than just financial success and includes a person's happiness, wellbeing, health, inclusion and empowerment. This focus should encourage victims' service providers, supported by their commissioner, to work in partnership with other organisations to ensure the holistic needs of victims are met. (Victims Services Commissioning Framework, MOJ 2013).

Many of the victims we spoke to acknowledged that in recent years there had been improvements in the response and support available to them. However, a number of issues were highlighted that still need to be addressed in order to empower victims and assist them to regain control over their lives:

- Consistency in the initial response to victims that validates their concerns and deals with immediate issues such as safety and security;
- Earlier and more effective overall assessment of need;
- Support based on the individual needs of the victim rather than the type of crime;
- An acknowledgement that victims are central to and have a vested interest in how their case progresses;
- Being treated with dignity and respect and being believed;
- Better co-ordination across agencies and more efficient referral and handover processes;
- Better information and accessibility in relation to availability and eligibility of support.

Evidence from a variety of local and national research tells us that the support needed by victims and witnesses of crime varies, however we were told that there are certain fundamental needs that are common across crime types:

- The need to feel safe and secure and free from re-victimisation;
- The need for support that enables them to participate fully in criminal justice processes;
- Being given formation, at a time and in a manner that they can understand and assimilate, about support services;
- Continuity and consistency in relation to the standard of service among those they come into contact with;
- Perpetrators to be held accountable;
- Voice - the ability to speak out and have their issues and concerns heard and acknowledged.

### 5.1 The First Response

For many victims of crime the police represent the gateway to the criminal justice system including on-going support, and their perceptions of the system can be influenced by the manner in which they are treated at the first response and during follow-up processes. Placing a high priority on addressing the needs of victims of crime is likely to build greater community confidence, facilitate the full recovery of individual victims, increase crime reporting, increase resources through collaboration with partners, and eventually reduce crime.



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Crime has a profound and sometimes devastating impact on victims, their families, and entire communities. As targets of criminal activity, victims can experience physical, financial, social and emotional impact. The type of crime is no real measure of the complications surrounding the challenges of coping with and recovering from victimisation.

The effect on a victim can be complex and influenced by a number of factors such as previous victimisation, the nature and duration of the crime, age, gender, culture, disability as well as the response from service providers, and the reactions of others (e.g., friends, family, the community). For these reasons, the impact on a victim is not always easily understood and we heard examples that could be particularly challenging for the first responder.

Domestic abuse victims, for example, who live with constant physical and/or verbal abuse and other controlling influences often fear for their safety and the safety of their family while at the same time experiencing feelings of shame and guilt associated with conflicting feelings about the perpetrator. For these victims, leaving a dangerous relationship is often a difficult process that frustrates those involved in helping them leave a dangerous environment.

Similarly, rape victims have the added burden of worrying about a possible pregnancy or sexually transmitted disease and these fears are often heightened by the perceived stigma that surrounds sexual assault.

The impact of hate crime can extend beyond the direct victimisation of individuals by instilling fear and a heightened sense of vulnerability in their families, friends and members of the communities to which they belong. It is generally acknowledged that victims of hate crime are less likely to report crime against them compared to the general population and a number of factors contribute to this under-reporting including:

- Confusion as to what constitutes a criminal offence;
- Fear of not being taken seriously;
- Not knowing how to report;
- Being too scared to report an incident;
- Past experience of a lack of support following the reporting of an incident;
- Difficulty in verbalising experiences.

Other, more specific, issues were also identified; for example a person with a visual impairment and the subsequent difficulty of not being able to visually identify the perpetrator is an added barrier.

For those with existing mental health problems, research tells us that they are often reluctant to come forward because they fear a negative response from the police; being blamed for causing the incident, not being believed or taken seriously; worries that their mental health problem might be used as a basis to discredit them or that they might be sectioned if they try to report a crime against them.

It is evident therefore that victims of crime often have different reactions to their experience in the immediate aftermath to those that become evident in the medium and long term. However, victims tell us that there are certain commonalities whatever the circumstances but that the basis on which these are identified often relies heavily on the initial response and, where appropriate, an on-going review of need.



Separately, consideration is needed to ensure equality and equity of response for those victims who choose not to report the crime to the police.

### 5.2 Assessment of Need

Given that everyone reacts differently, victims tell us that assessment on the basis of the crime they have been subjected to is a very weak measure of true need. Identifying certain groups as vulnerable or particular crimes as high impact creates a hierarchy of victims. This can result in leaving many victims or witnesses with unidentified needs that lead to long term consequences in terms of recovery.

A further challenge in relation to conducting robust needs assessment is that vulnerabilities are not always visible from the outside nor are they always evident in the immediate aftermath and as such this needs to be taken into account when determining the level of scrutiny needed during assessment. A common assessment framework would ensure a consistent and equitable approach to assessing need whichever agency is to be responsible. Indeed, in order to achieve consistency, EU legislation recommends clearly specifying the organisation responsible for undertaking assessments.

Notwithstanding this, victims tell us there is a continuum of support that can be applied in all interactions between victims and witnesses and the various elements of the criminal justice system and wider support mechanisms. This continuum ranges from needing to feel safe and secure; being given accurate and appropriate information, having access to holistic assessment of need and on-going support where necessary; consistency and continuity of response and having their voice heard.

#### 5.2.1 Safety and security

In the immediate aftermath of a crime, and in subsequent processes, victims need protection from further intimidation, harassment, and harm. The consequences of crime often affect an individual's sense of safety, fearing that if it happened once it can happen again. If victims have their fears validated and are assured that their concerns are legitimate and will be respected as such, they are more likely to develop trust, have confidence and engage more readily in processes intended to support and protect them.

#### 5.2.2 Information and Communication

Victims of crime need and have the right to be informed of the status of investigations and the general workings of the criminal justice system. Many crime victims are unfamiliar with these realities prior to the crime and often have unrealistic expectations along with a desire to gather as much information as possible about their case. Managing individual expectations while complying with the need to keep victims informed about the investigation, notified about court proceedings, provide a named contact and co-ordinate the various organisations that are involved is key to ensuring that victims have a positive experience that enables them to move on with their lives.



### 5.2.3 On-going Assessment

When individuals become a victim of crime and they express a need for support, those who respond must have the ability to communicate in a respectful, nonthreatening, compassionate and informed manner. Policy and guidance suggests that victims should be informed of their rights and relevant processes in the immediate aftermath of a crime. Victims however, tell us that in some circumstances, they may be tense, anxious and in some cases too physically or emotionally harmed to assimilate information and articulate needs. So while it is important to ensure victims are aware of their rights and the support available, this needs to be tempered by an acknowledgement that during the immediate aftermath may not be the optimal time to provide this information.

### 5.2.4 On-going Support

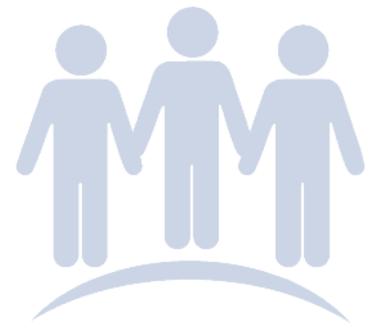
Physical injuries, emotional damage, financial limitations, and social isolation separately or combined can create a devastating impact. Ordinary coping skills may not be sufficient to overcome the effect of the trauma experienced and as a consequence, can create long term issues for victims. Understanding the short, medium and long term needs of victims is the first step in providing tailored services. It is unlikely that individual agencies on their own will be effective in identifying and addressing these needs. Collaboration across agencies along with co-ordinated hand-over and referral processes and a named contact is considered by victims to be a key element of a support plan.

### 5.2.5 Continuity and Consistency

Victims of crime must have equity of access to the various elements of the criminal justice system and support services that are available. As noted above, the way in which it is presented as well as the stage at which it is given are absolutely crucial in terms of a victims' ability to assimilate the information and make informed decisions. Similarly, any written or verbal written information should take account of the preferred communication methods of individuals and consider any appropriate translation or interpreting needs. Continuity and consistency throughout the various processes is a priority for crime victims. The response from all of the agencies involved with the victim should reflect consistent and accurate information, co-ordination, high quality service, and commitment to support them to cope and recover.

### 5.2.6 Voice

Victims' voices are the most knowledgeable and articulate in helping those who plan, commission or deliver services to understand, respect, and address victim concerns. The benefits of this are twofold: victims need to know not only that they are being valued; but that their experiences are being used to help ensure that others are not subjected to the same experience. Acknowledging and responding to these voices also helps to empower victims by encouraging them to speak out and in turn listening to and responding to their issues and concerns.



### 5.3 Delivering Support for Victims and Witnesses

Victims' services can work most effectively where there is a clearly owned partnership strategy to enable the needs of victims to be identified and addressed by all agencies. Such a partnership approach is common place in dealing with offenders and no less should be expected when supporting victims with complex needs. Commissioners can have a positive key role in ensuring a multi-agency victim strategy is in place. (Victims Services Commissioning Framework, MOJ 2013).

The traditional role of criminal justice processes is perceived as focussing on the detection, prevention and successful prosecution of crime and the protection of citizens. The elevation of victim issues to a higher level by responding to, assessing need and delivering appropriately tailored support to victims is now enshrined in a range of legislation, policy and guidance.

Effective support depends on strong relationships built on mutual trust and understanding across criminal justice agencies, victim service providers and allied agencies. The primary concern of all those delivering support to victims and witnesses should be their well-being and recovery. From this point of view, successful investigations and prosecutions, while important, are secondary to victim and witness needs and this should be recognised and respected in cross agency working.

Victims are currently supported by a broad network of statutory, voluntary and independent sector organisations that offer a wide range of services and support. These resources have specific roles and contribute a range of specialist support that can facilitate recovery and offer focused assistance as a victim progresses through the criminal justice process and beyond. However, the different approaches to measuring outcome and victim experience make it difficult to take a joined up approach to identifying and addressing issues. Similarly, Current national and European policy and legislation, including the introduction of new, or the reinforcement of existing, rights reflects an acknowledgement that implementation of the rights of and support for victims has so far been relatively unsuccessful.

There are a number of separate and distinct issues relating to the delivery of support for victims and witnesses including availability and capacity, quality, consistency and access.

#### 5.3.1 Capacity and availability

The scope and limitations of this report made it impossible to measure existing capacity in any great detail although there are number of indicators that suggest some limited availability of certain support. For example:

- The County Durham Joint Strategic Needs Assessment (2013) suggests that around 90% of people who experience rape do not tell anyone about it, where victims do try to access support, it is not always available.



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- HM Government's Youth Crime Action Plan: Good Practice for Supporting Young Victims of Crime acknowledges that, similar to adults, young people will react differently to the impact of crime and that it is not possible to determine what individual young people will need based on the crime they experienced. As such the report suggests that no single agency can successfully meet all the needs of young victims but that they are best served when agencies work together, raising awareness of youth victimisation, sharing information about young people and existing provision, and making referrals between agencies to ensure all needs are addressed. A number of key principles are identified that should underpin the support available for young victims of crime:
  - Having a variety of ways - formal and informal - to assess young victims' individual needs.
  - Having a variety of ways to support young victims including one-to-one sessions and group work.
  - Using existing provision including sports clubs, youth groups and statutory services like housing and health.
- The recommendations of At Risk Yet Dismissed (2013) describing the experience of victimisation among people with mental health problems include, among many others, the provision of specialist advocacy services and the development of services that build on the victims' own support networks.
- There are relatively few specialist support services for victims and witnesses with the protected characteristics associated with hate crime and those who do deliver specialist support agree that capacity is an issue. Similarly, those organisations delivering general services admit to having limited capacity and insufficient specialist knowledge to provide a holistic service.

### 5.3.2 Quality, consistency and access

Locally, victims and witnesses tell us that their experience would be greatly improved by:

- Taking a victim centred approach to communication and provision of information;
- Better co-ordinating handover and onward referral procedures;
- Agreeing and implementing common assessment and outcome frameworks;
- Reducing duplication of contact within the overall process;
- Introducing simplified, mutually agreed and understood terminology.

As well as improving victim and witness experience these actions would have the added benefit of increasing efficiency by streamlining processes and reducing duplication. The first step however, would be to map not just the existence of services but their very different protocols, processes, pathways, eligibility criteria and delivery mechanisms.



## 6. Restorative Justice

The inclusion of restorative justice in discussions with the victims we spoke to was intended to provide a snapshot of understanding given its' inclusion in the Victims' Code and the current drive to ensure it is driven and regulated locally.

The Victims' Code includes the entitlement to have information on restorative justice, however participation is voluntary and both the victim and offender must agree to it before it can happen. Restorative justice can be through a face-to-face meeting (known as conferencing), facilitated and supported by a trained expert, or indirectly through a mediator or a letter. It is primarily about communication between individual victims and 'their' offender, facilitated safely with support available at each stage. Although face-to-face conferencing is considered to be the most complex option it is the one that research suggests is most helpful in supporting and empowering victims in their journey to move on after crime.

Restorative Justice can be helpful for both victims and offenders. It gives victims a chance to have their say, ask questions, get an apology from the offender and achieve a sense of closure. Recent government research found that 85 per cent of victims who took part in face to face conferences were satisfied with the experience and that 72 per cent said it had helped to give them closure.

Many of the victims we spoke to had not heard of or been offered the opportunity to take part in Restorative Justice. Further, many said they would not have taken part even if the opportunity had been offered because of the perception that it was offender focussed. This reflects national research suggesting that while the evidence for the effectiveness of Restorative Justice is convincing, take up is poor.

The following areas were identified for consideration if more victims were to participate:

- Capacity to engage with processes - the greater the risk and impact of the offence and offender, the more likely that greater preparation and planning will be involved in the process and more likely that intensive support will be required post Restorative Justice;
- Availability of appropriately trained assessors, facilitators and support;
- Robust risk assessment i.e. suitability for restorative approach, victim vulnerability or sensitivity relating to personal circumstances or specifics of the incident, level of responsibility taken by the offender and the behaviour demonstrated by them;
- What would it achieve for the victim/community;
- What would it achieve for the offender;
- The importance of ground-rules;
- The degree to which participation is truly voluntary for offenders in criminal justice settings;
- Expectations must be carefully managed;
- Informed decision-making regarding participation would require sufficient knowledge and time for discussion about processes, outcomes and possible consequences.



## 7. Conclusions

What is critical in the cases of both victims and witnesses is the recognition that their needs do not necessarily end with the termination of a case; the impact of a crime or of being targeted as a result of giving evidence may continue. The overwhelming majority of victims never go to court but their needs are just as important. End-to-end victim and witness management means beginning when needs arise and ending when they are resolved. (Redefining Justice - addressing the individual needs of victims and witnesses, Sarah Payne: 2009).

Competing priorities and diminishing budgets are challenges for all organisations and yet many of the issues raised by victims and witnesses can be addressed without additional financial investment. However, changing the philosophical approach to working with victims and witnesses requires clear communication of the priority placed on responding to individual and community needs, commitment from all stakeholders and strong leadership within individual organisations. It is critical that all those involved in responding to victims and witnesses have clearly delineated roles defined by policy and guidance and supported by good governance, training, and evaluation practices. Moreover, collaborating with voluntary, community and independent based victim service organisations in order to better understand and serve the needs of crime victims should become a readily accepted practice.

One of the consequences of introducing a wide range of policy and initiatives to deliver change and improve victim and witness experience is the potential for confusion on the part of victims and witnesses, and those staff responsible for delivery of service, about the role and function of the various players. Various discussions have highlighted the tendency to layer new commitments and initiatives on top of existing ones, without any review and rationalisation of current processes. This can mean that not all agencies are aware of the support available, which does what and how it fits together as a framework to deliver improvements for victims and witnesses.

More specifically, a number of recurring themes have been identified that need to be addressed in order to ensure that victims and witnesses are at the heart of planning, commissioning and service delivery:

- Support for victims and witnesses should be tailored to the needs of the individual not on the basis of crime type;
- The development and adoption of a common assessment and outcome framework is needed to ensure consistency and equity of access to appropriate care and support;
- Service delivery should be aligned with the standards included in the Victims' Code and EU directive. Standardised and corporate monitoring of compliance across those agencies with statutory duties would enable better streamlining and co-ordination in terms of applying the expected standards as well as the identification of any barriers and joint approaches to solutions;
- Assessment and availability of specialist support for vulnerable victims as defined in the Victims' code should be audited and any gaps addressed as appropriate. However, consideration is also needed for those victims who become vulnerable precisely because of their experience;



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- Greater consideration should be given to ensuring that effective multi-agency partnerships and protocols are in place to encourage more reporting of crime and facilitate the specific needs of very vulnerable victims who are disproportionately likely to become victims of crime. This includes, but is not necessarily restricted to, children and young people, those with mental ill health, disability, learning disability, physical disability, ethnic minority communities, older people and the LGBT community;
- The availability of independent advocacy services would better empower vulnerable victims and enable them to participate more fully in criminal justice processes;
- An audit of existing processes, protocols, assessment, eligibility and delivery mechanisms of all those delivering support to victims to ensure these are harmonised, co-ordinated and streamlined would limit the burden on victims and witnesses to keep repeating their story and take part in repeated assessment processes;
- The various agencies often involved with victims and witnesses is confusing - there should be a single point of contact for information and advice;
- There should be clarity over the role of the first responder particularly in relation to initial assessment of need;
- A more in-depth audit of capacity within existing services is needed to ensure the availability of support in those areas defined in the Victims' Services Commissioning Framework. Aligned to this is the necessity for more robust alliances with allied partners such as health services, housing providers, welfare rights, etc.;
- On-going and regular engagement with victims, witnesses, communities and partners should be embedded across agencies. Particular attention is needed to ensure the interests of seldom heard groups are represented and addressed. A common multi-agency approach to gathering, recording, analysing and responding to victim experience would facilitate a corporate approach to identifying and addressing problems and issues while also provide the opportunity to share examples of good practice;
- Restorative Justice is still relatively unknown territory for victims but the current drive to ensure services are delivered and regulated locally provides an opportunity to develop a set of common policies, principles and practice on the use of Restorative Justice that are based on local priorities and concerns. This will also enable any inconsistencies in practice to be accounted for and explained to local communities through robust engagement. Such an approach will help minimise perceptions of offender focus because explanations can be given about how policies and practices are developed in response to local needs.



## 8. Delivering change

Working across the boundaries of individual agencies is core to delivering a seamless service for victims and witnesses. The tensions that often exist between individual agency priorities and those of victims and witnesses along with the cross-cutting nature of the Criminal Justice System make it imperative to develop productive partnerships. In May 2014 the first meeting of the Durham and Darlington Victims' and Witnesses Strategic Planning Group took place. The bringing together of key stakeholders at a senior level is a core element of enabling delivery of joined up care.

The Strategic Planning Group will provide a focus for activity in relation to delivering high quality and co-ordinated support for victims and witnesses that addresses the issues raised in this report. Effective partnership working will support the achievement of shared objectives and reduce waste and duplication. Identifying and agreeing joint priorities and action will be a key feature of the work of the group. This will include the development of a mutually agreed strategy along with short, medium and long term aspirations, a realistic implementation plan, a monitoring and evaluation framework and governance arrangements.

Supporting the development of a body of evidence-based knowledge by generating, collecting and analysing quantitative and qualitative data on victim issues will enable the identification of emerging trends and early intervention.

The Strategic Group will be supported by a range of advisory and task and finish groups including specific advisory groups for victims and witnesses, children and young people and the voluntary and community sector.

Ultimately, it is only by working with all of our stakeholders that we will be able to react quickly to intelligence and create new and innovative approaches to meet need. The co-ordination across a range of allied services such as health, housing, welfare rights, employment, education and access to information and advice are vital to ensuring positive outcomes for victims and witnesses.

The work of each of these groups will therefore be underpinned by a communications and engagement plan to ensure that the voice of victims, witnesses, local communities and all stakeholders is embedded in the transformation of support for victims and witnesses.



## Delivering Change for Victims and Witnesses



- i Listening and Learning, Victim Support 2012*
- ii Police and Crime Plan 2013-2017*
- iii Crime Survey England and Wales January 2014*
- iv Flatley (2010)*
- v ibid*
- vi Evidence and Practice Review of support for victims and outcome measurement, Ministry of Justice Research Series 19/12, November 2012*
- vii Getting it right for victims and witnesses, MOJ 2012*
- viii Listening and Learning, Victim Support 2012*
- ix EU directive establishing minimum standards on the rights, support and protection of victims of crime*
- x Chris Grayling Justice Secretary launching the code in December 2013*
- xi MOJ, Victims' Services Outcome Framework*
- xii Criminal Justice Joint Inspection, Report of a Joint Thematic Review of Victim and Witness Experiences in the Criminal Justice System, May 2009*
- xiii At Risk yet Dismissed - Victim Support, the Institute of Psychiatry at King's College London, Mind and St George's University of London and Kingston University, in collaboration with University College London 2013*
- xiv EU Handbook for Implementation of Legislation and Best Practice for Victims of Crime 2013*
- xv Article 22, EU Directive establishing minimum standards on the rights, support and protection of victims of crime*
- xvi Victims in Europe - final report, Victim Support Europe 2009*
- xvii Criminal Justice Joint Inspection of Restorative Justice September 2012*

