



Victims' Bill Consultation

The government's proposed Victims' Bill, which will aim to improve services and support for victims of crime, will impact on the work of local authorities in a number of ways. Ahead of legislation being drawn up, the government is consulting on how best to deliver justice for victims. This briefing advises members of key areas under consultation and the current proposals for the Victims' Bill.

Introduction

The Ministry of Justice published a consultation on the proposed Victims' Bill on Thursday 9 December. The consultation is open until midnight on 3 February 2022. The proposed Victims' Bill seeks to improve victims' experiences of the criminal justice system. The provisions in the bill will affect all victims of crime, but it is anticipated those most affected will be victims of serious crime, including Violence Against Women and Girls and Abuse.

The key areas covered in the consultation are:

- Enshrining the Victims' Code in law and expanding provisions of the code where necessary.
- Improving communication with victims of crime and ensuring their voices are heard in the criminal justice process.
- Improving oversight, performance and quality.
- Delivery of victim support through community-based services.
- Increasing the Victims' Surcharge.
- Improving advocacy support for victims of Domestic Abuse and Sexual Violence and other serious violence, and improving advocacy for children and young people.

Consultation Summary

Meeting Victims' Expectations

This section primarily concerns the Victims' Code, a Code of Practice that applies to a range of agencies including Police and Crime Commissioners, the National Probation Service and youth offending teams. The consultation identifies the key principles of the Victims' Code as:

- Ensuring victims are informed.
- Ensuring victims are supported.
- Ensuring victims have their voices heard.
- Victims' right to review .

Proposals

- The government proposes to enshrine the Victims' Code into primary legislation.
- The government are considering additions to the Victims' Code, including potentially creating an explicit requirement for the relevant prosecutor to meet with victims before making charging decisions on certain kinds of cases (such as sexual violence), explicitly creating provision for Community Impact Statements and expanding the role victims can have in parole reviews.

Consultation Questions

The consultation asks for input on:

- Whether the underlying principles of the Victims' Code articulated in the consultation are correct
- How frontline professionals and victims can be made aware of the Victims' Code
- For feedback on how the police and CPS currently communicate with victims, and whether more should be done to take the victim's view into account

The consultation paper flags the current weaknesses in the complaints process for victims, due to the at times confusing and poorly joined up system

Improving Oversight and Driving Better Performance

The consultation paper summarises the range of issues with assessing the performance of the criminal justice system in supporting victims, including the fragmentation of data collection. It also flags the current weaknesses in the complaints process for victims, due to the at times confusing and poorly joined up system.

Proposals

- The government is considering how to improve the framework for handling complaints of victims in the application of the code, including through formalising the complaints process and creating obligations on agencies to co-ordinate the reallocation of complaints
- The government is considering the framework for ensuring quality delivery of victims' services, potentially similar to existing inspection frameworks such as that of the Care Quality Commission or Ofsted

Consultation Questions

The consultation asks for input on:

- How local agencies can better collaborate to deliver and monitor compliance with the Victims' Code and how data sharing can be encouraged
- For feedback on the role of Police and Crime Commissioners, Inspectorate agencies and the Victims' Commissioner in delivering and monitoring quality services for victims
- Whether any oversight mechanisms currently used by other bodies such as Ofsted or the CQC could be applied to the criminal justice system
- What the consequences should be for significant failures in relation to delivering quality services for victims
- The best ways to ensure the voices of victims are heard
- What can be done to improve the system for complaints relating to the Victims' Code

Supporting Victims of Crime

Delivery of Community Based Services

This section focuses on supporting victims of traumatic crime such as domestic abuse,

sexual violence and other forms of serious violence. The consultation describes the issues currently facing community-based services, such as high demand, inconsistent provision across geographical areas, challenges in co-ordinating commissioning and pathways between services, and gaps in provision for certain groups including male victims and LGBT+ victims. The consultation flags the specific needs of children and young people who are victims of crime, and requests feedback on how services can work well for children and young people. The consultation provides a working definition of community-based support services:

- **Advice services** providing information to victims on a range of topics to support them through or out of their current situation
- **Advocacy services** providing support to victims to re-establish safety, reduce risk, manage specific needs and provide emotional support, which can also include advocacy through the criminal justice system
- **Recovery and Support work** providing long-term support to victims to help with their wellbeing and manage symptoms resulting from the impact of a traumatic event – support is offered to victims in either one-to-one or group settings

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Proposals

- The government is considering more formalised structures to improve joint working between agencies delivering community-based services. These could be in the form of new duties and statutory guidance for public bodies. The consultation gives examples of current forms of formalised collaboration, such as the duty under the Crime and Disorder Act (1998) which requires each local authority and PCC to formulate and implement a strategy to reduce local crime and disorder, the duty to provide support to victims of Domestic Abuse in Safe Accommodation under the Domestic Abuse Act 2021, and the upcoming serious violence duty proposed under the Police, Crime, Sentencing and Courts Bill.

Consultation Questions

The consultation asks for input on:

- What legislative duties placed on local bodies to improve collaboration where multiple groups are involved (such as those set out above) have worked well, and why
- What works in terms of the current commissioning landscape, both nationally and locally, for support services for victims
- How could the commissioning landscape be better brought together to encourage and improve partnership working and holistic delivery of victim services
- What the Government can do to ensure that commissioners are adequately responding and implementing the expertise of smaller, ‘by and for’ organisations in line with local need
- What local commissioners (local authorities and PCCs) can do to improve the commissioning of specialist ‘by and for’ services for their area
- What challenges exist for victims in accessing integrated support across third sector and health service provisions and how these can be addressed
- How well victim support services currently work for victims who are children and young people, and how support for children and young people should sit within provision of community-based services.

Increase to the Victim Surcharge

The Victim Surcharge is paid by those convicted of crimes and is used to fund victims’ services and witness support. The government has committed to increasing the victim surcharge by 20% from its current rate by 2024. The government is proposing to increase the minimum victim surcharge from £22 to £100 and is considering further increases to the surcharge for more serious offences. The consultation is requesting feedback on whether, and how, the surcharge should be increased.

Improving Advocacy Support

Independent Domestic Abuse Advocates (IDVAs), Independent Sexual Violence Advocates (ISVAs) and other advocates such as Young People's Violence Advocates (YPVAs) provide essential support to victims, including helping them to engage with the criminal justice system.

Proposals

- The government is considering whether to standardise advocate roles and define key functions of advocates
- The government is considering whether further guidance for advocate roles would be beneficial and whether there should be additional measures relating to standards for professional advocates, including qualifications

Consultation questions

The consultation asks for input on:

- How defining the roles of IDVA and ISVA might impact services, other Sector workers and IDVAs and ISVAs themselves
- What challenges there are in accessing advocate services, and how can the Government support advocates to reach victims in all communities
- What other advocacy roles exist that support victims of hidden crimes, such as forms of other serious violence
- If more action is needed to define standards for IDVAs and ISVAs and to ensure they are met

The areas of the consultation most likely to impact on London local authorities concern the provision of community-based support services for victims and advocacy services for victims

Commentary

We welcome the consultation on the proposed Victims' Bill and its focus on improving services and support for victims of crime. The areas of the consultation most likely to impact on London local authorities concern the provision of community-based support services for victims and advocacy services for victims. Many of these services are commissioned or delivered by London local authorities; these services provide essential support for victims, including supporting survivors of domestic abuse and sexual violence to remain safe.

London Councils will be providing a direct response to the consultation and encourage all London Boroughs to submit their own responses. We are requesting that boroughs send comments that they would like to be included in a pan-London response to [Rachel Buttrick](#).

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[Click here to send a comment or query to the author](#)

Links:

[Delivering justice for victims: A consultation on improving victims' experiences of the justice system](#)

[The Code of Practice for Victims of Crime in England and Wales and supporting public information materials](#)

This member briefing has been circulated to:

Portfolio holders and those members who requested policy briefings in the following categories: Crime and Public Protection