

# Victims' Code for policing

The new Victims' Code came into force in April 2021. This page outlines victims' rights under the Code and the main changes for officers and staff.

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Written by College of Policing

## Main changes to the Code

The Code sets out the services and minimum standards that must be provided to victims of crime by organisations, this is enshrined within 12 rights.

- Rights are applicable to victims of all criminal offences.
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- The Code also includes enhanced rights to provide additional support for victims who are assessed as:
  - vulnerable or intimidated
  - persistently targeted
  - victims of the most serious crime (including bereaved close relatives)

The Code includes the right to be offered support when a victim reports a crime to the police. This includes an initial victim needs assessment which helps identify those who are entitled to receive enhanced rights.

## Main changes for police officers and staff

Core police responsibilities and accountabilities remain largely unchanged from the previous version of the Code but there are subtle changes officers and staff need to be aware of.

## Key changes

1. The Code provides 12 overarching rights, so it is easier to understand and apply.
2. It makes frequency and method of contact with the victim, victim led.
3. Officers and staff must minimise contact points and provide a 'single points of contact' for information where possible.

4. Officers and staff have more discretion as to when it is most appropriate to offer a victim personal statement.
5. There is a greater emphasis on explaining 'why' certain decisions have been made.

## How officers and staff should treat victims of crime

The Code clearly sets out how victims can expect to be treated. Victims have the right to:

- be treated with respect, dignity, sensitivity, compassion and courtesy
- make informed choices that are fully respected
- have their privacy respected by officers and staff, in accordance with their obligations under the relevant privacy and data protection laws
- have services provided to assist them and their family to understand and engage with the criminal justice process and have those services offered in a professional manner, without discrimination of any kind

## The responsibility of all officers and staff

The approach of every single police officer and staff member matters. Everyone in policing has a professional and personal duty to victims as part of their core role.

Key points:

1. First impressions count and are often very difficult to change.
2. Police personnel should not expect victims to understand anything about policing, or the criminal justice system – police officers and staff have a responsibility to help victims understand what is happening.
3. Police personnel should take ownership of their investigations and should be supported by their supervisors (directly and at senior levels) to do so. All victims deserve an individual response, not just victims of major crime.
4. Police personnel are not responsible for the crime and the harm this has caused to the victim, but they are responsible for not making the victim's situation any worse. The way victims are spoken to, dealt with and the way policing and the wider criminal justice system works can be confusing, stressful and traumatic for victims. The way officers and staff act, behave and are perceived by victims, should not lead to re-traumatisation and it is really important police personnel do what they say and fulfil their responsibilities in the Code.

# **Victims' rights and what this means for policing**

There are 12 different rights that victims have in the updated Code. For each of these there is an explanation of what this means for the police officers and staff that are supporting them, and how this can be put into practice.

## **Right 1 – To be able to understand and to be understood**

### **What this means for police officers and staff**

From the first point of contact and throughout the investigation process, they need to establish if:

- English is the victim's first language (written and verbal)
- they can understand the victim (verbally and in writing)
- the officer/staff member can be understood by the victim (verbally and in writing)

### **How to do this**

Police officers and staff should:

- positively engage with victims at the time a crime is reported (trauma informed practice)
  - especially where people are finding it difficult to understand
- avoid jargon and abbreviations
- know how to access and have ready access to translation and interpretation services

## **Right 2 – To have the details of the crime recorded without unjustified delay**

### **What this means for police officers and staff**

The crime should be recorded as soon as possible after the crime is reported.

### **How to do this**

Officers and staff should take responsibility for recording the crime, where appropriate.

## **Right 3 – To be provided with information when reporting the crime**

### **What this means for police officers and staff**

Within five working days (one working day for victims entitled to enhanced rights) of the crime being reported, victims must be provided with written confirmation that includes:

- contact details of the investigating officer
- a crime reference number
- details of the offence
- the criminal justice process and what will happen next
- what support services are available and how to make contact
- information regarding making a victim personal statement and applying for compensation and restorative justice (where applicable)

## **Right 4 – To be referred to services that support victims and have services and support tailored to their needs**

### **What this means for police officers and staff**

This must happen within two working days of a crime being reported, and continue throughout the criminal justice process.

#### **How to do this**

Police officers and staff should:

- positively engage with victims at the time a crime is reported (trauma informed practice)
- conduct an initial victims needs assessment at the earliest opportunity
- consider if the victim is eligible for enhanced rights and/or special measures at court
- take responsibility and instigate referrals where requested and provide information where appropriate
- share information with other agencies, so the victim doesn't have to repeat themselves
- reassess the needs of the victim should anything change

## **Right 5 – To be provided with information about compensation**

### **What this means for police officers and staff**

Within five working days (one working day for victims entitled to enhanced rights) of the crime being reported, they must tell the victim about how to claim compensation for any loss, damage or injury caused as a result of crime.

## How to do this

Police officers and staff should:

- be aware of the eligibility criteria
- provide contact information for the [\*\*Criminal Injuries Compensation Authority\*\*](#) (as well as the alternative ways of claiming compensation)
- where there has been loss or damage, obtain and supply supporting evidence to the Crown Prosecution Service to enable an application to the sentencing court as appropriate

## Right 6 – To be provided with information about the investigation and prosecution

### What this means for police officers and staff

Officers and staff must, within five working days (one working day for victims with enhanced rights) of a key decision point in the investigation, update victims about the decisions and where applicable explain it to them.

## How to do this

Police officers and staff should ensure victims are updated within five working days (one working day for victims with enhanced rights) of the following decision points:

- suspect arrested
- interviewed under caution
- released without charge
- released on police bail or under investigation
- bail conditions changed or cancelled
- suspect charged
- decision not to investigate
- decision not to prosecute
- decision to administer an out of court disposal

Police personnel must discuss and agree with the victim the frequency of updates as well as how they would like to receive those updates, including their preferred method of contact.

## Right 7 – To make a victim personal statement (VPS)

### What this means for police officers and staff

A victim has the right to make a VPS to explain in their own words how a crime has affected them, at a time when it suits them at any point prior to sentencing. A VPS doesn't have to be taken by the police. A named point of contact for a business has the right to make an impact statement for business (this differs from a VPS). The victim has the opportunity to make another VPS if the impact or effect of the crime on them changes.

### How to do this

Police officers and staff must:

- provide victims with information about the VPS process when a crime is reported. They should be able to explain what it is, and how a VPS differs from a witness statement
- make sure they are well briefed on the process of making a VPS and should be able to signpost victim's accordingly
- explain to the victim that their VPS will be available to the defence and they could be asked questions about it in court
- explain to the victim that their VPS could be reported on by the media if read in open court
- be open and willing to take a VPS whenever the victim is ready. They will be flexible, a victim may request a copy of their statement from the police at any time and should be given an opportunity to make an additional personal statement to reflect the changing impact the crime has had on them, if relevant

## Right 8 – to be given information about the trial, trial process and a victim's role as a witness

### What this means for police officers and staff

Once it has been decided that a case is going to court, a Witness Care Unit must update a victim with certain information about the hearing (within five working days for all cases, within one working day under enhanced rights).

## How to do this

By providing information regarding:

- time, date and location of any hearing (within one 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
- the outcome of any hearing if the suspect has been re-arrested

If the suspect pleads not guilty and the victim is required to attend court, they have the right to be told:

- by the Witness Care Unit if they are required to give evidence within one working day (for all victims) of receiving the information from the Crown Prosecution Service
- to have their needs assessed and be offered a referral to a witness support service or another support service
- of the outcome of any special measures application

## Right 9 – To be given information about the outcome of the case and any appeals

### What this means for police officers and staff

The Witness Care Unit must, within one day of receiving the information from the court, update the victim regarding the outcome of the case, including – where available – a brief summary of the reasons for the decision.

## How to do this

The Witness Care Unit will:

- notify and explain the outcome of the trial hearing to the victim
- explain the meaning of the sentence and provide information about the 'unduly lenient' sentence scheme
- tell the victim how their VPS was used by the court
- notify the victim if there is an appeal against conviction or sentence and its outcome

- be referred to the Crown Prosecution Service if there are questions the Witness Care Unit cannot answer, and have a meeting set up with the CPS, if the victim is a bereaved close family member
- assess the needs of the victim following the conclusion of the trial and sentencing, and provide information and make referrals where appropriate

## Right 10 – To be paid expenses and have property returned

### What this means for police officers and staff

The victim has a right to be paid certain expenses by the Crown Prosecution Service if they attend court and give evidence. If the police took any of their property as evidence, victims have the right to get it back as soon as it is no longer required.

### How to do this

Witness Care Units can help victims with any questions about claiming expenses.

Police officers and staff should carefully consider the need to continue to retain a victim's property and whether it is absolutely necessary and, if not, be proactive in returning property without delay.

Being without your belongings longer than is necessary, as well as being an inconvenience, can add to the trauma of what has happened. Therefore, be mindful of the necessity of retaining a victim's property.

## Right 11 – To be given information about the offender following a conviction

### What this means for police officers and staff

Where eligible, a victim or bereaved family members have the right to be provided with information about the offender and at key stages of their sentence. Where relevant, victims also have a right to be consulted by the police if an offender makes an application for a review of their sex offender notification requirements.

### How to do this

If eligible, the Witness Care Unit or Youth Offending Team will automatically refer the victim (or bereaved family member) to the National Probation Service Victim Contact Scheme. This must happen within 10 working days of sentencing. A victim has the right to be automatically referred.

The police should contact the victim whenever an offender makes an application to review their Sex Offender Notification Requirements, and allow them to provide their views on the application. Where appropriate, the victim's views should be considered.

## Right 12 – To make a complaint about a victim's rights not being met

### What this means for police officers and staff

If a victim considers they have not received any of their rights under the Code, they should be facilitated to make a complaint.

### How to do this

Police officers and staff should:

- be open and willing to discuss any concerns with a victim
- provide information about their forces formal complaints procedure
- take responsibility for providing this information and know where to find information regarding other criminal justice agencies complaints procedures, if required
- not dismiss or diminish a victim's feelings about their treatment
- not 'hand off' the responsibility of the provision of assistance to multiple different staff and teams, remember the aspiration to provide one single point of contact

## More information

Read the full Code from the Ministry of Justice (MoJ).

- [\*\*Code of Practice for Victims of Crime in England and Wales 2020 \(pdf\) 9.13 MB\*\*](#)

## Tags

Victim care    Vulnerable people