

DRAFT VICTIMS CODE OF PRACTICE

1. Introduction

1.1 This code of practice governs the services to be provided in England and Wales by the organisations listed in section 3 below to victims of criminal conduct which occurred in England and Wales. It is issued by the Home Secretary under section 13 of the Domestic Violence, Crime and Victims Act 2004.

1.2 Where a person fails to comply with this code, that does not, of itself, make him liable to any legal proceedings. However, the code is admissible in evidence in both criminal and civil proceedings and the court may take failure to comply with the code into account in determining a question in any such proceedings.

1.3 Breaches of this code should be referred initially to the service provider(s) concerned. If the complainant remains dissatisfied, the complaint can be investigated and reported on by the Parliamentary Commissioner for Administration under the Parliamentary Commissioner Act 1967, as amended by Schedule 1 to the Domestic Violence, Crime and Victims Act 2004.

1.4 This code represents a minimum level of service in England and Wales. In some parts of England and Wales, organisations will be providing additional services in accordance with priorities agreed by Local Criminal Justice Boards (or equivalent groups). These additional services are not covered by this code.

2. Definitions

2.1 In this code –

“close relative” means a spouse, cohabitee, parent (including a step-parent) or guardian, sibling (including half-siblings and step-siblings) or a child;

“cohabitee” means a person who is living in the same household with another person as a husband, wife or same sex partner;

“criminal conduct” means conduct constituting a criminal offence;

“guardian”, in relation to a person under the age of 17, means any person who, in the opinion of a service provider, has for the time being the care of that person; [see note on para 4.3]

"Local Victim Support Group" means a local group approved by Victim Support to provide services in the name of Victim Support;

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“notifying a victim” means the posting of a letter, the making of a telephone call or a personal visit, or the sending of an e-mail or fax;

“relevant criminal conduct” means conduct in respect of which a victim is entitled to receive services under this code;

“service provider” means a person required to provide services under this code, as specified in section 3 below;

except where the context requires otherwise, “victim” means a person entitled to receive services under this code as specified in section 4 below;

“Victim Support” means the National Association of Victim Support Schemes;

“working day” means a day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971;

3. Organisations required to provide services under the code

3.1 This code requires the following organisations to provide services to victims.

- The Court Service/Magistrates’ Courts Committees (from April 2005 they will be one new courts agency)
- The Criminal Cases Review Commission
- The Criminal Injuries Compensation Authority
- The Criminal Injuries Compensation Appeals Panel
- The Crown Prosecution Service
- All police forces for police areas in England and Wales and the British Transport Police
- The Parole Board
- The Prison Service
- Local probation boards
- The National Association of Victim Support Schemes
- Youth offending teams

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4. Persons entitled to receive services under the code

Which crimes?

This code requires services to be provided to any person who has made an allegation to a police officer or had an allegation made on his or her behalf that the person has been subjected to criminal conduct which:

- (a) deprived the person of his or her property or damaged his or her property or was intended or likely to deprive the person of his or her property or damage his or her property;
- (b) led, or was intended or likely to lead to the person's death or to cause physical or mental injury to the victim; or
- (c) constituted a sexual offence against the person.

Which people?

4.1 The person who has made the allegation (or on whose behalf the allegation has been made) must be the **direct** victim of the criminal conduct. This code does not require services to be provided to third parties or indirect victims such as witnesses of violent crime.

4.2 Where a person has died as a result of criminal conduct, it is not necessary that an allegation to a police officer has been made. It is sufficient that a criminal investigation into the conduct causing the death has started.

4.3 Where a person entitled to receive services under this code is under the age of 17, then his or her parent or guardian is entitled to receive services under this code as well as the young person. However, the parent or guardian is not entitled to receive services under this code if he or she is under investigation, or has been charged, in respect of the criminal conduct of which the young person is a victim.

4.4 Where a person has died as a result of criminal conduct, the victim's family spokesperson is entitled to receive services under this code instead of the person who has died. A family spokesperson should be nominated by the close relatives of the person who has died. If the close relatives cannot nominate a family spokesperson, the senior investigating officer (SIO) working on the criminal investigation must nominate a family spokesperson. If the person who has died has no close relatives, the SIO may nominate someone who appears suitable to receive assistance under the code in respect of the death.

4.5 Only individuals or businesses with fewer than nine employees are entitled to receive services under this code. A business includes an organisation which does not carry on its activities for profit and could be constituted as a corporation, a partnership (including a limited liability partnership) or an unincorporated association. Employees include partners

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and directors who do not have a service contract but do not include volunteers or independent contractors.

Exceptions

4.6 This code does not require services to be provided to a person in circumstances where:

(a) the criminal conduct constituted a person driving a motor vehicle in a way which led or was likely to lead to physical injury to a person (except where a person has died as a result of the criminal conduct) or damage to property, except where the driver intended to cause physical injury or damage to property (for example, where a driver deliberately ran over a victim); or

(b) the criminal conduct is the subject *solely* of an investigation by an inspector under section 20 of the Health and Safety at Work etc Act 1974 or prosecution by an inspector under section 39 of that Act (for example where an incident in the workplace is the subject of an investigation by the Health and Safety Executive).

Deciding whether a person is entitled to services under the code

4.7 In determining whether a person is entitled to receive services under this code, the service provider should only take into account the nature of the allegation of criminal conduct made by or on behalf of the person to a police officer. It is immaterial that:

(a) the service provider does not believe the allegation;

(b) no person has been charged with an offence in respect of the criminal conduct;

(c) a person has been charged with a different offence in respect of the criminal conduct (for example a person has been charged with handling stolen goods in circumstances where an allegation of theft was made);

(d) no person been convicted of an offence in respect of the criminal conduct (including where a person has been acquitted of an offence in respect of the conduct).

4.8 However, a person is only entitled to receive services under this code if an allegation of **criminal** conduct (i.e. conduct constituting a criminal offence) is made. If a service provider is satisfied an allegation of conduct which does

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not constitute a criminal offence has been made, the service provider is not required to provide services under this code.

4.9 If a service provider makes an incorrect assessment as to whether or not a person is entitled to receive services under this code, then this can be investigated and reported on by the Parliamentary Commissioner in the same way as any other breach of this code.

5. Vulnerable victims

5.1 Some services under this code are only to be provided to vulnerable victims. A vulnerable victim is a person who is vulnerable by virtue of their personal circumstances or by the circumstances of the offence, including but not limited to a victim who:

- (a) is under the age of 17;
- (b) is suffering from mental disorder (within the meaning of the Mental Health Act 1983);
- (c) has experienced domestic violence;
- (d) has been the subject of recorded or reported incidents of harassment or bullying;
- (e) has a history of self neglect or self harm;
- (f) has made an allegation of criminal conduct which constitutes a sexual offence or which is racially aggravated, or aggravated on religious, homophobic or transphobic grounds;
- (g) is the family spokesperson of a person who has died;
- (h) is likely to be or who has been subjected to intimidation in respect of the allegation of criminal conduct which the person has made.

6. Breaches of the Code

6.1 Victims who believe that service providers have breached this code should first make a complaint through the internal complaints procedures of the service provider concerned. If a victim is not satisfied with the response of the service provider, the victim may raise the issue with a Member of Parliament, who can refer the case to the Parliamentary Commissioner for Administration.

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OBLIGATIONS OF SERVICE PROVIDERS

7- The Police

7.1 All police forces for police areas in England and Wales and the British Transport Police (the “police”) have the following obligations.

Identification of vulnerable victims

7.2 The police must take all reasonable steps to identify promptly vulnerable victims using the criteria given at section 5.

7.3 Where a vulnerable victim may be called as a witness in criminal proceedings and may be eligible for assistance by way of special measure under Chapter I of Part II of the Youth Justice and Criminal Evidence Act 1999, the police must explain to the victim the provision about special measures in that Act and record any views the victim expresses about applying for special measures.

Information about progress of investigation, arrest, caution, reprimand, warning, charge and release on bail

7.4 If a suspect is arrested or charged with an offence in respect of relevant criminal conduct, the police must notify the victim of these events and tell the victim whether or not the suspect has been released on police bail no later than one working day after the day of the event in the case of vulnerable victims and no later than three working days after the day of the event in the case of other victims.

(This obligation may be split between the police and the CPS if the current charging pilots are rolled out nationally. Arrangements on the ground should be clearer before the Home Secretary consults formally on the Code when the Domestic Violence, Crime and Victims Bill completes its Parliamentary passage.)

7.5 If a suspect is cautioned, reprimanded, or given a final warning in respect of relevant criminal conduct or the police make a decision to take no further action against a suspect in respect of relevant criminal conduct, the police must notify the victim of this event no later than one working day after the day of the event in the case of vulnerable victims and within three working days after the day of the event in the case of other victims.

[This obligation may be split between the police and the CPS if the current charging pilots are rolled out nationally.]

7.6 If no suspect is arrested, charged, cautioned, reprimanded or given a final warning in respect of relevant criminal conduct, the police must notify the victim, on a monthly basis, of progress in cases being actively investigated up until the point of the closure of the investigation.

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7.7 The police must inform any vulnerable victim if the suspect in respect of relevant criminal conduct is given bail by the court in circumstances where the police requested that the suspect be remanded in custody or made an application to remand the suspect in custody. At the same time, the police must also inform the vulnerable victim of any conditions attached to the bail that relate to, involve or affect the victim, and what the vulnerable victim can do if conditions are broken. This information must be provided by the police no later than one working day after the day on which the police receive the information from the court, unless the vulnerable victim specifically requests not to be informed or there are good reasons why the information cannot be passed on (in which case a contemporary written record of the reasons should be kept).

Information about court proceedings

7.8 The police must inform victims of the date of all criminal court hearings in respect of relevant criminal conduct within one working day of receiving the date from the court in cases involving vulnerable victims and no later than four working days after the day on which the police receive the date from the court in other cases.

7.9 Where a criminal trial is held in respect of relevant criminal conduct, the police must inform any vulnerable victim of the outcome of all pre-trial hearings (excluding applications for special measures directions under section 19 of the Youth Justice and Criminal Evidence Act 1999) and the verdicts of the trial, including the sentence if the suspect is convicted, no later than one working day after the day of receipt of these decisions from the courts and must inform other victims of the sentence (or any not guilty verdict) no later than four working days after the day of receipt of the sentence or not guilty verdict from the courts.

7.10 If a person who has been convicted of an offence in respect of relevant criminal conduct appeals against their conviction or sentence, the police must inform any vulnerable victim and the probation service victim contact team of the appeal no later than two working days after the day the police are notified by the courts that the appeal has been lodged, and must inform any other victim no later than five working days after that day. When giving this information, the police must make both vulnerable victims and other victims aware of the Witness Service and explain that they will refer their details to the Witness Service unless they ask the police not to do so.

7.11 The police must inform any vulnerable victim and the probation service victim contact team of the result of an appeal in respect of relevant criminal conduct not later than one working day after the day the police are notified by the court of the result, and any other victim no later than five working days after that day.

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Information about the Criminal Cases Review Commission

7.12 Paragraphs 7.13 to 7.15 below do not apply where the Criminal Cases Review Commission has decided to contact the victim directly under section 16 below.

7.13 If a conviction or sentence in respect of relevant criminal conduct is being reviewed by the Criminal Cases Review Commission and, taking all the circumstances of the case into account, it is likely that the review will come to the victim's attention, the police must contact the victim no later than ten working days after the day the police receive notification of the review.

7.14 If the Criminal Cases Review Commission decides not to refer a conviction or sentence in respect of relevant criminal conduct to the Court of Appeal or the Crown Court [and the victim has been informed of the review under paragraph 7.11 above], the police must inform the victim no later than ten working days after the day the police receive notification of the decision.

7.15 If the Criminal Cases Review Commission decide to refer a conviction or sentence in respect of relevant criminal conduct to the Court of Appeal or the Crown Court, the police must inform the victim no later than two working days after the day the police receive notification of the decision.

General information

7.16 Subject to the exceptions in paragraphs 7.17 and 7.18 below, the police must provide the appropriate Local Victim Support Group with the victim's contact details no later than two working days after the day an allegation of criminal conduct is made unless the victim asks the police not to do so.

7.17 In accordance with the victim referral agreement between the police and Victim Support, the police will not routinely pass over to a Local Victim Support Group the details of victims of the following criminal conduct unless there are aggravating factors:

- (a) theft of a motor vehicle;
- (b) theft from a motor vehicle;
- (c) minor criminal damage; and
- (d) tampering with motor vehicles.

7.18 The police will only pass Victim Support the details of victims of sexual offences or domestic violence or the details of the relatives of homicide victims if the victims or relatives have given their express consent.

7.19 When taking evidential statements from victims, the police must advise victims of their right to make a victim personal statement and its purpose, and provide the victim with a copy of the relevant information leaflet. When a

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victim personal statement is made, the police must take account of its contents when considering decisions, and record the outcome of this consideration.

7.20 The police must provide victims with a copy of the current Victims of Crime leaflet as soon as practically possible but no later than two working days after the day the allegation of criminal conduct is made.

7.21 Where a victim has died as result of criminal conduct or suspected criminal conduct, the police must assign a family liaison officer to the relatives which the police consider appropriate and make a record of the assignment. The police must also provide close relatives of the victim with the current Home Office packs "Advice for bereaved families and friends following murder or manslaughter", or Advice for bereaved families and friends following death on the road. The police are not required to take these actions in respect of any relative whom they have not eliminated from suspicion in respect of relevant criminal conduct.

7.22 In cases where an offender is convicted of a sexual or violent offence (within the meaning in section 69 of the Criminal Justice and Court Services Act 2000) in respect of relevant criminal conduct and given a sentence of imprisonment or detention of twelve months or more, the police must provide the victim with a copy of the current "Release of Prisoners: Information for Victims of Serious Sexual or Other Violent Offences" leaflet, and must refer the victim's details to the probation service no later than ten working days after the expiry of the period in which victims may opt out of the National Probation Contact Scheme. Both of these actions must be completed no later than twenty working days after the day the police is notified of the sentence by the court.

7.23 Where victims under the age of eighteen are to be called as witnesses in criminal proceedings in respect of relevant criminal conduct which involves sex, violence, or cruelty, the police must provide the victims and their parents or guardians with the current information pack "Child Witness".

7.24 In cases where the perpetrator of relevant criminal conduct is under the age of eighteen, the police must explain to the victim the role of the youth offending team (YOT) and pass the victim's contact details to the YOT (unless the victim asks the police not to) to enable victims to have access to reparation or other restorative justice type initiatives.

7.25 The police must provide victims who are to be called as witnesses in criminal proceedings in respect of relevant criminal conduct with a copy of the current "Witness in Court" leaflet, or equivalent national information leaflet.

7.26 The police must respond to requests for information from the Criminal Injuries Compensation Authority or the Criminal Injuries Compensation Appeals Panel to enable a victim's claim for compensation to be assessed with the most accurate information available at that time, no later than 30 working days after the day on which the police receive the request.

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8- The Crown Prosecution Service

8.1 The Crown Prosecution Service (the “CPS”) has the following obligations.

8.2 The CPS must inform the victim if a decision is made to drop or substantially alter charges in respect of relevant criminal conduct and must provide an explanation for that decision unless in the particular circumstances of the case the prosecutor, in accordance with CPS guidance, decides that it is inappropriate or unnecessary to do so. Where it is not possible, for legal reasons, to provide an explanation beyond setting out the Code for Crown Prosecutors test which the prosecutor applied, the reasons for this should be recorded and the victim should be informed of this.

(May require amendment to take account of the CPS responsibilities in an increasing number of cases.)

8.3 Additionally, in cases involving a death allegedly caused by criminal conduct, such as murder, manslaughter, dangerous driving or careless driving; cases of child abuse, sexual offences, racially and religiously aggravated offences and offences with a homophobic or transphobic element, the CPS must offer to meet the victim to explain a decision to drop or substantially alter a charge in respect of relevant criminal conduct unless the prosecutor concludes that in all the circumstances a meeting ought not to take place. If the prosecutor decides that a meeting ought not to take place, he must record in writing the reason for that conclusion.

8.4 The CPS must have systems in place that help prosecutors to take account of victim personal statements and to record the outcome of this consideration.

8.5 Where a victim who is to be called as a witness in criminal proceedings in respect of relevant criminal conduct, has been identified as potentially vulnerable or intimidated, prosecutors must consider whether or not to make an application to the court for a special measures direction under Chapter I of Part II of the Youth Justice and Criminal Evidence Act 1999. The outcome of that consideration should be recorded.

8.6 The CPS must ensure that, where circumstances permit, prosecutors or, if prosecutors are unavailable, other representatives of the Crown Prosecution Service introduce themselves to victims at court. When meeting victims, prosecutors or their representatives should deal with any questions victims may have about court procedures and give an indication where possible of how long they will have to wait before giving evidence.

8.7 In the event of delays to criminal proceedings in respect of relevant criminal conduct, the CPS must, wherever possible, explain the reason for the delay and, wherever possible, tell the victim how long the wait is likely to be.

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8.8 The CPS must pay expenses that the CPS has decided are due to the victim, in accordance with the Crown Prosecution Service (Witnesses' etc. Allowances) Regulations 1988) not later than ten working days after the day the CPS receives a correctly completed claim form.

Victim Support

9.1 Victim Support has contracted with the Home Office to provide certain services to victims. Nothing in this code requires Victim Support to provide services to victims which Victim Support has not contracted with the Home Office to provide.

9.2 This code does not require Victim Support to provide services to the family spokesperson of a person who has died as a result of another person driving a motor vehicle in a way which led or was likely to lead to physical injury or damage to property, except where the driver intended to cause physical injury or damage to property.

9.3 Subject to paragraphs 9.1 and 9.2, Victim Support has the following obligations.

Victims' Services

9.4 Victim Support must provide the Victim Supportline, a national telephone service that offers advice to victims and others affected by crime.

9.5 Victim Support must, wherever possible, ensure that the Local Victim Support Groups provide the services to victims specified in paragraphs 9.5.1 – 9.5.5. If it is not possible for a particular Local Victim Support Group to provide these services, then Victim Support must ensure, wherever possible, that the Local Victim Support Group concerned records the reasons for this in writing.

9.5.1 Local Victim Support Groups should offer assistance to victims of crime or to close relatives of victims who have died unless the victim or relative has indicated that they do not wish to receive their services.

9.5.2 Local Victim Support Groups should contact victims by phone, letter or personal visit, if the police have passed on details to their local branch or if victims have approached Victim Support for help, no later than two working days after the day the local scheme receives the referral from the police or is contacted by the victim.

9.5.3 Local Victim Support Groups should liaise with the Crown Court Witness Service and Magistrates' Court Witness Service to

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ensure a continuous service for victims if they are called as witnesses in criminal proceedings in respect of relevant criminal conduct, or decide to attend court to observe such proceedings.

9.5.4 Local Victim Support Groups should identify victims who may be eligible to apply for compensation under the Criminal Injuries Compensation Scheme and offer basic information and assistance in filling in the application form.

9.5.5 If the victim wishes, Local Victim Support Groups should refer the victim on to other local appropriate services.

The Witness Service

9.6 Victim Support must provide the Crown Court Witness Service and the Magistrates' Court Witness Service (the "Witness Service") and ensure that, wherever possible, the Witness Service provides the services to victims specified in paragraphs 9.6.1 to 9.6.3. If it is not possible for the Witness Service in a particular area to provide these services, then either Victim Support or the person responsible for delivering the Witness Service in that area must record the reasons for this in writing. Although the Witness Service provides services to non-victim witnesses, this code only requires services to be provided to victims who are witnesses.

9.6.1 The Witness Service should provide information about their services to the police and to victims who have been referred to them as potential witnesses. When requested by a victim who is being called to give evidence at criminal proceedings in respect of relevant criminal conduct, the Witness Service should facilitate pre-trial court familiarisation visits before the court hearing. This may be done in conjunction with the court's own witness liaison officer and a police family liaison officer, where one has been appointed.

9.6.2 The Witness Service should provide appropriate support and practical information about court proceedings, as requested by victims who are called as witnesses in criminal proceedings in respect of relevant criminal conduct and, where appropriate, put them in contact with their Local Victim Support Group or other local services.

9.6.3 The Witness Service should, wherever possible, provide an enhanced level of support to victims in respect of whose evidence the court makes a special measures direction under section 19 of the Youth Justice and Criminal Evidence Act 1999. Where it is not possible to provide this enhanced level of support, Victim Support or the person responsible for delivering the Witness Service in the particular case should record the reasons for this in writing.

[These obligations may change in the light of the exploratory work, being led by the Home Office, to devolve the funding and accountability of witness

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services to Local Criminal Justice Boards (paragraphs 6.5 – 6.8 of the National Strategy for Victims and Witnesses refer).]

10. The Courts (includes Court Service and Magistrates' Courts Committees)

10.1 The Court Service and Magistrates' Courts Committees (the "court staff") have the following obligations.

10.2 The court staff must ensure that they liaise effectively with the police and the Crown Prosecution Service so that information about court decisions in criminal proceedings in respect of relevant criminal conduct is passed to victims promptly. The court staff should ensure that, in cases which the court staff have been notified involve vulnerable victims, decisions reach the police no later than one working day after the day the decision is made and, in cases involving other victims, no later than three working days after the day the decision is made. If this is not possible in a particular case, a record should be made of why the decision did not reach the police within the appropriate time-limit.

10.3 The court staff must ensure that, where possible, at criminal proceedings in respect of relevant criminal conduct victims have a separate waiting area and a seat in the courtroom away from the defendant's family or friends.

10.4 Where the court hearing criminal proceedings in respect of relevant criminal conduct makes a special measures direction under Part II of the Youth Justice and Criminal Evidence Act 1999, the court staff must ensure the availability of those special measures so far as is possible, to help improve the quality of the evidence given by the victim.

10.5 The court staff must ensure, as far as is reasonably within their control, that victims who are witnesses do not have to wait more than two hours before giving evidence in criminal proceedings in respect of relevant criminal conduct in the Crown Court or magistrates' courts.

10.6 Where victims are witnesses in criminal proceedings in respect of relevant criminal conduct, the court staff must, if appropriate, take contact telephone numbers for the victims so that the victims are able to leave the court precincts and be contacted when they are needed.

10.7 The court staff must, whenever possible, provide an information point where all victims who are witnesses in criminal proceedings in respect of relevant criminal conduct, can find out where to go and what is happening in their case.

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10.8 The court staff must inform the police of the date of all court hearings in respect of relevant criminal conduct no later than one working day after the day the date is set in cases involving vulnerable victims and, no later than three working days after the day the date is set in other cases.

10.9 The court staff must inform the police and probation service victim contact teams if a person who has been convicted of an offence in respect of relevant criminal conduct appeals against their conviction or their sentence no later than two working days after the day the appeal is lodged and must inform the police and probation service victim contact teams of the result of the appeal no later than one working day after the day of the result.

11. Probation obligations

[Through a clause in the Bill, the responsibilities of local probation boards under section 69 of the Criminal Justice and Court Services Act will be made subject to the oversight of the Parliamentary Commissioner for Administration.]

12 - The Criminal Injuries Compensation Authority

12.1 The Criminal Injuries Compensation Authority (“CICA”) has the following obligations.

12.2 CICA must process efficiently, fairly and sensitively all applications for compensation made under the Criminal Injuries Compensation Scheme (“the Scheme”), in accordance with the rules of the Scheme.

12.3 CICA must make available clear information on eligibility for compensation under the Scheme.

12.4 CICA must respond to all correspondence regarding applications for compensation under the Scheme which requires a reply, no later than 20 working days after the day the correspondence was received by CICA.

12.5 In the event of a claim for compensation under the Scheme being refused or reduced, CICA must ensure it gives explanations for its decisions to the applicant.

12.6 If CICA is unable to send a decision letter to an applicant for compensation under the Scheme within 12 months of receipt of the application, it must inform the applicant of the status of their claim after 12 months of receipt of the application.

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12.7 When issuing its decision, CICA must inform applicants of their right to a review of the decision, and provide information on the procedure and the time limit for applying for review

12.8 Where an applicant requests a review, CICA must process the review efficiently, fairly, and entirely afresh on the basis of all available information.

12.9 CICA must provide explanations of the review decision to the applicant, and must inform them of the process of applying for an independent appeal by the Criminal Injuries Compensation Appeal Panel.

12.10 Where an appeal is lodged, CICA must provide the applicant and the Criminal Injuries Compensation Appeals Panel with copies of all papers required for the appeal, as soon as is reasonably practicable. The applicant should be given sufficient time to deal with any new issues raised in the papers.

13 - Criminal Injuries Compensation Appeal Panel

13.1 The administrative staff of the Criminal Injuries Compensation Appeal Panel ("CICAP") have the following obligations at all stages of the process of an appeal under the Scheme, including at oral hearings.

13.2 CICAP staff must make available to claimants relevant information regarding the procedure for appeals by producing and keeping up to date guidance materials.

13.3 CICAP staff must respond to all correspondence relating to appeal cases under the Scheme which needs a reply, no later than 20 working days after the day the correspondence was received by CICAP.

13.4 CICAP staff must ensure explanations for appeal decisions under the Scheme are available to applicants.

14 - The Prison Service

14.1 The Prison Service has the following obligations.

14.2 The Prison Service must maintain their telephone helpline to ensure that victims have a number to ring if they:

- (a) receive unwanted contact from a prisoner who has been convicted or remanded in custody in respect of relevant criminal conduct;

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- (b) have any concerns about the prisoner's temporary release or final discharge.

14.3 When issuing release licences for prisoners who have been convicted in respect of relevant criminal conduct in circumstances in which the Secretary of State is entitled to specify conditions in the licence, the Prison Service must consider whether to impose additional conditions requested by the Probation Service or recommended by the Parole Board as a result of information offered by the victim. Where such a licence condition has been requested or recommended but the Prison Service do not propose that the condition be included in the licence, the Prison Service must give reasons to the body which requested or recommended its inclusion and provide that body with a way to have the decision reviewed.

14.4 In addition the Prison Service must ensure that this information is passed to the Probation Service so that it can inform the victim and explain how the decision can be reviewed.

14.5 The Prison Service must ensure that information which, if disclosed would compromise the confidentiality of the victim or the victim's family, will be kept securely and will not be made available to prisoners who have been convicted or remanded in custody in respect of relevant criminal conduct. Under no circumstances will a victim's views be made available to a prisoner unless the victim is aware that the information may be disclosed.

15. Parole Board obligations

(section still under consideration)

16 - The Criminal Cases Review Commission

16.1 The Criminal Cases Review Commission (the "Commission") has the following obligations.

16.2 The Commission must consider the extent of contact to be made with a victim where, during the course of a review of a conviction or sentence in respect of relevant conduct, the Commission considers there is a likelihood of the case coming to the victim's attention. The Commission must record the reasons for its decisions as to the extent of contact with a victim.

16.3 If the Commission decides, under paragraph 16.2, to contact the victim during the course of the review the Commission must inform the victim that an application has been received and that the case is under review. If, following the review, the Commission decides not to refer the conviction or sentence to

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the Court of Appeal or the Crown Court, the Commission must inform the victim of that decision.

16.4 If the Commission refers a conviction or sentence in respect of relevant criminal conduct to the Court of Appeal or Crown Court, the Commission must inform the victim of its decision, unless the victim has made it clear that they do not wish to be informed, or the case includes no identifiable victim. In doing so the Commission must, so far as possible, ensure that arrangements are in place to ensure that the victim is notified of the decision to refer at the same time as the person whose conviction or sentence has been referred. The Commission must not issue a press statement when a case has been referred until arrangements have been made for notifying the victim.

16.5 If the Commission contacts a victim, under paragraph 16.2 or 16.4, this may be done either directly by the Commission or with the assistance of the police. In either case the victim must be provided with information about Victim Support and the Witness Service.

17. Youth Offending Teams

17.1 Youth offending teams (“YOTs”) have the following obligations.

17.2 On receipt of a victim’s details from the police, the YOT must decide if it would be appropriate to invite the victim to become involved in a restorative justice intervention relating to relevant criminal conduct.

17.3 The YOT must keep victims' personal details securely and separate from details kept on offenders. Information on victims should be destroyed when the restorative justice intervention in a case is at an end, apart from information that would be relevant for future research and evaluation.

17.4 If it decides to make contact with victims, the YOT must explain its role fully and clearly and allow victims to make informed choices about whether they want any involvement and if so, the nature of that involvement. The involvement of victims must always be voluntary; victims must not be asked to do anything which is primarily for the benefit of the offender.

17.5 YOTs must ensure that all staff working with victims have had appropriate training

17.6 If the victim agrees to be involved, either directly or indirectly in a restorative justice intervention in respect of relevant criminal conduct, the YOT must, if the victim requests this, keep the victim informed about the progress of the case and inform the victim when the intervention has concluded.

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17.7 The YOT must give victims who ask for additional support before, during or after a restorative justice intervention in respect of relevant criminal conduct access to information about appropriate services.