



# Victim Support

## Manifesto 2001

### Introduction

Since the election in May 1997 there have been many developments which have benefited or will benefit victims and witnesses of crime. Victim Support welcomes these provisions, but, as most changes focus solely on the 3% of victims whose cases are dealt with by the criminal justice system, the vast majority of victims will not benefit. Victim Support is calling for greater emphasis on reducing the effects of crime on victims in the community.

For every 100 crimes against private individuals and their households:

- 41 are reported to the police
- 23 are recorded by the police
- 6 are detected
- 3 result in a charge or summons

*(The 2000 British Crime Survey and Criminal Statistics England and Wales 1999)*

Reducing the effects of crime has been missed from criminal policy to date. There is no point in preventing future crime or dealing with offenders, if we are oblivious to the suffering which has already been caused by crime and take no action to alleviate it. The activities of social and criminal justice agencies must ensure that nothing is done to increase the distress or add to the problems of victims of crime causing secondary victimisation.

The effects of crime can be reduced by providing:

- respect, recognition and support
- information
- protection
- compensation.

## Implementation of the Sexual Offences (Protected Material) Act 1997

Two sisters gave evidence regarding abuse they had been subjected to by their brother when they were children and there was a successful prosecution. However the sisters were very concerned that their brother got copies of their witness statements and left these lying around for their mother to see. They were also worried that he might pass them around to other paedophiles or post them on the Internet.

Victim Support believes that the Sexual Offences (Protected Material) Act 1997, created to stop such misuse by defendants of statements, photographs and medical reports of victims of sexual offences, should be implemented.

To underpin such rights for victims, Victim Support is calling for:

### Legislation for victims' rights

Victim Support believes that victims' rights should be protected in legislation which would:

- define specific rights rather than just broad principles
- be clear about which agency is responsible for protecting/safeguarding these rights
- be enforceable with clear remedies if the rights are breached.

Such legislation would give greater status to the rights of victims. It needs to start with the needs of victims in terms of support, information, protection and compensation. However no legislation is likely to cover all the provisions which are available to victims of crime. Defined service standards are therefore also essential.

Both legislation and service standards need to be underpinned by audit mechanisms to improve accountability, better training and education, and better provision of information to victims about their rights.

### A Commissioner for Victims of Crime

There has been a proposal that a new post of Ombudsman for Victims of Crime be created. But an Ombudsman who just covers issues related to the criminal justice system would fail to benefit the majority of victims who don't get into the system. Victim Support welcomes the proposal but believes that the remit should extend beyond the traditional core functions of an Ombudsman. Therefore, Victim Support is calling instead for a Commissioner for Victims of Crime who, in promoting the best interests of victims of crime, would:

- ensure that agencies implement changes to their policies or procedures where these have proved not to have taken full account of the interests and needs of victims
- advise victims on how to seek redress, giving assistance in important test cases and initiating proceedings in the Commissioner's own name
- deal with individual complaints where resolution at an earlier stage has not been successful
- scrutinise proposed legislation which will affect victims of crime
- conduct inquiries into issues of public concern that would not be resolved through the outcome of individual cases
- seek to reduce secondary victimisation.

## Respect, recognition and support

Crime takes many forms and victims and their families react in many different ways. Many, who need time to talk through their experience, will welcome the offer of emotional support. They may also need assistance and support in sorting out the many complex issues that arise from crime. They may have to deal with many different agencies and the sensitivity of these agencies will be important in preventing secondary victimisation. Thus employers, insurance companies, health services, housing agencies, schools, social security and the media all need policies and procedures which recognise the effects of crime and the needs of victims, and their practice and training must reflect this. Health services also need to provide appropriate counselling services, particularly for children. The police response to victims reporting crimes is also important. For example, victims of rape should have access to a dedicated examination suite and a choice as to the gender of the examining doctor. The doctor should also be able to provide appropriate advice about health needs.

### Greater understanding of victims' needs for housing transfers

After Sally was stabbed repeatedly in her flat by her ex-partner, she asked her local housing authority for an urgent transfer to alternative accommodation. This was rejected – her housing authority did not seem to recognise how difficult it would be for her to continue to live in the place where the attack had taken place.

Victim Support believes that housing authorities should be more sympathetic to requests for transfers by victims of crime.

### Improved insurance systems for victims of burglary

Research has shown that only half of burglary victims who had property stolen or damaged had insurance. Those most at risk of burglary are also those who can least afford insurance.

Victim Support believes that block insurance schemes should be developed, whereby intermediaries such as credit unions, housing associations and local authorities play a part in arranging insurance for their tenants.

### Clear crime at work policies

When a shop assistant was slashed in the leg by a customer and taken to hospital, his manager concentrated on getting the blood on the floor cleared up as quickly as possible so that the shop could keep trading, ignoring the needs of the other staff in the shop who were clearly shocked by the violent incident.

Victim Support believes that all employers should have clear policies to reduce the effects of crime at work, which they keep up to date, make staff aware of and implement.

## Information

After a crime, victims will need a range of information. They will need information about home security and compensation and what services are available to them. If they have reported the crime, they will also want to know how this is being dealt with, and what opportunities they have to provide information.

## Improved information for victims of crime abroad

When Karen was murdered abroad, her family wanted to find out as much as possible about the investigation by the foreign authorities and what was being done to bring the murderer to justice. However they found it very difficult to obtain sensitive information from the statutory authorities here about the criminal justice system in the country where the crime was committed and progress in their case.

Victim Support believes that statutory authorities should provide sensitive support for those who are victims of crime abroad, including liaison with foreign justice agencies, provision of information, practical assistance and compensation.

## Compensation

Victims who have suffered injury or loss as a result of a crime are entitled to compensation. Some will need advice about claiming on their insurance policy or obtaining a grant from the Social Fund or, if nothing else is available, help with applying to charitable trusts, all of which Victim Support can provide. Where a crime has been detected, an offender may be required to pay direct compensation either through the courts or, in the case of a young offender, through the restorative justice process. Victim Support believes that such compensation should be paid as a single payment by the court and recovered from the offender, rather than paid in irregular and sometimes incomplete instalments by the offender over a period of many months, as happens under the current system.

Whether or not there has been a conviction, victims of violent crime are able to claim Criminal Injuries Compensation. Such compensation is intended to recognise on behalf of society the experience which victims have suffered and to help the victim to recover from it and to live as normal a life as is possible in the circumstances.

## Discounting compensation awards for means-tested benefits

When Richard received £15,000 in Criminal Injuries Compensation for injuries he suffered in a serious assault, his benefits were stopped. This was because the award was higher than the capital allowance for people in receipt of means-tested benefits. Richard had to spend his compensation on rent and subsistence until most of it had gone.

Victim Support believes that it is wrong that people like Richard should be deprived of the benefit of compensation, when the better off can keep their award. The Department of Social Security should not take a Criminal Injuries Compensation award into account when assessing a person's eligibility for means-tested benefits.

## Protection

Following a crime, victims are likely to have a need for protection, in terms of their property, their physical safety, their psychological well-being or their privacy. After a burglary the chances of the same house being burgled again are high, so crime prevention advice will be important, along with provision of quick repairs and security measures, particularly for people in rented accommodation. In cases of domestic violence, racially motivated crime or harassment, victims have good reason to fear for their safety. Witnesses may also be concerned about their safety. Whether or not an offender has been detected or prosecuted, such victims and witnesses have a right to protection. Victim Support can guide people through the maze of provisions to ensure that they have access to the best help. In addition the way that other agencies work should take the safety needs of victims into account.

## Better safeguards of victims' privacy by the media

Following the publication in their local newspaper of their address, the family of a murder victim received letters of sympathy from people they did not know. They were concerned that they could equally have received letters or even threats from people who were not sympathetic to them, especially as a member of the family was a witness to the murder.

Victim Support believes that the names and addresses or photographs of victims of crime or relatives bereaved by violent crime should not be published and details which would identify them should be withheld unless they have consented to the publicity. This anonymity could be provided by extensions to the current media codes of practice or legislation similar to that which grants anonymity to victims of rape and sexual assault.

## Support through the criminal justice process

For those victims who do experience the criminal justice process, it is vital that no secondary victimisation takes place as a result of unintentional but nevertheless insensitive treatment by criminal justice personnel, or by policies which do not take their needs into account. There is a need for openness as to whether restorative justice aims to reduce the effects of crime on the victim.

## Ensuring victims' safety and preventing false expectations

The *Code for Crown Prosecutors* published in 2000 states that when considering the public interest, Crown Prosecutors should not only take into account the consequences for the victim of the decision whether or not to prosecute (which Victim Support agrees with) but also any views expressed by the victim or the victim's family. However taking a victim's views into account may not be beneficial for victims. It can raise false expectations that the Crown Prosecution Service will do exactly what the victim wants. And having too much involvement in the criminal justice process can also raise protection issues for victims. If a suspect believes that a victim can influence the Crown Prosecution Service's decision as to whether they get charged or not, they might harm or threaten the victim.

Victim Support believes that any provisions for victims should be beneficial rather than leading to false expectations or being potentially dangerous for them.

## Better safeguards regarding the disclosure of confidential records

When Sunita went to court to give evidence in the trial against the man who had raped her, she was shocked when the defence revealed personal issues which she had discussed in confidence with her psychiatrist.

Mary discovered by chance that her GP had passed her medical records onto the Criminal Cases Review Commission which was reviewing the case of the man convicted of raping her twelve years earlier.

Currently it is possible for the police, the Crown Prosecution Service, the defence, the court and the Criminal Cases Review Commission to request and obtain (sometimes with a court order) medical or counselling records of a victim or witness in a case, without that person even knowing that their records have been requested, let alone being asked their permission.

Victim Support believes that a person should be informed if any disclosure of confidential records is to be made to a third party. We believe such disclosure should only be decided by a court which should take into account the victim's right to privacy.

## Additional funding for Victim Support services

Victim Support provides respect, recognition and support, information and help with claiming compensation and with seeking protection, to victims of crime whether or not they have reported the crime, and whether or not the case goes to court. The Victim Supportline provides a means of access to these services, particularly valuable to victims who have not reported the crime to the police, such as victims of racially motivated crime, domestic violence and sexual crime. For victims and witnesses who do come to court, the Witness Service run by Victim Support provides support in all the Crown Courts in England and Wales and by April 2002 this will be extended to all the magistrates courts.

Additional funding from the Home Office would enable Victim Support to:

- make personal contact with a greater proportion of victims of crime in the community whose cases do not fall within the criminal justice system
- increase access to Victim Support's service by increasing self-referrals
- increase the hours the Victim Supportline is open so that it becomes a 24 hour service
- extend Victim Support's service to include families of victims of road deaths
- increase our involvement in local Crime Reduction Partnerships
- increase support provided to victims claiming Criminal Injuries Compensation
- provide support for domestic violence victims requesting non-molestation orders in civil courts
- provide support for families of homicide victims in coroners' courts
- provide support for victims in the criminal justice process in relation to a raft of new developments including restorative justice, direct communication with victims by the Crown Prosecution Service, contact from the probation service
- expand the Witness Service to provide for the increase in vulnerable and intimidated witnesses attending court
- extend the Witness Service to the courts martial
- increase expenses available for families attending court in homicide cases.

Victim Support is the national organisation for victims of crime. Over 1,000 staff and 14,000 volunteers offer a service to more than 1¼ million victims and witnesses each year.

Helping people cope with crime

**Patron** : Her Royal Highness The Princess Royal

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