

## Performance and Resources Scrutiny Programme 2020

Report to: The Office of the Police, Fire and Crime Commissioner for Essex

<b>Title of Report:</b>	<b>Victims Code of Practice Compliance</b>
<b>Classification of Paper:</b>	<b>Official</b>
<b>Agenda Number:</b>	<b>10.0</b>
<b>Date Paper was Written:</b>	<b>16<sup>th</sup> June 2020</b>
<b>Version Number:</b>	<b>1.0</b>
<b>Report from:</b>	<b>Essex Police Fire and Crime Commissioner</b>
<b>Date of Meeting:</b>	<b>25<sup>th</sup> June 2020</b>
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<b>Date of Approval:</b>	<b>n/a</b>

### 1.0 Purpose of Report

The purpose of this report is to provide an update to the Board on the Victims' Code compliance monitoring process

### 2.0 Recommendations

The Board are asked to note progress to date

### 3.0 Executive Summary

MoJ required P(F)CCs to monitor Victim Code of Practice compliance locally in 2019. In order to do this MoJ set out some minimum reporting audit requirements.

Through Victim Witness Action Team these requirements have been monitored. The audit still requires development as it does not provide meaningful insight.

To mitigate this qualitative dip sampling takes place through VWAT. Whilst this doesn't allow us to provide a quantitative score it does encourage organisations to constructively challenge each other not only to ensure victims are receiving their entitlements but also ensuring victims have a smooth journey throughout the criminal justice system.

#### 4.0 **Introduction/Background**

P(F)CCs assumed responsibility for the local monitoring of key entitlements under the Victims' Code of Practice (VCOP) from 2019-20.

In order to monitor compliance, the MoJ identified five key entitlements in which the responsible agencies should demonstrate their compliance and provide a 6-month and an end of year report to MoJ.

In Essex, task of monitoring VCoP compliance has been largely assumed by Essex Police. This is mainly due to the majority of data being captured/collected within Essex Police and EP Witness Care Unit systems. Engagement with other PCC areas suggest that Police have led in those areas too, for the same reasons. HMPPS Victim Liaison Unit have been the other criminal justice agency have also conducted dip sampling in order to ensure compliance.

It was agreed that the Victims and Witness Action Team (VWAT) would be responsible for managing and reviewing the compliance monitoring information

In addition to the above, VWAT has continued to do a full end-to-end dip-test review of a victim's criminal justice journey. The case reviews are qualitative and involve criminal justice agencies and third sector agencies. This provides detailed and rich information about a victim's experience, and can help identify improvement activity

#### 5.0 **Current Work and Performance**

Testing started from August 2019. Data attached are the results of testing during Aug 2019 and March 2020. Testing is to identify Victims entitlement throughout the whole criminal justice journey. Therefore, each quarter 30 finalised Magistrates and Crown Court cases were sampled. Please see [Appendix A](#) for full report

Areas to highlight from report

- Low percentage in number of Victim receiving a written acknowledgement that a crime has been reported (30%, 33%, 35%)

In order to conduct the compliance testing cases are chosen where they have been through the full criminal justice process. This means that these cases are typically historic cases and we need to consider that there have been improvements in many of the victim compliance areas. In 2019 there was a process change in the Resolution centre ensuring that every victim receives a letter unless they tell us that they do not want one or there is risk to do so.

Because of this Essex Police also conduct additional compliance checking with more recent cases in order to ensure compliance is currently being managed. In the last quarter sample 103 cases of 118 received a written acknowledgement. We will continue to monitor in VWAT

- Decline in Victims receiving an update within 5 working days (88%, 69%, 55%)

We believe the lower figures are due to the historic nature of the cases.

Essex Police have done a lot of work improving victim contact and consistently monitor this through the Public Confidence and Victim Focus Board. In the latest report (April 2020) the overdue contacts were just 4%.

- Lack of data for the use of VPS

The use of VPS is not readily recorded. Currently it is based on manual recordings on court record hearing sheets. There is not an easily identifiable way to monitor its usage. Locally we have identified this on the Victim Witness Action Team risk log and requested agencies to manually record. VWAT will monitor this through dip testing and will be included in future reports.

## **6.0 Implications (Issues)**

This is the first year of compliance audit, prescribed from the MoJ. Whilst we understand that MoJ require a consistent method to collect data there are some concerns/issues that this method creates

- The testing requires a manual audit which is resource intensive
- The audit requirements are very prescriptive, and some questions require quantitative answers (yes/no) however the victims code of practice is also about victim choice and not often a yes/no answer is sufficient
- There is no mark of what good looks like or no set of national benchmark targets. No insights are being received from national collation of the data
- This method of testing doesn't show recent compliance with the code due to the historic nature of the case

These concerns are fed back to the MoJ through the APCC Victims Portfolio group. MoJ are considering feedback and have said they would like to work with P(F)CCs to develop the monitoring. Due to COVID this discussion and development has been delayed

### **6.1 Links to Police and Crime Plan Priorities**

Victims are at the heart of the Police and Crime Plan and the commissioning programme ensures that this is upheld.

### **6.3 Risks/Mitigation**

Through VWAT we are meeting the requirements of the MoJ audit however as highlighted in section 6.0 there are many issues that have been identified with this method. Particularly the risk that this method does not show recent cases and therefore difficult to have confidence that organisations are compliant with the code. Therefore, VWAT took the decision that every other meeting will be Victim focused where the agenda is reviewing dip tested cases taking a qualitative approach. VWAT discusses each case and constructively challenge organisations to improve to ensure victims are receiving their entitlements. Essex Police also provide and review their own Victim Code Performance report which is reviewed at the Public Confidence and Victim Focus board

**6.4 Equality and/or Human Rights Implications**

There are no equality of human rights implications within the content of this report

**6.5 Health and Safety Implications**

None identified within the content of this report.

**7.0 Consultation/Engagement**

Not applicable for this report

**8.0 Actions for Improvement**

In order to address issues identified in section 6.0 VWAT will continue to review how best we can monitor compliance whilst meeting MoJ requirements.

**9.0 Future Work/Development and Expected Outcome**

Monitoring will continue as this is a requirement set out by the MoJ. VWAT will continue to look at ways in which we can improve this compliance monitoring. Through the PFCC office and with support of the APCC we will work with MoJ to develop future models of compliance testing in order to satisfy their requirements whilst benefitting our local procedures.

• Appendix A – Report

PCC area name: Essex						
Collection Period: Aug 19 - March 20						
Questions		H1 19/20	Q3 19/20	Q4 19/20	Notes on data collection	
Does the victim receive a written acknowledgement that a crime was reported ?	% yes	30%	33%	35%	These results are calculated from a sample of <b>30 finalised Magistrates and Crown Court cases</b> . The rationale for selecting these cases is that they provide the widest scope for insight into Victims Code compliance.	
	% no	30%	67%	65%	A process change with the Resolution Centre in 2019 now ensures that every victim receives a letter unless they tell us that they do not want one or there is risk to do so.	
	% not suitable	40%	40%	33%	It was not suitable to send a letter : because the crime was a domestic incident and the suspect and victim reside at the same property.	
Is the victim assessed and, if found to be in need, referred to support services, within 2 days of the crime being reported?	% assessed	100%	100%	100%	100% of cases demonstrated assessment of the victim in regards to support services.	
	% not assessed	0%	0%	0%		
	% of those assessed referred	82%	63%	60%	Accepted and referred.	
	If not referred, why not?	18%	37%	40%	Those that were not referred did not give consent for us to do so or already had support services in place.	
Are the updates the victim receives on the investigation, suspects and outcome present, made within 5 working days*, and of an appropriate quality ? * within 1 day if enhanced service victim	% of developments communicated within the time limit, whatever developments there were	88%	69%	55%	On average across the 30 cases reviewed,	
	assessment of quality of the communication	97%	46%	100%	Reasons why assessments were not judged to be 100% included spelling mistakes in correspondence with victims, untimely updates and updates either not being made to the victim or not being documented on the investigation.	
Is the victim informed of the end of their CJS journey (e.g. stop investigation, drop charges, sentence, out of court disposal)?	% yes	97%	100%	100%		
	% no	3%	0%	0%	There was no audit trail of an update to the victim in one case.	
	n/a	0%	0%	0%		
Was a VPS taken?	% yes	50%	53%	37%		
	% no	33%	37%	53%	No record of being requested	
	% offered but declined	17%	10%	10%	Offered but declined	
Was the VPS used?	% yes	blank	blank	blank	HMCTS - not available to be collected	
	% no	blank	blank	blank		
Was this reported back to the victim?	% yes	0%	0%	0%		
	% no	0%	0%	0%		
	Unknown				it could not be determined if reported back to the Victims e.g. because there was either no CPS hearing record sheet on the case, the case did not reach court or it was not stated on the Hearing Record Sheet.	
	n/a					
Is the release communicated to the victim?	% yes	100%	100%	100%	all cases were informed either prior to or on the day of release.	
	% no	0	blank	blank		