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Home Affairs Committee

Oral evidence: [Policing priorities](#), HC 635

Wednesday 1 February 2023

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Members present: Dame Diana Johnson (Chair); Lee Anderson; James Daly; Carolyn Harris; Tim Loughton; Stuart C. McDonald.

Questions 209-257

Witnesses

I: Kirsty Brimelow KC, Chair, Criminal Bar Association, Richard Atkinson, Deputy Vice President, Law Society, and Zoe Byrne, Services Director, Victim Support.

Written evidence from witnesses:

[Victim Support written evidence](#)



Examination of witnesses

Witnesses: Kirsty Brimelow, Richard Atkinson and Zoe Byrne.

Chair: Good morning, and welcome to this session of the Home Affairs Select Committee. This is the fourth meeting for our inquiry into policing priorities. I will ask the three witnesses to introduce themselves. Zoe, would you like to start?

Zoe Byrne: Good morning, everyone. I am Zoe Byrne, national services director for Victim Support, which is a national independent charity that supports over 180,000 victims of crime every year. Prior to this role, I was a senior police officer in the Met police; I had 10 years operationally and finished at the rank of detective chief inspector, so I have that experience to draw on as well. I am delighted to be here to be able to represent the voices of victims and to share their experiences and what they tell us on this really important topic.

Richard Atkinson: I am Richard Atkinson, Deputy Vice President of the Law Society of England and Wales. I am a criminal practitioner and have been for over 30 years.

Kirsty Brimelow: Good morning. My name is Kirsty Brimelow. I am chair of the Criminal Bar Association and I also practise in crime, public law and international law. I am a KC at Doughty Street Chambers.

Q209 **Chair:** Thank you. We are looking at policing because it has been described as “in crisis”. As key partners of police forces, could you each give your overview of your relationship with the police and what your view is of the current state of policing? Kirsty, would you like to start?

Kirsty Brimelow: The expression “in crisis” probably originates in lack of police numbers. We have seen an extra 20,000 police officers coming through, but the knock-on effect of that is that they are not trained up, so the crisis that we see at our level in the courts is that we have increasingly junior police officers on complex serious cases, and this is across the board of crime.

Taking fraud as an example, there could be a very junior police officer on the case. If there is a huge number of digital devices, which quite often there is, unless the investigation starts early on the technical parts of the evidence, the case will not be ready because that takes time. Also, there has to be an understanding of how, if there is going to be a dip sample with technical evidence, it has to be done in a way that it can be reproduced exactly for the defence. So very early on there can be errors.

What is happening more is that the prosecution counsel is coming in right at the beginning. That has to happen as a matter of urgency and of necessity because we do not have the experienced police officers who would know exactly what to do at that early stage. That is not to be critical of the individual police officers; it is simply that they are too junior to deal



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with the serious crime that they are entrusted with. That is where the resource falls down and where the crisis kicks in in terms of the case and its presentation at the court. Ultimately, if you have an issue at the beginning, the issue carries on through and only gets worse, and that is when you end up with collapsed trials. I give the example of fraud, but it applies across the board to other offences.

Q210 Chair: That is very helpful. I think we will come back to the issue of inexperience in police officers. Richard?

Richard Atkinson: I am not particularly well placed to comment on the problems within the police themselves, but it is unquestionably the case that the police form part of a system—I know there is a debate as to whether there is a criminal justice system or a number of criminal justice systems.

Certainly, what is being recognised by those senior officers and those who are looking to direct the criminal justice system is that there is a great deal of interdependency. When the system is underfunded, that impacts all parts of the system and then exacerbates any underlying problems in any particular element of that system. The huge backlogs in the courts are creating great stresses on witness care units in police forces and exacerbating problems around being able to manage witnesses and delays. There are problems with having a sufficient number of lawyers, a sufficient number of judges and a sufficient number of court staff. That is all adding to the general crisis—I certainly acknowledge that there is a general crisis—in the criminal justice system, which is a result of not years, but decades of underfunding.

Zoe Byrne: To build on Richard's point about the criminal justice system, for me, it relies on the victim. There is no system without victims who consent, who co-operate and who trust that system. That applies particularly to policing, but victims have not been a priority in policing in the way that they should have been. As a result, trust and confidence in the police among victims are at an all-time low, particularly among women and girls and minoritised communities. We recognise that, and I think we all recognise how we have got to that point. Now is a moment in time—a crisis point—where something needs to change. Victims need to be the priority within that system.

Q211 Carolyn Harris: Leading on from what you just said, I think we are all bracing ourselves for a lot more to come out about behaviour in the police. What more can the police do to protect victims?

Zoe Byrne: There is the way the police respond to victims; as I say, victims have to be the priority. Victims tell us that they want a response; they want to be listened to and believed. They do not want to be judged, and they do not want to be passed around people to retell their story. Fundamentally, they want people to do what they say they are going to do. That is represented in the victims code of practice—it is there. Actually, the police just need to deliver the rights and entitlements victims



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have under the code of practice, and put victims at the centre of what they do.

Alongside that, there needs to be genuinely independent support for victims. We know that the majority of victims do not report to the police—that is about trust and confidence—whereas independent third-sector support providers are speaking to those people, and supporting them in an holistic way. There needs to be independent support alongside policing, and ultimately those things will combine to improve justice outcomes.

In terms of internal culture in the police, yes, absolutely, there is more to come. We've heard positive words, including from the new Met Commissioner to this Committee, but there needs to be action. Women in this country need to see action to change that culture.

Q212 Carolyn Harris: I would add that it is not just women who are potential victims. Given that alleged perpetrators of this culture are going to be police officers, is there more the police should be doing to protect the victims of those crimes?

Zoe Byrne: Yes, absolutely. I talk about women because we know they are disproportionately affected by crimes such as domestic abuse and sexual violence.

I will give you an example. I was talking to a caseworker the other day who had supported a woman—I'll call her Rebecca. She had reported a rape to the police, and the suspect was a serving police officer. At the time of reporting, one of the officers commented to her, "Oh, it's tricky this rape business, isn't it? Often not many witnesses or no witnesses—you know, really tricky." She had evidence that she wanted to share with the police; she had been to see her doctor. They didn't choose to go and speak to the doctor. They did arrest the suspect, and she then got a phone call saying that the suspect was being released; there was no evidence, and they had not passed a file to the Crown Prosecution Service. In that conversation, the officer telling her that used the suspect's nickname. She said, "You are joking! Do you know him?" and the answer was, "Oh yeah, I've worked with him for years." How can there be any trust if that is what happens?

At the very least, these allegations need to be investigated by a different police force. I would argue the independence needs to go beyond that, because why is the culture any different in another force? They may not know the person, but there has to be genuine scrutiny and independent oversight of policing in that context, to support those victims who have come forward and reported, because we know—we and other voluntary sector providers that are supporting victims who have not gone to the police—that the number who won't go to the police will only increase if we cannot rebuild trust and confidence in the response.

Q213 Carolyn Harris: How do we build trust and confidence?

Zoe Byrne: There does need to be investment. We know that, in the arena of sexual violence, reported crime has tripled in recent years but the



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commensurate police response resourcing hasn't. Having specialist officers in rape and serious sexual offences—RASSO—teams is the best practice, but we know those teams are overstretched. There needs to be more resourcing of those specialist officers.

There also needs to be a commitment to the independent support that goes alongside, because it all links back in a cycle. To give you an example, the evidence shows that if a person who comes forward and discloses rape has the support of an independent sexual violence advocate—an ISVA—93% of those people will then report that crime to the police, compared with 54% of those who do not have that independent support alongside them; and although that support is around holistic help for that person, the by-product of it is that they stay engaged in the criminal justice system and, ultimately, we improve criminal justice outcomes.

So one issue is absolutely the investment, and then there is the robustness of the internal scrutiny in forces. I welcome the fact that 40% of chief constables are now women. I welcome the British Transport Police chief constable's robust and proactive response to allegations of misconduct in her force, but more is needed. There has to be real, tangible action.

Q214 **Carolyn Harris:** Thank you, Zoe. Richard and Kirsty, what is your opinion of having legally qualified chairs in police misconduct cases?

Richard Atkinson: It is not something that the Law Society has a position on.

Kirsty Brimelow: I can talk from my personal perspective; there is no particular position from the criminal Bar. Having a legally qualified chair would seem to me to be a positive step, as it would perhaps rebuild some trust. There are always criticisms of police misconduct hearings when they are seen as the police investigating themselves. In common law, with any tribunal it has to be the case that a person sitting in the room watching it does not feel that the tribunal has a bias. An independent, legally qualified chair would hopefully satisfy that bystander—the person on the bus was the example when I was at university—that everything is above board and transparent, so it seems a good step to look into.

Q215 **Tim Loughton:** Interestingly, the Committee was at Scotland Yard yesterday, where we had a meeting with the professional standards part of the police, which is obviously being beefed up by the new Commissioner of the Met, and I raised just that point about police marking their own homework. While I think we all acknowledge the commitment of the new Met Commissioner to really root out not just bad apples—it goes well beyond that—and change the culture within the police, that work is still being done by police themselves. Do you think that there should be a formal governance structure—I know the police are considering this; it wasn't just something we raised—wherein there is independent oversight through an oversight and scrutiny board looking at that part of the police, rather than just individual independent lawyers or



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others sitting in on various tribunals, and that actually the whole shebang needs some independent oversight, including from victims? Zoe, perhaps you want to take that first.

Zoe Byrne: Yes, absolutely, because however credible and responsible the police who are scrutinising the other police may be, for the public the trust has gone, so if it's the same people, it's the same people. So yes, I think there needs to be independent oversight.

Q216 **Tim Loughton:** What sort of structure and what sort of people should serve on that?

Zoe Byrne: I don't know. It's a complicated issue, but ultimately there are partners across the system that have the ability to contribute. Actually, to have third-sector organisations that can speak for the public more freely and speak for victims of crime in that setting, and can bring that perspective of what is and isn't acceptable across the community as opposed to within a subculture, would be really important.

Q217 **Tim Loughton:** Is that something that the Law Society or the Criminal Bar Association would support or has views on—or personally, if you don't have a corporate view?

Richard Atkinson: There is certainly no corporate view from the Law Society on it. I think it would be necessary to look at the detail. I know that sounds like an evasive answer. I think that setting up oversight bodies in principle sounds very good, but whether there is a real benefit to doing that is in the practicalities of what they are able to achieve, or whether there is more advantage in making sure that the rules are tighter and are being followed.

Kirsty Brimelow: I agree. The difficulty sometimes with oversight bodies is that reports are produced and everybody reads them, and then everybody moves on and nothing really changes. It is about the implementation and, fundamentally, it is about resources and whether they are going into a further oversight body, as opposed to, for example, into re-establishing specialist sections of police forces.

I remember that the justice system worked much better when we had more specialism. It still works well in certain areas—homicide investigations for example; the police investigations there are good, because they are specialists. I would appreciate looking at the culture as well, but in terms of resource, that would be where I would encourage it going—into specialism.

I would also be encouraging resources going into prosecutors, because a big issue here—this also comes into looking at how people are treated—is that you can have a huge amount of victim support, put £440 million into victim support, but the cases are not going into trial because there aren't the barristers to prosecute the trials, so it's pointless.

Q218 **Tim Loughton:** What we are talking about specifically is misconduct by police officers. The Met is now reopening an awful lot of cases. It may be that they will do a really, really good job of investigating and perhaps



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some prosecutions will come from that, but the public perception will be that perhaps there could have been more, and because they knew their nicknames and there was a bit of inside—whatever—they haven't pursued them.

Do we need some form of oversight body that doesn't just produce a report but actually has teeth, such that it can direct standards to do that again, or if it doesn't come up to a threshold they could monitor whether each constabulary is actually doing the job that they need to do? This goes beyond the Met. Do we need not just a nice committee of people who meet every so often, but a committee with teeth that can instruct the police to do the job again?

Kirsty Brimelow: What you are talking about there is what powers it would have; that would be crucial. Would it have powers to summons, for example? You would have that as a fundamental. I think it really is dependent on what it would actually look like. It would have to have considerable powers.

On the specialism—on the investigation—I am talking slightly outside my area of expertise, but there might already be a section that specifically investigates allegations against another police officer. I don't know.

Q219 **Tim Loughton:** Not independent—that is the point.

Kirsty Brimelow: Yes, but that is where I would push for the resources to go.

Q220 **Lee Anderson:** Zoe, I just want to add to what Tim said earlier. We went to visit the Met police yesterday at New Scotland Yard. We know the problems that they are facing at the moment and they are trying to put it right, but I was a little bit astounded that there has been a culture of this behaviour for decades. And we have people there who have been there 20 years now heading the operation to investigate.

So I did challenge this person. I am not saying he is not going to do a good job, because he probably will, but the people who are investigating themselves have in the past seen this behaviour and—to be blunt—have turned a blind eye to it. There are two parts to my question. How can we have confidence, as Tim says, in people marking their own homework when they have been part of that very culture and not challenged it in the past? Should a panel or inquiry include the victims?

Zoe Byrne: On your first question about how we can have confidence, I think the public would question whether they can, so I agree with you. On your second point, yes, the voice of victims needs to be heard. As I said at the beginning, there is no system without the co-operation and consent of the victims of crime. There are very few investigations that proceed without the co-operation of the victim of that crime, and that is what needs to change. Victims must be at the heart of the system and of policing, and only then will we begin to rebuild confidence, so their voice needs to be heard.

Lee Anderson: Do you want to add to that, Richard?



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Richard Atkinson: In the past, certainly in my experience, when allegations were made against police officers, they were routinely transferred to another force to investigate. In my local area, it went to another police force—I know which police force it went to. It went to a different CPS area so there was a degree of independence and the perception of independence—this was not being dealt with by the same team, which were marking their own homework. I certainly think there is a benefit in having some degree of independence, and having another force investigate.

We hope that police officers are the experts at investigating crime, so maintaining specialists to do that work is also important. Having the independence of a different force, with a specialist detective who is working in the area of police misconduct, would seem to me to be the most efficient and appropriate way to do it.

On oversight, we already have the HM inspectorate, and if their remit was to cover this as well, you would enable those who are used to operating in this field and looking at accountability to challenge the work of forces in investigating other forces. I think there is already a structure that could be developed. It just needs to be transparent and clear so we know what is being done and by whom.

Kirsty Brimelow: I had a case where the complaints were against Essex police, and two other police forces investigated the complaint. It is all public. The complaint related to a breach of article 2—a breach of investigation of what my client considered to be a murder, rather than an accident. His son was found dead—killed in a cement mixer on a farm. He was convinced that there was corruption at the heart of the initial investigation, and the IPCC, as it then was, found a huge number of really significant flaws in the initial investigation. That case has gone on for years. It went through different police forces investigating, but that wasn't a panacea because there was still some distrust in some of those other police forces and the connections they had.

I agree with Richard that that is what happens now, but the problem is that if there is a concern about that particular police force—perhaps it is too close to the Essex police force—there is no mechanism to complain and no power to get that changed. You can use a judicial review mechanism, but it is very rare for a court to direct in that kind of detail, so I think there is an issue.

My remedy is to get prosecution counsel in there early with these cases, so they get a grip of it and are directing it. In my view, that also restores the trust of victims, who can see that there is independent oversight from an experienced lawyer used to working in these complex cases—particularly cases with corruption within them.

Q221 **Chair:** Could I go back to one of the points you made about how important it is within the police that there are specialist units? You were talking about RASSOs; we know that not all police forces have RASSOs. In the report that we published last year, around rape investigations and



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prosecutions, we said that it seemed like all the evidence pointed towards RASSOs being an important part of any police force. Do you understand why some police forces still do not have RASSOs?

Zoe Byrne: I do not have that insight. We would agree that they should and must—it is absolutely best practice. We are hearing on the ground that, even where there are RASSOs, the capacity is not sufficient. For example, those teams are stopping investigating crimes that are not rapes. They are not investigating serious sexual violence; that is being investigated by non-specialist teams. So even where those teams have been established and are running, if they have not got the capacity to meet the demand, then they are not doing what they were set up to do. That is a real issue.

Again, alongside those RASSOs, every bit of evidence suggests you should have that independent support service, and that those things should run in parallel. For example, homicide and good RASSO teams work so closely together, and the police understand the benefit and the impact of the independent support alongside what they are doing. That partnership is so much better for victims, and, ultimately, justice outcomes.

Q222 **Stuart C. McDonald:** I will turn now to the issue of competing demands and trying to pick priorities. The former chief inspector of constabulary was recently referring to the idea that the police should do less. I wonder if your organisations have any thoughts on what the police could do less of in order to free up time for something that is probably a higher priority? Can I start with Zoe?

Zoe Byrne: I think they have to do what they must do. They must deliver the victims code of practice to victims of crime. They must prioritise victims of crime and their experience, because without them there is no system. I cannot answer what they should do less of. They must provide a quality service for victims that delivers their rights and entitlements, works with partnerships, whether that be the CPS or the third sector, alongside independent support to deliver the outcome.

Q223 **Stuart C. McDonald:** On previous occasions when we have been looking into policing, some of the things that have been suggested as taking up unnecessary police time are things that relate to mental health, or where police officers almost operate like social workers. You also get reference to too much red tape—I do not know how much red tape there is to cut in policing. Do you have any views on that?

Zoe Byrne: From personal experience, yes, I think police are operating in the sphere where other services have stepped back, in terms of mental health and social work. From the victim's perspective, they want that response. It can be too easy to say that certain crime types do not warrant that response. It is about the impact of that crime on the victim, and it is not a simple algorithm.

Stuart C. McDonald: We'll come to that point in a second. Richard?



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Richard Atkinson: Likewise, it is very difficult to comment on where the police should put their resources. But it is unquestionably the case that there are very limited resources within the whole of the criminal justice system and beyond. You mentioned mental health; frequently, the police have found themselves having to deal with what is leftover—if I can put it that way?—of the problems that others are not able or willing to deal with. What we are seeing is the criminal justice system, as a whole, under enormous pressure and trying to deal with huge volumes of work, exasperated by an enormous backlog and limited resources.

Sadly, on my side of the profession, what we are seeing are diminishing, not increasing, numbers. Since 2017, some 1,200 solicitors have left criminal defence work. We may come on that that later. That is going to have a direct impact on policing when they cannot get duty solicitors at the time, or at all, in order to be able to complete their investigations. Resources are a massive issue for criminal justice, which has been overlooked for an enormous amount of time, I'm afraid.

Kirsty Brimelow: Focusing on your question, I think it is very problematic to start looking at what crimes the police should not investigate.

Q224 **Stuart C. McDonald:** It does not necessarily have to be crimes. It could be that the police have been called on to do non-crime work, which really should fall to others as well.

Kirsty Brimelow: Right. You give an example of someone in a mental health crisis. There you would be looking at why the police are assisting as opposed to a nurse or what is happening at the unit the person was in. I have had a number of cases where the police have assisted with somebody in crisis in that way, and I think it is very difficult. It is, as Richard says, very joined up. Sadly, sometimes an inquest comes at the end of it, and you then go back through the various institutions and see all the gaps and failings. From my expertise on the criminal side, our starting point and focus is always that this is a rule of law matter that we all look at. When you have somebody who might be in crisis and might have committed a crime, you always look at the rule of law. The first point is that all cases and allegations should be investigated, because, as Zoe has said, the impact on an old person who is the victim of a confidence trickster, for instance, is just as severe as the impact on someone else from another crime that might be classified as more serious.

Protesters take up a huge amount of time in the magistrates court. I query, having defended in a number of those cases and made a lot of representations, as to whether it was proportionate to actually charge them in the first place. Those are the cases where acquittals have come out at the other side. It takes a huge amount of resources. I remember, going back probably 15 or 20 years, when with protest cases your client would be given a bind over, which basically says, "You've got no criminal record. Stay out of trouble for 12 months and off you go." My recommendation very strongly with these kinds of cases, which are huge and are very people-intensive within the criminal justice system, is that



there is a much stronger focus on alternative remedies to the criminal justice system itself. For other matters, including crimes such as someone having their bike stolen—which might seem rather small—they should absolutely be investigated. Otherwise, the trust breaks down completely and people think, “Why do I bother with the police at all?”

Q225 Stuart C. McDonald: My next question was going to be about the balance that people speak about having to be struck between putting resources into tackling and investigating high-volume crimes as opposed to serious harm crimes. Your starting position from a rule of law perspective is that you cannot really think of things like that—if a crime has been committed, you have to investigate. But how realistic is that in the current climate? Does there not come a point where police and higher-ranking officers have to make decisions? How should they go about making those decisions as to where to prioritise resources in relation to different types of crime?

Kirsty Brimelow: The fundamental position is that they should not have to make a “pick and choose” decision. You have to go back and look at why they are in that situation. Again, as a junior barrister I used to be there all the time doing all the burglaries, thefts and shopliftings. It was great training for us at the Bar. But these were serious cases to the people involved in them. I remember them very distinctly. The idea then of, “We are not taking any further action because we do not have the resources. Sorry,” would fall very heavily on those people, and it still does. I think it is the wrong question. The question should be, why are there not the resources so that they can investigate the shoplifting?

Q226 Stuart C. McDonald: It is not necessarily a question of whether they investigate, or do not investigate at all. It could be investigating everything, but do they put extra officers into that type of crime, as opposed to that? They have to draw a line somewhere, so there has to be some sort of process for picking and choosing what the priorities are. Do you have any sort of notion as to how you go about that process?

Kirsty Brimelow: That is obviously a policy decision within the police service. I would probably be stepping too far beyond my expertise, other than to emphasise that this is functioning liberal democracy—it has to have a strong rule of law. I work internationally, and in many countries, if your phone or bag is stolen, there is just no point reporting it. It is really sad that we are probably at that situation now in this country.

Richard Atkinson: Fools rush in, but I am still going to. I agree with what has been said. It seems to me that it is not a function of the police to decide what crimes they will investigate and what resources they will give to the point that that will impact on potential outcomes. That has to be a societal or political decision. My personal view—not the Law Society’s view—is that it is ducking the issue to give it to those in charge of the operation when this is a policy matter.

If society does not want burglars prosecuted, that should come from a political direction and not from a police operation, and certainly not on the

basis that we do not have sufficient resources, so we just cannot do it. If society demands that burglars, for example, are prosecuted and punished, it cannot be right that the police are forced to make the decision on a resource basis that they are not going to do so. If it is a decision that society makes that it now no longer wants to allocate sufficient resources to pursuing these matters and to enforcing against crimes, one might question whether they should even be crimes, if we are not going to follow through on them. It all comes down to the rule of law. Personally, I think it is wrong to put the burden of that decision on those responsible for enforcing the law, when in reality they are being asked to decide whether there should even be a law.

Zoe Byrne: I absolutely agree. That is what victims want, their crime to be investigated.

Q227 **Stuart C. McDonald:** Earlier, Zoe, you made some suggestions as to how police service performance could be improved to deliver a consistently high-quality service to victims, but you were speaking about specific crimes at that point. Across the board, what do you think that the police have to prioritise to make sure that victims are consistently getting a good service from the police?

Zoe Byrne: It is about putting the victim at the heart. It sounds obvious, but all too often victims tell us that they are an afterthought or a means to an end for policing. When I was a police officer, we were told to preserve life and to prevent and detect crime, but at no point was a clear and overt link made between a positive victim experience and our ability to do those things. Without that victim and their trust, co-operation and engagement, we cannot deliver those things in most circumstances.

It is about consistency. It is about training officers, and about how they talk about victim services, about their understanding of the importance of the support, alongside a quality investigation, and about truly having that relationship where those services complement each other. It is also about the victim services being independent of the police. We have talked a bit about that, and it is so important. That would raise the quality and ultimately would support those victims to keep engaged to get those justice outcomes.

Q228 **Stuart C. McDonald:** As an aspect of that, I understand that police and crime commissioners are supposed to consult victims when they are setting their police and crime plans for their respective areas, so to what extent is that done well? What can be done to improve that?

Zoe Byrne: It is a mixed picture. It is a statutory obligation of the PCCs to consult. We see that happening to varying degrees of effectiveness, I would say. Absolutely, more listening could be done to victims and local communities, and more engagement with the voluntary sector for their expertise, so that PCCs have that. Interestingly, another obligation is that they have a police and crime plan to set out their priorities. We have looked at those and, while there is lots of talk about being tough on crime, only three of the police and crime plans across all the police force areas



talk about improved justice outcomes. Actually, that victim experience and that ultimate justice outcome should be a priority. Victims want it to be a priority. They want to receive the support they are entitled to under the code of practice. The role of PCCs there is really important, as is their role in commissioning services. As I say, they need to be commissioning independent victim services. We are seeing a worrying trend of the funding that is set aside for victim services, which has historically been delivered by charities, being put within policing. For all the reasons we have discussed, that is a real problem, because people need that independent support.

Q229 Stuart C. McDonald: Finally, I want to ask about economic crime. Kirsty Brimelow, you have alluded to the fact that there are challenges in terms of expertise in relation to some types of economic crime. Is that because it is not getting the priority it deserves? Is it just a function of what you were saying earlier—that there is not enough money to go around, so police forces are having to make decisions? Why are we struggling to tackle the volume of economic crime cases?

Kirsty Brimelow: We have always struggled with prosecuting large economic crime cases. The feedback I am getting from members is that on the big fraud cases, there is an issue with early investigation. The issue is around the decisions being made on digital devices and action being taken at an early stage. The solution is to bring the prosecution barrister in right at the beginning. That needs to be done. If it isn't, by the time you get to court, it is way too late to get across all the electronic materials. The challenge now is the amount of electronic material. Unless you have senior officers who know how to analyse it, it is storing up huge problems by the time it gets to court—partly on lack of disclosure and partly on methodology. I gave an example: if the dip sampling is not done properly, that in itself can derail the process.

Richard Atkinson: I have a couple of points to add. First, you asked about the consistency of service to victims. Clearly, Zoe is able to comment, and has done, on the detail, but unquestionably one issue that is certainly seen in my area and in others is an attrition rate on victims caused by delay. Delay can, or should, be addressed to give that consistency. Cases are taking years to get from first complaint to outcome at first instance hearing. Delays are sometimes in investigations, but certainly in the courts, where we have huge backlogs of tens of thousands of cases that are waiting to be dealt with.

Delay helps no one. Your focus was on victims, but it doesn't help defendants, who we may mention later, and it certainly doesn't help lawyers, contrary to some things that have been said. Delay is a real problem in the criminal justice system. Witnesses are saying, "I'm not going to hang around anymore. This has gone on for far too long." Magistrates court cases are being listed two, three or four times for trial, so witnesses are saying, "I've had enough; this took place so long ago" and victims are saying, "I've moved on. I want to put this behind me. I want justice but I also want to get on with my life, and this was so long



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ago that I'd rather just put it behind me." Delay is a real problem in the delivery of consistent good service and it needs to be addressed.

Economic crime is a massive issue. It is not just at the top end, with the really big cases. We are not seeing regulation fraud—if I can call it that—being properly investigated as a mass crime; we are not seeing those cases coming through at the moment. I am afraid that there are some words that you will get fed up of hearing from me, but resource is definitely an issue when it comes to the ability to allocate sufficient officers of sufficient competence and experience to deal with these cases. That is because most economic crime cases, not just the large ones, have a degree of complexity that requires time, effort and specialism to address properly.

Q230 Chair: Zoe, could I ask you a follow-up question? You were talking about how victims have to be at the centre of policing. Is victim support included in the training for police officers, particularly for the huge numbers that we are seeing come through at the moment?

Zoe Byrne: It varies from area to area. It is about that local relationship, but I would absolutely encourage that to be in place. It is so important that officers hear directly from victims who have experienced crime. As they go through the system, I think they engage, hear from and are trained by the charities delivering services in their area. That needs to happen at the start. It is an opportunity that we have new officers coming in who we can train at the start, but that ongoing relationship, input and genuine understanding is the important added value that the voluntary sector can bring in to support the victims while you proceed with your investigation.

Q231 Chair: So you are saying it is in some police forces, but not all?

Zoe Byrne: It is a very mixed picture and it is about local relationships.

Q232 James Daly: Richard, for the vast majority of the time when we were both practising in the criminal courts, the police had the power to charge defendants. When you talk about delays within the system, that is one practical thing that could cut delays—certainly pre-charge delays—significantly. Should we trust the police with the power to charge?

Richard Atkinson: That is a very good question. You are right about how long my career has lasted, and there was a time when the police always charged. I am sure that your experience was similar to mine. The phrase "overcharging" was repeatedly used.

Q233 James Daly: Justice was often done, though, wasn't it?

Richard Atkinson: It was done but not necessarily in a speedier way, because there had to be reviews of the charges and the evidence that the police brought forward. I think it is a difficult issue, to be honest. Some oversight of the quality of the evidence that is going to put before a court is important. Cases were lost because of insufficient preparation and insufficient time that the prosecution had to prepare when police charged on what they thought was sufficient evidence.



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However, you are right that in some cases, there is an enormous delay now in the time that it takes the CPS to authorise a charge. I can't get into the detail because I don't have that knowledge. If I may say, it is more of an issue for the CPS to determine where the problem lies—whether it is the quality of the material that they are given to make the decision, or the time it takes them to make that decision.

Q234 James Daly: Thank you. Zoe, why do you feel that the vast majority of rape cases are not referred to the Crown Prosecution Service? The vast majority of cases—90%-plus—are not referred.

Zoe Byrne: What victims tell us and what the evidence suggests is that there are judgments being made by police officers about those cases. Victims, particularly of sexual violence, tell us that they feel like they are on trial. It is their credibility and them as people that is being investigated: not the evidence, not the suspect—them. It is that culture, that mindset and that judgment that is laid across the investigation of rape and serious sexual violence that leads police officers to make decisions about the likelihood of a prosecution, which are beyond their remit to make.

Q235 James Daly: I agree completely with that. You can call it misogyny; you can call it whatever you want in respect to the attitude of police. It is not something that has just developed through my time. I was a criminal defence solicitor for 17 years, you were a police officer and Richard was a solicitor for longer than me. It has always been thus in respect to these attitudes. We live in a society where the charge rate for rape is about 1.8%. I have had conversations with various members of the panel regarding that.

I think there is something fundamentally wrong with how the police deal with these matters. I think the police view people who are vulnerable—who may have addiction or mental health issues—as unreliable witnesses. Therefore, the more vulnerable you are as a witness, in my view, the less likely you are to have your case referred to the Crown Prosecution Service. That is a very serious allegation for a Member of Parliament to make, but I am completely convinced that it is true. You were a serving police officer. I am still looking for answers as to how the police can be persuaded to take a different view on these matters and give more people the chance for justice.

Zoe Byrne: I absolutely agree, and I can respond from the perspective of victims of sexual violence, whose experience would align with what you have just said. Specialist support services delivered outside the police have a role to play in supporting those victims. I have shared some ideas—the merit of an independent sexual violence adviser, for example, supporting that client. In terms of how the police investigate, that is a matter for them, and there need to be fundamental changes to that process and that approach. There are other areas of good practice. Kirsty mentioned homicide investigation. The training, the practice and the process in that arena feel of a high quality and the conviction rate is high.



How is that not applied to something as serious as rape? That is the change that needs to happen.

Q236 **James Daly:** I will come to Kirsty in a second. When I speak to police, there are different views, obviously—you are never going to have a universal view from professionals in any organisation—but there is certainly an issue with the relationship between the Crown Prosecution Service and the police, and the prosecution of offenders is clearly an issue, one way or the other.

Some police officers would say to me that the Crown Prosecution Service is too pedantic about the levels of evidence they need for the basis of a charge. What do you feel is a happy medium in terms of that relationship? Do you recognise what I am saying—that there are conflicts and concerns regarding that relationship? One chief constable said to me that he had to go to the CPS and say, “You’re going to have to stop asking us to get this level of evidence for the basis of a charge in a relatively simple offence.” That is causing delay, police officers tell me.

Richard Atkinson: It is difficult for me to comment because I am on the outside of that relationship and communication. Frequently, what I hear are anecdotal comments from colleagues, rather than personal experience of cases, because, as a defence lawyer, as you will know, I am involved when the suspect is interviewed. I am given the outcome when the investigation is completed. All too often, that takes far too long, and I can certainly comment on that. I have been involved in cases where investigation of sexual allegations—one not so long ago—took over two years. I was told that there was to-ing and fro-ing between the police and the CPS before a decision could be made.

Where I am not in a position to comment is as to the merits of who was right to be sending it back and forth, or whether there was overcaution on the part of the CPS, or whether there was inadequate investigation on the part of the police. I don’t know, but what I do know is that this process takes place, and it leads to very long delays in a number of cases, which seem hard to justify, if I can put it that way.

Q237 **James Daly:** Kirsty, I think we are finishing off, but can I ask you one more question on the charging standard as an evidential basis for matters getting to court? Can you tell me your view of the charging standard that we have and how it is used by the criminal justice agencies you work with? Do you think it is used in an appropriate way, in the sense of whether we are getting to the point where we have to have essentially slam-dunk cases? I am exaggerating to make the point here, but do we have to have a confession signed in blood to get a matter past the charging standard, or do you feel—

Kirsty Brimelow: I don’t see that at all. In fact, with RASSO cases, when the case is charged in a court, we are still struggling even to get the transcripts of the interview with the complainant with respect to ABE, or achieving best evidence. There seems to be a long time in coming to court, but they are still not well prepared, and we are still not at the stage of primary disclosure.



Q238 **James Daly:** That is not the point I am making. In many cases of rape and sexual offences, by the very nature of the offence and the circumstances, it is one person's word against another. In my view, the fact that it is one person's word against another should not mean that the prosecution is excluded from the criminal justice system.

Kirsty Brimelow: They are not, though.

Q239 **James Daly:** I believe that in the vast majority of those cases, the prosecuting authority, whether that be the police or the CPS, is taking the view that that is not sufficient evidence to overcome the charging standard. If I am wrong, I fully accept that.

Kirsty Brimelow: In terms of the cases in court, probably in most prosecutions of rape it is one word against another, and the conviction rate in the latest CPS stats was about 70%. If there was a case where, because it was one complainant against a defendant's word, it was not proceeded with, the person would have a very good case to judicial review that decision as not being lawful.

Q240 **James Daly:** That is 90% of the cases that are just thrown away and do not even get to court.

Kirsty Brimelow: I would frame it slightly differently. There obviously is an issue—I agree with you on that—but one of the issues is the lack of information being given to complainants. There is surprise that there is a disclosure procedure. I have concerns. I mean no disrespect to ISVAs, but there is no national training of ISVAs, so we do not know what information they actually give to complainants. There is a process for a fair trial and protection of a defendant.

The difficulty can also be expectation. Someone can feel really horrified that their information is being requested or they are being asked questions, but if they are told that this is just part of the procedure that applies to everybody and why it applies, they might engage with the system in a different way. I sometimes have concerns about what information is being given to complainants if they are then saying that they feel they are the ones accused. I had a case that I took civilly, to force an investigation into it when it was dropped, and it is going forward now. The complainant in that case was very upset about the disclosure procedure when the case was going forward. We were able to tell him and reassure him what it was about, and then it proceeded.

Q241 **James Daly:** This is my last question, and it is a really important one regarding victims. We have a victims Bill potentially coming forward. One of the reasons why this issue is so serious is that we have a charge rate for rape of 1.8%. Do you think the criminal justice system views the 98% of people who do not get their case into a court as victims, or are they just discarded as not being victims and do not receive the support? I fully accept that the support people get through the court process is not great, but my impression and experience was that if you make a complaint, you perhaps have a little bit of contact with the police, but once your case does not proceed, that is it; you are left. It is shameful if that is the case.



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Do you have any views on that?

Zoe Byrne: It is the obligation of the police and crime commissioner to commission victim services, and those victim services are for everyone, whether they report to police or not and whether they are proceeding with a criminal justice process or not. Those victim services need to be introduced to victims, often by the police. We advertise services, and a significant number of people come directly to us, but those services need to be understood and supported by the police so that they can provide that support. You are right in your assumption that those victims feel discarded; they feel an afterthought. They were only there to facilitate a process that now has failed, so they are not needed any more. The support services will be there to support them independently, but the police have discarded them.

Q242 **Tim Loughton:** Can we come back to the experience of police officers? We have heard about a lot of new recruitment going on, but by the end of next year, something like 38% of police officers will have had fewer than five years' experience. Zoe, are you seeing the implications of police officers who are new to the job and, particularly, to the sensitivities around dealing with vulnerable victims? What impact is that having, and what concerns do you have? We will go on to what the experience in the courts may be of having less experienced police officers.

Zoe Byrne: Colleagues will speak about the journey of victims and the courts. For me, we have to see this as an opportunity. There are new police officers in policing. Let us train them effectively; let us have a different approach and ethos to treating victims; let us make that obvious link between victim experience and justice outcome, and use this as an opportunity to change the ethos about how to treat victims.

On concerns about inexperience, that is not necessarily what we hear from victims. They want to be treated with respect. It does not matter if you have a month's service or 30 years' service; you can treat a victim with respect and put them at the heart of what you are doing, and consider them in your process.

Q243 **Tim Loughton:** Do you think that the key is better and more appropriate training of new officers coming in, rather than the grey hairs of experience of the existing ones?

Zoe Byrne: In the context of delivering a quality victim experience, yes.

Q244 **Tim Loughton:** Interesting. From the courts, Richard.

Richard Atkinson: As far as the investigation stage is concerned, it definitely makes a difference. On seeing inexperienced officers dealing with complex cases, sometimes with very little service, I'm afraid you do get the impression that they are floundering a little. The complexity of investigating serious sexual offences should not be underestimated. They require a degree of sensitivity that we have heard about, which does come from experience. They require a degree of knowledge and understanding of investigatory processes: what can be achieved, how it can be achieved, and when it can be achieved. Frequently, less experienced officers are not



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able to do that. One response is just to put things off, I'm afraid. If you are struggling because you do not understand, you put it off.

The real concern on top of that is what I am seeing: not only is it the investigators who are inexperienced, but their supervisors. You are seeing inexperienced sergeants who are supervising inexperienced officers. Therefore, the degree of support and oversight is also limited by their lack of experience.

I personally believe that there is a serious issue, in regard to the effectiveness and efficiency of investigations, in not having sufficient numbers of experienced and appropriately qualified staff.

Q245 Tim Loughton: We hear a lot about the "bobbies on the beat" issue, but there is a particular shortage of detectives doing the investigating, which does not get so much publicity. What are the practical consequences of what you just said? Is it that the inexperience of the officers investigating means that it is less likely to get to a prosecution stage, or is it that, if it does get to court, the quality and delivery of evidence is such that it is less likely to result in a successful prosecution? Or are there other aspects?

Richard Atkinson: I cannot comment with any great knowledge on the former, but on the latter, there is definitely an issue as to the quality of the evidence. It also leads to delay, and that is what I am saying. We are seeing a lot of elongated investigations.

I think that comes down to officers not understanding what they should be doing or accessing sufficient guidance above them. That means that cases are not properly prepared. There is this back and forth that Mr Daly spoke about with the CPS, of making sure that matters are dealt with. That all leads to poor experience for victims and attrition.

Q246 Tim Loughton: Would you agree that that has two implications? One is that the delay, particularly in sexual abuse cases, where you are dealing with the particularly vulnerable—mostly women—drags on for years. That inexperience, and the inappropriate handling as a result, makes it more likely that women are dropping out and not pursuing that prosecution to the end. Secondly, the number of successful prosecutions is diminished because of the way that the police are presenting their evidence in court.

Richard Atkinson: In relation to the former, yes. Delays leading to increased attrition rates is how that is described. Time passes and people no longer wish to pursue their complaints. As far as the presentation in court is concerned, I think that is probably more Kirsty's territory. My experience is that the presentation in court is not an issue, but preparing the file and making sure that it meets the standards necessary to bring it is.

Q247 Tim Loughton: Kirsty, do you agree with that?

Kirsty Brimelow: Yes, to pick up on the last point, one of the difficulties with inexperienced officers is that the interviewing in pretty much all these cases of sexual offences is on an ABE—achieving best evidence—video.



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The way the system now is, which is a bigger issue, is that that, in effect, is then the evidence of the complainant in chief at court. If the questions are poor at that stage of the interviewing, which is also part of the investigation, when it is played in court in the prosecution case, that has an effect. That is their evidence and there is very little a prosecutor can do about it. I think that whole system is a mistake. An investigation becomes a sort of “press play”.

The issue on prosecutions being diminished is in substantial part because there aren't enough prosecutors now to prosecute the cases. This is really fundamental. In the latest MOJ statistics, which are up until 30 September 2022, there were 364 cases over the preceding 15 months that were adjourned on the day because there was no prosecution advocate to be found. So the cases come to court and I hear about victims' voices being heard—but heard where? There is no justice delivered because there is no funding for the prosecution to prosecute the cases. This is really fundamental.

Currently, there is an ongoing application to the Treasury to increase the fees of prosecution barristers so that they have parity with the defence, but, frankly, they have to get on with it, because this is just getting worse and the trend is going up. I don't think you can look at victims and the system without thinking, “What is the point of it? What is its objective?” If it is to go to court, this trial will not be heard, anyhow, or it will be heard in two or three years' time—maybe more.

I can give you a short example. A colleague who prosecutes RASSO cases—we have a specific RASSO group at the Criminal Bar Association; I have communicated with him to double-check on a few points—said that he had had three rape cases already in 2023 that had been adjourned until the end of the year. In those three cases, each complainant had said, “Forget it. I don't want to take part in it any more.” And they were stranger social rapes, so it was not the case where one person knew another; I am not distinguishing, but they were that type of case. Normally, you would not have a complainant drop out in that type of case, and that is three already from one prosecutor.

The feedback we are getting is that across the board, across the system, witnesses or complainants will not wait for years. Some are waiting five years between allegation and trial. These are very young people, so it is a big part of their lives.

Q248 Tim Loughton: So you are saying that the drop-out rate is being compounded not only by weaknesses in the police, timeliness and the presentation of the case, but by the fact that even if you have a pretty good case that the police and the CPS have brought to court, the whole thing falls apart on the day because a key member of personnel is not available, and that can lead victims to think, “I can't take it any more.”

Kirsty Brimelow: Absolutely. There is no barrister to prosecute, and of those that go ahead, those trials are greatly diminished. The quality of the evidence is greatly diminished because you have a complainant who says,



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“I can’t remember two, three years ago”, and the jury has to decide on that evidence. So the delays are undermining the whole prosecution case all the way through.

Finally, on having junior police officers, the statistic of 38% is quite frightening if those officers are going to deal with these types of cases, which are complex and require training and experience. They also require experienced CPS lawyers. We are seeing in parallel that the experienced RASSO lawyers at the CPS are moving away from that work as well, so perhaps you are not getting that supervision, and that is also part of the delay. If you are not getting the expert supervision from the CPS, but you are just getting the delay, that shows that that section is not working.

On disclosure decisions, across files we are seeing that there seems to be a lack of understanding about what should be disclosed and what should not. That in itself adds to delay. If you have an experienced officer, they can make those decisions quite quickly and disclosure happens quite quickly. That means that there are less further applications from the defence for disclosure to be made through an order of the court. All this builds in; it comes down to a starting point of having an officer who has sufficient experience and skill.

I agree with having advisers alongside to support a complainant, but they have to be advisers who know what they are doing and who understand how the justice system works. One concern I have is that sometimes advisers might not understand how the system works either, and that can create unnecessary anxiety. That can be solved by getting the barristers in earlier. However, that is not going to happen, because there are not enough at the moment because the funding is so poor.

Q249 Tim Loughton: So the recent quite chunky pay award to criminal barristers has not solved the problem.

Kirsty Brimelow: As you know, there was a Bar action to force this position, and that was terrible because we can see the collapse of the whole system around us—physically and on cases. The 15% uplift was the minimum uplift recommended in the independent review two and a half years ago.

There has been funding coming in for pre-recording cross-examination—section 28—cases. However, it is insufficient because we have already had a huge attrition of barristers. The real concern on RASSO cases is that the money comes in to pay for pre-recorded cross-examination, because currently the money is not there to pay. It is part of the deal with the barristers that it will be coming in, so it should have an impact on cases going through this year.

Otherwise, those cases with particularly vulnerable people in—which means there is therefore a section 28 pre-recorded cross-examination—will not go ahead, because no barristers are taking those cases because they are not being paid for them, or not paid sufficiently. That is the other ongoing crisis on the defence side. It was part of the deal that was being



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worked on. I think everybody accepts that the money needs to be there and the barristers need to be paid for preparing the trial twice, so that provision needs to be implemented urgently. The will is there and the expertise is there, but there becomes a limit as to how much barristers are prepared to work for so little pay.

Richard Atkinson: What you are hearing is that this is an interdependent system. It is not just police, courts, prosecuting, counsel; the whole thing is linked together. There are now about 5,000 cases outstanding that have been waiting two years or more for trial.

The buildings are in a terrible state. The Law Society conducted a survey of its members, and 64% said they had experienced court delays as a result of problems with the physical building. In a case that I had, which concluded only a couple of weeks ago, there were a number of defendants in a murder trial. That obviously required huge resources. For three days, that trial could not sit because the heating was not working. I have been made aware of a case where two defendants were to be sentenced for serious matters but couldn't be, because the judge was told the cells were closed due to the heating not working. The physical state of the estate is contributing to delay. The delays are a problem.

And then you have the issues around personnel. There are insufficient judges. My own local court has one of the worst backlogs in the country—something like 112% of the pre-pandemic level, which is over 1,000 extra cases. We have two Nightingale courts—they are sitting empty this week. There is the lack of physical resources of judges and of court staff.

Then we have the enormous crisis that is facing defence solicitors. I have already mentioned how, in the last five years, we have lost over 1,200 duty solicitors. The number of firms is collapsing, and the number of young people coming forward is tiny. Less than 4% of duty solicitors are under 35; in the solicitor profession as a whole, it is 30% under 35, just to give a benchmark. There is no young talent coming through.

The system is creaking in all aspects, and it is from decades of underfunding. While 15% was the recommendation of the now Lord Bellamy—it was the minimum and the starting point—solicitors only got 9%. When he described 15% as what was necessary to prevent the collapse and the response has been, "Well, you can have 9%", we can see exactly where things are heading, I am afraid, for all involved in the criminal justice system.

Q250 **Chair:** As we work in the Palace of Westminster, we can sympathise with the issues around the physical state of buildings, with facilities not working properly and not having heating.

Why is there a shortage of judges? What is that about? Are they not paid enough?

Kirsty Brimelow: There is a shortage of recruitment of judges. The Lord Chief has addressed why, and he has put forward various suggestions. I think there are two aspects to it. You have got the recorders—the part-



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time judges—who are recruited predominantly among barristers with a certain level of expertise. If that is diminishing—it is—you can see the knock-on effect on recruitment.

There was also limiting of court sitting, as you will know, as a way of saving money, and that proved to be a terrible false economy. The backlog was already around 39,000 cases pre-covid because of these policy decisions. When you shut a door and then reopen it, particularly after covid, I think people have probably just found more attractive options. As we have seen across the national workforce, people have found alternatives.

Undoubtedly, working within a building where the working conditions are very poor is not appealing to judges. There is a lot that they now have to deal with on the administrative side. Obviously, there is the technical side. The common platform not working well is a big issue. So there are probably now a lot of disincentives, but yes, there is a big recruitment issue among the judiciary. How you address that is probably one for others, not me.

Q251 **Chair:** I guess I am straying into the territory of the Select Committee on Justice.

Kirsty Brimelow: Yes.

Q252 **James Daly:** Forgive me: I think that I have to declare my interest as a practising solicitor and a partner in a firm of solicitors. That should be made public.

There is a lot to discuss. I have to go back to Richard on the point about criminal defence solicitors. In certain parts of the country, there are firms—in the centre of Manchester, you will find a criminal firm to represent your interests—but if you are in Northumberland or in Devon, you will not find a criminal solicitor to represent your interests. I understand why people say to Members of Parliament, “Have more resources”, but is that it in the sense of what you are asking the Government to do in respect of filling the gaps that are going to come? I am not criticising you at all. What is it that you want the Government to do to ensure that Devon, Dorset, Northumberland and other counties—lots in Wales—have criminal defence solicitors at all in two, three or four years’ time? It is as stark as that.

Richard Atkinson: You are absolutely right in your analysis of the problem. You are right to highlight some of those areas, such as north Devon, where there is now one duty solicitor.

To give a practical example that links to policing as well—I will come to your fundamental question—in west Wales in the summer, the local magistrates court was forced to make a decision. Did it rise early and stop its work to allow the duty solicitor in the area to go to the police station? Or did it carry on with its work, and not have the person represented at the police station, with the consequences for the police clock? It had to rise early. So there is a practical consequence for the justice system of the



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lack of duty solicitors. It is highlighted in those areas that you have mentioned.

You mentioned that in Manchester it is not a problem. I have looked at Essex, where there is still a viable number of duty solicitors, but it has fallen by something like two thirds. The problem is that we are on a continual reduction. The Law Society has said that there will be a further 17% reduction in the number of duty solicitors until 2025, so there can be no heart taken from the fact that at present there are some urban areas where there are enough. There are no youngsters coming through, so eventually that will feed into those areas.

What is the answer? The answer, I'm afraid, is that, yes, it needs to be better funded. Lord Bellamy's analysis looked at the levels of pay; as I say, rates have not increased since 1996, with an 8.75% cut in 2014. He commented in his evidence—I think to your Committee, Mr Daly—about how it is shocking to consider that there are people still having to work for what they charged in the mid-1990s. Of course that is going to impact. It is decades of underfunding, which has seen a huge gap. His report—I was on the advisory panel—identified that rates had fallen somewhere between 30% and 50%, and made comparisons with CPS charging rates and financial charging rates.

Q253 James Daly: I am sorry, Richard; time is coming to an end. The short answer to the question of how we get more duty solicitors is a percentage increase—whatever percentage you propose—in rates. That is the only recommendation that the Committee can make to have more people coming through to be duty solicitors. There is nothing else that Government can do.

Richard Atkinson: That is correct; that is my view. Sorry—I realise the time—but there needs not only to be an immediate acknowledgment and filling out of what Lord Bellamy recommended, because of the absolute rates. But for those youngsters looking forward, if there is seen to be no commitment to publicly funded work, and they want to have a career of any length, they are going to say, "There is no point."

Lord Bellamy's report did not just say, "Give 15%." He said, "Immediately 15%, review the schemes and fund as necessary." If you allow it to continually fall behind, those involved at present will drop out. More significantly, the signs to those due to come in will be that there is no point, that no one wants to invest in this and that they have absolutely no future.

When the Law Society conducted a survey of young lawyers, over 80% said they saw no future in criminal funded work. I'm afraid it is very poor, but yes, the answer is that Lord Bellamy's recommendation must be met, and then there must be further investment.

Q254 Chair: I think that you have put that very well, and we understand the point that you are making. Could I ask Zoe one of the final questions? Would you say something about the experiences with the police of people



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in the black community who are victims or criminalised victims?

Zoe Byrne: I think it comes back to what victims want and what they tell us they want. They need to be able to trust in the police in order to report to and engage with the police. They need to be listened to and believed, and that applies across the board. It is particularly true of those from minoritised communities. I think it is so important that steps continue to be taken by police to engage and use partners to do that—use the voluntary sector, reach out into communities, speak to people, listen to them and respond to what they want.

Q255 **Chair:** Thank you. Could each of you say what the one key point is that you would like this Committee to reflect on and, potentially, put into our report on policing priorities? Is there one thing that you think is key? Richard, I know what you are probably going to say.

Richard Atkinson: My one point is that it should be a joined-up system.

Chair: A joined-up system—okay.

Richard Atkinson: And if one part suffers, that impacts on the others, so it is essential that the whole system is properly resourced if we are to get the right results.

Q256 **Chair:** That's nice and succinct; thank you. Kirsty?

Kirsty Brimelow: Looking at policing priorities, I think that it's prioritising senior specialist officers, in the areas where they are required, working closely with the barrister on the case. Linked to that, the recommendation that is fundamental is funding for the prosecution barrister, so that there actually is a prosecution barrister who is doing the case. And linked to that is section 28, which is fundamental and is being rolled out across the country, being funded properly. It has to be funded.

There should be two brief fees: the barrister is preparing for the trial twice and should be paid for it twice. That is ongoing with Government. The Bar took action over it; it was one of its demands. And it has been part of the deal. But there is some concern as to how it is coming in and how quickly it is coming in. If you want conviction rates to improve, you invest in the criminal justice system and you invest in the barristers who are actually prosecuting and defending in those cases.

The other priority with police working alongside ISVAs is this. I really ask that it be considered that ISVAs have some national training. We have intermediaries who have national training, which works perfectly well. I don't know what the quality is of the ISVAs or the information given, sometimes, to complainants, but sometimes I see reports and I wonder what information they were given about how a court actually operates. There seemed to be heightened anxiety levels: they thought they were going to be asked certain questions in cross-examination. They were questions that they would never be asked, but they seemed to have had the information that they would be.



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So I think there has to be focus on this: if we are putting all this money into victim support, make sure that it is support that is properly informed. And that is where, again, you need to have the prosecutor and the barrister in, so that they are giving the facts. There are quite a lot of myths, I'm afraid, around some of these cases, and those myths do need setting aside.

My final, final point is on the deal that was made with the Government, which the CBA balloted on and voted yes for. The figure was 57%, and the action was suspended. The Government really has to put all its focus on getting this deal through and getting the money flowing to our most junior practitioners, because, again, the crisis here is that we are a very ageing profession, we are not retaining our juniors and we are not attracting them sufficiently to practise at the criminal Bar. That has effects in lack of recorders, lack of judges and lack of senior counsel.

Actually, there is just a final thing on Criminal Legal Aid Advisory Board, which is what Richard was talking about, and the median reform. This is the body set up to stop us lurching from crisis to crisis with legal aid. There is still no chair for that. There is still not even a system as to how the chair is going to be appointed. That has now been ongoing since October.

Q257 **Chair:** Thank you. Zoe, what is your key message that you would like us to take away?

Zoe Byrne: In terms of policing priorities, it has to be prioritising the victim experience and understanding that there is a role to be played, in policing, by independent services, whether that goes back to our point about scrutinising the activity of police officers or is about the delivery of quality victim services. I absolutely agree with Kirsty about quality standards and about ISVAs, IDVAs and IVAs—those advocates. They have to be good-quality services and they have to be independent of the police.

Chair: Excellent. Thank you very much indeed. That has given us lots of food for thought and hopefully some recommendations for our report, which we will be writing later this year. Thank you very much for your time today.