

Justice Committee

Oral evidence: [The role of the Victims' Commissioner](#), HC 800

Tuesday 8 November 2016

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Members present: Robert Neill (Chair); Alex Chalk; Alberto Costa; Philip Davies; Mr David Hanson; John Howell; Dr Rupa Huq; Victoria Prentis; Marie Rimmer; Keith Vaz.

Questions 1- 92

Witnesses

Baroness Newlove, Victims' Commissioner, and Russell A'Court, Chief Executive, Office of the Victims' Commissioner for England and Wales.

Examination of witnesses

Witnesses: Baroness Newlove and Russell A'Court.

Chair: Baroness Newlove and Mr A'Court, it is very nice to see both of you. You are both old friends as far as I am concerned, and it is great to see both of you in front of the Committee. We have to start formally by making declarations of interest. Mine are recorded in the Register of Interests as a non-practising barrister and a consultant to a legal firm. Are there any others?

Victoria Prentis: I am a non-practising barrister. I have worked in the past with Russell A'Court while I was at the Treasury Solicitor's Department.

Alex Chalk: I am a practising barrister.

Alberto Costa: I am a practising English solicitor and non-practising Scottish solicitor.

Kate Green: I am a life member of the Magistrates Association.

Q1 **Chair:** Indeed so. Helen, Russell and I have met and worked with each other over the years, and that is why I am particularly pleased to see



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both of you. Can I start with you, Lady Newlove? How long have you been in the job now?

Baroness Newlove: I think this is my fourth year. I feel really old now.

Q2 **Chair:** As I understand it, you are committed to representing all victims and witnesses; that is the remit. Given the variety of victims, backgrounds and circumstances in which there are victims of crime, how is it you set about that task of trying to be as broadly representative as that very wide remit would suggest?

Baroness Newlove: There are many ways of engaging with victims and witnesses. My primary role is to engage with them. I have a website where they can contact me. I have a House of Lords address that the majority come to; most people can contact me there. I also go out on engagements and speak at conferences. MPs and police and crime commissioners write to me. There are quite a lot of avenues to engage, even though it is quite a wide remit.

Q3 **Chair:** What sort of back-up do you have in terms of a secretariat and support staff? How does that work?

Baroness Newlove: It is a very small team that I have, but they are powerful and I am very proud of them. I have Russell, who is my chief exec, and the rest of my team are behind me because they like coming to see what happens in the House of Commons. You can see for yourself, physically, that this is my team. Within that, there are analysts and advisers, all from different backgrounds; we are quite a powerful little team.

Q4 **Chair:** I understand that. Please do chip in, Russell. Most people use the internet these days, including my 92-year-old mum: it is when she rings up and says she has been streaming me that worries me. Leaving that on one side, what about those who do not? There are still some who do not. How do we reach out to those other groups?

Baroness Newlove: Social media is the way forward, but how do I reach out to other people? That is something I always say: the internet is out there but a lot of people do not engage with it. It is about ensuring that we get media messages out. I travel across the country and I make as many messages as possible. When there are debates in the House of Lords and my reviews go out in the media or on the TV, I get a lot of people who write in. When victims engage with us, my team are great at picking up a phone to speak to them if they give us a number, and they are delighted with that. I instil in all my team that it is not about copy and paste; it is about having that human engagement. I am quite proud of what we do but there is still further work that we need to do.

Q5 **Chair:** What would you characterise as that further work that you need to do?

Baroness Newlove: Further work is still to go out and encourage people to say there is a Victims' Commissioner. With police and crime



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commissioners, I am on a two-and-a-half-year plan; I have gone to meet every one. There are 41 of these and only one of me. I have to try to travel around the country to engage and meet their victims in their local areas. That broadens the role of the message of the Victims' Commissioner to engage with my office.

Q6 Chair: Finally, is there a risk in that, though, that the very wide nature of the remit creates a risk of you and your team having to spread yourselves too widely—too thinly almost—to do justice?

Baroness Newlove: If you have a big team, you can spread yourself too widely. The more you get, the more you want to do. My team say to me, "Helen, you can only do so much." However, you get creative in what you want to do. At the moment, we do a great amount of work and I am really pleased that we are engaging with victims. Whether Russell wants to add any more is up to him.

Russell A'Court: The important thing is that we try to prioritise where we think the need is greatest. We get a lot of feedback from victims, particularly when the commissioner goes out across the country and meets them. We use that information to feed into our priorities as well as the feedback that we get from various third sector groups, charities, police and crime commissioners and others. You are right: it feels as if it is a very wide arena and you have to deep-dive in certain places where you think the need is greatest, but there is always a sense that there is a lot more you could do if you had the resources and the time to do it.

Q7 Alberto Costa: Good morning, Baroness Newlove. The nature of my question is about clarity on your role on the Criminal Justice Board. In your 2014-15 annual report you said that you would "continue to use my role on the Criminal Justice Board to hold agencies to account for delivering on their expressed intentions." It is unclear, however, what the nature of your role is. The Public Accounts Committee reported in May of this year that you are not a member of the Criminal Justice Board. Can you tell us the nature of your role on that board?

Baroness Newlove: Originally, the Criminal Justice Board was set up by Damian Green, and his predecessor Chris Grayling was the Secretary of State at the time. They set up a Criminal Justice Board, which was all the heads of the agencies. I was a member of the Criminal Justice Board, hence saying that in my review.

Then we have had different Secretaries of State. Michael Gove was the next one to come in. As they do, they set out what they want to do—their own footprints. He completely changed it by having a smaller group, which I can understand because some of these are talking shops and I am not one to do a talking shop. I did not have any problem with that in a sense, and I was going to be invited on when they had a specific area. I was still engaging with the Criminal Justice Board, hence saying so in my review.



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We now have a different Justice Secretary and I have yet to find out whether the Criminal Justice Board is going to be redesigned. I am still waiting.

Q8 Alberto Costa: You used the word “engaging.” Do you think you need to be a full board member of whichever size this board is, in order to give victims a voice in the criminal justice system?

Baroness Newlove: Be careful what you wish for. I think it is important because there are victims across all the criminal justice system, but at the same time I am independent. I do not want to be beholden to the Criminal Justice Board; I want to show that independence. That is entirely up to the Secretary of State. However, I am cautious about victims not getting recognised; if it is the lead, and whatever the design is, I think membership is crucial to get that voice in.

Q9 Chair: What access do you have to the Secretary of State?

Baroness Newlove: I have not yet met the new Secretary of State. I had access to the previous two.

Q10 John Howell: I want to follow up on some of the questions that Mr Costa has been asking you in a somewhat indirect way, if you will forgive me. It is about how you get the changes that you want implemented in there. You have explained that you are not a member of the Criminal Justice Board, but you are a member of other boards and you have extensive contacts in the criminal justice system. Can you explain how you go about working to achieve the things you want to achieve and to see them brought to fruition?

Baroness Newlove: I am not as yet a member of the Criminal Justice Board. That might be decided, but when I am asked to go and present a review or engage, it is good to speak to all the heads of the agencies because you are kind of splitting yourself and trying to engage with them. The last Secretary of State said that he would recommend all my recommendations. If I cannot be a member of the Criminal Justice Board, I have one-to-ones with the head of the judiciary, Lord Chief Justice Thomas; I meet with Alison Saunders, the Director of Public Prosecutions; also, my team works with HMIC. I work with all the heads of the agencies and they want to work with me. It is not a case of me going in gung-ho. Their engagement is a two-way relationship because they want to make it better for victims.

The Criminal Justice Board is not the be-all and end-all. The independence of this role allows me to go and speak to make sure they understand the reviews, and when I do a review my team speaks to all the stakeholders because I am conscious that there is no money. We are short of money. I want to make sure that the guidance and the recommendations are going to be something that they can fit in, not something that is going to antagonise them and make the victims' journey more painful.



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Q11 **John Howell:** With that approach of targeting the heads of various institutions, how successful are you?

Baroness Newlove: I think I am very successful in that I will promote myself. I am not usually one for promoting myself, but I am very proud in the sense that the Lord Chief Justice allowed my team to interview judges, and that has never been known before. I think that is quite a pat on the back for me and my team. The judiciary is a silent partner in everything and it is independent, so I think there is a role there in having that relationship. I am having more positive conversations—I do not know whether victims agree—but it is about churning the wheel to make it more powerful. Having those relationships and the doors always open is a positive, not a negative.

Q12 **John Howell:** I have one specific question for you in relation to children, particularly where they are victims or witnesses. Have you done any work with the Children's Commissioner to improve the experience of children in that situation?

Baroness Newlove: I can speak with two hats on here. My daughters were witnesses in my husband's case, so it has never left me as a mum how painful it was for them and how it scarred them, and it is something that has always been in here that I want to change. My team and I have regular meetings with the Children's Commissioner, and we are working on a children's review along with the Children's Commissioner. I cannot give you the date because they will kill me behind, but early next year. It is quite harrowing to see what children go through. I do a lot of work speaking to children, because what happened in that courtroom has never left me as a mum.

Q13 **Chair:** I am delighted to hear what you say about the judiciary's involvement. How positive has the response been from the judiciary and the people to whom you have spoken?

Baroness Newlove: The judiciary have been very responsive. Yes, they always say, "We are independent, and politicians are one angle." But I hope what you get from me is that I am not interested in politics or whatever. I have a really good relationship with the Lord Chief Justice, and he was very warm and open-minded to let me have direct contact with judges that sit on parole boards and tribunals. I was quite excited because the judiciary is the small print and they are the key operator in our courtrooms.

Russell A'Court: To add to that, what was encouraging is judges fed back that they found the victim personal statement to be extremely useful when sentencing, and that was very heartening to hear as well.

Chair: I think it is an important point.

Q14 **Victoria Prentis:** Following on from what you said about child witnesses, you are the Victims' Commissioner and you have a list of priorities that focuses on victims. What are you doing specifically for witnesses?



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Baroness Newlove: That is interesting, because in my office we always debate this and it is another instance where they say, "Helen, you cannot do everything. We have to prioritise the reviews." Most witnesses I engage with are victims themselves, so they blend in as one. Because my title is Victims' Commissioner, I do not have one-to-ones with witnesses just as they are, but I appreciate that if anybody writes in to me I am not going to dismiss them. I am not into titles. The majority of witnesses I see are victims themselves giving evidence in court or going to a police station and having to make statements. That is the engagement I have, but I can assure you I do not turn anybody away because they need to have the empowerment and encouragement to have confidence where they are going to speak.

- Q15 **Mr Hanson:** In 2010-11 we had a £1.4 million budget. We now have a £474,000 budget. The expenditure in 2010-11 was £882,000; we are now spending more or less the entirety of the budget. Given that fall in budget, which is 66% since 2010-11, are there things that you were doing or your office was doing that are not being done now, and if so what are they, or is it manageable in a broader sense?

Russell A'Court: I cannot say with any degree of confidence what we were doing back in 2010-11, but the budget this year is £500,000. We are expecting pretty much to come in on budget and we do not anticipate there being any increase in budget in the foreseeable future. That means we have to look more creatively at how we use the money to good effect. For example, we are looking to do more reviews jointly with other commissioners and other groups so that we can increase our capacity but stay within the existing level of resource. I do not think we are in a position to do a direct comparison between what was prior to the current commissioner back in 2010 and what is happening now.

- Q16 **Mr Hanson:** Presumably, in 2010-11, the £1.4 million budget was determined to be the budget that was needed for the office, and we are now on £474,000 for this current year; that is £1 million difference. Has it been noticed that it has gone? What was that paying for in 2010-11 that is not being done now?

Baroness Newlove: To be quite honest, the previous Victims' Commissioner had a bigger office. Of course, there was an 18-month gap when the commissioner stepped down to take over the troubled families unit. I came in to create an office that I could do. I am not going to say that we still have the same staff: we do not. I have had to create an office from zero, to be perfectly honest.

- Q17 **Mr Hanson:** If the bulk of that budget goes on staffing, which members of staff doing what were employed three years ago who are not employed now?

Russell A'Court: There are not any staff here now who were in place three years ago. Pretty much most of the posts were filled late 2014-15. I came into post four weeks ago. There has been a turnover, but there has



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been no carry-over from the previous time that you talked about and the term of the current commissioner.

- Q18 **Mr Hanson:** The committee was just interested in whether the loss of the £1 million budget over four years has made any difference to the outcomes that you got in the Department.

Russell A'Court: Inevitably, if you had £1 million more you could do a lot more in terms of reviews. You could have more systematic reviews of services, but I am not able to do a comparison between what is happening now and what was happening then.

- Q19 **Mr Hanson:** You have sort of hinted, Russell, about the future budget. Do you have an indication of what the budget is for the remainder of this Parliament as of now?

Russell A'Court: There is nothing definite, but the indications I get are that it is highly unlikely that we will be getting a higher budget than we have at the moment. If there is a piece of work that needs to be done that we feel would add significant value to victims and to victim services, and we do not have the budget to do it, it is always open to us to make a business case to the Department to ask for that funding for that to happen. Should those circumstances arise, we would not be backward in coming forward.

- Q20 **Mr Hanson:** Do you have full autonomy over how you spend your current £500,000 budget?

Russell A'Court: Yes, within the usual frameworks in that we are an arm's length body and there are things we can and cannot do. No arm's length body ever has full autonomy, but we can prioritise our resources, determine what areas of work our staff should be doing and set our own programme. So we have complete autonomy around that.

- Q21 **Alex Chalk:** I am going to come on to the code of practice for victims of crime, but may I step back for a moment and ask, Baroness Newlove, as you look back on your period in office, what do you see as the single most important achievement in that time?

Baroness Newlove: As I said, I am useless at this sort of thing, but my most important achievement as Victims' Commissioner, speaking to victims and victims coming forward to me, is hearing their voices in all this process work. For the reviews I have done, to have victim engagement with them, to refresh our default button is quite refreshing for me. We can have reviews, but victim engagement is the most important. The sad thing is that the criminal justice system is still not doing what it says on the tin. For me, it is about the work that we carry on to engage with victims.

- Q22 **Alex Chalk:** Listening to victims is crucial and putting them at the heart of criminal justice system is hugely important and a noble aspiration, but what do you think you have been able to achieve in your role to give



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effect to those noble ambitions?

Baroness Newlove: It is working with all the heads of the criminal justice agencies, to be perfectly honest. As I say, the most important one is the judiciary, because every victim says it is the judiciary that nobody gets involved with; the judiciary are not within the victims' code. So to me, it is quite an achievement to have an engagement with the Victims' Commissioner, especially when they cannot be balanced against one another; they go by the rule of law.

Q23 **Alex Chalk:** Can we turn to the code of practice for victims of crime? As you know, there used to be a victims' charter and then the code of practice came in. What steps have you taken to review compliance in the criminal justice system with the victims' code?

Baroness Newlove: There are my reviews. The main operation of the victims' code is the review of the complaints, the VPS and what works for restorative justice. They are all parts of elements of the victims' code.

Q24 **Alex Chalk:** A lot of victims say that a victim personal statement is a really important way of ensuring they have their voice heard in court so that at the time of sentencing both the judge and the public gallery are aware of the terrible impact a crime has had. To what extent do you think that that important safeguard for victims is being observed and implemented in courts?

Baroness Newlove: I think it highlighted how important the victim personal statement is when I did the review. It saddened me that 15% of victims could not recall being asked and magistrates did not recall VPS, so I highlighted these problems in the review and engaged with all the heads of the agencies. Now, just recently, we have agreed to do a common script so that all agencies know exactly what the VPS is. For me, that is where it is important—to ensure that, when there is a conviction, the victim gets their voice heard. It is really important, but there are victims who still are not aware of it.

Q25 **Alex Chalk:** To press you a tiny bit, have you been able to establish whether it is being applied consistently across the country or whether it is something that is a bit patchy—a bit of a postcode lottery?

Baroness Newlove: In the review it was patchy and a postcode lottery, but it is too early to give a proper evaluation. It has only recently gone out. My team still work with all the agencies themselves. We have a stakeholder that we work with constantly, and, as I say, we have just agreed on a common script. I am waiting to hear a response from the Government, but we are constantly working with them. I think it is a bit too early to give you a correct evaluation.

Q26 **Alex Chalk:** The victim personal statement is one important aspect of the code, but people have others. In your time as commissioner, have you identified additional rights and entitlements that you think should be a priority to add to the victims' code or enshrined in a victims' law?



Baroness Newlove: How long do you have?

Alex Chalk: Give me your top two.

Baroness Newlove: As to my top two, communication is the main thing in all of this. You could split this down, but if one does not follow the other it completely falls down, like a domino effect. For me, it is about ensuring they get the right communication at the right time and that all agencies support victims as they go through. That is why my recent review was about having a single point of contact in all of this. It is very important.

Q27 **Alex Chalk:** In the existing code, the police officer is required to say what hearings are coming up, what happens at each one and all that sort of thing. Are you saying, principally, if those rights were properly enforced, that would be the single, most effective improvement?

Baroness Newlove: Yes, because it is communication. From the start, when a victim reports a crime, they are asked about 25 times. I don't know about you, but when you phone up about your gas bill and there is a menu system, you get so infuriated because you go back to square 1 or have to press star. How do you think a victim feels?

For me, it is about that single point of contact, which I really do not like. It is like a SPOC. I prefer victims' adviser; it is more warming; everything is negative when we label things. It is ensuring that that individual works for the victim—they are the victim's voice. Not every police officer gets it right. There are some that work, especially family liaison officers. When I speak to victims, there is always one individual who has helped them through that. They say, "Oh, without Anne—" or, "Without Bert—". You need that single point of contact—the first point of contact—however you want to name it or look at it, which will ensure that they have the communication. Somebody promises you something and you sit there and sit there; it might only be five days but it feels like 50 years to a victim. I am sorry, I am going on a rant again, but I am very passionate about it.

Q28 **Alex Chalk:** The passion is coming across; thank you very much. Do you want briefly to say what your second priority would be to go into any victims' law?

Baroness Newlove: I think it flows from a single point of contact. If you have that at the very first port of call, it engages confidence within the victim to go forward. For me, it is about that but also rehabilitation of victims. It is because it is not just that. If they go to court and get a conviction and sentence, on the form it says, "Thank you very much," and off they go. But that is when a victim's journey begins, and we have to ensure that it follows through for as long as they need it. It is a bit of everything really: at the beginning, middle and end, following right through. That is very important for me, because it is kind of, "Thank you very much—wham, bam, thank you ma'am," at the end of it.



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Q29 **Alex Chalk:** This is the last question from me. Brexit is all anyone talks about these days. Do you think there are any implications from Brexit on the victims' code? Have you drawn those to the Ministry of Justice's attention?

Baroness Newlove: The EU directive is the one thing that comes to mind, but until we find anything I am not going to go into the politics. Victims do not talk about Brexit; they just want to make sure people give them what they are supposed to get. If you look at every victim who goes through the criminal justice system, you believe there is a system there to support you. Unfortunately, it is when you become, as my daughter says, a member of our club; that it is not what it says on the tin. So, for me, I am concentrating on that for now.

Q30 **Marie Rimmer:** You suggest in your most recent annual report that victims should be "at the heart of the criminal justice system." What would this actually look like in practice?

Baroness Newlove: They are not at the heart of it, and it makes me feel angry when I hear that rhetoric constantly, and victims are angry. What it feels like is how I have just described it. When you become a victim, sadly, the system supports you, not the other way round; you are expected to fit in with the system. When I have my single point of contact—victims' adviser or whatever you want to call it—that is when they are at the heart of it, because they have somebody to take the pressure, somebody to speak for them, and they have a relationship in a very lonely world that they are going to enter.

Q31 **Marie Rimmer:** Would it be correct to say that you do not think the victims' code ensures this?

Baroness Newlove: The victims' code has a place. It is to ensure that the agencies correctly advise and support victims, but in all this, whether you have a code or a law, they still have to go round that system and speak to so many people before they get to court. I think it is really important that they have this victims' adviser, whether it is a code or a law, because at the end of the day it is a culture change and we need people who are empathetic and treat victims with dignity. It is not a strapline for me. I am very passionate because I am still going through the criminal justice system. Believe me, I am the Victims' Commissioner. If you think I am getting the gold standard, you want to live my life at the moment. I am sorry, but I do not keep to political words.

Q32 **Marie Rimmer:** Don't worry about that. How would you respond to people who argue that in the first instance the criminal justice system should be about justice, about establishing whether someone is guilty, and then attributing proportional punishment, and victims have to take second place to that? It is proof of guilt first and then you move on.

Baroness Newlove: It is very hard for victims. We all believe there is justice in our society. As I say, it is only when you enter it—victims want justice but there is a different interpretation of justice. Offenders have



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rights. To get justice for victims, they are having to prove it all the time. It is not just about a conviction. Our law is a very blunt tool in the sense that we like to let guilty people off instead of locking innocent people up. That is what I was told when we were going through the courts. For me, justice has to be seen to be done in a balanced way, and that is only when victims are at the heart of it.

Every victim is different. Some say, "I want to wring their necks," "I want to do this or that." But if you have a criminal justice system that treats victims with respect and dignity, that is the right way to do it and then everyone has their own interpretation when they go back home with their families.

Marie Rimmer: I understand what you are saying.

Baroness Newlove: I do not say it your way, but I can assure you at the end of the day—

Q33 **Marie Rimmer:** It is often said that a defendant feels they have to prove their innocence rather than guilt be proven.

Baroness Newlove: I have met many victims who believe in a fair trial. We do not start off in that way; we are that traumatised and injured, but how difficult is it for rape victims and how difficult is it for homicide? There is nobody to speak for the victim because the prosecutor does not speak for the victim; he speaks for the state. That is why I really do believe in this. I keep going on about the SPOC.

Marie Rimmer: Victim support.

Baroness Newlove: It is very much a postcode lottery and not everybody has a family liaison officer to give the right information. If you balanced those scales, we are all starting from the same baseline.

Q34 **Marie Rimmer:** Can we move to the witness charter now? You know this; I am sure you do. It is about respect and dignity; a needs assessment to identify support required by the victim to help them to give evidence; a main point of contact; the ability to claim expenses and loss of earnings; and information about the court system. Are you satisfied that the standards of care set out in the witness charter are being met?

Baroness Newlove: We have not really looked into the witness charter; to be honest, it is quite a huge piece of work to do. Russell and I have been having conversations about that. Speaking to the witness care unit, they do as much as they can within the courtroom, but I think there is this too. They run parallel sometimes. If you have a victim who is a witness, the code is the main operator to how they are supported through the court.

Q35 **Marie Rimmer:** My next question was going to be: what steps have you taken to monitor and encourage compliance with the charter? Will you



now look at that, Mr A'Court?

Russell A'Court: Some of the work we are doing around victims clearly has an overlap with the witness charter as well, and there are clear areas of overlap between the witness charter and the victims' code. We would not want to give the impression that we are not interested in witnesses or not doing anything about witnesses, because some of the stuff we are talking about to improve the experience for victims will have wider ramifications and benefits for witnesses per se. We want to look at some point in the future at compliance with the witness charter. We do not have a set plan at the moment to do so, but it is something that is on the horizon and something at some point in the future that we want to do.

Q36 **Marie Rimmer:** Do you think the witness charter needs a statutory basis?

Russell A'Court: That would depend upon whether we found there were poor levels of compliance with the witness charter. Until we have looked at that, we would not be in a position to say. "If it ain't broke, don't fix it" would be our starting point, but if we look at it closely and find there are areas of concern, we might want to return to that and suggest to Ministers that we ought to put it on the same footing as the victims' code.

Q37 **Chair:** The core business is victims, some of whom will be witnesses, or vice versa, so there is a read-across, but it is not absolute, as I understand it, yes.

Russell A'Court: Inevitably; yes.

Q38 **Victoria Prentis:** Having said that the core business is victims, do you think it would be helpful if somebody else were charged with dealing with witnesses who are not victims? Do you think that stretches you too widely?

Baroness Newlove: In what sense? I do not quite understand.

Q39 **Victoria Prentis:** Could another party or body could be charged with enforcing the witness charter, for example?

Baroness Newlove: Until, as Russell said, we do our review, I would not like to say yea or nay. It is for Government to decide. I see most victims who are witnesses, but, saying that, I have a personal interest, and when I go round the courts I go to see the witness care unit, so I get a feel of what witnesses go through. I went to one court—I cannot remember whether it was Weymouth—where the lift that the witnesses and victims went through was just horrendous; it was like a dungeon. I pick up intelligence as I go, and I reported back to the Secretary of State, when we were looking at court closures, "You need to feel what it is like in that lift when you go to give evidence, and see what it does to morale even more." I do pick up and I don't shut up. I do park it, and then when it comes out, it comes out.

Q40 **Kate Green:** Thank you very much for coming this morning. I want to



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ask you first about the court closures programme that has been running for some time now, and we are still seeing courts continue to close. You responded to the Ministry of Justice's consultation on the court closures last year. At that time, when you were putting in your comments, what were your views on the proposals?

Baroness Newlove: Personally, I was quite worried, and as Victims' Commissioner I wondered where the concept of this was going. In realistic terms, it is not that easy to get to some of these courts, and when you are there it is the most traumatic place to be. When I had input into the consultation, I wanted to make them aware that we are all having trouble getting victims to court because it is not in their area. I have met many victims who have had to go to a different area. There is also the transport. If we are going to open it up in a town hall, where is the privacy? People know people in communities, if they go into the town hall. There were a lot of elements of that. We have to make them more victim-friendly how they are, never mind close them. They are not victim-friendly places. There are no rooms for victims. When they are reshaping this, I want to make sure the aesthetics fit in with victims. It is not just about commodities, about saving money; it is there to do justice for both parties, and the victims must not be missed again.

I recommend going to Guernsey, which has a good court. The aesthetics are brilliant there. I said to the previous Secretary of State, "Go and look at them before you redesign them."

Kate Green: Chair, we had better go to Guernsey.

Q41 **Chair:** I am interested—forgive me for a moment—as to what it was in particular in Guernsey that struck you.

Baroness Newlove: I liked the bailiff. The waiting areas outside in the Guernsey court were the same but smaller. I appreciate they have jurors who sit with the judge on the bench, but there are the aesthetics of special measures. My daughter, my eldest, had special measures; it was like a confessional box: they go down in the cells and slot these in. I thought, "How does she feel behind that?" whereas in Guernsey, aesthetically, it is like wood and it just pulls out. There is a room there; they do not have to go anywhere as they are in a room at the back; they are in the court, and they just come out smoothly. It did not feel like a circus. The defendant's dock was quite a way away so they could not see. But it just felt so smooth that you were part of the process; you were not just being picked up and doing your stuff. It was very interesting to see.

Q42 **Chair:** That is interesting. We may be going to Guernsey for other reasons. So it is around the court design then—the infrastructure and the architecture.

Baroness Newlove: It was the design of the court I liked. You might think differently, but there was streamlining of special measures instead of having to do other things. They are still doing boxes and screens; it is just inhumane to do that.



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Q43 **Kate Green:** That is really interesting. What I am hearing you say is that court closures, although there are difficulties, are also an opportunity to reconfigure design in new settings.

Baroness Newlove: Yes.

Q44 **Kate Green:** That is something we might want to reflect on in the report, Chair. Have you had any feedback recently from victims or witnesses about how closures of courts have affected them in practice?

Baroness Newlove: No, I have not, but there is the travelling to court and the cost of getting to court, such as car parking fees. There are the timings of courts; 10 o'clock might be suitable for everybody else, but public transport does not work around that. That is the only thing. I had to travel to Chester, which was not around the corner, and it was costly to my family. If they are going to do that, they need to look at concessions for families. The NHS and their car parks are a bit of a hotbed, so we will have to just bring this one on for victims as well.

Q45 **Kate Green:** I am asking a bit of a mixed bag of questions. I want to turn now to the way in which victims make complaints about the way they have been treated in the system. You published a set of standards for the handling of victims' complaints at the beginning of last year. Have you seen an improvement in the way that the criminal justice agencies have operated against these standards since you introduced them?

Baroness Newlove: We are going to—we did say we were going to review this, but it is a bit too early to get an evaluation. I will let Russell deal with that side. It did unearth that, while some agencies thought they were victim-focused, they were not; their front end was not victim-focused. Most importantly, the majority of victims do not want to put in a formal complaint. They come and complain about an individual, and when I say you can do this, they say they do not want to get that police officer in trouble or anything like that. They want somebody at the end of the phone to truly understand and not just say there is a formal route. It is not just saying we are going to complain and there is a complaint route, because that is quite clinical. It is victims engaging with the agencies to make them better, more victim-focused, because every victim says they do not want another victim to go through that.

Q46 **Kate Green:** Have you seen systemic improvements where victims have made complaints and the agencies have changed either culture or practice?

Russell A'Court: All agencies responded very positively to the recommendations that were made last year, and that is positive. We know that some of them changed the way in which they trained staff on complaints. Some changed some of their complaints processes and systems to reflect the recommendations. The complaints review was one of the first big reviews we undertook and was published at the beginning of last year. We now need to go back and get an update from those agencies as to what that has meant in practice since making those



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changes to their systems and their training. That is something that we need to do.

Q47 **Kate Green:** When do you think you might be able to do that?

Russell A'Court: It is something we ought to be looking to do early in the new year, and certainly it would be good when we publish our annual report in the middle of 2017 to provide some feedback in that report on the progress that has been made further to our review last year.

Baroness Newlove: We also need to carry on doing training with the agencies. It does not stop just at the review. There are many that want me to do DVDs, and I speak personally to the office on the ground, just to ensure that they are still looking at how they treat victims.

Q48 **Kate Green:** We are obviously talking about a number of different agencies engaged in the criminal justice system coming into contact with victims. One particular agency that I would like to talk about is the probation service, which has obviously undergone a considerable amount of change over the last couple of years under the Government's Transforming Rehabilitation programme. Could you perhaps share with us your views on how the national probation service on the one hand, and the community rehabilitation companies on the other, are treating victims; how they are included in the victim contact scheme; and how you would compare that, if you can, with the way that the old probation trusts used to operate for victims?

Baroness Newlove: Russell would be good to answer on one side, but I will give a personal perspective. Probation pops up at the very end of something, like a scab. They appear if the victims join the victim contact scheme. For me, it is about engaging with the victim liaison officers to ensure they are victim-focused because they work in an offender world, if you look at it in that sense. I have looked at better training for victim liaison officers. I have done a training DVD. I go round and speak locally. I went to West Yorkshire where the probation officer set up a victim group to ensure that they were getting it right.

What irritates me with victim liaison officers is that every time they say to me, "We work within the guidance." Well, it is guidance for a reason. You can look at the individual and assess it as you go along. If the guidance says one thing, the guidance is there for a reason, not to say you cannot do anything but to ensure the victim is getting the information that you receive. It saddens me to say that I have met some victims who have listened to their victim liaison officers. I say they should be doing this or that, and they say, "This is the best one we have. The other two were rubbish." Individually, there is still more work to do, and I am grateful that probation are getting victim-friendly in the sense that I have one-to-ones with them. I see so many people that I forget who it was, but I saw the head of it, and he writes out personally to victims after a parole hearing. That is the Parole Board. But the Parole Board and probation are both together working to make it victim-friendly, but the



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victim liaison officers have a lot more work to do to ensure that the victim feels confident in the information given to them.

- Q49 **Kate Green:** Why do you think victim liaison officers are, as it were, quite a long way behind where you would like them to be in the quality of service that they are offering?

Baroness Newlove: There are some individuals who try their best and want to do their best, but you can only have engagement with them if you sign in to the victim contact scheme; and the victim contact scheme comes right at the end if there is a conviction and a sentence. I even remember getting a letter to say, "Hello, we are the victim," and it is the last thing you want to see. They need time to reflect and digest what has gone on and then to join the victim contact scheme if they want to. The work I am doing is towards better engagement with them, to understand what the victim's world is like. Russell's background is different.

Russell A'Court: In terms of the victim contact scheme, following Transforming Rehabilitation the whole of the victim contact scheme was moved into the national probation service. At the time it was more seen to be a sort of lift and shift. The service pretty much continued, and has continued since, pretty much unchanged. There are things that can and should be done before Transforming Rehabilitation, and post, that would improve the quality of that service. We are working with the Parole Board, because we recognise that victims find the information they have post-sentence to be quite confusing. The dates when people are considered for release, considered for open conditions, recalled, and so on, are myriad, and we need to present that information in a lot clearer way. The Parole Board is certainly committed to doing some literature on the parole journey specifically targeted for victims—most of the information at parole at the moment is targeted on offenders. We would very much welcome that and are happy to participate in looking at that work and encouraging people to read it.

- Q50 **Philip Davies:** On the point about involving victims in decisions on parole about transfers to different categories of prisons, about releases on temporary licences and whatever, the Government always say that they want victims to be involved in this process along the way. Is that your experience—that victims do have a meaningful say when prisoners are being recommended for release on temporary licence or transferred to an open prison, for example?

Russell A'Court: The way the system works is that, when people are released on temporary licence, victims are informed that this is happening at the time that that decision is taken.

- Q51 **Philip Davies:** Are they informed or consulted on the decision?

Russell A'Court: They are consulted on whether there should be restrictions on where the offender can go while on temporary licence, such as things like no contact, exclusion conditions, those types of



conditions, in the same way that they are consulted at the point of release at the end of sentence as well.

With regard to those indeterminate sentence prisoners who go to the parole board to seek to transfer to open conditions, the victims have the opportunity to submit a victim personal statement at that point and, if there is an oral hearing, to attend the oral hearing and read their statement. There is always some discussion about what influence that has, and again some of the feedback that we had in our victim personal statement review demonstrated that parole board members found it extremely useful in terms of their decision making. It sets some kind of context because a lot of work around parole is looking to the future and trying to project what future risks might be. The starting point of any parole review must be that somebody has lost their life or been subject to horrific trauma or injury, and that victim personal statement puts that into some kind of context.

It also makes the risks that are presented by the professionals, if the victim personal contact statement is made, seem very much more real than perhaps when explained in professional language, and both judges and parole board members have found the victim personal statement in that context to be useful. But the ultimate decision around whether somebody is released on parole has to be a risk-based decision based upon whether that risk can be managed safely in the community.

Q52 Philip Davies: I am trying to get to what is your sense of how often a decision is changed as a result of the input of the victim, or is it ever changed as a result of that?

Russell A'Court: Nobody would ever be able to know or answer that, because parole board decisions are not published in any way. I certainly feel that, if there was a decision issued by the parole board that indicated that the victim personal statement was pivotal in deciding not to release, then that probably would be challenged, but I am not aware of any such challenges taking place.

Baroness Newlove: In a sense, the decision is very difficult either way. I am going to be very careful how I answer this, because I have my own personal case going through and I am very cautious because this is in public. I am not doing this to hide anything, but what irritates me and many victims is that you are notified there is going to be a parole hearing or there are going to be changes and you have to get your victim personal statement in; you have a choice of whether you want to or not. It feels like a steamer—that you have to get it in by a certain date—but then it goes off into the abyss; there is no communication. I have met victims who two years down the line are still waiting for a decision. That is not meaningful. That is the process saying, “You must have it.” There are no dates. The victim liaison officer comes to you and says, “There is going to be a hearing.” They do not know when the hearing is because, again, it is just there.



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I have personally gone through it. The media know the result before I do, and to me that is not meaningful to victims. For me, it is again about better communication when they turn up and ask you to put something in your victim personal statement that is so personal to you. They are not the easiest things ever to write. You take pen and paper and write, but where do you start? Then it goes off somewhere that you have no control of. It is really heart-breaking in a sense because you are divulging so many personal details.

As Victims' Commissioner, I have asked to go to oral hearings to be an observer in all of this to see it. I have been to one that was more offender focused, but I saw quite a lot and picked a lot up; and I am due to go to one to see a victim personal statement being read out in an oral hearing. That is how I can feed back and get better engagement for victims.

Q53 **Chair:** You have had no difficulty about getting access.

Baroness Newlove: No. The parole board has been very good.

Q54 **Chair:** That is good to know. Talking about what happens post-sentence and with various disposals, you very helpfully gave evidence to us on our inquiry on restorative justice earlier in the year, not long, I think, after you published the first part of your review into how things work for victims. You indicated to us that you were hoping to have the second part ready by early autumn. I know things slip sometimes. I wondered if you have any sense on progress on that piece of work.

Baroness Newlove: I had an idea you would ask this question. We are looking to produce it in international restorative justice week.

Q55 **Chair:** Are there any particular issues you think that we ought to be aware of at the moment?

Baroness Newlove: They might destroy me in the next five seconds if I say anything. For me, it is about victims' voices coming through and understanding. I think, hopefully, you will see when it is reported.

Q56 **Chair:** When it is reported, you will be happy, if need be, to come and talk it through with us.

Baroness Newlove: Yes.

Q57 **Chair:** That would be great, because it was very helpful the last time you gave evidence to us. We will look forward to that.

Another issue that arises is one around unduly lenient sentences. There is a scheme there. You have been very careful and quite limited in your comments, I am sure for good reasons and properly, around the nature of the scheme. Do you have any sense as to the way it operates? Are you satisfied with your ability to engage? There is obviously a limit to what you can do with individual cases and so on, but, in broad terms, does it work well? Would you see anything done differently from your point of



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view?

Baroness Newlove: As you say, my role does not permit me to get involved, especially in live cases and anything else. What I do tend to bring to the office of the Attorney General and the Solicitor General is victim care, their information, their letters. It is quite interesting that I met a victim's family only a couple of weeks ago. The one positive was that the decision had not been changed but the letter received from Robert Buckland was very victim-friendly. They said it was the only positive letter they had had from any agency they had gone through. We are having good relationships with them, but I cannot get involved in that.

Q58 **Chair:** I understand. Did you have a sense as to how victims rate the way it operates or not?

Baroness Newlove: I think there is still miscommunication. The CPS may say to them, "You cannot go through that route." When they do apply, if they go off and apply for it, I draw attention to the fact that again there is a standard reply, "Thank you and we will get back to you." Twenty-eight days is quite a length of time for victims to wait. I am hoping to have better communication with them. As I say, Robert Buckland must have listened, because the letter that they received was very victim-friendly and they were appreciative of that in the journey they had been through.

That is the only way. The Attorney General and the Government will decide how the unduly lenient sentences scheme is going. I do not know if Russell has anything to add.

Russell A'Court: We have not done any work to review this particular area. Sometime in the future, yes, we would be keen to do that.

Q59 **Chair:** Do you have a view as to whether the scheme should be extended or not, as to the offences it encompasses, or is it premature for you to say?

Baroness Newlove: Not at the moment, no. I want to go to the Attorney General's office to let them know how victims feel.

Chair: I understand. The Solicitor General acts for the Attorney on most of these matters, as you say, and has responded very positively; I am glad to hear that.

Q60 **John Howell:** Can I turn to the subject of registered intermediaries, which as you know are used in child cases? There are not enough of them about to accompany all child witnesses. Do you feel that they are assigned to the right cases, and how do you think they are performing overall?

Baroness Newlove: This will be covered in the children's review, but there is a shortage of registered intermediaries. I have had no direct influence or anything in a sense, but I have had meetings about the



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concerns with the police. My concern is that there are many cases going without one. I have seen the section 28 pilots—they are not happening now; apparently, they are being rolled out—where that role is very important to have. My concern is that there are not enough. Especially with child sex abuse cases, where we do not even know what the figure is going to be, we do not know how we can accommodate these people as we move forward.

My other concern is that, when they do their training, they are not registered; they go off and set up their own private companies. I am not saying they cannot do that, but then we are not monitoring and seeing if they are keeping up with their training. For me, it is about bringing that to Government and saying to the Ministry of Justice, “There are not enough. How are you going to accommodate that to ensure that these cases get the right support they need?” They are very important roles. I have seen it in practice and, as a mum and Victims’ Commissioner, it is quite heart-breaking.

Q61 John Howell: Do you think the ones that we have are focused on the right cases?

Baroness Newlove: To be honest, I have not had many casework cases to see a registrant, so I would not like to say yea or nay in this sense. I would say they are important people who should be there, especially with young children. My concern is not whether they are the right people in the right cases but that there are cases going through with none of them. For me, that is the thing that I am bringing back to the Ministry of Justice, and that is my concern.

Q62 Marie Rimmer: Your predecessor did a review into VPS statements in 2007 to 2010, and at that time less than half—just 42% of the victims included in that sample—recalled being offered the opportunity. You published your review in November 2015. You published a set of standards for how victim personal statements should be taken. Has the introduction of those standards helped to increase the proportion of victims who are offered the opportunity to make a VPS now?

Russell A’Court: It is too early to say yet whether there has been an improvement either in the number of offers or indeed the take-up rate for those who are offered the opportunity to do a victim personal statement. We will be looking at the national crime survey figures early in 2017 to see if there has been any appreciable increase in both of those, and we will be writing to agencies at that time to ask them to feed back on what they are doing to further improve performance. Our sense is that there is a long way to go before we get to anywhere near where we want to be, and that is that still too few victims are being offered the opportunity to submit a victim personal statement.

Q63 Marie Rimmer: What was the study then in January 2016 in which it was 15% of victims?



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Russell A'Court: The study in January, admittedly, took data from the national crime survey and reported back on that. It looked at the various groups of victims—those most likely to be offered the opportunity to do a victim personal statement and those who were not. We will be doing a similar exercise early in 2017 so that we can keep track of where we are going with both offers and take-up rates.

Q64 **Marie Rimmer:** How do you monitor and evaluate the performance of different police forces in taking victim personal statements? How do you evaluate it?

Russell A'Court: Again, by looking at the headline data in the first instance; that gives an indication. One pleasing thing that we did see in the published data in January this year was that, even though the proportion of victims who were offered a victim personal statement remained roughly static, the take-up rate from those offered increased, and that was a welcome step in the right direction. That is a key performance indicator, because it shows that practitioners are explaining the purpose of the victim personal statement in a more effective way so that people can see the benefit of it. We know that those victims who submit a personal victim statement, by and large, find it a positive and cathartic thing to do, and they think it is helpful in terms of the criminal justice system.

Q65 **Marie Rimmer:** There are a lot of figures in that one paragraph there, are there not? It says that 15% of victims were offered the opportunity to make a VPS in 2014-15, and the majority felt it had been taken into account. Then it goes on to say that in Yorkshire and Humber it was much less, and in London much greater. Why do you think that is the situation?

Russell A'Court: The sense that we got from the report we were doing was that there were people on the ground who were making decisions about whether they should offer the right victims the opportunity to make a victim personal statement based on whether they were likely to take it up; they were making assumptions about that and whether the offence was too trivial to warrant a victim personal statement. The victims' code does not make any distinction; it should be for the victim to decide whether they want to make a victim personal statement, but in some cases there may be some practitioners who make that decision for them.

We will look at the figures when the national crime survey data is published and we will be looking for the local variations as well as variations between different groups of victims as well.

Q66 **Marie Rimmer:** It seems to me that there is a difference in being offered the opportunity to make a statement and deciding to make it. What is clearly being said is that a lot of victims do not recall being offered the opportunity, and that is a real issue there. Most of them involving a victim who was widowed were most strongly associated with the offer of a VPS. Then it goes on to say that the number of incidents involving black



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and Asian victims was the highest, and the incidence for white victims being offered the opportunity was 14%—much lower. So, that really does need looking into. Why the difference?

Russell A'Court: I do not think we can say why there is a difference at the moment, but we noted the contrast, yes.

Q67 **Marie Rimmer:** Do you think the VPS gives victims enough voice in the criminal justice procedure?

Baroness Newlove: It is a powerful statement. It does give a voice because it is the junction at which their voice can be heard. To me, that is why we have to encourage more victims and practitioners to understand what this statement does. I think it is being used more; what you see on the news might be more high profile. If a victim who sits listening to a court trial for weeks on end knows that they or a member of their family are allowed to read something out in court, it is a powerful statement.

It is an individual choice. I would not pressurise anybody to do it, but it is ensuring that the agencies who help them to do this understand it is not just being written down—it is their words. If people want to do it, I would welcome the opportunity to hear their voice. To sit continuously in a courtroom where you can't say anything and you are traumatised—you have lost a loved one or you have been sexually abused or raped—

Q68 **Marie Rimmer:** You want to be heard.

Baroness Newlove: To give them that opportunity helps part of their rehabilitation when they leave the courtroom.

Q69 **Marie Rimmer:** Do you think the guidelines on how the victim personal statement affects or does not affect sentencing and probation decisions are sufficiently clear?

Baroness Newlove: With regard to sentencing guidelines, it is down to the Sentencing Council, but, for me, it is about making it clear to the victim when they leave a courtroom. If I can put it in the way I would word it, when you are in a courtroom and you hear the sentencing, you focus on that. When you leave the court, many years later, when there is something like a tariff review, you think, "Where was that in the review?" That is how victims will look at it. They do not look at the sentencing guidelines. They do not do any of this.

Q70 **Marie Rimmer:** They look at the outcome.

Baroness Newlove: They listen to what the judge directs, and then it is kind of a roller-coaster ride. I work to ensure that people understand what this means to them and understand that a victim is left with those words. We need to make sure, if it does pop up out of the blue, that you give them the correct information, because when it is not it absolutely unearths everything again. That is how I would see it.

Q71 **Mr Hanson:** A big change last year was the Government devolving



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funding for victim support from central Government to police and crime commissioners. Have you made any evaluation or assessment of how that is going?

Baroness Newlove: No. For me, it is about engaging with the police and crime commissioners; for me, it is to get intelligence and a picture of the landscape. For the first three years they were embedded; people did not know how they would make their role, and they were making their own offices as they came into this role. The next three years for me, as Victims' Commissioner, are to ensure that I am picking up the intelligence to see the devolving power and that the money is going to be spent on victim services. That will be at the end of the two and a half years. Whether Russell wants to add any more to that I do not know, but that is where I come from.

Russell A'Court: To follow on from that, we recognise that if you are devolving power and devolving budgets locally that does bring a local level of accountability, which seems to be a positive thing, but accountability is only real if there is transparency. What we are committed to doing next year is a review of how victim satisfaction with the services that they are receiving is being undertaken at a local level. I think that, if there is transparent capturing of victim satisfaction across all groups of agencies and not just certain ones; that is the best way of tracking how effectively services are being run at a very local level.

Q72 **Mr Hanson:** I suppose it is the accountability, because the £62.5 million is now being spent locally which was at one time spent via the Ministry of Justice and the Home Office jointly. Are you planning to see whether there is a postcode lottery; whether the availability of services is the same across all police and crime commissioners; and whether there are minimum standards that should be set? Is that a role for the victims' voice?

Russell A'Court: Certainly we want to look at what is happening on the ground in terms of provision of local services through capturing better victim satisfaction, but we are also interested in doing some work with police and crime commissioners, and possibly with the Association of Police and Crime Commissioners, on how to build some kind of quality framework for local standards. At the moment you have a victims' code that sets out a whole list of entitlements, but there is another dimension to this about how well and effectively they are being delivered. We would like to work with them to do some benchmarking around that, which, with the local delivery provision, will give you something to measure against how effectively it is being delivered.

So yes, there is a lot of work to do around that; it is the emerging agenda. The Government have also indicated that possibly there will be other victim services that will be devolved down to police and crime commissioners, and there needs to be some meaningful assessment of how well that is working out on the ground. So yes, we are looking at that and there are several different ways in which you can do that.



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Q73 Mr Hanson: Have you had any contact from the providers of the services that are currently being commissioned by the police and crime commissioners? Again, there has been that major change, and the biggest one was victim support. They have different contracts and different methods of financing, and there is different performance by the police and crime commissioners. Have they raised any issues with you?

Russell A'Court: We meet with them. They raise issues with us, and we take those issues on board and feedback where we think it is appropriate to do so. It is a very useful source of feedback. We have met with two such groups—charities—in the last two to three weeks and we are having exactly those conversations.

Q74 Mr Hanson: The question, which is a judgment call, is: is the service to victims better after devolution of the funds, with different providers being commissioned, than it was two years ago?

Russell A'Court: It is still early days. It is something that will become more apparent as time goes on. In the next couple of years, we will be looking at how effectively the kind of work you have just described is being delivered on the ground, but at the moment the feeling is that it is quite early days.

Q75 Mr Hanson: As Victims' Commissioner and chief executive, do you think it is the responsibility of your office to second-guess and judge what police and crime commissioners are doing in victim support services under the new regime, or is it something that essentially is up to them to do and there is no framework at all for it?

Russell A'Court: Our priority is to look at whether victims are getting the services they need at a local level, and we will be looking at those services from the victim perspective. Are they getting what they should be getting and at a standard that we would expect them to receive? We will be looking at ways in which we can measure that and we will be doing reviews, which will have a direct impact on the very issues that you have just raised.

Q76 Mr Hanson: Are you aware of ministerial engagement in reviewing the developments of the scheme over the last two years? Has there been any ministerial revisit to see whether the devolution is working that you are aware of?

Russell A'Court: We are aware that Ministers are talking about devolving other aspects of victim services that are currently funded centrally and looking to do that at some stage in the future. I am not aware of any review—but I am sure there must be—of how effective devolution has been to date.

Q77 Alex Chalk: Can we move on to talk about the Criminal Injuries Compensation Scheme? You will be aware that in 2012 the scheme was changed quite dramatically so that now it is only people who themselves have experienced the most serious violent crime, who have ties to the UK



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and no unspent previous convictions, who can be eligible. What is your evaluation of the operation of the scheme since 2012?

Baroness Newlove: I have not done a review or an evaluation. What I can speak about here today is the evaluation of what victims tell me on the service that criminal injuries provides. Recently, only yesterday, I had a meeting with a victim where her words were, "It wasn't fit for purpose. They have no empathy towards victims."

In 2008, it was different—I appreciate that—but I can still feel the scars from it, in a sense. But for me it is about ensuring, when we inform victims that there is criminal injuries compensation and we guide them to it, that criminal injuries take up the baton and give them the empathy and the help towards something that is traumatic. Having to send receipts for a funeral, for example, is quite painful to do. For me, it is about ensuring that there is better understanding of what criminal injuries does.

I was also a member of the ministerial taskforce for Tunisia where we went around the country speaking to all the victims. They had a lot of issues with criminal injuries on the speediness of the interim payment. This is not people going round with a begging bowl. These are people who are traumatised, who still have shrapnel in their bodies, who cannot go to work and could be losing their houses. Again, only yesterday, not to get into the nitty-gritty, a victim was told that if they needed a certain thing, if they had financial difficulties, they needed to go to Citizens Advice. That is not what criminal injuries is about.

Q78 **Alex Chalk:** As you say, it is a really important thing for the individuals concerned and this money could be absolutely vital. We know that the total number of current applications is a quarter of a billion pounds. We know the Government have taken off £50 million. It is a really big issue and has very big implications. You have described some anecdotal evidence that you have had from someone you spoke to recently. Has there been anything more in-depth by way of a look at the operation of the scheme, given its importance for victims?

Baroness Newlove: If I can go back to the taskforce, criminal injuries was a big issue, and the last I heard was that the Ministry of Justice was going to look into criminal injuries compensation. As of yet, I have not heard anything coming from that, and I am waiting to hear if they are going to carry that through. We have not done our review in that, but the whole point is that the ethos has changed for criminal injuries. It has become the last resort for moneys, and that to me is quite traumatic for victims to hear. It sounds anecdotal, but that is exactly how it feels.

Q79 **Chair:** Given your level of concern about that—it sounds as if you are proposing to do some work—do you have a sense of when you are likely to be able to do that?

Baroness Newlove: This is where they rein me in.



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Russell A'Court: There are many issues around the whole provision of victim-related services raised by members today. Given the resources, we would like to have the opportunity to review all of them, but we have to work within the constraints that we are under. It is high on the radar. We recognise that there are a lot of anecdotal victim concerns coming through about the provision of the service, not just about what the service is but how it is managed on a day-to-day basis.

Q80 **Alex Chalk:** Coming back to it being high on the radar, I would have thought it was a really important issue. As the changes that have taken place are so fundamental and, as you say, potentially have such an enormous impact upon victims, I would hope that it would be looked at.

Russell A'Court: We will take away the comments and have a look to see what we can do, but we are concerned and it is something that we are discussing regularly.

Baroness Newlove: It is what we look forward to working to on the consultation. We are waiting to hear about the consultation and what the Ministry of Justice is going to do.

Q81 **Chair:** You say sooner rather than later on the consultation because you think the system is not working effectively.

Baroness Newlove: Yes.

Q82 **Kate Green:** Can I ask about the surcharge? You have just mentioned, Mr A'Court, that there is an intention to look, as you can, at a whole range of experiences in services for victims. Is the victim surcharge on your radar, or are you happy with the way it is working?

Russell A'Court: We do not have any plans to look at that, at the moment. We have had mixed feedback on that, but we do not have any immediate plans to review the way in which the victim surcharge is operating.

Q83 **Kate Green:** It could be said to have two objectives: one is to be symbolic of your point, Baroness Newlove, about placing victims at the heart of the criminal justice system; and a second objective is to raise money to fund the services for victims. To what degree do you think it is effective, first, culturally in placing victims at the heart of the system, and, secondly, in terms of the money it raises and the way it is applied?

Baroness Newlove: Victims do not listen to the victim surcharge. It is a process again, as they go—

Q84 **Kate Green:** Do they know it is there—that it is charged or levied?

Baroness Newlove: I would not like to say how many have said no and how many have said yes, because in fact it is magistrates who have come to me and asked what the victim surcharge does. That was my first light-bulb moment.



My second was speaking at a conference when a judge said that, with the script that they have to work to, they cannot say it is a victim surcharge; the language was different. That is why I said I do not think the victims focus on the surcharge; they focus more if they have received a compensation order. For me, it goes into a huge pot. This is the difficulty of finding what it does. If it raises funds and we can look at it to see if it goes into victim services, I welcome that, but at the moment it goes into a huge pot. The discussions we are having now are saying, "What does it do? Where it does go?" It has to be transparent for everybody to understand what a victim surcharge is, especially if I have magistrates asking what it does, which causes me an issue.

- Q85 **Kate Green:** I think you said you had no immediate plans to review it and yet the point you have just made, Baroness Newlove, is that it goes into a huge pot and you do not know what happens to it, which suggests to me that maybe you should be reviewing it.

Baroness Newlove: We do. As you can see, I have a small team. It is not that I am not passionate. These are the conversations I have with Ministers. I am not saying it goes into a huge pot and I do not know where it goes, but that is what we are told when I ask for the information. Actually, we are having these conversations. There is going to be a victims' law. These are the elements of the conversations. I have professionals who do not know themselves. I would imagine the magistrates should know where it goes; they should have further details. This person did not, and he was not the only magistrate who said it. But I know it is a hotbed, and Russell does rein me in. I want to do everything, but I do not have the resources and I do not want to do little things just for the sake of it. I want to do quality reviews.

- Q86 **Kate Green:** Given that it has been said by some commentators that it is raising less money than it costs to administer and that often those who are convicted of crime are not actually paying it—they just default or it is paid on their behalf—do you think it is worth having at all?

Russell A'Court: In principle, yes, it is. In terms of getting a better understanding of how effective it is in practice, yes, you would require a proper review to be able to do that. As I said to the gentleman earlier, we will take that away and take on board the Committee's comments, but again we are highly constrained in terms of the number of reviews we can undertake. It is one issue among many issues that are pressing and that we are very keen to look at if the opportunity arose.

Baroness Newlove: Also—I am sorry to interrupt—it is the magistrates themselves who are speaking about the victim surcharge. I think it would be quite good in an open court to make sure the offender understands the victim surcharge, to have responsibility and accountability—or the defence representative in court. I do not think they should waive it.

- Q87 **Chair:** At the moment, there does not seem to be a great deal of information out there about how it operates, where it goes and collection



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rates, as far as I am aware.

Baroness Newlove: No, but it should not be on the back of a victim. It is all about the victim being looked after.

Q88 **Chair:** As to how well it operates, we are not sure.

Baroness Newlove: No; we cannot say, I am afraid.

Russell A'Court: We cannot say.

Q89 **Chair:** That is understandable. It is where there is a gap.

Baroness Newlove: We can try to find out more information and write to the Committee. I do not mind doing that.

Chair: We need to talk to the Ministry of Justice about that. That is extremely helpful. Before we finish, Mr Vaz, it is your first attendance at the Committee, and welcome. You may want to ask some questions, but, beforehand, as you know, by the resolution of the House, I have to ask you to formally draw attention to your registered financial interests and any other relevant interests in the usual way.

Keith Vaz: Thank you, Chair. I refer to the Register of Members' Financial Interests. In addition, I am a non-practising barrister, and my wife is a solicitor and a part-time judge.

Chair: Are there any questions you would like to raise?

Q90 **Keith Vaz:** Yes, I have just a couple. First, can I commend the work you have done, commissioner, since you have taken on this job?

Baroness Newlove: Thank you.

Q91 **Keith Vaz:** Your husband Gary would have been extremely proud of all your amazing achievements in raising this issue and bringing it to the forefront of the criminal justice system. In fact, I was thinking when I was reading the brief, when they make the Hollywood movie of you, who will play your part? Would it be Meryl Streep or Julia Roberts, because what you have done in your life has been pretty incredible?

Baroness Newlove: That is very kind.

Q92 **Keith Vaz:** I have a quick question about victims and closure. You have met a lot of victims in your career as commissioner and before. When does a victim get closure? When do they feel, "I have my compensation," or "I have got to see the person who has done this terrible thing to me sent to jail"? When does it all end for them, or does it never end?

Baroness Newlove: I do not think it will ever end because it is always inside of you, and "closure" is not a warming word, in a sense, for me. For me, it goes back to that victim adviser, single point of contact, who helps them to rehabilitate. At the moment, for rehabilitation they are left on their own to pick up. They are advised to go to certain organisations



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that will help them, but the only way that they will have a better journey is having that single point of contact, having that relationship.

I am still very good friends with my family liaison officers because they helped me on my journey. I do not have closure, and I do not say that just because of the criminal justice system, but it helps to know that I have an individual who knows what we have gone through. That is what victims say to me. With this individual, they can always pick up the phone; they appreciate everyone has work to do in their life, but knowing they have that ability to speak to that one individual helps them to go through their journey. Everybody is quite different. Some say they have closure and want to move on. But having that ability to have somebody who knows what you have gone through is very special, and that is why I really want to see a victim adviser.

Keith Vaz: Thank you very much. Thank you, Chair.

Chair: Baroness Newlove and Mr A'Court, thank you very much for your time and giving evidence to us. We are very grateful to you and look forward to seeing you again in the future, I am sure.

Baroness Newlove: Thank you.