

Written evidence from the Office of the Police and Crime Commissioner for Devon, Cornwall and Isles of Scilly

Introduction

As the elected Police and Crime Commissioner for Devon, Cornwall and the Isles of Scilly I welcome the opportunity to submit evidence to the Committee as part of its consideration of the Draft Victims Bill. I am aware that the Association of Police and Crime Commissioners is submitting a response to the Committee but I also wanted to take this opportunity to share some views directly with the Committee on this important piece of draft legislation.

I welcome the government's commitment to enhancing the support and treatment of victims within the criminal justice system. The principal aim of this new legislation, in ensuring that the criminal justice system properly delivers for victims is one that I wholeheartedly support.

Being a victim of crime can be devastating for an individual and their loved ones, and we must do all that we can to help and support victims to seek and secure justice and to prevent future harm by bringing offenders to justice.

Within our area in April 2021 I launched an innovative new 10 year victim services strategic partnership with Victim Support. This investment was made despite uncertainty over future funding for victim services to ensure that services had the certainty needed to innovate, invest, develop and grow their service offering. In addition to service commissioning, this new way of working has enabled us to benefit from a partner who is an expert in victim needs to be by our side to improve the victim experience and bring about long term strategic change for those affected by crime locally.

I would like to make the following points which relate to the Call for Evidence published by the Committee:

The Victims' Code of Practice:

The publication of the new Victims' Code in April 2021 was an important step forward, but there is still need for greater action and the Draft Victims Bill presents this opportunity. I support the approach set out in the Draft Victims Bill of setting out the high level principles for the Victims Code in primary legislation and then including the detail of the Victims' Code within regulations to enable future flexibility.

It is important to recognise however that the Victims' Code only applies to named agencies, predominantly those from the criminal justice sector. A true 'step change' in the support provided to victims requires not only action and commitment from criminal justice agencies but a wider 'whole system' response. This wider system response is recognised in the Draft Victims Bill in Clause 6 with the introduction of the new duty to collaborate for Police and Crime Commissioners, local authorities and health services in the context of certain crimes. Further consideration should be given to how the important role these agencies have in supporting victims of crime is explicitly recognised in the Victims Code and in communications with victims about available support services.

With regards to the contents of the Victims' Code there should be a stronger focus on 'understanding' of the rights within the code as distinct from 'awareness' of those rights.

For agencies, this is important in helping to ensure that culture, practice and policy gives primacy to the needs of victims in terms of understanding those rights and adherence to them. This must be secured agency wide and not confined to specialist services as there can be a tendency for 'victims' and the rights contained in the Victims' Code to be viewed as something for specialist services working within the criminal justice agencies. A clear framework and approach is required through the underlying regulations which raises awareness of the Victims' Code, deepens and sustains understanding of its content and reiterates the importance of cross-agency adherence to it.

For victims, awareness raising must happen at the right time and in the right way and must be informed by feedback from victims about what they require. All victims would benefit from access to dedicated 'victim advocacy services' which would be principally tasked with ensuring that the victim is aware of and understands their rights, whilst also supporting those victims of crimes in their journey through the criminal justice system. I recognise that where a victim has elected to seek victim support services, or for certain crimes such as sexual offences, advocacy type services may already be in place for example through ISVAs and IDVAs. However, if we are to deliver a step change there is a need for additional investment nationally in a broader approach to advocacy services to better enable all victims of crime to understand and exercise their rights.

Monitoring and Review of the Victims' Code of Practice:

I am supportive of the provisions contained within the Draft Victims Bill regarding monitoring and review of the Victims' Code and the introduction of a new duty for Police and Crime Commissioners to review the operation of the Victims' Code locally. To support the delivery of these new arrangements and best serve the interests of victims it will be important to ensure that the resources required to carry out this role effectively are put in place. The government's Impact Assessment that accompanies the Draft Victims Bill recognises the importance of additional dedicated analytical support to support this new duty but the importance of wider strategic policy and governance support also needs to be recognised and accounted for.

There is already good evidence of collaboration within many settings, facilitated in many areas by strong Local Criminal Justice Board arrangements. In our area we have good examples of how the Victims' Code of Practice scrutiny processes can work well within the LCJB. However, inconsistencies and challenges do remain, in particular with securing data and as such I welcome the introduction of specific requirements on the sharing of data and keeping compliance under review. I also welcome the government's stated policy intention to place LCJBs on a statutory footing and it will be important to ensure that the underlying guidance and regulations in this area under the Draft Victims Bill reflect those wider policy developments and are appropriately aligned.

The duties set out in Clause 5 regarding the collection and sharing of data are important but there also needs to be a focus, and a statutory requirement, for the publication of data (suitably adapted to deal with any confidentiality issues). This is important for transparency to partners outside the criminal justice system and LCJB structures (including local authorities and the third sector) but also to political leaders (council leaders, MPs etc) and most fundamentally, to victims and the

wider public. I recognise that the government's response to the Victims Law consultation sets out its intention to publish this information via local scorecards. However, Clause 5 should explicitly provide for the publication of data on compliance (the details of which could be within the underlying regulations) given how important transparency will be to securing confidence in the system.

I am supportive of the additional requirements to ensure that feedback from victims is accessed, understood and utilised and would highlight to the Committee my own OPCC Lived Experience Adviser Scheme <https://www.devonandcornwall-pcc.gov.uk/take-part/lived-experience-advisor-scheme/>.

ISVAs and IDVAs

The IDVA and ISVAs operating locally within our area are an important and skilled resource that deliver clear benefits to victims and the recognition and clarity regarding their role through the Draft Victims Bill is welcomed. I also welcome the government's announcement of longer term funding for these roles which will help to address some of the particular challenges seen locally and nationally in capacity and recruitment and enhance the service provided to victims of these crimes.

However, it is important to recognise that these roles are only a part of the provision that is required to support victims of these crimes. They focus specifically on high risk (for IDVA) and acute (for ISVA) categories of victims of these offences. However, a victims' levels of risk or the acuteness of their trauma is not static – it can vary and adapt over time. Alongside investment in IDVA and ISVA services there is a need to ensure that wider domestic abuse and sexual violence support worker services are provided to the wider victims of these crime types who would also benefit from key advocacy services. It will be important that the underlying guidance and regulations which flow from the Draft Victims Bill provide sufficient flexibility to recognise the diversity of need and the diversity of support services required to address it.

There is a need for clear expectations to be set for advocacy services, including standards and I support this approach. However, again this should be defined broadly and provide flexibility to innovate and adapt advocacy services to local need within a broad framework. It will be important to ensure that Police and Crime Commissioners are fully engaged in the work to develop the underlying framework and standards and to support this Police and Crime Commissioners should be formally recognised as a statutory consultee in Clause 9.

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