

**Written evidence from Law Centres Network, Greater Manchester Law Centre,  
Harrow Law Centre**

1. The Bill's definition of 'victim'.

Broadly we are in agreement with the definition adopted although we note that family members are considered for those that have been killed by a criminal offence. There are lots of examples e.g. children of domestic violence victims that should be considered in their own right particularly when considering impact assessments.

2. The Government's proposal to put the overarching principles of the Victims' Code in primary legislation and set out key entitlements in secondary legislation, consulting on changes to the Code once the Bill is in force.

We support the proposal to put the overarching principles into primary legislation but would want the principles and enforcement powers to be broadened and strengthened as set out below.

3. The key changes the Government should consider making to the Victims' Code, including consideration of those already proposed by the Government in its response to the consultation.

We do agree that the right "To be able to understand and to be understood" is very important. However, we do not feel that without an expansion of the right in relation to the provision of translation and interpretation, victims are unable to access justice or support.

The recent **Victim Support, Language barriers in the criminal justice system: the experience of victims and witnesses with English as a Second or Additional Language (2022)** provides a comprehensive overview of the scale and impact of the failings of the current system to victims where English is not their primary language.

**"It was 100% I would need an interpreter to explain properly what happened with me and what [the perpetrator] said or this or that... I already said to the police... I think I said, 'Can I take interpreter?'"**

**... The police said, 'Your English is very well. I can understand you.' But I was needing an interpreter, to be honest..." (Victim, Violent Crime.)**

**In line with this research , we would recommend the code provide more opportunities for victims to be eligible for an interpreter.** Having surveyed several different **police force guidance documents** on use of **interpreters**, one such occasion would be for using an interpreter **whenever a Family Liaison Officer (FLO) is appointed**. This situation has been raised by some forces, such as the London Metropolitan Police. Listing this occasion in the code would **standardise access to interpreters** across all police forces. **As FLOs are allocated in cases of bereavement**, enshrining this right is essential for families to receive accurate information in the most accessible way in difficult circumstances and interactions.

We also note that the emphasis throughout the proposals on the support offered to victims of crime, **and yet victims are required to request an interpreter. In other cases of**

**vulnerability or specific needs, victims are not required to request specific support, instead they are offered it.** We agree with previous comments made by the **Deputy Commissioner** that vulnerability can manifest itself in a number of ways, including where victims not speak English as a first language. We therefore recommend that the wording is changed and the emphasis is on the responsibility of statutory agencies to offer the use of an interpreter where required, or to make sufficient enquiries with the victim as to whether one would be beneficial, to ensure that a victim is able to understand and be understood.

We have been working with Harrow Law Centre to provide a victim service specifically for Victims of Crime who have English as an additional language. The Law Centre has found that many victims for whom English is not a first language do struggle to identify the right to request an interpreter. Such requests can be difficult to make in a language you do not understand, and particularly so in cases where the victim has not been the one to make the criminal report or where additional needs exist. The emotional stress for many victims is further compounded by their inability to communicate in a language they understand. Placing the burden to request language assistance onto victims fails to appreciate their vulnerability and risks preventing such victims from accessing justice.

To help make this right more succinct, we suggest a re-wording of Right 1, which currently reads: “You have the Right to be helped to understand what is happening and to be understood”, which we think may give the impression that this is a qualified right as the right exists ‘to be helped’ and not ‘to be understood and to understand what is happening’. We hope that the Code will reverse the burden of requesting interpreting services, and will read more succinctly as “You have the Right to understand what is happening and to be understood.”

4. The Government’s proposals to amend the role of the Victims’ Commissioner.

We are broadly supportive of these proposals.

5. The Government’s proposals to place a duty on the relevant criminal justice agencies (the police, the Crown Prosecution Service, HM Courts & Tribunals Service, Youth Offending Teams and HM Prison and Probation Service) to collect data and keep under review their delivery of the Code.

We support the proposals to support this duty. We do feel that data should be collected on vulnerability of victims and their needs for interpreters and language/communicative support and as importantly when these needs have not been addressed.

6. The Government’s proposals on the role of the inspectorates, including an improved focus on victims, and a new power for the Government to direct aspects of their work.

We agree with this proposal.

7. Whether the legislative steps proposed by the Government will lead to an improvement in the commissioning of support services?

We believe that the legislative steps will lead to an improvement in some commissioned services but that there is a missed opportunity by not explicitly enshrining the rights to

language support there will still be failing for a significant proportion of vulnerable victims.

8. Whether the steps outlined by the Government will lead to increased awareness and effectiveness of ISVAs and IDVAs?

The recent Victim Support report highlighted there is a clear correlation between the need for language support and the effectiveness of domestic and sexual violence support services within the criminal justice system. Victim Support analysis found that the majority of victims who spoke English as a Secondary Language were women who had been victims of violent crime, suggesting that when they are victims of crime, victims who speak ESL are also more likely to have been the victim of gender-based violence, and trafficking/modern slavery.

The ability to communicate effectively with victims of sexual and domestic violence. Greater Manchester Law Centre runs a service that supports domestic violence victims where English is a secondary language. The experience of these clients show that the lack of language support and inability to engage with the criminal proceedings has a compounding negative impact when seeking on-going support for these victims in terms of victim support, housing, benefit and resettlement services.

9. What implementation, resourcing and accountability challenges exist with respect to the Victims Bill?

The Victim Support research found that cultural barriers, both in the sense of the victim's culture and the culture and processes of the CJS, added to the language barriers detailed above and made the system very difficult for victims who speak ESL to navigate.

Even when victims were provided with language support, they still faced barriers due to a lack of knowledge of their rights as victims, how cases progressed, and why decisions had been made regarding prosecutions. Cultural differences, such as women victims' discomfort discussing the sensitive nature of events with a male officer, or different implications of the word 'offence', create further barriers and layers of misunderstanding, all of which are detrimental to victims' experiences of the CJS and therefore their likelihood to continue to engage.

Cultural and language awareness training is required to support and ensure that the experience of ESL victims of crime are understood so that they can be heard as enshrined in principle 1 of the code.

At present, victims – particularly those who do not speak English – **struggle to communicate with statutory agencies regarding the standard of service they receive.** Many complaints relate directly to the lack of interpreting facilities, which in turn cause victims to feel disempowered even to raise the concerns. Many complaints which the Law Centre deals with regarding failings of the Code are ones which could easily have been remedied by the investigating officers at the time – for example **communicating progress on a case in a timely manner and in a language that is understood to the victim.** In one instance, the Law Centre assisted a Victim with limited English in making a complaint against the service provider for failing to explain the outcome of a case. Upon investigation, it transpired that the case had progressed all the way to court, without the Victim being

informed. The Victim was deprived the opportunity to have their voice heard, either through a Victim Personal Statement or as a participant in the proceedings.

Failures to address concerns often result in formal complaints being lodged with the relevant force or IOPC, meaning further time and resources are spent addressing issues which could easily have been **remedied earlier in the justice journey** and usually before the relationship with police officers has broken down.

10. Whether there any relevant international examples the Committee should consider?

None that we are aware of.

11. Whether the provisions of the Bill could have any implications for due process?

None that we are aware of.

12. Whether there should be any further measures included in the Bill?

We believe the Bill should explicitly enshrine rights to language support, where victims are provided timely opportunities for an interpreter. This should be done by emphasising the responsibility of statutory agencies to source such support at an early stage, by ensuring staff are appropriately trained in cultural and language awareness to identify the needs of victims, and to collect data on vulnerability of victims to identify whether these needs are met.

To include the measures set out above would standardise access to accurate and accessible information across all police forces, and alleviate some of the emotional distress faced by victims to enable access to justice.