

Written evidence submitted by the Association of Police and Crime Commissioners (VIC0045)

This submission is made to the Justice Select Committee Call for Evidence on the pre-legislative scrutiny of the draft Victims Bill.

The submission is made by the Association for Police and Crime Commissioners (APCC) Victim's leads: Sophie Linden, Deputy Mayor for London, and Donna Jones, PCC for Hampshire, Victims Leads on behalf of its members. The APCC is the national association for Police and Crime Commissioners (PCCs), representing all policing governance bodies across England and Wales.

We have also attached our response to the Ministry of Justice's consultation: *Delivering justice for victims*, at Annex A, for information.

We thank the committee for the invitation to attend the oral evidence session on 21 June and look forward expanding on the below.

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Written Evidence

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

- The definition broadly captures victims of services that we as PCCs commission and appears to leave room for some flexibility.
- As commissioners of services, though we would want to support all victims, we must be conscious of resources. We note the mention of migrant victims and victims of anti-social behaviour in the consultation response, we might also mention witnesses of crime. We would be supportive of considering how such victims could be supported through the Code. This would require considered investigation into demand and resourcing.

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 are supportive of the principles code. We are clear that victims should be at the heart of this Bill and the purpose should be to ensure victims receive see a material improvement to the service they receive. The Bill and explanatory notes might be clearer in setting out the tangible benefits to each of the measures to victims and victims services.
- We would also like clarification on whether, and how, the code will be enforced, and the penalties for failure to comply.
- The timings of the Bill have been pressing due the government's drive to improve standards for victims. PCCs are supportive of consulting again on changes to the Code

following commencement of the Bill, providing the consultation is undertaken at a measured pace to

allow for full consideration of amendment and additions, and informed stakeholder engagement.

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 are supportive of:
 - Reviewing the information in the Code about the Victims' Right to Review schemes, and sharing best practice in communicating with victims.
 - Using the Code to promote Community Impact Statements. Though we must also note the resource implications to their use. It is imperative therefore that all agencies make full use of CISs when they are making decisions, and that victims/communities are informed about how these statements have been used, to ensure the full value of such statements is gained.
 - The root and branch review of Parole. PCCs would want to ensure that the victims voice is heard clearly within the parole process and parole decision-making, and that this process is open and transparent. Victims need to be kept informed and updated on any parole deliberations and decisions that could impact on them, with support provided throughout.
 - Making provision in the Code for Victim Personal Statements to be submitted to Mental Health Tribunals. All victims should be allowed and supported to submit a VPS, supporting their rights under the code, and supporting them to gain support and closure.

We would welcome further engagement from the MoJ on changes to the code in order to provide a considered response.

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

Proposal to amend role

- PCCs are supportive of the decision to amend the role of the Victims' Commissioner to enable them to require CJ agencies to respond to their annual report, and to formalise the laying of this report before parliament. This would empower the Victims' Commissioner to meaningfully hold partners to account in a material way and to drive better performance from partners across the system. Formally laying the annual report is a formal recognition of the importance of victims in the system and an independent assessment of how the system is addressing issues for victims.
- PCCs are fully supportive of the developments set out in 5.1 and the focus of the PCC role in providing scrutiny of local partners compliance against the victims' code. We are fully committed to discharging this duty. We do however have some concerns regarding the proposal to completely remove this function from the Victims' Commissioner role. Whilst PCCs are well placed to provide local review and scrutiny on code compliance, the Victims' Commissioner still has a role to play. We would be

supportive of a formal mechanism by which code compliance data is could be shared with the Victims' Commissioner.

Governance

- The *Explanatory Note*, point 29, states 'The Victims' Commissioner will continue to play a vital role in improving Code compliance nationally through their other functions, for example in publishing reports and making recommendations, advising Ministers and through their role on the National Criminal Justice Board'.
- The APCC also holds a seat at the National Criminal Justice Board (NCJB). However, we are concerned that the NCJB has not met since July of 2021 and does not appear to maintain a regular schedule of meetings. It would appear this important, cross-CJS sector Board has been overtaken by other ministerial and official led groups and taskforces such as The Rape Review Taskforce, and the Criminal Justice Action Group, of which APCC is not a member. It should be of significant concern that, just at a time when we are experiencing such significant challenges across the criminal justice system, the National Criminal Justice Board has not met as a body for a years.
- If the NCJB is to be of value in the context of the new Victims Bill and the Victims' Commissioner's role it will need to be reformed to meet on a regular schedule, with action focused and value driven meetings. We would urge action to be taken to address this.

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.

Local Criminal Justice Boards

- PCCs are supportive of the proposal for agencies to collect and review code compliance data. We are also supportive of the duty placed on PCCs to review how agencies are complying with the data.
- As chairs of Local Criminal Justice Boards (LCJBs) we support the use of these forums for partners to review data in relation to code compliance, discuss improvement action needed and to hold each other to account for improvements delivered. The PCC has a key role to play in chairing LCJBs.
- The PCC Review part 2 contained an important recommendation in relation to putting LCJBs on a statutory footing. This work is its early stages but is being taken forward by MOJ working with the APCC and wider partners It will require primary legislation to make the change and will be a key development in ensuring that all CJ agencies who are members of LCJBs take their responsibilities seriously. Both pieces of work (the Victims Bill and the LCJB statutory footing), should be considered together to ensure alignment in guidance.

Accountability

- We are very pleased that the new Bill contains a duty requiring agencies to share data. This is a positive step forward. However, we remain concerned that, as PCCs we have a duty to review compliance and through this, to hold LCJB agencies to account for

delivering against the code, but with no additional powers to do this should agencies refuse to comply. This is a challenge.

- PCCs have been clear, that in order to effectively hold the system accountable at the local level, we need additional levers. Mandated data sharing is welcome, but in addition PCCs should have the ability to ask for improvement plans should the data provided indicate that they are failing in their compliance against the code. These improvements plans could be shared with the LCJB with progress reporting made at regular intervals. Additionally, the guidance when drafted in full must clarify the escalation routes where PCCs have identified failure to comply with the code in order to ensure that there is a clear understanding of who is responsible for holding organisations to account for failures. We understand that conversations will happen through current national governance arrangements held by the MoJ, however, PCCs do not attend these meetings. As PCCs will now monitor the data at a local level, it is surely key that they are then represented at national CJ improvement meetings in order to ensure a strong and effective interface between the local and national and to ensure that risks and performance issues identified locally can be escalated nationally. We would request that the MOJ review its national governance and reporting structures accordingly

Suggested amendment – publication of data

- The intention is to publish compliance data through the local and national CJS Scorecards, however the Bill does not make reference to how the data will be published. Publication would support the PCC role and aid in transparency.
- Indeed, PCCs could publish their locally collected data on their websites as part of their duty to collect and review the data.
- We are also supportive of data sharing beyond that of code compliance to improve the victim experience. All CJS agencies should be encouraged to share their data to improve services and our understanding of victims' experiences throughout the system. We understand that work is underway through the PCC review to improve data sharing. This work must take a victims centred approach.

Taking victims experiences into consideration

- As victims' commissioners and local victims' advocates, PCCs are committed to delivering high quality victims services for all victims, including those with protected characteristic. PCCs already undertake their own local surveying into victims' satisfaction. The current surveying undertaken by individual PCCs is not however comparable nationally due to different surveying methods used and local variations in questions. We understand that at this stage, the MoJ are not expecting additional surveying to be undertaken, nor for the results of current surveying to be nationally comparable. If that were to change it would be very resource intensive for PCCs.
- Additionally, PCCs would want to see assurances that all data collected by CJ agencies in relation to victims' experiences is used to improve services for victims and that this can be evidenced by those who collect it.

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 are supportive of an increased focus of inspectorates on the services delivered to victims. This will ensure CJ agencies receive the scrutiny required on their delivery and are held to account.
- We are clear that transparency in the system is crucial, and that the inspectorates play a key role. They monitor the role of agencies delivering victims services. As commissioners, PCCs account directly to MoJ for the services we commission through the victims' grant funding. We do not therefore recognise a role for the inspectorates within our accountability processes as they are already well covered by this reporting.

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

Approach

- We are supportive of a duty to collaborate, and in many cases it is formalising processes that already exist locally.
- We would want flexibility to how the duty is delivered as it may look different in different areas. We would also support the further devolution of national budgets and services to support local delivery and improve integration of local services.
- Across our policy interests we are supportive of taking a 'public health' approach to issues so by incorporating commissioners with different expertise and interests we would hope to capture a broader range of victims, and increase coverage of multiple issues. We would hope this might reduce the 'post-code lottery' effect of service provision. We would also like to consider how to ensure we are capturing/recognising victims who do not have contact with the CJS or who fall out of the system, through a joint strategy we might support a holistic approach to commissioning of services.

Challenges

- The guidance will need to provide clarity on best structures for partnership working. Given that the geography of PCC areas, LAs and ICBs differ considerably, it will be a challenge to bring these groups together effectively to create a single joint strategy. The guidance should be clear on governance and accountability to support the arrangement and have flexibility as to how these arrangements are taken forward.
- We would also like to see a definition of 'respective victim support functions' (6.2(a)), to ensure that each partner has a clear understanding of their respective roles and responsibilities to victims and commissioned services. This will avoid any one partner 'filling gaps' and will ensure that if there are gaps, this will be easily identified and rectified.
- We are also aware of multiple other collaboration duties/reviews which involve various fora, i.e. the duty to provide safe accommodation (Part 4 of the Domestic Abuse Act 2021), the Serious Violence Duty, CSP review, PCC Review, Violence Reduction Units, 10 Year Drug Strategy etc. We understand each has a specific purpose, however, we are concerned about a level of duplication and would like to see consideration given to how these duties/reviews/strategies interact practically at a local level to avoid duplication of work.

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

Definitions and guidance

- PCCs are supportive of a definition and guidance on ISVAs and IDVAs, provided that such meanings are sufficiently broad to capture the wide range of professionals who deliver these services. It is crucial we ensure consistency of high quality and professional service across the sector, therefore, the role of accreditation must be considered. However, if a definition is too rigid, then funding opportunities to support advocates, particularly in the IDVA space, where there are a wide range of support staff, will be lost.

Funding

- Under the *Delegated Powers Memo*, point 30 notes: ‘The MoJ are particularly invested in ISVA and IDVA roles, due to the positive impact these roles have been shown to have on victim experience, which is why we have also invested substantially in funding these roles. Funding also comes from other Government departments, local authorities and third parties. This mix of funding and commissioning has led to the sector and advisors operating with differing abilities, varied specialisms and training, and in some cases different job titles’.
- We agree with the proposed approach to delivering clearer guidance, however, HMG must also seek to address the issue raised in point 30. Multiple funding streams from central government are confusing, and must be streamlined and made clearer to Commissioners. This will support better and clearer commissioning of services in the first instances, and thereby support increase the quality and coherency of services delivered to victims. This will increase the effectiveness of services for victims.

Suggested amendment – recognition of ISVAs and IDVAs in judicial process in courts

- We were disappointed that the draft bill does not go further in recognising the role of ISVAs and IDVAs as part of the judicial process in court. We would support formal recognition of these advocacy roles within the process and would recommend investigation as to inclusion with the Bill. The department might explore how advocacy roles within the judicial process might be considered ‘special measures’ in courtrooms. We recognise the ongoing work of the actions stemming from HMG end to end rape review in pushing forward the role of ISVAs.

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

- PCCs are supportive of the proposals, however, we are concerned that PCCs will not be properly resourced to effectively deliver the new duties. Detailed below under ‘resource implications for clause 5’ and ‘resource implications for clause 6’.
- We are also concerned that PCCs are not represented currently at national governance fora (see q. 4 for National CJB comments). If PCCs are to undertake these duties then we must be represented at these groups to report on the delivery and strategic implications.

Resource implications for clause 5: Review of compliance with victims' code

- We believe the costs assumptions made in the *Impact Assessment* to be unrealistic. The low cost of 'do nothing' (£0), relies on the assumption that LCJBs already undertake data collection and monitoring work. It fails to take into account the variability of business/analytical support for LCJBs across local areas. LCJB support is funded differently across local areas, in many cases by yearly partner contributions. Some CJ agencies refuse to pay anything towards LCJB business support, leaving PCCs having to pay for it all. The LCJB business posts also vary between full and part time, and whilst some offer analytical support – some do not. Additionally, some of the organisations that will be required to provide data on compliance, do not, in some areas, contribute anything financially to the support post. The assumption that monitoring code compliance is business as usual work is an overestimation of the capacity of such posts across the board. We would strongly request that additional funding is provided to all LCJBs through PCCs to ensure that effective business support processes are in place to deliver on the new duties.
- Additionally, though analytical support is welcome and needed to review the data, we believe in order engage fully with effective scrutiny, policy/strategy support is also needed to effectively advise PCCs in their role in relation to victim compliance.
- On collecting victims' feedback, should no additional collections be required, then the resource implications may remain unchanged through some PCCs may increase their collection in which case the burden will increase. Should additional data be mandated then their collation, interpretation and usage in steering policy and future development would greatly increase burden.
- In conclusion, we feel that additional business support/analytical resource will be required to support PCCs with the new duty, and therefore support the high-cost assumption within the impact assessment.

Resource implications for clause 6: Duties to collaborate in the provision of victim support services

- We believe that the resource assumptions for this duty to be acceptable if based solely on the work required to organise, attend and develop a strategy. However, the additional work to operationalise and deliver such a strategy in terms of co-commissioning and coordinating of partners would be complex and would require additional resource.
- Additionally, the estimate is necessarily based upon hours. However, PCCs offices in some cases do not have posts with spare hours, so consideration must be given to how PCCs would practically resource these posts. Similarly, we must ensure that money is not taken away from vital services to fund this duty.
- In addition, the aforementioned strategies/reviews/duties are being delivered, often with the same staff attending and contributing to the same meetings. We must therefore consider best use of time.
- Concluding, we would therefore ask for a further review to the cost implications of this duty. We consider that the practical delivery of this duty is yet to be worked out and therefore the full cost implications of implementation cannot yet be accurately assessed. In order for this duty to be delivered effectively, it has to have correct resourcing; effective collaboration which leads to a strong strategy will be complex and require

coordination of input from across organisations. We believe the current estimation to be too low.

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

- n/a

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

- n/a

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

Publication of data

- See question 5.

Recognition of ISVAs and IDVAs in judicial process

- See question 8.

Streamlined centralised funding

- Within the Bill or wider guidance there should be a recognition of the role of government in supporting commissioned services through streamlined funding.
- As raised in question 8, multiple funding streams from HMG to multiple commissioners, at different times and for different durations creates challenges in commissioning services. The government should commit to reviewing how it funds services, simplifying the funding cycles and grant applications processes. Similarly, a commitment should be given that grant application windows should be announced in good time and with achievable deadlines. Furthermore, requests for information and reporting on grants/funding should be made in good time and not last minutes.
- Each of these recommendations would support commissioners to be strategic in their forward planning and to better use their time for service delivery.

Avoidance of duplication

- See question 7.
- As we note in question 7, there are multiple duties, strategies and reviews currently underway or recently implemented. We would like to see consideration given to interactions with the Bill. We recognise that the schedules for commencement will not align in the present, however, considerations should be given into how these various work strands might be aligned in order to reduce the burden to local delivery longer term.

June 2022