



REPORT FOR THE WEST YORKSHIRE POLICE AND CRIME PANEL POLICE AND CRIME PLAN OUTCOME: SUPPORTING VICTIMS AND WITNESSES

KEY INFORMATION

Date: 18th June 2021

Subject: An information paper on the current position

INTRODUCTION

1.1 The purpose of this paper is to give members of the panel an overview of the various national and local strategies that are linked to victim and witnesses in West Yorkshire. This paper details what is known up to the date it was written, but the pace of change is rapid – it is recommended to check with the Adviser for any changes to the position or for any additional information required.

1.2 As Mayor one of the key priorities in my manifesto was to keep women and girls at the heart of the policing plan. Many of the below developments will be part of this priority and these will be built on in the upcoming Police and Crime Plan.

1.3 The key developments are:

- a) The West Yorkshire Victims Strategy, Supporting People Harmed by Crime
- b) Victims' and survivors support services available in West Yorkshire
- c) The Independent Review of support services for victims of sexual violence and abuse
- d) The Revised Victims Code and Victims Bill proposed in the Queen's Speech
- e) The Domestic Abuse Act 2021

1.4 The information is also provided to inform identification of discussion about the challenges that lie ahead. This includes the development of the new Police and Crime Plan; developing an approach to domestic and sexual abuse that fully recognises the

disproportionate level of violence against women and girls and takes account of the growing numbers of male victims and survivors coming forward; the re-commissioning of a number of key services for victims from 2022/23 onwards.

1.5 West Yorkshire has a high level of national engagement on these issues, through the Association of PCCs, the National Police Chiefs Council, the Local Government Association, the Victims Commissioner Dame Vera Baird, the Domestic Abuse Commissioner Nicola Jacobs, the Children's Commissioner Anne Longfield, relevant Government departments especially the Ministry of Justice, and its third sector leaders many of whom are active at national level e.g. in the national domestic abuse and sexual violence sectors.

a) SUPPORTING PEOPLE HARMED BY CRIME – the first ever West Yorkshire Victims and Witnesses Strategy

2.1 The previous PCC appointed a Victims and Witnesses Services Adviser in October 2017. One of the tasks they were given was to develop a victim's strategy. The strategy "Supporting People Harmed by Crime" was launched on 18 February 2020. It can be accessed through the following link: [Victims Strategy Link](#). The keynote speakers were the PCC, Deputy Chief Constable, and Dame Vera Baird QC, Victims Commissioner for England and Wales.

2.2 A victim's strategy is needed to make sure that discussions about policing, community safety and criminal justice in West Yorkshire have an explicit focus on the needs and experiences of victims and witnesses. Approximately 200,000 individuals report being victims of crime to the Police every year, and many more do not report to the Police but need to access support.

2.3 The key overarching elements of the approach articulated in the strategy are:

- ✓ to champion the interests of ALL victims and witnesses, wherever they live in West Yorkshire, regardless of their age, gender, gender identity, ethnicity, sexual orientation, income level or disability. This extends to those with a history of offending, many of whom have also been victims themselves.
- ✓ to support and empower victims and witnesses and make sure their voices are heard in feedback about existing services, the design or redesign of them, and their experience of the criminal justice system.
- ✓ To ensure the response is based on the impact on the victim, not the type of crime. For victims who report crime, their journey only starts with the Police.
- ✓ to secure a much higher profile for the support services which already exist, more resources to meet increasing demand and the development of new services to fill identified gaps, open to self-referral regardless of whether you report to the Police,

and easily accessible via several points of contact.

- ✓ Promote innovation to widen the range of options for victims such as restorative justice.
- ✓ Greater integration of support services whoever funds or commissions them – whether my office, central government, NHS, Local authority or charitable trusts – and more joint commissioning where that is needed. Greater investment is needed in support services to meet the aspirations set out in this strategy.

2.4 The seven priorities of “Supporting People Harmed by Crime are:

- Raise awareness of the approach to supporting ALL victims and witnesses, putting people and communities at the heart of policy, practice, and service development.
- Get the initial response to victims and witnesses right first time every time.
- Work hard to give people the support they need to cope and recover, tailored to their individual needs, whether or not they pursue action through the criminal justice system.
- Increase the confidence people have in the Police and the rest of the criminal justice system and empower them to take up the different options available to them through it.
- Address the additional vulnerabilities and complex needs that compound the barriers to coping and recovering and often result in repeat occurrences.
- Identify and take action to fill gaps in services and achieve greater consistency in West Yorkshire.
- In all the above priorities work to ensure that the needs of children and young people are given appropriate attention.

2.5 Although progress on the strategy has been affected by the Covid 19 context, it has also been an opportunity to put its principles into practice. This has been particularly important within the Local Criminal Justice Board (LCJB) discussions about the court backlog. The impact on victims has been at the centre of the LCJB Executive’s discussions of these issues. The LCJB Victims and Witness Group reviewed what its member organisations were doing to support victims and witnesses in the context of the Covid 19 restrictions. These initiatives were collated into a paper for the Executive. The steps taken were also reported to the Police and Crime Panel in the summer of 2020,

2.6 In addition to the vital work through the LCJB and to maintain support to victims, a number of important initiatives to implement the strategy were prioritised and have been progressed since the launch of the strategy. My office has developed a detailed delivery plan for the strategy.

2.7 The Victims Services Adviser has been working with CSPs to promote district level discussion of the Victims Strategy and the role of CSPs in helping to deliver it. The strategy has been discussed by the CSP Forum.

b) MAIN SERVICES FOR VICTIMS IN WEST YORKSHIRE

3.1 All the victims' services commissioned and funded through grant were dramatically affected by the lockdown. However, all continued to support victims albeit remotely rather than face to face in accordance with lock down requirements. Providers are looking at what can be done to offer more face to face contact with victims as lock down eases.

3.2 The key services available to victims and survivors in West Yorkshire funded by the Ministry of Justice (MoJ) at either PCC or national level are:

- Core referral and local support – provider Victim Support, commissioned by PCC. This is the main contract, providing an initial needs assessment and easy access to other more specialist services.
- West Yorkshire Restorative Justice Service – provider Restorative Solutions, commissioned by my office.
- West Yorkshire Independent Sexual Violence Advisor Service – provider Victim Support, commissioned by my office.
- Rape Crisis services – providers 3 rape crisis centres, grant aided by PCC and MoJ National Rape Support Grant
- Sexual Assault Referral Centre – provider Mountain Healthcare, commissioned by NHS England and York and Humber PCCs
- Independent Domestic Violence Advisor services – various, district based, commissioned by local authorities with some funding from my office.
- Court based witness service – provider Citizens Advice, commissioned by the MoJ
- Homicide Service – provider Victim Support, commissioned by the MoJ
- National Road Victims Service – provider Brake – supported by an increased grant from the Dept of Transport because of lobbying by West Yorkshire PCC and Police amongst others. Up to 2019/20 the grant came from the MoJ.

3.3 It is important to note that the services commissioned locally have been developed since the devolution of the MoJ Victims Fund in 2015/16. Some are completely new services; others have been changed radically to meet the specific needs of West Yorkshire. A number are due to be rec-commissioned from 1 April 2022, starting with the Restorative Justice service.

c) INDEPENDENT REVIEW OF SUPPORT SERVICES FOR VICTIMS AND WITNESSES OF SEXUAL ABUSE AND VIOLENCE (SAVR)

4.1 The previous PCC presented the report of the independent review to his Domestic and Sexual Abuse Board on 17 June 2020. He stated that he was supportive of the broad direction of travel set out in the recommendations, however he wanted to engage fully with partners in taking the report forward. The report was widely welcomed on all sides, Police, local authorities, health and third sector. It was noted that there had been some success in reaching victims and survivors, including those from BAME communities, and the report was clearly informed by their views. The Executive Summary and full report is available on request.

4.2 The Board agreed to set up a Task Group to advise it on the implementation of the recommendations, with the membership drawn from the Board and the SAVR Project Reference Group.

4.3 The Task Group has now met 3 times, covering partnership working and referral pathways; access to mental health services; and criminal justice issues. It has also undertaken work to directly engage with victims and survivors through the third sector sexual violence sector in West Yorkshire.

4.4 The issues about data analysis raised in the report are being taken forward by the DSAs Data Analysis sub-group. It is led by the Policing and Crime, Research Manager.

4.5 The Task Group requested that a meeting be arranged with the Synergy partnership of rape crisis centres in Essex. This took place on 28 September 2020. It was open to any partners interested in attending, there were 20 participants from a wide range of stakeholders. Notes from the discussion and the slides used are available.

4.6 The previous PCC wrote to Community Safety Partnerships (CSPs), Health and Well Being Boards and Safeguarding Partnerships / Boards about the review. The Task Group is going to review the responses received at its next meeting. The mental health issues involved have been raised with the West Yorkshire and Harrogate Health and Care Partnership, and the Partnership's Mental Health Programme Director is convening a meeting to discuss them.

d) THE GOVERNMENT'S REVISED VICTIMS CODE AND WITNESS CHARTER

5.1 The Government's revised Victims Code was launched in November 2020, following a consultation to which the previous PCC contributed. It came into operation on 1 April 2021. Successful implementation of the Revised Code is Fundamental to increasing confidence in the Police and the criminal justice system, by improving the experience victims and witnesses have.

5.2 The Revised Code sets out 12 rights for victims which are:

Right 1: To be able to understand and be understood.

Right 2: To have the details of the crime recorded without unjustified delay.

Right 3: To be provided with information when reporting a crime.

Right 4: To be referred to victim support services and have services and support tailored to their needs.

Right 5: To be provided with information about compensation.

Right 6: To be provided with information about investigation and prosecution.

Right 7: To make a victim personal statement.

Right 8: To be given information about the trial, trial process and your role as a witness.

Right 9: To be given information about the outcome of the case and any appeals.

Right 10: To be paid expenses and have property returned.

Right 11: To be given information about the offender following a conviction.

Right 12: To make a complaint about rights not being met.

5.3 The Government made a commitment in the Queens Speech to a Victims Law giving statutory force to these rights. A Green Paper is expected over the summer. For the time being, the best indication of the issues involved in developing a Victims Law are outlined in the Victim Commissioners Policy Briefing Paper available on her website: [Victims Law Policy Paper: The Victims' Commissioner's proposals for a Victims Law - Victims Commissioner](#)

5.4 Local monitoring of adherence to these rights is a key commitment in the West Yorkshire victim's strategy, and an important role for my office and LCJB moving forward. MoJ guidance can be expected as the revised Code is put into place, so that there is monitoring in place which enables comparison to be made between different areas, to identify areas of strength and share good practice, and areas requiring further development. The LCJB Victims and Witness Group, reporting to the LCJB Executive, is taking a lead on this in West Yorkshire.

5.5 It is important to note that there is also a Witness Charter. This has received less attention from the Government than the Victims Code but does address important issues for witnesses who are not also victims. The LCJB Victims and Witness Group has reviewed local implementation of the Charter.

e) DOMESTIC ABUSE ACT

6.1 The Domestic Abuse Bill passed both Houses of Parliament and was signed into law on 29 April 2021. The Domestic Abuse Act is set to provide further protections to the

millions of people who experience domestic abuse, as well as strengthen measures to tackle perpetrators.

6.2 There have been frequent discussions in the run up to the Bill becoming an Act at the West Yorkshire Domestic and Sexual Abuse Partnership, convened by the Policing and Crime Dept within WYCA and chaired by Cllr Maureen Cummings, Wakefield MDC. All five local authorities, different parts of the NHS, the Police and criminal justice system, the fire service and the voluntary and community sector are represented.

6.3 Much of the preparation in the local authorities has been to meet the requirements in respect of refuges and other safe accommodation, and the duties related to them. The five local authorities have worked together well on these issues and benefitted from a joint programme of work funded by the Ministry of Housing, Communities and Local Government led by Safer Leeds.

6.4 The Domestic Abuse Act will help victims in the following ways:

- create a statutory definition of domestic abuse, emphasising that domestic abuse is not just physical violence, but can also be emotional, coercive, or controlling, and economic abuse. As part of this definition, children will be explicitly recognised as victims if they see, hear, or otherwise experience the effects of abuse.
- create a new offence of non-fatal strangulation.
- extending the controlling or coercive behaviour offence to cover post-separation abuse.
- extend the ‘revenge porn’ offence to cover the threat to disclose intimate images with the intention to cause distress.
- clarify the law to further deter claims of “rough sex gone wrong” in cases involving death or serious injury.
- create a statutory presumption that victims of domestic abuse are eligible for special measures in the criminal, civil and family courts (for example, to enable them to give evidence via a video link);
- establish in law the Domestic Abuse Commissioner, to stand up for victims and survivors, raise public awareness, monitor the response of local authorities, the justice system and other statutory agencies and hold them to account in tackling domestic abuse.
- place a duty on local authorities in England to provide support to victims of domestic abuse and their children in refuges and other safe accommodation.
- provide that all eligible homeless victims of domestic abuse automatically have ‘priority need’ for homelessness assistance.

- place the guidance supporting the Domestic Violence Disclosure Scheme (“Clare’s law”) on a statutory footing.
- ensure that when local authorities rehouse victims of domestic abuse, they do not lose a secure lifetime or assured tenancy.
- provide that all eligible homeless victims of domestic abuse automatically have ‘priority need’ for homelessness assistance.
- stop vexatious family proceedings that can further traumatise victims by clarifying the circumstances in which a court may make a barring order under section 91(14) of the Children Act 1989.
- prohibit GPs and other health professionals from charging a victim of domestic abuse for a letter to support an application for legal aid.

RECOMMENDATION

7.1 That the Panel:

- Note the contents of the paper.

For further information please contact

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