



Direct Communication with Victims

A follow-up audit of Crown Prosecution Service performance in relation to keeping victims informed

Executive Summary

October 2009

Introduction

The Direct Communication with Victims (DCV) scheme has been operational within the Crown Prosecution Service (CPS) since 2001. It recognised the importance to victims of receiving prompt information about decisions relating to cases that affect them, in particular where a charge has been dropped or reduced or increased in gravity. The CPS committed itself to provide an explanation to the victim outlining the reasons for the decision – usually by letter. In certain serious or sensitive cases the victim or their family would be offered an opportunity to discuss the case with the person responsible for making the decision.

There are timescales set for this information to be provided. DCV letters must usually be dispatched within five working days of the decision but for cases involving a vulnerable or intimidated victim notification is required within one working day. This obligation is contained in the Code of Practice for the Victims of Crime (the Victims' Code) which came into effect in April 2006 and gave victims statutory rights.

The initial audit report on CPS compliance with the DCV scheme was published in September 2007. It found examples of good practice and listed 20 compliance requirements. The CPS has developed an action plan to improve performance and this follow-up considers its impact.

Summary of findings

Compliance has improved with an increase in the number of letters sent in relevant cases to 72.9%, 11% higher than was found in the last audit. Better use of the electronic case management system (CMS) may play a part in this, but ensuring that staff are aware of the urgency required in identifying and dispatching DCV letters appears to be a key factor in this respect.

Electronic flagging to identify cases involving a victim has improved slightly, however those with vulnerable and intimidated victims were not consistently identified. Cases of rape, sexual assault and domestic violence were found where victims had not received a letter and this was in some instances attributable to the lack of flagging.

File endorsements noting the need for a letter are essential, particularly in cases where charges have been dropped or altered but the case continues on other charges and this needs to be improved. The audit found cases of this nature that resulted in victims not receiving an explanation of the action taken. Files also need to be clearly endorsed with the reasons behind a decision not to send a letter where one would normally be required.

Failure to flag a case appropriately was compounded in nearly two thirds of relevant ones seen by the failure of the lawyer or prosecutor in court to endorse the file with an instruction to send a DCV letter.

The aim of sending 100% of letters within the time targets has not been reached. Where a letter to the victim was required within five days, 89.7% met the target. Performance was less good in relation to the demanding target of letters to be sent to vulnerable or intimidated victims within one day – met in 77.0% of cases.

The new monitoring system has improved the accuracy of recording the numbers and timeliness of letters sent. Some areas have procedures in place which if used properly would improve the timeliness of letters further.

The quality of letters was similar to that found in the previous audit but it was evident that more care was being taken to tailor the standard paragraphs to the circumstances of the case.

A suitable level of empathy was expressed in the majority of letters. However examples were found where cases were dropped through no fault of the victim and the letter failed to acknowledge the disappointment they might feel. The letters revealed that more could be done to include details of sources of support that might be available to the victim.

In 41.6% of cases where a meeting should be offered to the victim or their family this was not done. It is such omissions which adversely affect the public perception of the CPS.

Quality assurance of DCV letters is not done in most areas. Where it is, practices differ and forms issued for this purpose by CPS Headquarters are not being consistently used. Quality assurance may be useful in identifying problems before a letter is sent out or in highlighting training needs for those staff drafting them.

The proxy target given to areas to measure their performance in providing DCV letters continues to be an issue. Her Majesty's Crown Prosecution Service Inspectorate (HMCPIS) considers the current system of targets to be unrealistic. The CPS has recently revised the way in which they are calculated but it is felt that this will have minimal effect in providing a realistic figure. The target has been, and will continue to be, substantially under the number of letters that should actually be sent. The CPS needs to act immediately to address this issue as it failed to implement the compliance requirement made in the 2007 report.

Compliance requirements

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- 1 Areas should ensure that files are clearly flagged to identify cases in which a letter is required (paragraph 3.17).

 - 2 Areas should have management checks to ensure that all cases with identifiable victims are recorded on the case management system (paragraph 3.17).

 - 3 Areas should ensure that lawyers identify cases with vulnerable and intimidated victims at an early stage and that such cases are flagged appropriately (paragraph 3.21).

 - 4 Areas should ensure that all victims have the appropriate "V", "L" or "T" monitoring symbols attached to enable letters sent to be recorded correctly in area performance data (paragraph 3.27).

 - 5 Areas should ensure that:
 - lawyers or caseworkers endorse files requiring a Direct Communication with Victims letter with instructions directing the case to the appropriate person after court.
 - lawyers or caseworkers endorse files with full reasons explaining why the case or charge had been dropped or altered (paragraph 3.31).

 - 6 Areas should ensure that if the victim has been spoken to at court or by telephone, conversations are noted on the file and summarised in a Direct Communication with Victims letter. If the victim does not wish to receive a letter a note of this should also be made on the file (paragraph 3.37).

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- 7 Areas should ensure that where there are valid reasons for letters not to be issued lawyers endorse this on the file in line with national guidance (paragraph 3.37).

 - 8 Areas should ensure that a meeting is offered to the victim or their family in all relevant cases (paragraph 5.21).

 - 9 Areas should be expected to carry out a quality assurance exercise (paragraph 5.33).

Good practice

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- 1 The use of reports generated from the management information system to check that cases with adverse outcomes requiring letters have them sent (paragraph 3.14).

 - 2 Routine use of a standard form to be completed at court and returned to the office immediately after court or faxed from there which allows preparation and dispatch of a Direction Communication with Victims letter with the minimum of delay (paragraph 4.6).

The full text of the report may be obtained from the Corporate and Operations Support Group at HMCPS Inspectorate (telephone 020 7210 1197) and is also available on line at www.hmcpsi.gov.uk.