



Criminal Justice Joint Inspection: Response to Delivering justice for victims' consultation

1. Introduction

1.1 In December 2021 the Ministry of Justice published a consultation document: Delivering justice for victims; a consultation on improving victims' experiences of the justice system.

1.2 The Chief Inspectors of HM Inspectorate of Constabulary Fire and Rescue, HM Inspectorate of Crown Prosecution Service, HM Inspectorate of Prisons and HM Inspectorate of Probation welcome the opportunity to contribute to the consultation where views are sought about the role of inspection in improving the experiences of victims of crime.

1.3 The four inspectorates are independent with differing roles and responsibilities. However, all carry out some inspection work related to victims. We also have a commitment to joint inspection. The history of collaborative working between the criminal justice inspectorates was placed on a statutory footing by the Police and Justice Act 2006. This Act established an obligation to publish a joint inspection programme, and to include collaboration with other inspectorates or public authorities.

1.4 In this document we set out our joint response to the consultation and provide additional information, in the form of annexes, about the role of the individual inspectorates in relation to victim issues.

2. Answers to consultation questions

Question 11: a) Do you think the current inspectorate frameworks and programmes adequately focus on and prioritise victims' issues and experiences and collaborate effectively across the criminal justice system to do so?

2.1 We believe that the inspection frameworks and programmes of the four inspectorates do adequately focus on and prioritise victims' issues and experiences and collaborate effectively across the criminal justice system. This is evidenced by the inspections carried out as part of the core activity of each inspectorate. For example, HMI Probation routinely consider risk of harm to victims as part of its inspection judgements, HMICFRS consider the police response to victims and HMCPSI focuses on the extent to which the Crown Prosecution Service and Serious Fraud Office deliver their services to victims. As part of its regular inspections, HMI Prisons' inspects rehabilitation and risk planning, which considers factors relating to the safety of victims including how well the risk of prisoners is managed, their access to reducing reoffending programmes and public protection measures.

2.2 More details of each inspectorates' core inspection activity in relation to victims are contained in the annexes to this document.

2.3 The current joint inspection business plan¹ describes the quality of victim and witness experience as one of three cross-cutting issues that underpin all joint inspection activity planned for the two years covered by the plan, and is regarded by the inspectorates as fundamental to the success and effectiveness of the criminal justice system.

2.4 In 2015, the criminal justice inspectorates also published² a compendium of findings on the quality of services provided to victims by agencies within the criminal justice system. The information was taken from across the full range of individual inspectorate and criminal justice joint inspection reports published during the selected period (April 2014 to July 2015).

2.5 The Criminal Justice Joint Chief Inspectors' Group was developed to encourage the Inspectorates to look at cross-CJS issues and this model is working well. The thematic reviews of practice which result from this collaboration allow for system wide cross-cutting activity which can examine issues in depth and provide evidence based cross system judgements. Joint inspection activity regularly includes the assessment of victim experiences across a range of themes. Inspections carried out in the last two business years that included a victim focus are set out below.

Evidence-led domestic abuse prosecutions Published³ in January 2020, the report covered the extent to which the police and CPS prepared and built cases with a view to proceeding without the victim if need be, or where the victim had declined to participate. The report included findings concerning the use of special measures to support victims and witnesses, the level of support provided to victims and the management of the risk to their safety.

Pre-charge bail and released under investigation This report was published⁴ in December 2020 alongside a research report exploring victims' and suspects' experiences of the changes to bail and remand under investigation. The section relating to looking after victims included findings on risk, recording reasons for decisions and the use of victim personal statements. There were also judgements made on the impact of delays on victims.

Impact of the pandemic on the criminal justice system Published in January 2021, the report drew on individual inspections undertaken by the inspectorates of the impact of Covid-19 and included a section of the impact on someone reporting a crime and what happened if a prosecution ensued.

Rape (phase 1) This inspection assessed what happened up to the point of a decision to take no further action in rape cases. The report was published⁵ in July 2021 together with a research report evaluating rape survivors' experience of the police & other criminal justice agencies. The report included specific sections on:

- the response to victims when they report a rape;
- communication with the victim on the progress of investigations and on decisions to take no further action; and

¹ https://www.justiceinspectorates.gov.uk/cjji/wp-content/uploads/sites/2/2021/06/CJJI_Joint-inspection-business-plan-2021-23-v1.0.pdf

² <https://www.justiceinspectorates.gov.uk/cjji/inspections/meeting-the-needs-of-victims-in-the-criminal-justice-system/>

³ <https://www.justiceinspectorates.gov.uk/cjji/inspections/joint-inspection-evidence-led-domestic-abuse-prosecutions/>

⁴ <https://www.justiceinspectorates.gov.uk/hmicfrs/publications/pre-charge-bail-and-released-under-investigation-striking-a-balance/>

⁵ <https://www.justiceinspectorates.gov.uk/cjji/inspections/a-joint-thematic-inspection-of-the-police-and-crown-prosecution-services-response-to-rape/>

- victim appeals of police and CPS decisions to take no further action (the victim's right to review).

2.6 The following inspections that are underway or planned include specific victim focused activity:

Rape (phase 2) The joint rape inspection (HMICFRS and HMCPSI) is nearing completion. The inspection looked at rape cases that were charged to their conclusion in court or otherwise. The report will be published in March 2022.

Meeting the needs of victims in the criminal justice system The joint business plan for 2021-2023 commits to a joint thematic inspection looking at victims needs across the CJS. The plan is to inspect the quality of communication and support for victims at each stage of the CJS, including the impact of recent increases in court backlogs. The inspection will involve HMICFRS, HMCPSI and HMI Probation, and is expected to be published in 2022/2023.

2.7 We believe that the joint inspection on meeting victims' needs could help determine the shape of any future activity inspecting victims' experiences.

11 b) Could inspectorates be reinforced further in relation to victims?

2.8 We do not think that inspectorates should be reinforced in relation to victims. The remit, and therefore purpose, of an inspectorate is to provide public assurance that the services they inspect are delivering against their aims. As the consultation document sets out, the focus of inspection is less on compliance and more on the quality of service delivered and the outcomes achieved.

2.9 Each of the four inspectorates undertakes a programme of inspections which includes consideration of victim issues as set out above. While additional work on victims could be undertaken, within existing resources, it would inevitably be at the expense of other work in core programmes that already includes a large degree of focus on victim issues.

2.10 Inspectorates do not need to regulate, manage, or audit the organisations we inspect. There are already other bodies that perform those roles. Further, inspection does not and should not replace day-to-day management and oversight by the responsible agencies.

Question 12: Do you think that the current inspectorate arrangements allow sufficient collation of, and reporting on, victims' data and issues across the criminal justice system? Could they be utilised further for this?

2.11 The Inspectorates are not well-placed to routinely report on and collate such detailed data through their core inspections. The value of an Inspectorate is to comment on the quality of delivery and outcomes rather than replace day-to-day oversight.

2.12 The Inspectorate is the final tier in the '3 lines of defence'. The first line of defence sits with the service themselves and uses performance management information to monitor **compliance**. The second line of defence is internal audit which **monitors** and assures senior management that services are adhering to statutory requirements and operational guidance. The third line of defence is inspection which ensures that delivery adheres to the evidence base for a high-**quality** service.

2.13 It is not an Inspectorate's role to collate performance data for the services it inspects, that sits at the first line of defence. For example, the services we inspect are supported by analytical

expertise that collate and generate such performance management information for use by senior operational and policy managers. This provides real time feedback to operational staff and enables an immediate response should any issues arise with **compliance**.

2.14 In addition, the frequency of activity from the first to the third line of defence necessarily decreases with the first line of defence operating in real time and an Inspectorate inspecting quality of delivery in-depth comparatively infrequently. Inspection is therefore not the best method of securing the contemporaneous evidence needed to ensure that services are meeting their statutory requirements. Instead, the role of inspections in relation to performance data is to consider whether it is adequately collected and utilised effectively, for example, to identify possible discrimination in the delivery of services.

2.15 What Inspectorates are well-placed to provide is collated information from our inspection evidence. An example of a short summary of the findings from 2018/2019 probation inspections can be seen at section 3.6 in [2018-2019 inspections of probation services: summary report \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/2018-2019-inspections-of-probation-services-summary-report/). A summary of the findings from our 2018-2020 youth inspections can be found in our [Research and Analysis Bulletin Multi-agency work in youth offending services \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/research-analysis-bulletin-multi-agency-work-in-youth-offending-services/). Section 2.3 in particular, focuses on keeping other people safe.

Andrew Cayley: HM Chief Inspector Crown Prosecution Service Inspectorate

Justin Russell: HM Chief Inspector of Probation

Charlie Taylor: HM Chief Inspector of Prisons

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26 January 2022

Annex 1: Information from HM Crown Prosecution Service Inspectorate

HM Crown Prosecution Service Inspectorate (HMCPSI) is tasked by statute with inspecting the delivery of prosecution services by the Crown Prosecution Service (CPS) and the Serious Fraud Office (SFO). We provide independently assessed evidence to help drive improvement and build public confidence in the prosecution process. Our inspections allow others to hold the CPS and SFO to account and informs debate about how they perform. While we may make recommendations in our reports, we are not a regulator, and do not have any power to enforce compliance.

HMCPSI has statutory powers, when inspecting other elements of prosecution services, to inspect any aspect of the Crown Court or magistrates' courts in relation to their criminal jurisdiction which could have been inspected by Her Majesty's Inspectorate of Court Administration immediately before its abolition.

The Chief Inspector's authority to inspect the CPS derives from the Crown Prosecution Service Inspectorate Act 2000 ("the Act")⁶. The Act was amended by the Anti-social Behaviour, Crime and Policing Act 2014 to add the statutory power to inspect the SFO; previous inspections of the SFO had been by invitation. The powers and responsibilities of the Chief Inspector are set out in sections 1 and 2 and the Schedule to the Act and include the duty to report annually to the Attorney General. That report is laid before Parliament by the Attorney General. There is a protocol⁷ defining the relationship between the Law Officers and the Chief Inspector.

HMCPSI's purpose is to promote continuous improvement in the efficiency, effectiveness, and fairness of the prosecution services through the process of inspection, evaluation, and identification of good practice. The inspectorate produces reports with its findings and recommendations. HMCPSI routinely undertakes inspections and follow-up inspections of the performance of the SFO and of CPS Areas, some of them focusing on particular aspects of the agencies' work, such as the recent inspection of both agencies' handling of proceeds of crime, way they handle victims and witnesses. In addition, it undertakes a range of thematic inspections, some jointly with other criminal justice inspectorates.

Since its inception, HMCPSI has inspected the CPS frontline delivery of prosecution services across various changes in structure and how service delivery was arranged. The CPS now consists of a headquarters, 14 Areas, three central casework divisions and a proceeds of crime division.

Between 2016 and 2019, HMCPSI inspected the 14 CPS geographical units (Areas) as part of our Area Assurance Programme (AAP), the findings of which were set out in a composite report which was published in October 2019. These inspections, and thematic inspections undertaken since 2019, highlighted that leadership, stakeholder engagement, and work to support victims and witnesses and with local communities were generally good at the Area level, but core aspects of CPS legal decision-making needed to improve.

Area Inspection Programme 2021-2023

Following on, we are undertaking a programme of Area-based inspection, which examines in detail the standard of CPS legal decision-making in volume casework. This Area Inspection Programme (AIP) reflects the fact that the CPS secured significant additional funds to increase the number of

⁶ <https://www.legislation.gov.uk/ukpga/2000/10/contents>

⁷ <https://www.gov.uk/government/publications/protocol-between-the-law-officers-and-her-majestys-chief-inspector-of-the-crown-prosecution-service>

lawyers it employed but has also more recently had to deal with the impact of a worldwide pandemic caused by Covid-19.

We have published AIP reports for the first tranche (covering four CPS Areas) and are currently undertaking tranche 2, with tranche 3 expected to begin in February 2022. These three tranches in phase 1 will set a baseline of performance, and a further phase of inspections in 2022–23 will follow up on phase 1 and assess whether the additional resources provided are improving the standard of legal decision-making, value added and grip.

The AIP assesses, in all aspects of volume casework, legal decision-making, the value added by the CPS and the grip it has on cases. Public confidence, staff engagement and management, digital capability and work with stakeholders are examined in the context of how well they support the delivery of quality casework. The casework sections deal specifically with the extent to which the Area addresses victim and witness issues appropriately throughout its casework, and the separate chapter on public confidence includes assessment of key services to victims.

AIP Framework section on public confidence

B. Public confidence: Does the CPS provide a fair experience for victims and witnesses?

All correspondence with victims is accurate, timely and empathetic.

- Communications in writing with victims use plain English (translated where necessary), are grammatically correct, have clear explanations and avoid the use of legal jargon.
- The Area complies with the timescales for Victim Correspondence and Liaison (VCL) letters.
- The Area complies with the timescales for complaints and Victims' Right to Review (VRRs).
- The Area conducts internal quality assurance of all victim communication (VCL, BFS complaints and VRR).

The Area complies with its responsibilities defined in the Code of Practice for Victims of Crime and The Witness Charter in respect of Victim Personal Statements, VCLs, meetings and compliance with the speaking to witnesses at court protocol.

- VPS are chased, and the victim's wishes sought around the reading of any VPS in court. Those wishes are adhered to at sentence, whether at first hearing or following trial.
- The Area conducts assurance internally to ensure that VCLs are sent on all appropriate cases pre- and post-charge.
- Meetings are offered to victims in all appropriate cases.
- The Area complies with the speaking to witnesses at court protocol.

As well as a specific chapter with the AIP framework, the inspections also assess in some detailed specific elements relating to the service provided to victims. AIP has a set of standard questions in all our Area-based inspections relating to the service provided to victims and witnesses. We examine 90 files per Area, made up of 30 magistrates' court cases, 40 Crown Court cases, and 20 rape and serious sexual offences (RASSO) cases. For each of these cases, inspectors answer 60 questions. There are ten questions relating specifically to victims and witnesses and these are set out in the Table below.

Table 1: Questions relating to victims and witnesses from the Area Inspection Programme question set

Q #	Question	Possible answers
17	Steps were taken to achieve best evidence by making appropriate applications for special measures (including drafting where a written application was required).	Fully met Partially met Not met
20	The CPS made appropriate and timely decisions about custody and bail throughout the life of the case.	Fully met Partially met Not met
33	Steps were taken to secure best evidence by correct and timely warning of witnesses.	Fully met Partially met Not met
34	Steps were taken to secure best evidence by addressing correspondence from the police witness care unit and any witness issues in a timely manner with effective actions.	Fully met Partially met Not met
55	The prosecutor consulted victims and witnesses where appropriate (includes the Speaking to Witnesses at Court initiative).	Fully met Partially met Not met
56	The victim's wishes regarding a victim personal statement were complied with.	Fully met Partially met Not met
57	The prosecution sought appropriate orders to protect the victim, witnesses, and the public.	Fully met Partially met Not met
58	There was a timely victim communication and liaison scheme letter when required.	Fully met Partially met Not met
59	The victim communication and liaison scheme letter was of a high standard.	Fully met Partially met Not met
60	The CPS charging advice (recorded on the MG3 form) actively considered relevant applications and ancillary matters to support victims and witnesses.	Fully met Partially met Not met

Other questions in the 60 question set also involve some consideration of the impact on victims when reaching judgements about the quality of the work done, or will reflect the level of service to victims as part of the judgement, an example being whether the decision to advise charging a suspect was compliant with the Code for Crown Prosecutors. If the judgement is that the decision to charge (or not to charge) was wholly unreasonable, that finding may well carry implications for victims, and these will be reflected in the Area report.

HMCPST Thematic inspections of CPS and SFO

The experience of victims has been addressed many times in thematic reports carried out by HMCPST. The more recent ones (2020 onwards) are:

Disclosure of unused material in the Crown Court Both the report we published in January 2020⁸ and the follow-up in December 2020⁹ specifically referenced the service to victims and witnesses, including compliance with the Code for Crown Prosecutors, and disclosure of previous convictions and communications between the victim and defendant or others.

Serious youth crime Published in March 2020¹⁰, our report into serious youth crime reported on the quality of consultation and communication with victims, and the use of custody and bail conditions to protect them. It also considered the dual position of some young people as suspects and victims, particularly trafficked children in county lines drugs operations.

Charging Our inspection of charging arrangements, published in September 2020¹¹, contained judgements on the quality of the service provided to victims (complainants), witnesses and the public. These included the quality and timeliness of decisions, compliance with policies on, for example, hate crime and elder abuse, special measures, and communication with victims.

Victim communication and liaison scheme In October 2020, we published¹² our review of communications with victims, which followed up on a 2018 inspection. The inspection looked at the quality and timeliness of letters, and at the processes in place to support compliance with the scheme.

Information management This inspection, published¹³ in November 2020, looked at the controls in place in the CPS to ensure that case information is managed securely and appropriately. This included whether, for example, personal information in victim statements had been properly redacted before they were served on the defence.

The impact of the Covid-19 pandemic We have reported twice on this, in June 2020¹⁴ and March 2021¹⁵, and both reports contained a chapter on the impact on victims and witnesses.

SFO complaints handling We published our report into the handling of complaints by the SFO in February 2021. The inspection reviewed 14 complaints, four of which were from victims, and reached judgements on how easy it was to make a complaint, how the complaint was progressed, and the quality of responses to complainants.

⁸ <https://www.justiceinspectorates.gov.uk/hmcpst/inspections/disclosure-of-unused-material-in-the-crown-court/>

⁹ <https://www.justiceinspectorates.gov.uk/hmcpst/inspections/disclosure-of-unused-material-in-the-crown-court-a-follow-up/>

¹⁰ <https://www.justiceinspectorates.gov.uk/hmcpst/hmcpst-serious-youth-crime/>

¹¹ <https://www.justiceinspectorates.gov.uk/hmcpst/inspections/charging-inspection-2020/>

¹² <https://www.justiceinspectorates.gov.uk/hmcpst/inspections/victim-communication-and-liaison-scheme-letters-to-victims/>

¹³ <https://www.justiceinspectorates.gov.uk/hmcpst/inspections/inspection-of-cps-information-management/>

¹⁴ <https://www.justiceinspectorates.gov.uk/hmcpst/inspections/cps-response-to-covid-19-16-march-to-8-may-2020/>

¹⁵ <https://www.justiceinspectorates.gov.uk/hmcpst/inspections/cps-response-to-covid-19-dealing-with-backlogs/>

Witness care unit correspondence This report¹⁶, published in March 2021, reported on the CPS handling of correspondence from the police witness care units (WCUs). This covered a range of issues raised by WCUs, including the special measures and other support needed by victims and witnesses, and how effectively the CPS progressed and resolved them.

There are also inspections on aspects of CPS work which impact on the victim experience, but which may not directly address it. Examples would include our review of the handling of custody time limits, published¹⁷ in December 2021, where mishandling may have a significant impact on the victim and/or the public.

Planned thematic inspections

Included in our 2021-22 business plan are:

- SFO witness care. This will look at the investment the SFO has made in improving victim and witness care, and whether the revised processes are effective. This inspection will be published in late January 2022.
- Gang crime, county lines and knife crime. This inspection is currently being scoped, and is expected to build on some of the findings from our Serious Youth Crime inspection published in March 2020.
- Domestic abuse. The inspection will focus on the quality of CPS decision-making in domestic abuse casework. It will include an assessment how the experience and support of victims influences the outcomes of domestic abuse cases. This work is also being scoped at the time of writing.

Other work relating to victims and witnesses

HMCPsi has an Area Liaison scheme whereby the Senior Inspectors (all Grade 6 lawyers) are allocated specific Areas for which they act as a liaison officer. As part of the Area liaison, we have devised and are in the process of delivering to all 14 Areas two workshops explaining how we examine CPS casework. The first workshop covers the inspectorate assessment of casework standards, and the second focuses on the quality of letters sent to victims under the Victim Communication and Liaison initiative (VCL).

The VCL workshop includes consideration of anonymised examples of real VCL letters, with guidance on how we measure them against the CPS standards. The workshop materials and presenters' briefs are supplied to the Area afterwards so that those attending can cascade to others in the Area. The workshops have been welcomed and the feedback to date is very positive.

¹⁶ <https://www.justiceinspectorates.gov.uk/hmcp/inspections/the-cps-handling-of-police-witness-care-correspondence/>

¹⁷ <https://www.justiceinspectorates.gov.uk/hmcp/inspections/cps-handling-of-custody-time-limits/>

Annex 2: Information from HM Inspectorate of Constabulary Fire and Rescue

Assessment of the police response to victims is a principal focus of the majority of HMICFRS's inspections of the police. This includes all forms of assessment conducted by the inspectorate:

PEEL assessments

The PEEL inspection programme is a force-level assessment of the effectiveness, efficiency and legitimacy of police forces in England and Wales.

National thematic inspections

Our thematic inspections are in-depth examinations of particular policing practices or processes, or of the policing approach to preventing and tackling specific offences. They can be one-off reports, or a rolling programme of force-by-force inspections, focused on one theme.

Joint inspections

We work with other organisations to conduct joint inspections. Such inspections allow us to inspect the way in which the police approach and tackle a particular type of crime or problem, as part of a wider assessment of the service provided by all the relevant agencies and organisations.

State of Policing report

HM Chief Inspector of Constabulary produces a *State of Policing* report every year. This reports on the efficiency and effectiveness of policing in England and Wales.

Super-complaint investigations

A super-complaint is a complaint made to HM Chief Inspector of Constabulary that a feature, or combination of features, of policing in England and Wales by one or more police forces is, or appears to be, significantly harming the interests of the public.

HMICFRS decides with the College of Policing and the Independent Office for Police Conduct (IOPC) whether a super-complaint is eligible for investigation. If it is, we will jointly investigate the super-complaint and representatives from HMICFRS, the College of Policing and the IOPC will then consider what action, if any, should be recommended.

Examples of the focus on victims in the most recent (2020 onwards) reports in each of these categories is given below.

PEEL

The PEEL inspection programme is an assessment of the effectiveness, efficiency and legitimacy of police forces in England and Wales. It is structured around 12 core questions, the first of which is 'How good is the force's service for victims of crime?'. The response to victims is also a main feature of most of the other questions. Force-level reports are published throughout the year.

In 2021, we also introduced to PEEL an assessment focused on the experience of the service provided by forces to victims of crime. This is called a 'victim service assessment' (VSA).

The VSA considers the force's:

- call handling standards;
- initial response to victims;
- crime allocation arrangements;
- investigation standards; and
- suitability of the outcome of its investigations.

Thematic inspections

National Child Protection Inspections: 2019 thematic report

Published 27 February 2020

In early 2014, we began a national programme of child protection inspections. We examine the effectiveness of the decisions made by the police at each stage of their interactions with or for children, from initial contact through to the investigation of offences against them.

In additions, in 2020 and 2021 we have published 16 force-level national child protection inspection programme reports.

A call for help - Police contact management through call handling and control rooms in 2018/19

Published 9 July 2020

The control room is one of the engine rooms of a police force. If it doesn't have the right systems and processes in place, the force won't have an accurate picture of demand. This will affect its ability to respond to calls and investigate crimes effectively.

Policing in the pandemic - The police response to the coronavirus pandemic during 2020

Published 20 April 2021

In July, we announced our intention to inspect the police response to the COVID-19 pandemic. Our inspection took a snapshot of policing and assessed what happened from March to November 2020.

Review of policing domestic abuse during the pandemic - 2021

Published 23 June 2021

This review looks at how the police responded to the unique challenges the COVID-19 pandemic placed on preventing and responding to domestic abuse.

Interim report: Inspection into how effectively the police engage with women and girls

Published 7 July 2021

In March 2021, the Home Secretary commissioned Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) to inspect the effectiveness of police engagement with women and girls. Our final report will be published in September 2021.

A review of 'Fraud: Time to choose'

Published 5 August 2021

In 2018, the Home Secretary commissioned HMICFRS to carry out a thematic inspection of fraud. This report sets out the findings of our revisit of the 2018 inspection.

Police response to violence against women and girls - Final inspection report

Published 17 September 2021

This report sets out findings from our inspection of how effectively the police respond to victims of violence against women and girls (VAWG) offences.

Joint inspections

Evidence led domestic abuse prosecutions

Published 23 January 2020

Her Majesty's Crown Prosecution Service Inspectorate (HMCPPI) and HMICFRS conducted an inspection to find out:

- whether the guidance and policy on evidence led prosecutions is widely understood by both police officers and prosecutors; and
- whether they seek to build viable evidence led prosecutions where appropriate.

Research into victim and suspect experiences of changes to the Police and Crime Act 2017

Published 8 December 2020

In 2019, HMICFRS commissioned BritainThinks to conduct qualitative research to explore victim and suspect experiences of changes implemented as a result of the Policing and Crime Act 2017

Pre-charge bail and released under investigation: striking a balance

Published 8 December 2020

Between October 2019 and February 2020, HMICFRS and HMCPPI inspected the police and CPS's responses to pre-charge bail changes and the use of 'released under investigation'.

A joint thematic inspection of the police and Crown Prosecution Service's response to rape - Phase one: From report to police or CPS decision to take no further action

Published 16 July 2021

This is the first of two inspection reports that will consider the response, decision-making and effectiveness of the police and Crown Prosecution Service at every stage of a rape case – from first report through to finalisation of the case.

State of Policing reports

State of Policing: The Annual Assessment of Policing in England and Wales 2019

Published 2 July 2020

State of Policing: The Annual Assessment of Policing in England and Wales 2020

Published 21 July 2021

The response to victims is a central theme running through these reports, drawing together HMICFRS's wide-ranging assessments in this area.

Super-complaints

Safe to share? Liberty and Southall Black Sisters' super-complaint on policing and immigration status

Published 17 December 2020

On 18 December 2018, Liberty and Southall Black Sisters made a super-complaint to HMICFS. This super-complaint is about the treatment of victims of crime and witnesses with insecure immigration status. It focuses on how information about them is passed to the Home Office for immigration enforcement.

The hidden victims - Report on Hestia's super-complaint on the police response to victims of modern slavery

Published 26 May 2021

On 31 May 2019 Hestia made a super-complaint to HMICFRS. This super-complaint is about the policies and practices of all police forces in England and Wales with respect to the standard of support that victims of modern slavery receive.

A duty to protect: CWJ super-complaint on police use of protective measures in cases involving violence against women and girls

Published 24 August 2021

On 19 March 2019, the Centre for Women's Justice made a super-complaint to HMICFRS. This super-complaint is about the police's alleged failure to use protective measures to safeguard women and girls. It sets out concerns about four tools the police can use/are involved in: Pre-charge bail Non-Molestation Orders Domestic Violence Protection Notices and Orders Restraining Orders

Annex 3: Information from HM Inspectorate of Prisons

The responsibilities of Her Majesty's Chief Inspector of Prisons are set out in section 5A of the Prison Act 1952 and are to inspect and report on prisons, young offender institutions (YOIs), secure training centres (STCs) and court custody facilities in England and Wales and on immigration detention facilities across the UK. The methodology for these inspections is set out in an Inspection Framework and the criteria for inspections are set out in documents known as *Expectations*.¹⁸ The majority of inspections are carried out in partnership with other inspectorates and the Chief Inspector is able to assist any other public authority in carrying out its functions.¹⁹

The mandate of the Chief Inspector of Prisons is to inspect places of detention rather than community settings and HMI Prisons is therefore necessarily limited in the extent to which it can consider victims' issues and experiences. However, within the bounds of its mandate, the Inspectorate does consider issues of relevance to victims during its regular programme of prison inspections. The inspection of rehabilitation and risk planning considers issues which relate to the safety of victims including how well the risk of prisoners is managed, their access to reducing reoffending programmes and public protection measures. In addition, inspections consider whether prisoners are provided with support to meet their needs, which may include needs arising as a result of being a victim of crime themselves. For example, the *Expectations: Criteria for assessing the treatment of and conditions for women in prisons* were recently updated and include consideration of whether women who have experience domestic abuse are able to access support while in prison and whether women can access their legal rights.

Alongside the programme of regular inspections, HMI Prisons is able to carry out thematic inspections which may consider issues relevant to victims, such as the 2013/14 review *Release on Temporary Licence (ROTL) failures*, and contributes to joint thematic inspections carried out by the CJI, which have included the *Management and supervision of men convicted of sexual offences* in 2019 and the 2015 compendium of inspection findings relating to victims, *Meeting the needs of victims in the criminal justice system: A consolidated report by the criminal justice inspectorates*.

¹⁸ The current versions of these documents are available at [About our inspections \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/about-our-inspections) and [Our Expectations \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/our-expectations).

¹⁹ Schedule A1 of the Prison Act 1952 sets out various further requirements and powers of the Chief Inspector.

Annex 4: Information from HM Inspectorate of Probation

HM Inspectorate of Probation inspects the delivery of both adult probation and community youth justice services in line with the aims of those two services, namely, to reduce reoffending and help adults and children live crime-free lives.

The Chief Inspector's responsibilities are set out in Section 7 of the *Criminal Justice and Court Services Act (2000)*, as amended by the *Offender Management Act (2007)*, section 12(3)(a). This requires the Chief Inspector to inspect (section 1) and report to the Secretary of State (section 3) on the arrangements for the provision of probation services.

Under Section 7(6) of the *Criminal Justice and Court Services Act (2000)*, HM Chief Inspector of Probation is also given the right to inspect and report on Youth Offending Teams (YOTs), established under section 39 of the *Crime and Disorder Act (1998)*, and bodies acting on their behalf.

Adult probation inspections

HM Inspectorate of Probation's approach to the inspection of adult probation services has recently been updated and was applied for the first time in autumn 2021, to reflect the transition of all probation services to the public sector. As with our previous programme, we check on the quality of delivery of victims' services and how that translates into quality of provision to victims across all our inspection standards, where applicable. Our case sample includes cases where statutory victim contact is required and we assess whether those statutory requirements are met (see Annex A) for a detailed description of what we look for in the relevant cases in our sample to inform this view, which maps well to the Victims' Code). More fundamentally, we rate the effectiveness of the service's assessment, planning, delivery and review of an individual's risk to others, including actual and potential victims. As part of this, we look at the work carried out by the probation region as well as considering the contributions and responsibilities of other agencies (not just those in the criminal justice arena) who are working with known victims, where that is applicable.

We do not currently 'rate' the quality of delivery of victims' services at a probation delivery unit (PDU) level but we collate evidence from relevant cases in PDUs at a regional level and comment on the quality of that work in letters to Regional Probation Directors. That may allow us to collate and more robustly triangulate our evidence to enable us to come to a judgement in future.

Youth Offending Services inspections

Our youth inspection approach has a focus on victims running throughout it rather than as a specific standard. Again, a significant element of our inspection focuses on the effectiveness of the service's assessment, planning, delivery and review of the safety of others, including actual and potential victims. We consider how well victims are protected and their needs taken into account, as well as the effectiveness of the operation of restorative justice opportunities for victims. We also see whether the YOT's leadership use the views of victims to influence their strategic direction.

Reparation and referral orders, which are youth specific court disposals, have a clear focus on victims and include: appropriate assessments of risk to others; accessing victim wishes and concerns; and repairing the harm caused by offending, while protecting the safety of all parties.

Our inspection of youth-specific out-of-court disposals also explores whether victims' wishes have been taken into consideration.

Serious Further Offence Reviews

In May 2020 we published a [Thematic inspection of the serious further offence \(SFO\) investigation and review process](#). We made a number of victim-related recommendations to HMPPS, namely:

- The victim contact scheme in each area should be responsible for contacting victims/family members
- SFO review reports should be made easier for victims to understand, with key events and findings highlighted
- Deliver SFO review training to local areas, with an emphasis on the narrative style and meeting the needs of victims
- Review the low take-up rate of SFO review disclosure by victims
- Ensure that the victim disclosure process takes account of the risks to, and vulnerabilities of, individuals.

HMPPS have since set out their [response to these recommendations](#).

In April 2021 we began to deliver on a new commitment to quality assure a sample of SFO reviews to ensure that lessons for improving public protection are being identified and disseminated. The Secretary of State asked the Inspectorate to provide an independent view on this in response to our SFO thematic inspection recommendation to introduce independent assurance to the SFO process. The Inspectorate provides a view on the quality of approximately 20 per cent of SFO reviews completed and has worked with the HMPPS team to develop a consistent way of reviewing all SFOs based on our inspection approach.

The victim-focused standard against which we quality assure SFO reviews is:

Victims and their families

The SFO review is appropriate to share with victims and meets their needs.

- a) Is the language used in the SFO review sufficiently accessible?
- b) Is the SFO review written sensitively to account for the impact on victims?
- c) Does the SFO review sufficiently explain the significance of deficiencies and missed opportunities and the impact these had?

- d) Does the SFO review sufficiently and transparently focus on practice relevant to the circumstances of the SFO?
- e) Does the SFO review present sufficient judgments with examples used as evidence to support these?

In addition, we are creating multi-agency learning panels. Current HMPPS SFO reviews focus only on probation practice, however, we know that the probation service works closely with other criminal justice agencies on risk management. These panels will provide a collaborative learning opportunity for all agencies involved in the case.

Our core inspection programme also includes an analysis of the quality of SFO action plan implementation and shared learning across the region as well as within probation delivery units.

Thematic inspections

Our thematic inspections focus on systemic issues that have been raised repeatedly through our core inspections or are considered a wider contextual issue. We have a programme of thematics that are delivered singly, if they are probation only issues, or jointly with other Inspectorates if they are considered cross-CJS issues (these can be with other CJS Inspectorates but increasingly also include Ofsted and/or CQC and their Welsh equivalents). There is greater opportunity to provide a deep dive look at specific issues through our thematic inspections. Previous thematic inspections that have had a victims' focus include:

- Youth restorative justice – 2011
- Victim contact scheme – 2013
- Referral orders – 2016
- Domestic abuse – 2018 (includes specific recommendations around the protection of victims and children)
- sexual offenders – 2019 (again includes specific recommendations around the protection of victims and children)
- SFO - 2020 (as described above)

In order to complete the learning circle, the findings from our thematics are used to inform our core inspection approach.

There is the opportunity for the joint Inspectorates to conduct more regular joint inspections of the victims' experience. The upcoming victims thematic could help determine the shape of any future activity.

Research programme

Our inspection frameworks are underpinned by the research and operational evidence base. In order to ensure that our inspection approach remains up to date we keep the evidence base under continuous review.

The evidence in relation to [victim work is available on our website](#).

We have also published a paper on [building restorative probation services](#) as part of our *Academic Insights* series.

Individual research projects may also take a focused look at the victims' experience. For instance, our planned project for 2022/2023 on youth community resolutions includes the following research questions:

- How are YOTs ensuring the sufficient involvement of victims, where the victims wish this?
- How are victims' voices influencing disposal decisions and the work to be delivered?

Ad hoc inquiries

The Secretary of State can commission the Chief Inspector to conduct ad hoc [inquiries](#) on his behalf. We have completed a number of these over the years. The terms of reference for such inquiries are defined entirely by the nature of the request which means their focus can change depending on the circumstances. As an example, one such inquiry conducted in 2018 was commissioned as an investigation into the policy and process followed by the probation victim contact scheme in the John Worboys case.

Annex A

2.7 Statutory victim work²⁰

V 1 Does initial contact with victims encourage engagement with the victim contact scheme and provide information about sources of support?		
	Inspection question	CARaG Case assessment rules and guidance
V 1.05	<i>Is there a clear record of the protected characteristics of the victims?</i>	We expect to see a clear record of the protected characteristics of all victims, so that appropriate account can be taken of these when contact is made.
V 1.07	Is appropriate initial contact made soon after sentence, with consideration given to the timing of such contact?	We expect contact to be made as soon as reasonably possible, being sensitive to issues such as date of the offence, date of birth of the victim, holiday and festival periods and any other factors that may have an unnecessarily adverse impact on the victim. We recognise that the Probation Service Instruction requires contact to be made within 40 working days from the date of notification of the case by the witness care unit. There is an expectation that initial contact will be made in writing by conventional mail, unless there are reasons that this is not appropriate.

²⁰ Taken from [Probation-domain-two-CARaG-September-2021-v1.1.pdf \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/probation-domain-two-CARaG-September-2021-v1.1.pdf)

V 1.08	Are the initial letters appropriately personalised, considering the nature of the experience of the victims and any diversity issues?	As a minimum, we would expect letters to be professionally constructed and to use accurate spelling for the names and addresses of victims. In cases where the person being contacted is not the direct victim (for example, they are the next of kin of a deceased victim or the parent of a child victim), the letters should recognise the relationship. The letters should also recognise any pre-existing relationship between the perpetrator and any victims. The language of the letter, while not naming the offence that the victim has experienced, should be sensitive to the nature of the offence.
V 1.09	Is clear information given to victims about what they can expect at different points in a sentence?	Any letters should be clear about what the victim contact scheme can and cannot offer the victim. Language must be straightforward and understandable. The tone of the letter should make it clear that the victim is free to choose whether or not to participate. It should also make it clear that an initial choice not to participate can be changed at any point that the victim wishes. It should explain what the victim should do in those circumstances.

V 1.10	Do the initial letters contain sufficient information to enable victims to make an informed choice about whether to participate in the scheme?	<p>We expect letters to include details of the victim contact scheme, and the roles of the Probation Service and the victim liaison officer. They should include an explanation of the victim’s right to decline contact and/or opt in to the victim contact scheme at any point in the offender’s sentence. The letter should also include the victim liaison officer’s contact details; a suggested date and time when the victim liaison officer could meet the victim at their home (or an alternative location); details of how to confirm this appointment; and how to arrange an alternative location, time or date. The letter should give reassurance that the victim liaison officer will not proceed with this meeting without the victim’s permission, and should encourage the victim to contact the victim liaison officer to confirm a meeting. Victims should be assured that the victim contact scheme is a flexible service, and that the meeting will, if possible, be arranged to fit around the victim’s commitments (for example, employment or childcare commitments). They should be told that a friend, colleague or member of a charity such as Victim Support can be present at the meeting if the victim wishes.</p> <p>Victims should be provided with contact details for Victim Support and/or any other appropriate local support organisations, including details of the Victim Support line, along with supporting literature and leaflets, if available. Letters and appointments should make reasonable adjustments to accommodate any special requirements that have been highlighted by the witness care unit. This might include providing information in a different language or an easier-to-read format. If the victim is a child or vulnerable adult, the letter should request the view of an appropriate adult about whether the victim should be involved actively from the outset.</p> <p>The letters need to be clear about what the victim contact scheme can and cannot offer the victim. Language must be straightforward and understandable. The tone of the letters should make it clear that the victim is free to choose whether or not to participate. They should also make it clear that an initial choice not to participate can be changed at any point that the victim may choose so to do. It should explain what the victim should do in those circumstances.</p>
V 1.11	Are victims informed about the action they can take if the prisoner attempts to make unwanted	This may be covered in leaflets, letters to victims or in meetings with victim liaison officers.

	contact with them?	
V 1.12	Are victims referred to other agencies or services, or given information about available sources of help or support?	General information should be provided in initial letters sent to victims. Following the first meeting with the victim liaison officer, consideration should be given to providing information or arranging a referral to generic and specific support services where appropriate. This could include agencies such as Women's Aid, Rape Crisis, Victim Support or specific localised provision. In some cases, provision of general information will be sufficient. In cases with a greater level of need, we expect victim liaison officers to make relevant referrals.
V 1 S	Does the initial contact with victims encourage engagement with the victim contact scheme and provide information about sources of support?	<p>We expect victim liaison staff to make reasonable and sufficient efforts to encourage victims to engage with the scheme, considering the nature of the offence that has been committed and their personal circumstances. The fact that a victim chooses not to accept the offer of victim contact is not a reason for answering the summary judgement question negatively.</p> <p>Inspectors need to take into account their answers to all the questions in this section, and decide whether the strengths outweigh any deficiencies. We are not looking for perfection, but sufficient attempts at contact in the circumstances of the case. Where there are deficits, inspectors will consider their impact in the context of the case. For example, sending an initial letter close to the date of a key anniversary in the case may be enough to lead to a judgement of insufficient.</p>

V 2	Is there effective information and communication exchange to support the safety of victims?
	These questions are only answered if the victim opted into the victim contact scheme.

	Inspection question	CARaG Case assessment rules and guidance
V 2.02	Are victim liaison staff involved in Multi-Agency Public Protection Arrangements where appropriate?	MAPPA arrangements commence six to nine months before the perpetrator is due to be released from custody. Inspectors expect to see victim liaison staff involved in MAPPA arrangements, at all levels. This could include professionals' meetings and other multi-agency meetings for MAPPA level 1 cases, as well as formal meetings in those cases that are managed at levels 2 and 3.
V 2.03	Do victim liaison staff share relevant information with the probation practitioner?	We would expect to see an exchange of information between the victim liaison officer and the perpetrator's probation practitioner, to ensure that the wishes of victims are incorporated into relevant documents and licences. Many of the duties carried out by victim liaison officers depend on cooperation and communication with the probation practitioner, particularly those that involve communicating information about the offender's sentence to the victim. This is a two-way process of communication. Timely and clear information exchange between the victim liaison officer and the probation practitioner requires lateral communication and support. This is particularly necessary, given the often emotionally demanding and stressful nature of this work. Depending on the stage of sentence, and the prison location of the perpetrator, the probation practitioner may be based in the community, or may be working in a prison under Offender Management in Custody arrangements.
V 2.04	Are the concerns of the victims addressed and is attention paid to their safety when planning for release?	<p>We expect to see that consideration of the location of the victim is considered when planning for release. Timely communication with the victim about release arrangements is critical. We would also expect to see liaison with police staff if additional safety measures are required. We expect victims' views to be considered, but recognise that it is not always reasonable or possible to meet all of their needs, or put in place everything that a victim requests.</p> <p>The Probation Service is likely to be the first point of contact when victims are dissatisfied with the service they have received from the Parole Board, as contact with the Parole Board will occur when victim contact will have been established for some time. At the stage when victims are first notified about the commencement of the parole process, they should be provided with information about the Parole Board's single point of contact for dealing with complaints. If a victim is dissatisfied with the service they have been provided with by the Probation Service, they should complain under the normal process, and then, if appropriate, to the Parliamentary and Health Service Ombudsman.</p>

V 2.05	Are victim liaison staff provided with appropriate and timely information about the management of the offender?	<p>Probation practitioners must notify the relevant victim liaison officer as soon as they become aware that one of the key stages in the offender's sentence is approaching, or when there are any other key developments in a case which might have an impact on the victim. Effective systems must be in place to ensure that probation practitioners and victim liaison officers exchange information quickly and allow sufficient time for victims' views to be sought and fed into the decision-making process. The probation practitioner should pass any victim information provided by the victim liaison officer to the relevant decision-maker (internal prison board/Parole Board). Where the victim has a right to make representations about a particular stage, the probation practitioner must take account of this in informing the victim liaison officer in good time. When a parole application is being considered, the probation practitioner should pass on victim representations about licence conditions, and must include any victim personal statement and/or victim contact report in the Parole Board dossier.</p>
V 2 S	Is there effective information and communication exchange to support the safety of victims?	<p>We look for a proportionate response, taking into account the length and nature of the sentence, and the range and type of situations that should generate information sharing with the victim.</p> <p>Inspectors need to take into account their answers to all the questions in this section, and decide whether the strengths outweigh any deficiencies. We are not looking for perfection, but sufficient communication in the circumstances of the case. Where there are deficits, inspectors will consider their impact in the context of the case. For example, failure to notify a victim about a key change in the case may be enough to lead to a judgement of insufficient.</p>

3	Does pre-release contact with victims allow them to make appropriate contributions to the conditions of release?	
	These questions are only answered if the victim opted in to the victim contact scheme.	
	Inspection question	CARaG Case assessment rules and guidance
V 3.01	Are victims given the opportunity to contribute their views to inform decisions about the person on probation's release in a timely way and supported in doing so?	The victim needs to be consulted as soon as a request for permanent release approaches. Victims need sufficient time to reflect on the contribution they wish to make, in a timely fashion without additional pressure. We recognise that the role of the victim liaison officer is to support the victim in preparing their contributions, but the victim liaison officer is not a counsellor or advocate and there is a need to maintain appropriate professional boundaries.
V 3.02	Are views expressed by victims treated appropriately and in accordance with the victim contact scheme?	We expect victim liaison officers to respect the views and wishes expressed by victims. Where the views or wishes of the victim are not compatible with the constraints of the statutory victim contact scheme, victim liaison officers should explain that to the victim. Victim liaison managers must ensure that victim information is held securely, but that there is sufficient access to information to allow for provision of a continuous service, including when victim liaison officers are on leave, out of the office and, if appropriate, out of hours. Victim liaison unit staff should record information clearly and comprehensively, in such a way that a colleague with no prior knowledge of the case could read and understand the record if necessary. This provides an important basis for effective contact, particularly in cases where there are long periods of non-contact or where the case is transferred between victim liaison officers.
V 3.03	Are victims supported in making a victim personal statement in parole applications?	Victim liaison officers should take all reasonable steps to offer the victim the opportunity to make a victim personal statement for consideration by the Parole Board, where the perpetrator's release or move to open conditions is being considered by the Parole Board.

V 3 S

Does pre-release contact with victims allow them to make appropriate contributions to the conditions of release?

Inspectors recognise that agreeing the conditions of release may not always be able to accommodate all the views and wishes of victims. Legal and policy guidance needs to be followed, and a balance needs to be made between the wishes of victims and the need to develop a safe release plan.

Inspectors need to take into account their answers to all the questions in this section, and decide whether the strengths outweigh any deficiencies. We are not looking for perfection, but sufficient communication in the circumstances of the case. Where there are deficits, inspectors will consider their impact in the context of the case. For example, failure to notify a victim about the conditions of release may be enough to lead to a judgement of insufficient.

