

Landmark reforms for victims

- major step towards new Victims' Law as consultation is launched
- scorecards published to increase transparency and hold criminal justice agencies to account
- scheme sparing rape victims the stress of testifying in court rapidly rolled out nationwide
- communities given the chance to express how a crime has impacted them to amplify victims' voices

Justice Secretary Dominic Raab set out plans for a first ever Victims' Law that would guarantee greater consultation with them during the criminal justice process to ensure their voices are properly heard, and hold Agencies such as the police, Crown Prosecution Service and courts to appropriately account for the service they provide to victims.

Under plans set out in a consultation published today, victims' views would be taken into better account at regular points during their case. Proposals include an explicit requirement for prosecutors to meet the victims of certain crimes before making a charging decision in order to understand the impact.

It also outlines plans for community impact statements, which would provide an account for the collective impact of an offence, including in cases where there is no clear victim – such as attacks on public places or anti-social behaviour. A similar system currently is used in Canada, where in 2018, a Community Impact Statement was produced for a case in which several people were on trial for viewing images of child sexual abuse. Testimony was given by the victims who featured in the abusive material to explain the impact that this offence had on them, and that the act of watching these videos was not victimless. Their statement helped lead to tougher punishments for the offenders involved.

Deputy Prime Minister, Lord Chancellor and Secretary of State for Justice, Dominic Raab said:

No victim should feel unsupported. We have a moral duty to do better for victims, but as a practical matter that support will also help bring more criminals to justice and protect the public.

Our plans will give victims a louder voice, a greater role in the criminal justice system, and make criminals pay more to help victims recover.

The consultation seeks views on new legislation designed to amplify victims' voices in the criminal justice process, bolster the level of support they receive, and strengthen the accountability of all the agencies responsible for delivering this. This includes clear expectations of the quality of

service that should be offered by the police, prosecutors and the courts. The ultimate aim of these improvements is to secure more convictions, prevent further crime and make neighbourhoods safer.

Plans to increase the Victim Surcharge have also been set out in the consultation today, to ensure that criminals contribute more towards crucial victim services. This penalty fee – which offenders are made to pay when they are sentenced for crimes – goes straight back into funding support services for victims and currently can be as low as £22 for a conditional discharge. Under the plans set out today, the minimum rate could be increased to £100, over and above the existing pledge to increase it by 20%. These changes would mean that offenders take greater responsibility for the cost of their crimes and pay back to society by contributing to services which support victims as rape support centres and the National Homicide Service.

The consultation seeks to establish clear routes of redress if victims do not receive the support they are entitled to, and whether better oversight across the system could improve performance through strengthening inspection regimes and increasing the role of Police and Crime Commissioners.

As part of a greater drive for transparency and accountability, today the government also published the first ever quarterly performance scorecards spanning the entire criminal justice system, as part of a greater drive for transparency and to hold all justice agencies appropriately to account. The publication of this data will help identify and address concerns, including key information on the volumes of cases going through the system and the time taken for investigation, charging and completion at court. It also includes data on victim engagement – with Ministers determined to increase confidence so that more victims pursue their case so that justice is served as frequently as possible. Local scorecards will be published next year setting out greater detail in each area of the country.

The scorecards also shine a light specifically on the response to rape and sexual violence – delivering on a key pledge in the government's Rape Review published earlier this year. The aim is to use this data to help drive a major increase in the number of prosecutions reaching court.

As part of this push, it was also confirmed today that victims of sexual and modern slavery offences will be spared the trauma of giving evidence in court through the national roll out of a scheme enabling pre-recorded evidence across all crown courts in England and Wales – far faster and further than initially pledged in the Rape Review. Known as section 28, the scheme allows victims to have their cross-examination pre-recorded earlier in the process and outside the courtroom, and can help to reduce stress to ensure they give their best evidence. The measure is already in place for vulnerable witnesses such as children and is currently being piloted for victims of sexual and modern slavery offences in seven crown courts. The government will now work in close partnership with the judiciary, police and Crown Prosecution Service to develop a plan which will see it available across the country as soon as possible. The judiciary will retain oversight and discretion to ensure the interests of justice are properly served. This has the potential to increase successful prosecutions and earlier guilty pleas.

Dame Vera Baird QC, The Victims' Commissioner for England & Wales said:

The criminal justice system has a key role to play in helping victims recover and rebuild their lives. Yet all too often victims are treated as an afterthought, with their needs ignored and neglected.

The government's Victims' Law represents a once in a generation opportunity to drive real culture change, requiring agencies to see, hear and help victims – if necessary, with real consequences if this does not happen. I welcome the commitments outlined today and I look forward to working with government to make this a reality.

We know that we must drastically improve how this country polices and prosecutes rape. The national rollout of section 28 will mark a huge leap in the right direction, helping to reduce unnecessary stress and trauma for victims. This work has my full support.

Emily Hunt, independent advisor to the government on victims, said:

None of us set out to be a victim of a crime and we often don't like to talk about it the impact it can have. But anyone of us – our parents, our children, our friends – could become a victim.

At the moment, victims are not told what to expect and, if their rights are ignored, nothing happens.

This legislation will set out clearly the ways in which victims of all crimes should be protected.

It will make sure that they are supported and, when they chose to seek justice, ensure that the criminal justice system takes them seriously and treats them with dignity and respect that they deserve.

Diana Fawcett, Chief Executive of the independent charity Victim Support, said:

The Victims' Bill is a real opportunity to improve victims' experiences of the criminal justice system. Our research has found time and time again that victims do not always receive their rights and entitlements, and so the government's focus on strengthening victims' rights is welcome.

There needs to be a real shift in the way victims are treated by the criminal justice process. We will work to ensure that the Victims' Bill makes a meaningful difference to victims of crime,

and we will encourage victims and survivors to make their voice heard during the consultation.

The rollout of pre-recorded evidence nationally marks a step forward against the actions set out in the government's Rape Review earlier this year. A bi-annual update on this work, also published today, reveals that while more must be done, considerable headway is being made across the justice system to drive the change needed to increase convictions and ultimately put more rapists behind bars, preventing future victims. Progress made so far includes:

- Publishing performance scorecards to hold each part of the criminal justice system to account
- Securing the funding to recruit hundreds more Independent Sexual Violence Advisors (ISVAs), who provide vital advice and support for victims, acting as the link between police, support services and criminal justice agencies.
- Rolling out a new approach to investigations that places greater emphasis on understanding a suspect's behaviour rather than placing undue focus on a victim's credibility. Five police forces are already piloting Operation Soteria with further expansion in a further 14 from the end of this year. A number of these are also piloting a scheme to return mobile phones to victims within 24 hours, or provide them with replacements.
- Training more than 100 specialist rape prosecutors, 470 extra CPS staff and 11,000 additional police officers of the pledged 20,000
- Investing a quarter of a billion pounds to support recovery within the courts – providing extra capacity through Nightingale Courts, limit-free sitting days in the Crown Courts, and two new "super courts" to deliver swifter justice for victims

Today's announcement builds on the foundations laid by the new Victims' Code which came into force in April. It sets out the level of support victims can expect from criminal justice agencies, including the information they should receive from the police, CPS, and courts. The consultation seeks views on enshrining the code in law.

The Ministry of Justice (MOJ) secured an additional £2.2 billion in funding from the recent Spending Review of which £185million will go towards supporting victims by 2024/25. This will increase the number of Independent Sexual and Domestic Violence Advisors funded by the MOJ to over 1,000 and fund other key services such as a 24/7 sexual violence helpline. Almost half a billion pounds will be spent on measures to tackle the impact of the pandemic and restore the swift justice victims deserve.

Notes to editors

On Victims' Bill consultation:

- The Victims' Bill consultation will run for 8 weeks from 9 December to 3 February 2022. A response and legislation will be drawn up in due course

following its conclusion.

- The Victims' Bill will cover England and Wales.

On Scorecards:

- The full scorecards will be published on 9 December at 9.30am.
- The government is planning to publish scorecards every three months, with new localised scorecards expected to be published early in the new year.

On Section 28:

- Both the defence and prosecution lawyers will be present in court during the pre-recording as will the judge and the defendant.
- The independent judiciary will be responsible to overseeing the use of s.28 and will have a measure of discretion to ensure that the interests of justice are served.
- Pre-recording cross-examination preserves a defendant's right to a fair trial.
- Between September 2020 and August 2021 there were more than 1,500 witnesses who have used the S.28 provision.
- Vulnerable witnesses and victims are defined as all child witnesses under 18 and any witness whose quality of evidence is likely to be diminished because they are suffering from a mental disorder or physical disability or has significant impairment of intelligence and social functioning.
- Intimidated witnesses and victims for the purposes of this pilot are defined as complainants or witnesses of sexual offences and modern slavery offences.