

Delivering justice for victims: A consultation on improving victims' experiences of the justice system

February 2022

Introduction

The Criminal Justice Alliance (CJA) is a network of 170 organisations working towards a fair and effective criminal justice system (CJS). Some of our members provide victim support and restorative justice services across the CJS.

In December 2021, the Ministry of Justice (MoJ) published a consultation on improving victims' experiences of the justice system.¹ Our consultation response is based on a roundtable and follow-up discussions with over 15 CJA members working with victims in January 2022. Some of these members include: Advance, Escaping Victimhood, Khulisa, Muslim Women's Network UK, Redthread, Restorative Justice Council, SAFE! Support for Young People Affected by Crime, Sussex Pathways, Thames Valley Restorative Justice Service, The Traveller Movement, Transform Justice, Victims First Emotional Support Service (VFESS), Why me? and Victim Support. This response is also based on our previous work promoting restorative justice and addressing the needs of children and young adults who have been victims of crime and victims from Black, Asian and ethnic minority communities.²

Overview

Victims' rights and entitlements

The twelve entitlements of the current Victims' Code should not be diluted. All twelve rights should be provided for in any forthcoming Victims' Bill, as well as a statutory duty on all agencies listed in the Code to comply with these entitlements. Sufficient resources and investment should be given to make sure all victims can access their entitlements.

Some victims may not want to pursue a criminal justice response

We are concerned that the consultation document assumes that justice for victims is solely delivered within the criminal justice system and that a criminal justice response is what most victims seek.³ Members we consulted with reported that some people who access their services do not want a criminal justice outcome and it is only a minority of victims where a criminal trial is involved in the resolution of the case. Some members reported that where people do want a criminal justice response, they often feel failed as the CJS does not deliver a resolution or address the harm that has been caused.

To improve victims' experiences, we recommend that any upcoming Victims' Bill should provide for the wide variety of ways that victims may seek resolution to the harm which has been caused and not be solely focused on a criminal justice response. Any Victims' Bill should be clear that to be recognised as a victim and to be entitled to access rights under the Code, you do not need to start, or be involved in, any criminal justice process.

Restorative justice for victims

We are very concerned that there is no mention of restorative justice (RJ) in the consultation document and that victims' entitlements regarding RJ have been weakened over recent years. The changes made to the 2015 Victims' Code reduced victims' entitlements regarding access to RJ services: the automatic referral mechanism to a restorative justice service for victims of crime committed by those aged under 18 was removed. In addition, research shows that victims' access to RJ services is a postcode lottery, as funding allocated to Police and Crime Commissioners (PCCs) for RJ is no longer ringfenced.⁴ There is a lack of oversight, leadership and strategy on improving victims' access to RJ, as the national action plan for RJ has not been renewed since 2018.

Restorative justice has huge potential to increase victims' satisfaction, improve their wellbeing and reduce reoffending. These benefits are well-evidenced and set out in both the CJA's 2019 report and the cross-party APPG on Restorative Justice's 2021 report:⁵

- Numerous studies have shown victims who are given the opportunity to engage with restorative justice are more satisfied than those who only experience the criminal justice system.
- Home Office research found that 85 percent of victims participating in restorative justice were satisfied with their experience, 20 percent more than the control group. Almost nine in ten would recommend restorative justice to other victims.
- A further study found that a victim is almost seven times more likely to receive an apology from the person that caused them harm through restorative justice than in court.
- Various studies show a reduction in reoffending of between 14 to 34 percent following restorative justice, meaning the victim is less likely to be re-victimised and reducing the likelihood of further victims in the future.

The government has recently stated its commitment to restorative justice in Parliament and by supporting the Council of Europe (CoE) declaration on the role of RJ in criminal justice matters.⁶ In order to strengthen this commitment, we recommend that victims have a statutory entitlement to be informed about restorative justice and how to access restorative justice. In addition, we recommend victims should have a statutory right to be automatically referred to a RJ service. We support Why me?'s recommendation that access to restorative justice should be a statutory right of its own, rather than a subsection of the right to be informed.⁷

We recommend that the government should reintroduce and report on a national action plan, which sets out how access, awareness and capacity of restorative justice will be improved within the criminal justice system. A renewed national action plan should be prepared and laid before parliament at least every

five years. Progress against the plan should be published annually. This recommendation was recently made by the APPG on Restorative Justice and is supported by the Victims' Commissioner and others, including Police and Crime Commissioner Katy Bourne OBE.⁸ In addition, the CoE declaration that the government has publicly committed to also encourages member states (including the UK) to develop a national action plan.⁹

Identifying with victimhood

Some members we consulted with reported that those who access their services do not identify as a 'victim' despite having been victimised.

Wider application of the meaning of 'victim' in services

Our members have reported that support services are not always available to the people who are impacted by crime, because they are not the direct victim or an immediate relative. Services should take a wider view of who is considered as a victim such as those who see, hear or experience crime or are in the same place where a serious crime took place, as well as those who are close to victims.

People can be both 'victims' and 'perpetrators'

The CJA is concerned about how people in prison who have also been victims of crime can effectively access their entitlements under the Victims' Code, including having their crime recorded without delay, access to services and information about compensation.

- Some CJA members who we consulted with reported that those they support who are also perpetrators can only access victim support services after they have served their sentence.
- Some CJA members who work with children and young adults told us that the nexus of 'victim' and 'perpetrator' was particularly problematic for this age group and described the challenges of accessing suitable support for those dealing with trauma. For example, young adults moved to different geographical locations for their own safety were often not given access to local victim support services.¹⁰
- CJA member Prison Reform Trust has found that some people in prison who contact their advice and information service describe their difficulties in both reporting crime to Police Liaison Officers (PLOs) and accessing victims' services.¹¹
- Victims of violent crime who have certain unspent convictions cannot access compensation under the Criminal Injuries Compensation Scheme. CJA member Unlock has found that people affected by this rule have included victims of sexual abuse and other serious crimes, whose own offending can be clearly linked to the crimes committed against them and the trauma they have experienced.¹² We recommend that decision makers in the Criminal Injuries Compensation Authority (CICA) have more discretion to award compensation to victims who also have unspent criminal convictions.

Equality of access for minoritised victims

We are not satisfied that the experiences of minoritised victims — such as children, young adults, women, people from Black, Asian and minority ethnic backgrounds (including Gypsy, Roma or Traveller communities) or those with

insecure immigration status — have been sufficiently acknowledged and addressed.

Recommendations

- A Victims' Bill should be clear that to be recognised as a victim and to access rights under the Code, you do not need to start any criminal justice proceedings.
- Victims should have a statutory entitlement to be informed about RJ and how to access RJ, and a statutory right to be automatically referred to an RJ service.
- The government should reintroduce a national action plan for restorative justice, which sets out how access, awareness and capacity will be improved within the criminal justice system. The government should publish its annual progress against this action plan. A new plan should be developed and laid before Parliament at least every five years.
- The twelve rights in the Victims' Code 2021 should be enshrined in legislation. Agencies should have a statutory duty to comply with the Code's entitlements.
- The Victims' Commissioner's powers should be strengthened.
- A single, cross-system complaints service and an independent and impartial Victims' Ombudsman should be established which can be approached by victims directly (without needing to go through their MP).
- Her Majesty's Inspectorate of Prisons should join the joint thematic Criminal Justice Joint Inspectorate's (CJJI) inspection planned for 2022/23 of whether victims' needs are being met, to assess whether those in prison who are also victims can access support and interventions (including restorative justice).
- The Ministry of Justice should more widely promote the guidance for commissioners on supporting victims of crime from Black, Asian and minority ethnic backgrounds including publishing it on the Ministry of Justice (MoJ) website.
- Criminal justice agencies should collect data on victims' protected characteristics. Data should be advanced enough to show how the intersections of a victims' protected characteristics may relate to any differences in their experiences of the Code.
- The data collected on victims' protected characteristics should be consistent across criminal justice agencies and be used to inform policies and processes, service design and commissioning, and Equality Impact Assessments.
- Criminal justice agencies with obligations under the Code should have a duty to report on how they are meeting the needs of victims with protected characteristics, including commissioning specialist services.
- All victims of crime should be equally protected in law irrespective of their immigration status.
- Decision makers in the Criminal Injuries Compensation Authority (CICA) should have more discretion to award compensation to victims who also have unspent criminal convictions.
- Roll back provisions in the Police, Crime, Sentencing and Courts Bill which will negatively impact on trust and confidence in the CJS for minoritised groups, such as the expansion of suspicion-less stop and search and increased enforcement powers relating to unauthorised encampments.

Consultation response

Meeting victims' expectations

1. Do you agree that the key principles set out in the consultation are the right ones? If not, do you have any other suggestions?

The Code of Practice for Victims of Crime (referred to as 'the Code') sets out victims' entitlements in 12 rights and outlines the minimum standard that agencies must provide to victims of crime in England and Wales. Our members found the four proposed principles to be too broad and unclear. Key issues that are included in the Code's 12 entitlements — such as a victims' right to be informed about compensation, the complaints process, to have their case progressed without unjustified delay and to have their property returned — are not reflected in the four principles. Members have reported to us that there are ongoing issues with returning victims' property and delays in communication. These are integral entitlements that need to be reflected in any statutory provisions.

The Code was first introduced in 2006 and was revised in 2013 and 2015. It was most recently updated in April 2021, when the government stated it had 'merged the large number of existing entitlements' as 12 clear overarching rights to reduce the Code's 'complexity'.¹³ While the simplification of the Code was seen as positive, the merging of victims' entitlements meant that some had been lost. Members noted their concerns that by attempting to distil victims' entitlements again – from 12 rights to four key principles – risks diluting them further, rather than strengthening them.

The CJA does not agree that only the four key principles which have been deduced from the Code should be enshrined in legislation. The consultation document states that the government wishes to place the four proposed principles in legislation 'to send a clear signal to all listed agencies that they must comply with delivering [the Code]'. A stronger message would be to enshrine the Code in its entirety into legislation. We recommend that the twelve entitlements of the current Victims' Code are provided for in any forthcoming Victims' Bill, which would create a set of statutory rights for victims. The Bill should place a statutory duty on all agencies listed in the Code to comply with these entitlements.

4. Do the current procedures around timing and method of communication between the police/CPS and victims about key decisions work for victims? Are there any changes that could be beneficial?

Communication between victims and criminal justice agencies regarding their rights under the Code is inadequate, resulting in many victims not being aware of their entitlements under the Code. There needs to be increased awareness of the Code among victims so they know what treatment and services they are entitled to. In addition, the APPG for RJ has recommended that any national action plan should include a specific communications plan to raise awareness of restorative justice and practice among victims, criminal justice agencies and the wider public.¹⁴

Often the current processes regarding timing and communication between criminal justice agencies and victims do not work sufficiently well. Members who we consulted with reported that those they support have often experienced further feelings of disempowerment, anxiety, abandonment and fear and that they have been retraumatised because of time delays and communication issues with agencies throughout the criminal justice system. For example:

- Members often reported unsatisfactory communication from the police, perpetuating harm and compounding victims' lack of trust and confidence. This is particularly the case with victims from Black, Asian and minority ethnic backgrounds (including those from Gypsy, Roma and Traveller communities).¹⁵ One member had supported a victim who had continued to report new evidence even though their case had been closed, as they had not been informed of this by the police
- Victims are informed by support services that there will be a period with no activity between the Crown Prosecution Service (CPS) and the case being heard at court, but this is often not communicated to victims by criminal justice agencies. Victims who don't attend court are often not told the result of the trial. When victims are called to court, often their hearings are postponed on the day after significant waits and delays.
- Our members report that there are gaps in communication between criminal justice agencies, particularly between the police and CPS. There are also gaps in communication between criminal justice agencies and victim support services. For example, a member supporting victims told us that communication with prison staff and probation officers isn't adequate and can re-harm victims.

Fewer delays and better communication are vital to improving victims' experiences and satisfaction.

Improving oversight and driving better performance

The role of Police and Crime Commissioners (PCCs)

10. What should the role of PCCs be in relation to the delivery of a quality service and commissioning victims' support services, and what levers could be given to PCCs to deliver this role and enhance victims' experiences of the criminal justice system at a local level?

PCCs play a crucial role in ensuring that victims of crime are appropriately supported and that they receive their entitlements under the Code. One effective way of doing this is to commission RJ services, which provide victims with an opportunity to meet or communicate with the person who committed the crime to explain its harmful impact. As previously mentioned, research shows that RJ can improve victims' satisfaction and feelings of fairness, while also holding those who have caused harm to account and reducing reoffending. PCCs can make these services particularly effective by providing active leadership and bringing together a range of relevant organisations delivering RJ and restorative practices, as well as embedding a restorative culture in their offices.¹⁶

In addition, PCCs can stimulate local innovative practice by bringing together organisations and individuals from across the criminal justice system and working together with community and voluntary sector organisations. This is usually done through local Criminal Justice Boards, which PCCs usually chair. In relation to commissioning support services, members have reported that PCCs should do more to ensure they understand their communities and conduct more thorough needs assessments before commissioning services. PCCs in neighbouring regions could co-commission specialist victim services to meet the needs of a greater number of people. PCCs could also proactively give feedback to small, specialist services who are unsuccessful in current commissioning processes to increase their chances of success in future bids.

The role of the criminal justice inspectorates

11a. 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? Please explain your answer.

The consultation document recognises the Criminal Justice Joint Inspectorate (CJJI), whereby the four criminal justice inspectorates (of constabulary, the Crown Prosecution Service, prisons and probation) may conduct joint inspections to address cross-cutting, systemic issues within the CJS by looking at the system from end-to-end and the role of individual agencies.

The CJJI is required to set out a joint inspection programme, which is currently the Joint Business Plan for 2021-23.¹⁷ The CJJI has regard to cross-cutting issues that are 'fundamental to the success and effectiveness of the CJS' throughout all its joint-inspections, which includes victim and witness experiences. HMICFRS, HMCPSI and HMI Probation will be inspecting how the CJS meets the needs of victims through the quality of communication and support. We would recommend this inspection also includes HMI Prisons, which should assess the identification of those in prison who have been victims in the community and their access to support and interventions (which should include access to restorative justice information and services).

To improve victims' experiences, it would be most beneficial to strengthen the powers of the Victims' Commissioner, as set out in our response to question 13, than the criminal justice inspectorates.

The role of the Victims' Commissioner

13. What are the most critical functions to enable an effective Victims' Commissioner?

There are significant gaps in the powers of the Victims' Commissioner in relation to the current Code.¹⁸ The consultation document acknowledges that the Victims' Commissioner does not currently have the powers to fully meet their statutory function of keeping the operation of the Code under review.

To enable a more effective Victims' Commissioner, we recommend that any Victims' Bill should include provisions that bring the Victims' Commissioners' powers in line with other relevant commissioners and criminal justice inspectorates, such as:

- Power to review and recommend changes to the Code if it is found to be inadequate and to recommend changes to the law.
- Monitor compliance with the Code and require action if agencies are found not to be complying with the Code.
- Report to the government and Parliament on victims' needs and agencies' compliance with the Code through an annual report and other reports.
- Power to consult and a duty for relevant agencies named in the Code to co-operate with the Commissioner's consultation, reviews, research and other work relevant to carrying out their functions.
- Access to information from the agencies named in the Code as is reasonable to perform the Commissioners' statutory functions.
- A duty for the relevant agencies to respond to any recommendations within a reasonable timeframe.
- A duty for the Secretary of State to consult with the Victims' Commissioner on any proposed changes to the Code.¹⁹

Data

18a. What data should criminal justice agencies collect about victims' experiences, and at what key points in the process?

The protected characteristics of victims should be collected consistently by criminal justice agencies. Data on race should include Roma as a separate ethnic category. It is widely recognised (including by the Equality and Human Rights Commission) that those with multiple protected characteristics may have different experiences. We recommend that the collection of data should be advanced enough to show the intersections of victims' protected and minority characteristics and how this may relate to any differences in their experiences of the Code.

This data should also be used to inform needs assessments, service design, commissioning practice, equality impact assessments, equalities strategies and more effective engagement with victims.

The CJA recently surveyed Police and Crime Commissioners' Offices (OPCCs) to understand what data is collected on victims' protected characteristics and how it is used. We have found that some OPCCs collect data on victims' protected characteristics which they have then used to implement equalities plans and ensure victim services are accessible to all or those with certain protected characteristics. For example, one PCC office is utilising the data it has collected on victims from minority ethnic backgrounds to create an action plan to improve the victims services that are tailored and offered to minority ethnic communities. The data is also analysed to inform contract performance meetings with providers. In addition, another PCC office uses data on victims' protected characteristics to make sure that funded services are being accessed by certain groups or that their services are accessible to all (unless there is a justified reason for not doing so).

We recommend that the data collected on victims' protected characteristics should be consistent across criminal justice agencies and be used to inform policies and processes, service design and commissioning, and equality assessments.

Complaints

20. How do you think we could simplify the existing complaints processes to make them more transparent and easier for victims to use? How could we secure a swifter resolution while allowing for a more consistent approach?

21. What more can be done to improve oversight of complaints handling, including where victims are dissatisfied with the outcome of the complaint process?

Victims can complain if they have not received the entitlements set out in the Code. In the first instance, victims direct their complaints to the responsible agency. If they remain unsatisfied, they can escalate their complaint to a Member of Parliament (MP) who can refer this to the Parliamentary and Health Service Ombudsman (PHSO).²⁰

Members have noted the importance of making the complaints system more accessible to victims, as the current process is too varied and confusing and it does not provide sufficient redress. Victims supported by members have reported that there is a:

- Lack of clarity regarding agencies' complaints processes. Victims will encounter many agencies during any investigation, each with their own complaints system, which are often varied and hard to navigate. Victims do not necessarily distinguish between different agencies, which adds to the confusion between the different processes.
- Lack of accountability between agencies. Often agencies will apportion blame to each other when using their individual complaints process. Siloed, different processes mean there is no overarching view of recurring issues and as such, systemic issues don't get resolved.
- The role of the PHSO in the complaints system is poorly understood by victims, with many unaware of how to navigate the procedure.²¹ As complaints can only be made through an MP, this could act as a barrier to those who do not wish to share their experience with their MP. Data obtained by member Victim Support shows that only a very small number of the complaints that the PHSO receives relate to the Code, and an even smaller number are investigated and fully upheld.²²

To improve victims' experiences of complaints processes, our members would like to see one central complaints mechanism where victims of any crime can easily file a complaint in relation to any agency and any right under the Code. We would therefore recommend that a single, cross-system complaints service is established that processes complaints from victims about any part of their experience and regarding any agency with responsibilities under the Code.

A Victims' Ombudsman should also be established which has the power to investigate and resolve victims' complaints if they remain unsatisfied.²³

The Ombudsman should be operationally independent from the government and from other agencies who have responsibilities under the Code. It should have a duty to co-operate with other bodies who have previously been involved in investigating victims' complaints, such as the Independent Office of Police Conduct. Victims should be able to contact the Ombudsman themselves, without needing a referral from an MP. The Ombudsman should also:

- Produce an Annual Report which is laid before Parliament.
- Identify any thematic, systemic issues across the criminal justice system. The Ombudsman should be able to make recommendations regarding systemic issues and gaps between agencies to prevent future recurrence, as well as recommendations relating to individual complaint investigations. These overarching issues should be included in the Ombudsman's Annual Report.
- Collect demographic data on victims who file complaints. This data should be included in the Ombudsman's Annual Report.
- Develop a process for victims who allege to have experienced negative consequences as the result of lodging a complaint (for example, their case not being taken further due to them filing a complaint against the police).
- Provide clear information to victims that if they remain unsatisfied with the handling of a complaint by the Ombudsman, they can complain to the PHSO. A similar process is in place with complaints received by the Prisons and Probation Ombudsman.²⁴

Supporting victims of crime

26a. What can the Government do to ensure that commissioners are adequately responding and implementing the expertise of smaller, 'by and for' organisations in line with local need?

27. What can local commissioners (local authorities and PCCs) do to improve the commissioning of specialist 'by and for' services for their area?

We welcome the acknowledgement in the consultation document of the importance of tailored, specialised services and that this support can be 'instrumental' for certain victims.

Many of our members provide specialised services to children and young adults, women or people from Black, Asian and minority ethnic backgrounds who have been victims of crime.

Greater investment is needed to ensure more services are available nationally to those who need it, and to ensure those services are well resourced. For example, one member we consulted with which provides specialist support to children and young adults reported the huge demand for its service, yet there are no services for children and young adults in their surrounding areas. Our members that work with minoritised communities have also reported the need for greater and more sustainable investment and resources including core funding, rather than 'one-off' short-term funded projects.

The CJA previously held a policy forum with specialist organisations which support victims of crime from Black, Asian and minoritised backgrounds.²⁵

Participants suggested that local commissioners such as PCCs should do more to ensure they understand their communities and conduct more thorough needs assessments before commissioning services. It was suggested that neighbouring regions could co-commission Black, Asian and minority ethnic specific-victim services, which would mean those services were available to a greater number of people.

Some participants felt that small, specialised services are currently hindered by prohibitive commissioning arrangements and that grants, rather than contracts, are more appropriate for such specific grassroots organisations. It was suggested that commissioners should consider proactively giving feedback and support to any unsuccessful organisations which provide specialist support in order to increase their likelihood of success when bidding for future contracts.

We welcome the Ministry of Justice's recent guidance aimed at commissioners on supporting victims of crime from Black, Asian and minority ethnic backgrounds. We have found from our recent survey of PCC offices that some are implementing this guidance. However, this guidance is not widely available as it is not published on the MoJ website and some CJA members which provide specialist services are unaware of it. We recommend that this guidance is published so it is accessible to all agencies with commissioning powers and victim services.

Equality considerations

49. Have we correctly identified the range and extent of the equalities impacts under this consultation in the equality statement? Please give reasons and supply evidence of further equalities impacts that are not covered as appropriate.

The equality statement identifies that certain groups are significantly over-represented among victims. These groups include people who are male, disabled, of Black, African or Caribbean heritage and young (16-24-year-olds). The government stated that the consultation proposals will be more likely to have a positive effect on these groups, solely due to their over-representation as victims.

We are not satisfied that the issues experienced by victims with one or more protected and minority characteristics (particularly those who are over-represented in the victim population) have been sufficiently acknowledged and addressed. The data included in the equality statement may not accurately capture victims' experiences of the criminal justice system and access to support services as it does not include intersectional data.

Many attendees raised the issue of lack of representation and 'cultural competence' from the police and other agencies when engaging with victims from Black, Asian and minority ethnic backgrounds, which has led to incidents of discrimination and bias. Sistah Space, which provides domestic abuse services for African heritage women and girls, have recently highlighted the importance of the police being culturally competent.²⁶

Awareness of specialist services can be low, which results in less referrals and victims being sent to generalist services when their needs would be better met with an existing specialist service. This should be addressed. We support the Victims' Commissioner's recommendation for criminal justice agencies to have a duty to report on how they're meeting the needs of victims from minoritised groups, which includes commissioning specialist services.²⁷

The equality statement also acknowledges evidence that certain groups are less likely to feel confident reporting a crime to the criminal justice system and/or find it more difficult to access support services. We do not believe the consultation proposals sufficiently address this lack of trust and confidence. In consultations with specialist organisations that support victims of crime from Black, Asian and minoritised backgrounds (including those from Gypsy, Roma and Traveller communities) and with young adults, many felt that trust and confidence is extremely low and there is a strong mistrust of the criminal justice system, particularly with the police. Similarly, many organisations have highlighted a general lack of trust and confidence in generalist victim support services, in particular where they are not independent or perceived to not be independent from the police or PCC.

Negative perceptions of the police have sometimes been reinforced by instances where young adults and people from Black, Asian and minoritised backgrounds who have been a victim or witnessed a crime have been treated as perpetrators. In relation to victims and witnesses who do report crimes to the police despite their lack of trust, we recommend that they are introduced to specialist services, who can provide accurate information and make referrals to further support, such as restorative justice. The government should roll back provisions in the Policing, Crime, Sentencing and Courts Bill which will negatively impact on trust and confidence in the CJS for minoritised groups, such as the expansion of suspicion-less stop and search and enforcement powers relating to unauthorised encampments.

In addition, foreign nationals or those with insecure immigration status need to trust and feel safe to interact with the criminal justice system. A previous super-complaint report on policing and immigration found victims with insecure immigration status may face specific difficulties in reporting crimes to the police.²⁸ HMICFRS made recommendations regarding personal information on victims' of domestic abuse not being shared with immigration enforcement, as well as improving the safeguarding of victims and witnesses and establishing safe pathways for all migrant victims and witnesses to report crime. The Code states that victims have the Right to its entitlements regardless of their resident status. We recommend that any Victims' Bill provides for all victims of crime to be equally protected irrespective of their immigration status.

Many foreign national victims or victims with English as a second language may struggle to understand legal jargon and the entitlements in the Code. Criminal justice agencies must provide sufficient interpretation and translation services. Similarly, those with learning needs or who are neurodivergent may benefit from having access to easy-read documents.

The views expressed in this consultation response are not necessarily those of any individual CJA member or funder.

For more information about this consultation response, please contact Hannah Pittaway, Senior Policy Officer, on:
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References

- ¹ Ministry of Justice, [Delivering justice for victims: A consultation on improving victims' experiences of the justice system](#) (2020).
- ² Our previous work regarding victims and restorative justice is available on the [Criminal Justice Alliance website](#).
- ³ Transform Justice, [Is justice for victims always criminal justice?](#) (2021).
- ⁴ Criminal Justice Alliance, ['A journey of learning, growth and change' A roadmap for increasing Restorative Justice across England and Wales](#) (2019).
- ⁵ Criminal Justice Alliance, ['A journey of learning, growth and change' A roadmap for increasing Restorative Justice across England and Wales](#) (2019). All Party Parliamentary Group (APPG) on Restorative Justice, [Report on the inquiry into restorative practices in 2021/2022](#) (2021).
- ⁶ [Police, Crime, Sentencing and Courts Bill. House of Lords Report Stage, Volume 817](#) debated on Wednesday 12 January 2022. Council of Europe, [Venice Declaration on the Role of Restorative Justice in Criminal Matters](#), dated 14 December 2021.
- ⁷ Why me? [Once in a generation opportunity for victims' rights: The Victims' Bill Consultation and Restorative Justice](#) (2021). The CJA have developed a national cost framework for the delivery of restorative justice for appropriate offences across England and Wales. See Criminal Justice Alliance, [The Cost of an Entitlement to Restorative Justice](#) briefing (2017).
- ⁸ See recommendation 4 in All Party Parliamentary Group (APPG) on Restorative Justice, [Report on the inquiry into restorative practices in 2021/2022](#) (2021). Criminal Justice Alliance & Why me?, [Briefing to members of the House of Lords](#) (2021).
- ⁹ See 15.i. in Council of Europe, [Venice Declaration on the Role of Restorative Justice in Criminal Matters](#), dated 14 December 2021.
- ¹⁰ Criminal Justice Alliance, [Ministry of Justice Policy Forum on Black, Asian and minority ethnic victims of crime](#) (2019).
- ¹¹ Prison Reform Trust, [Response to the Ministry of Justice consultation Delivering Justice for Victims](#) (2022).
- ¹² Unlock, [Unspent convictions and the Criminal Injuries Compensation Scheme](#).
- ¹³ Written Ministerial Statement: [Consultation on Improving the Victims' Code and the Government Response to the 2019 Consultation: 'Proposals for revising the Code of Practice for Victims of Crime'](#) made on 5 March 2020.
- ¹⁴ See recommendation 8 in All Party Parliamentary Group (APPG) on Restorative Justice, [Report on the inquiry into restorative practices in 2021/2022](#) (2021).
- ¹⁵ Criminal Justice Alliance, [Ministry of Justice Policy Forum on Black, Asian and minority ethnic victims of crime](#) (2019).
- ¹⁶ Criminal Justice Alliance and Centre for Justice Innovation, [Public Safety, Public Trust. Innovative ideas for Police and Crime Commissioners in 2021: Partnership working with the community and voluntary sector](#) (2021).
- ¹⁷ See Part 4 in [Police and Justice Act 2006](#). See page 11 in Criminal Justice Joint Inspection (CJJI), [Joint Inspection Business Plan 2021-23](#).
- ¹⁸ Victims' Commissioner, [Constitutional powers of the Victims' Commissioner for England and Wales](#) (2020).
- ¹⁹ See Table 2: A comparative review of the powers and duties of selected other Commissioners and Inspectorates in England and Wales, in Victims' Commissioner, [Constitutional powers of the Victims' Commissioner for England and Wales](#) (2020).

See also Response to question 13 in [Victims' Commissioner, Victims' Law](#) (2022). These documents set out where the powers which have been recommended are in line with other inspectorates and commissioners.

²⁰ Parliamentary and Health Service Ombudsman, [Making a complaint - The Victims' Code](#).

²¹ Victims' Commissioner, [A Review of Complaints and Resolution For Victims of Crime](#) (2015).

²² Victim Support, [Victim of the system – the experiences, interests and rights of victims of crime in the criminal justice process](#) (2017).

²³ We have previously recommended that a Victims' Ombudsman be established. See Criminal Justice Alliance, [Response to consultation on Improving the Victims' Code](#) (2020). The Victims Commissioner has also [previously recommended](#) that a single cross-criminal justice system complaints body should be established for handling all victim complaints.

²⁴ Prisons and Probation Ombudsman (PPO), [Appeal a PPO decision](#).

²⁵ Criminal Justice Alliance, [Ministry of Justice Policy Forum on Black, Asian and minority ethnic victims of crime](#) (2019).

²⁶ Sistah Space, [Valerie's Law](#).

²⁷ See page 42 in Victims' Commissioner, [Victims Law Policy Paper: Victims' Commissioner's Proposals for a Victims Law](#) (2021).

²⁸ HM Inspectorate of Constabulary, [Safe to share? Liberty and Southall Black Sisters' super-complaint on policing and immigration status](#) (2020). Victims' Commissioner, [Victims Law Policy Paper: Victims' Commissioner's Proposals for a Victims Law](#) (2021).