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Victims' Code Consultation

Ministry of Justice
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Friday 10 May 2013

To Consultation Co-ordinator,

Response from Make Justice Work To Victims' Code Consultation

Make Justice Work (MJW) was launched in the summer of 2009. It is an independent campaign aimed at highlighting the cost and ineffectiveness of short-term prison sentences and improving public confidence in community sentences. MJW is a Community Interest Company and receives no public funding.¹

MJW's interest in this consultation derives from our first report published in September 2011 - *Community or Custody*² – which aimed to find out whether rigorous community sentences are more effective than short prison terms in stopping persistent, low-level offending. More recently a report published jointly with Victim Support in September 2012 – *Out in the open: what victims really think about community sentencing*³ - showing that most victims of crime support the use of community sentences instead of prison, but need to know more to have confidence in their effectiveness.

The nationwide survey carried out by Populus as part of the research revealed that when provided with a brief explanation of what community sentences involve, 70% of victims of crime support them as an alternative to prison for lower level offences.

The research revealed a lack of understanding and a need for greater awareness of community sentences. The survey also found that victims of crime have serious misgivings about the delivery of community sentences in practice, which partly reflects a deeper lack of confidence in the criminal justice system as a whole. The Ministry of Justice consultation into the revised Victims' Code is a valuable opportunity to address this lack of confidence.

The findings from Victim Support's and Make Justice Work's joint *Out in the Open* report, concludes that if victims are to have more confidence in community sentences, they must not only be effective but seen to be effective. The survey also found:

¹ <http://www.makejusticework.org.uk/>

² <http://www.makejusticework.org.uk/national-commission-enquiry/>

³ <http://www.makejusticework.org.uk/victims-views/>

- 76% of victims believe they should be informed about what offenders will do when serving a community sentence.
- 64% of victims believe they should be informed about an offender's progress when serving a community sentence.
- 70% of victims believe they should have the opportunity to tell the offender about the impact of their actions.
- An increase by 8% points in support of community sentences if an explanation is provided (from 62% to 70%).⁴

Ministry of Justice research has already shown that court-ordered community sentences are more effective in reducing one year proven reoffending rates than custodial sentences of less than 12 months for similar offenders. The report also recommended:

- More effective use of Victim Personal Statements.
- Greater focus on reparation from offenders to victims.
- More information and engagement of victims in Community Payback.

Out in the Open is exactly that: it shows that victims want rehabilitation to go hand in hand with punishment. They can see the potential benefits of effective community sentences, but their lack of confidence reflects a deeper frustration with the criminal justice system as a whole. If we are to improve confidence in community sentences, we must enable victims to see how they work and at the same time challenge common misconceptions about what they involve. I hope that the Ministry of Justice will take this report seriously and take steps to enable victims of crime to understand the real value of effective community sentences.

The report also shows that community sentences can offer the kind of justice victims want. Yet it also highlights a great deal of scepticism over their ability to deliver this in reality. Community sentences can work for victims as well as offenders but in order for that to happen their needs must be better considered. As with the other areas of the criminal justice system in which victims lack confidence, much of this can be achieved through simple measures to ensure victims receive the recognition, the information and the voice which they need and deserve.

This is something that a Government in the process of reforming both community sentences and the revised Victims' Code needs to pay attention to.

Yours sincerely



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⁴ <http://www.makejusticework.org.uk/victims-views/>

Victims' Entitlements

Q 1. Do you think that the approach taken to restructure the Code is the right one? The focus on ensuring that victims of crime who are in need of support receive it is to be welcomed. Therefore it is important that in relation to community sentences victims are aware as to what the terms of the sentence are, including details of both punitive and rehabilitative elements.

The focus on the wider use of Restorative Justice for those victims who would like to participate in such a programme is to be welcomed.⁵ However, it is important for the Government's commitment to roll out Restorative Justice more widely is matched with additional resources. While Restorative Justice is proven to be effective at helping to reduce rates of re-offending, the needs of victims must be treated sensitively. For this reason high quality training is essential for all practitioners in the field.

Restorative Justice can be an important component of effective and robust community sentences and help to improve an offenders' awareness as to the impact of their crimes on victims and the wider community. As part of the rehabilitative aspects of community sentences, improving best practice in victim awareness for offenders should be encouraged and enhanced.⁶ It is also important that examples of success stories are channelled back into the community if increased confidence is to be achieved.⁷

Duties upon criminal justice agencies and organisations

Q 3. Do you think that the duties imposed on the criminal justice agencies in the revised Code are the right ones? Please provide comments. In terms of keeping victims of crime informed, appropriate measures should be put in place to ensure they are kept up to date of sentencing decisions and requirements set by the Courts for community sentences. The *Out in the open* report⁸ shows that for many victims of crime this would help to improve their confidence in both community sentences in particular and the criminal justice system in general. There exists a great deal of misinformation about community sentences among the wider public and the lack of transparent and appropriate information about the successes and challenges facing offenders in undertaking community sentences does not improve public confidence. In light of the changed circumstances 'Probation' providers will find themselves in April 2015, clarity would need to be sought as to which criminal justice agency would be responsible for undertaking this role.

The court service should have a responsibility to provide information to victims of crime as what a community sentence is and what it involves. The importance of appropriate and accessible language when sharing information with victims - and offenders – should not be underestimated.

⁵ <http://www.makejusticework.org.uk/wp-content/uploads/National-Enquiry-Final-Report-14th-Sept-1.pdf>
Page 7 (Giving victims confidence in the punishment)

⁶ <http://www.makejusticework.org.uk/wp-content/uploads/Out-in-the-Open2.pdf> Page 9 (Robust Delivery)

⁷ <http://www.makejusticework.org.uk/wp-content/uploads/National-Enquiry-Final-Report-14th-Sept-1.pdf>
Page 16 (Specific Recommendations)

⁸ <http://www.makejusticework.org.uk/wp-content/uploads/Out-in-the-Open2.pdf> Page 7 (Making community sentences work for victims)

Police and Crime Commissioners

Q 4 (a). Do you think that the Police and Crime Commissioners should be included in the revised Code? Please give reasons. PCCs clearly have an important role to play in reducing crime in their areas. As they will be commissioning many victims' services it seems logical to include PCCs as overall custodians of the revised code. However, as well as having a statutory duty to engage with victims PCCs should engage with offenders/former offenders at the same time. If initiatives such as Restorative Justice and others that engage with offenders have proven to help reduce rates of reoffending and increase their awareness of victims' issues, then it would be sensible for PCCs to be aware of this and include best practice in the services they are responsible for. This way the services provided by PCCs will be more effective and provide better value for taxpayers.⁹

Q 4 (b). If so, what duties should they fulfil and at which stages of the criminal justice process should Police and Crime Commissioners be included? Duties should include a statutory requirement on PCCs to engage with offenders/former offenders and victims in the devising of services for victims such as Restorative Justice, as their perspectives will help to improve the overall effectiveness and reduce levels of reoffending.

There should be a mandatory obligation for PCCs to regularly engage with their local judiciary – including Magistrates - and visit community sentences so they can increase their level of confidence in the local criminal justice services which impact on the lives of their community. Appropriate safeguards must be put in place to ensure this takes place in a way which maintains judicial independence.

The Victim Personal Statement

Q5. Do you agree that the Victim Personal Statement should be included within a revised Victims' Code? The VPS should be included in the revised Victims' Code and it should be explicit that victims are made fully aware as to its purposes and the different audiences who may have access to it. As part of improving the awareness of offenders as to the impact of their crimes on victims - for those serving a community sentence - if the victim/s' consent has been agreed, the relevant 'Probation' provider should have access to the VPS also. In this way 'Probation' providers would be in a position to use these statements as part of their work to raise issues in relation to awareness of victims' perspectives for offenders.¹⁰

Community Impact Statements

Q6. Do you think that police forces should be encouraged to expand their use of Community Impact Statements? Yes and where appropriate measures should be put in place to ensure they are considered as part of Community Payback initiatives in local communities. The *Out in the open* report showed that increasing the public's awareness and engagement with Community Payback initiatives could

⁹ <http://www.makejusticework.org.uk/wp-content/uploads/Out-in-the-Open2.pdf> Page 8 (General awareness)

¹⁰ <http://www.makejusticework.org.uk/wp-content/uploads/Out-in-the-Open2.pdf> Page 25 (Better meeting the needs of victims)

help to raise the profile and awareness of community sentences and enhance the public's overall confidence.¹¹

The police's role in using appropriate diversion schemes, particularly for young people with a particular focus on the views of victims and the impact of crime, is a powerful resource and effective in reducing low level offending. There needs to be much greater liaison between police, the courts, victims' organisations and the new 'Probation' providers.

Q7 (a) Do you think community impact statements provide an effective way of capturing the problems confronting communities? Community Impact Statements are one way of capturing the problems confronting communities, but steps should be taken to engage with 'hard to reach' groups whose views can easily be ignored. In this way representative Community Impact Statements can be part of the solution to improve the public's awareness and engagement with Community Payback as part of robust and demanding community sentences.

Impact statements for businesses

Q8. Do you agree that all businesses should be entitled to make an impact statement to explain how a crime has affected them? If businesses want to do so and are made fully aware as to the potential audiences who may have access to them, then yes businesses should also be entitled to make an impact statement. As referred to above, these statements should also be available to those new 'Probation' providers responsible for delivering community sentences so that when appropriate offenders are made aware of them also as part of their victims' awareness programmes

Q9. Do you think businesses will benefit from this scheme? Both businesses and offenders undertaking community sentences would benefit from such a scheme, Appropriate VPS should be made available to courts, the 'Probation' providers and those devising community payback and other community sentencing. Businesses have a role in determining the best form of reparation which will enhance public confidence and will not damage the likelihood of the offender reducing their offending.

Q10. Do you think that this statement should be extended to other organisations, such as charities? If there are other organisations in a locality or communities such as Parish/Urban Community Councils, youth organisations etc that are impacted by a crime, they should also have the opportunity to make impact statements too. Once again, where appropriate these should be made available to local 'Probation' providers, as part of their victims' awareness programmes for offenders serving community sentences.

Restorative Justice

Q11. Do you agree that RJ should be included in the Victims' Code where the offender is over 18 years of age? Yes, RJ should be included in the Victims' Code for offenders over the age of 18 years but appropriate safeguards must be in place to

¹¹ <http://www.makejusticework.org.uk/wp-content/uploads/Out-in-the-Open2.pdf> Page 9 (Unpaid work/community payback)

protect the needs of both victims and offenders alike. Where it is appropriate RJ can be an effective tool to help reduce levels of re-offending and ensure that people are diverted away from the criminal justice system if possible.

Q12. Do you think that the section on RJ in the revised Code will help to support wider work to improve victim awareness of RJ? While the revised Code may help to encourage the wider use of RJ, additional resources must be in place to ensure that victims can access high quality RJ services.¹² Effective and meaningful RJ – which fully engages with both victim and offenders alike – can be a time-rich exercise with many steps to take before the final conference can be facilitated. If victims are to have greater confidence in RJ, this should be matched with additional resources to meet the Government’s commitment in this area.¹³

Q20. How can we ensure that the Code is communicated effectively? Effective communication about the Code will help to give victims greater confidence in the criminal justice system. Victims are too often not aware of the outcomes of the decision of the Courts and any steps which help to address this should be welcomed. For example steps should be taken to advise victims as to the requirements of an offender serving a community sentence – both rehabilitative and punitive – to ensure greater confidence in their effectiveness and robustness.

Appropriate community engagement needs to be established through a variety of channels (local press, TV, radio, local MPs, Local Authorities, social media, schools). A communication programme should be built into the new victim service contracts with resources attached to it. Public confidence can only be achieved when people hear stories and information about how effective it is to work with offenders. There should be a duty within all criminal justice agencies to ensure that local communities are appropriately informed of progress.

END of Consultation response.

List of Make Justice Work reports referred to in consultation response.

- **Community or Custody? A National Enquiry** – (September 2011) <http://www.makejusticework.org.uk/wp-content/uploads/National-Enquiry-Final-Report-14th-Sept-1.pdf>
- **Out in the open – What victims really think about community sentencing** - (September 2012) <http://www.makejusticework.org.uk/victims-views/>

¹² <http://www.makejusticework.org.uk/wp-content/uploads/National-Enquiry-Final-Report-14th-Sept-1.pdf>
Page 15 (Restorative Justice)

¹³ <http://www.makejusticework.org.uk/wp-content/uploads/Out-in-the-Open2.pdf> Page 19 (Restorative justice)