



## Scrutiny findings

The new Victims' Code of Practice (VCoP), which came into force in April 2021 is a charter of rights that dictate the minimum level of service victims can expect at every stage of the justice process. The Code, enshrined within 12 rights, sets out the services that must be provided to victims of crime by organisations.

### Victims Code of Practice - Serious Road Collisions Scrutiny Panel – 22<sup>nd</sup> September 2022

#### What are the 12 victim rights?

- |   |   |   |
|---|---|---|
| 1. To be able to understand and to be understood.   | 2. To have the details of the crime recorded without unjustified delay.               | 3. To be provided with information when reporting the crime.                |
| 4. To be referred to services that support victims. | 5. To be provided with information about compensation.                                | 6. To be provided with information about the investigation and prosecution. |
| 7. To make a Victim Personal Statement.             | 8. To be given information about the trial, trial process and your role as a witness. | 9. To be given information about the outcome of the case and any appeals.   |
| 10. To be paid expenses and have property returned. | 11. To be given information about the offender following a conviction.                | 12. To make a complaint about your rights not being met.                    |

#### Why the panel scrutinises the service given to victims?

It is important that the Criminal Justice Service can continue to focus on the needs of victims and by reviewing cases we can identify:

- Any gaps in the service
- Good practice
- Lessons which we could learn
- The demands on services
- How public money is spent
- How services are performing
- Influence changes in policy
- Provide feedback both positive and critical

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By giving the public this information openly as part of good governance, they can form their own informed views about whether or not they have confidence in the criminal justice system.

It's the PCC's legal responsibility to hold the Chief Constable to account on behalf of the residents of Devon, Cornwall, and the Isles of Scilly for delivering a police force that works well and meets the needs of its communities. To do this the LCJB 'scrutinises' certain issues and activities including the compliance of the Victims Code of Practice. The scrutiny of VCoP is about reviewing cases and working practices, to recognise and promote good practice, identify any areas for development and support all agencies within the criminal justice system to learn and improve.

### How the LCJB scrutinises the rights of victims and compliance to the Victims Code of Practice?

The LCJB has a scrutiny panel which is made up of representatives from the courts, youth justice service, the police, probation, and the crown prosecution service. The panel 'dip-samples' criminal cases that have been finalised through the criminal justice system. The panel scrutinises 8 cases which are selected at random and any personal information of individuals are removed. Cases will be identified within an agreed theme or crime type.

The panel review the cases at each scrutiny meeting with anonymised data retrieved from each agency, which provides information on the progression of a case through to its conclusion. This is used to identify the services offered to the victim and to explore whether or not the 12 victim rights have been fulfilled, assessing the level of service given to the victim in the case. Based on the information the panel members have available to them, they will then place each case into one of seven categories:

1.	Fully compliant
2.	Partially compliant
3.	Non-compliant
4.	Victim did not engage
5.	Panel failed to reach a decision
6.	Information not recorded
7.	Not applicable

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## The findings from the panel's meeting

The panel met on 22<sup>nd</sup> September 2022 and scrutinised 9 cases relating to Serious Road Collisions. A representative from the Serious Collision Investigation Team (SCIT) attended the panel as a Subject Matter Expert (SME).

Serious Road Collisions are devastating crimes which can have a lasting impact on victims and are one of the most complex areas of work for the Police, CPS, Courts, and partner agencies. In 2020, 1,516 people were killed on UK roads, the unexpected loss of a loved one in tragic circumstances is an event from which those affected may never fully recover. The Criminal Justice Service recognises the scale of this impact and loss and endeavours to provide an investigative response and level of support that searches for the truth while supporting those affected in a compassionate way. Progress is only possible through long-term effort and investment from all parts of the criminal justice system in supporting victims and ensuring victims' rights are met.

It is important to note that it is at times problematic to extract data for some areas of the 12 victims' rights across all technical platforms used by the various criminal justice partners. There is however sufficient detail available to provide some useful insight into activity which in turn contributes to the overall decision relating to compliance.

The panel were provided with the Brake Pack which is provided to all victims and families and can be accessed using the following link;

[https://www.brake.org.uk/files/downloads/Victim-support/EW-21-22-Pack-28.7.21\\_FINAL.pdf?v=16304959](https://www.brake.org.uk/files/downloads/Victim-support/EW-21-22-Pack-28.7.21_FINAL.pdf?v=16304959)

The panel identified 6 cases which were deemed to be overall compliant with the Victims Code of Practice and included compliance evidenced in areas such as:

- All crimes were recorded without any delays.
- Special measures were considered in all cases and provided at court.
- Regular and ongoing contact through the Family Liaison Officer (FLO ) and the officers in charge of the cases were provided throughout, some cases were long and protracted.
- Victim Impact Statements were offered and, where requested to do so, were supported for hearing at Court using a preferred mechanism.
- Very good multi-agency consultation was identified. The panel noted the exceptional partnership working with the CPS and the Serious Collision

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Investigation Team for early advice.

- The panel noted the excellent work by the FLO's in providing support to the families and victims, in often difficult circumstances and praised their commitment and compassionate level of service provided.

The panel was of the view that 3 cases had been partially compliant and their reasons for making this decision were:

- One case was particularly complex in nature due to the time of the incident and the death of the victim. This case started as a careless driving offence, which is non-recordable and was initially investigated by the Road Policing Team, and handed over to the Serious Collision Investigation Team due to a subsequent fatality deemed to be in connection with the collision, resulting in inevitable delays.
- From the information available, the panel could not determine whether the family were signposted to support services in a timely manner.
- A referral from Witness Care to Probation was delayed and did not meet the 10 working days, this was received on the 12<sup>th</sup> day. This was due to having to gather the information required from the OIC/FLO. The panel determined this information could have been sought earlier.

## Using the panel's findings to make a difference

Observations by the panel:

The panel recommended the Brake Pack (national bereavement pack produced by Brake's national road victim service) be reviewed to ensure it contains all details of the 12 rights and entitlements under the Victims Code of Practice, and consideration as to whether the 'Information for Victims of Crime Leaflet' should be issued to victims and families in conjunction with the Brake Pack, which also provides details in relation to Restorative Justice.

The panel would recommend training around the use of Restorative Justice to those working in the Serious Collision Investigation Team, as this may be applicable for families wishing to undertake this process, although it is recognised that this may be at a much later date after conclusion of a case.

Recording of charging decision needs to be clear so we can determine how many days it has taken to notify victims.

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The panel noted the following work which is ongoing to support victims and families of serious road collisions;

- Collision investigation reports and training for officers giving evidence at court is currently being rolled within Devon & Cornwall Police
- CPS are delivering training to the Police National Road Traffic teams nationally.
- It was noted by the panel that Devon & Cornwall Police and the Crown Prosecution Service have early advice engagement on a daily basis and this is managed particularly well with the specialist CPS lawyer and Inspector of SCIT.
- HMCTS and CPS are engaged with families at court and have, when appropriate, provided private facilities for support prior to the court case commencing.
- The Family Liaison Officers in each case were pivotal to the support service provided to the families, and all cases detailed their exceptional work in difficult situations, all were handled with sensitivity and compassion. The panel heard cases whereby the FLO's managed some very complex cases and were personally committed in helping the family, going over and beyond to provide critical support.
- The Vision Zero South West Partnership Board have agreed funding to establish a new support service for people affected by a fatality or serious injury on the roads in Devon and Cornwall. This new service, valued at £100k a year will work with those who have been impacted to support their emotional and practical needs following their loss and will be their advocate through the associated formal processes. The support will be holistic and focused on individual need. The service will also establish a peer support offer, trauma resilience courses and be able to work with specific individual needs.

The panel will report their findings directly to the Police and Crime Commissioner as Chair of the Local Criminal Justice Board.

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Devon and Cornwall Police may choose to raise the panel's findings with individual police officers and may also cascade learning from the panel throughout the entire organisation.

Find out more about our scrutiny at [www.devonandcornwall-pcc.gov.uk/about-us/scrutiny](http://www.devonandcornwall-pcc.gov.uk/about-us/scrutiny).

If you need this information in a different language or format please contact the Office of the Police and Crime Commissioner by email [opcc@devonandcornwall.pnn.police.uk](mailto:opcc@devonandcornwall.pnn.police.uk) or telephone 01392 22555

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