



Green Paper, *Rebuilding lives: supporting victims of crime*

Victim Support's response

Victim Support is the independent national charity for people affected by crime. Staff and volunteers offer free and confidential information and support for victims of any crime, whether or not it has been reported and regardless of when it happened. The organisation operates via a network of affiliated local charities, the Witness Service and the Victim Supportline (0845 30 30 900).

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28 February 2006

In 2004/2005, Victim Support's community-based services helped 1.3 million people and our Witness Service supported almost 400,000 witnesses. Our Victim Supportline handled 15,521 calls. Victim Support received 109,124 referrals of domestic violence cases, 7,349 rape referrals and 1,558 referrals of other offences with a sexual element. We also supported 1,200 bereaved people. Victim Support supported 469,615 victims of violent crime and helped approximately 18,000 people apply for criminal injuries compensation. 23,636 victims of crime self-referred to our services.

This response is guided by our day-to-day experience of providing services to victims and witnesses. We also consulted within Victim Support, those with specific experience of supporting victims of violent crime applying for criminal injuries compensation.

Executive summary

Victim Support warmly welcomes this opportunity to review the provision of compensation and support services for victims of crime. We believe the proposals for victim care units will be a positive development leading to better information and services for victims. We welcome the opportunity to respond to this **paper** and look forward to contributing to the development of the new victim care units.

Victim Support regrets that the proposed changes to service provision are to come at the expense of other measures of support currently available to victims of violent crime, in the form of compensation. We would prefer to see the share of the criminal justice budget allocated to victims and witnesses reflect the increasing acknowledgment of their rights and needs.

Compensation

Victim Support's policy is that all victims of crime, except those with only minor cuts and bruises or the psychological equivalent, should be eligible for compensation as a gesture of public sympathy in recognition of their pain and suffering. The basis of compensation from the state for victims of crime should be to recognise on behalf of society the experience which victims of crime have suffered and to help the victim to recover from it and to live as normal a life as is possible in the circumstances.

Victim Support also believes that all victims should be offered services, in the form of both emotional support and practical advice and assistance, to help them recover from the crime and its effects.

We regret the proposal to withdraw compensation from the majority of victims of violent crime because it will result in a situation where only a minority of victims of crime continue to receive compensation and services, while a majority receive services only.

We believe it is important to take into account the following points:

- Even a small amount of money can provide an important psychological as well as financial benefit for a victim. For many victims, the offender may never be caught or convicted. Many victims have told our staff and volunteers that compensation at least offers them recognition and some validation that they have been believed – an important part of the recovery process. We hope that the Office for Criminal Justice Reform's consultations with victims may provide a steer on this very difficult problem of deciding which victims should continue to receive compensation.
- This proposal could adversely affect those on a low income.

The Green Paper notes that violent crime falls disproportionately among those whose income is low. The report states that 62% of claimants surveyed came from a household whose income was less than £30,000 and 16% had an income of less than £10,000.

Victims of violent crime are more likely to be unemployed¹ or in low paid or temporary work and not eligible for statutory sick pay. The British Crime Survey 2004/2005 reports, "The unemployed are also a high risk group with a violence victimisation rate of more than three times the national average (11.7%)".

For this group, there is less chance they will have sufficient savings to fall back on if they have to be off work after being a victim of crime and would therefore be more likely to fall into debt as a direct result of the crime.

Victim Support is not suggesting that compensation for the pain and suffering should be paid on the basis of financial need – we have already said it should be a public recognition equally available to all – but we believe that any withdrawal of compensation will adversely affect those who are already on a low income. Victim Support therefore requests that greater consideration be given to ensuring that this group of people are not disproportionately affected by the proposed changes to compensation.

- Despite increasing public confidence in the criminal justice system, many victims still actively choose not to engage with the system and it remains a stressful experience for many. For some victims, the prospect of compensation may be the only incentive for them to report a crime or to continue with the process. One unintended consequence of cutting compensation could be some reduction in people coming forward to report a violent crime and/or give evidence particularly where the victim is fearful of reprisal. Instead of saving money this could result in further cost to, or loss of confidence in, the criminal justice system by way of unresolved crime.

Long-term support needs of serious crime victims

Victim Support requests clarification on what support will be provided to the most seriously injured victims of crime after they have been given their compensation payout, so as to ensure cover for their lifelong support needs. There must be clear support and joined-up provision of benefits and services by all relevant agencies.

Proposals to deduct court-ordered compensation from benefits

Victim Support welcomes the acknowledgement given to the problems which arise for victims when offenders default on their compensation orders.

Victim Support believes that the best policy for victims is for the court to pay the victim the compensation as a lump sum and then recover the money from the offender.

Under the present system each, often tiny, instalment is a constant reminder of the crime, a reminder that can continue for many years. The victim remains out-of-pocket for months or years until the compensation is paid. An additional factor with the Green Paper proposal is that making an attachment to benefits will discriminate against those victims whose offender is in employment but defaulting.

Taking account of the applicant's criminal record in deciding whether to reduce or refuse compensation

Victim Support believes that compensation should not be withheld or reduced on the basis of criminal record or lifestyle. Contributing to the actual incident which resulted in the injury should be the only reason for exclusion. The Criminal Injuries Compensation Scheme (CICS) requires unspent convictions to be taken into account and the Criminal Injuries Compensation Authority (CICA) has discretion to refuse or reduce an award based on a published points system to assess the seriousness of the previous convictions. Though the sliding scale itself is published and as such is transparent, we are concerned that CICA staff have discretion as to whether and how it is applied.

Uniform treatment of crime types

The effects of a crime on a victim can vary from victim to victim for the same crime as well as according to the nature of the crime. Victim Support therefore believes that great care should be taken to present consistent rules for awarding compensation. Singling out certain crime types for compensation, such as maintaining awards for sexual offences, could lead to unfairness and practical and ethical challenges during the implementation of the scheme. For example, if there was a case within a family where one child has been physically abused and another sexually abused.

Compensation and those criminally injured at work

Employers in occupations carrying an exceptionally high risk of criminal injury should have a statutory duty to provide suitable cover, whether through insurance or their own or other sources, for those injured in the course of their employment. Compensation for the

emergency services should be available from public funds but we believe the criminal injuries compensation fund is not appropriate for these cases.

Victim Support believes that there should be a non-means tested criminal injuries benefit paid during the period of full or partial incapacity at the level of disability benefits. Any additional payment for recovery of lost earnings above this amount should come from personal or employers' insurance.

If access to criminal injuries compensation is to be removed from those who are victims of crime while at work, then Victim Support would in principle be keen to see greater responsibilities placed on employers to take out insurance against such a risk. However, if there is no liability for negligence, for which there is already a statutory duty to provide cover, this would be a significant additional imposition on small businesses, and would in any event be difficult to police. We are aware that the Association of British Insurers would argue strongly against such a move.

Additionally, we would not wish to see responsibility for cover fall to the individual because those who are most at risk of violent crime are likely to be those least able to afford the premium.

Compensation and benefits

We very much welcome the Government's intention to exclude compensation awards from capital when assessing eligibility for welfare benefits, an issue for which Victim Support has long campaigned. We would have preferred not to see a time limit of 12 months imposed for spending the money but nevertheless welcome this as a major improvement for those victims who are among the most financially disadvantaged.

Timing of changes

It is difficult to respond to this point until further details are known about the changes to the compensation scheme.

Interim payments

Where the circumstances of a case result in a delay in paying compensation, we would welcome the payment of interim awards as a way of overcoming hardship and anxiety.

Delivering support and services to victims of crime

Victim Support welcomes the proposals to increase services available to victims of crime and the recognition that victims should receive emotional support, information and advice and practical help.

Victim Support would be pleased to bring to bear the experience and resources of our established network of approximately 300 local branches and their wide experience of

partnership working with a variety of voluntary and statutory organisations, in order to play a key role in the proposed victim care units.

We have looked closely at the suggested options one to four and believe that the optimum model would include aspects of options one, two and four. We would like to see the proposed pilots of victim care units test the various aspects suggested below.

- **Victim Support proposes a voluntary sector fronted victim care unit benefiting from a balanced partnership between the voluntary sector and the police and other relevant criminal justice agencies** – this will help ensure an efficient and accurate flow of information, early and consistent referrals from the police and a proper assessment of needs. These factors are the key to providing effective support. For example, vital additional information needed from the police includes safe contact methods with domestic violence victims. An effective service will also require established procedures for data management and ownership. Clear agreement about the roles of each of the agencies involved should be established from the outset, with effective communication between them. High-quality training must be provided for victim care unit staff.
- **An experienced service provider should carry out the needs assessment** – service delivery organisations are better placed to carry out needs assessments than the police, who should be free to carry out their primary role of investigation and evidence-gathering. In some cases, the police will not meet with the crime victim. For example, some crimes such as burglary may not always result in a visit by a police officer.

We are opposed to a solely police-led victim care unit as there would be an inevitable confusion in the perceived independence of the support if the assessment was made by the criminal justice system rather than the voluntary sector. It is likely that many victims would not feel confident approaching the police for access to support. Victims who are unable to report crime would go unsupported, and they are likely to be the most vulnerable (for example, victims of hate crime and domestic violence).

We would also like to note our concerns about locating victim care units in police stations, as this could be a barrier to victims seeking support.

- **We propose a new language that focuses on collaboration instead of commissioning** – victim care units should benefit from the advantages of voluntary involvement, ie allowing for the resources of appropriate organisations in the community to be offered to victims without additional bureaucracy.

Here, we can learn from the experience of third party reporting, which is now acknowledged as the most effective way of helping victims of hate crime. This involves local statutory and voluntary agencies collaborating in delivering services to victims including those, often socially excluded, who are reluctant to report to the police. A sharper focus on collaboration also offers better opportunities for outreach work, provided this is adequately resourced.

We would like to state here that Victim Support believes that it is important to

retain our status as an independent charity. Our focus has been and will continue to be the people who use our services. Maintaining our independence is vital to enable those crime victims unwilling to contact statutory agencies to feel comfortable approaching Victim Support for help. It is also important to maintain the positive aspects of being part of the voluntary sector such as a greater degree of flexibility in service delivery and of partnership working with other voluntary sector organisations as well as the valuable contribution of our volunteers. It has been calculated that our volunteers donate two million hours to Victim Support each year, equivalent to almost 1,100 full-time employees². We would like to add that early involvement at the planning stage by those providing the services is vital.

Victim Support welcomes the recent comments by the Minister of Communities and Local Government³, David Miliband, who spoke of the voluntary sector as "the supplier of power to individuals and communities". He welcomed the innovation brought by the voluntary sector, its ability to reach people "below the radar of many statutory services" and to "stimulate voluntary action and generate trust".

- **Developing the Victim Supportline** – although we believe the proposal for a national victim care helpline would not be the best solution as a stand-alone option, a helpline should be developed in combination with victim care units. An extended, 24 hour, freephone Victim Supportline could lead to:
 - o an increase in self-referral, improving access to support to those seeking confidential advice and support and for those who have not reported the crime to the police
 - o better use of other communications forms such as text and internet technology could offer real choice to people who might not favour traditional services
 - o an extended Victim Supportline service could be used to encourage diverse communities to access services.

Funding for services and compensation must be separate

Victim Support believes that it is extremely important to keep funding for services completely separate from funding for compensation. Without such a separation, we would be very concerned that the amount available for services would fluctuate depending upon the demand for compensation, making it impossible for service providers to plan or deliver services from one year to the next. This would also help avoid a situation where a major incident resulting in many compensation claims could have a serious impact on the provision of victim services.

It is important to ensure that any savings made from changing the current system of compensation should remain in the budget for victims of crime.

Availability and quality of services provided

It must be clear from the outset what services will be provided through the new victim care units and what the standards for those services should be. Once this is established, those services must be adequately resourced.

It is hoped victim care units will lead to a more coordinated response to victims of crime not only from the criminal justice system but also from healthcare, housing, social security and education services. These agencies must be able to understand, and be able to respond to, the needs of victims of crime. It must be clear what standards are expected from all charities and organisations providing services, how those standards are to be maintained and who will be accountable.

Victims of crime must not be led to believe they will be able to receive certain services and then find that these are not available or are inadequate. This would lead to secondary victimisation.

Means testing

Victim Support would be concerned if any kind of means testing were to be introduced as part of the proposals for victim care units.

One of the Government's stated aims of changing the compensation system is to simplify and therefore speed up the process. Should means testing be introduced on anything other than a very small scale, there could be an increase in workload and bureaucracy resulting in similar delays to those currently seen at the CICA.

On a practical note, the bureaucracy entailed could be immense in relation to only a relatively small amount of money available for distribution.

We are also concerned that means testing could prevent some victims receiving support. For example:

- a victim's income could mean they only just miss being eligible for support but would find it difficult to pay for certain services
- some victims may be reluctant to apply for means testing, seeking to avoid intrusions into their privacy, which is likely to have been already undermined by the crime itself
- some groups of people, for example the elderly, are often reluctant to apply for certain means tested benefits
- means testing could restrict what services are offered to a victim. Services should be agreed on the basis of need rather than means.
- the support received by victims has a significant impact on their confidence in the criminal justice system. If means testing were to prevent victims from receiving support, this will have implications for both their confidence in and future involvement with the criminal justice system.

We feel strongly that Victim Support's staff and volunteers should not be involved in means testing. The relationship between the victim and their supporter would be compromised if the supporter were involved in a means testing process.

Scope for working with the private sector to support victims of crime

We welcome the proposal for the private sector to become more involved in the provision of support for victims of crime. We already work closely with the retail,

transport, insurance and security industries to increase awareness of the needs of customers and staff who experience crime. Companies purchase training and consultancy services from us to enhance the skills of their managers in supporting staff who face violence in the workplace and we train call centre staff in greater awareness of victims' needs. Other companies raise funds for our work and support research projects, for example Direct Line recently funded research into the needs of burglary victims and Cooperative Financial Services is supporting an 18-month research study into hate crime. Following a recent approach to us, we are forming a partnership with the first ever national locksmithing service. With further encouragement from the Government we believe much more can be achieved through such partnerships between Victim Support and the corporate sector which could benefit victim care units.

Conclusion

Victim Support welcomes the commitment to improving services and compensation provision to victims and witnesses via the *Rebuilding lives* Green Paper. This is a valuable opportunity to increase the number of victims of crime receiving support and services and to develop the quality of those services. We do, however, regret that the funding for this improvement in services is to come by cutting compensation for some victims of crime. Victim Support would be pleased to take part in the development of victim care units and urges the Government to take note of our recommendations for establishing these units. These include: the importance of voluntary sector fronted units working in a balanced partnership with the police to ensure a quick and efficient flow of information and early referrals, needs assessments to be carried out by experienced service providers and the development of the Victim Supportline. It will be vital to have clarity about what services are offered, the standards of those services and clear accountability.

Victim Support, 28 February 2006

1. Coleman, Hird, Povey. *Violent crime overview, homicide and gun crime 2004/2005*. British Crime Survey 2004/2005.
2. According to a report into the costing and pricing of Victim Support services by Chantry Vellacott 2005.
3. David Miliband, National Council for Voluntary Organisations Conference, 21 February 2006