



Victim Contact:

An inspection of the victim
contact arrangements in
Probation Trusts

*An inspection by
HM Inspectorate of Probation*

November 2013

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Foreword

Staff in Probation Trusts have a statutory responsibility to contact and provide information to the victims of violent or sexual crime where the perpetrator has been sentenced to a term of imprisonment of 12 months or more. This is a difficult and demanding job which requires good judgement, tact and sensitivity.

This inspection was undertaken at the request of the Commissioner for Victims and Witnesses who, having received a number of complaints about the work undertaken by Probation Trusts with victims, asked HMI Probation to review the Victim Contact Scheme. In doing so, the Commissioner posed the question whether *'the National Offender Management Service was able to properly fulfil its responsibilities when it came to serving victims' need for information and having a voice in licence conditions and parole.*

During the course of our inspection, we interviewed victims, victim liaison officers and offender managers and, assessed a range of relevant cases. While we found some aspects of victim contact work could be improved, we thought that overall, the quality of direct work with victims was of a good standard, a view that was endorsed by the victims we interviewed. We therefore believe, based on the evidence presented to us, that the answer to the Commissioner's question is *'yes'*.

We did, however, identify some issues that required improvement, the majority related to the work of offender managers, and have made recommendations accordingly. It was, for example, disappointing that offender managers did not always share some information about the offender's release planning with the victim liaison officer, so that communication with victims was sometimes not good enough. Despite this, most victims felt their safety was given high priority by the Probation Trusts and, where victims asked for licence conditions to be included in an offender's licence, we found this nearly always happened. Any risk of harm issues posed by the offender, which could have impacted on the safety of the victim, were dealt with properly and appropriately in the vast majority of cases.

This inspection took place before the Government's proposals for the rehabilitation of offenders were published in: *Transforming Rehabilitation: A Strategy for Reform*¹. We welcome the decision that the new public sector probation service will retain the victim liaison role for all cases to which it applies because of the critical need, highlighted in this report, for victim liaison staff to work in partnership with those responsible for the assessment and management of high risk offenders. We believe that this approach will help to ensure that victims are kept safe and that the victim's perspective informs the work undertaken with the offender.



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Summary of Findings

The inspection

This inspection was undertaken by Her Majesty's Inspectorate of Probation in response to a specific request put forward by the Commissioner for Victims and Witnesses. In a critical report, the Commissioner had asked HMI Probation to review the Victim Contact Scheme.

The inspection focused on the quality of victim contact work undertaken with, and in relation to, victims of serious sexual and violent offences where the offender received a custodial sentence of at least 12 months.

We visited six Probation Trusts to assess the quality of victim contact work by interviewing victims and assessing the work of offender managers and victim liaison staff. In all, we interviewed 28 victims and assessed 72 victim contact cases. We also interviewed key managers and staff from local and national organisations involved in victim contact work.

Overall findings

The victims interviewed during the course of the inspection were generally satisfied with the service they received from the victim liaison service. Many had been understandably traumatised by the offences that had been committed against them or a family member and, for these individuals, life was never going to be the same again. A number remained scared of the offender, even when the offence had taken place many years previously. It was, therefore, very pleasing to find that the vast majority clearly valued their contact with the individual victim liaison officers and felt supported by them at critical points in the offender's sentence.

We were, however, disappointed to discover that not all offender managers were fully aware of the impact of the offence on the victim. This inevitably made them less able to understand, or respond to, the victim's concerns. Nevertheless, we saw some good examples of joint working between victim liaison officers and offender managers during this inspection.

Victim satisfaction

We interviewed 28 victims, and asked them about their experience of the service they had received at different stages of the offender's sentence and whether they felt their safety had been a priority for the victim liaison service. Overall, victims were positive about the service they had received.

Initially, some victims said they had been unclear about the Victim Contact Scheme as it had not been fully explained to them post-sentence. In many instances, telephone contact was made with victims by witness care unit staff and not always backed up in writing. Some victims were, therefore, confused as to what the Victim Contact Scheme was and had insufficient information to enable them to make an informed choice as to whether to participate in the scheme.

Once the victim liaison service had received the victim's details from the witness care service, contact was usually made with the victim within the target date of 40 working days following sentence. Victims told us they were provided with key dates relating to the offender's sentence, felt their safety had been treated as a priority and any conditions they requested were incorporated into the licence upon the offender's release. We noted that many meetings between the victim and victim liaison officer were not subsequently recorded in writing and agreed. We thought that was an omission and left room for dispute about what had been said during the meeting or telephone call.

Victims told us how the victim liaison service helped them by referring them to other agencies. Sometimes this was related to their safety, but often it was more about offering them additional help at a time when

they may have been isolated, anxious or frightened following the offence and sentence.

While none of the victims we interviewed had had cause to complain about the service they received, we found many did not know how to do so.

Contact with the victim and keeping them informed

Victim liaison officers ask victims if they want to be kept informed about key stages of the offender's sentence or whether they want to make an active contribution towards the offender's release planning through, for example, requesting licence conditions such as exclusion zones or for the offender not to contact them. In nearly all of the 72 cases we inspected, this aspect of the victim liaison contact scheme worked well with requested licence conditions being incorporated into the offender's licence.

Working together for the safety of victims

Probation Trusts are responsible both for supervising offenders who commit serious and violent offences and for working with their victims through the Victim Contact Scheme. Information is shared, as required, for the management of the risk of harm posed by the offender to the victim. We found that this process was more likely to take place when victim liaison officers and offender managers worked in close proximity to each other.

We saw many examples where offender managers passed on relevant information about the offender's sentence. We also saw some cases where information, often about release on temporary licence or where the offender moved from closed to open conditions, was not shared in a timely way, thereby creating the situation where the victim and offender could have met inadvertently, with all the potential adverse consequences.

As these are the most serious cases being managed by offender managers, we had expected to see a high standard of risk management planning to protect the victim. We were, however, disappointed. In many cases, the offender manager had given insufficient consideration to the actual victim of the offence, the impact of the offence on the victim, and how best to manage the risk of harm the offender may have posed towards them.

The three hospital order cases we inspected were managed sufficiently well, but victim liaison officers raised various issues with us about hospital orders and the reluctance of some hospital staff to share relevant information about the offender.

Governance issues

Staff training and support: Not all victim liaison officers felt they had received sufficient training, with some feeling particularly unskilled when liaising with clinical staff in those instances when the offender was in hospital with mental health problems. Victims told us they were unhappy about the fact that victim personal statements were now normally disclosed to the offender at the time of parole hearings; as a consequence, they were less likely to submit one. The Parole Board told us they considered not all victim liaison officers were sufficiently knowledgeable about what went on in parole hearings to advise and prepare victims appropriately. It was encouraging, therefore, that National Offender Management Service and the Parole Board had delivered national training for victim liaison staff in relation to victim personal statements in 2012. Also, the *Draft Code of Practice for Victims of Crime*² has now specifically included a section on victim personal statements that may go some way to addressing the concerns we were told about. With high caseloads, the work of victim liaison officers was both demanding and emotionally draining. Whilst some Trusts were offering the same sort of professional counselling support to victim liaison officers as was available to offender managers working in specialist aspects of offending work, others were not. In our opinion, the omission should be reviewed.

Working with a victim of crime when the person who offended was a child or young person:

While this inspection did not inspect victim contact cases where the offender was a child or young person being supervised by a Youth Offending Team, we did nevertheless interview a number of Youth Offending Team Managers. Youth Offending Teams have a wide remit to engage with the victims of youth crime. The number of cases that fall into the category covered by the Victim Contact Scheme in most YOTs will be very small, and perhaps, as a consequence, we found a lack of awareness about the requirements of the scheme. It is possible that the YOT's own internal processes were meeting some aspects of the Victim Contact Scheme but it was clear that more work was required so that the statutory requirements of the Victim Contact Scheme were implemented as required.

Victim case management systems: We saw six separate victim case management systems during our inspection, of variable quality and functionality. Bearing in mind there is now a national offender probation case management system, we were surprised there is no national move to developing a similar system in relation to victims.

Victim satisfaction: The final arbiter of appeals if victims are dissatisfied with the way a complaint has been handled by the local Probation Trust is the Parliamentary Ombudsman; they do not, however, appear to have received or adjudicated on any appeals in relation to victim contact work in the past two years. Nationally, the National Offender Management Service conducts a survey of victim satisfaction that contributes to the national Probation Trust Rating Score. However, it takes place immediately following initial contact by the victim liaison officer and does not provide a comprehensive view of the victim about the quality of the service they have received. As none of the Probation Trusts we visited had conducted their own local survey of victims' views in recent times, we thought there was a gap in the national and local understanding of how victims view the totality of service they have received from the Victim Contact Scheme.

Conclusion

Transforming Rehabilitation A Strategy for Reform confirms responsibility for victim liaison work will remain within the public probation function in order for victims to get the best possible support. In the light of our finding that outcomes for victims were better when offender managers and victim liaison officers worked closely together, we would fully endorse that decision.

In this inspection, we found evidence of much good liaison between offender managers and victim liaison officers in order to ensure victims were prepared for an offender's release and their safety made paramount. However, disappointingly, some offender managers were not sufficiently 'victim focused' and, as a consequence, victims' needs were not always fully recognised or addressed.

Despite a number of issues relating to different agencies involved in victim contact work, an important key finding from this inspection is that the work undertaken by victim liaison officers was generally of a high standard and, as evidenced by victims we interviewed, carried out in an empathic and understanding way.

Recommendations

The National Offender Management Service should work to improve the safety of victims and keep them fully informed by:

- ensuring victim liaison staff are knowledgeable about working with mentally disordered patients subject to a hospital order;
- providing victim liaison units with a comprehensive and functional victim contact case management system.

Probation Trusts* should work to improve the safety of victims and keep them fully informed by:

- incorporating their experience into the risk of harm assessment and the risk management plan;
- notifying them of events relevant to the victim that occur during an offender's sentence and enabling them to explain any concerns which can inform risk management and sentence plans;
- providing agreed notes of all information sharing meetings or telephone conversations they have had with victim liaison officers;
- ensuring that they know how to complain if they are dissatisfied with the service;
- making sure that victim liaison officers receive appropriate support and training in recognition of the emotionally demanding nature of their role;
- work with local youth offending teams to ensure that necessary protocols and working arrangements are in place to ensure that the Victim Contact Scheme is fully implemented in regard to cases supervised by Youth Offending Teams.

The Youth Justice Board should work to improve the safety of victims and keep them fully informed by:

- issuing further advice to Youth Offending Teams specifically regarding which cases fall into the statutory victim contact category;
- including within the specification for YOT case management systems the requirement for an automated flagging system for statutory victim contact cases.

Youth Offending Team Managers should work to improve the safety of victims and keep them fully informed by:

- ensuring that their teams fully comply with the requirements for statutory victim contact work as set out in National Standards and the Code of Practice for Victims of Crime.

* Under the Government's *Transforming Rehabilitation Strategy*, Probation Trusts are scheduled to be replaced by the National Probation Service. Recommendations addressed to Probation Trusts should be followed up by whoever delivers probation services in the future, including both the National Probation Service and private providers.

Scope and Purpose

1

1. Scope and purpose

Summary

This chapter provides the background to this inspection, and gives a summary of the legislative framework in relation to victim contact work. It also sets out how the inspection structure and methodology were developed, and gives information about the number of victims we interviewed and a profile of the cases we inspected.

Key facts

The catalyst for this inspection was a report by the Commissioner for Victims and Witnesses *Review into the Needs of Families Bereaved by Homicide* that was critical of the Victim Contact Scheme. In this inspection, we:

- developed a questionnaire and interviewed 28 victims
- developed, piloted and modified, prior to the inspection, a case assessment tool; we then assessed 72 victim contact cases
- interviewed key staff and managers from local Probation Trusts and national organisations.

Background to the inspection

- 1.1. The Domestic Violence, Crime and Victims Act 2004 places responsibilities on Probation Trusts in relation to the victims of offenders sentenced to 12 months or more for a sexual or violent offence. These include mentally disordered offenders who have been made subject to a hospital order with or without a restriction order. Through their victim liaison officers (VLOs), Probation Trusts are required to take all reasonable steps to establish whether a victim wishes to make representations about what licence conditions the offender should be subject to on their release from prison or conditions of discharge from hospital and to forward them to those responsible for making decisions about the prisoner's release or patient's discharge. They must also provide the victim with details of any conditions which relate to the victim or their family and the date on which any order or restriction is to cease to have effect.
- 1.2. The catalyst for this inspection was a report published by the Commissioner for Victims and Witnesses in July 2011, *Review into the Needs of Families Bereaved by Homicide*, which included the recommendation that: 'the Victim Contact Scheme should be reviewed by Her Majesty's Inspectorate of Probation'. The report identified failings in all aspects of the criminal justice system so far as victims were concerned. It provided a harrowing account of the experiences of victims whose relatives had been killed through a criminal act such as murder, manslaughter, or death by dangerous driving. The report examined the involvement of the many agencies involved with victims at different stages of the criminal justice process. Victims gave many examples of how they felt let down by the criminal justice system. However, the most scathing criticisms were reserved for the Victim Contact Scheme run by the 35 Probation Trusts within the National Offender Management Service (NOMS). The Commissioner for Victims and Witnesses wrote: '*Concerns about the scheme from victims or their families form the single largest subject about which the Victims' Commissioner receives correspondence*'.
- 1.3. The Commissioner went on to say that: '*The number and nature of concerns that have been raised with the Commissioner for Victims and Witnesses about the Victim Contact Scheme...raises questions about the extent to which the National Offender Management Service...is able to properly*

fulfil its responsibilities when it comes to serving victims' need for information and having a voice in licence conditions and parole. It was a damning indictment, and, through this inspection, we sought to establish if it was a fair assertion.

- 1.4. This inspection of victim contact work was led by Her Majesty's Inspectorate of Probation. Its purpose was to assess whether:
 - relevant information was shared in a timely manner to enable obligations to victims under the Service Specification for Victim Services³ and the Victims' Code to have been met;
 - the quality of service provided to victims was as set out in the Service Specification and the Victims' Code;
 - victims were satisfied with the service provided and, where they were not satisfied, to ascertain the reasons.
- 1.5. We attempted to review the complaints received by the Commissioner for Victims and Witnesses but, with the Commissioner post at the time of the fieldwork aspect of the inspection unfilled, it was not possible to track them down.
- 1.6. As was recognised by the Commissioner in her report, the Victim Contact Scheme is a service that is offered to a wider group of victims than just those who have been bereaved by homicide; it is also available to those who have been victims of other serious sexual and violent crimes. In addition, in 2010 Probation Trusts were placed under a mandatory requirement to consider offering victim contact in some non-statutory cases where there was a public interest in doing so, for example if the victim was vulnerable or subject to ongoing risk of harm⁴.

What we did during the Inspection

- 1.7. A set of criteria was devised for the inspection, based upon the policy and guidance relevant to victim contact work, and covered:
 - identification of statutory victim contact cases
 - assessment and management of risk of harm posed by the offender with a focus on the specific victim
 - ensuring victim contact requirements were met
 - leadership and management.
- 1.8. In preparation for the inspection, in the summer of 2012, we piloted the inspection tool with the assistance of Thames Valley Probation Trust.
- 1.9. For the fieldwork, we visited six Probation Trust areas between October and December 2012: Devon & Cornwall, Hertfordshire, London, Northamptonshire, Staffordshire & West Midlands and Wales. The choice of Trust area was designed to provide a mix of urban and rural, large and small.
- 1.10. We were keen to ensure that this inspection had a wider remit than just seeing whether the service specification for victims of serious sexual or violent offending had been met. While this was important, we felt that we had to interview victims to hear their experiences in order to see how well they felt they were supported and their concerns addressed. In order to achieve this we interviewed 28 victims in total.
- 1.11. In addition to interviewing victims, we also inspected victim contact cases in detail. We assessed 12 victim contact cases from each of the six Probation Trusts; 72 cases in total. We were clear that if we did not meet with the offender manager and look at what had taken place during the custodial and licence parts of the offender's sentence, we would not know whether the victim's views, where expressed, had been taken into account and acted upon by the offender manager. We also wanted

to ascertain whether relevant information about the offender had been shared with the VLO, and the victim's safety had been appropriately prioritised by the offender manager.

- 1.12. Because we were keen to look at a cross section of victim contact cases and not just murder cases, the majority of cases we inspected were ones that commenced more recently. We did, however, look at some victim contact cases where the sentence had taken place many years previously.
- 1.13. Of the 72 victim contact cases we inspected:
 - 66 of the offenders were male and six female
 - 47 of the offenders had been released; 22 were in prison; and there were three hospital orders
 - 43 of the offenders had a classification of high or very high risk of harm to others at some time during their sentence
 - seven of the offenders had been sentenced to murder; 26 had committed serious offences of violence; there were nine rape offences; nine other sexual offences and five of robbery. There were 16 other serious offences committed, which included cases of causing death by dangerous driving
 - three of the cases were being managed as Multi-Agency Public Protection Arrangements (MAPPA) Level 3, with 17 being managed at Level 2
 - seven of the victim contact cases were not statutory but were being worked as 'discretionary' cases.
- 1.14. During each of our six fieldwork weeks, we took the opportunity to hold meetings with victim contact scheme managers; victim liaison staff and Youth Offending Team (YOT) managers and/or their staff from within the geographic area covered by the local Probation Trust.
- 1.15. Following completion of the fieldwork, meetings were held with senior staff and strategic managers from national organisations responsible for victim contact work.

Victim satisfaction

2

2. Victim satisfaction

Summary

This chapter reports what we were told by victims about the service they had received, and provides a local or national context to their comments.

Key facts

- Some victims' details were not provided promptly to the victim liaison service, and required chasing up.
- Many victims could remember little about what they were told about the Victim Contact Scheme post-sentence by the witness care service or on initial contact by the victim liaison service.
- VLOs did not systematically produce written notes of meetings with victims as required. This created a risk of confusion and lack of clarity about what was discussed and agreed.
- Some victims were unhappy about having a Victim Personal Statement disclosed to the offender.
- The opportunity to offer victim contact in discretionary cases was used appropriately by probation trusts, and the service provided was similar to that received by statutory victims.
- Victims felt their safety had been a priority for the victim liaison service.
- Victims were overwhelmingly satisfied with the service they had received from the VLO and felt well supported.
- Many victims said they would not have known how to complain had they been dissatisfied with the service received.

Initial contact and information giving by witness care units

- 2.1. *The Code of Practice for Victims of Crime*⁵ locates responsibility for identifying eligible victims with the joint police/Crown Prosecution Service (CPS) witness care units. In cases where an offender is convicted of a sexual or violent offence as defined in section 45 of the Domestic Violence, Crime and Victims Act 2004 and given a sentence of imprisonment or detention of 12 months or more, or hospital order with restriction order, the witness care units must:
 - contact the victim and explain they are eligible to receive information from the probation service victim liaison unit throughout the offender's sentence and explain the purpose of the scheme
 - provide all eligible victims with a copy of the leaflet about the Victim Contact Scheme immediately after the offender has been sentenced
 - refer the victim's details to the local probation victim liaison unit in the sentencing area within ten days, unless the victim specifically states that they do not wish to have any further contact.
- 2.2. We asked victims if they could remember what they were told following sentence about the Victim Contact Scheme, and by whom they were told it. Only 13 out of the 28 victims we interviewed could remember what they were told post-sentence. Generally, those who could not remember put it down to the emotion of the occasion. It was clear, however, from our victim interviews and our meetings with witness care managers that a lot of the initial contact was by telephone with the victims. As a consequence victims did not always receive a copy of the leaflet *The Victim Liaison Service – What you can expect* and may not have fully understood what they were told about the

Victim Contact Scheme. Many victims who were eligible to participate in the Victim Contact Scheme were, therefore, either not advised, or were made insufficiently aware, about it. They were not in a position to make an informed judgement about whether they wished to have their details passed on to the victim liaison service in order to find out more about the scheme.

- 2.3. One witness care scheme manager we spoke with said his team tried to make initial contact with the victim within one day of sentence for high profile cases, and always within three days. He went on to say that he was surprised how many people did not want their details passed on. Traumatized and upset following the court case, if the victim was asked if they wanted to be put in touch with 'probation', as we were advised was the practice in one area, an organisation they may understandably associate with the offender, it was not particularly surprising if they declined. The leaflet which is provided to victims, *The Victim Liaison Service – What you can expect*, is clearly written, and sets out the service that can be provided. It also does not mention the word 'probation' at all. If witness care units do not routinely ensure every eligible victim receives a copy of the leaflet, then it is not surprising that victims may not want to opt in to the scheme or, if they do, cannot remember what they were told about it at the outset.
- 2.4. We found that victim contact staff routinely checked results from their local Crown Courts, and liaised with the local witness care service about victims in relevant violent or sexual cases where they had not received information about the victim.
- 2.5. VLOs and some managers in the Probation Trusts also confirmed how difficult it could be to get the contact details of statutory victims from their local witness care unit. We heard about particular difficulties in getting victim contact details in the case of victims where the offender was sentenced by a court in a neighbouring Probation Trust area. In those instances, the witness care unit was required to notify details to the victim liaison service of the Probation Trust in which the court was located. Without access to that court's records, the Probation Trust of the area in which the victim lived was not always aware of the offence or the fact that the victim was living in their area unless there was good cooperation with the victim liaison service of the Probation Trust in which the sentencing court was situated. Managers from one Probation Trust told us they were particularly affected by that situation as a high proportion of their serious offenders were sentenced by Crown Courts outside their Trust area.

Good practice example

Staff in London Probation Trust's victim tracing unit are linked to specific courts and track court results daily. When they find a statutory victim contact case, they approach the relevant witness care unit and request the victim's details. In late 2011, a backlog of victims' contact details led to senior management in probation and five of the police borough witness care unit teams agreeing rigorous performance targets with a view to resolving the problem. These escalation measures led to a marked improvement in performance, with the backlog of victims' contact details being substantially reduced.

- 2.6. A number of victim liaison services told us they did not wait to receive confirmation from their local witness care unit that the victim wanted to have their details passed across. They had an arrangement whereby, if the victim had not replied to initial contact from the witness care unit, the victim's details would be passed across anyway and the victim liaison unit would then make contact with the victim.

Initial appointments with the victim liaison service

- 2.7. Once the probation based victim liaison unit has received the contact details of a victim, they write out to the victim and make an initial appointment to discuss the scheme. Of the 28 victims we

interviewed, nine could not remember the contents of the initial letter they received from the victim liaison unit. Of those victims who could, 16 said they had found the contents of the initial letter from the victim liaison service clear, but the other three said they had been left confused.

Good practice example

London Probation Trust had translated its victim letters into ten different languages, in order to reflect the diverse ethnic make-up of the city. However, they were dependent on the quality of the information they received from the witness care unit about the victim to ensure the letter sent was written in a language the victim would understand.

- 2.8. There is a national target of 40 working days following sentence for the victim liaison service to have made contact with the victim. Bearing in mind this includes the time taken to receive the victim's contact details from the witness care unit, then the victim liaison service can be working to much tighter timescales. Overall, 17 of the victims we interviewed (61%) said they could recall receiving the initial contact letter from the victim liaison service within 40 working days of sentence.
- 2.9. One of the requirements of the Victim Contact Scheme is for participating victims to receive information about the offender's sentence and any key dates such as when they might be eligible for release on licence. In addition, if they want, they may propose licence conditions for the offender to ensure their safety and provide a victim personal statement for parole hearings. It was encouraging that each of the 28 victims interviewed said they had been provided with the key dates of their offender's sentence at the initial meeting, including the likely earliest date of release. Other information, such as when the offender moved from a closed prison to an open prison in preparation for release and the month and year of release, was provided at key points of the offender's sentence.
- 2.10. One requirement introduced to the Victim Contact Scheme through Probation Instruction 3/2010 was for VLOs to take notes of meetings held with the victim or family of a deceased victim confirming what was discussed, for example key dates of sentences or views about licence conditions. The victim/family should then be allowed the opportunity to agree or amend the meeting note to ensure its accuracy.
- 2.11. Victims provided us with a mixed picture as to whether written notes of meetings had been provided to them by VLOs. This requirement had not been met for all meetings according to 13 of the victims we interviewed. One VLO subsequently told us that the policy in her Trust was to share and agree notes with the victim only in relation to the initial meeting and parole report meeting, but not to do them for other meetings. We thought that this was too simplistic an approach and certainly not in line with the requirements of the scheme.
- 2.12. While what constituted a meeting was clearly a legitimate question, we thought that the exchange of key information, whether face-to-face or over the telephone, should be confirmed in writing and agreed to avoid confusion. This was clearly not currently happening often enough.
- 2.13. One of the few complaints we read during our inspection related to a victim who said that, at the initial meeting, the VLO had told her she would be notified about all prison moves of the offender. This was despite the Victim Contact Scheme only requiring information to be shared in relation to prisoners moving from closed to open prison or back again. Because the VLO had not followed the meeting up with a written note, as required, there was confusion as to what had been said and the victim felt that what had been agreed had not been followed up by the VLO. She had felt let down as a consequence. This example amply demonstrates the need for written notes of meetings.
- 2.14. We were keen to ascertain whether the victims thought their individual circumstances, relating to their health, work, family or other matters, had been taken into account by the VLO. The victims we spoke with described VLOs as empathic and said that they accommodated their individual needs

appropriately. Only one felt that their individual circumstances had not been sufficiently taken into account. In that particular case, the victim said she was dyslexic, and had had difficulty in reading and understanding the letters sent. While the VLO had clearly provided information to the victim, she had not checked with the victim whether she understood what had been communicated.

- 2.15. We heard lots of positive accounts from victims about the sensitivity of the VLOs, and their understanding of the impact of the offences on them. A number of the victims commented on the flexibility of the VLOs in responding appropriately to the way they, the victims, were feeling on certain occasions.

Good practice example

Violet, a victim living in London, said meetings usually took place with the VLO at her home because she was very fragile emotionally. Her VLO was very well informed about her case, completely understood the circumstances of it, and allowed Violet to talk about how she was feeling. She never put Violet under any pressure. Over and above that, the VLO explained the Victim Contact Scheme and let Violet know what she could expect by way of information and when. Violet said she felt the VLO made the experience personal as opposed to simply making it an information giving process. When the offender attempted to make contact with the victim, the VLO gave Violet clear advice as to how to respond.

Victims' views about their safety

- 2.16. All 28 victims told us that VLOs had provided them with the opportunity to discuss any worries or concerns they may have had about the offender's eventual release; most said they had had concerns about the offender's impending release and had requested additional conditions to be added to the licence.
- 2.17. The requested conditions had been granted for all but 1 out of the 15 victims we interviewed who had requested additional licence conditions, and the offender had subsequently been released. The exception was a victim who had asked for a wider exclusion zone than was granted and felt, as a consequence, her safety had been put at risk. The offender had been given an exclusion area that covered the large town where the victim lived, as opposed to the county-wide exclusion zone requested. The rationale for that decision appeared reasonable and in accordance with the relevant probation instruction⁶ regarding licence conditions and the need for both necessity and proportionality to be applied in such instances. These were important issues to consider, and victims appeared to have been well advised by their VLO about the extent of the licence conditions they could request for their safety. Of the 15 victims who said they had raised other concerns with the VLO about the offender or associated with the offender, 12 (80%) were satisfied with the response they had received.
- 2.18. Victims of crime were able to make their views known about the impact of the offence on them in parole board hearings through the submission of a victim personal statement. This was, however, one of the biggest areas of concern for both the victims we interviewed and the VLOs. We were told by a number of the victims that they had decided not to submit a victim personal statement, not because they did not want the Parole Board to hear of their experience but because they did not want the statement to be shown to the offender. A common refrain from victims was that they did not want the offender to have the satisfaction of hearing about the ongoing consequences of their crimes and the victims' continuing vulnerability. Victims also said that they did not want to submit a victim personal statement and request non-disclosure but then have the Parole Board refuse the non-disclosure application and not give them, the victim, the opportunity to request that the victim personal statement be withdrawn from the parole dossier. In such a scenario, if the Parole Board rejected the non-disclosure application, the victim personal statement would normally be left in the dossier for the offender to see.

- 2.19. A number of the victims had submitted a victim personal statement however and, in all those cases, they had been assisted with drafting the victim personal statement by their VLO. At the time of drafting this report, the *Draft Code of Practice for Victims of Crime* had been published which, for the first time, makes reference to the victim personal statement. It states that if the Parole Board has agreed the victim personal statement will not be disclosed to the offender, the offender will not be present while the statement is read.
- 2.20. Although victims we interviewed were generally satisfied with the assistance provided by their VLO in supporting them through the Parole Board process, the Parole Board told us that, on occasions, they found victims had not been sufficiently prepared for the Parole Board hearing. They said that some victims had been inappropriately advised by their VLO that victim personal statements would not be disclosed to the offender. Some VLOs we spoke to during the inspection had limited experience of parole hearings, and did not appear sufficiently confident about the process to be able to prepare victims sufficiently for what was involved. However, guidance is available⁷ and relevant training had been provided by National Offender Management Service (NOMS) and the Parole Board to VLOs during 2012, designed to give them the necessary skills in relation to this aspect of their work.
- 2.21. One of the recurring messages we heard from victims was how much they appreciated the support of individual VLOs. Among the positive comments was the following: *"The victim liaison officer has been a godsend. I hope they don't ever stop this service. It has helped me and we do feel safe now. Where would we go for information about release etc. if the service was not here"*.
- 2.22. All but one of the victims interviewed felt that their safety had been regarded as a priority by the victim liaison service, while all but three said they felt safer as a result of their involvement with the scheme.

Good practice example

This victim from Hertfordshire said that every condition she had requested had been put into the offender's licence. She said the VLO had given her advice with regards to a non-molestation order, which the victim had then served on the offender whilst he was in custody. The victim said the VLO was the person to whom she turned when the offender turned up on her doorstep following initial release. The offender was immediately recalled for breaching his non-contact and exclusion zone conditions.

Discretionary cases

- 2.23. Three of the victims interviewed had been included in the Victim Contact Scheme as a consequence of the individual circumstances of their case rather than the nature of the offence and length of sentence. Overall they were all positive about the service they had received, but one said she thought she had received a lesser service because her case was discretionary, although she was unable to clarify in exactly what way. Having said that, she stated that the VLO was the: 'one consistent professional who consistently keeps us informed of what is going on'. This particular victim expressed concerns about what might happen if the local Probation Trust withdrew the service due to budgetary cutbacks, and observed that, in her opinion, the criteria for inclusion in the statutory scheme should be based around victim impact rather than the offence/sentence.

Good practice example

Having been with his friend when he was stabbed to death in Northampton town centre, this young man was referred to the Victim Contact Scheme by the police as he had been severely affected by the murder. He was positive about the service he had received, and had had increased contact with the VLO as the offender was nearing his tariff date and was eligible to be transferred to open conditions. The victim had requested additional licence conditions, but had declined the opportunity to provide a victim impact statement because he did not want it disclosed to the offender.

2.24. Overall, while we saw no explicit policies drawn up in relation to what might constitute a discretionary case – either in relation to offences, length of sentences or vulnerability of victims – it was clear that all of the Probation Trusts we visited were cognisant of the need to extend the provisions of the Victim Contact Scheme to some victims who fell outside of the statutory scheme. They were trying to manage that in a sensible way, with an awareness of the resourcing implications. We thought the victims we interviewed had been appropriately brought into the scheme, and were receiving a service that was of no less a quality than that provided to the statutory victims we spoke with.

Referring victims to other services

2.25. While not always directly relevant to keeping the victim safe, we were told about a number of cases where the VLO had referred the victim to other agencies or services. A number of domestic violence victims said they had been referred to the police and had their houses made more secure with closed circuit television. We also heard about referrals to Victim Support. One domestic violence victim was very positive about a course she was referred to for victims who had experienced violence in the home.

Good practice example

A number of the victims we met had distressing stories to tell us. One woman who had lost her son to murder following a vicious attack had been referred to a course entitled ‘Escaping Victimhood’ which had been established by a VLO in her trust area. The victim said: *“This was marvellous. I had had a breakdown the year before and been diagnosed with bi-polar disorder because of the mood swings. From the course I now understand that this is actually a normal reaction to trauma and I have been able to move forward. I now run a course myself at Cruse for families of murder victims”*.

Complaints

2.26. If victims are dissatisfied with the service they have received from the victim liaison service, they are entitled to initiate complaint proceedings. The first stage is to submit details of the complaint to the Chief Executive Officer of the relevant Probation Trust. On receiving the complaint, the Chief Executive Officer must reply to it within five days and explain how the issues raised by the complaint will be addressed. Those victims who are unhappy with the outcome of the first stage consideration of their complaint should appeal to the secretary of the relevant Probation Trust for a local investigation to be instigated. If the victim remains dissatisfied with the outcome of that further investigation of their complaint, the final stage is for the victim to request a Member of Parliament to refer it to the Parliamentary Ombudsman for consideration. The Parliamentary Ombudsman may undertake an independent investigation into a complaint about the way in which the Probation Trust has carried out its obligations under the *Code of Practice for Victims of Crime*. Details of the complaints procedure are contained in the leaflet entitled *The Victim Liaison Service: What you can expect*. We note that when the revised Victims Code of Practice is published in late 2013, Probation Trusts will have to make victims aware of the complaints process, and this will include putting information on their websites.

2.27. When we asked the 28 victims whether they were aware of the complaints procedure, and if they knew how they could make a complaint, just 17 (61%) answered ‘yes’. None of the 28 victims we interviewed had, however, felt the need to make a complaint; in fact, the overwhelming nature of their views about the victim liaison service was positive.

2.28. Bearing in mind the main catalyst for this inspection was the report from the Commissioner for Victims and Witnesses that commented on the number of complaints she had received about the

Victim Contact Scheme, it was interesting to note there had been very few complaints received by the six Probation Trusts we visited for this inspection. London, by far the largest Trust, had dealt with just five complaints from victims in the six months between March and August 2012. Four of those complaints had been resolved to the victim's satisfaction and did not escalate to formal investigation. The fifth complaint, whereby the victim had been written to with her name incorrectly spelled and with an incorrect date of the offence, was upheld and the Trust apologised.

- 2.29. We contacted the Parliamentary Ombudsman to see how many complaints in relation to the Victim Contact Scheme had been received in the last few years. The Parliamentary Ombudsman does not catalogue its complaints in a way that could directly answer that question, which seems a missed opportunity. In 2010-2011 it received 13 complaints about the Victims Code, none of which were accepted for investigation. In 2011-2012 it received 16 complaints about the Victims Code, three of which were accepted for investigation. All three complaints accepted were fully upheld.
- 2.30. The views of victims and the findings from the Parliamentary Ombudsman indicated a more positive picture about the way victims viewed the service they received from the victim liaison service compared with that described in the Commissioner for Victims and Witnesses report.

Conclusion

- 2.31. Not all victims who were entitled to statutory victim contact were contacted promptly and/or their details passed on to the victim liaison service in the area in which they lived. However, victims who had opted into the scheme were satisfied with the service they received. They were overwhelmingly appreciative of, and positive about, the support they received from individual VLOs. They considered their individual needs were responded to and their safety appropriately prioritised by the victim liaison service, with their concerns about the release of the offender listened to and addressed. Victims did not always feel the parole process was sympathetic towards them and, as a consequence, they were reluctant to submit a victim personal statement because of the likelihood of it being shared with the offender even if they did not want it to be shared. Written notes of meetings or conversations between VLOs and victims were not routinely produced, shared and agreed. This left some victims confused or unsure about what was discussed.

**Contact with
the victim and
keeping them
informed**

3

3. Contact with the victim and keeping them informed

Summary

This chapter provides information from the 72 victim contact cases we inspected. It also reports on the quality of the work undertaken by VLOs in relation to the victim.

Key facts

- Initial letters from victim liaison services to victims should be more succinct, informed and relevant.
- VLOs establish good relationships with victims and keep them appropriately informed.
- Written notes of information sharing contacts/meetings are not always produced.
- The databases used by victim liaison units were of variable quality and did not assist them in doing their job.

Initial victim contact

- 3.1. The initial letters from the victim liaison service to the statutory victim should be sent within 40 working days of sentence of the offender; we found it met the target date in three-quarters of the cases we inspected.
- 3.2. In a number of cases, no initial letter had been issued by the victim liaison unit; in those instances, the VLO had contacted the victim by phone. In principle we did not take an adverse view on VLOs contacting victims by phone. We did think, however, that victims who had not received a copy of *The Victim Liaison Service: What you can expect* leaflet, and had received little helpful information about the Victim Contact Scheme previously, may have been a little confused about what was being offered. This finding was reinforced by the accounts given by some of the victims we interviewed.
- 3.3. We read examples of initial letters sent out by VLOs from all of the six Probation Trusts we visited. While they generally included all the necessary information, we could see why some could have caused confusion. Some letters we saw, which were sent to bereaved victims of homicide, stated in the first paragraph *'As the victim in a case...etc'*. We also found some of the letters contained information which did not need to be shared at that time, for example information about the Criminal Injuries Compensation Scheme. While that was relevant information to share with the victim, and we saw some good work undertaken by VLOs in assisting victims with criminal injuries compensation claims, we did think that information should have been shared at the initial meeting and not in the first letter the victim received from the victim liaison service.
- 3.4. We also had reservations about the wording in some of the initial letters we read which included something similar to the following: *'...the purpose of contact would be to provide you with information about the sentence, the likely date of any release and to offer you ...etc'*. If the victim had been seriously injured, or somebody close to them killed, and the perpetrator sentenced to a long period in prison, the victim might not want to be told, in the initial contact letter that, at the first meeting with the victim liaison service, they were to be advised of the likely date of release of the offender. We thought the initial letter from the victim liaison unit would have been better if it had just said the meeting would be about *'providing the victim with information about the sentence and to offer them the opportunity to discuss any concerns they may have'*.
- 3.5. We saw a small number of cases where victims had been incorrectly named in initial letters. In one case a bereaved mother had been written to in the name of her daughter, while, in another case, the letter was addressed to the offender.

- 3.6. Overall, we found three-quarters of the initial letters were clear and written in a way that would have made the victim feel that the VLO really wanted to help them. We saw some letters that were clearly focused on the specific victim. As the example below illustrates, some Trusts were giving careful thought to the initial contact letter.
- 3.7. We found a mixed response to the requirement for records of meetings between VLOs and victims to be written, shared and agreed, with just under three-fifths of the cases meeting this requirement

Good practice example

Wales Probation Trust had tailored its initial contact letters with statutory victims so that they were appropriate for the different classifications of victim – actual adult victim; bereaved victim; and parents/carers of a child victim. That thoughtfulness gave a clear message to the victim that the victim liaison service understood their particular circumstance and was not just engaging in a process.

in the cases we inspected. A number of the VLOs we interviewed were unaware of the requirement to share records of meetings. One VLO said he just did not have the time to produce notes of meetings.

- 3.8. We found notes from the initial meeting were, however, as a rule, produced and issued to the victim. It is at the first meeting following initial contact that the VLO usually captures what the victim has to say about the impact the offence has had on them and, in relevant cases, their family, and what the level of future contact is that they want to have with the victim liaison service. The victim may just want to be kept informed about certain key events in the offender's sentence, such as release on licence. Alternatively, they may wish to contribute actively to the offender's licence conditions. We thought it unacceptable for those important discussions not to be confirmed in writing. We found fewer written notes in relation to subsequent discussions or meetings when key information was shared.

Keeping the victim informed

- 3.9. In all but one of the relevant cases (61 out of 62), we found that the victim was provided with an opportunity to provide views on the offender's licence conditions, and, in all but three, was given the opportunity to see the relevant part of any appropriate report.
- 3.10. Victims who opt into the Victim Contact Scheme have a right to be notified when certain things occur during an offender's sentence. In appropriate cases, we found 43% were notified when the offender moved from closed to open conditions, or vice versa; two-thirds were notified when the offender had been granted release on temporary licence (ROTL), and 88% were notified of the offender's actual release.
- 3.11. In all but three of the cases where the offender was released with licence conditions, the victim was informed of the relevant licence conditions.
- 3.12. Overall, we found in two-thirds of the relevant cases the victim was informed by the VLO of all the relevant events that took place during the offender's sentence; in 23% they were informed of some but not all of the events, while in the remaining 12%, they were not kept informed at all of what was happening. In a number of cases we inspected where the VLO had notified the victim of a key event, the VLO had found the information out for themselves rather than having been notified of it by the offender manager.
- 3.13. For those offenders who were serving long sentences, such as life sentence prisoners, it was often agreed by the VLO with the victim that discussions about licence conditions would be left until much nearer the offender's release date. However, for those victims where the offender was serving a

relatively short sentence, say one or two years, the victim was asked if they wanted specific licence conditions in relation to their safety at the initial meeting. This was eminently sensible.

- 3.14. One problem a number of the victim liaison units had was in relation to their victim databases. Unlike the national offender case management system, there are currently no plans for a national victims' database. As a result, in six different Trust areas we saw six different IT systems, not all of which were fit for purpose. As a consequence, a number of victim liaison units had had to be innovative in finding ways that they could keep reminders of the known key dates in offenders' sentences, some of which were based on manual systems.
- 3.15. We found one victim's case where the name of the offender was recorded differently on the offender management database and on the victims' database. The problem over names in that case was compounded when the victim database recorded an alias for the offender which was again a different name from that recorded on the offender database. The address for the offender on the victim database was also out-of-date. Those sorts of errors were a recipe for miscommunication and disaster.
- 3.16. In the cases we inspected, we found three-quarters of the relevant victims had been notified of the opportunity to submit a victim personal statement to the parole board when release was being considered. A victim personal statement was submitted, and in some cases, presented in four-fifths of those cases. In most of them, the VLO had assisted the victim in the preparation of the victim personal statement. Four of the victims from the cases we inspected actually presented their victim personal statement before the Parole Board. In those instances, two were supported by their VLO while, in another case, help had been offered but not required. However, a recurring message we received from VLOs was that victim personal statements were often now not being submitted for parole hearings because of the relatively recent presumption in favour of disclosure to the offender; this had led to many victims taking the decision not to put in a statement even though they had wanted to do so. This reinforced what we had been told by some victims.
- 3.17. We inspected 13 cases where the offender was returned to custody following breach or recall. In 11 of those instances (85%), the VLO was notified in a timely way. In all six cases where the offender was subsequently re-released, the offender manager had sought the views of the victim, through the VLO, in a sufficiently timely way in order that the victim's views could be considered with regard to new licence conditions.
- 3.18. We found that, in general, VLOs were diligent in seeking to provide relevant information to victims about the individual offender and their sentence. Unfortunately, we found that some offender managers failed to consider sufficiently the index offence victims, their safety and the impact of the offence on them.
- 3.19. In those instances where offender managers had not been sufficiently focused on the victim, VLOs generally had systems in place that enabled them to issue prompts to offender managers at critical fixed points in the offender's sentence with regard to release planning.
- 3.20. We looked at the quality of the liaison between the VLO and victim. Overall, we found that in 88% of the cases we inspected the level of communication had been good enough.

Referring victims to other services

- 3.21. We had asked the victims we interviewed whether they had been referred to other services, and we also sought to see whether, in the cases we inspected, victims had been provided with information about other services. While we realised this was not necessarily always about protecting the victim, it was clear from our interviews with victims that they had found the support of the VLOs invaluable and had welcomed the initiatives provided with regard to their individual needs.
- 3.22. Overall, we found that almost three-fifths of the victims whose cases we inspected had been

referred elsewhere or provided with information about other services. However, that figure masked some quite marked differences between the approaches of the six Trusts. In Wales, all but 1 of the 12 victims whose cases we inspected had been referred to another service compared with just two victims from a different Trust.

- 3.23. We saw examples of VLOs actively helping victims with criminal injuries compensation claims and referring them to victim support. We also saw referrals to general practitioners and counselling services.
- 3.24. We liked the example of a piece of work undertaken by a VLO in Hertfordshire with a young victim of crime. This young person had been attacked by his own mother, who had stabbed him and then tried to drown him.

Good practice example

The VLO had built up a rapport with the young victim and his father. On finding out that the young person was a huge fan of American professional wrestling, the VLO had written to the particular wrestling 'franchise' the boy supported. He said that the father was taking his son to Florida, and would it be possible for them to visit the wrestling while he was there. A reply was sent back with a signed photograph and invitation to visit the pro wrestling set up when they were in the state.

- 3.25. We also saw some good examples of the VLOs helping victims find alternative accommodation where they felt they could no longer remain at their home, either because the offender may be returning to the locality or for other reasons connected with the offence.
- 3.26. In one case from Staffordshire & West Midlands, the victim of a stabbing by his own brother was linked in with a psychologist. The VLO and psychologist made a joint referral to social services as he was a vulnerable adult with mental health issues.
- 3.27. A different VLO from Staffordshire & West Midlands had produced her own folder that she took out on home visits to victims. The folder contained a copy of the leaflet about criminal injuries compensation, and the relevant women's aid/domestic violence advice scheme for her locality, together with the telephone number of, and information about, Victim Support.
- 3.28. Although not a requirement of victim contact schemes we saw a small number of instances of mediation having been used between victims and offenders. Mediation can be difficult to achieve and requires careful planning, as the good practice example below demonstrates.

Good practice example

This young man had killed his best friend in a car accident whilst under the influence of drink and drugs. The offender and the victim's mother both came from the same small community in Wales. While in a young offenders' institution, the young man undertook the Sycamore victim awareness programme. Through the offender manager, enquiries were made with the VLO as to whether the bereaved victim, the mother of the young man he had killed, would be willing to receive an apology letter from the offender. She said she would, and subsequently sent a reply back to the offender. The offender was really pleased to get the reply from his friend's mother; the prison officer wrote to the VLO thanking her for passing on the letter and saying how it had had an uplifting effect on the offender. The mother continued to exchange letters with the offender, and the close working between the offender manager and VLO meant that planning for the offender's imminent release was going to be within the context of an offender who was truly remorseful and a victim who was gradually coming to terms with the fact that the offender may eventually want to move back to his home village. There was likely to be little difficulty in agreeing realistic and proportionate licence conditions.

Conclusion

3.29. While most initial letters written by VLOs met the 40 day target following sentence, we felt that some of them contained unnecessary information which could prove confusing for victims. There was a good level of communication between the VLO and victim throughout the sentence and, where victims were not informed about relevant events in an offender's sentence, it was usually because the offender manager had not shared the information with the VLO. While notes of initial meetings with victims were usually produced and to a good standard, records of subsequent meetings were not always captured and shared in writing, That was a recipe for the victim to misunderstand what was said. Apart from seeking to ensure victims' safety, we evidenced many examples of VLOs helping victims access wider victim-related services. A national victim database would have enabled better sharing of information between Probation Trusts, particularly in relation to sharing of information regarding victims who move from one part of the country to another.

**Working
together for the
safety of victims**

4

4. Working together for the safety of victims

Summary

This chapter reports on the quality of the work undertaken by VLOs and offender managers to ensure safety of the victim in the victim contact cases we inspected.

Key facts

- Many offender managers had insufficient knowledge about the victim of the offence and the impact the offence had had on them.
- Risk management plans often insufficiently addressed what needed to be done to keep the victim safe, and by whom.
- Risk of harm issues that may have impacted on the safety of the victim were generally well managed.
- VLOs reported difficulties in getting relevant information from hospital staff in relation to mentally disordered offenders.
- Victims were not routinely notified of all relevant events that took place during the offender's sentence.

Identification and assessment of statutory victim cases on probation offender case management systems

- 4.1. All but one of the 72 cases we inspected was highlighted on the case management system as a statutory victim contact case. In most instances, the relevant details had been input by the VLO or victim team case administrator once statutory victim contact had commenced. In Hertfordshire, the case management contact log had an entry at the top of the record reminding the offender manager that the VLO was involved and to contact them about victims' issues. We thought that was helpful practice and saw similar arrangements elsewhere.
- 4.2. In two-thirds of the cases, it was not possible to see from the offender case records whether the statutory victim had requested to be kept informed (via the VLO) about the progress of the offender in accordance with the Service Specification for Victim Services. Without that information, it was unclear how the offender manager, or anybody working with the offender, would have been aware of the need to keep the VLO informed of any changes in the offender's circumstances about which the victim would have a right to be informed.

Impact of the offence on the victim

- 4.3. We were keen to see whether sufficient information about the offence and the statutory victim was recorded within the offence analysis section of the offender assessment. We found that:
 - in just over a half of the cases information about the offence had been fully completed, in just under one-third it had been partly completed and in 14% it was not completed at all
 - in one-third of the cases, no information about the statutory victim was recorded in the offence analysis section.

Bearing in mind statutory victim contact cases involve serious sexual and/or violent offending, this lack of information about the offence and victim was hard to understand and meant that the likelihood of the offender manager putting in place robust and comprehensive plans to manage the risk of harm to the statutory victim was less than it should have been.

- 4.4. We also wanted to find out if the offender manager was able to demonstrate an understanding of the full effect of the offence on the victim. There is a section within the Offender Assessment System (OASys) offender assessment that considers the impact. We were disappointed to see that, in more than half of the cases, the offender manager was unable to demonstrate they had understood the full emotional and physical consequences of the offence on the victim. In 14% of the cases they were not at all aware of the impact. This suggested that the offender manager was not sufficiently informed about the circumstances of the offence and its effect on the victim. Such information was readily available within the paper case files, the court papers and/or the victim impact report compiled by the VLO at the initial meeting held with the victim following sentence. It was nevertheless clear that many offender managers had not read the relevant material and were therefore unable to use it in informing the risk of harm assessment and risk management plan.
- 4.5. We took a strong view that it was important for the offender manager to have a good understanding of the emotional and physical impact of the offence upon the victim so that they knew about the victim's continuing anxieties and fears about the risk of harm they believed the offender still posed towards them. With that understanding, the offender manager would have been better able to introduce meaningful victim awareness/empathy work into their supervision sessions with the offender. However, we found in many cases that the victim's emotional and psychological damage was insufficiently recognised, by offender managers. Too many offender managers focused on the physical injuries sustained by the victim and so did not sufficiently challenge the offender to consider and understand the long term consequences of their violent and/or sexual offending.

Practice Example

Two men harassed and then violently assaulted the victim, a male aged 52. The victim said in the victim impact report that his health had deteriorated immensely, his depression had become more acute and he no longer went out in the evening because he feared reprisals and felt his life was in constant danger. He was on anti-depressants as a result of the attack. He sustained a broken arm which was now held together by a plate. It was very disappointing to see that the offender manager, in completing the relevant section of the offence analysis in the offender assessment, failed to recognise the massive impact this offence had had on the victim, simply describing the impact of the offence upon the victim as 'sustaining a broken arm'.

Risk Management Planning

- 4.6. In our Offender Management Inspection 2 (OMI 2) core inspections of Probation Trusts, we defined what we would expect to see in the risk management plan in relation to the risk of harm the offender posed to others. It was against that benchmark that we assessed these statutory victim cases.
- 4.7. In addition, we were aware of the statement in the OASys manual, when describing the risk management plan: *'Identify any particular concerns about actual or potential victims. Is there any contact with the victim unit or officer and what arrangements, if any, need to be put in place to protect the victim? Is there any specific victim work planned which needs to be detailed in the supervision and sentence planning section? Consider the release address or current accommodation when looking at victim issues'*.
- 4.8. Less than one-third of the risk management plans contained the contact details of the VLO, their name and phone number. In just over half of the cases we inspected, the risk management plan did not contain a full account of the work to be undertaken with the offender to minimise their risk of harm to the victim or victims. These were disappointing findings. In one Trust, we were told that offender managers delivering training on risk management plans had specifically told staff not to include contact details of the allocated VLO within the risk of harm to others assessment or risk

management plan because it would exacerbate the risk to the victim should the offender request disclosure of the information. We do not subscribe to that view. It would be routine practice to include details of any social workers involved when capturing information about agencies working with the offender, so why not information about the VLO?

- 4.9. In one case, the risk management plan relating to an offender who had robbed a shopkeeper did not contain the details of the victims and inaccurately recorded the specific licence conditions. The risk management plan said the offender was not to enter the shop, but the actual licence conditions forbade the offender from entering the street where the shop was located. When asked why there were no victim details captured, the offender manager said he did not want to draw the offender's attention to them – which seemed a strange answer as the name of the victim was included in the licence in relation to a 'no contact' condition. If the offender manager did not reinforce the licence conditions, it was more likely the offender would breach them. In that particular case, the victim seemed peripheral to the offender manager's thinking.
- 4.10. The recent thematic inspection into life sentence prisoners⁸ found that '*additional licence conditions designed to protect victims, such as exclusion zones or prohibition to contact victims, did not appear to be routinely monitored and details of who would monitor them or how they would be monitored were not evident within risk management plans*'. We found a similar position in this inspection. The risk management planning in relation to victims was, in a sizable proportion of the cases inspected, not good enough. We did not subscribe to the view we heard on a few occasions that '*to state what needed to be done in order to keep the victim safe would lead to greater risks for the victim*'.
- 4.11. Concerns about the offender having access to information regarding the victim that would exacerbate the risk to that victim is addressed in the OASys manual⁹. The guidance makes it clear that as an offender is able to see their OASys, inclusion of victim information which could place the victim at risk should be noted in the 'Information not to be disclosed to the Offender' section of OASys.

Managing risk of harm to the victim

- 4.12. In 32 (82%) of the relevant cases we inspected, all of the requested licence conditions from the victim had been incorporated into the offender's licence. In a further four instances some, but not all, of the requested licence conditions had been included. In the three remaining cases, none of the licence conditions requested had been included. Where licence conditions requested by the victim were not incorporated, we found that in half of the instances the VLO was not provided with a sufficient explanation. In over four-fifths of the relevant cases, the VLO was notified in a timely way by the offender manager of the conditions included in the offender's licence. Issues around licence conditions were reported to us by some VLOs as being a source of friction with offender managers. We inspected some cases where this friction was evidenced, but we also saw many instances where there was some really empathic joint working between the offender manager and VLO that was designed to both protect the victim and also ensure that the offender did not have unreasonable conditions included on their licence.
- 4.13. In 20 of the relevant cases (43%), we found that incidents or changes occurred during the offender's time on release on licence that could have impacted on the safety of the statutory victim. In 17 of them (85%), these matters were dealt with sufficiently well.
- 4.14. However, we saw a few cases where the risk of harm the offender posed to the victim was either poorly managed or not addressed, as the case below illustrates.
- 4.15. In almost one-third of the cases (22), we found insufficient evidence of regular and accurate information exchange between the offender manager and the VLO regarding key events during the offender's sentence. Those figures were disappointing, and reflected the findings from our recent thematic inspection into life sentence prisoners which found 'little emphasis on ensuring

Good practice example

This sex offender from Devon & Cornwall had initially gone to an approved premises following his release on licence. He owned a home in the small town where he had committed his offences. One of his victims who still lived in that town recognised that the offender had supportive friends in the locality, so she favoured a planned return to his home rather than him just turning up at the end of his licence. The VLO and offender manager agreed a small exclusion zone and licence conditions preventing the offender contacting the victim. The risk management plan produced by the offender manager ensured routes out of the estate where the offender lived were clearly defined so as to minimise the likelihood of the offender and victim meeting. The plan also set times when the offender would visit the small, local supermarket, in order that the victim could be aware of the times he would be there and minimise the likelihood of them inadvertently meeting. These were well thought through arrangements which the offender manager said had been designed to establish 'good habits' in the offender which he would continue after his licence ended.

Practice Example

This male offender in his 30s had sexually abused and controlled the victim for nearly three years from when she was just 13 years old. He had a long history of violence, drugs and non-compliance. He was sentenced to over four years in prison for the two sex offences and one offence of assault against his young victim. Upon release, inadequate preparations had been made for his return to the community. We thought he should have been referred to a MAPPA Level 2 meeting six months before release but the offender manager did not make the referral until too late and, then, the conditions requested by the VLO for the protection of the victim and her family were not fully incorporated into his licence. Lack of foresight in planning for the offender's release left the victim potentially vulnerable. The offender soon breached his licence conditions and was recalled.

up to date information was passed to victims via the victim liaison officer.' However, we saw some good examples of VLOs routinely reading offender case management records in order to keep themselves apprised of what was happening with the offender. Some VLOs said if they had not read the offender case records, they would not have been made aware of what was happening with the offender by the offender manager. We found quite differing levels of awareness of victim issues by offender managers during this inspection.

- 4.16. Those VLOs who produced written notes of the initial meeting, which in many areas were entitled 'victim impact reports', shared them with both the victim and the offender manager to help them think about risk of harm issues in relation to the victim and release planning. We read some excellent victim impact reports. It was concerning therefore to see some offender managers sending emails to VLOs a matter of weeks, or even days, before an offender's consideration for release, or ROTL, asking whether the victim wanted to suggest additional licence conditions in relation to 'no contact' or 'exclusion zones', even though they had been sent the victim impact report by the VLO immediately following the initial meeting with the victim. In such cases, it was clear the offender manager had not read the victim impact report previously sent.
- 4.17. Overall, we found the offender manager ensured the risk of harm towards the statutory victim was managed sufficiently well in 44 cases (64%). Those figures are very similar to the findings from our completed OMI 2 inspections in the 35 Probation Trusts (2009-2012), whereby, out of 1,835 relevant cases where there was an identifiable victim or potential victim, the risk of harm to them had been effectively managed in 66% of the cases. However, we did find differences between the six Trusts we visited. In Wales and Devon & Cornwall, we found that the risk of harm to the statutory victim was managed well in over four-fifths of the cases we inspected.
- 4.18. Once we had inspected each of the cases we asked ourselves what we thought the quality of the communication between the offender manager and VLO had been in relation to the victim's safety.

Overall, we judged that communication from the VLO to the offender manager had been better (in 88% of the cases it was at least sufficient) than that from the offender manager to the VLO (68%). We thought this an interesting finding as some VLOs, when asked, said they thought their role was simply about providing information. We actually found most VLOs went beyond that remit and were actively making a positive contribution to public protection. VLOs were also routinely attending MAPPA meetings and making active contributions. VLOs were unanimous in their view that when cases were considered within a MAPPA meeting, the focus on victims' issues was more thorough.

Good practice example

This offender from Devon committed serious offences, two sexual, against three different young women in his home town. One of the victims was not entitled to statutory victim contact because of the length of the sentence given for the offence committed against her, but the victim liaison service offered her discretionary victim contact. Upon release, the offender had gone to live in a different part of his home area as he had 'no contact' licence conditions in relation to all three victims and an exclusion zone that prohibited him from entering his home town. That seemed proportionate as the victims lived in different parts of that town, and to draw smaller exclusion zones that would have protected the victims would have been difficult. When the offender's grandmother was dying, the VLO and offender manager put in place robust risk management plans that allowed him to enter the exclusion zone and have an accompanied visit to see his grandmother, with a strict timetable about his arrival and departure times. The victims were notified about those arrangements. Similar arrangements were put in place when the grandmother died and the offender wanted to attend the funeral. The young female victims were students, and the necessity for the exclusion zone was routinely monitored to check it was still needed for their protection. It was anticipated that the exclusion condition would be removed when the last of the student victims had finished her studies and moved away.

Hospital Orders

- 4.19. In cases where the offender is assessed as mentally disordered and is not sentenced to a prison sentence but goes to hospital for treatment as an unrestricted patient, an offender manager is not allocated the case and it is not recorded on the probation case management system. However, the VLO still has a role in making initial contact with the hospital and passing on the victim's details; all future contact is then between the hospital and the victim. Those subject to hospital orders are unable to leave hospital until they are deemed to be fully recovered; the decision about whether they are sufficiently recovered to enable them to leave hospital is reserved to an independent tribunal, although the Secretary of State also has discretionary power to discharge.
- 4.20. In the case of restricted patients, the mental health casework section within the NOMS Offender Management and Public Protection Group (OMPPG), mental health tribunal or the hospital has a role in passing information to VLOs about, for example, conditions of discharge or informing them about a recall to hospital.
- 4.21. We heard from VLOs that some hospital staff did not always communicate relevant issues about the person who had offended, such as a change of hospital, appearance at a mental health tribunal or temporary release into the community. Some of those did not form part of the Victim Contact Scheme, but could be passed on to the VLO and victim on a discretionary basis. In addition, some VLOs said they were often not invited to multi agency meetings convened in relation to the individual. However, it is important to note that victims have no statutory right to be provided with personal information relating to the medical treatment of the patient, and there are strong data protection reasons why this should not occur.
- 4.22. We looked at three victim contact cases where the offender went straight to hospital for treatment without being sentenced. In all of those cases, however, we saw some good work between the VLO and hospital staff, as the example from Devon and Cornwall below demonstrates.

Good practice example

In this instance of serious assault against a partner which left the victim with a punctured lung, it was the hospital forensic social worker who instigated the referral into the Victim Contact Scheme as the witness care unit had not identified it as a statutory victim contact case. The social worker liaised with the police officer with whom the victim had been in contact and asked her to encourage the victim to make contact with the VLO, which she did. A three way meeting between the social worker, VLO and victim was held that fully informed the victim about what would happen with the offender during his stay in the hospital and once he was successfully treated. The VLO produced a report for the mental health tribunal that was shared with the victim and ensured the victim's concerns were taken into account by the tribunal.

- 4.23. One of the other hospital order cases we looked at, this time from Staffordshire & West Midlands, had also not been identified as eligible for statutory victim contact following the court case; again, it was a diligent hospital social worker who initiated victim contact. There was some excellent work in that particular case, with close working between the VLO and hospital social worker managing complex discharge conditions and liaising with the offender's employer once his clinical depression had been treated and he had received a conditional discharge. This ensured the employer was fully aware of the areas of the country to which the offender should not be sent on his business travels, thus addressing the concerns of the victim.

Ensuring victims' safety in non-statutory victim contact cases

- 4.24. We inspected the cases of seven victims, and could see no evidence that those victims had received a lesser service than was provided to those who were entitled to statutory victim contact. Indeed, we inspected a number of non-statutory cases where excellent work was undertaken, as the example below from Staffordshire & West Midlands illustrates.

Good practice example

The offender had a long history of drug and drink related crime, plus a history of domestic violence. However, he was serving the prison sentence in this instance for an offence of burglary. Prior to release on licence, the offender manager received some information about a former partner having been threatened from custody via letters, and there was genuine concern for her safety. The offender manager referred the case to the victim liaison unit as a potential discretionary case, and it was accepted. The VLO provided the victim with information about other organisations which could support her, and licence conditions were agreed that provided protection to the victim when the offender came out. In addition, the police put in place some protective measures around the victim's home. There were positive outcomes in this particular case as the offender's response to supervision was good, with reduced alcohol intake and no drug use.

Conclusion

- 4.25. We saw good work from some offender managers in relation to victim contact cases, but in many instances we found that the victim in the case had either been overlooked or insufficient consideration had been given to assessing and planning for their safety. Often, not enough consideration had been given to the specific offence. Important information relating to the victim's experience was ignored, and the impact on the victim not taken into account. However, we also saw some excellent partnership working between offender managers and VLOs. Victims' views were, in most instances, sought and incorporated into licences. We heard from both offender managers and VLOs that, in their opinions, communications tended to work best when VLOs were co-located in the same office as the offender managers. That was also borne out by our inspection of the 72

cases. In one Probation Trust where the VLOs were covering a number of offices, they commented on the difficulty in creating relationships with the offender managers or getting the offender managers to 'think victim'. We think that is an important finding, and are pleased to see that, within the *Transforming Rehabilitation: A Strategy for Reform*, there is due acknowledgement of the benefits of close working between offender managers and VLOs and confirmation that, under future arrangements, victim liaison work will continue to be located within the public probation service in recognition of its '*experience and professionalism in conducting the victim liaison role*'.

Governance issues

5

5. Governance issues

Summary

This chapter outlines responsibilities for victim contact work at a national and local level, and identifies issues around the support and training of staff working with victim contact cases.

Key facts

- The quarterly national survey of victim satisfaction fails to provide a sufficiently comprehensive view of the service received by victims.
- 'Preview' does not accurately reflect a probation trust's statutory victim contact workload.
- The support received by VLOs is inconsistent.
- Offender managers needed to become more knowledgeable about the work of VLOs.
- Staff within victim liaison units and hospitals were not confident about their responsibilities to statutory victims when the offender was residing as a patient in hospital.
- YOT managers were confused about their responsibilities in relation to victim contact cases.
- YOT case management systems do not have an indicator to show whether a case is a statutory victim contact one.

National Offender Management Service

- 5.1. NOMS is the responsible department within the Ministry of Justice for the Victim Contact Scheme. There is a multiplicity of legislation and policy in relation to victim contact work. The OMPPG is planning to introduce a new comprehensive probation instruction on victim contact work in the autumn of 2013 to pull it all together.
- 5.2. At the time of writing this report, a new *Draft Code of Practice for Victims of Crime* had been produced by the Ministry of Justice and was subject to consultation.
- 5.3. Until the summer of 2011, NOMS OMPPG organised and chaired a quarterly Victim Network meeting for VLOs attended by representatives from Probation Trusts across England & Wales. Other members included representatives from the Parole Board, NOMS, Her Majesty's Inspectorate of Probation and Victim Support. However, there was then a hiatus of over a year with no meetings convened. While NOMS advised that their focus on delivering training on victim personal statements meant they had not been sufficiently resourced to continue with the regular Victim Network meetings, some VLOs said they missed the opportunity to meet with colleagues doing the same job from other parts of the country, and the regular briefings about national developments. It is encouraging that those meetings have recently resumed and NOMS has set dates for future meetings of the Victim Network.
- 5.4. One issue that was raised with us by probation management related to Preview, the costing model deployed by NOMS as a means of indicating what an activity *should* cost according to the Specification, Benchmarking and Costing model and what the activity *does* cost. The cost of victim contact work is based on the number of statutory victim contact cases that have gone through a Crown Court in the Probation Trust's area. That does not therefore accurately reflect the workload of individual trusts that work with a lot of victims where the offender was sentenced by an outside Crown Court. While Preview has not been used for determining budgets to date, that is not to say it will not be in the future. If that were to be the case, our view would be that the model should be adapted to better reflect an individual Probation Trust's actual statutory victim contact workload.

Victim satisfaction

- 5.5. NOMS worked with Probation trusts to develop a 'Quality of Victim Contact' survey form, which is issued to all victims who participate in the Victim Contact Scheme. The survey consists of 12 questions and the results contribute towards the Probation Trust Rating System (PTRS), the performance framework which is intended to provide a balanced and rounded picture of an individual Trust's performance. While the individual answers to the 12 questions will be of interest to the Probation Trust's senior management, a Trust's performance nationally is rated solely on the performance to the tenth question in the survey *"Overall, how satisfied were you with the service you received from the Victim Liaison Service?"*
- 5.6. Performance is compared against the 90% target figure and the national average. In 2011/2012, only one Probation Trust scored below the target figure, and the national average was over 98%. While we do not want to denigrate those excellent results, we do wonder whether the question about overall satisfaction with the service provided is being asked at the right time. If the survey is undertaken following initial contact, then it does not provide a full picture of the service provided to a victim. Victim contact work lasts a long time and, in the case of victims of some life sentence prisoners, potentially for decades. Our view would be that a better measure of victim satisfaction would be gained if the survey was repeated at two other key stages in the offender's sentence; perhaps when the offender had been released on licence and when their sentence had ended. That would provide an opportunity for the victim to comment on not just the initial contact, and, in effect, the promises of what would be done, but also their view of what actually was done with them at critical points in the offender's sentence – for example, the move to open conditions, preparation for release, actual release and any issues that may subsequently have occurred during the offender's licence period that may have impacted on their safety.
- 5.7. None of the Probation Trusts we visited had carried out a local victim satisfaction survey in the recent past.

Staff development and training

- 5.8. A training manual was produced for VLOs by the NOMS Public Protection Unit working with representatives from probation areas and interested others in June 2008. It was designed for use with the then recently published Victim Liaison Guidance Manual. It was acknowledged that it would not provide all the skills for VLOs, who were encouraged to supplement their learning with visits, observations and job shadowing to build up their knowledge and skills.
- 5.9. As part of this inspection, we asked VLOs and managers about the training and support provided to staff within victim liaison units.
- 5.10. We found a mixed picture about training provided to victim liaison staff. Some VLOs said their trust was willing to fund and/or seek any training that they suggested. The staff from one Probation Trust were positive about having been linked in with training that police family liaison officers were doing.
- 5.11. VLOs from some areas were unhappy that they were not included in training delivered to probation officers/offender managers about, for example, risk of harm. As offender managers and VLOs are both dealing with the same risk of harm issues, albeit from different ends of the spectrum, we thought not including VLOs in some of the risk of harm training provided to offender managers was an omission and a missed opportunity for both victim liaison staff and offender managers to gain a wider understanding of each other's roles.
- 5.12. Staff within victim liaison units reported some aspects of their work as being more problematic than others. They raised particular issues around hospital orders. While some staff said they felt sufficiently informed to undertake this aspect of work, others admitted to feeling unsure and lacking in confidence. Those latter staff said they did not feel comfortable challenging hospital staff who

failed to cooperate in sharing information about, for example, an offender who was residing in hospital as a patient. Northamptonshire victim liaison unit was the smallest of the six we visited, but the VLO there said she had good relations with hospital staff. She acknowledged that sometimes clinicians did not respond to contact, and said that on those occasions, she would seek information from the hospital social worker.

- 5.13. The numbers of hospital orders being managed by VLOs were by no means small. One VLO from a larger Probation Trust said she had 22 on her caseload, while another VLO from the same Probation Trust had 14 cases. One VLO from that Trust said negotiating with medical professionals was difficult as *'they don't speak the language of risk of harm/victim safety'*. A common message heard was that medical professionals cited 'medical confidentiality' as a reason not to share information. However, we did not come across any VLO who thought they should be able to find out about, or share with victims, confidential medical information concerning the offender. What they wanted to be able to communicate to victims was relevant information that may have impacted on the victim's safety; for example if the patient had absconded from hospital, was everything reasonable being done to track them down and return them to hospital?
- 5.14. Victim liaison staff said they would welcome some training around restricted and unrestricted hospital patients, and we have been told that it is NOMS intention to deliver this.
- 5.15. It is the responsibility of the NHS/local hospital/private hospital to ensure staff in the hospital are fully focused on victims' issues and understand the role of VLOs. While it is outside our remit to make direct recommendations to the Department of Health, there are issues emerging from this inspection that we would encourage NOMS to take forward at a national level.
- 5.16. We asked Probation Trust managers whether there was any training provided to offender managers in relation to victim liaison work. Most Trusts provided it, with the training delivered by VLOs. However, it was generally treated as optional training. Managers were aware that it was often those offender managers who were most aware of victim issues who opted in to that training, while those who did not have an awareness of victim issues often did not attend. Devon & Cornwall Probation Trust involved actual victims in delivering the training. We interviewed one of those victims; he was very positive about the opportunity he had been given to share his experiences with offender managers and let them know about the catastrophic injuries he had suffered, both physical and psychological.
- 5.17. VLO staff said they felt more skilled and in touch with colleagues when they worked in the same offices as the offender managers. We thought that was an interesting observation and reflected our findings from the case inspections.

Staff support

- 5.18. Dealing with distraught victims who have often suffered the most unimaginable tragedies in their lives is very difficult. We were impressed with most of the individual VLOs we spoke with during our inspection. They had good knowledge of their cases. Most were managing very high caseloads; some of which were around the 200 mark, albeit not all of which were being actively managed at the same time. We expected VLOs to have a good understanding of the impact of the offence on the victim or family of the victim, and a full understanding of both the physical and psychological impact of the offence. The results from this inspection demonstrate that in most cases the VLOs had that knowledge and understanding.
- 5.19. We wanted to know what support was provided to VLOs in relation to their work. Most VLOs were able to access counselling support through arrangements made by their local Probation Trust. London Probation Trust offered its VLOs two hours clinical supervision every two months with a psychologist that could be delivered either in a group or on an individual basis. Some Trusts were offering counselling through their employees' counselling service. One Probation Trust, however,

offered no support to its VLOs despite providing counselling to their programme workers on domestic violence and sex offender programmes. Approved premises staff in the same Trust who worked with high risk offenders were also allowed to access counselling. Bearing in mind the stressful nature of much of their work, it is hard to see why VLOs would not be able to access similar support to that provided to probation staff who work with sex offenders, domestic violence perpetrators or high risk offenders residing in an approved premises.

Youth Offending Teams

- 5.20. The Victim Contact Scheme is available to the victims of young offenders as well as those of adult offenders. In this inspection, we did not assess any victim contact cases where the offender was managed by a YOT. This was for logistical reasons – i.e. the case manager would be in one office and the VLO in another, with neither having access to the other’s IT system. We did, however, interview YOT managers and/or their representatives as part of this inspection which revealed an insufficient level of awareness for us to be confident that the Victim Contact Scheme was being properly applied in regard to youth cases.
- 5.21. Probation Trusts and YOTs are required to draw up a protocol¹⁰ to clarify relationships with regard to the Victim Contact Scheme. It was clear that not all Trusts and YOTS had done so, or, if they had, many of the protocols were either in draft form or out of date. Some Probation Trusts with more than one YOT in their area had up to date protocols with some YOTs but not with others.
- 5.22. VLOs told us that they thought that they had not been notified of all statutory victim contact cases being managed by the YOTs in their area and the lack of access to YOT case management systems meant that there was no way they could check.
- 5.23. It is possible that some victims who would have been entitled to the victim contact service were, therefore, being denied the opportunity of being notified about key aspects of an offender’s custodial sentence, of commenting on licence conditions or providing a victim personal statement because of the lack of awareness of their statutory rights within the YOTs. However, in the absence of a full inspection of YOT cases, we cannot be certain; it is also possible that some aspects of the required work were carried out under the YOT’s own procedures.
- 5.24. The three main current YOT case management systems (Careworks, ChildView, and YOIS) did not have ‘flags’ on them to identify whether a case was a statutory victim contact one. This was contrary to what we found in relation to the probation case management systems we looked at, which all had a flag which could be triggered to denote whether a case was a victim contact one. The new replacement national probation case management system which is currently being introduced also includes a flag. Without such a flag, YOT staff did not have a way of immediately recognising the special status of the case in relation to statutory victim contact work.
- 5.25. Some VLOs had a good working relationship with their local YOT staff, however. There was an interesting piece of joint working between the VLO in Northamptonshire Probation Trust and the victim worker in the local YOT.

Good practice example

In Northamptonshire, the victim worker in the YOT and the VLO in the Probation Trust had ‘shadowed’ each other’s roles in order to gain a greater understanding of what the other did. In those cases where they were both involved with the same victim, they undertook joint home visits.

Conclusion

- 5.26. With the exception of a short questionnaire issued right at the start of a victim's involvement with the Victim Contact Scheme, there is no current means to ascertain what victims think of the service they receive. We do not think the present arrangements for getting victims' views are sufficiently comprehensive and fail to capture the overall victim experience.
- 5.27. There is clearly an issue around victim contact cases where the offender resides as a patient in hospital. We were not able to evidence this in the inspection as we did not assess sufficient cases, but the consistent messages we heard from VLOs on this issue led us to believe that training is urgently needed for both VLOs and hospital staff on this subject.
- 5.28. We found a surprising lack of awareness by some YOT senior staff as to their responsibilities under the Victim Contact Scheme, which could potentially leave many victims deprived of the opportunity to share their concerns about the risks the perpetrator of the offence against them posed, and make it less likely that appropriate measures would be put in place to protect them.

Appendices

Appendix 1: Legislation and Guidance

There is a lot of legislation and guidance relating to victim contact work. Below we have briefly set out that which we consider to be the most relevant to this inspection.

National Policy

At a national level, the NOMS OMPPG has strategic responsibility for the Victim Contact Scheme, which is delivered through the 35 Probation Trusts. The Victim Contact Scheme is incorporated within the wider *Code of Practice for Victims of Crime* (the Victims' Code).

The *Code of Practice for Victims of Crime* governs the services to be provided in England and Wales to victims of criminal conduct that occurred in England and Wales. It was issued by the Home Secretary under Section 32 of the Domestic Violence, Crime and Victims Act 2004. At the time of this inspection, an improved draft code of practice had been produced and was being consulted on by the Ministry of Justice. The consultation ended in May 2013 and the code will be published at the end of 2013.

National Standards for the Management of Offenders were revised in 2007, and further revised in 2011. The new national standard in respect of victims simply states: '*The statutory duties in respect of victims are undertaken*'.

The *Victim Liaison Guidance Manual* (introduced in 2008) pulled together all the relevant information about victim liaison work. Victims, or next of kin, who opted into the Victim Contact Scheme were entitled to be provided with information when any of the following was due to take place and told the outcome:

- Recategorisation (generally only recategorisation from closed to open conditions, although victims should also be notified in cases where offenders who have been categorised as suitable for open conditions but who remain in closed conditions are eligible for temporary release).
- ROTL and Home Detention Curfew decisions.
- Release on compassionate grounds.
- Hospital orders/restriction orders made during sentence.
- Tariff of life prisoner set, reduced, changed or reaches expiry.
- Application for move to open conditions.
- Application for work placement.
- Parole Hearings.
- MAPP meeting.
- Recall; appeal against recall; re-release; deportation; absconsion from prison or approved premises; closure of case; or death of offender.
- Alleged serious further offence (SFO).
- Relevant changes in immigration status.

From 01 April 2010, PI 3/2010 set out the 'Service Specification for Victims Services' which clarified the minimum service that had to be offered to eligible victims by Probation Trusts: This required the Victim Contact Scheme to:

- contact victims of sexual and violent offences when the offender was sentenced to 12 months imprisonment or more
- ascertain whether the victim wanted to be informed of any conditions to which the offender may be subject on release which affected them or their family. These were usually non-contact or geographical exclusion conditions

- ascertain whether the victim wanted to make any representations regarding conditions to the body considering release, which, in recent times, has been extended to include the opportunity to submit a victim personal statement
- be offered to the next of kin and other family members in cases where the victim died as a result of the offence.

Probation Instruction 3/2010 also amended the Victim Liaison Policy guidance by inserting a new paragraph in relation to discretionary cases. It provided criteria that Probation Trusts should use in making a decision as to whether to offer ongoing victim contact to victims or the family of victims in cases that fell outside of the statutory scheme. The criteria were:

The victim's vulnerability or particular needs including disability, different language needs;

- *Concerns about ongoing risk to the victim for example in cases of domestic abuse or cases involving serious further offences;*
- *Cases where the offence fell outside the definitions of serious sexual or violent offences but where the public interest required communication of information to victims for example some domestic extremism cases;*
- *Cases which pre-dated the introduction of statutory victim liaison but where there was a public interest in keeping victims informed for example in some life sentence cases.*

Crown Prosecution and Police joint Witness Care Units

In cases where an offender is convicted of a sexual or violent offence, as defined under Section 45 of the Domestic Violence, Crime and Victims Act 2004, in respect of relevant criminal conduct and given a sentence of imprisonment or detention of 12 months or more, or hospital order with restriction order, the joint police/CPS Witness Care Units must provide the victim with a copy of the *Introduction to the National Probation Service Victim Contact Scheme* leaflet or equivalent updated leaflet. The joint police/CPS Witness Care Unit must refer the victim's details to the probation service no later than ten working days after the expiry of the period in which victims may opt out of the National Probation Service Victim Contact Scheme. Both of those actions must be completed no later than a total of twenty working days after the day the joint police/CPS Witness Care Unit is notified of the sentence by the court.

Probation Trusts

Under the Domestic Violence, Crime and Victims Act 2004, Probation Trusts have responsibilities in relation to the victims of offenders sentenced to 12 months or more for a sexual or violent offence, including mentally disordered offenders. They have responsibilities in relation to:

- the victim of an offender who receives a sentence of imprisonment of 12 months or longer after being convicted of a sexual or violent offence;
- the victim of an offender who is convicted of a sexual or violent offence and receives a restricted hospital order (including an order made under criminal insanity legislation); is transferred to prison under the Mental Health Act 1983 with a restriction direction; or receives a hospital and limitation direction. (This only applied where the order or direction was made or the transfer to prison was directed on or after 01 July 2005). Since 03 November 2008 those rights have been extended to victims of offenders detained in hospital under Part 3 of the Mental Health Act 1983 who are not subject to special restrictions, including those who are discharged from hospital onto supervised community treatment.

Probation Trusts, through their victim liaison units, are required to take all reasonable steps to establish whether a victim wishes to make representations about what licence conditions the offender should be

subject to on their release from prison or conditions of discharge from hospital and to forward them to those responsible for making decisions about the prisoner's or patient's release.

Probation Trusts are required to pass on any information to the victim about whether the prisoner or patient will be subject to any conditions or requirements in the event of release or discharge and must provide the victim with details of any which relate to contact with the victim or their family and the date on which any order or restriction is to cease to have effect.

In addition, Probation Trusts are required to also provide the victim with any other information which it considers appropriate in all the circumstances of the case.

Youth offending work

Youth Offending Teams were set up under the Crime and Disorder Act 1998 with the purpose of reducing the likelihood of children and young people offending and reoffending. Youth Offending Teams supervise children and young people on court ordered remands and community orders and work with those who have received custodial sentences.

The Youth Justice Board provides direction to Youth Offending Teams and monitors performance. National Standards outline the minimum standards to be delivered across a spectrum of the youth offending team's work. This includes victim work. So far as victims are concerned, National Standard 7.2 states *'Ensure the YOT complies with all of Section 9 of the Code of Practice for Victims of Crime'*. Section 9 of the Code of Practice for Victims of Crime makes no specific reference to the Victim Contact Scheme. From April 2013, new National Standards have been introduced. The draft improved Code of Practice for Victims of Crime states: *'A youth offending team, where they are supervising an offender under 18, must, within 1 working day of receiving the information from court, notify victims who are eligible for the Victim Contact Scheme about the Victim Contact Scheme. It goes on to confirm that they should then refer those victims' details to the probation trust within 10 working days of the expiry period in which victims may opt out of having their details referred so that they may be offered participation in the Victim Contact Scheme'*.

Youth Offending Teams and local Probation Trusts are required to establish local protocols in relation to victim contact work in order to ensure necessary information about an offender is provided from the youth offending team to the local victim liaison unit.

Parole Board

The Parole Board was established in 1968 under the Criminal Justice Act 1967. It became an independent Executive Non-Departmental Public Body on 1 July 1996 under the Criminal Justice and Public Order Act 1994. The Parole Board's role is to make risk assessments about prisoners to decide who may safely be released into the community.

So far as its involvement in victim contact work is concerned, the Parole Board must:

- consider any representations that victims have made about licence conditions and reflect those considerations in their decision;
- provide an explanation for the non-inclusion of a licence condition which the victim has requested is not included on the offender's release licence;
- read a victim personal statement if one is made;
- consider applications from the victim if they want to attend an oral hearing;
- consider any information about the victim which relates directly to the current risk presented by the offender, and reflect this in their decision.

Commissioner for Victims and Witnesses

The role of the Commissioner is to promote the interests of victims and witnesses, encourage good practice in their treatment and regularly review the *Code of Practice for Victims of Crime* which sets out the services victims can expect to receive.

The Commissioner is available to listen to the views of victims and witnesses, understand the criminal justice system from their point of view and try to help improve the services and support available.

When the fieldwork for this inspection took place, the role of Commissioner for Victims and Witnesses was unfilled; however, in late December 2012 it was announced that Dame Helen Newlove had been appointed and she took up her post on 04 March 2013.

Appendix 2: Glossary

CPS	Crown Prosecution Service
HDC	Home Detention Curfew
HM	Her Majesty's
HMI Probation	HM Inspectorate of Probation
Interventions; constructive and restructive interventions	<p>Work with an individual that is designed to change their offending behaviour and/or to support public protection.</p> <p>A constructive intervention is where the primary purpose is to reduce likelihood of reoffending.</p> <p>A restrictive intervention is where the primary purpose is to keep to a minimum the individual's risk of harm to others.</p> <p>Example: with a sex offender, a constructive intervention might be to put them through an accredited sex offender programme; a restrictive intervention (to minimise their risk of harm) might be to monitor regularly and meticulously their accommodation, their employment and the places they frequent, imposing and enforcing clear restrictions as appropriate to each case.</p> <p>NB. Both types of intervention are important</p>
MAPPA	Multi-Agency Public Protection Arrangements: where probation, police, prison and other agencies work together locally to manage offenders who pose a higher risk of harm to others
NOMS	National Offender Management Service
OASys/eOASys	Offender Assessment System/electronic Offender Assessment System
OMI 2	Offender Management Inspection 2; HMI Probation's three year programme starting in September 2009 assessing the quality of offender management work in the community and custody against its published criteria
OMPPG	Offender Management and Public Protection Group
PSR	Pre-sentence report: for a court
PTRS	Probation Trust rating scheme
Risk of harm to others	This is the term generally used by HMI Probation to describe work to protect the public, primarily using restrictive interventions, to keep to a minimum the individual's opportunity to behave in a way that is a risk of harm to others
ROTL	Release on temporary licence
Safeguarding	The ability to demonstrate that all reasonable action has been taken to keep to a minimum the risk of a child or young person coming to harm
SAMM	Support after Murder and Manslaughter; a national UK charity that supports families bereaved by murder and manslaughter
Victim Support	A national charity for victims of crime in England and Wales
VLO/VLS/VLU	Victim Liaison Officer/Victim Liaison Service/Victim Liaison Unit
YJB	Youth Justice Board for England and Wales
YOT/YOS/YJS	Youth Offending Team/Youth Offending Service/Youth Justice Service

Appendix 3:

Role of the inspectorates and code of practice

Information on the Role of HMI Probation and Code of Practice can be found on our website:

<http://www.justice.gov.uk/about/hmi-probation>

The Inspectorate is a public body. Anyone wishing to comment on an inspection, a report or any other matter falling within its remit should write to:

HM Chief Inspector of Probation
6th Floor, Trafford House
Chester Road, Stretford
Manchester M32 0RS

Appendix 4: References

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