



Guide to
Code of Practice
for **Victims**



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Introduction

Being a victim of crime can be a traumatic and sometimes life changing event. This pack aims to give you the information you need to help you cope and recover, including links to support agencies and networks.

www.DerbyshireVictimServices.co.uk

The **Victims'** Code

The Code of Practice for Victims of Crime (Victims' Code) sets out the services and minimum standards that must be provided to victims of crime by the Police and other organisations. A victim is anyone who has suffered physical, mental or emotional harm, or economic loss, as a direct result of a crime. This includes the close relatives of someone who has been killed as a result of crime. Parents / guardians of victims who are under 18 years of age, and nominated family advocates for victims with a mental impairment or whose capacity has been impaired as a result of the crime, also have rights under the Victims' Code.

You can read the full **Victims'** Code online, with versions available in large print, easy read, British Sign Language and multiple languages.

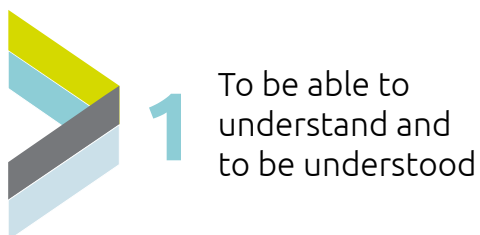
Code of Practice for Victims 2020 The Code of Practice for Victims of Crime in England and Wales and supporting public information materials - GOV.UK

<https://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime>

Under the **Victims'** Code, you can expect to be treated with respect, dignity, sensitivity, compassion and courtesy.

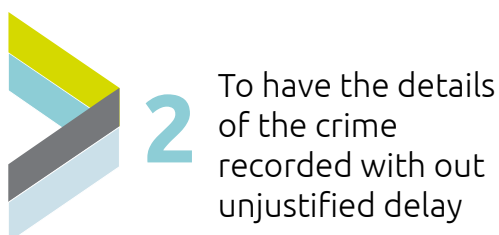
Enhanced Rights

Victims who are vulnerable or intimidated, are a victim of the most serious crimes (including a bereaved close relative) or have been persistently targeted are more likely to require specialised assistance. This may include being offered a referral to a specialist support service, being contacted sooner after key decisions (within 1 working day, instead of within 5 working days) and having access to 'special measures' if giving evidence in court.



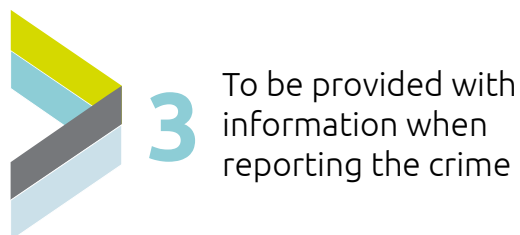
1 To be able to understand and to be understood

You will be given information in a way that is easy to understand and be provided with help to be understood, including, where necessary, access to interpretation and translation services. The Police will conduct a needs assessment, to help them to work out what support you need.



2 To have the details of the crime recorded with out unjustified delay

When you report a crime, you will be asked to provide details and these will be recorded by the police as soon as possible after the incident.

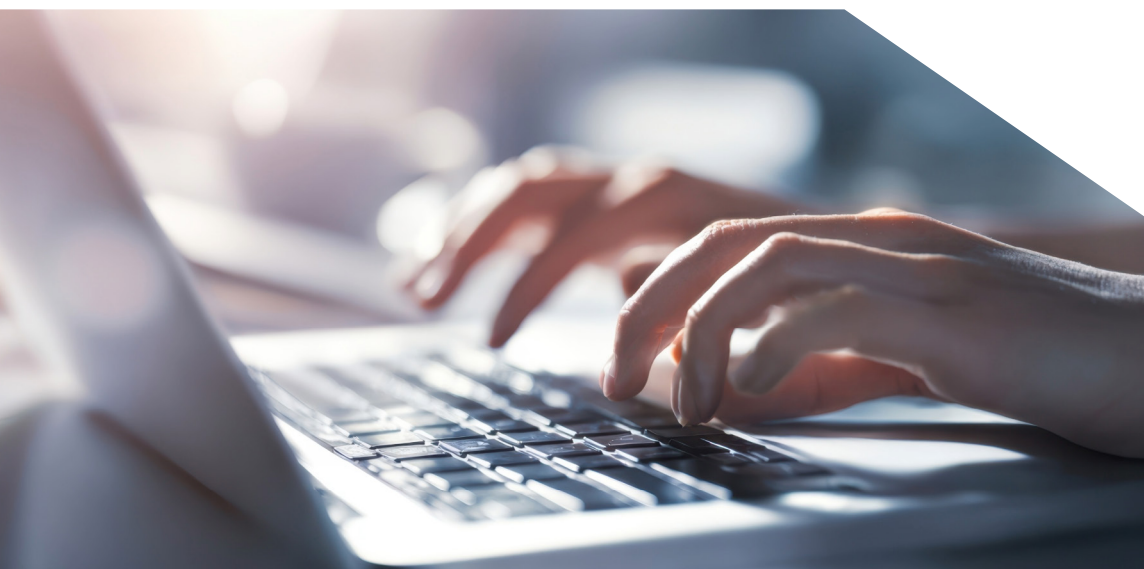


3 To be provided with information when reporting the crime

You can expect to receive written confirmation when reporting a crime, to be provided with information about the criminal justice process and to be told about services for victims.

This could include Restorative Justice, which gives victims an opportunity to tell the offender exactly how they feel about what has happened. More information about Restorative Justice can be found under Right 4.

The Police will also provide you with information about how to make a Victim Personal Statement. This is an opportunity to say how the crime has affected you. More information can be found about Victim Personal Statements under Right 7.





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To be referred to support services that support victims and have services and support tailored to your needs



Derbyshire Victim Services offer a free and confidential service to all victims of crime and anti-social behaviour in Derbyshire to help you cope and recover

www.DerbyshireVictimServices.co.uk

If you report a crime to the police, you will automatically be referred to Derbyshire Victim Services. If your case involves domestic abuse or sexual offence, you'll be directed to specialist services that provide tailored support.

You do not have to report a crime to the police to access the service and you can choose to contact the service at a later date, if you wish. Victim Services will provide you with information and support designed around your individual needs.

This may include:

Emotional and or practical support or advocacy

A dedicated case worker providing one to one support

Outreach and drop in surgeries

Access to Restorative Justice services arranged by their dedicated practitioners.

Restorative Justice

Restorative Justice enables communication between the victim and offender following a crime. The process is voluntary, requiring consent from both the victim and the offender. Restorative Justice is available at various stages of the criminal justice process including: after arrest, after conviction or even once the offender has been released. Restorative Justice may involve face to face meetings or indirect communication via a trained practitioner.

Restorative Justice support is provided in Derbyshire by Remedi (Restorative Services). For more information please contact the RJHUB on: 0300 122 7553 or via

www.DerbyshireVictimServices.co.uk

Specialist Services

Bereaved Relatives

If you are a relative bereaved by homicide, your Family Liaison Officer will ask you if you wish to be referred to specialist independent support provided by the Homicide Service.

Domestic Abuse

If you have been a victim of domestic violence or abuse the officer in charge of your case will ask you if you wish to be referred to specialist independent support, which may include help from an Independent Domestic Violence Advocate (IDVA).

Sexual Violence

If you have been a victim of sexual violence, the officer in charge of your case will ask you if you wish to be referred to specialist independent support such as the Sexual Assault Referral Centre (SARC). The SARC provides a single point of contact for all sexual violence needs, including Independent Sexual Violence Advisors (ISVA), counselling and therapy. The SARC is independent from the police and offers specialist support tailored to meet individual victims' needs. If you wish to opt out of receiving support from Derbyshire Victim Services or would like to know more about the number of rights related to how the Police use your personal information, please visit: www.derbyshire.police.uk/hyg/fpnderbyshire/privacy-notice/



To be provided with information about compensation

If the defendant pleads or is found guilty, the judge or magistrate may order them to pay you compensation for any loss, damage or injury caused as a result of the crime. The police will tell you how to seek compensation and you may be asked to provide evidence of any loss or damage as a result of the crime.

If you have suffered a serious physical or mental injury as a direct result of a violent crime, the police will tell you how to apply for compensation through the Criminal Injuries Compensation Scheme. You must apply as soon as reasonably practical and normally within two years of the incident.

You should not wait for the outcome of a criminal trial to apply; your claim is not dependent on the conviction of an offender. The Scheme will take account of other compensatory payments made to you, such as court ordered compensation or a civil personal injury award.



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To be provided with information about the investigation and prosecution

The Police will keep you informed at key points in the investigation, such as when a suspect is arrested; and when key decisions are made, such as whether a suspect is to be prosecuted or not, or if a suspect is given an out of court disposal. You have the right to receive regular updates; the police will talk to you about how often you would like an update and your preferred method of contact.

Alternatives to Court

Sometimes, the Police will deal with a crime, without it going to court. 'Out of court disposals' are generally not suitable for more serious cases, for repeat offenders or where the offender does not admit their responsibility. You can expect to have your views taken into account when an out of court disposal is being considered, but where this is not possible, the Police or the Crown Prosecution Service (CPS) will explain why.

The **Victims'** Right to Review

You have the right to receive information about how you can seek a review of Police and/or CPS decisions not to prosecute, to discontinue, or offer no evidence in proceedings.

Derbyshire Police **Victims'** Right to Review

The right of a victim to request a review arises where the Police:

Make a decision not to bring proceedings; or

Make a decision that the case does not meet the minimum requirements for referral.

You have the right to request a review within three months of being notified of the decision not to prosecute.

There are a number of reasons why no further action may be taken, including insufficient evidence or where taking matters further is not in the public interest.

You will be updated with the reasons why this decision has been made by the investigating officer. A review will be allocated to a Review Officer of Inspector or more senior rank, dependent on the nature of the investigation.

To request a formal review of a case, please contact our Right to Review service direct via email at **VictimsRighttoReview@Derbyshire.Police.UK** ensuring that you provide your name, incident number, contact number and brief overview of the case you wish to be reviewed. By requesting a review, you are not making a complaint against the service you have received.

Crown Prosecution Service (CPS) Victims' Right to Review

In many cases, decisions about what action to take are made by the CPS. Victims have the right to seek a review, if the CPS decide:

Not to charge;

To discontinue (or withdraw in the Magistrates' Court) all charges;

To offer no evidence in all proceedings; or

To leave all charges in the proceedings to 'lie on the file'

Further details can be found here:

<https://www.cps.gov.uk/victims-witnesses>





7 To make a Victim Personal Statement (VPS)

A Victim Personal Statement (VPS) is your opportunity to explain, in your own words, how a crime has affected you - physically, emotionally, psychologically, financially, or in any other way. It gives you a voice in the criminal justice process and helps the Judge or magistrate understand your experience when deciding the sentence.

You can make a VPS at any point from reporting the incident to when the offender is sentenced. The police will ask if you'd like to give one, it's entirely your choice.

If you do make a statement, you can choose how it is presented in court - you may read it yourself, have someone read it for you, or submit a recording. Even if it's not read aloud, the court will still consider it carefully during sentencing. It can also help identify support you or your family may need.

Once signed, your statement becomes part of the case. If you later remember something important or your situation changes, you can make additional VPS statements.



For Businesses

If a crime has affected your business, you can make an Impact Statement for Business, which explains how it has impacted operations, finances, or reputation. This can be made alongside a personal VPS if needed.

The officer in the case (OIC) will help you with the process.



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To be given information about the trial, trial process and your role as a witness

If your case goes to court, you will be assigned a Witness Care Officer, who will keep you up to date about what is happening and will support you until the case is finished. This includes providing information about the time, date and location of court hearings (within 1 working day for all victims), whether you will be required to give evidence, and the outcome of the hearing.

Having to go to court can be worrying, but your Witness Care Officer will explain what to expect and can arrange a court familiarisation visit with the Witness Service, if required. The Witness Service will ensure that you have a copy of your statement on the day of the trial, prior to you giving your evidence. This is to remind you of what you have said in your statement, but you will not be allowed to take the statement into the court room. Where possible, the prosecutor will meet you before you go into court to explain what will happen and answer any questions you may have.

If you have any problems or concerns about going to court, please contact Witness Care Unit on **0300 1228118** or contact your investigating officer.

Special Measures

If you are a vulnerable or intimidated victim (including those under 18 years of age), you can ask for special measures to be used during the trial, to help you to give your best evidence in court.

If you are a young victim, you may prefer your parent or guardian to be updated with the progress of the case.

Special measures include:

Screens - so that you cannot be seen by the defendant whilst giving evidence;

Live link - you may be able to give evidence during the trial from a suitable location outside the court room, via live TV link.

Evidence given in private - members of the public are excluded from the court room whilst you give evidence;

Removal of wigs and gowns

- at Crown Court, the Judge and lawyers remove their wigs and gowns to create a less formal environment (this is mostly used for young victims and witnesses);

Providing evidence or being cross-examined through PreRecorded Video – this should make it easier for you to tell the police what happened and can mean that you don't have to give evidence at the trial. However, you can choose to give evidence in court, if you would prefer.

You are also entitled to:
Meet with the CPS advocate, wherever possible, to ask about the court process

.....
Ask to use a different entrance

.....
Wait in a separate area.

.....
Please talk to the officer in your case, your Witness Care Officer or other point of contact for more information. The CPS will apply for any special measures on your behalf, but the Court will make the final decision about whether the special measures that have been requested can be used



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To be given information about the outcome of the case and any appeals

At the end of the case, your Witness Care Officer will tell you the outcome, including where available, a brief summary of the reasons for the decision. This will be within 1 working day of them receiving the information from the court, which will be within 5 working days of the outcome of the case.

If you are a bereaved close relative, you will be offered a meeting with the CPS, following conviction, following sentencing, or where the defendant is found not guilty or convicted of a lesser charge.

The Witness Care Unit will tell you if the offender makes an application to appeal the sentence.



**10**

To be paid expenses and have property returned

If you go to court, you will be given information about how to claim certain expenses from the CPS (for example, for travel, childcare, loss of earnings, refreshments and meals).

**11**

To be given information about the offender following conviction

If the offender is sentenced to 12 months or more for certain violent or sexual offences, you have the right to be automatically referred to the National Probation Service's Victim Contact Scheme and assigned a Victim Liaison Officer. If you choose to take part in the Scheme, you will be given information at key stages of the offender's sentence, including if when they become eligible for consideration of parole or release.

**12**

To make a complaint about your rights not being met

If you do not receive the information and/or services you are entitled to, you have the right to make a complaint. For more information please visit:

<https://www.derbyshire.police.uk/complaints>

Further information and support agencies. All services are free, confidential and you do not need to report the crime to the police.

If you have been a victim of any crime and would like support, visit:

www.DerbyshireVictimServices.co.uk
or contact Victim Service on
0800 6126505