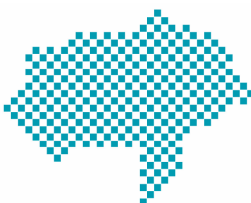


Police and Crime
Commissioner
North Yorkshire



Victims' Code Final Report

Auditor	Faye Simmons
Contact Details	Faye.simmons@northyorkshire.pnn.police.uk 07921 684371
Date of Review	February – April 2015
Draft Report Issued	27 April 2015
Final Report Issued	15 July 2015

1 Executive Summary

The Ministry of Justice's Code of Practice for Victims of Crime was published in October 2013. This new Code requires, amongst other requirements, that victims are updated of significant milestones in cases within five working days, or one working day for victims of the most serious crime, persistently targeted, vulnerable or intimidated victims. Whilst a failure to provide these services does not make North Yorkshire Police (NYP) liable to any legal proceedings, the Code can be used as evidence in legal proceedings and a court may take failure to comply into account when making decisions in any such proceedings.

The crime system Niche is used to log information regarding an occurrence and the victim. The Occurrence Enquiry Log (OEL) is used to record updates to the case and those provided to the victim at the point of key custody events such as arrests, release without charge, and release on police bail.

A sample of 30 occurrences relating to burglary, assault and vehicle crime for the period October to December 2014 were selected from Niche. Positive assurances can be provided in relation to victim contact. In all 30 cases victims were contacted regularly, and were appropriately updated within 5 working days of a key event in their case. It is evident from the OEL that case management is proactive. Particularly good practice evidenced by Internal Audit in one case was where an OIC had gone on leave; this was logged on Niche and the case was promptly reallocated, thus maintaining the same level of victim care.

Vulnerable victims are entitled to receive an enhanced level of victim care. A sample of 20 vulnerable victims relating to burglary, assault and vehicle crime for the period April 2014 to March 2015 were selected from Niche. In the overwhelming majority of cases reviewed the victim had received a Special Measures assessment and been made aware of making a Victim Personal Statement (VPS). In a number of cases reviewed, vulnerable victims had appropriately been referred to external agencies, such as Adult Social Care. It was also found that vulnerable victims were receiving reassurance visits, and for those who were repeat/targeted victims of ASB, a Vulnerability Risk Assessment (VRA) had been undertaken. It is felt that this process is well employed and could be considered for other types of crime.

The use of restorative justice for victims of lower level crime was considered as part of this review. Internal Audit reviewed 10 cases that had been resolved through a community resolution and positive assurances can be provided that they had been used appropriately in all cases.

The audit has considered User Satisfaction Data which is obtained by NYP on a monthly basis, as mandated by the Home Office. Comparison of NYP to most similar forces shows that NYP had the 3rd highest level of overall satisfaction in December 2014, of the 8 forces. There are however some issues that have been raised by the audit.

A review of 20 witness statement forms (MG11) highlighted that there are areas where the organisation is not able to evidence compliance with the Code of Practice. This is due to the MG11 forms not being completed fully. For example:

- 7/20 the VPS had not been explained to the victim
- 3/20 there was no evidence to suggest that the victim had been informed of the possibility of

giving evidence in court

- 8/20 the VPS leaflet had not been provided
- 3/20 the 'Giving a Witness Statement to the Police' leaflet had not been provided

In addition, a review of 40 occurrences showed that there was no evidence that a needs assessment had been undertaken in six cases.

Whilst the majority of cases reviewed showed evidence of the victim being appropriately updated in line with the Code, of the 30 occurrences reviewed there was only evidence of a VCA being agreed in seven cases. In the case of vulnerable victims, of the 20 cases reviewed, 12 had a VCA agreed. In addition, in 16 out of 30 cases reviewed a Preferred Method of Contact (PMOC) was not specified and victims often only gave one means of contact. It would be more effective to take a minimum of two means of contact and for it to be specified which the preferred method is, as these details can change. The making of a Victim Contact Agreement (VCA) as standard practice for all victims of crime would ensure that services are better tailored to the victim's needs.

Overall the system for victim care within North Yorkshire Police is good, and victims are kept well updated in relation to their case. There are however opportunities to improve compliance with the Code, such as a more standard procedure for MG11 completion, and also more evident direction of victims towards useful information. This ensures that the victim is fully aware of the process that they are about to go through as a victim of crime.

	Commentary
Effectiveness of Risk Management Approach	The OEL actively records the contact that the OIC has with the victim of crime, whilst tasks ensure that contact is maintained throughout the case. The MG11 prompts officers to provide the victim with information in compliance with the code, however it is not always adequately evidenced that a victim receives the information that they are may be entitled to.
Efficiency of Risk Management Approach	The review has highlighted a number of areas of good practice such as the Vulnerability Risk Assessment, the Victim Contact Agreement, and multi-agency referrals. These processes, whilst evidence of good practice, are applied only in certain crime areas, the potential result being that all victims may not receive the same high standard of care.
Assurance Level	2 - Reasonable Assurance
Overall Risk	5:8

2 Scope and Approach of the Audit

The audit has reviewed the processes that are in place for the provision of victim care, considering the involvement of the police from the point of a crime being reported through to a suspect being charged. The review focussed on the role of the Officer in the Case and did not consider the responsibilities of the Witness Care Unit or other criminal justice service providers outside of North Yorkshire Police.

The report also comments on internal control. This gives an assessment of the strength of the controls in place in respect of the systems examined, rather than the Force/ the Commissioner as a whole.

Each recommendation is accompanied by an assessment of the likelihood and impact of the risk identified, to North Yorkshire Police/ the Commissioner as a whole.

3 Report Distribution

Name/Role	Draft	Final	Final with Response
Leanne McConnell, Head of Criminal Justice	✓	✓	✓
Det Chief Superintendent Simon Mason, Head of Crime Ops	✓	✓	✓
Deputy Chief Constable Tim Madgwick	x	✓	✓
Chief Constable's Chief Finance Officer, Jane Palmer	x	✓	✓
Commissioner's Chief Finance Officer, Michael Porter	x	✓	✓
Risk and Assurance Unit	x	✓	✓

4 Observations

4.1 Witness Statement Form

Risk Exposure			Root causes		
The Force may not be able to evidence compliance with the Code of Practice for Victims of Crime.			MG11 forms are not fully completed for all victims of crime.		
Probability	Financial	Reputation	Operational	Legal	Rating
Probable	Negligible	Minor	Minor	Minor	5:8

The review identified that the Witness Statement form (MG11) is not completed fully for all victims of crime. For a number of occurrences sampled, sections were left blank either by the Officer in the Case (OIC) or the victim. This form can provide evidence of key areas of compliance and should therefore be completed correctly.

Whilst it may not always be practicable for the victim to complete this form, especially if they are vulnerable, the OIC needs to ensure that they log in some way that the victim has had information explained to them in relation to the VPS and the possibility of having to give evidence in court. This information could be included on the OEL under the victims update.

Furthermore it has been noted that an officer does not always complete the Witness Care section of the form, which covers the outcome of the needs assessment. A review of 40 occurrences found that there was no evidence that a needs assessment had occurred in six cases. The needs assessment is an entitlement of the victim under the Code. It also helps to identify those victims that are eligible for enhanced entitlements, such as Special Measures.

It is therefore advised that the MG11 is completed in full as standard, and where possible any additional relevant information is logged on the OEL. This ensures that compliance can be evidenced, and reduces the risk to the organisation that vulnerable victims may not be identified.

Recommendation 1

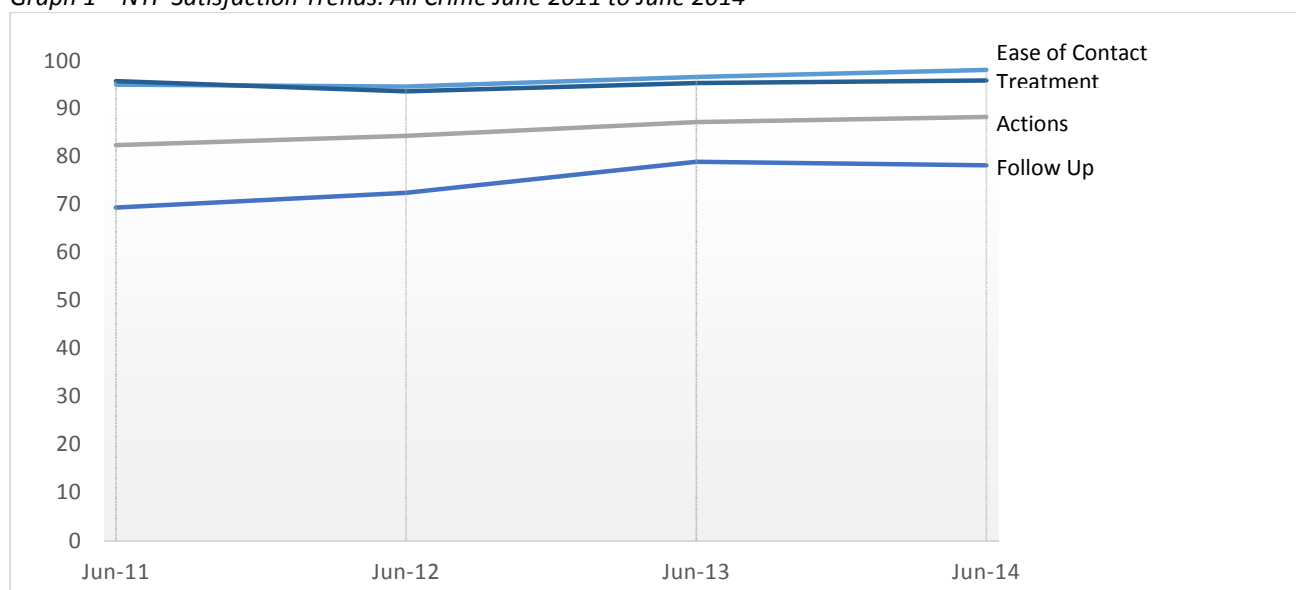
NYP should actively monitor compliance, through the use of dip sampling, and where necessary provide guidance to officers of good practice.

4.2 Victim Contact

Risk Exposure			Root causes		
A victim may not receive updates about their case in line with their needs.			A Victim Contact Agreement is not always made with victims of crime. A Preferred Method of Contact is not always obtained.		
Probability	Financial	Reputation	Operational	Legal	Rating
Probable	Negligible	Minor	Minor	Minor	5:8

User Satisfaction Data is collected on a monthly basis and published by NYP. The data is thorough and can provide a view of how NYP perform in comparison to other forces. In terms of the periods looked at for this review, satisfaction trends for all crime for NYP is as follows:

Graph 1 – NYP Satisfaction Trends: All Crime June 2011 to June 2014



Follow up covers the level of victim satisfaction in terms of being informed about the progress of their case and the ease of contact with the police if the victim had any further questions. This is the lowest performing area. Compared to the 7 Most Similar Forces (MSF), NYP has the 4th highest level of satisfaction for follow up. Figures from December 2014 show the national average for satisfaction is 77.9%, putting NYP slightly behind this figure, allowing the organisation to target improvement in this area, and possibly exceed the national figure.

This could relate back to the MG11, and the potential areas of non-compliance with the Victim’s Code as detailed in section 4.1. For example, providing the victim with information on the court process or the VPS will be of benefit to their overall satisfaction with the service provided by NYP.

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It could also be due to the inconsistent use of a VCA. Whilst the review has highlighted that victims are being appropriately updated, the VCA was established by NYP as a means of creating an agreement between the OIC and the victim about when the victim wishes to be updated in relation to their case. The victim may request to only be updated when a suspect has been arrested or charged for example. The VCA also enables the victim to state the best method of contacting them.

In 7/30 cases examined for victims of burglary, assault and vehicle crime, a VCA was evident on the Niche record. A VCA had been agreed in 12/20 cases reviewed in relation to vulnerable victims. It is advised that the use of a VCA is encouraged for all victims of crime. In addition, in the majority of cases reviewed only one method of contact was specified. Victim contact details are subject to change and this places heavy reliance on the victim to inform NYP of any change in details. If they don't update the OIC this can impact upon the frequency of updates received by the victim and therefore compliance with the Code.

In the absence of a VCA, in those cases sampled by Internal Audit victims had still received updates in compliance with the Code; however more consistent use of the VCA would help to ensure that the victim receives a more tailored service that suits their needs.

Recommendation 2

The Victim Contact Agreement should be used as standard. The Crime Management Unit (CMU) should encourage its use by creating a Niche task on the occurrence, requesting that a VCA is completed.

Recommendation 3

Wherever possible, the OIC should ensure that more than one method of contact is obtained from the victim of crime, specifying which the preferred method is.

4.3 Information on the Occurrence Enquiry Log

Risk Exposure			Root causes		
Leaflets containing key information in compliance with the Code may not be offered to victims.			It is not always evidenced whether a victim has been provided a leaflet or signposted to the information online.		
Victims may not be referred to external agencies when needed.			The OEL may not always provide a detailed log of information regarding the case.		
Probability	Financial	Reputation	Operational	Legal	Rating
Unlikely	Negligible	Minor	Minor	Negligible	6.5

4.3.1 Information Provided to Victims

The audit has highlighted that victims of crime may not always receive key leaflets that they are entitled to under the code. In 8/20 cases sampled the victim did not receive a Victim Personal Statement leaflet and in 3/20 cases they didn't receive a 'Giving a witness statement to the police' leaflet.

Internal Audit has been advised that not all officers hold these leaflets to pass to the victim and that the organisation aims to make more of a move to pointing the victim towards this information online. The information on the Office of the Police and Crime Commissioner (OPCC) and NYP websites were reviewed and found to be very thorough, with links to the full Code of Practice for Victims of Crime and external agencies such as Victim Support included. However, not all victims will have internet access, and this means that they will miss out on key information. As a result NYP may not be complying with key elements of the Code and this could also affect victim satisfaction.

It is therefore advisable that this information is provided wherever possible and evidenced. Where an individual has been signposted to the information online, a leaflet has been offered but not accepted, or the officer did not have any at the time of taking the MG11 and it was sent at a later date, a record of this should be made on Niche.

4.3.2 Referral to other Agencies

It was highlighted that there are occasions where victims are referred to other agencies, or other departments within the organisation for further support through an Inter-Agency Referral form. Officers should refer victims to these agencies if they feel that further support could be provided to the victim. However an officer may need further guidance in relation to these agencies in order to do so. Consideration should therefore be given towards training or advice in this area. If a referral is made, this again could be evidenced on Niche, by saving a copy of the Inter-Agency Referral form on the occurrence.

It has been highlighted that vulnerable victims are offered these referrals, as part of their entitlement to an enhanced service. This practice could be expanded, by offering this service to non-vulnerable

victims of crime as well.

Recommendation 4

When reviewing a case for finalisation the Crime Management Unit should ensure that the OEL holds sufficient details of the contact had with the victim, including any information that the OIC may have provided the victim with, and where necessary remind the officer of good record keeping practices.

Recommendation 5

Where a victim of crime requires referral to an external agency, this information should be recorded using the Inter-Agency Referral Form and kept on the Niche record.

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#	Recommendation	Category of Rec.	Management Action	Action Manager & Completion Date	Satisfactory Response (IA View)
1	<p>NYP should actively monitor compliance, through the use of dip sampling, and where necessary provide guidance to officers of good practice.</p>	<p>NOT PROTECTIVELY MARKED</p> <p>Significant</p>	<p>Management Response</p> <p>NYP have stated that there is a need to actively monitor compliance with the Code of Practice for Victims of Crime. Whilst NYP undertake monitoring of elements of the Victim Code, it is fair to say this is on an ad hoc basis. We recognise there is also a need to ensure a monitoring mechanism is sustainable and embedded as part of an ongoing performance regime.</p> <p>Management Action</p> <ul style="list-style-type: none"> • Explore the use of volunteers to undertake a range of activities in relation to victim code compliance monitoring including checking Niche/OEL/MG11 and subsequent reality checking with victims themselves that they have received a service in line with the victim code requirements. • Brigade existing performance measures captured on databases maintained by teams such as the case quality review function and review whether victim code compliance measures are satisfactory. • Incorporate specific measures where required including the focused review of MG11/MG2/VPS/initial needs assessment completion. • The Force Operational Delivery Board already incorporates case quality as standing agenda where force wide performance at a senior level is scrutinised. This will serve as a feedback mechanism to commanders for dissemination to frontline officers and staff in relation to victim code compliance. • A direct immediate feedback process to officers and their supervision will also be implemented through the case quality review function. • Review existing collateral to ensure consistency across the force so police officers and staff have the most up to date and informed 	<p>Leanne McConnell, Head of Criminal Justice 31 March 2016</p>	<p>Final</p>

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			information to pass onto victims of crime. This exercise will also serve to re-promote the requirements.		
2	The Victim Contact Agreement should be used as standard. The Crime Management Unit (CMU) should encourage its use by creating a Niche task on the occurrence, requesting that a VCA is completed.	Merits Attention	<p>Management Response NYP agrees that the Victim Contact Agreement is a very useful tool with which to engage with victims and manage expectations.</p> <p>Management Action</p> <ul style="list-style-type: none"> • Further marketing around the benefits of using the agreement will be undertaken. 	Leanne McConnell, Head of Criminal Justice 31 October 2015	
3	Wherever possible, the OIC should ensure that more than one method of contact is obtained from the victim of crime, specifying which the preferred method is.	Merits Attention	<p>Management Response</p> <ul style="list-style-type: none"> • The Victim Contact Agreement makes provision for the OIC to do this. • Force Control room staff have clear instructions to obtain as many personal details as they can from victims including email and contact phone numbers. • The witness statement MG11 form makes provision for the author to obtain preferred means of contact for victims (4 methods). • The Supporting Victims' team and Witness Care team at appropriate stages in the victim journey will also seek to obtain and confirm up to date contact details and preferred methods of contact for victims. <p>Management Action</p> <ul style="list-style-type: none"> • Amend Form 150 to make it clearer that the OIC must obtain two methods of contact where possible. • Refresh the communications in relation to the 3 plus 1 data quality campaign in key areas such as the Force Control room/Supporting Victim and Witness Care teams, who take calls from victims. 	Leanne McConnell, Head of Criminal Justice 31 October 2015	

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<p>4</p>	<p>When reviewing a case for finalisation the Crime Management Unit should ensure that the OEL holds sufficient details of the contact had with the victim, including any information that the OIC may have provided the victim with, and where necessary remind the officer of good record keeping practices.</p>	<p>Merits Attention</p>	<p>Management Response</p> <ul style="list-style-type: none"> • The force policy stipulates that before a crime is finalised the victim must be updated and this is quality assured before a crime is closed down. • The MG11 form contains a detachable section entitled 'Giving a Witness Statement to the Police- What happens next?' which includes relevant information and guidance for witnesses and officer details and contact numbers. It also included useful support lines and phone numbers. Every witness who makes a statement will be given a copy of this. <p>Speak to Jayne Larkin</p> <p>Management Action</p> <ul style="list-style-type: none"> • Victim Information Tool Kit for personal issue to every single Police Officer and relevant staff with a personal message from the Head of Criminal Justice to be devised and distributed which will include up to date information and leaflets such as making a VPS, Victims of Crime leaflet, Making a Statement to the Police- What happens next? leaflet, and referral pathways through Supporting Victims team, etc. • Digitalise pack for embedding in CJ subsite and force website, modified as appropriate. • Revised Victim Code due October 2015, this tool kit will also provide a communication method in respect of any changes required to statutory responsibilities. • This will also form part of the new force website due to be launched 1st November 2015. 	<p>Leanne McConnell, Head of Criminal Justice 30 January 2016</p>	
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5	Where a victim of crime requires referral to an external agency, this information should be recorded using the Inter-Agency Referral Form and kept on the Niche record.	Merits Attention	<p>Management Response</p> <ul style="list-style-type: none"> The Safeguarding Referral Form (previously the Inter-Agency Referral Form) since April 2015 is an integral part of Niche meaning that officers can digitally complete the form and email to the relevant agency as detailed on the form. <p>Management Action</p> <p>Include the form in the Victim Information Tool Kit as above.</p>	<p>Leanne McConnell, Head of Criminal Justice</p> <p>30 January 2016</p>	
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Classification of Recommendations

Fundamental	Action is needed to address risks that could impact on the organisation's ability to achieve its objectives. Action will typically be organisation-wide and be necessary at the highest level. Other fundamental recommendations will be made in regard to potentially serious breaches of statutory obligations.
Significant	Action is needed to address risks that impact primarily on one major business area or to address lower risks on an organisation-wide basis.
Merits Attention	Action is advised to enhance control, remedy minor breaches of current controls or to improve efficiency.

Appendix: Assurance Level

Internal Audit assesses the effectiveness of internal control, within the scope of what is audited. This measure is therefore a relative one.

Category	Description
1	Reasonable assurance can be provided that the main risks considered are being effectively managed; action may still enhance the management of risk in a small number of areas. In addition Internal Audit has identified that the approach taken to address risk as representing good practice in this area.
2	Reasonable assurance can be provided that the main risks considered are being effectively managed. Limited management action may be required to address a small number of significant issues.
3	Limited assurance can be provided that the main risks considered are all being effectively managed. Significant management action is required to address some important weaknesses.
4	Inadequate assurance can be provided that the risks identified are being effectively managed. Significant weaknesses have been identified in the risk management action, these are likely to involve major and prolonged intervention by management. These weaknesses are such that the objectives in this area are unlikely to be met.

5 Appendix: Overall Assessment Criteria

Risks in this report have been assessed using the following criteria. It is the same criteria as that used by North Yorkshire Police to assess risk for the Risk Register.

Probability	Highly Probable	Nil	5:7	4:12	2:14	1:16
	Probable	Nil	6:4	5:8	3:13	2:15
	Unlikely	Nil	6:2	6:5	5:10	4:11
	Highly Improbable	Nil	6:1	6:3	6:6	5:9
	Nil	Nil	Nil	Nil	Nil	Nil
		Nil	Negligible	Minor	Significant	Severe
Impact						

Probability	Nil	< 20% Highly Improbably (HI)	20% - 40% Unlikely (UL)	40% - 60% Probable (P)	> 60% Highly Probable (HP)
Impact Categories	Nil	Negligible	Minor	Significant	Severe
Financial (£) - Default - Mandatory	Nil	0 => 100k Increased financial impact less than £100000	100k => 250k Increased financial impact between £100k and £250k	250k => 2.5m Increased financial impact between £250k and £2.5m	2.5m => 3.75m Increased financial impact greater than £2.5m
Reputation	Nil	Negligible adverse publicity. Minimal impact upon public perception	Localised adverse publicity. Minor/transient impact upon public perception of Force or PCC	Criticism at local level. Lasting impact upon public perception of Force or PCC	Intense national media. Criticism at national level
Operational	Nil	Negligible impact upon ability to deliver service and meet Force targets	Minor impact upon ability to deliver service and meet Force targets	Significant impact upon ability to deliver service and meet Force targets	Catastrophic impact upon ability to deliver service and meet Force targets
Legal/Compliance	Nil	Negligible prospect	Minor/Transient	Serious non compliance.	National legal

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		of legal challenge	prospect of legal challenge	Litigation/challenge.	issue.
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