



## **Quality & Standards Department**

Services to victims and witnesses in  
Gloucestershire: issues arising from the joint  
inspection of Gloucestershire criminal justice  
area

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# **Pilot joint inspection of Gloucestershire criminal justice area**

## **Services to victims and witnesses**

### **Observations arising from Victim Support's involvement in the joint inspection process**

#### **1. Introduction**

- 1.1 In September 2003, the criminal justice inspectorates (Her Majesty's Inspectorate of Constabulary, Her Majesty's Magistrates' Courts Service Inspectorate, Her Majesty's Crown Prosecution Service Inspectorate, Her Majesty's Inspectorate of Prisons, and Her Majesty's Inspectorate of Probation) undertook a joint inspection of the criminal justice processes within the Gloucestershire criminal justice area. The Quality and Standards (Q&S) Department of Victim Support undertook a parallel inspection of Victim Support Gloucestershire (VS Gloucestershire), and as a result, significant elements of their inspection work were integrated into that joint inspection process.
- 1.2 The criminal justice inspectorates' report highlights a number of issues in relation to victim and witness care. However, because of the need to address issues across a wide field of criminal justice operations, it is inevitably less able to focus on detailed aspects of the experiences of victims and witnesses and their contact with the various agencies. As a result, it was agreed that Victim Support would prepare a separate paper on its observations during this inspection. This document is, therefore, based on findings both from the joint inspection, and from the inspection of VS Gloucestershire. In so doing, it relies on information gathered from the criminal justice agencies during the process of the joint inspection, but reports particularly on the experience of victims and witnesses interviewed, as well as the perceptions of the volunteers and Victim Support staff with long experience of working with victims and witnesses in the county.
- 1.3 The government strategy document *A new deal for victims and witnesses*, published in July 2003, recognises the importance of supporting victims and witnesses, and addresses the key issues it envisages will improve victims and witnesses' experiences following a crime being committed.
- 1.4 Victim Support's work is described in the strategy document as integral to the success of this strategy. This report will thus begin with a brief description of the operation of VS Gloucestershire, before moving on to the findings from the inspection. These will consider the operation of criminal justice agencies in relation to victims and witnesses, both in terms of direct involvement and indirectly, in the way that VS Gloucestershire's work is supported.

## 2. Victim Support Gloucestershire

- 2.1 VS Gloucestershire came into being in April 2002, as the amalgamation of six pre-existing branch schemes, and the Witness Service. It is an independent registered charity, affiliated to the National Association of Victims Support Schemes (the National Association). It has a board of trustees, a staff of 11 full-time equivalent posts, and an active workforce of around 80 volunteers.
- 2.2 Its mission statement is as follows: "Victim Support Gloucestershire is committed to providing victims of crime and witnesses at court with appropriate and sufficient recognition, support and information to assist in dealing with the crimes which they have experienced, and in attending court to give evidence. It also seeks to ensure that the rights of victims of crime are acknowledged and advanced in all aspects of criminal justice and social policy."
- 2.3 The term 'victims of crime' may include families and friends of victims who have been affected by crime and witnesses to crime who are called on to give evidence.
- 2.4 As such it aspires both to deliver a consistent service to victims and witnesses who are referred via the police or other agencies, or for that matter who refer themselves; and to work to promote the rights and interests of victims within the criminal justice system and elsewhere.
- 2.5 The inspection was, in the main, positive about the service which victims and particularly witnesses received from VS Gloucestershire. However, there were two parts of the county where, as a result of staff changes or restructuring, there had been a loss in the number of volunteers, which had hit morale. The trustee board was aware of this and was taking active steps to increase the volunteer group. It was not possible to say to what extent this had impacted on the service victims had received. However, overall there was clear evidence of the enormous commitment of time and energy given to their work by staff, volunteers, and indeed the trustees themselves across the county.
- 2.6 VS Gloucestershire received over 17,000 victim referrals in the twelve months to April 2003. Performance indicators looking at the appropriate measures of effectiveness are still being developed within Victim Support nationally. There was some concern within VS Gloucestershire as to the quality and reliability of the data they had available. That said, the indications were that VS Gloucestershire was below the national average in terms of the percentage of its referrals who received personal contact from the service in the first instance ie a phone call or a visit, as opposed to a letter offering support. There is a personal contact rate of nearly 17%, of whom 8% are seen personally, and 9% contacted by 'phone. Personal contact is the norm for more serious crimes, as well as others where the victim might have been vulnerable.

- 2.7 Another agency expressed the view that VS Gloucestershire could do more work to target its services to those more in need of them, which was acknowledged in the inspection as something to be further explored. Less than 2% of referrals it receives are from people referring themselves, rather than coming via the police. This is also below the national average, although the local view is that this does not reflect the true figure. The Witness Service meets expectations in terms of the number of people who are offered a pre-trial visit to gain understanding of what is involved in giving evidence as a witness.
- 2.8 Their work also includes assistance, and in some cases, advocacy with regard to Criminal Injuries Compensation claims. Applicants supported by VS Gloucestershire received over £296,000 in awards last year.
- 2.9 VS Gloucestershire holds a central log of cards and letters of thanks. Thirty one formal letters of thanks had been received in the previous 12 months, an impressive record of the gratitude of victims and witnesses. All victims and witnesses interviewed during the inspection commented positively on the service they received from Victim Support: that they did what they could to talk people through the process of their case, chased up information and passed it on to clients. Victims made comments such as: *"If it wasn't for Victim Support, I'd have gone insane"*; and *"They are great; they do everything they can"*. Victims also expressed appreciation for the way in which VS Gloucestershire worked to keep them informed of developments in their case: *"A letter or a 'phone call means a lot"*.

### **3. Direct communication with victims and witnesses by criminal justice agencies**

- 3.1 The majority of victims interviewed during the inspection felt that the police treated them well and with respect at the time of reporting the offence. There were a few notable exceptions, in cases of domestic violence and disputes with neighbours, where the implicit (and in one case explicit) message was that the victims were wasting police time, and police officers had more important things to do.
- 3.2 However, there was nearly unanimous criticism of police care of victims and witnesses following reporting the crime. Victims spoke of a general sense of police unavailability, that, when they rang asking for information, the person they wished to speak to was invariably either out of the office or not on duty, and no-one else seemed able to assist. This was particularly marked with domestic violence officers, and, only to a slightly lesser extent, with family liaison officers. The impression victims received was of a highly under-resourced police force.
- 3.3 Experience of police support following the trial was mixed, some victims saying that they continued to receive assistance when feeling intimidated, others reporting a lack of police concern.

#### **Responsibility for victim and witness care**

- 3.4 There was a serious lack of clarity between organisations as to who has responsibility for various elements of victim and witness care, particularly for providing information.

#### **Transporting witnesses to court to give evidence**

- 3.5 Where this was necessary, it was usually seen as a police responsibility, although at the top level this was not accepted, and in one case CPS staff had been told it was their responsibility to arrange this with VS Gloucestershire.

#### **Notifying victims of developments in their case**

- 3.6 This is usually seen as a police responsibility.

#### **Explaining the reasons for reduction of charge or discontinuance**

- 3.7 This is a CPS responsibility, usually undertaken by means of a letter. In certain more serious cases, they write inviting the victim to a meeting to explain the reasons, if the victim wishes. The CPS in Gloucestershire have a comparatively high number of such meetings which they put down to the pro-activity of Victim Support, rather than any problems with the decisions themselves, or the letters which communicate them. The joint inspection report comments on this issue.

### **Notifying victims of the outcome of cases**

- 3.8 Occasionally this falls to the CPS but, in principle, the police accepted it was their responsibility. However, because they are dependent on the courts to be notified of the result and the courts have serious backlogs, in practice, this like many other tasks in this list is often undertaken by either Victim Support or the Witness Service. The Witness Service has developed an informal arrangement with the courts whereby they receive results by email, a duplicated system developed because of the failure of the formal system.

### **Notifying witnesses of the outcomes of cases**

- 3.9 The Trial Issues Group had issued a service level agreement on witness care which stated whoever is asked should do this, there being no identified agency. Again, this often falls to the Witness Service.

### **Informing victims of appeals against sentence**

- 3.10 For appeals against decisions from the Crown Court, involving cases where the defendant received more than 12 months imprisonment, notification to victims is a probation responsibility. There is no clear responsibility for notifications on appeals from the magistrates' court.

### **Notifying victims of changes to bail status or conditions**

- 3.11 Three victims reported situations where they had a vital need to know what decisions the courts had made regarding bail, and found it very difficult to receive answers. In one case of domestic violence the victim did not know from Friday until Tuesday whether their partner had been bailed to return home. Two other victims expressed concern at being unable to influence the bail decision process, where it had resulted in defendants living nearby as conditions of bail.
- 3.12 Where possible, agencies do generally provide information to victims and witnesses when approached to do so. However, in the main this is reactive, which left some victims interviewed feeling they were a nuisance, forever pestering the police: *"It makes people feel worse for reporting the crime in the first place."*
- 3.13 There were a number of situations described where witnesses were not notified of changes to the court: either adjournments, or guilty pleas about which the court had received advance notification.
- 3.14 In the Witness Service survey of witness satisfaction in Gloucestershire carried out in 2001, 73% of over 200 respondents reported that they had not been kept informed of the progress of the case between incident and trial. The anecdotal evidence was that that has not changed significantly.

## **4. Witnesses' experiences in court**

### **Waiting times**

- 4.1 The joint inspection report quotes data from six monthly surveys of witness waiting times, which suggests that overall waiting times were satisfactory. However, feedback from the Witness Service was of double or treble listing of trials, particularly in the youth court, on the basis that trials would collapse. When trials failed to collapse, this caused serious problems for witnesses. Defence solicitors talked of young people waiting for five to six hours for their trial.
- 4.2 The Witness Service monitors witness waiting times on behalf of the courts. However, it was unclear how this information was shared with the courts.
- 4.3 Witness attendance is staggered at the Crown Court, but not at the magistrates' court.

### **Special measures**

- 4.4 'Special measures' is a generic term for a number of options available to a court designed to enable witnesses to give best evidence. Eligibility for special measures is defined in the Youth Justice and Criminal Evidence Act 1999. In the magistrates' court, the measures are at present only available for witnesses deemed vulnerable, either by age or impairment. In the Crown Court, they are also available for potentially intimidated witnesses.
- 4.5 There were concerns about the way in which decisions were approached as to eligibility for special measures in Gloucestershire. These measures, in particular the use of the video link, seemed only to be considered for child witnesses, and not even routinely for them. In particular, the options did not seem to be raised in cases where witnesses were elderly, or, in the Crown Court, in cases of rape or domestic violence. The responsibility to identify needs for special measures lies initially with the police officer in the case. In any event, the Witness Service workers' view was that a witness may be confident at the first point of contact but be overcome by nerves as the date approaches.
- 4.6 These issues did not appear to be part of the initial review of the case by the CPS. As a result, needs for special measures were being identified by lawyers often at a late stage in the proceedings, and sometimes not at all. A number of cases were cited by Witness Service volunteers where special measures had only been agreed following their own intervention. The resident judge did not feel that he gets all the applications for special measures that he should.



- 4.7 Furthermore, it appeared that the police were not identifying physical disability in their witnesses at a sufficiently early stage - at a time when it might influence the way in which, and the venue at which, evidence is to be given.
- 4.8 A lack of literacy also affects a witness' capacity to give evidence, and again, according to the Witness Service, this was usually only picked up when the witness met with Witness Service staff at court.
- 4.9 Concern was expressed at the lack of availability of screens to separate a witness from the defendant at Gloucester Magistrates' Court, although these are available at Cheltenham.
- 4.10 Although witness pagers had been provided at the Crown Court, no one, including Witness Service personnel, seemed familiar with their potential, and as far as could be ascertained, they had not yet been used. A situation was described where a vulnerable witness had been kept at the police station until called.

### **Accommodation for witnesses at court**

- 4.11 The general court reception facilities at all courts were helpful and able to direct an enquirer to the Witness Service. However, at the Crown Court, the reception area was not always staffed, which meant that referral of witnesses to the Witness Service could not be guaranteed.
- 4.12 There are no reception desks specifically for witnesses at any of the courts in Gloucestershire. Although the resident judge would like to see a fully staffed witness reception desk, the Witness Service co-ordinator has insufficient volunteers to staff this. It is possible that the problem could be addressed by having a constant reception presence, either of court or security staff.
- 4.13 Accommodation for witnesses within courts was highly varied. At no court is there a witness suite including toilets or drinks facilities, so witnesses have to 'run the gauntlet' of potential defendant hostility. At such times they are escorted either by Witness Service volunteers or, where necessary, security staff, who may also be asked to clear defendants away from relevant areas. Victim Support's national policy is to resist escorting (as opposed to accompanying) witnesses, because of the potential risk of harm to volunteers. Some waiting areas are bright and comfortable which helps create a relaxed atmosphere. Others, notably at Gloucester Magistrates' Court, were extremely poor and unwelcoming. One seemed to double as a furniture store. There appeared no scope for the Witness Service to improve these facilities.
- 4.14 At the Crown Court, the Witness Service has access to a number of rooms, although most are not dedicated. Within that restriction, efforts had been made to give the space some sense of identity with the Witness Service, by use of leaflets and posters.

- 4.15 The deficiencies of the witness waiting rooms at the Crown Court were acknowledged by the court, although in fact they were being redecorated at the time of inspection.
- 4.16 Only one magistrates' court had any sort of security alarm in the witness waiting area, and there was none at the Crown Court.
- 4.17 None of the courts has any dedicated facilities for defence witnesses. If there is to be a new court built, these needs should be borne in mind.
- 4.18 In the courts, the Witness Service offices are reasonably well signed.
- 4.19 There is an absence of consideration of witnesses' needs in plans for fire drills and other emergency exercises.
- 4.20 The layout of the Crown Court was particularly user-unfriendly. There appeared to be no tannoy. Within court the parties did not appear always to use their microphones and so hearing was difficult, compounded by the lack of soundproofed doors.
- 4.21 A case was cited of a witness at the Crown Court who was a wheelchair user, who had to give evidence shouting from the doorway. The judge (this was prior to the arrival of the current resident judge) eventually adjourned the case to Bristol Crown Court. Apart from the logistical problems for a person with a disability making such a journey in this particular case, it appeared that witnesses were rarely, if ever, consulted on possible transfers of cases.
- 4.22 With the active cooperation of the CPS and clerks, the Witness Service has facilitated the religious needs, such as prayer breaks, of witnesses from minority groups.

### **Giving evidence**

- 4.23 Witness Service volunteers reported a number of witnesses as saying things like *"If I'd known it was going to be like this, I would never have come"*. This referred not so much to the waiting areas, or the delays, or even the adjournments but to the experience of cross-examination. The Witness Service volunteers felt that cross-examination had become more adversarial in situations where the video link was used. Although there were some efforts to rein in combative advocates, volunteers estimated around 75% of witnesses came out of court 'feeling they were the defendant'. One witness stated that she felt she was *"part of the problem, rather than helping the system"*. As well as this highlighting the need for more robust management of the trial process, the Witness Service may need to review the way it helps witnesses anticipate the experience of giving evidence.

- 4.24 Victims can make a victim personal statement (VPS), giving them the opportunity to describe the effect on them of the crime. The court may wish to consider a VPS at any point in the court process, from bail decisions to sentence. They can be prepared either at the time the offence is reported, or at a later stage. The Witness Service perspective was that VPS are now being provided to courts and are welcomed by victims as providing one way in which they can have their say. However, for many, the real effects of being a victim may take time to be realised.
- 4.25 Unfortunately, the perception of Witness Service volunteers was that the provision of VPS at a later stage, after the initial reporting of the crime, was 'not encouraged'. The Witness Service is inviting more victims attending court as potential witnesses to make an additional VPS. Although it is recognised that VPS are not designed to give victims a say in sentencing, greater use of them might address the view expressed by some victims that "*the emotional damage is not seen by the court*".
- 4.26 Where defendants pleaded guilty, more than one victim spoke of distress at 'lies' told by the defence, which they would have liked to challenge. It is a CPS responsibility to challenge derogatory assertions, made either in mitigation or addressing issues raised in the probation service pre-sentence report, but no other evidence was available to demonstrate how the CPS undertook this responsibility in practice.
- 4.27 It was reported, however, that where cases are adjourned, courts routinely bring the witnesses into court to thank them for attending and to explain the reasons for the adjournment, which was appreciated.
- 4.28 Generally witnesses were positive about the service received from the CPS at court, in terms of provision of information. The Witness Service agreed that where possible, the CPS would respond to requests for information. However, there were mixed views across the county as to the extent to which such information is routinely provided on the CPS' initiative.
- 4.29 As a practical measure, it was suggested that the letters from the police warning witnesses of court hearings should confirm that witnesses will be able to see their statement, as otherwise they get anxious that they will not be able to remember what they had said.

### **The role of the Witness Service**

- 4.30 All Crown prosecution witnesses are alerted to the availability of the Witness Service by letters from police. In addition, in the case of vulnerable or intimidated witnesses, the Witness Service, when notified, contacts the witness direct.
- 4.31 In 2002-2003, the Witness Service supported approximately 1,000 witnesses in the Crown Court, for which over 400 pre-trial visits to the court were arranged. In the magistrates' court, approximately 3,000 witnesses were supported, of whom around 1,000 had pre-trial visits. The support can be before, during and/or after the court appearance.

- 4.32 Witnesses reported positively on their experience of the Witness Service eg *“They understood and gave me strength”* and *“The pre-trial visit was brilliant”*. Witnesses were very appreciative of the opportunity for a pre-trial court visit, where there was scope for one. *“The Witness Service went the extra mile for me”* said a witness who needed evening contact because of work commitments. *“I felt safe, supported by a volunteer wearing a badge”*; *“The Witness Service were vital, explaining the procedure and making it all easier”*; and *“They understood and gave me strength; it would allow me to do it again”*.
- 4.33 Although the Witness Service survey referred to earlier showed 100% satisfaction with the service provided by the Witness Service representatives, this is qualified by the fact that 20% stated that the Witness Service had been unable to answer queries about court procedure satisfactorily. If another survey were to find similar results, it would be desirable for the Witness Service to consider how to ensure that its volunteers are able to advise witnesses on issues to do with court procedure.
- 4.34 The resident judge spoke at VS Gloucestershire's annual general meeting (AGM), and made very positive comments about the work of the Witness Service in the Crown Court. During the inspection, the perception received was that Witness Service volunteers undertook their roles responsibly and appropriately. Others interviewed during the inspection process, including the CPS and defence solicitors, were similarly positive. In one court, ushers had originally been reluctant to accept the Witness Service, as they saw it as taking over some of their role but had come to value it as being in a much better position to support witnesses properly.

### **Services to defence witnesses**

- 4.35 There were no systems in place whereby the Witness Service received advance notification of defence witnesses. One solicitor interviewed had been under the misapprehension that the Witness Service did not offer any service to defence witnesses. However, the Public Defender Service was positive about the way in which the Witness Service had made itself available to its witnesses. Data provided locally showed that only 1.4% of those supported were defence witnesses. This surprised the Witness Service co-ordinator, as there was evidence (even during the inspection) of referrals received from defence solicitors, and that good work in liaising with defence was paying off. It was understood that a leaflet was being prepared by the Witness Service to distribute to solicitors describing the service available.

## 5. Facilitating Victim Support Gloucestershire's work in supporting victims and witnesses

### Victims

- 5.1 The police and Victim Support were on the verge of rolling out a system for automatic data transfer (ADT) that will considerably improve the current systems by which victims are referred by the police to VS Gloucestershire. At the time of the inspection, the referral data was sent by fax. The police were reported as generally running the current system efficiently. However, there were many complaints from VS Gloucestershire regarding the adequacy of the information provided, which for example did not enable them to identify whether cases were for a home visit or not. This was particularly pertinent in potential cases of domestic violence. This necessitated further phone calls to the police that could delay action for over a week until the officer in the case was located. This is outside the *Victims' charter* expectation that victims will be contacted by the service within four working days of reporting the crime to the police. The perception was that the police staff responsible for providing the information were unclear as to what information was sought and for what purpose.
- 5.2 Victim Support staff were concerned they do not receive referrals of parents of children who are abused outside the home. It would be helpful for police child protection officers to develop systems to identify such cases, as such people often have to cope with extreme emotional distress.

### Self referrals

- 5.3 Victim Support offers a service to all victims of crime, whether or not they have reported it to the police. There is, therefore, an expectation that VS Gloucestershire will do what it can to make its service available to people who, for whatever reason, feel unable to approach the police. Such people are often victims of sexual or domestic violence, or racist or homophobic crime. In Gloucestershire, most of the self-referrals are cases of domestic violence or other assaults, often quite a while after the incident.
- 5.4 It was clear that VS Gloucestershire needs to do more enhance its accessibility and profile within the community to increase the number of self-referrals.

### Witnesses

- 5.5 In order to operate effectively, the Witness Service needs as much notice as possible of trials, with the witness' name and contact details. There is a note in the Crown Court protocol that the Witness Service should be advised of witnesses once a court lists a trial, but it does not make any particular agency responsible for this. In practice, this seems to occur only rarely and no systems appeared to be in place for it to be routine.

- 5.6 Unless there is prior notice, the Witness Service relies on receiving from a list of witnesses to attend court (LWAC) from the CPS, usually a couple of days prior to the trial. In the magistrates' court, these were received routinely. This was not the case in the Crown Court, although good informal contacts, particularly with the police, make this less of a concern. Although there is agreement in principle that the Witness Service should receive copies of special measures directions, these were also not received with any regularity.
- 5.7 The greatest problems were with the youth court, where the witnesses are often young and thus more vulnerable. When the Witness Service did receive LWACs, they were usually late and did not provide the contact information. This was compounded when the CPS lawyers are unavailable for clarification. Apparently, having a CPS link-person did not help very much because lawyers either kept the files to themselves or were required to make decisions as to what information could be provided. The less reliable service in these cases may be due to the importance placed by the government on early listing of trial dates for youth cases, resulting in less time for the CPS to put other administrative processes in place. However, given the nature of these trials, and the fact they will often involve young witnesses, it would be hoped that the provision of information to the Witness Service would be a higher, rather than lower priority.
- 5.8 It was noted that the police/CPS standard operating procedures make no mention of the Witness Service and, therefore, also make no reference to a responsibility to provide LWACs.
- 5.9 Good relations were observed on an individual basis between Witness Service staff and staff from other agencies. However, at an institutional level, it was a concern that Witness Service workers reported feeling they are peripheral to the criminal justice process. As a result, they felt they were only given information as a favour, rather than because there was a need.
- 5.10 The Witness Service had asked for a monthly log of trials from the magistrates' court. At some courts this was received without problems while at others it rarely arrived on time. They had asked for email notification of additions and cancellations to the trials list but this service was also patchy. Their problem of accessing the courts' internal email system seems to be due to the lack of a read-only facility on the database.
- 5.11 Similarly, there was a failure to notify the Witness Service when it was known that trials were not proceeding. This caused problems for the Witness Service where they had arranged for volunteers to attend to support the witnesses but who were, in the event, not required. A recent letter from a Witness Service volunteer cited this as their reason for resigning from the service.

## 6. Victims and the resettlement of offenders

### The probation service

- 6.1 The probation service has a duty to maintain contact with victims of serious crimes receiving a sentence of over 12 months' imprisonment, to notify them of developments in the offender's progress through their sentence. Only one victim interviewed during the inspection should have had such contact and, due to administrative error, the probation service had no record of her case. As a result, she had great difficulty accessing information from either the prison service or the probation service, regarding the potential release of the offender in her case. Conclusions should not be drawn from one example, and information received during the joint inspection indicated that for the six months to September 2003, 86% of the victims who fell within the remit of Gloucestershire Probation Service were appropriately contacted within eight weeks of the offenders' sentence.
- 6.2 However, it was noted that the probation victim enquiry officers (VEOs) had a perception that different elements of the system, in particular the prisons and police, did not fully understand the probation service's role with victims. It is for the police to seek the consent of the victim for their details to be passed on to the probation service. The VEOs felt that a fuller understanding by police of how victims were assisted by their work might make receipt of that information more reliable.
- 6.3 On the other hand, VEOs themselves had different approaches to the way in which they might involve VS Gloucestershire in their work. In one half of the county, the VEO routinely contacted VS Gloucestershire prior to any approach to a victim. This did not happen in the other half.
- 6.4 The VS Gloucestershire area manager attends the multi-agency Public Protection Strategy Group, at the invitation of the police and probation service, who jointly chair it, to contribute to the way victims' needs are considered in the management of potentially dangerous offenders. No information was received as to the effectiveness of this contribution.
- 6.5 At an organisational level, both the probation service and VS Gloucestershire recognised that more work needs to be done to improve liaison. An old protocol exists; meetings were established in 2002 to update it, but then petered out, apparently because of changes in probation service personnel. It is understood that since the inspection, the probation service has begun work to review its victims' policy and strategy. It is anticipated that this will involve a revision of the protocol with Victim Support.
- 6.6 As well as considering routine shared management of cases, three policy issues were identified during the inspection that might need to be addressed by these joint meetings:
- \* The probation service's 'scheme to promote racial equality' makes no mention of the issues of working with victims of racially motivated offences, in which some VS Gloucestershire personnel have had special training.

- \* The Area Child Protection Committee procedures make no reference to the duty of the probation service to consult with victims prior to supervised release in relevant cases. The procedures recognise the role of the Witness Service in supporting child witnesses but VS Gloucestershire seems not to be included in the 'useful telephone numbers' section of the procedures. Although it is not normally necessary, there might be times when Victim Support would need to be included in the information sharing regarding violent offenders, but this is not acknowledged in these procedures.
- \* Victim Support is beginning to receive referrals from the prisons, of prisoners who have been victims of crime, not least of prisoners who have experienced racist incidents. These referrals tend to come via prison probation staff. VS Gloucestershire acknowledged that they have not had a consistent position on working with prisoners, and are not always in a position to respond to such referrals. This is an issue on which VS Gloucestershire needs to determine a clear policy.

### **Youth offending team (YOT)**

- 6.7 The YOT's main contact with victims is in relation to their work with young people on referral orders, in which the scope for mediation between victim and offender is explored. VS Gloucestershire is represented on the Referral Order Steering Group and relations between the two organisations appeared positive. The number of cases where victims actually met offenders was low, although if this reflects victims' wishes, Victim Support's perspective is that this would not necessarily be a problem. That said, the mediation practice guidelines were considered rather weak on recognising the potential for mediation to revictimise the victim. On the other hand, the YOT procedures for working with victims were much more sensitive to victims' needs.



## **7. Victim Support Gloucestershire and policy and strategy issues in Gloucestershire**

### **Local criminal justice board**

- 7.1 As an organisation delivering a service in the context of the criminal justice system, it might have been expected that VS Gloucestershire would have been actively involved with the local criminal justice board (LCJB) at some level or other. VS Gloucestershire had been an active participant in the Criminal Justice Strategy Committee that preceded the LCJB. However, at the time of the inspection VS Gloucestershire had not managed to develop any working dialogue with the LCJB. The company secretary had written to the chair of the LCJB more than once without getting a clear response. No minutes of LCJB meetings, nor copies of plans, had been received.
- 7.2 During the inspection, members of the LCJB expressed some ambivalence regarding the position of VS Gloucestershire. This was stated as being partly because if the funding of Witness Services is devolved to local LCJBs, as the government has proposed and is intending to pilot, the LCJB would become a purchaser of services. This was also partly due to some confusion as to the extent to which VS Gloucestershire was a service provider or a lobbyist for victims and witnesses. There was not even clear agreement between LCJB members as to whether there was any duty on the system to support witnesses, or whether Victim Support had any mandate to represent the views of victims and witnesses.
- 7.3 There is no doubt that if and when VS Gloucestershire becomes a provider of services purchased by the LCJB, the nature of the relationship it wants to have with the LCJB will need to change, to reflect constitutional and contractual proprieties. However, at this stage it is far from clear that this is what the future will hold. In the meantime, according to a recent survey, Gloucestershire is one of only three Areas (out of 38 who responded) in the country without any VS involvement in the LCJB at one level or another. It was also notable that in a recent survey of LCJBs undertaken by the National Board, Gloucestershire was one of the few that had not identified a lead officer on victim and witness issues.
- 7.4 Although the Chief Probation Officer had apparently written to a number of community-based agencies in May 2003, inviting them to a consultation meeting on behalf of the LCJB in September, VS Gloucestershire had no record of this and the meeting was in any event cancelled.
- 7.5 The lack of recognition for VS Gloucestershire from the LCJB was symptomatic of what appeared to be its low profile at a county level. This was possibly because it had only recently started operating on a countywide basis, although in point of fact the VS Gloucestershire AGM had been well attended by representatives from the criminal justice agencies. Another example of this lack of recognition was that the police had recently introduced community neighbourhood wardens but omitted to involve VS Gloucestershire in their induction or training.

- 7.6 Further, although in principle all criminal justice agencies except the prison service are represented on the VS Gloucestershire board, in practice only the police attend with any regularity.
- 7.7 There are at least three potential reasons why the LCJB might see a value in dialogue with VS Gloucestershire:
- \* The work of VS Gloucestershire contributes directly to two specific LCJB targets: reducing ineffective trials: and above all, improving public confidence in the criminal justice system by 'enhancing the services to victims and witnesses'. The LCJB might for example wish to undertake a strategic overview of the use of special measures in the Gloucestershire courts, to which the Witness Service would be well placed to contribute.
  - \* Given the possibility of the devolution of funding for the Witness Service, some preliminary discussion as to the advantages or disadvantages of this and its possible parameters and implications, might be beneficial.
  - \* As an organisation with a strong community base through its volunteer networks, VS Gloucestershire is in a good position to offer a user perspective on the LCJB's effectiveness.
- 7.8 It is fair to note that this does appear to be an area where there has been positive movement since the date of the inspection, and it is understood that the chair of the LCJB has now written to VS Gloucestershire, confirming that it will not sit on the executive committee, but will be involved in relevant subgroups and be able to submit or present issues for consideration by the board.
- 7.9 Within the LCJB's *Narrowing the justice gap* plan, priority four, action five, is 'to improve facilities for witnesses and processes for communication'. The performance report for July 2003 reports on progress on the witness waiting area outside court four at Gloucester Magistrates' Court but it was not obvious from a site visit if any progress had been made. No other actions were identified in the plan with regard to this priority.
- 7.10 Thus far, there appeared not to have been any dialogue with the Witness Service as to their possible role in reducing ineffective trials. The Witness Service staff were of the view that their work in supporting witnesses, reducing their anxiety and helping them familiarise themselves with the court and court procedures, reduces the number of ineffective trials.
- 7.11 At the time of inspection, VS Gloucestershire had appointed a vulnerable and intimidated witness worker whose responsibility would be to make this support more palpable, but she had not yet taken up her post. The Witness Service workers regarded it as their role to encourage potentially reluctant witnesses to attend court but not part of their duty to persuade them, as that would be contrary to the principle of enabling victims and witnesses to make their own choices and decisions. However, there was no monitoring undertaken, either by the Witness Service or other agencies, which might quantify the Witness Service's contribution to reducing ineffective trials.

- 7.12 The joint inspection report comments on the number of witnesses who attend court but are not called to give evidence, which had declined to 38% in the Crown Court but increased to 61% in the magistrates' court. From a witness' perspective, this figure fails to distinguish between cracked trials where their involvement will end, either because the defendant pleads guilty or the prosecution offers no evidence; and ineffective trials where their presence will be required at a later date. Not infrequently, it is the very fact that a witness has attended court that may make a defendant plead guilty. In such circumstances, most witnesses will be relieved rather than frustrated, as long as the situation has been properly explained to them. This was borne out by comment from victims and witnesses in Gloucestershire. In that sense, good witness care may actually increase cracked trials.
- 7.13 Ineffective trials, on the other hand, are always unwelcome to witnesses. In the survey of witnesses undertaken by the Witness Service in 2001, 53% attending court had had their trials adjourned on a previous occasion.

### **Court based groups**

- 7.14 The court user group for the magistrates' courts meets only twice a year. There appeared limited confidence in this as a forum for addressing issues, because its infrequency meant that accountability for actions identified was weak. There was no court user group in the Crown Court, although from the point of view of the Witness Service good informal communications meant that this was not an issue. It was noted that the Crown Court protocol on section 51 cases (direct transfer of indictable only cases to the Crown Court) makes no mention of the need to consider special measures, nor of a role for the Witness Service.
- 7.15 The Witness Service has a local support group, attended by representatives of the relevant criminal justice agencies, at which concerns such as problems in receiving information from the CPS and courts are raised. It appears that on some issues, certainly at 'grass roots' level, progress has been made. On other issues it appeared that lack of resources remained a frustration.
- 7.16 The Criminal Justice Case Management Group and its counterpart for youth cases, meet regularly on a countywide basis. These meetings were regarded by the Witness Service as both positive and constructive.
- 7.17 The Witness Service is actively involved in the Speaking up for Justice Group which has a responsibility to progress work on protecting vulnerable and intimidated witnesses. This was generally considered to be an effective forum. The group has been working on a joint agency protocol. This is a thorough document, clear on communication systems and responsibilities but at the time of the inspection it had not been agreed by the group, for reasons that were unclear. The protocol creates an expectation that implementation will be monitored, although it does not define how, and by whom.

## **8. Conclusion**

Given that there are recommendations in relation to victims and witnesses in the joint inspection report, as well as in the Q&S report on Victim Support Gloucestershire, this document makes no separate recommendations. Indeed one of the recommendations in the report on VS Gloucestershire is that they use this paper as the basis for dialogue with the criminal justice agencies, to facilitate their own work and to promote the rights of victims and witnesses in the county. The government's stated intention is to increase the satisfaction and confidence of victims and witnesses. It is hoped that this report can assist those responsible for criminal justice in Gloucestershire, by offering practical examples of issues where scope for improvement remains.

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**Head of Quality & Standards Department**  
**Victim Support National Office**

December 2003

## **9. Addendum**

### **Inspection team**

Mark Harris - Head of Quality & Standards Department, Victim Support National Office; Lesley Daniels - Deputy Chief Executive, Victim Support Greater Manchester - acting as lay inspector.

### **Victim Support Gloucestershire**

Celia Hargrave - Chair;  
Brian Farmer - Area Manager.

The inspection team wishes to thank all those who participated in this inspection, including:

### **Trustees**

Bill Hobman - Vice Chair; Margaret Headen - Company Secretary; John Lamb, Ray Snelling, Richard Butt-Evans.

### **Staff**

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