

VICTIMS OF CRIME – CCRC CONTACT WITH VICTIMS

CASEWORK POLICY

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Introduction

1. The Code of Practice for Victims of Crime was issued under section 32 of the Domestic Violence, Crimes and Victims Act 2004. The Code came into effect in 2006 and was last updated in 2015. It outlines the services to be provided in England and Wales by Criminal Justice System organisations to the victims of criminal conduct.

2. Under the Code each organisation, including the police, prosecution, Court and the CCRC, has specific responsibilities to victims. The Code relates to any case (whether an application in respect of conviction, sentence or both) in which there is an identifiable victim, irrespective of the seriousness of the case. It will apply therefore, to minor theft as well as to serious assault. Where a person dies as a result of criminal conduct, or is unable to receive services as a result of disability, the victim’s family spokesperson is entitled to receive services under the Code. The CCRC will have regard to the responsibilities of

other organisations and the potential need to co-ordinate in respect of victim notification, as appropriate, on a case by case basis.

3. The CCRC's initial preservation notice under section 17 of the Criminal Appeal Act 1995 to the police includes information about the CCRC's approach to its duties under the Code of Practice for Victims. This information is set out in the **Appendix**. For further information about section 17 see policy on [section 17](#).

Initial considerations

4. Whenever a case is proceeding for review (whether in respect of conviction, sentence or both), the question of whether or not the victim should be informed of the CCRC's involvement will be considered at the point of screening (whilst the case awaits allocation for review), allocation for review and, where appropriate, at the point of decision. The following factors will be taken into account:
 - (i) The likelihood of media attention.
 - (ii) The likelihood of the victim becoming aware of the review as a result of the CCRC's investigation.
 - (iii) Whether the case is likely to be referred.
 - (iv) Whether any approach from the CCRC could cause a victim distress.

Recording procedure

5. Decisions as to whether or not a victim is to be informed of the CCRC's review will be made:
 - By the Group Leader at the point of screening.
 - By the Case Review Manager and Group Leader (or Nominated Decision Maker where one is appointed), consulting with the Head of Investigations as appropriate, in the early case planning stage after allocation (and may be reviewed during the course of the review).
 - By the decision making Commissioner/committee at the point of decision.
6. The decisions and reasons will be entered into the case record.
7. The Code requires the CCRC to record the reasons for its decisions as to the extent of contact with a victim. Such decisions will be entered in the Case Record. The police **must be informed of any decision to contact a victim via the CCRC's established 'Point of Contact' where appropriate.**

Contact with victims

8. On rare occasions it may be necessary for the CCRC to contact or to interview a victim. For further information about interviews, see policy on [Interviewing](#).

Documentary information to be provided to victims

9. Once the CCRC has decided to contact a victim this may be done directly, or with the assistance of the police (or another relevant organisation, where appropriate). However the approach is made, the victim must be provided with information about Victim Support.

Ongoing contact with victims

10. Where a victim has been informed of the CCRC's review s/he must also be informed of the outcome unless they have expressly asked not to be informed. The CCRC must, so far as possible, ensure that arrangements are in place to ensure that the victim is notified of the decision at the same time as the applicant.

Referral cases

11. Where a decision is made to refer a case and the victim has not been informed of the CCRC's review at any earlier stage, the CCRC must consider whether it is appropriate to inform the victim of the referral decision.
12. In most cases, the victim should be informed of a referral irrespective of whether s/he has been made aware of the CCRC's review of the case. Only in the most exceptional cases will a decision be made not to inform the victim. Where a decision making committee is minded not to inform the victim of a referral, the Chief Executive must be informed before the referral is made known to the applicant.

Responsibility of decision-making committees

13. Decision-making committees in referral cases will always consider and record whether and, if so, how the victim is to be informed. Arrangements for informing the victim of a referral should be put in place before the decision is released.
14. In complex or serious cases it may be necessary to inform a number of close relatives, and sufficient time must be allowed for that process to be completed.
15. The decision-making committee should decide and record the extent of any explanation to be given to the victim.

Information to be given to victims on referral

16. Victims should be given a brief explanation of the CCRC's reasons for a referral. This will generally be limited to the generic reason or reasons, for example, new scientific evidence, or non-disclosure of unused material.
17. Care will be taken not to breach the limits on disclosure set by the Criminal Appeal Act 1995. For further information about these statutory requirements, see the policy on [Disclosure by the Commission](#).

Media statements

18. The CCRC will not generally issue a press release about a referral until the victim has been notified.

Liaison with the Independent Office for Police Conduct

19. The Independent Office for Police Conduct (IOPC) may undertake investigations. In those circumstances, the IOPC effectively replaces the police as the body investigating the alleged offence and has the responsibilities of the police under the Code of Practice for Victims.
20. Where the Commission is reviewing the conviction of a police officer (or member of another law enforcement agency) which resulted from an investigation by the IOPC (or its predecessor the Independent Police Complaints Commission), the CCRC will liaise with the IOPC with regard to victim notification. In such cases, the CCRC's initial section 17 preservation notice to the police will be used for the IOPC.

Complaints

21. The Code of Practice for Victims of Crime states that victims are entitled to make complaints against service providers within the CJS. Any victims who have had contact with the CCRC and wish to make a complaint about the service they received can do so via the CCRC's internal complaints procedure. [Complaints Procedure](#)

Appendix – Information contained in initial section 17 notice to police

- I. The Commission's initial section 17 preservation notice to the police includes information about its approach to its duties under the Code of Practice for Victims. This information is set out below.

Notification of Victims: Introduction

- II. Both the police and the Criminal Cases Review Commission (CCRC) have notification responsibilities to victims under the Code. It can often be difficult to balance the value of notifying the victim (if at all) at an early stage of the CCRC's review of a case, against the concern or distress such notification may cause unnecessarily or prematurely.
- III. The obligations of the CCRC to victims are set out in section 6 of the Code. By far the majority of cases reviewed by the CCRC involve neither making enquiries that would come to the attention of the victim, nor do they excite media interest, nor are they referred. The CCRC does not normally contact the victim in such cases. However the CCRC will normally inform victims if a case is referred for an appeal and must inform victims of the final decision (whether or not the case is referred for an appeal) if the victim has already been made aware of the CCRC's review unless they have expressly asked not to be informed.
- IV. The CCRC regularly serves notices on the police to preserve material. Such notices are normally served on receipt of an application which the CCRC may not be in a position to review for a considerable period of time. Receipt of a section 17 notice should NOT therefore be taken by the police as an indication that a review has commenced.
- V. The CCRC will inform the police of any case where the Commission makes a decision to contact the victim where appropriate.
- VI. If the police at any stage are considering making the victim in a CCRC case aware that a review of the case is taking place, this should be discussed with the CCRC in advance. In any event the police are requested to inform the CCRC of any case where they have decided to inform the victim of the review.