

2021/22 Annual Report

Dame Vera Baird QC
Victims' Commissioner
for England and Wales

June 2022





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Presented to Parliament by the Deputy Prime Minister,
Lord Chancellor and Secretary of State for Justice Dominic Raab
by Command of Her Majesty

June 2022



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- 1:1** Index
- 1:2** Foreword
- 1:3** Notable achievements
- 1:4** Vision
- 1:5** Victims' Law
- 1:6** Rape
- 1:7** Fraud
- 1:8** Courts
- 1:9** Violence against women and girls
- 1:10** Boys and Men: victims of sexual and domestic abuse
- 1:11** Anti-social behaviour: living a nightmare
- 1:12** Less heard victims
- 1:13** Pressing issues for more victims
- 1:14** Research
- 1:15** Correspondence with victims: a learning process for us
- 1:16** Recommendations
- 1:17** Role of the Victims' Commissioner
- 1:18** Team and stakeholders
- 1:19** Budget and spending



Foreword

**Victims simply want and need good and fair treatment.
It's time we delivered.**

The public is sympathetic to victims of crime. Perhaps because they themselves can picture being in the same position. Many would perhaps be surprised therefore that, in the criminal justice process, victims are not viewed quite so sympathetically.

The role of the criminal justice process is to focus on the defendant. The defendant is prosecuted for a crime in which the state is seen as the victim – the actual victim has no formal role in proceedings. If the victim serves as a witness, they are only a bystander, there to relate what the defendant did. And though criminal justice professionals, police and CPS are not unsympathetic people, victim care is peripheral to their core work in driving our adversarial justice system. The tone of the Victims' Code reflects this; Code rights are written as little more than favours to be delivered if the agencies can fit them in.

But it is particularly important these days that victims are supported and given procedural justice. Many victims have suffered damaging crimes, which until quite recently were hidden crimes: rape, domestic abuse, trafficking, and forced marriage. These victims are traumatised and vulnerable. Perhaps the criminal justice system has not yet appreciated that it plays a key and defining role in their recovery. Our social contract surely requires that victims of crime will be helped to cope and recover by the criminal justice process. Certainly, victims should not come away from the justice process

having been made to feel worse. Victims must be seen as the involuntary participants in the crime and the process that they are – the people who suffer the most. They simply want and need fair treatment. It's time it was delivered.

It is hard to be optimistic about criminal justice when prosecutions have been falling year on year. At the end of 2021, there were 1.1m prosecutions, some 21% lower than in 2017. The collapse in rape and domestic abuse charges is a particular scandal. On a near-daily basis we hear of police failings in tackling these crimes: CPS demands for rape complainants to hand over endless private material so their credibility can be scrutinised in minute detail, domestic abuse cases 'no-crimed', black and minoritised victims reluctant even to approach police lest they are seen as an immigration offender and not a victim.

The backlog in the Crown Court, where the most serious crimes are tried, currently stands just shy of 59,000. The Ministry of Justice forecasts that by November 2024 there will still be between 48-52,000 outstanding cases in the Crown Court. The Public Affairs Committee recently labelled this progress as 'meagre'. It's hard to disagree. And rape, as is so often the case, is at the back of the queue. Rape victims are often subjected to 3 to 4 years' excruciating delay from offence to trial. Quite obviously more must be done.

There are grounds for some optimism with the publication of the draft Victims' Bill.

At present, the Bill looks insufficient to meet the scale of the challenge. But the government has wisely published its proposals in the form of a draft Bill and invited pre-legislative scrutiny from various quarters, signalling their openness to compromise. Currently, the draft Bill lacks an accessible complaints system. This is required to deliver redress to individuals, ensuring they can demand their rights under the Victims' Code. Statutory duties for criminal justice agencies to deliver the Code rights and collect data on one's own institutional performance are blunt instruments even accompanied by more inspections. And the Code must be re-written and made enforceable.

We submitted a 98-page submission to the consultation with recommendations formed through dozens of roundtables I held with the victims sector. Regrettably, few of these recommendations have been taken on in the draft legislation. We must now work to transform the Bill and its related package of non-legislative measures so that the victims who took the time to talk to us and respond to the consultation get the improvements they deserve.

There is an all-important Victims Funding Strategy, too. More than 80% of victims of crime do not enter the criminal justice system and yet need professional support. So, it's clear that

Our social contract surely requires that victims of crime will be helped to cope and recover by the criminal justice process. Certainly, victims should not come away from the justice process having been made to feel worse.

this must be a priority. At its core, it must deliver long-term sustainability for the victims' sector and put an end to the perpetual shoe-string and cliff-edge budgets on which victims services have struggled on for decades.

As we approach the end of my third year in post and the conclusion of my first term as Victims' Commissioner, I remain unashamedly ambitious for victims of crime. As this annual report reflects, much has been achieved over the course of these past three years. Should I be re-appointed for a second term as Commissioner, I look forward to continuing to drive the victims' agenda forward, working in a community with victims and the services that work on their behalf, and using what influence this role can command to usher in change.



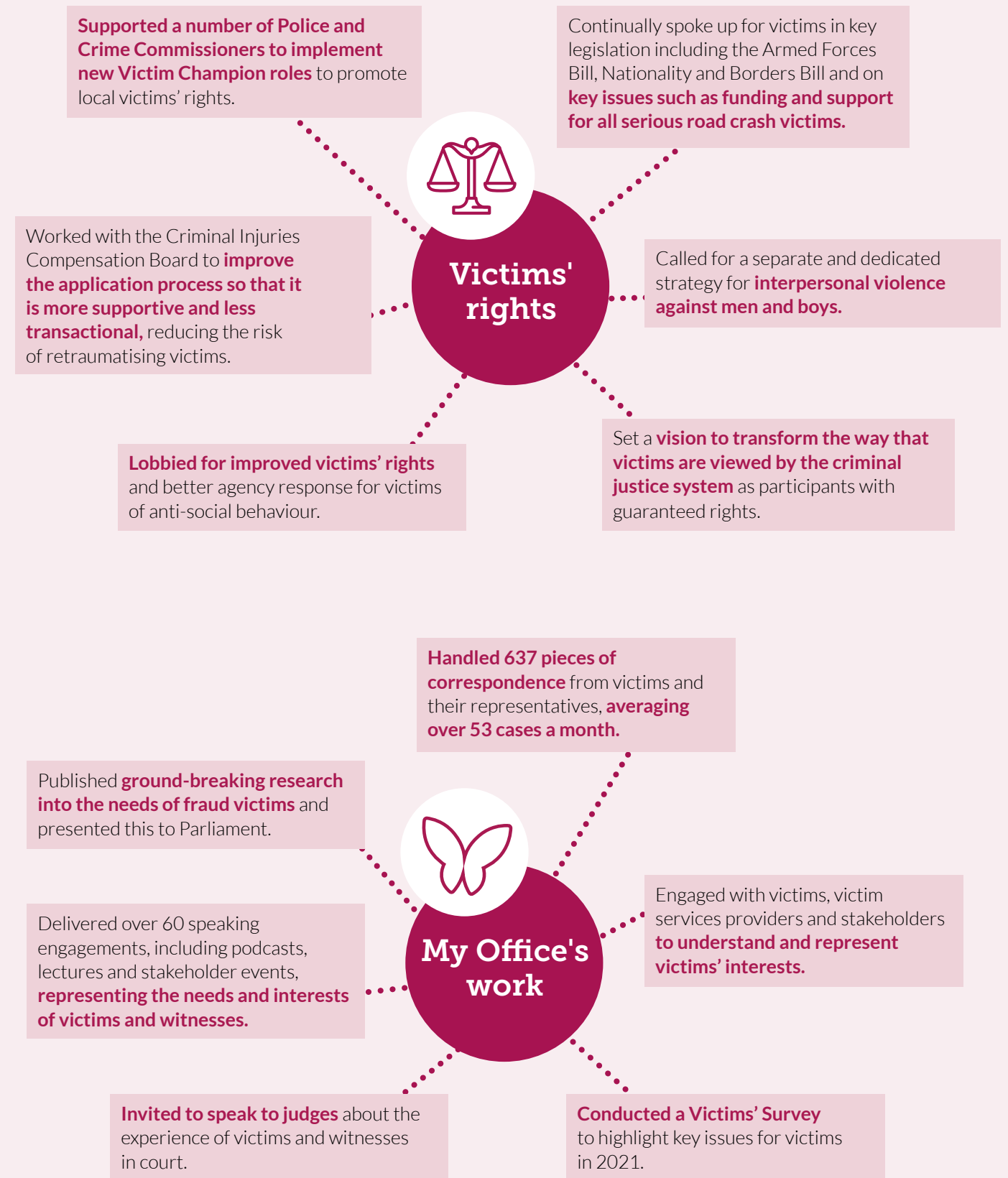
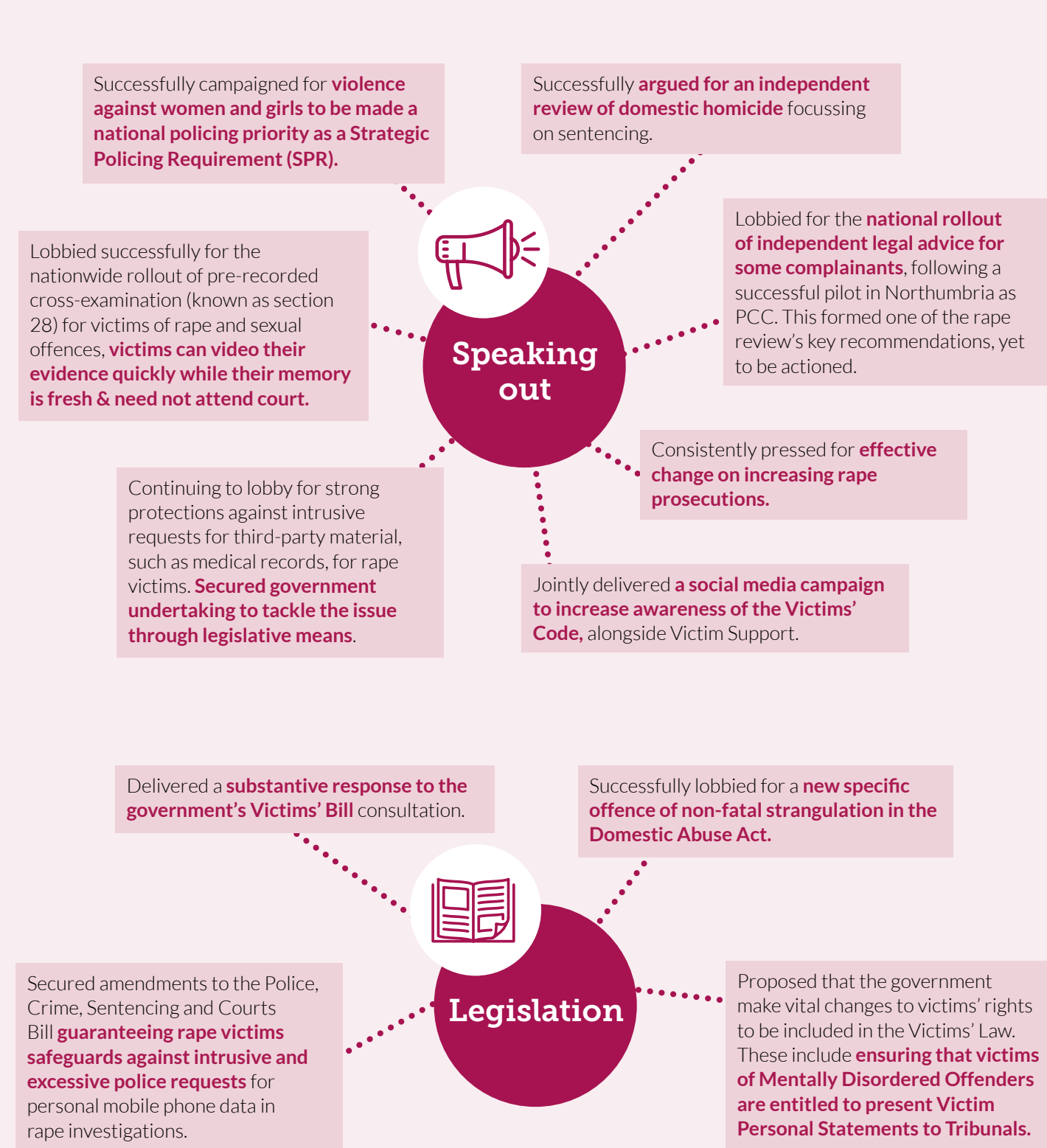
Dame Vera Baird QC

Victims' Commissioner for England and Wales



Dame Vera Baird QC, Victims' Commissioner.

Notable achievements



Vision

Victim as participant

How have we got to the position where victims find their treatment by the criminal justice system to be worse than the crime? We urgently need an entire change of culture in how the justice system sees, hears and helps victims.

The criminal justice system is fundamental to the very relationship between the state and its citizens. It is the source of redress and punishment and it is at the heart of our 'social contract'. Citizens expect that the justice system will offer them protection from crime – and due remedy if a crime is committed. Yet for victims of crime, this social contract is breaking down, with faith in the justice system in sharp decline. A radical shift is required; we urgently need a change of culture in our justice system. The landmark Victims' Bill presents us with just the right vehicle to restore victim confidence and deliver true victims' rights. I urge the government to seize the moment.

The reluctant participant

Victims are inevitably – and by their very nature – reluctant participants in the criminal justice system. But it is their very participation in the justice system that is central to prosecuting criminals and tackling crime. Put simply, the criminal justice system ceases to function without the involvement of victims.

Yet all too often, victims are treated as nothing more than an afterthought by our justice system – a bystander to proceedings, rather than the valued and necessary participants that they are. As a result, many would rather sacrifice their chance at justice than risk being further victimised by our justice system.

It's time for our justice agencies to finally grasp that justice cannot be delivered without victims. The involvement and contribution of victims deserve special status and recognition. I'm calling for a redefinition and reconceptualisation of the role of the victim in our criminal justice system. One that moves beyond treating victims as simply an onlooker or maybe a witness. We need a cultural shift that sees the victim as a recognised, valued and active 'participant' within our justice system, with a formal, recognised 'participant' status – and guaranteed victims' rights that flow from that status.

What do victims need?

All victims are affected by crime. Sometimes they are profoundly

impacted. Many victims of crime will have suffered a serious injury, an intrusive burglary, sexual assault or the death of a loved one. They are intimately involved from the day of the offence through the process and often beyond.

So, what do victims need from the criminal justice system in response to crime? Often, we hear the rhetoric that victims are "at the heart" of the criminal justice system. It is true that victims do need to be centred within the justice system. But in a very different way. At its core, it's very simple: it is about decent treatment, process and procedural justice. It's about being seen, heard and helped.

Procedural justice is based on four central principles: treating people with dignity and respect, giving citizens a voice during encounters, being neutral in decision-making, and conveying trustworthy motives. If people perceive they are being treated fairly and decently by authority figures, they are more likely to be satisfied with the outcome.

We know, for example, that victims place at least as much and sometimes more value on procedural justice and decent treatment than on the perpetrator being convicted or sent to prison. But these victim needs are, in effect, side-lined by our justice system, which centres on the state and the defendant.

As my 2021 Victim Survey showed, victims want to be treated with fairness and respect by police, for the crime



Dame Vera giving the keynote lecture 'From Bystander to Participant: is this a critical time for victims?' at Sussex University, March 2022.

to be investigated, and to be kept informed of the progress of their case. These are hardly arduous asks, but all too often our justice agencies are found wanting. Victims simply want and need good and fair treatment. It's time we delivered.

A victim of the process as well as the crime

Victims are seen as temporary and marginal to criminal justice proceedings – at best 'witness fodder', as the academic Paul Rock once said. Crimes are seen as an attack on the state – and not against the victim. So, proceedings are not there to put right the victim's wrong but to enable the state to inflict punishment and affirm

the rule of law. The defendant is at the centre of the court process. The prosecution prosecutes them, the defence defends, the jury determines guilt and the judge ensures their trial is lawful and fair. All the criminal justice agencies are shaped by this focus on the defendant. It's easy to see how the victim – the 'witness fodder' – gets lost in our adversarial system between the state and defendant.

The centrality of the defendant is totally correct and must be defended. Indeed, nothing should detract from the importance of the defendant's right to a fair trial. But it is possible for us to effectively put a fence round the defendant's rights while also improving the role of the victim and witnesses.

Elevating rights from favours to requirements

The Victims' Code sets out the supposed minimum standard of service that victims should be able to expect, from the moment they report a crime to the end of the trial. However, victims tell me time and again that their treatment falls below this standard.

Rights within the Code include help to understand the process, updates on their case, respectful treatment, procedural justice and support as and when it is needed. They help victims to recover from victimhood and to restore their confidence in a society which has, after all, failed to protect them from crime in the first place. But of the tens of thousands of victims who enter the criminal justice system each year, only a fraction (23% in 2019/20) have even heard of the Victims' Code – a figure that has hardly changed year-on-year since the original legislation in 2006.

This is perhaps no surprise, as these 'rights' have no legal force. In effect, the Victims' Code is little more than a wish list for most victims going through the justice system. There is no mechanism to hold agencies to account for their delivery of these services. Rather, they are treated as optional extras or 'nice to have's' instead of a core part of delivering justice.

The new Victims' Law must make it clear that we can no longer tolerate a position where the vast majority of victims do not get their full and rightful entitlements and are left without the help they need to cope and recover.

These entitlements must be enshrined in legislation, with victims accorded rights that are backed up by law.

The Victims' Law is an opportunity to finally elevate the status of victims, so that they are seen, heard and helped. In formalising a new, positive and constructive victim 'participant'

Research

Many responses to the **2021 Victim Survey** remarked on the lack of procedural justice. Many comments focused on how difficult it was to obtain information at various points throughout their criminal justice journey.

status, with according rights that flow from that status, police, prosecutors and courts would be forced to appreciate the importance of delivering victim rights – and fully conscious of any consequences in law should they fail to do so.

The triangulation of interests

The victim participant status I propose is not new. It is tested and in operation in other common law jurisdictions around the world.

My 2020 report, *The role and rights of victims of crime in adversarial criminal justice systems*, found that victims continue to feel marginalised and peripheral to the criminal trial process in England and Wales. In contrast, the report authors cite the example of Victoria in Australia. The State of Victoria moved legally to recognise the victim as a participant in 2018. It is thereby acknowledged in law that the victim has an ‘inherent interest’ in the response by the criminal justice system and agencies are required to respect the rights and entitlements of victims as participants in proceedings. The 2015 Victoria Law Reform Commission said: “...the role of the victim should be conceptualised, understood and implemented in accordance with modern jurisprudence. In the modern trial, there is a triangulation of interests: those of the public, the accused and the victim. Within that triangulation, the interest of the victim in the criminal trial is not that of a party; but it is that of a participant.”

In other words, the state redefined the role of bystander to that of participant – with a view to better practical treatment. The default position would be that they may participate in all parts of the criminal justice process, they have a right to be heard and the right to challenge where appropriate.

In our country, there is already legal recognition of the victim’s special interest in their case,

requiring care to be taken of their rights. As the late Lord Steyn said in the House of Lords in 1999: “There must be fairness to all sides. In a criminal case this requires the court to consider a triangulation of interests. It involves taking into account the position of the accused, the victim and his or her family, and the public.”

Victims cannot be parties to proceedings. But the idea of triangulation recognises separately, in a proportionate way, that the victim has a special role which must be acknowledged and supported. I believe the Victims’ Law is an opportunity for the government to give victims a distinct legal status within the criminal justice system, separate from that of the wider public. In doing so, there is recognition that they have suffered a wrong. Importantly, their ‘rights’ are elevated from favours, to be done where possible – and if resources allow – to an inherent requirement and core function of the system.

Lasting cultural change

Rather than feeling peripheral to the proceedings, victims must be properly supported so that they can participate at every step of the process. This means treating victims with dignity, offering timely and effective information sharing and all the aspects of procedural justice with which we are familiar. This has no impact at all on the defendant’s fair trial rights. It is the conceptual shift to seeing a victim, not as a bystander, nor an afterthought, but as an inevitable participant and thereby encouraging police, prosecutors and courts to appreciate why it is imperative to deliver their rights and with real consequences if they fail to do so.

I believe there is an urgent need for cultural change within our justice system. Victims need to be recognised as participants with an inherent and recognised interest

in proceedings from the day of the crime and throughout the criminal justice process, entitled to rights that respect and support that role and help them personally towards recovery or restoration. The government has this once-in-a-generation chance to embolden victims and truly put them “at the heart of the justice system”, as they have long promised.

Victims’ Law

The Victims’ Bill – an opportunity to revolutionise how victims are treated.

In February 2022, I delivered my **98-page response** to the government’s consultation, which outlined my key priorities for the Bill. Here I set out the key components I believe we need to transform the victim experience, to ensure criminal justice agencies see, hear and help victims.

A paradigm shift in victim treatment

Victims are intimately involved with the crime they have suffered throughout the criminal justice process and beyond it. How the criminal justice system treats victims will strongly influence their recovery. However, far too often, victims of crime feel let down by the process. Left without sufficient information, support or any voice in the process, many victims tell me that they are traumatised by their attempts to secure justice. This must change. The Victims’ Law must recognise victims as participants from the day of the crime to the outcome of any criminal proceedings with legal rights that flow from this status in all cases.

Rights, not favours

At the heart of the cultural shift for victims is that they must be provided with guaranteed rights and not just favours. **The Code of Practice for Victims** (commonly known as the Victims’ Code) seeks to deliver rights to victims and outline a minimum service standard. However, victims

often tell me, and data we collect makes clear, that the Code is not being upheld. Furthermore, the Code itself is written in a way that shows that these are not rights but only favours – which will be delivered if and when it is practicable to the agencies involved.

The current Code does not do justice to victims. The Victims’ Law is an opportunity to overcome these problems. The Victims’ Code should be revised and rewritten so that it clearly states that it is setting out guaranteed core statutory rights that agencies must deliver. In other words, victims’ rights need to be deeply ingrained into the culture of the criminal justice system.

Expanding victims’ rights

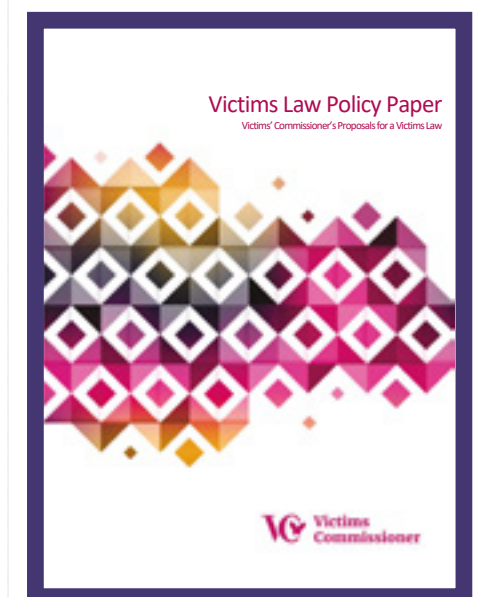
There are many areas where the current rights offered to victims are insufficient and my consultation response outlines numerous areas where the Victims’ Law should redress this.

I argue for repeat victims of anti-social behaviour to be provided within Victims’ Code rights and that the Code should include expanded rights to restorative justice. Similarly, I argue for Victims’ Code rights to be applied to those bereaved by murder and manslaughter abroad insofar as is possible. Furthermore, I advocate for increased rights for victims of mentally disordered offenders and for bereaved families to access free legal

representation and help for inquests.

There should also be a statutory right for victims to be given free legal representation in respect of demands made by police, prosecutors or courts that threaten their Article 8 Right to Privacy. This will mean, for example, that rape victims are given independent legal advice before handing over any personal data to the police and CPS. A **pilot scheme** saw data requests challenged in 47% of cases and reported increased complainant confidence in the process.

I have further argued to circumscribe what disclosure of



The Victims’ Commissioner’s Victims’ Law Policy Paper, published February 2021.



The Victims' Commissioner's #VictimsRights campaign, October 2021.

third party material police and prosecutor's should demand from victims, to bring in similar safeguards to those which we fought for and were contained within the Police, Crime, Sentencing and Courts Bill on downloading digital data.

Additionally, in order to ensure that some of the most vulnerable victims are protected, I have recommended that the Victims' Law includes a non-discrimination clause to prevent victims who have insecure

immigration status being treated not as victims of crime, but as 'suspect' immigrants first.

Taken together, this new suite of rights should provide victims with badly needed legal protection.

Duties, leadership, oversight and accountability

Any reforms require a mix of duties, leadership, oversight and accountability to deliver the desired change.

The leaders of criminal justice agencies set the culture and direction of those agencies. Therefore, it is vital that they are supportive of these changes and committed to driving the cultural shift required to alter how victims are treated. My consultation response reiterates this point strongly.

I have also outlined a range of oversight and accountability mechanisms. It is crucial to ensure that the implementation and effectiveness of the Victims' Code is measured and responded to. As such, I have recommended statutory data collection on code compliance at a local level, overseen by PCCs. This should be complemented by national oversight of this data and of the Code's operation through the Victims' Commissioner.

Victims should not have to wait until something has gone wrong, potentially severely impacting on them, and then just be able to complain. They should be able to resolve potential breaches whilst their case progresses. I have therefore recommended that PCCs have a local, independent Victims' Champion, able to take on and use local contacts and the PCCs influence to seek to rectify immediate failures to deliver Code rights. Our preference is for a Victims Champion, funded by the PCC but independent, like the model which is so effective in London, Durham and the West Midlands. But we acknowledge that PCCs will make their own choices about who should take on complaints of Code breaches and try actively to solve them.

This model would allow many victims to resolve problems during their case. Where issues are not resolved satisfactorily, the Parliamentary and Health Service Ombudsman (PHSO) should continue to investigate complaints, but the current requirement that victims can only complain to the PHSO via their MP must be removed. This new framework would provide victims

with the best opportunity to resolve problems in real-time and offers an accessible complaints system.

We rely on inspectorates to deliver thorough, evidenced inspections of criminal justice agencies. Whilst the current inspectorates do consider victims, this focus should be strengthened. I recommend a new joint inspection regime for the Victims' Code. This area-specific inspection will be able to give robust assessment of how the Code is being upheld across agencies, share good practice and require change where rights are not being delivered.

The role of the Victims' Commissioner

The Victims' Commissioner is an independent voice in place to represent the interests of victims and witnesses. As such, the Commissioner plays a central role in ensuring victims' rights are upheld, sharing good practice and overseeing implementation of the Code.

My Office's research into the Constitutional Powers of the Victims' Commissioner pointed to a number of areas where the role should be given additional powers to deliver the interests of victims. These powers would enable the post to undertake effective review of the Victims' Code, to review its operation and report to Parliament. As Victims' Commissioner, I should also be able to propose amendments to the Victims' Code where it is found to be inadequate, which the Ministry of Justice must consider.

My research function and powers to speak to victims should be strengthened, giving me the best possible voice to represent victims' needs. I should also be empowered to independently publish my annual report to Parliament, rather than with the agreement of the Justice Secretary, as I do now.

The legislation should also place an obligation on agencies listed in the

Code to co-operate with my research and reviews and to respond to my recommendations.

These new powers would create a powerful and independent voice for victims and witnesses that will further embed culture change and ensure that victims' needs remain at the centre of criminal justice reforms.

Advocates

The Victims' Bill consultation heavily focussed on the role of the advocate. Advocates deliver a valuable service to victims giving them practical support to help them cope and recover from a crime and, if a case goes to court, helping them to navigate the criminal justice system.

While Independent Domestic Violence Advocates (IDVAs) and Independent Sexual Violence Advocates (ISVAs) are well established, my Office's research shows that there are advocate roles across a broader range of crime types. Advocates bring strong benefits to victims and I have called for specialist advocacy for all victims of serious crimes, such as violence, trafficking and other traumatising offences.

The government has asked for views on defining the advocate role as well as standards, accreditation and training.

I support a definition of advocate that will bring credibility and legitimacy to the role. However, it is essential that any definition is flexible enough to incorporate the diverse nature of these roles and encapsulates the extremely valuable role delivered within the 'by and for' sector. Furthermore, any definition, training or accreditation must be led by and co-designed with the expert services already in the sector who have established and grown these roles into the services they are today.

The advocate role must also be set in context. Advocates are one element of victim support services, which complement, but cannot replace other services such as counselling and outreach. Advocacy roles must be in addition to, not in replacement of, other victim support services.

Victim support services

It's so important that the government gets the commissioning of victims'

"The Victim's Law is the government's chance to finally tackle the dilemma that victims' rights aren't working, aren't enforceable and are rights only as long as the agencies responsible want victims to have them. If we are to regain victims' trust, the government must have the ambition and resolve to make the Victims' Bill truly transformative. The time for half-measures is over."
Dame Vera Baird, in her report on the annual Victims' Survey, September 2021.

services right, as this is the area that affects most victims. We know that the bulk of victims will never report the crime and do not interact with the justice system and this is especially true of minoritised communities. This legislation provides an exciting opportunity to review and reflect upon these vital services.

Support services must navigate a challenging environment with numerous commissioners, short-term funding arrangements and complex public services that their operations must integrate with. The Bill presents an opportunity to resolve many of these issues.

I strongly recommend duties on public bodies to commission community-based services for victims of domestic abuse and that the National Statement of Expectations is placed on a statutory footing.

I have also long advocated for longer-term sustainable funding and co-commissioning, which will place support services on a stronger footing. This will provide services with some certainty, rather than living hand to mouth, enabling them to invest in and develop services and secure staff.

We know that LGBT+, minoritised and disabled survivors are disproportionately affected by abuse but can face significant barriers to accessing support. Specialist 'by and for' services are vital and preferred by many service users, yet current commissioning structures do not work in their favour. The Victims' Law must put in place central ring-fenced funding to ensure everyone can access the support that is right for them.

Ensuring victims' rights for all.

Finally, it is necessary to note that many victims of crime do not engage with the criminal justice system and question why this is the case. I have recommended that the Ministry of Justice undertakes detailed research to understand who does and does not



engage with criminal justice agencies and why this is.

I specifically note that black and minoritised women and disabled women, including learning disabled women, appear to be the least likely victim cohorts to engage with the CJS. At the same time, the Crime Survey for England and Wales suggests these two groups are more likely to be victims of crime. We must understand why some groups are over-represented in victimisation and under-represented in engagement with the criminal justice system. From that research, we must deliver action to ensure equal access to justice.

A much-needed revolution for victims

The Victims' Law holds the potential to make the change that victims need. It must deliver real cultural change

and guarantee victims a voice and rights through the system. These must be embedded through robust oversight and accountability and a strengthened Victims' Commissioner role. Furthermore, all victims must have access to high quality, sustainable services and advocates to support them to cope and recover from crime. We have proposed many positive changes and if they can be secured, we can look forward to a humane criminal justice system that upholds victims' basic needs and standards. That would be a revolution for victims. Of course, at the time of writing, we have little idea of what will be in the draft Bill, which is expected shortly. We will be pressing government on our proposals and I look forward to scrutinising the Bill at committee stage and working to ensure this is the flagship legislation so urgently needed by victims.

Rape

The distressing truth is that if you are raped in Britain today, your chances of seeing justice are slim.

In my **first annual report in 2020**, I made headlines by saying that we were witnessing the effective decriminalisation of rape. During my subsequent years in post as Victims' Commissioner, little has swayed me from that perspective. Despite a long-delayed end-to-end rape review, various governmental action plans and plenty of tinkering round the edges, you can't escape the numbers; they continue to speak for themselves.

Rape prosecutions: a lottery

For victims, reporting rape is effectively a lottery and the odds are rarely in your favour. In the year to December 2021, there were 67,125 rape offences recorded – an all-time high. Yet the number of completed rape prosecutions plummeted from 5,190 in 2016-17 to just 2,409 in 2020-21. The numbers of convictions almost halved (2,689 in 2016/17 compared to 1,409 in 2020/21). Only 5% of rapes that were given an outcome by the police in the year ending December 2021 resulted in a charge.

If you defy the odds and secure a charge, you will likely have to wait the best part of three years from reporting before you will get to trial. Along the way, your trial date will almost certainly be fixed, then cancelled and then relisted months into the future. **The joint thematic inspection on rape** found that on more than one occasion, this happened just hours

before victims were expected in court. You will have lost sleep dreading re-visiting what happened at the trial only to have to get over it and draw your resolve together again. You will be tested at every juncture.

And should you persevere to the trial – perhaps more than a year from when the defendant was charged – you are likely to find giving evidence highly re-traumatising. Some victims tell me they find their experience in court worse than the offence itself.

Despite warm words from the government and from our criminal justice agencies, this is still often the stark reality for rape victims.

Balancing the right to privacy in rape investigations with the right to a fair trial

In this Annual Report I can reflect on some of the changes that have come about through the work of my office. In at least one particular way, we have been able to make the criminal justice

system a slightly less hostile place for victims of rape.

Campaigners have coined the phrase 'digital strip-search' to describe the routine requests for a rape complainant to hand over their mobile phone almost immediately upon making a complaint. Historically, the phone's contents have been comprehensively downloaded and fully scrutinised. Independent Sexual Violence Advisers are clear that a failure to hand over the phone frequently results in the investigation almost immediately being closed. Victims are effectively being forced to choose between justice and their right to a private life.

In a joint **HMICFRS/HMCPSP report**, inspectors cite examples of senior officers and CPS prosecutors asking for full downloads of victims' phones when it was "neither reasonable nor proportionate". An unpublished inquiry by CPS themselves reported that 60% of demands for download made were

Victim response to Victims' Commissioner Survey 2021
"The whole process has been more traumatic than the actual rape. I have zero belief in the justice legal system."



Dame Vera Baird speaking at the inaugural Thames Valley Police Violence Against Women and Girls Conference, March 2022.

'irrational and over-intrusive'. And such demands fall nearly exclusively on the victim. The victim's credibility is put under the microscope by the police and CPS in a way that would not happen with any other kind of complainant. This intrusion is in contravention of most established legal frameworks, which require such requests to be 'reasonable and proportionate' in pursuit of content which forms part of a reasonable line of enquiry.

With the Police Crime Sentencing and Courts Bill, the government were minded to legislate more generally around seeking evidence held on personal electronic devices. But in doing so an unintended consequence risked effectively legitimising these excessive intrusions into rape victims' private lives. As a result, the proposed clauses in this Bill would run in entirely the opposite direction to the promises made by government in its end-to-end rape review just months prior.

I worked to persuade government to embed essential protections for victims into this legislative provision. I brought together leading voices in this area, including key victims' groups, the

National Police Chiefs' Council lead for disclosure, ACC Tim De Meyer, and the Information Commissioner's office. This group brought their valuable expertise and we worked in partnership to shape my proposals.

Though initially resistant, the government reflected on their position and began to agree with my line of thinking. They took our clauses on, built on them and improved our work. For instance they specifically added protections to specify that a complainant cannot be coerced into handing over their private digital information, by threatening that their investigation will be closed should they fail to comply.

This should be the start of a significant step forward for victims. Fear of handing over personal information acts as a powerful barrier to reporting and seeking justice, with large numbers of victims withdrawing from the justice system once they have reported for just this reason. Excessive requests for victims' digital material should lessen. But this is only half the story.

Third-party materials

Rape complainants still face similar intrusions into their personal lives in the form of demands for 'third-party' materials. This is a complainant's private data which is in the hands of third parties, such as medical, therapeutic, education and social services records.

These records are frequently sought as a matter of course in what is yet another attempt to comb through everything that is recorded about them to see if there is any imperfection in their earlier lives which may call into question their credibility. The pursuit of this material is nothing other than a credibility test of the victim. It is hard to see the logic of legislating to stop the demands on complainants for their personal digital data whilst leaving this personal material in the hands of third parties open to random scrutiny by the police and CPS. It is obvious

that there is a cultural issue in those criminal justice agencies and that will not be changed by directing that they must not make over intrusive demands for digital data whilst continuing to allow it with third-party material. In particular, there is no logic in banning the threat to stop the prosecution, if the complainant does not consent to handing over digital material, if that same threat can still be used to obtain third-party material.

The only way to change culture, practice and to protect rape victims is to legislate to control requests of both kinds of material: digital phone records and third-party data. The government committed in the House of Lords to consider legislation to protect against third party material demands. I urge government to use the upcoming Victims' Bill to legislate so that criminal justice agencies are left in no doubt that this practice must stop. Additionally, in my response to the Victims' Bill consultation, I recommended that there should be a statutory system of protective privilege for the confidentiality of sexual assault victims' therapy records in any criminal proceedings. This, too, must now be delivered.

Independent legal advice

We also need to see the government commit to free, independent legal advice for rape complainants. This must be provided by a qualified lawyer who can counsel on matters affecting the victim's human rights, such as disclosure and their past sexual history being brought as evidence at trial.

To date, the government have only committed to a limited consultation as part of last year's end-to-end rape review. Almost 12 months since its publication, I'm yet to see any action in this area. This is despite the successful three year pilot of exactly this kind of independent legal advice which I established when I was the Police and Crime Commissioner for Northumbria. The pilot was evaluated with 23 of the 25 professionals who

had been involved in it believing and that it should be rolled out nationally. It brought unmistakable positives for victims and for the police who were able to resist Crown Prosecution Service demands for time-consuming searches of private material by narrowing down what should be pursued in agreement with the opinion of a qualified solicitor. It undoubtedly improved justice outcomes and I have long argued for its national rollout. So, why the delay?

Independent legal advice helps to protect victims' human rights and enhance their overall confidence in and continued engagement with proceedings. As part of my evidence to the Home Affairs Select Committee inquiry into rape prosecutions last year, I restated my commitment to this measure. I was pleased to see in their final report, they too recommend the government commit to this. My strong view is that the Justice Secretary should simply drive this key work forwards.

Improving the court experience for rape victims

Attending court can be hugely intimidating for victims of crime. Many will find the experience highly-retraumatizing. For rape victims, this is particularly the case.

Special measures are ways to help victims to give their best possible evidence in court. An exceptionally effective one is known as 'Section 28' after the clause in the statute which introduced it.

S28 says that a complainant may have their evidence videoed by the police (instead of making a written statement) which is then served on the defence. The defence then have time to prepare and when they are ready will cross-examine the complainant which is also video recorded. These two videos then become the complainant's evidence for the trial, to be played whenever it takes place.

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Prosecutors are letting rapists walk free by refusing to take difficult cases to court, says Victims Commissioner as she brands rape 'terrorism against women'

- Victims Commissioner says the CPS is not doing enough to prosecute rape cases
- Dame Vera Baird QC says harder cases are shunned to keep conviction rates up
- She described rape as 'domestic terrorism' with prosecutions down to just 1.6%
- A CPS spokesman said: 'It is entirely untrue to claim we drop difficult rape cases'

By STEWART CARR FOR MAILONLINE
PUBLISHED: 10:26, 28 December 2021 | UPDATED: 16:35, 28 December 2021

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The Victims Commissioner for England and Wales says that rapists are being allowed to walk our streets because prosecutors are shunning difficult cases in court.

Dame Vera Baird QC, who practised as a prosecuting barrister for decades, says that victims are currently being failed by the Crown Prosecution Service.

She described rape as 'domestic terrorism' against women and said the CPS should not be judged on conviction rates as it means they only want to take 'rock solid cases'.

Coverage in the Mail Online and Daily Mail, December 2021.

A huge advantage is that once the recordings are done, the complainant has finished with the proceedings. They can get on with their life and take therapy if they need to. This gets them out of the court queue, saving them perhaps years of anxious waiting. Completing their evidence close to the time of offence also aids memory recall and helps to reduce the distress experienced by some witnesses when giving evidence to a full courtroom at trial.

S28 was piloted long ago and was rolled out nationally for vulnerable complainants from the start of the pandemic. I worked with the Criminal Bar to press for this rollout and the Government response was excellent. However, that limits the use of S28

mainly to child victims. It is good news that the Deputy Prime Minister has resolved to roll it out also for 'intimidated' witnesses which includes adult rape complainants. After its announcement in December, it has since been rolled out to a total of 26 out of approximately 85 Crown Courts in England and Wales. This is excellent and this work must be sped up even further. There are clear views amongst some criminal justice professionals that this should be the default way in which all sexual assault complainants give their evidence. The courts have been using video evidence for almost two decades and S28 is too beneficial for victims not to be used throughout the court system in England and Wales.



Dame Vera Baird on BBC Panorama, *Beyond Reasonable Doubt: Britain's Rape Crisis*, March 2022.

Time for real accountability

Since 2016/17, we have seen a catastrophic decline in rape prosecutions. That year, the Crown Prosecution Service decided to cut the number of rape cases it prosecuted to increase its conviction rate to 60%. They would take on only what they considered to be 'stronger' cases. Within a year it was prosecuting almost 1,000 fewer rapes, and by the next year 2,000 fewer rapes. If there is no prosecution there can be no conviction and this decision meant that rape convictions have been at their lowest ever for nearly 4 years – having fallen dramatically from 2991 in 2016/17 to 1,517 this year. That is almost 1,500 rapists per year who are still on the streets who

could have been convicted if this decision had not been taken. I, and others, have repeatedly called for it to be reversed. In its end-to-end rape review, the government committed to reversing the drop in charges by the end of this parliament. Yet the government's action plan contained few concrete measures to genuinely transform how rape is investigated and prosecuted. And at the current rate of progress, it would take approximately 17 years to return rape charging levels to those of 2016/17.

Meanwhile, a key rape review recommendation was the roll out of Operation Soteria. The pilot (named Operation Bluestone) saw a group of highly experienced academics invited into a police force to carry out rigorous

scrutiny of how it investigated rape. Its findings were of huge concern and this team of academics devised a system of 'offender-centric' investigation which, as 'Operation Soteria', has now passed on to five other forces, with the prospect of rolling it out to a further 14 police forces shortly. Ultimately, the aim is to embed Soteria as a National Operation Model. Soteria has seen strong engagement from the police so far and the government intends to also extend this to the Crown Prosecution Service. However, to date, there has been minimal engagement from the CPS, with only sporadic participation undertaken with the Soteria academics. It has taken many months for the CPS to appoint an academic of their own – with no clarity, at the time of writing, of their terms of reference. Assuming the CPS genuinely open their doors to scrutiny, I look forward to a much-improved charge and conviction rate. I urge government to ensure that all criminal justice agencies are fully engaged in Soteria and that it is rolled out to all areas without financial cost to the forces. The government has said that it will publish national and regional rape 'scorecards' so that at least some numbers will be made public. Transparency of data is to be welcomed but shining a light on the issue does not equate to accountability.

Yet it is accountability that drives change. If agencies continue to fail rape victims, what then? There has been public outrage about this for a long time and improvement is long overdue. There needs to be determined leadership in place, to bring about the quantum improvement so obviously needed. If the justice agencies do not offer change, the responsibility falls to government and the legislature to take more serious steps, to change the criminal justice agencies until they do this essential part of their work effectively.



Dame Vera gives evidence to the Home Affairs Committee inquiry into the investigation and prosecution of rape, June 2021.

Fraud

Fraud: the poor relation?

Fraud has reached epidemic proportions and its scale is truly staggering. Yet you would not know it judging by the criminal justice system's response.

My brilliant research team and I decided to research who is a victim of fraud, not least of all so we might point to what support they need to cope and recover from its impact. We review some of our – quite surprising – findings here. Our overall conclusion? The government's long-awaited fraud strategy can't come soon enough.

As a citizen of England and Wales, I stand a 1 in 15 chance of falling victim to fraud each year. This towers over my chances of falling victim to any other crime: approximately a 1 in 75 chance of falling victim to personal theft, a 1 in 80 chance of falling victim to interpersonal violence, and a 1 in 600 chance of falling victim to robbery. Fraud is indiscriminate, ubiquitous and it is flourishing.

The volume crime of our times

Fraud has become the volume crime of our times. The Crime Survey of England and Wales (CSEW) 2021 estimated there were over 5 million incidents of fraud for the year to September 2021. That means fraud accounts for a staggering 4 in 10 crimes.

Yet fraud is under-reported, under-investigated and under-prosecuted. If I am one of the 15% or so fraud victims who report to the police or Action Fraud, I stand around a 1 in 30 chance of having it investigated and a 1 in 200 chance of the case resulting in a charge, summons,

caution or community resolution. The figures speak for themselves: there were approximately 8,000 fraud prosecutions in 2019, set against around 800,000 reports to City of London police, and over 3 million fraud victims. Only the tiniest proportion of fraud victims are receiving a criminal justice outcome.

For too long fraud was seen as a victimless crime but that is not true. Of these 5.1m incidents of fraud in 2021, over a quarter (26%) resulted in a loss that was either not refunded at all or only partially refunded. If I fall prey to an authorised push payment (APP) scam, where I am tricked into sending my money to a fraudster, I stand a less than 50% chance of getting my money back. That is even though the Contingent Reimbursement Code (the voluntary

code that governs bank repayments) suggests that money from these scams should be reimbursed in all but exceptional circumstances.

So why is it then that victims of fraud are facing such a difficult time gaining access to justice? Why are the rights of victims of fraud being disregarded? A recent **report by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS)** provided some answers. They said that the police forces are under-resourced to deal with fraud crimes and that fraud victims are not seen as a priority.

In my appearances before the House of Commons **Justice Committee in February** and the House of Lords Committee on the Fraud Act in April I told them how there is insufficient police resourcing allocated to fraud.



Dame Vera gives evidence to the Justice Committee's Inquiry into Fraud and the Justice System, February 2022.



Dame Vera gives the keynote speech at the Annual Fraud Conference, March 2022.

At present, only around 2% of police resources are allocated to it – that’s 2% of resource devoted to tackling 40% of all crime. Fraud must become a greater priority for policing. The amount of resource allocated to investigating fraud needs to better match the scale of the problem.

Who suffers fraud?

Even now, despite the prevalence of fraud, when we think of the word ‘victim’, fraud is probably not one of the first crimes that springs to mind. Fraud covers a huge spectrum of impact on victims – from no effect at all to severe impacts. One of the things I wanted to do in my October 2021 report ‘**Who Suffers Fraud**’ was to identify and quantify those who are most impacted, those who really need support and/or those who need a criminal justice outcome. In the report, I highlighted how around 700,000 victims are vulnerable to fraud and are severely harmed by it.

“For more victims to come forward, we need to make the reporting process clear to people. We need clear signposting on where to get help and a consistent victim service offer across England and Wales. And we need to ensure that fraud victims receive their rights under the Victims’ Code.”

Dame Vera Baird’s keynote speech at the Annual Fraud Conference, March 2022.

Research

“In high harm fraud cases, victims frequently suffer deeply. Fraud can be an intimate and interpersonal crime, engendering long-lasting psychological consequences as well as financial loss.”

Who Suffers Fraud? Understanding the fraud victim landscape, October 2021.

Based on crime survey data, I found that around 22% of fraud victims were seriously affected by the crime.

In high-harm fraud cases, victims frequently suffered deeply. This meant they were likely to rate the seriousness of the crime as 10 or over on a 1-20 scale of severity; they were likely to have had multiple emotional reactions, such as anxiety, loss of confidence, difficulty sleeping, anger or shock after the incident. Many people felt a loss of trust in others, or even a relationship breakdown as a result of the incident. And they were likely to have lost money and not been reimbursed.

Fraud strategy: no more time for delay

As my research shows, the government’s long-awaited fraud strategy cannot come quickly enough. It needs to be bold, ambitious and backed up by significant resourcing to tackle this growing problem. Anything less will be a disservice to victims.

For too long, the criminal justice system has treated fraud as the poor relation. The growing problem has not been matched by increasing resource and the victim response is grossly inadequate. In the current climate, very few fraudsters are investigated or prosecuted. There are some basic steps that could be addressed to help victims.

Make it clear where fraud needs to be reported to. Action Fraud is the central reporting hub but many people do not know this. My work has shown that many people report directly to the police and are then re-directed to Action Fraud. As a victim, being re-directed is off-putting and can lead to victims feeling they are not being taken seriously.

Put an end to victim blaming. If a victim has unwittingly transferred money into a fraudster’s account, the banks are supposed to reimburse unless the victim has been grossly negligent or ignored effective warnings. But the Payment Systems Regulator has recently estimated that refunds are

Victim correspondence
Many victims of fraud write to tell me that they feel there is no justice for them, no support and limited compensation.



Dame Vera Baird's op-ed in the Times, August 2021.

being refused in more than half of all cases. This feels like victim-blaming. Make support pathways clear to victims. Give victims the support they need and clearly define where they need to go for emotional and practical help. Fraud is an atypical crime which is dealt with atypically, but people need to know that there is specialist support out there from the likes of Victim Support and the National Economic Crime Victim Care Unit

(NECVCU) and they need to know how to access this. Any one of us can fall victim to fraud. It is most certainly not a victimless crime and its impacts can be severe. As Victims’ Commissioner, fraud is well within my sights and I am looking to the government to hold firm on its promise to do better for fraud victims. We can hardly do much worse.

Courts

Enormous court backlogs mean victims of crime are facing years of unacceptable delay in their quest for justice.

Court delays can exert tremendous tolls on victims. Many victims' lives are effectively put on hold as they await their time in court – and the wait can often be counted in years. There's no denying these delays will severely test victims' resolve. We cannot be surprised that increasing numbers are deciding they are unable to stay the course. That represents a serious and fundamental challenge to the justice system itself. As well as a denial of justice to the individuals involved. It's incumbent on the government to ensure that the system functions properly and victims have the right support to persevere and have a chance at justice.

Justice delayed is justice denied

There was a monumental effort by people working in the courts system to keep it up and running despite the challenges of the pandemic. Some

hearings rapidly moved online. The key problem was jury trial and how to assemble twelve people to try a case whilst maintaining social distancing. In a few months plexi-glass was being fitted to facilitate this and other measures were put in place to help with the remaining logistical issues, new temporary courts were opened, and measures were put in place to conduct hearings safely.

But while few would doubt the commitment of court staff there was an inevitable increase in the backlog of cases. However, the government frequently asserts that it is the pandemic that caused this backlog. But the backlog was soaring long before March 2020.

Delays in the court system were endemic years before we'd even heard of COVID-19. Prior to the pandemic there were in excess of 38,000 cases outstanding in the courts. Legal professionals frequently took to the airwaves to decry the government



limiting sitting days so that courts were sitting idle and victims facing long, anxious waits for their time in court.

Over the course of 2020, this already considerable backlog surged by over half (54%). There are now almost 59,000 cases outstanding in our Crown Courts, a quite extraordinary sum. This is leaving thousands and thousands of victims in limbo every year. Coupled with an urgent need for recruiting a high number of full-time judges there is a dangerous shortage of criminal barristers and part-time judges. This backlog seems to have also exacerbated the problems of last minute listing changes. Victims often face repeated chopping and changing of court listings, risking traumatised victims being brought to court only to be sent away to return at some indeterminate date months into the future – further compounding court delays and the victim's misery.

While there have been recent, tentative signs of recovery, there is still quite some way to go before courts even return to their pre-COVID levels. Although, crown courts have seen a recent slight reduction in their backlog, it remains more than a third higher than where it was two years earlier.

These backlogs have real and tangible impacts on victims. Each one of these 59,000 cases is likely to have at least one victim. From when a case enters the crown court system, for cases where the defendant is going to trial and has plead not guilty, cases are now taking almost 15 months to be completed. This is 60% higher than two years earlier. Even before the pandemic campaigners were lamenting the poor state of affairs. These latest numbers are wretched. Many victims and witnesses are simply opting-out of the criminal justice process altogether, having gone into it to do their public duty and to see justice. This leaves them with no resolution and the public with the risk of a guilty criminal free to offend again. This represents a fundamental threat to our justice system.

Victims' services: a lifeline for victims

I meet frequently with representatives from frontline victims' services. They consistently tell me that court delays are placing them under severe, unsustainable pressures. Caseloads are significantly higher than pre-pandemic levels, as victims remain in the justice system for much longer. And engagement levels are significantly higher as victims are anxious about their delays and considering walking away. Hub staff are having to work hard to persuade victims not to withdraw and to persevere despite the system's flaws. The organisations that support victims remain a lifeline to them – without them, victim attrition would be even higher.

We must ensure these services are appropriately – and sustainably – funded. The upcoming (and long-awaited) Victim Funding Strategy must recognise the growing strain victims' services are under. They need to be funded for multiple years not just annually and given long-term resource on which they can draw in times of pressure to ensure that their vital services are sustained.

Special measures

Even before the pandemic I had highlighted the problems facing some victims when trying to achieve justice in court. Some victims and witnesses find the court experience more challenging than others either because of the nature of the crime they suffered or because of a specific vulnerability that makes this process more difficult for them.

In my **2021 review of Special Measures**, I highlighted how these provisions in court were not always available to all who needed them. I have been championing the use of Section 28 hearings, where a select group of so-called 'vulnerable' victims and witnesses (those under the age of 17 or with learning difficulties) are able to have both their evidence-



Next steps for special measures, published May 2021.

in-chief and their cross-examination pre-recorded on video, sparing them an anxious day in court. It also means that the evidence is given earlier, so the important details of the crime are still fresh in their minds. This provision has been rolled out nationwide since the start of the pandemic.

At least one courtroom in every Crown Court building in England and Wales can now provide pre-recorded cross-examinations for vulnerable witnesses. The government is to be congratulated on this. I am delighted, too, with the government's commitment to expand this provision to all intimidated victims and witness, who will include adult victims of rape and sexual assault and modern slavery. The inclusion of intimidated witnesses is now live in 12 courts and its extension to another 14 courts was recently announced. It's good to see progress and I am pleased to see this work gather momentum. This needs to be expanded across all of the courts in England and Wales as soon as is feasible to spare yet more victims from years of delays – and prevent yet more victims from walking away.

Research

In the Victims' Commissioner's 2021 Victim Survey, only 9% of victims thought the courts dealt with cases promptly. Just half (50%) of those who reached court said they would attend again and over a quarter (26%) said they would not. This was considerably lower than the 67% in the Victims' Commissioner's 2020 Victim Survey.

66%

thought they had to wait 'too long' before their case came to court – Victims' Commissioner's 2021 Victim Survey.

Remote Evidence Centres

Remote Evidence Centres are set up to help victims and witnesses give their best evidence, away from the pressures of the court. At the beginning of the pandemic, my office speedily undertook an exercise to count these remote evidence centres. At that time there were 27 that could be used. Since then we understand that a new booking system has been introduced and their use has been encouraged. Yet, worryingly, use of these centres remains low. This is disappointing.

My Special Measures report showed the fear that most victims face when coming into court is the risk of being confronted by the defendant and their supporters. The Criminal Justice in Wales Board, of which I am keen member, has an ambition for the default offer for vulnerable and intimidated witnesses to be S28 hearings and preferably for these to be conducted from Remote Evidence Centres. This is something I applaud, and England would do well to follow suit.

'Screening the screens'

My Special Measures report revealed that many victims were unaware that defendants would be able to see their testimony on the court's television monitors if they gave their evidence via live television linkvideo. This can be linked from a remote evidence centre as just set out or from a room outside the courtroom but within the court. Some victims and witnesses were uncomfortable at the thought of being seen by the defendant or the public gallery and, although they did not want to do so, sometimes agreed to give evidence from inside court behind a curtain to avoid that. We have to tailor special measures to victims and witnesses' needs.

In the report I recommended that physically screening the live-link video screen from the defendant and the



Dame Vera responds to the roll out of 'Section 28' to 14 more courts, May 2022

public gallery should be expressly offered to every vulnerable and intimidated witness. This puts them in the same position as someone testifying in court from behind a curtain. I am pleased that my recommendation has been accepted and 10 courts trialled 'screening the screens'. My understanding is that there is now at least one court in every court building where the screen can be screened. It would be good to have more but I'm pleased to see this gaining traction.

'Meagre' reforms won't do

Some progress has been made during my first three years as Victims' Commissioner. But we need to see much more action to ensure victims are able to access justice swiftly. The court backlog represents a

fundamental challenge to the justice system – and to victims in particular. The insufficient provision of special measures means people are not being protected from trauma as they should be and the flight from the criminal justice system being caused by the delays will only increase if victims services are not adequately funded to support them to stay the course.

The Public Affairs Committee recently called the Ministry of Justice's plans to tackle the backlog "meagre". Indeed, the Ministry of Justice forecasts as many as 48,000-52,000 outstanding cases by 2024. It simply cannot be accepted and normalised that victims are expected to wait years to see justice. The Ministry of Justice's forecasts do not instil confidence and work in this area must be turbocharged – or we risk failing thousands of victims.

Violence against women and girls

The police must embed a zero-tolerance policy against sexism and racism within their ranks.

It has been just over a year since a serving police officer kidnapped, raped and murdered Sarah Everard. This grotesque act of premeditated brutality galvanised public opinion like never before and forced policy makers to finally assert 'enough!'.

But the murder of Sarah Everard didn't take place in a vacuum. Some 9 months previously, sisters Nicole Smallman and Bibaa Henry had been killed in an indiscriminate, misogynistic attack. And 6 months after Sarah Everard's disappearance, another young woman, the teacher Sabina Nessa, was found brutally murdered.

Sarah Everard, Nicole Smallman, Bibaa Henry, Sabina Nessa; a now sadly all-too-familiar rollcall of names. But they are just the tip of the iceberg. And many other women have been killed since.

Domestic Abuse

Women in this country face an 'epidemic' of male violence. Not my words, but those of Her Majesty's Inspectorate of Constabulary, echoed by the Home Secretary. Women are subject to terrifying levels of male violence on the streets, at work and during their social lives but, much of the violence they suffer is at the hands of men who are known to them – often family members or intimate partners.

For this kind of violence against women and girls, the passing of the Domestic Abuse Act was a landmark

moment. When the Bill finally became law, it was a much-improved piece of legislation than at its introduction and brought with it many reforms that will help victims and save lives.

I worked in coalition with a range of partners to push for a specific offence

of non-fatal strangulation. Non-fatal strangulation is often part of a pattern of abuse that is repeatedly used as a tool to exert power and control, and to instil fear. It's frequently a precursor to even greater violence, even murder. The government was initially hostile to



Dame Vera pictured with Melanie Brown MBE, at a House of Commons reception for Women's Aid.

Victim correspondence

Victims write to tell me that it feels like a waste of time to report to police. They fear that they will get 'lost in the system' and may become yet another 'lesson learned'.

“Including violence against women in the SPR will accord it the same status as terrorism and knife crime, with similar central direction, leadership and drive, so there can no longer be any doubt as to the obligations police have towards victims.”
Dame Vera, in response to the Home Office announcement that VAWG will be added to the Strategic Policing Requirement, March 2022.

such a move but eventually backed a new specific offence, punishable by up to five years in prison. This will make a huge difference and lives will be saved.

In a further triumph for victims, the Domestic Abuse Commissioner, Nicole Jacobs, and I persuaded the then Lord Chancellor, Robert Buckland, to commission a review of sentencing in domestic homicide cases. We are concerned that not only do the sentences received by men who kill their female partners not reflect the seriousness of domestic abuse but women who kill men in response to domestic abuse are sentenced much more harshly. The review is to be undertaken by Claire Wade QC. There could not be a better choice and I am pleased to be consulted by her, alongside many others, as work progresses.

But while legislation may be catching up to the realities on the ground, it is the frontline of the criminal justice system, our police forces, that still require true transformation.

Trust in policing: at record lows

Following the murder of Sarah Everard by a serving police officer, and the

disgraceful behaviour of the officers who investigated the murders of Bibaa Henry and Nicole Smallman – among a litany of recent such scandals – the police have rightly been under intense scrutiny this past year. It is saddening that it took these acts to finally draw government and institutional attention to the prevailing misogynistic and racist attitudes of some police officers.

Unsurprisingly, women simply do not have faith in the police. End Violence Against Women found 47% of women (and 40% of men) had declining trust in the police following the murder of Sarah Everard. 76% of women (and 71% of all adults) think that policing culture has to change in order to better respond to violence against women and girls. Yet, since I have been Commissioner, I have seen report after report, from inspectorates, from academics and from victims organisations highlighting police failures and inaction in tackling violence against women, but little material change.

VAWG: a national policing priority

It’s clear that reports alone won’t transform policing in the way that we need. I have long been calling for

government to force the police’s hand and make tackling violence against women and girls a Strategic Policing Requirement (SPR). This would make it a national policing priority, comparable to counter-terrorism, tackling child sexual abuse and serious and organised crime.

A landmark inspectorate of constabulary report, commissioned after the murder of Sarah Everard, also called for VAWG to become a Strategic Policing Requirement. It found “problems, unevenness and inconsistencies” in dealing with the “epidemic” of violence and made clear and strong recommendations. The inspector of constabulary, Zoe Billingham, said it was “vital” violence against women and girls should be within the top three priorities for police forces. And in a tragic demonstration of the urgency of the change required, the report was published the very day Sabina Nessa was killed in a park in South London.

I believe making VAWG a strategic policing requirement could be a game-changing move. I was delighted when in March 2022 the Home Secretary eventually backed my calls and announced that this would happen, clearly signalling the government’s intent to get to grips with this problem. This will reassure both victims and the public that tackling violence against women and girls is an issue of utmost national importance and an urgent policing priority. SPR status means that there may be more central resources allocated and best practice may be spread more quickly and effectively, with the officers working on VAWG having a higher status due to its strategic importance.

We still await a date when this change will happen, and it cannot happen soon enough.

In the same inspectors’ report Zoe Billingham also recommended the appointment of a full-time VAWG National Policing Lead to co-ordinate and improve the national

policing response. In meeting this recommendation, DCC Maggie Blyth was appointed to the post. She has reached out to the victims’ sector and I have enjoyed working closely with her as I do with other police leads on these issues.

These actions are welcome. But it is results that we need to see.

A zero-tolerance approach

Policing culture is now rightly being scrutinised. And it has to change.

It is great that there are more women police officers and more police of various diverse backgrounds. But diversifying the workforce is, by itself, not the answer. As a former senior officer recently said to me, you can join the police from any background and be accepted – so long as you think and behave like a straight, white man. Diverse recruitment alone won’t bring the necessary culture change.

The solution is a zero-tolerance approach to abusive and misogynistic behaviours. No woman will have faith in the police until they root out their own wrongdoers. Furthermore, better vetting processes must check

for precisely these attitudes to ensure they can’t enter the force in the first place.

As recently as March, a Freedom of Information request found that 82% of police officers reported for domestic abuse over the last three years kept their jobs. There are few more fundamental breaches of duty as a police officer. When officers are sworn in as constables, they promise to serve the public and do no harm. Yet, there were 1,319 officers accused of domestic abuse by partners. Very few of these were subjected to criminal charges, as other perpetrators would have been. Fewer than 9% were disciplined and only a handful (3%) dismissed. The failure of police to act against other officers in these circumstances is the subject of a current police super-complaint.

When a domestic or sexual abuse allegation is made against an officer, it should immediately be sent to another force to independently investigate. That is the only way to ensure a good investigation, as all the evidence suggests that the accused’s force will not be able to investigate

one of its own officers effectively and independently. It remains immensely frustrating that this requires reiterating in 2022. Police leaders simply must set up a national protocol to make inter-force arrangement to deal with this crucially important area.

Time for true leadership

Police have a unique position of power in our society. One of the founding principles of policing is ‘policing by consent’. Officers are instructed: *To recognise always that the power of the police to fulfil their functions and duties is dependent on public approval of their existence, actions and behaviour and on their ability to secure and maintain public respect.*

Sadly, recent revelations demonstrate that some officers have moved far away from this guiding principle.

If we are to effectively tackle VAWG, then the attitudes and inequalities that underpin it must be dismantled across society. I urge police leaders to view this time as an opportunity to change police culture for the better: to refuse to admit to policing anyone who has a background which links them to these attitudes; to no longer tolerate as ‘banter’ the expression of dangerous misogynistic and racist attitudes; to weed out those officers who hold them; and to encourage others to speak out against them and lead by example.

It’s up to police leaders to show the nation, and especially women, that the police are worthy of their trust. That if a member of the public reports a crime, they will be treated with respect, it will be investigated thoroughly, steps will be taken to protect them from further harm, and the officers who serve them will do this unencumbered by individual or institutional prejudicial views and attitudes. That women and girls will be listened to, respected, crimes investigated, perpetrators pursued and the vulnerable protected from harm. That is policing by consent.



Dame Vera Baird at the inaugural Thames Valley Police Violence Against Women and Girls conference, March 2022. Pictured with: ACC Tim de Meyer and DCC Maggie Blyth.

Boys and Men: victims of sexual and domestic abuse

We need a progressive, separate interpersonal violence strategy for boys and men.

Male victims and survivors have unique needs. Physical and sexual violence and domestic abuse committed against boys and men is not 'violence against women and girls.'

The Home Office consulted on their Violence Against Women and Girls and Domestic Abuse strategies, inviting men and boys to respond if they were affected by these crimes. We had asked the Home Office not to do this, as did the male victims organisations. Some of the men's sexual violence support groups and leaders we met with, told us that they were not prepared to ask the men that use their services if they wanted to respond as victims to a consultation on Violence Against Women and Girls. They said that being asked to tack their responses onto questions being asked about crimes against women would risk re-traumatising them by making clear that they were nobody's priority. These victims will already feel demeaned by having been abused and the Home Office must stop being tone deaf on this issue and commit to a separate consultation and a separate strategy for male victims.

Violence against boys and men

It is estimated that one in six men will experience sexual violence or abuse at some point in their lives. As survivors of abuse, these victims deserve to be fully supported in a way that is tailored to their needs and helps them to cope and recover just as we do so for others.

Boys and men face a number of unique barriers when it comes to reporting and seeking help. This includes harmful stereotyping and popular myths and misconceptions around male victims. In particular, notions of masculinity and perceptions of how men 'should' act or behave can act as powerful deterrents to coming forward and accessing help.

So, it was puzzling and frustrating that the Home Office, having consulted as set out above, went on to decide to issue a policy document – ostensibly to support male victims of domestic and sexual abuse – confusingly called, 'Supporting

male victims of crimes considered violence against women and girls.' Understandably, this drew widespread derision – and considerable frustration – from victims and the organisations that support them. And it wasn't just the title, the patchy nature of the document was also called into question, as it does little more than republish the 2019 'Male Position Paper'.

In positioning interpersonal violence against men and boys as 'violence against women and girls', the Home Office risks promoting the very harmful stereotyping the document actually cautions against. The policy

document is frank in acknowledging the misconceptions and stereotypes, including around masculinity, that can act as barriers for male victims. There is even some useful and illuminating analysis, with a welcome focus on the complex, intersectional nature of male victimisation. This includes consideration of male victims of so-called honour-based crimes and forced marriage, and appreciation for higher rates of victimisation and support needs among migrant, especially refugee, males who have no recourse to public funds.

Yet the title alone neatly sums up the incoherent language and framing of this document and the deep-rooted problems in how male victims are seen. It gives the distinct impression that male victims were little more than an afterthought. This is deeply disappointing and no wonder male victims can feel as if they are not supported.

A dedicated boys and men strategy

I have consistently argued that men and boys who are victims of interpersonal violence require their own strategy. The drivers of abuse differ, and, in turn, the harms and impacts are experienced differently. Indeed, these are not new calls from me or from male victims' organisations. My predecessor, Baroness Newlove, pushed for this long before she left office in 2019. The Home Office can't claim to be caught off guard by any criticism.

I continued to highlight my concern that insufficient attention was being paid to the need for a separate strategy for male victims of interpersonal crimes as the government developed its much needed violence against women and girls (VAWG) strategy last year but to no avail.

The final document for men and boys, published in March 2022 – much delayed and issued without fanfare – was disappointing in the extreme. The

'commitments' to male victims were devoid of ambition – and given their framing within VAWG, may even serve to be counter-productive. Since its publication and the significant public criticism which I and others have levelled at the document, the title has been changed. It is now called 'Position Statement on male victims of crimes considered in the cross-Government strategy on ending Violence Against Women and Girls.'

I am not sure that this helps since it still defines a crime type which should be being addressed specifically from the male victim perspective by reference to the fact that these crimes are mainly against women and girls (or why would they be being addressed only in a 'strategy on ending violence against women and girls?')

Men are far more often victims of crimes of street violence but we would not describe a document focussing on help for female victims of street violence as being about 'Supporting female victims of crimes considered violence against men'. All government and ONS data makes clear that women are overwhelmingly the victims of VAWG crime types and that is precisely why men need a separate strategy of their own, by analogy with our arguments in our 'Less heard victims' article, because they are a relative minority and have radically different needs.

Compounding the issue is that this 'Position Paper' remains just that: a

static policy document setting out a position little different to that in the 2019 'Male Position Paper'. One could not make the point, that little progress has been made, better: the 2019 document was a Position Paper and the 2022 paper is also still a Position Paper, with very few discernible differences to the 2019 paper. This lack of progress does not serve male victims.

There are different barriers for men to reporting in addition to concerns about masculinity. Many are deterred by an institutional belief that abused males can go on to abuse. Men are reluctant to go to Sexual Assault Referral Centres, where some female victims go to report, for evidence to be gathered and to receive support. A different model needs to be worked out. Yet the paper sets out no actions for government to take away, no promises to develop a fuller report in the future, and no genuine commitments of substance. But what male victims and survivors (and their supporting organisations) urgently need is an active strategy document, which would set out not just what the problems are, but how the government intends to solve them.

Men and boys deserve better. It's beyond time for the design of a dedicated men and boys strategy with specific policies, strategic targets, milestones and funding, which sits independently of a VAWG strategy focussing on women and girls.



Men and Boys Coalition lend their support to Dame Vera Baird's calls for a separate men and boys strategy, January 2022.



Anti-social behaviour: living a nightmare

Anti-social behaviour (ASB) is often treated as 'low-level crime' or even as sub-criminal but its impact can be deeply injurious and it is often targeted against people who are vulnerable already. It is high time tackling ASB became a top priority for government.

As Victims' Commissioner, it is one of my responsibilities to represent victims of anti-social behaviour (ASB). ASB can make victims' lives a living nightmare, causing stress, misery and despair. It can also often be the precursor to serious crimes including knife crime and gang activity. It's so important that it is taken seriously by the agencies responding to it. Yet I have found victims of ASB are often treated as second class victims, unable to access the support and resolution that victims of crime can.

With the Victims' Bill on the horizon, it's time this was remedied. Victims of persistent ASB, whose suffering has made them entitled to activate the Community Trigger provisions, must be recognised as victims of crime in

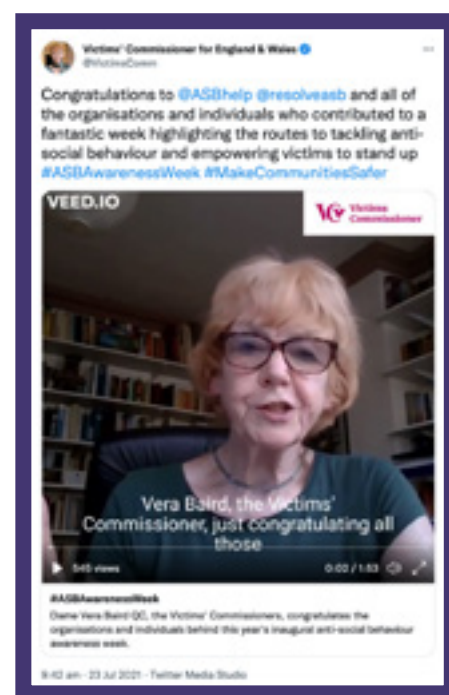
their own right, with all that entails. Accordingly, the Community Trigger must be actively promoted, with agencies required to meaningfully engage with it and Victims' Code rights delivered to those victims.

Increasing awareness and response

The first ASB Awareness Week took place in July 2021. This week of activities sought to throw a light on ASB and to highlight good practice that is underway. It brought together hundreds of housing associations, councils, police forces and charities. I was delighted to speak at events in the week, on behalf of victims and come together with stakeholder groups to work to make communities



BBC Panorama, *Anti-social behaviour: Afraid in my own home*, January 2022.



Dame Vera Baird congratulates stakeholders on a successful inaugural ASB Awareness Week, July 2021.

safer. In doing so, I have been able to highlight the impact of ASB on victims and raise its profile as an issue to challenge.

I have also been pleased to be a part of the Home Office ASB Strategy Group. This has got a new lease of life in the past year or so and brought together, more effectively, key agencies including the police, the Local Government Association and ASB charities with the Home Office to work to develop principles and

an action plan. This work has real potential to make a difference for victims.

Victims frustrated and let down

Reporting ASB is not straightforward. As ASB escalates, victims often face a frustrating experience in trying to engage with the agencies that should be helping them.

Tackling ASB is rarely the responsibility of a single agency, so victims can find themselves being passed from pillar to post, from the police to their council to a housing agency. Meanwhile, the ASB continues unabated.

We need agencies to come together to resolve ASB. We know that early intervention is key, and partnership working across police, councils and housing, as well as other agencies, is essential.

Agencies must embrace and enact good practice in their area. The results of the Police and Crime Commissioners' role, currently being implemented must encourage them to deliver. Future legislation from the PCC Review must encapsulate what works and embed accountability in order to secure improvements for the future.

A lack of support

Your home should be your sanctuary, but for too many victims of anti-social behaviour this has been far from reality. Victims of ASB need and deserve support, but do not currently qualify for basic victim entitlements. The Victims' Bill must address this imbalance.

An online delivery may be stolen from my front step, but that will have little impact on my well-being. However, as a victim of that crime, I would be eligible for support services to help me to cope and recover. As a victim of crime, I would also be eligible for all the rights under the Victims' Code, including to have my complaint

recorded and to be provided with information.

As a victim of ASB, however, I face a different situation entirely. I may have people parked outside my home, drinking and being rowdy, chucking beer cans into my garden, kicking a ball against my wall, swearing and spitting. That will make me feel persecuted in my own home, so targeted that I might become afraid of going out and perhaps traumatised, but as a victim of ASB, I have no such victims' rights and no guarantee of support. This disparity needs to end. Victims of ASB are not second-class victims and they don't deserve to be treated as such. Some Police and Crime Commissioners do fund support for victims of ASB although they cannot do so through the Ministry of Justice Victims' Fund but only from local sources. It is very clear from those areas that victims of ASB can benefit immensely from professional victims support or by befriending an ex-victim of ASB volunteer. However, these victims also need the rights in the Victims' Code. The Victims' Bill must acknowledge the pernicious harm that ASB creates and deliver repeat victims with the same rights that a victim of crime can expect.

The Community Trigger and the ASB Pledge

My principal work on ASB as Victims' Commissioner has rightly focussed

on the Community Trigger. I have advocated use of the Trigger at innumerable conferences and lobbied ministers better to promote its availability and use. The Community Trigger was designed early in the last decade (and enshrined in the 2014 Anti-Social Behaviour, Crime and Policing Act). It empowers a victim to bring agencies together to commit to purposeful action to bring an end to repeat ASB. It can represent the best hope for victims to escape their nightmare. But it remains poorly promoted and underutilised.

The Community Trigger can be activated through notice to a local authority, a Police and Crime Commissioner or to the police when a victim or victims have reported ASB incidents three or more times within a six-month period and no effective action has been taken. A councillor or a member of Parliament may also activate the Trigger for their constituent. It is intended to be an opportunity for citizen empowerment, an important part of our democracy. When the victim or victims have activated the Trigger all the agencies, such as the police, the local authority and housing associations must come together to address the situation and, ultimately, fix the problem. No longer should a victim be passed from authority to authority.

However, despite the intention that the Trigger should be a solution

Victim correspondence

Victims write to tell me that they are 'desperate' for help. Despite multiple reports to police, council and housing authorities, 'nothing happens' to manage the issues and they feel they are not taken seriously.

“The feedback from victims to date is that all too often they are persistently targeted by their perpetrators; and yet persistently ignored by those they believe have the power to prevent it and intervene to stop it. For many victims, their experience can be like living a nightmare.”

Dame Vera Baird, keynote speech at inaugural ASB Awareness Week conference, July 2021.

to a complex problem, it has not delivered the results I would hope to see. My predecessor’s report, **‘Living a Nightmare’**, outlined the challenges associated with the Trigger and recommended solutions to them. Awareness of the Trigger remains low amongst the public and even some of the relevant agencies and it is underused. Where it is used victims have found that they aren’t given the opportunity to attend the joint meeting the authorities should organise to enable them to tell their story and to voice their concerns.

This is why I was pleased to help to launch the ASB Pledge with the organisation ASB Help. The Pledge includes a commitment to promote the Trigger and to use it strongly to ensure that victims are put first and perpetrators are dealt with firmly. The Community Trigger is capable of being a powerful tool and I am pleased to say that the Pledge seems to have increased its use. However, it must be fully embraced by agencies and victims must be invited in to present their experiences for it to be effective.

PCC Review

In my response to the second part of the Police and Crime Commissioner

Review, I argued that PCCs have a role in ensuring that victims are aware of the Trigger process and can access it, that resolution meetings following activating the Trigger are chaired by an independent professional and that victims are able to participate.

National leadership and momentum

While ASB is a challenging and complex issue to respond to, I have worked with many committed stakeholders trying to improve the lives of victims. These organisations are bringing improvements that can be built on in the future. But it is also time to push the issue up the agenda and make it a top priority for government. The Home Office-led ASB principles and action plan focus on putting the victim first and need to be promoted nationwide by government leadership. The first step is to make victims of ASB full victims with all the entitlements to the Victims Code, including support services and the second is to powerfully promote the Community Trigger and ensure that all the agencies deliver solutions through it to highly damaging ASB.

Less heard victims

Victims need equality of access to justice and to support services. The Victims’ Bill must seek to understand the barriers to justice and recognise the importance of specialist services for survivors, led ‘by’ and delivered ‘for’ the communities they serve.

As Victims’ Commissioner, I have advocated for all victims. This has meant listening to and amplifying those voices that are more likely to be overlooked. This is especially true of those voices who are less likely to engage with the justice system, or those who are more likely to get an inadequate response when they do. These victims are less likely to seek or see justice overall.

Every victim deserves justice and support and many victims are simply overlooked, excluded and have their needs ignored. This must be put right.

Equality of access to justice

Evidence shows that ethnic minority, disabled and LGBT communities are disproportionately impacted by crime but I hear from stakeholders that these groups also face a tougher time getting justice.

The Government’s End to End Rape review acknowledged that rape is perpetrated at a higher rate against disabled women and those who are gay, lesbian, bisexual or ‘other’.

But I hear from organisations representing these groups, supported by my own research, that they can face additional barriers to reporting to police which include fears of being disbelieved exacerbated by a current criminal justice culture which favours scrutiny of complainants over investigation of the suspect.

Imkaan’s report **‘Reclaiming Voice-Minoritised Women and Sexual Violence Key Findings’** states



that national data from Rape Crisis England and Wales shows that for 2017-18 where ethnicity is known, 23% of women accessing support across the network identified as BME, which would suggest that BME women are disproportionately being offended against too. This report also identifies the significant barriers faced by this group in accessing justice including historic and cultural mistrust of the criminal justice system and police.

SafeLives’ report, **‘Disabled Survivors Too: Disabled People**

and Domestic Abuse’, found disabled women are twice as likely to experience domestic abuse than non-disabled women and typically experience abuse for a longer period of time before accessing support (3.3 years’ average length of abuse versus 2.3 years).

ONS statistics also show that ethnic minority people are more likely to be victims of crime.

Whilst there is a lack of official data and academic research, many groups representing Disabled, LGBT and black and minoritised people

Victim correspondence
Victims of hate crime write to tell me that they feel their reports are not being taken seriously, they feel isolated and are unable to access appropriate support.

argue these groups are more likely to experience other forms of harassment and abuse such as online abuse. For example, Galop's **'Online Hate Crime Report 2020'** showed that 8 in 10 respondents to their survey had experienced homophobic abuse online in the previous 5 years.

Last year, Leonard Cheshire reported that on-line disability hate crime was up 52% from the previous year and this was based only on cases reported to police so is likely to be an underestimate.

End Violence Against Women and Glitch showed that black women and non-binary respondents to their survey experienced the highest rates of online abuse during Covid.

Those victims who have insecure immigration status, particularly those suffering domestic abuse, so-called honour-based violence or sexual violence can find it virtually impossible to report to police or to otherwise seek support. They fear, with cause, that they will be treated not as a victim but as a likely immigration law-breaker and their cry for help will lead to them defending themselves against the threat of the 'hostile environment' and not to any protective or prosecutory action against the perpetrator. I have long been calling for a firewall between police and immigration authorities to protect victims of abuse from being treated in this way. I have no doubt that, following a super-complaint

about this there will be amendments proposed to the Victims' Bill, when it emerges, since tackling this barrier to justice has long been necessary and unfortunately the government has declined to take these steps.

My **Victims' Law Policy Paper** brought together stakeholders to consider equality of access to the Criminal Justice System. Stakeholder feedback and some evidence also pointed to barriers to reporting crime for minoritised groups.

I have already called for the Victims' Bill to introduce a range of measures to address deficiencies in our justice system for minoritised groups.

However, due to a paucity of official data it is really difficult to obtain an accurate picture of who is reporting to the police and who isn't, let alone any exploration or analysis of the barriers to making a report to the police. We also can't accurately say how the personal characteristics of victims who do report impact the outcome of those reports because again there is little data. This is why, as part of my response to the Victim's Bill consultation, I have urged government to conduct comprehensive research to understand both the barriers to reporting and the criminal justice journeys for those who do report, based on personal characteristics. It is only when we understand the picture fully that we can take action to ensure the system works fairly and equitably for all those victims who seek to use it.

Equality of access to support

Despite the higher prevalence of victimisation of some groups, we also know these victims can also face barriers in accessing support services.

I hear from stakeholders that the barriers can be complex including language barriers and a lack of knowledge that support organisations even exist. Overwhelmingly, one of the most significant barriers is a lack of specialist 'by and for' support.

Stakeholders have come to me to tell me that the availability of specialist commissioned services across England and Wales is extremely variable, and that there are parts of the country where they simply do not exist. Such services run by and for the communities they support are invaluable to victims. They are experts in the nuanced contexts in which victimisation may occur, and the barriers that survivors face in reporting. They allow victims and survivors to feel safe to seek support, when they otherwise may not feel able to do so from non-specialist services or in the criminal justice system itself.

But they have been chronically underfunded and commissioning practices frequently favour larger, better resourced, often less specialist organisations. It is crucial that the immense value of these specialist ('by and for') services is fully recognised by the government and commissioning bodies and reflected in funding allocations.

I regularly engage with a whole host of stakeholders and organisations representing the interests of minority groups. In the lead up to the Victims' Bill consultation, I consulted widely, holding roundtables with leading minority service providers, academics, campaigners and legal professionals. This was at the core of informing my proposals for the Victims' Bill, which I delivered in my consultation response. It included my vision for legislation that encourages commissioners to cater for more victims by helping to make those most marginalised more visible

and ensuring they get the support from those services tailored to their needs.

The Victims' Bill must mitigate the difficulties faced by specialist 'by and for' organisations. A national commissioning framework, drafted in partnership with specialist 'by and for' organisations, and a ring-fenced, central government funding stream should be implemented. This should be administered centrally, ensuring specialist 'by and for' services across the country receive core funding. At a local level, commissioners should pay particular attention to inclusive practices that empower diverse providers to access funding.

Whilst legislation alone cannot change cultures within the criminal justice system or the treatment of individuals, it can create a framework whereby equality of access can be monitored effectively, and deficiencies are able to be swiftly addressed. But we also need to embed the consideration of victim needs at every step of the way from the top down. That includes the Victims' Code.

A Victims' Code for all

Fundamentally, victims' rights must be available to all, regardless of protected characteristics. This starts with the Victims' Code and agencies will take their lead from government. Yet the promotion of the Victims' Code has been consistently woeful. Almost two decades after the first Victims' Code, it remains dismaying that the Ministry of Justice has still not issued BSL or other accessible language editions. This must now be put right. It's high time we saw a national campaign raising awareness of the Code, of victim's rights, and highlighting the diversity of victims and victims' needs.

During my time as Victims' Commissioner, I have heard far too many examples of shocking indifference to victims' needs, in particular of deaf and disabled victims. There was the instance of the learning-disabled victim being asked to make a statement without an

intermediary, or the deaf victim being told she could give evidence without a BSL interpreter as she could lipread. This is simply unacceptable.

The Victims' Bill must ensure that victims' rights are rights that are accessible to all. There are no 'invisible' victims, only institutions that need to look out and find them, ensure they have support services to meet their needs and that the criminal justice system is as receptive to them as to everyone else.

Pressing issues for more victims

We have set out this Annual Report in chapters around some themes that have been major features of our work this year. But these themes are by no means the whole of what we do.

We have a vast network of stakeholders, representing victims with many different needs, issues and expectations who we encourage to be in close contact. We have done a plethora of work both with and for these diverse victims and we set out here some of this work and some aims and concerns that we share with these groups.

Victims of Crime attending Parole Board hearings

I have **previously highlighted** the very real risk to victims of serious crimes from some of the proposals in the Government's **'Root and Branch Review of the Parole System'** on which we have commented to Government. The government wants, in the interests of transparency, to allow victims who wish to attend Parole hearings to be able to apply to do so. There will be a small pilot of open hearings. Our fears are that there is a risk of re-traumatising victims. They will need to have the nature of process and its context fully explained to them, prior to attending the hearings, so that they can appreciate the extent to which the focus will be on the offender rather than on the offence. Attendance should be undertaken remotely, removing the need for victims to travel to the custodial setting. It is imperative that they are given holistic specialist support in preparation for attending the hearing. However, victims will also

require support during the hearing and after it has taken place.

Anything less than this and will risk re-victimising those who take part. Please see **our response to the Victims' Bill** for more detail (answer to question 7).

Mentally disordered offenders

My office **has long called** for victims of mentally disordered offenders to be given the same rights as all other crime victims. **I was pleased to see** the latest version of the Victims' Code increases the rights of these victims to be able to access Victim Liaison Officers who can help them with post-trial and tribunal issues. However, whilst this is a step forward, it is not sufficient in itself. Victims of mentally disordered offenders must be allowed to make and submit a Victim Personal Statement when the offender's detention is being reviewed by the Mental Health Tribunal. This important issue was raised in the Victims' Bill consultation and **my consultation response** says clearly that victims deserve this right.

I have also recommended that in every case where a victim has died at the hands of a mentally disordered offender, the criminal justice agencies involved in such a case should be required to request that the psychiatrists to draw up an agreed statement define the nature of the offender's illness and how it impacted upon the motives for the killing.

Victims' families must be provided with appropriate information to help them cope and recover. Without any such context and understanding, their recovery will be far harder.

Road crash victims

Road crash victims require immediate and specialist support in order to cope and recover. After a fatal crash, for instance, there can be a myriad of unfamiliar and unpleasant procedures that victims and the bereaved may be confronted with – and with little preparation or guidance. Victims may be required to identify a loved one's body or be responsible for significant hospital care decisions. A problem for the Ministry of Justice is that people who are not victims of crime cannot be supported by the Victims' Fund. At the time of a crash it is not always clear whether or not a crime has been committed. By the time this is clarified it is often too late to be funding specialist intervention. A criminal investigation also involves a bewildering maze of legal jargon and procedure. For many, this can cause significant stress and further trauma. Too often victims cannot access the services that they need at the time when they need them, and I am pressing for this to change for victims of road crashes. Since 2020, the Department for Transport has funded the National Road Victim Service to deliver national expert and clinically-advised care for road victims – right

from day one of the crash. This has enabled hundreds of families to be supported, but it not a long-term plan and victims need a sustainable and comprehensive support package that they can rely on.

I have met for discussions with representatives from the Department of Transport and have been pleased to hear of their engagement. We look forward to meaningful action. We also need to ensure that there is support for victims if they have to go to court, wherever they live in the country.

Families bereaved by murder abroad

The bereaved families of those murdered abroad face specific barriers to accessing justice. Our report, **Struggling for Justice**, makes a number of recommendations that recognise and seek to overcome these challenges.

I have been pleased to see acceptance of a number of these recommendations. My Office has attended the new Murder and Manslaughter Abroad Working Group we recommended. The Group brings together statutory bodies responsible for responding to these murders and supporting victims. These include the police, the Foreign Commonwealth and Development Office as well as victims' representatives, such as my Office and **Murdered Abroad**.

Much still needs to change. I am pressing for improved communications for victims, clear help on key areas such as translating documents and a full support service offer for all bereaved families.

Furthermore, in my response to the Victims' Bill consultation we noted that the Victims' Code does not give rights to these victims, as their cases will take place in overseas criminal justice jurisdictions. However, the spirit and reality of these rights should be delivered as far as is possible. Bereaved families can benefit from rights such as to being provided with

clear information and being referred to support services. Agencies, such as the Foreign, Commonwealth and Development Office and the police must work in partnership to deliver these whenever possible. Bereaved families of those murdered abroad must receive the rights captured within the Code insofar as it is possible for agencies within England and Wales to deliver them.

Military justice

If you are a serving member of our armed forces, whether the navy, army or air force, you will fall under the Service Justice system, not the civilian justice system. Victims in the armed services or those victimised by someone in the military have specific difficulties with this very different system and also have specific needs. Those who report crimes such as sexual violence, especially if the defendant is also a serviceperson, face additional barriers to justice and outcomes are not good. Over recent years, a number of reviews have cast light on victims' needs within the system. Just over a year ago I was asked to join the Service Justice Board to provide a victims' voice and I have attended and also worked with officials between Board sessions.

We submitted a document to the Select Committee on the Armed Forces Bill and they asked me to **give evidence** in person. I was part of a session where all witnesses highlighted the importance of trying the most serious crimes such as murder, manslaughter and rape in the civilian justice system. **I have since written to** the Secretary of State, the Rt Hon Ben Wallace MP, to underline this position, arguing that victims must have access to independent justice – a position with which some senior MPs agree.

The Board proposed a Rape and Serious Sexual Offences Strategy which my office could not accept. I was pleased that the Board agreed to reevaluate this strategy since it needs

to be strengthened considerably. It should also be informed by wide consultation, in particular with the sexual violence charity sector.

It is good to be called upon to bring the victim's voice to this separate and distinct system, where it is often even more difficult to ensure that victims' rights and needs are understood and addressed.

Speaking out for victims of slavery

I have worked with the Independent Anti-Slavery Commissioner to **speak out** for victims of modern slavery.

Modern slavery sees individuals horribly exploited for their captors' profit and leaves them too afraid of their abusers to risk escape. Women and girls are forced into prostitution, young boys made to commit criminal acts and men kept in appalling conditions for slave-labour. These are some of the most vulnerable and traumatised victims in our society.

So, it was alarming to see the Nationality and Borders Act appearing to degrade the existing protections for these victims even while the Government is working to improve support for others within the Victims' Bill.

Within the Act, support for slavery victims is conditional. It can be withheld on public order grounds if they have been convicted of certain offences in the past.

The Act also provides that suspected victims of modern slavery who are making a protection or human rights claim will be served with a Slavery or Trafficking Information Notice. This will require them to disclose any relevant information to support a claim that they were trafficked or enslaved within a set period of time. If they fail to do so, that must be taken into account as damaging their credibility unless they can show 'good reason' for the late disclosure.

Taken together, these changes fail to grasp the realities of being a victim.

We know that traffickers frequently force their victims to commit offences, both for the traffickers benefit and to make the victim feel unable to approach the police for help. We also understand that the impact of trauma means that victims are not always able to, on command, disclose all the often appalling things that have happened to them.

I have been assured that such problems will be, at least in part, resolved by guidance and officer discretion. However, the rights and needs of victims need to be put into legislation not left to a lottery of individual decision-making. This part of the Act risks us failing to identify victims of modern slavery and failing correspondingly, to provide them with the protection that they need. This is worrying and may be taken up again in the forthcoming Victims' Bill.

Legal aid for victims and the families of deceased people at Inquests

Inquests are legal inquiries held into unexpected deaths to ascertain the cause and some surrounding circumstances. Coroners, who preside, may make recommendations to prevent future deaths. When a family member is killed or dies, bereaved families will always want to know what happened to their loved one. When a public authority is involved, these families will be likely to need legal help to help them navigate this process. Although inquests are inquisitorial, meaning they are intended to probe to the truth and are not adversarial as criminal trials are, inevitably any public authority involved will be fully legally represented, often at significant taxpayer cost. Often more than one

public authority will be implicated and there will be a battle of blame and self-defence. The government suggests incorrectly that a Coroner, in such circumstances can represent the interests of the family. They can ask questions but there has to be a separate lawyer, fully briefed with all the papers specifically to represent the family. There are often such inquests in which the only unrepresented party is those who have lost a loved one in unknown circumstances and they are, of course, through their taxes funding the others. This is not equality of arms and is not the justice the bereaved deserve.

It was a good first step that this government removed **means testing** for Article 2 inquests (which are part of the group of inquests where help is most needed). However, some Article 2 Inquests are not categorised in that way by the legal aid authorities and there are non-category 2 inquests where family interests need to be heard. It is imperative in the interests of justice that legal aid is always granted where appropriate and we have suggested that a section of the Chief Coroners' Office could assess claims. One only had to look at the difference between the outcomes of the first Hillsborough Inquest and the second to appreciate how necessary legal advice and representation is for families where public authorities are involved.

Restorative justice

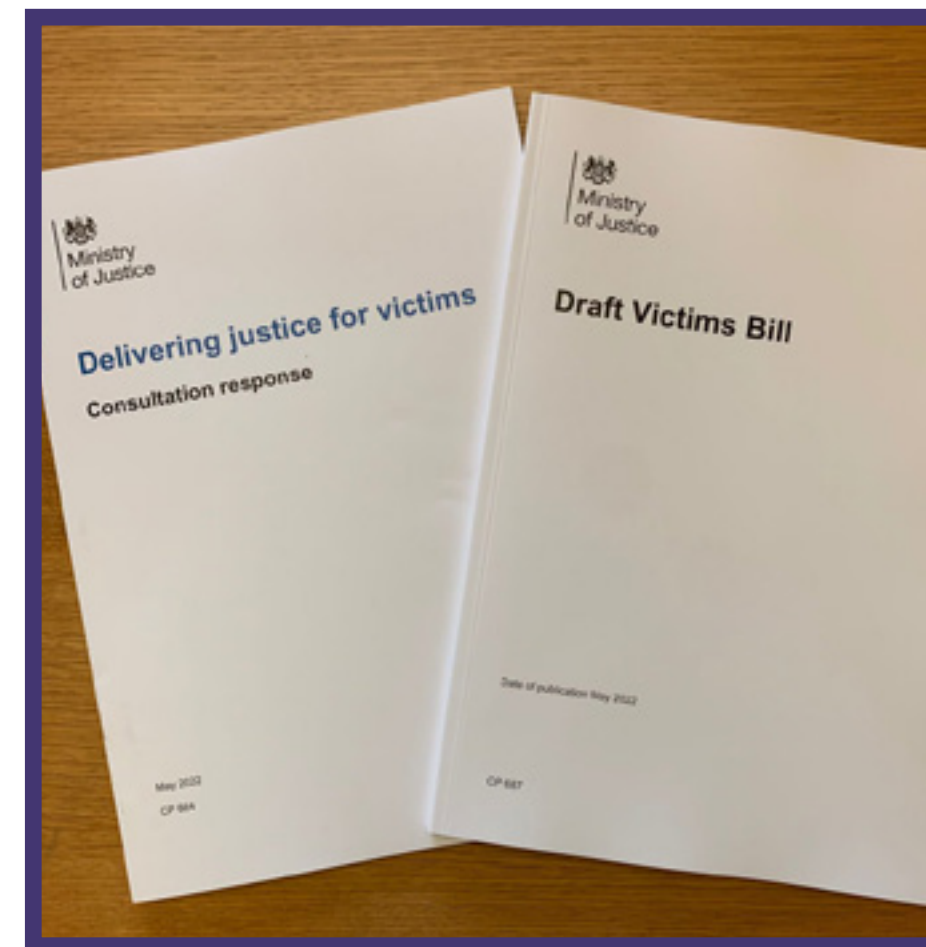
I have established a Victims' Commissioner Restorative Justice Group this year to develop Restorative Justice routes so that more victims can have the opportunity, with skilled liaison from an RJ agency to communicate with their offender to

explain the impact of the crime on them. The process can be beneficial for victims with very **high satisfaction rates** reported from those who have taken part.

The Victims' Code includes an entitlement to all victims to be informed about restorative justice, but few recollect this happening. Our **statistical bulletin** based on Crime Survey for England and Wales Victimization Data found that the percentage of victims who recall being offered restorative justice decreased from 8% in 2017-18 to 5% in 2018-19. Of those victims who were not offered it, 26% would have taken it up in 2018-19, a figure which has been stable over the previous five years. This suggests there is a demand for restorative justice on the part of victims, but they are not being informed about its availability. There are historic results about the beneficial impact that restorative justice also has on offenders, when, with the victim's consent and appropriate support from professionals, they make human to human contact. We must always guard victims against pressure to agree to restorative justice because it helps defendants and vice versa, but restorative justice has been insufficiently developed for the benefits it can deliver. We are proposing the offer of restorative justice becomes a statutory entitlement.

Our role in the reform of how domestic abuse is dealt with in the Family Courts

Domestic abuse allegations are present in 62% of private law children proceedings in the family courts according to the most recent Cafcass



Draft Victims' Bill and Victims' Law consultation response.

study. Yet the Ministry of Justice's Harm Panel report, written by a group of experts after a great deal of examination, found serious structural issues in the way that domestic abuse allegations were handled. It found risk and potential harm to children and that survivors themselves were re-traumatised by the court process. It found a lack of data on key areas and a, long-criticised, lack of transparency.

The Panel recommended that we should partner with the Domestic Abuse Commissioner, in developing a monitoring mechanism for these

proceedings to help address the serious failings they identified. It should make courts and outcomes safer for children, by improving data, and understanding how private law cases involving children and domestic abuse are treated. It should provide a means for the voices of survivors and children to be heard.

The Domestic Abuse Commissioner is very much the lead partner in this endeavour but we have worked closely with her office and with key academics and the judiciary on a design for the monitoring mechanism,

and on proposals for a pilot phase for the project. We will continue to be involved as the project proceeds and, ultimately, reports. Further detail is available on the Domestic Abuse Commissioners' website.

This is both a vital and a welcome step towards ensuring that domestic abuse victims, who are often involved in both the criminal courts and the family courts at the same time, can have the confidence to expect justice from both jurisdictions.

Research

Research plays an incredibly important role within my work. I use research to understand the changing needs and experiences of victims so that I can provide a voice for them and promote their interests.

Producing ground breaking research, such as my research into who suffers fraud, brings fresh understanding and influence to public services and public policy, ensuring that victims' needs are considered and met. In the last year I have published four important research reports.

Next steps for special measures: a review of the provision of special measures to vulnerable and intimidated witnesses

In May 2021, my report on **Special Measures** was published. Special measures are a series of provisions that help vulnerable and intimidated witnesses to give their best evidence in court. Under the Victims' Code, all witnesses have the right to have their needs assessed by a police officer and the Witness Care Unit, a unit within the police force.

Special measures are not a 'nice to have' but are essential provisions for many witnesses. Giving evidence to a court can be a worrying and, for some, traumatising experience. Special measures were introduced to make this easier for witnesses and to avoid unnecessary stress and distress. Some witnesses will not be able to give evidence at all without this help but not all victims and witnesses are getting the protections they need. And this is a major problem for the criminal justice system which needs to secure all the



Dame Vera at the stakeholder launch event for the Special Measures report, June 2021.

available evidence on both sides of a case.

My review explored the current provision of special measures, drawing on testimony from criminal justice professionals and victim support services. It found that there is no set process of needs assessment for special measures and no single agency has overarching responsibility for identifying a requirement for special measures and ensuring the right ones are put in place. So, there are multiple opportunities to spot need, but a risk of to-ing and fro-ing of information, and scope for information to be lost or duplicated across agencies. Our surveys suggested that needs assessments may be lacking: 53% of responding magistrates and district

judges felt that vulnerable victims and witnesses were only having their needs accurately assessed sometimes or less often. Just 10% felt this was happening always or almost always. My review also found that some special measures are used far more often than others: physical screens (which prevent the defendant seeing the witness in court), live links and pre-recorded evidence in chief were most often used in the Crown Court, use of evidence in private hardly at all.

It outlined victims' and witness' wider experiences of court and special measures and made 21 recommendations. These included that the police and CPS should work together to streamline the process of assessing need and applying for



special measures and that Police Witness Care Units should have overarching responsibility for special measures needs assessments. I presented these findings and recommendations to the Secretary of State in order to ensure that they received buy in from ministers and have been pleased to see progress against them across the year. Taken together, these recommendations have already started improving the provision of special measures and address barriers to access.

2021 Victim Survey

In September 2021 I published the results from my **now annual Victims' Survey**. Launched in the summer, the Victims' Commissioner's 2021 Victim Survey sought to understand victims' priorities and gain insights into their experiences of the criminal justice system over the past three years. Around 600 victims completed the survey.

The findings painted a worrying picture for the justice system, with victim confidence shown to be low. The survey found that just 43% of

victims would report a crime again based on their previous experiences of the criminal justice system. Just half would attend court again, down from 67% in 2020.

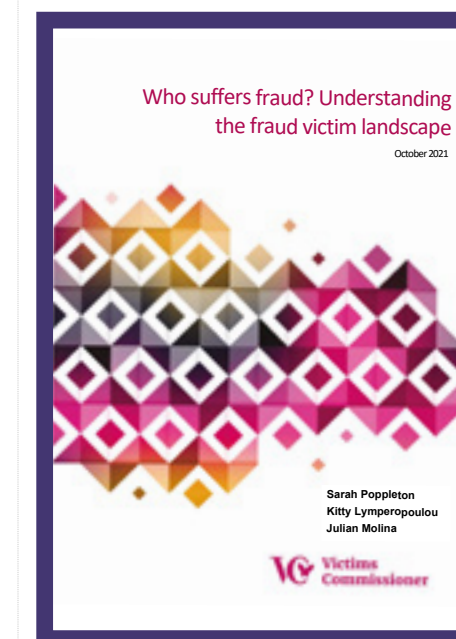
Many victims expressed their disappointment with the criminal justice system, especially the court process and the Crown Prosecution Service (CPS). 66% of victims told the Commissioner they had to wait too long before their case came to court; only 9% of victims thought the courts dealt with cases promptly.

The survey found that victims most want to be treated with fairness and respect by the police, for the crime to be investigated and to kept informed of the progress of the case. These are hardly arduous asks – indeed, they are very clearly rights to which victims are entitled, as set out in the Victims' Code. But time and time again, the police, CPS and other justice agencies have been found wanting. All too often victims are still treated as an afterthought – a bystander to proceedings, rather than the valued participant they should be.

Who suffers fraud? Understanding the fraud victim landscape

In October 2021 I published my **ground-breaking report into fraud**. Fraud is huge and can also be a very high harm offence. To get to grips with the scale and nature of this unwieldy area of crime, researchers mapped out the landscape of fraud victimisation. This was undertaken to understand how we might break down the population of fraud victims into meaningful groups and realise what characterises these groups, as a precursor to being responsive in supporting their needs.

The analysis found that almost a quarter of fraud victims (22%) are likely to be deeply affected, experiencing very high levels of financial loss and emotional strain, with many losing £1,000 or more. Furthermore, whilst some of those who were deeply impacted were older, others were young. However, over half of fraud victims fell into the 'low-vulnerability' category (55%), equating to about 1.74 million people.



Who suffers fraud? Understanding the fraud victim landscape, published October 2021.



This might suggest that although the overall scale of fraud is very large, more than half of its victims may need little support and that finite resources for victim support should be targeted elsewhere.

Despite the prevalence of fraud, when we think of the word 'victim', fraud is probably not one of the first crimes that springs to mind. Yet in high-harm fraud cases, victims frequently suffer deeply.

We know that the police response to fraud is still not good enough. But it's not just the investigative response to fraud that needs attention. We need to know how well the overwhelming majority of fraud victims – who will not get a criminal justice outcome – are being supported.

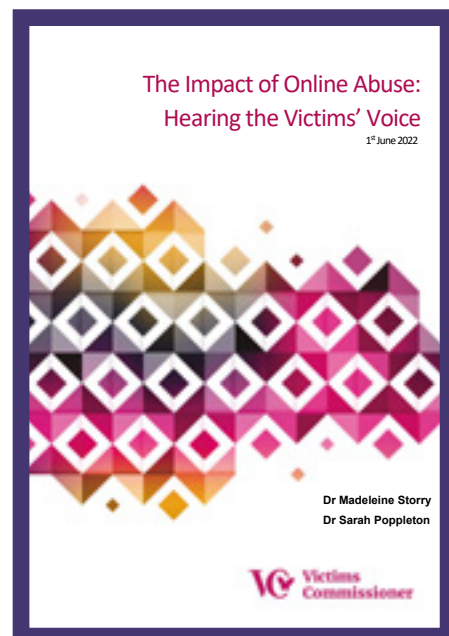
This report was welcomed by groups who work with victims of fraud who felt it was a timely and detailed report that provided insight into the characteristics and vulnerabilities of

victims and highlighted the need for specialist support for victims. I have presented the results of this research to both the Justice Committee and an Inquiry by the House of Lords and am pleased to see the research bring awareness and start to instigate change.

Online Harms Survey

Finally, in June 2022 I published the results from my survey into Online Harms. This survey was launched in January and received almost 550 responses from people who have been the victim of online abuse.

This report presents a detailed picture of the types of online harms that people are experiencing and, importantly, adds a real understanding of the experiences of people who have suffered this online abuse. This report emphasises the high level of harm that people can suffer from online abuse. It details the problems people have encountered when reporting these



The Impact of Online Abuse: Hearing the Victim Voice, published June 2022.

crimes due to a lack of police response and understanding. It also underscores what victims want: they just want to the abuse to stop.

Online abuse has hugely detrimental impacts on people's emotional and mental wellbeing. And it is also important to remember that 40% of people who have experienced online abuse had also experienced that abuse in their 'off-line' lives as well. It is not something that can be dismissed as inconsequential.

This report will be key to inserting the victim's voice into the ensuing debate as the Online Safety Bill reaches the Committee stage in the House of Commons. It is vital that politicians truly understand the victim's experience as they shape legislation.

Correspondence with victims: a learning process for us

The Victims' Commissioner is prohibited by statute from engaging in individual cases. However, I welcome correspondence from victims that shares their experience and helps to inform my policy and research work.

The quantity of correspondence I receive from victims continues to grow. I have a part-time Correspondence Manager who supports me in response. From April 2021 to March 2022 my Correspondence Manager handled over 637 enquiries. This averaged out at just over 53 cases a month, which is slightly above the figures from 2020-21 and continues the growth of the last few years. There were significant peaks during the course of the year, usually where I have featured in the media or following the publication of one of my research papers.

Whilst some victims don't know, when they contact us that I can't intervene in their specific case, almost everyone who writes is, nonetheless pleased that we are here to listen, to take what they say very seriously, try to find them some other help and use their experience to full account

in our future work. Many victims very much want to ensure that others do not suffer as they have done and, I believe, find some satisfaction from our response.

Victims are most likely to write to me about their experience following sexual offences and domestic abuse. I also get large volumes of correspondence regarding anti-social behaviour. There are many, many examples of poor communication and services. I have also received correspondence that reflects the court backlog and the excessive delays that victims currently face. A further theme for correspondence has been a need for victim support, particularly for victims of anti-social behaviour, who are not entitled to support, and better support for victims of sexual violence.

This year, I have included feedback from victims across the annual report

– to help to illustrate the feedback that I receive.

The top headliners on which victims have written to me are illustrated in the table below:

Key	Number of cases
Sexual Assault	148
Domestic Abuse	117
Anti-social behaviour	93
Fraud	40
Other violent crimes	33
Homicide	28
Other crimes	80

Victim correspondence
 Victims write to tell me that they feel 'powerless', but hope that by sharing their experience with me this will help others and 'get their voice heard'.



Recommendations

This is my third annual report and the second one we have asked to lay before Parliament. It should become a requirement that our reports do become parliamentary documents in order to ensure that the legislature is seized of our views on the victims' agenda at least once a year.

In this article, I make recommendations in pursuit of my continuing ambition for victims and to further the needs of the mass of victim-stakeholders who contribute to my work each and every year and to whom I am grateful.

Recommendation one

The government must use the Victims' Law to transform the role of victims in the criminal justice system and truly deliver a paradigm shift in how victims are treated across the criminal justice system.

- The legislation must recognise the status of every victim as a valued participant from report to court and beyond, giving them a clear voice throughout, ensuring they receive procedural justice, support and delivering their guaranteed rights.
- The Victims' Law must put the Victims' Code into legislation and deliver robust incentives and accountability to ensure that all victims receive all the rights to which they are entitled.
- The Victims' Law must put on a statutory footing sustainable funding for all victims' services, including central ring-fenced funding for specialist 'by and for' services. Increasing the availability and strengthening the quality of victims' service to enable victims to cope and recover.

- The legislation must require sufficient data collection on compliance with Code rights about victims across protected characteristics to ensure that the Code rights are being fully delivered and that criminal justice agencies meet their public sector equality duty.
- The legislation must level up victims' rights to currently excluded groups so that all victims can access rights and support.
- The Ministry of Justice must commission in-depth research that explores and ascertains the reasons why some less-heard victims of crime do not engage with the criminal justice system. Both the barriers to justice and the experiences of the criminal justice journeys for those who do report.

Recommendation two

The government and criminal justice agencies must improve their response to Violence against Women and Girls (VAWG).

- The government must legislate to give victims protection over disproportionate requests for third party materials, following the provisions limiting digital extraction in the Police, Crime, Sentencing and Courts Bill 2022.

- Victims of rape and serious sexual offences must be provided with free independent legal advice and representation when the police or CPS request digital data or third-party material, when there is consideration of an application to admit previous sexual history and if any other human rights come into play.
- The Home Secretary must add Violence Against Women and Girls to the Strategic Policing Requirement, as she has previously committed to doing and ensure that forces have sufficient resource and training to ensure full compliance.
- The government and criminal justice agencies must implement the raft of recommendations from various reviews to improve the service delivered to victims of rape and increase the charging rates.
- The government must continue to roll out Section 28 (S28), as quickly as practical, enabling all victims of rape, serious sexual offences and modern slavery to pre-record their evidence to court.
- As soon as S28 is rolled out across the two nations and subject to the agreement of the victim, it should become the default way such evidence is given.
- The government must make better use of Remote Evidence Centres and ensure that S28 recordings can and are carried out to save victims the strain and risk of attending court at all.

- The government should immediately establish a team to commission a strategy for the establishment of a pilot Specialist Sexual Offences Court, as recommended by the Dorrian Review in Scotland, and develop one or more pilot courts by the end of this year.
- HMCTS must ensure that there is never again a rape sexual offence or modern slavery case listed as a 'floater' case or a 'backer'. All such cases should always be fixtures listed at the first opportunity.
- The government must ensure that all criminal justice agencies are fully engaged in Operation Soteria and that it is rolled out to all areas without financial cost to the forces.
- Police leaders must adopt a zero-tolerance policy to misogynistic, racist and homophobic attitudes and behaviours in the police and encourage officers to call out such behaviour as they see it, to radically change police culture.
- The government must ensure a statutory system of protective privilege for the confidentiality of sexual assault victims' therapy records in any criminal proceedings.

Recommendation three

The government must ensure that male victims of interpersonal violence receive justice and support.

- The government must deliver a separate interpersonal violence strategy for men and boys, in close consultation with their victims' sector, that recognises and responds to the unique needs of this group of victims and ensures top quality

treatment to aid them to cope and recover.

Recommendation four

The government and courts must implement measures to reduce the backlog of cases and relieve victims of excessive and stressful waiting time for justice.

- The government must work with all agencies to reduce the court backlog to cut waiting times for justice, which causes victims distress and often prompts their withdrawal from their case.
- The Ministry of Justice must ensure funding and appropriate infrastructure so that victims are supported through their court journey and for as long as they need.
- The government and courts must speedily implement all the recommendations in our report **on special measures** to ensure the victims are fully enabled through careful tailoring of supportive provision to give their best evidence.

Recommendation five

The government and public agencies must strengthen the support and response to victims of anti-social behaviour.

- The Victims' Law must grant victims of anti-social behaviour whose circumstances would meet the community trigger threshold all the rights in the Victims' Code, including specialist support services.

- All the agencies to whom victims complain of anti-social behaviour must improve their use of the Community Trigger, implementing the recommendations included in the **Living a Nightmare** report.

Recommendation six

The government and criminal justice agencies must improve the provision of preventive advice to protect people against fraud, greatly improve prosecution rates and fund sufficient support services to ensure tailored support to all victims of fraud who need it.

- The police and Action Fraud must make it clear exactly how victims should report fraud.
- There must be transparent and accessible processes available that help victims to understand when and how they can get their money back.
- There must be clear and accessible pathways to specialist victim support.

Role of the Victims' Commissioner

The role of the Victims' Commissioner is set out in section 49 of the Domestic Violence, Crime and Victims Act 2004, as amended by the Coroners and Justice Act 2009:

- (1) **The Commissioner must –**
- promote the interests of victims and witnesses;
 - take such steps as he considers appropriate with a view to encouraging good practice in the treatment of victims and witnesses;
 - keep under review the operation of the code of practice issued under section 32.
- (2) **The Commissioner may, for any purpose connected with the performance of his duties under subsection (1) –**
- make proposals to the Secretary of State for amending the code (at the request of the Secretary of State or on his own initiative);
 - make a report to the Secretary of State;
 - make recommendations to an authority within his remit;
 - consult any person he thinks appropriate.
- (3) **If the Commissioner makes a report to the Secretary of State under subsection (2)(b)–**
- the Commissioner must send a copy of the report to the Attorney General and the Secretary of State for the Home Department;
- (4) **The Commissioner must prepare in respect of each calendar year a report on the carrying out of the functions of the Commissioner during the year**
- (5) **The Commissioner must send a copy of each report prepared under subsection (4) to–**
- the Secretary of State for Justice,
 - the Attorney General and
 - the Secretary of State for the Home Department.
- (6) **Reports under subsection (2)(b) or (4) must be published by the Commissioner**
- (7) **If section 48 comes into force after the beginning of a calendar year, the first report under subsection**

(4) may relate to a period beginning with the day on which that section comes into force and ending with the end of the next calendar year

A note on terminology

I am conscious that some victims dislike the negative connotations occasionally associated with the term 'victim'. Some victims and many non-statutory agencies prefer to use the word 'survivor' and I respect their view. For the purposes of this report, however, I've generally used the term 'victim' because it's the term that most agencies use and understand when referring to someone who has experienced victimisation.

In addition, the legislation which underpins my role as Victims' Commissioner makes clear my remit includes all victims, regardless of the type of crime committed against them, whether they report it to the police and whether or not anyone is convicted.

**"This is a fascinating and challenging role and one that I am privileged to hold. I was delighted to be appointed Victims' Commissioner under Theresa May's government almost three years ago. Much has been achieved in this time and I remain unashamedly ambitious for victims."
Dame Vera Baird, March 2022**



Dame Vera pictured at her office.

Team and stakeholders

The Office of the Victims' Commissioner.

My team

I have a small but dedicated team who support me in carrying out my duties.

My new Chief Executive, Katie Kempen, took up her role as my Chief Executive in June 2021, following the retirement of the previous Chief Executive, Russell A'Court.

Katie previously led the Independent Custody Visiting Association (ICVA), working to uphold the human rights of those in police

custody. Katie has a track record of commissioning victims' services and volunteering for a domestic abuse charity. Since taking on the role of my Chief Executive, Katie has been responsible for delivering my business plan and leading on key areas of policy.

My Research Team has been led by Dr Sarah Poppleton as my Head of Reviews and Analysis. She worked alongside my Senior Research Officer, Dr Madeleine Storry. Together

they have conducted research on important topics discussed in this report, including special measures in courts, my annual victims' survey, fraud, rape, victim advocates and online safety. Sarah completed her two-year contract with me in April 2022.

Madeleine joined the team in July 2021 from the Ministry of Justice's Analytical Services Division. Prior to Madeleine's arrival, the role of Senior Research Officer was held by

Dr Julian Molina who completed his two-year contract with us in May 2021.

Tom Cracknell continues to work as my Communications Manager, leading work on my new website, proactive and reactive media, and stakeholder and digital communications. Tom works alongside my Stakeholder Engagement Manager. This role has been performed by both Hester Waterfield and Natasha Pizzuto. My Stakeholder Engagement Managers have worked to ensure that we keep our valued stakeholders updated and engaged in the Office's work. Natasha also supports me as my Diary Manager.

Becky Shortt continues to work as my VAWG and Domestic Abuse Policy Officer. She has supported me in successfully campaigning for amendments to the Police, Crime, Sentencing and Courts Bill that have strengthened safeguards for victims, particularly rape victims, against disproportionate requests for digital data.

Joss Mistry has continued to work as my Correspondence Manager. Joss both signposts victims to support they need and shares the key issues from victims with me. Legislation prohibits me from intervening in individual cases, however it is important that I hear directly from victims who can share their story to feed into my wider policy work.

My team and budget are comparatively small – both for the role that I have and in contrast to comparable Commissioners' offices. I have therefore made a bid for a bigger team and additional capacity as part of the Comprehensive Spending Review. I am hopeful that this bid will provide additional capacity to ensure that we are making the more effective difference for victims.

Stakeholder groups

Victims' Commissioner's Advisory Group

As well as my office, I also have the able support of my Advisory Group, which meets four times a year to discuss current victim related issues and advise me on how I should handle them.

One of my first acts as Victims' Commissioner was to appoint a new Advisory Group, expanding it to 23 members. Following COVID and lockdowns, this group has been moved to online meetings and this has worked well. We have had some interesting and fruitful discussions that have informed my work.

Members of my Advisory Group 2021-2022:

Jon Collins

Chief Executive of Prisoners' Education Trust

Duncan Craig OBE

Founder and Chief Executive of Survivors Manchester

Kim Doyle

Chair of LimeCulture CIC

Diana Fawcett

Chief Executive of Victim Support

Mark Fenhalls QC

Chair of the Bar

Professor Aisha K. Gill Ph.D, CBE

Professor of Criminology, Independent Expert, University of Roehampton

Lucy Hadley

Head of Policy, Campaigns & Public Affairs Manager at Women's Aid Federation of England

Amelia Handy

Policy Lead at Rape Crisis England & Wales

Julian Hendy

Founder and Chief Executive of the Hundred Families charity

Lucy Jaffe

Director of Why Me?

Sophie Linden

Deputy Mayor of Policing & Crime, London

David Lloyd

Lead of APCC Portfolio Group on CJS Efficiency & Effectiveness, Police & Crime Commissioner for Hertfordshire

Cris McCurley

Partner and Head of International Family Law at Ben Hoare Bell LLP

Ruth Parker

Chief Executive of Victims First Northumbria

Pragna Patel

Founder member of Southall Black Sisters

HHJ Peter Rook

Vice Chair of the Parole Board and former circuit judge

Gabrielle Shaw

Chief Executive of National Association for People Abused in Childhood (NAPAC)

Andrea Simon

Director at End Violence Against Women Coalition

Dr Olivia Smith

Senior Lecturer in Criminology & Social Policy at Loughborough University

Dr Jacki Tapley

Principal Lecturer in Victimology and Criminology at the Institute of Criminal Justice Studies, University of Portsmouth

Dame Sara Thornton

Independent Anti-Slavery Commissioner

Claire Waxman OBE

Victims' Commissioner for London

Sir Thomas Winsor

Her Majesty's Chief Inspector of Constabulary, Fire & Rescue Services



The Victims' Commissioner and her team, March 2022.

Sexual Violence and Abuse Sector

I chair a fortnightly meeting with representatives of national organisations supporting victims of sexual violence. This direct line to the victims’ sector gives me constant dialogue with those on the frontline supporting victims in this priority area. The group have advised me on policy as well as reflecting what victims need.

Victims’ Hubs

I also meet regularly with victims’ hubs. During COVID19, I found it essential to stay in regular contact with those who commissioned and delivered victim support services. This helped me to understand and represent their needs and to secure government support. This meeting has since evolved and my Chief

Executive now chairs a monthly meeting, which I attend and present at.

This meeting remains hugely important to me. I am able to use it to both share vital information with victims’ services and commissioners and to consult them on key policy areas. It is also an excellent vehicle to identify and share best practice across England and Wales.

Reviews and Analysis Advisory Group

My Head of Research and Analysis, Dr Sarah Poppleton has chaired my Reviews and Analysis Advisory Group across the year. The group meets three times a year. The objective of the group is to provide strategic guidance and advice on all aspects of the Commissioner’s research work. I am grateful to the academics who

attend this group for their collective advice and guidance.

Restorative Justice Group

Restorative justice brings those harmed by crime or conflict and those responsible for the harm into communication, enabling everyone affected by a particular incident to play a part in repairing the harm and finding a positive way forward. This year I started a Restorative Justice Group, chaired by my Chief Executive, to consider how we can improve victims’ access to this service. The group is attended by experts from Why Me?, the Restorative Justice Council, The Criminal Justice Alliance and Victims First Northumbria. We have considered the recent APPG report on this area amongst other key drivers to improve access.



The Victims' Commissioner, Dame Vera, pictured with the Domestic Abuse Commissioner, Nicole Jacobs.

Office of the Victims' Commissioner

2021/22 Budget and Spending

	Budget	Forecast	Outturn
2021/22 total			
Pay	524,000	545,489	-21,489
Non-pay			
Non-Pay Breakdown			
IT and Telecommunications	9,500	227	9,273
Staff Travel & Other	2,000	177	1,823
Printing, Postage & Office Expenditure	4,000	3,950	50
Other Expenditure	20,500	4374	16,126
Gross	560,000	554,217	5,783



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