

# **PRACTITIONER REPORT: FROM RHETORIC TO REALITY? THE PROBATION SERVICE CONTRIBUTION TO EMPOWERING VICTIMS**

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## **Abstract**

The rhetoric about support for victims of crime is excellent, and the themes of many victim conferences over recent years have sounded both impressive and powerful. Much practice is excellent too, making victims matter and putting the victim centre stage. However the reality of victim support generally still leaves much room for development, and hence the question mark in the title. This paper describes the development of the Victim Contact Team of Leicestershire and Rutland Probation Trust, where the authors have worked with victims since the scheme began. It goes on to consider some of the issues that arise in this work.

**Key words:** Victims; Victim contact; Probation

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## **The Leicestershire & Rutland Victim Contact Team**

In 1990 the Victims Charter was published (Home Office 1990). In essence this was a wish list of services that victims of crime would like to be made available to both witnesses and victims in the Criminal Justice system from the various statutory and voluntary agencies involved. In 1991 a Probation Circular (Home Office 1991) was issued which required probation services to work with the families of the victims of life sentence prisoners. At this time the Probation Officer who was responsible for the management of the offender on life licence was given a responsibility to keep the relatives of victims informed about what was happening to their particular perpetrator.

This work was substantially extended in 1995 when a Home Office circular (Home Office 1995) was issued requiring the Probation Service to offer the same service to the victims of serious sexual and violent offences where the offender had been given a custodial

sentence of four years or more. The Criminal Justice and Courts Services Act 2000 changed the criteria for victim support again, requiring that from 1st April 2001 the service should be offered to the victims of sexual and violence offences where the offender was sentenced to a custodial sentence of one year or more. This left an anomaly whereby the victims of offenders who received hospital orders and spent their time in the forensic mental health system did not receive a service, which was resolved by the Domestic Violence, Crime and Victims Act 2004. From July 1st 2005 the new act gave a statutory obligation to the Probation Service whereby victims of offenders subject to hospital orders with restrictions would also receive the same service.

In April 2001 Leicestershire & Rutland Probation Service set up a Victim Contact Team to meet its responsibilities to victims, employing specialist staff with the sole role of working with the victims of relevant offenders. Locally the decision was made to have another objective which recognised the diverse ethnic population in Leicester and other areas of Leicestershire and Rutland. This involved the same service being offered to the victims of racially aggravated offences where the offender received any length of prison sentence, however short.

The Victim Contact team has only five staff members out of over 500 employees of the Leicestershire & Rutland Probation Trust. Members of the team explain the role of the criminal justice system to victims, exchange information concerning an offender's progress in prison, and represent the views of the victims. The team work with other local agencies to ensure that victims are kept informed, including as a matter of course being told when a suspect has been arrested and why an offender received a particular sentence.

A victim's rights include the right to information about their crime within specified time scales, including the right to be notified of any arrest and court cases; the right to a dedicated family liaison Police Officer to be assigned to bereaved relatives; and the right to an enhanced service in the cases of vulnerable or intimidated victims. The Government aims to ensure that every victim, including relatives of people who have died as a result of a crime, has access to information on support services in their local area. The Home Office stipulates that the victim officers must make contact with 85% of victims within eight weeks of the offender receiving their sentence. In Leicestershire and Rutland, the Probation Service regularly contacts 100% of victims by the eight week limit.

It is vital to gain information as soon as possible to ensure compliance with the national target of 40 working days to initiate contact. Notifications to the service come from a variety of sources. The Witness Care Unit is an amalgam of the Crown Prosecution Service and Police Administrative staff. One of their statutory roles is to forward relevant victim details to the Victim Contact Team, after first giving the victims the opportunity to opt out of the scheme. Probation Officers preparing Pre Sentence Reports on appropriate cases that meet the criteria are expected to refer them to the Victim Contact Team to ensure they know about them. Crown Court Probation and other staff

should alert Victim Contact staff that there is a new case in the system. Occasionally new cases come to light from the local press, and this acts as a safety net to ensure no-one is missed. Further on in the process the local press proves a useful gauge to community feelings.

Whilst there is a strict criteria for the work, once involvement has commenced with a victim or a deceased victim's family, spasmodic contact is often maintained for many years as and when events occur. Information is shared with victims and their views obtained on the release of the prisoner and subsequent period of licence supervision. Whilst initial letters offer a date and time for an appointment victims are also given the opportunity to influence the venue and date and request the presence of an interpreter. Visits usually take place in the home but there are some victims who are offenders and possible risk issues might lead to an appointment being offered at a Probation Office. Occasionally a neutral venue is used such as a community centre. After the initial interview a report will usually be written based on the dialogue including likely sentence timescales and the impact of the crime on the victim. This will be passed to the Offender Manager to inform their work. During these early stages in particular signposting of victims will take place as appropriate to other agencies such as Victim Support, Rape Crisis and Women's Aid.

There are approximately 800 cases in the system at any one time some of whom were sentenced many years ago and some cases that will lie dormant long term. Others will be in contact with us as and when appropriate and there may be regular ongoing contact. Some victims also phone regularly for re-assurance that the offender is still in prison. Licence conditions and exclusion zones are two crucial areas for discussion throughout our contact with victims. Victims are made aware of general conditions which apply to any release licence including being of good behaviour, living where directed, attendance at programmes as well as specific conditions which appertain to their particular offender such as a child sex offender who should have no contact with children. Additional licence conditions will then be discussed appertaining to the victim and their family. This can include non contact conditions with the victim and any other members of the family who feel that they might either be at risk from the offender or would not like to be contacted by them. Exclusion zones are mapped out. These have to be proportionate to the offence and thus may cover a local estate or may cover a larger area in the case of very serious offences. An exclusion zone could also preclude the offender from going to a shop or leisure centre or somewhere particular where the victim and their families go.

Diversity issues are addressed in a very thorough and systematic manner. For example, every member of staff in the Victim Contact Team attends the Multicultural Mosaic at Vaughan College in Leicester, which has been run very successfully for many years. This involves participants visiting local faith centres including the Buddhist temple, a mosque

and a synagogue. Time is also spent in the classroom engaging in a dialogue about religious and cultural issues as appropriate. As referred to previously an extra service is offered to the victims of racially aggravated offences. Interpreters are used as appropriate from time to time and written documents can be translated. If possible interviews are not arranged at the time of religious and cultural events. Letters are not posted on Fridays as we are aware most services will be closed on a Saturday and victims may have an immediate need to be in touch. Learning impaired victims are dealt with sensitively using family and other professionals as appropriate.

### **Working with Support Services for Victims**

The Victim Contact Team work closely with local victim support services, both statutory and voluntary, referring victims on where appropriate. In the last few years witnesses and victims at Crown Court have been kept better informed at all stages until sentence by the Witness Care Unit, and at court there is also the witness service under the management of Victim Support, staffed mainly by volunteers, who provide not only support during court proceedings but pre court familiarisation. Crown Prosecutors are obliged to make contact with witnesses & victims at court. They discuss the progress of the case & explain any changes in charges. The Crown Prosecution Service is also expected to make applications as appropriate for special measures for vulnerable & intimidated witnesses which can include video links from a separate building. They are charged with informing court staff of any special arrangements for witnesses with disabilities or medical conditions & those with communication requirements including language or signer needs.

Support for all victims of crime is available from the charity Victim Support. As well as their standard service available 9 – 5 Monday to Friday, an initiative Victim Support Plus is available 8 to 8 which has finance and an ability to rush through repair, alarms and locks, as well as offering emotional support. They have a mandate from the government to contact every victim within 48 hours. There is also a national helpline which has longer opening hours including weekends and Bank Holidays. There is a charity shop at 12, Market Place, Leicester which makes well over £40,000 annually for Victim Support. It is a unique partnership between Probation & Victim Support. Probation pays the salary of the manager. Carefully selected offenders who are required to complete unpaid work as a requirement of a court order are actively involved in all aspects of the shop and collection and preparation of the goods to be sold<sup>2</sup>.

There are many other agencies working locally with victims: for victims of sexual abuse help is available from Rape crisis/ Survivors UK, the Quetzal project, Juniper Lodge, Open Door, First Step and Trade; SAMM is a charity for support after murder or manslaughter; Road Peace works for and with victims of road crashes; the Family Service Unit, the Bal Raksha Project, Escape, the Laura Centre and Childline are available for families & children; and for victims of domestic violence there is the Domestic Violence helpline, Womens' Aid, the Panahghar Shanti Project, Suraksha and Leicester MALE.

### **Developing the Victim Contact Service and Raising Awareness**

Leicestershire & Rutland Probation Trust strive to develop the Victim Contact Service and to maintain awareness of victim issues throughout the Service. To this end a Victim Strategy Group was established early in its life. This is a cross grade group of internal probation staff with representatives from Victim Support, De Montfort University and others. The group takes a strategic view of what our service should be doing on victim issues along with other agencies in the Criminal Justice System. Uniquely it is our belief that the relationship with the De Montfort University has been of value both to the university and to ourselves and it is hoped it can continue to be built on in the future. We also have good links with the Victim Policy Unit at the Ministry of Justice which has been of great value. It is so helpful being able to seek guidance on an individual basis as well as on macro issues, and the new practice guidance manual issued by the Ministry<sup>3</sup> is illustrative of the great value placed on the resources of the centre.

Senior management staff seek to integrate victim work with every aspect of work managed by the Probation Service locally. Particularly on risk management issues it is vital that there is ongoing discussion with Offender Managers, Police Officers and others as appropriate. A victim contribution is offered to the various levels of multi agency risk meetings. Much of our work continues after the prisoner is released and will involve other agencies as appropriate during that time.

There are various ways of raising victim awareness throughout the service, including a Think Victims Day. Once a year a Think Victims Day is arranged with a market place staffed by various local agencies. A newsletter is written and circulated widely to all Probation staff. A new development is a victim awareness course for offenders, which is currently being piloted and rolled out. This can be delivered on a one to one basis as well as in groups. A DVD has been developed and produced by our public relations officer along with various training materials. To raise awareness more widely, relevant press releases are issued and gain positive press coverage for victims from time to time.

A unique development in Leicestershire & Rutland Probation Trust is the Clinical Supervision Scheme, whereby a highly experienced and qualified counsellor has been made available to certain staff within the area. This commenced with Victim Contact staff and provides a private and confidential opportunity for each member of staff on a one to one basis to share the impact of their role on them as an individual. There is no feedback to management but the provision of this facility has undoubtedly helped not only to reduce sick leave but also to illustrate to staff that they are valued and have a key role delivering very demanding, emotionally powerful work.

## Victims Perspectives

There are strict limits regarding the type of information that it is possible to share with victims about offenders. For example, they can be informed of the month of release but not the actual date. The security category of prison may be shared but not the name of the specific prison. Sometimes victims' expectations are for a much more holistic service but this cannot occur. For example, a victim might want to know if a prisoner is displaying remorse or not, as well as details of programmes they are on, but no information of this nature can be passed on.

However, attempts are always made to try to keep the service offered and victim issues live throughout the whole of the Probation Service in Leicestershire & Rutland and a "Think Victims" prompt sheet (fig 1) is given to all staff as a reminder of the sort of information that can and should be shared with victims.

Fig 1: Prompt Sheet for Staff

### THINK VICTIMS!!! - WHEN

* New Case	* Tariff Set
* Move Prisons	* Appeal
* Lifer Reviews	* Risk Conferences
* Open Conditions	* Town Visits
* Temporary Release	* Parole Review
* Escape	* Prisoner Dies
* Appeals on Extended	* Report Request
* Sentence Reduced	* Home Detention
Curfew	
* TV/Media Coverage	* Compassionate Leave
* Recall	* Change in Licence
<b>RELEASE</b>	

There is a genuine aim to empower victims and to learn from their experiences with the Victim Contact team. They often have some valuable ideas to build on the work that has occurred to date. Nationally, a National Victim Survey was undertaken by MORI on behalf of the Home Office some time ago, offering some useful insights, but locally we are committed to learning from victims and have several ways of doing this. After visits, a local victim satisfaction form known as an exit survey will be given together with a stamped address envelope. This offers an opportunity for the victim to say what they found valuable and what could have been done differently or better. Every year a focus group is run where a number of victims are invited to meet with neutral facilitators. Some

of their suggestions are invariably acted upon. New developments are a recent Home Office inspection of resettlement work where for the first time victims were invited to give their contribution and fourteen victims attended and met the inspectors. More recently at a focus group victims were able to meet a Crown Court judge. And of course there are compliments, comments and complaints. Along with similar procedures that are available to offenders, victims are encouraged to share any of the above and such feedback is always looked at seriously and changes made if appropriate.

## Ongoing Issues

As well as call for the service to be extended to the victims of house burglary, who may feel as traumatised as the victims of violent and sexual offences, there are two significant and ongoing issues for the Probation Service that will impact substantially on the work of the Victim Contact Team. These are restorative justice and contestability.

At present Restorative Justice is not available for victims of crimes committed by adults. If the perpetrator of the offence is a youth the victim will be offered the opportunity to participate in a range of restorative approaches as the Youth Offending Service follow up every offence where there is an identified victim and offer them a choice of options. This can take several forms: they may be offered a letter of apology and they may have a say in any reparation the young person makes. This will be unpaid work and a victim could opt to have their own garden done by the young person for instance. There is also the opportunity to have a face to face meeting between the victim and the young offender. This approach remains on the back burner in the adult Criminal Justice system, although there is a powerful lobby that feels that what is offered in the youth system should be tailored on a very selective basis to well trained staff to deliver for victims of adult offenders. The National Offender Management Service said there was insufficient evidence to show it was effective with offenders though Brian Williams would have disagreed & provided contra evidence. Whilst this national view is held local victims are unlikely to be offered such a service.

Contestability/Market Testing/Privatisation are issues which have been mentioned. Not from the defensive angle but more from the pride in the work offered, resistance is felt to the very thought of contestability. That is not to say that work is done perfectly but work is carried out imaginatively and creatively. It is also felt the links with offender management, formally and informally, and the contribution to risk management is unique and that this would be very difficult to deliver outside the realms of the National Probation Service.

## **Tribute to Brian Williams**

We would like to end this piece by paying tribute to Brian Williams and his role in the development of the Leicestershire & Rutland Victim Contact Unit. Brian, an ex Probation Officer, made many significant contributions to the development of victim work in the Probation Service both nationally and locally. His contributions included:

- With others he devised the original training materials.
- He was a member of the National Victim Network previously known as the Centrally Lead Action Network (CLAN).
- He was involved in the Midlands in the training of trainee Probation Officers delivering parts of the academic programme. Many now qualified staff look back most favourably and positively on his contribution to their learning.
- Brian contributed to and facilitated the annual focus group on one occasion.
- The books and articles he wrote were of great interest and relevance to the work of the Victim Contact team.
- Perhaps most importantly for us, he was a member of the Leicestershire & Rutland Probation Service Victim Strategy Meeting and offered a unique perspective from his research. He was invariably constructive and challenging and helped temper naïve enthusiasm at times but also at other times lifted the team out of despair. In short, he was a critical friend of probation who is dearly missed.

## **End Notes**

1. This paper is a summary of an interactive presentation at the Brian Williams Memorial Conference held at De Montfort University in June 2008. It gave us great pleasure to have the opportunity to present the practitioner viewpoint at this conference in memory of Brian Williams and it has been a privilege to be part of this event.
2. Conference delegates were invited to support the initiative either by shopping there or taking unwanted goods to be sold.
3. We would like to pay a particular tribute today to Robert Lawman from the Victim Policy team at the Ministry who is the author of the document.

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