

COMMUNITY JUSTICE FILES 21

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Redefining Justice: Addressing the Individual Needs of Victims and Witnesses

This report, led by victims' champion Sara Payne, was published in November 2009 and examines the way that frontline services meet the needs of victims and witnesses in the criminal justice system. The report draws heavily on meetings and interviews with victims and witnesses as well as staff and volunteers from the organisations that support them. The report both makes recommendations intended to improve existing practice and identifies areas where further thinking and service development is required.

The report makes 14 recommendations. These include:

- The needs of victims should be addressed by a multi-agency approach, with the relevant agencies required to participate. The report gives the example of multi-agency risk assessment conferences, which operate in the area of domestic abuse, building a full risk assessment and putting in place action to support and protect the victim and family.
- Decisions about special measures (the arrangements for some witnesses to give evidence in a different way in court) should be made well in advance of the hearing. Decisions should be made on the individual circumstances of the witness and not simply based on characteristics such as age. Further advice and guidance is needed about the use of special measures to ensure a balance between the rights of defendants, the costs of the court process and the needs of victims and witnesses.
- The terminology used to explain sentences and the language spoken in court when sentence is passed should be amended to ensure that it is clear and can be understood by the general public. For example, it is confusing for many people that someone sent to prison spends much less time there than was implied by the length of their sentence.
- There should also be support for victims who are faced with civil court proceedings (such as injunctions in domestic violence cases) or where matters are dealt with under the anti-social behaviour provisions.

The report poses 12 challenges. For example:

- The development and implementation of end-to-end victim and witness management. Such a system would provide victims and witnesses with a single reference point linking together the various steps in the criminal justice system.

- An improvement in the provision of counselling for those with post-traumatic stress disorder.
- An ending to sentence discount for pleading guilty on the day of the trial and an increased incentive to plead guilty at an earlier stage of the court process.
- Improving the services available to children who are victims of crime.
- Ensuring that acts that should properly be dealt with in the criminal courts are not deemed 'anti-social behaviour'.

The report can be downloaded at <http://www.justice.gov.uk/publications/docs/sara-payne-redefining-justice.pdf>

Together We Can End Violence Against Women and Girls

The Home Office has published a strategy intended to reduce the incidence of violence directed at women and girls. The strategy promises further funding to support victims of violence, an increase in family intervention projects, the development of a stalking and harassment helpline, a new online directory of services for victims of violence and the introduction of domestic violence protection orders to exclude perpetrators from their homes.

Launching the strategy, Alan Johnson, the Home Secretary, said:

Violence against women and girls ruins lives, breaks up families and has a lasting impact across the generations. Much has been done over recent years to increase protection for women and to prosecute their attackers. However, this is a complex problem which demands an even broader response to stop violence from happening in the first place. Changing attitudes that tolerate violence against women and girls will take time but is essential if we are to eradicate this blight on women's lives.

The strategy can be found at <http://www.homeoffice.gov.uk/documents/vawg-strategy-2009/end-violence-against-women?view=Binary>

The Stern Review – an Independent Review of Rape Complaints

Baroness Vivien Stern has been asked by the government to carry out an independent review of the way that rape complaints are dealt with by the relevant authorities. This work commenced in September 2009 and is due to report in February 2010. The terms of reference of the review are:

- To examine the response of the public authorities to rape complaints and examine how more victims can be encouraged to report;
- To explore ways in which the attrition rate in criminal cases can be reduced and how to fairly increase the conviction rate;

- To identify how to increase victim and witness satisfaction and confidence in the criminal justice system in addressing rape;
- To explore public and professional attitudes to rape and how they impact on outcomes;
- To utilise findings and information available from other relevant work, particularly the work on victims' experience being led by Sara Payne and the Department of Health Taskforce led by Professor Sir George Alberti, avoiding unnecessary duplication;
- And to make recommendations, with particular reference to improving the implementation of current policies and procedures.

As well as drawing on existing information and linked projects, such as that being led by Sara Payne, there is also a series of regional meetings for professionals involved in this work and the opportunity for members of the public to communicate their views and opinions.

Announcing the review Vera Baird, the solicitor general said:

Rape is a devastating crime that traumatises victims and shatters lives. There has been progress in tackling rape; but the fact is conviction rates are far too low. We need a step change in the way rape complaints are handled, and the Stern Review should help us identify how we can improve the handling of rape complaints and drive up convictions rates.

For more information, including the opportunity to make a contribution to the review, see http://www.equalities.gov.uk/stern_review.aspx

Making Amends – Restorative Justice in Northern Ireland

This report was produced by the Prison Reform Trust and published in October 2009. It looks at the operation of the Youth Conferencing Service which was introduced in 2003 and is part of the Youth Justice Agency (YJA) of Northern Ireland. The service runs two types of conferences: diversionary, dealing with a young person before conviction, and court-ordered, where the referral is made after conviction. Conferences are intended to bring together the young offender, the victim (or representative), professionals and others. The offence is discussed and an action plan is drawn up for the young person. Conferences are organised and facilitated by coordinators who are employed by the YJA and receive specialist training.

The report provides evidence that victims who attend conferences tend to be satisfied with the outcome and argues that there are encouraging signs both of a positive impact on reoffending rates and on a decline in the use of custody for young people. In 2006, the combined reoffending rate for youth conferencing was 37.7% - this compared to 52.1% for community sentences and 70.7% for custodial sentences. The number of children sentenced to immediate custody in Northern Ireland dropped from 139 in 2003 to 89 in 2006.

The report argues that its findings have implications for the youth justice system in England and Wales. The executive summary concludes:

Certainly, the results of youth conferencing to date indicate that the implementation of a similar model in England and Wales might well bring benefits – particularly in terms of victim satisfaction and, very possibly, constructive offender engagement. For a jurisdiction that is struggling to contain its prison population – and in which the number of children sentences to custody more than tripled between 1991 and 2006 – youth conferencing could, moreover, prove a welcome means of reducing the use of custody for young offenders.

The report can be downloaded from

http://www.prisonreformtrust.org.uk/uploads/documents/making_amends.pdf

Making Good – Reparation Projects for Young Offenders

The Youth Justice Board is piloting a programme allowing members of the public to propose work projects for young offenders. These projects will be undertaken as the community payback element of the new Youth Rehabilitation Order. The work is intended to help young offenders understand the consequences of their actions and to provide a benefit to local people affected by crime.

The project is being run as a pilot in 18 youth offending team areas in the north west of England. From now until the end of January 2010 members of the public are able to make suggestions for appropriate projects.

Announcing the scheme Vernon Coaker, schools minister, said:

The Youth Rehabilitation Order will protect the public and prevent re-offending. We want to stop young people committing offences in the first place, but when they do commit a crime we want to make sure they get the punishment they deserve. They need to make amends in their local community, as well as receive tailored support to break away from a cycle of crime. It is also right that we give victims and the public a say in how we can make our communities safer places to live.

For more information about this pilot project, see <http://www.yjb.gov.uk/en-gb/yjs/MakingGood/>

Turnkeys or Professionals: A Vision for the 21st Century Prison Officer

The Howard League for Penal Reform has published a report arguing for change in the way that the role of prison officer is constructed and understood. It suggests that the task of the prison officer should be a more professional one with staff able to work constructively with inmates who have a wide variety of problems and difficulties. The report argues that the job

description of the prison officer has not kept pace with some of the changes taking place in prison which see prison officers involved in running programmes, assessing risk and other offender management tasks. The report also highlights the relatively low proportion of prison officers from black and minority ethnic backgrounds and contrasts this with the composition of the prison population.

The report suggests that the prison service should aspire to raise the status of the prison officer role, putting it on a footing with occupations such as nursing. This could be achieved by developing a vocational degree providing prison officers with an experience of higher education along with knowledge in areas such as criminology, prison law, mental health, diversity and ethics. The Howard League acknowledges that this approach would mark a considerable change from the current system of in-service training and would require time to implement.

The full report can be accessed at <http://www.howardleague.org/turnkeys-or-professionals/>

HM Inspectorate of Probation Annual Report 2008-9

This report was published in the summer of 2009 and gives an account of the work of HM Inspectorate of Probation over the past 12 months. It outlines the inspection of both adult and youth offending work as well as inspection work in the areas of safeguarding and public protection. Thematic inspections carried out over the past year looked at themes including electronic monitoring, indeterminate sentences for public protection and work with both sex offenders and those with mental health requirements.

The report explains that the inspection process is intended to discover how often the work of the probation and youth offending service is done well enough. In his introduction to the report Andrew Bridges, the Chief Inspector of Probation, stresses that the role of the Inspectorate is not to criticise organisations for failing to achieve the impossible but rather to establish whether they are doing all that they reasonably could to manage and reduce risk. He writes:

It continues to be necessary to emphasise that 'risk to the public' can never be eliminated, but the public are entitled to expect the authorities to do their job properly.

The introduction to the report also includes a specific plea to the managers of probation and youth justice teams to avoid the practice of preparing for inspections by staging 'mock interviews' with members of staff and by organising retrospective up-dating of files. The report suggests that the task for managers is to ensure that good quality work is undertaken and then properly recorded.

The report can be downloaded from http://www.justice.gov.uk/inspection/hmi-probation/docs/Annual_Report_2008-09.pdf

Delivering Offender Management Services

The Ministry of Justice has published the high level strategic priorities that are set for the National Offender Management Service (NOMS) for the period 2010-11.

Included in this strategy is an increase in prison capacity, the rolling out of probation trusts, the implementation of effective commissioning and a focus on increased public confidence and victim satisfaction.

The document can be found at <http://www.justice.gov.uk/about/docs/delivering-offender-manage-services.pdf>