



**Ministry of
JUSTICE**

Lord Chancellor and Secretary of State for Justice

Rt. Hon Jack Straw MP

A National Victims' Service

Royal Society for the Arts

27 January 2010

INTRODUCTION

Good morning.

I am delighted to be back at the Royal Society for the Arts. Thank you, Matthew, for having me.

I would like to begin with a few words about Sara Payne.

Everyone here will know that Sara fell seriously ill just before Christmas.

In her 12 months as Victims' Champion, Sara has been a powerful advocate for the rights of victims, bringing to bear all her natural wisdom and the experience from her terrible tragedy a decade ago. Through her recent report – 'Redefining Justice' – Sara has made sure that victims' voices are not lost but better heard. Sara's ideas and recommendations – born out of her own experiences and her conversations with one thousand victims, witnesses and criminal justice staff around the country – are enormously important. I shall return to them later.

I'm sure I speak for everyone here today when I say that our thoughts are with Sara and her family.

In my last speech to the RSA in October 2008, I asked the question: for whom ultimately is the criminal justice service here to serve? My answer was quite clear: it is here to serve the public; the taxpayers who fund it, the communities protected by it. That may seem blindingly obvious, but in my experience as Home Secretary and now Justice Secretary, parts of the system do not always remember this.

However obvious, the answer has implications for how many offenders we have and how we manage them. There was a powerful view around in the 80s and early 90s in the face of rising crime that there was really nothing much governments could do about it. It was all to do with external factors. There was a similar and related view that not much could be done about schools' performance. But we have shown in the last decade and more what defeatist nonsense this all was. A combination of policies – especially more police and great work by them – has turned the apparently inexorable trend around. The doomsayers were at it again when the recession began, front page headlines claiming that crime – and especially acquisitive crime like burglary and robbery – was bound to rise.

The result is that crime has fallen, partly because we have both toughened and made more intelligent our approach to offenders. They must be held to account for their actions, but given the chance to change. As I have said: punishment and reform.

My answer has implications for the way we involve communities in criminal justice. Communities are now given a say in the types of Community Payback projects offenders carry out, and in how cash seized from criminals is put to use. High visibility vests allow the public to see offenders working and making amends for their behaviour. And people can go online, type in their postcode and find out the facts about local crime and what the police are doing. This is about improving confidence in criminal justice and making the service more open, responsive and accountable to the public.

The answer also has clear implications for the way we treat victims of crime. I spoke last time of my frustrations with the criminal justice lobby's preoccupation with the "needs" of offenders and how I wanted to see greater attention focused upon the needs of victims.

Today, I am going to set out the next stage of reform in the criminal justice service – to embed a culture in which support for victims is given the priority it deserves, through the creation of a new National Victims' Service.

THE CONTEXT

Only two decades ago, victims were treated appallingly by the criminal justice system. Prosecutors couldn't even speak to victims, let alone interview them before trial. Some police officers presumed that victims of certain crimes must have "asked for it"; that there was no point investigating, because the victim would just withdraw the allegation. The comments of one senior officer in the late 1980s are revealing. I quote: "We don't want police officers tied up with helping victims; they haven't got the time."¹

The justice system was geared squarely towards offenders. 'Real' police work involved crime-fighting. The priority was to investigate the offence, arrest the suspect and see the case through to conviction in court.

¹ Mawby and Gill (1987), *Crime Victims: Needs, Services and the Voluntary Sector*.

As Kenneth Burke [20th century literary theorist and philosopher] famously said: “a way of seeing is always a way of not seeing.” The focus on criminals meant that the justice system did not see the victim. Victims were simply considered a source of information about the crime, or a witness when the case came to be heard in court. This could leave them isolated, frustrated, and in the worst cases, victimised again by the system.

How did this come to pass? How did the criminal justice system become so skewed towards offenders that the role of victims and witnesses was too often subordinated?

The answer, in part, lies in history.

Early systems of justice were based around the individual. In Anglo-Saxon times, for instance, conflicts at the local level were managed by the ‘Moot’ – a semi-formal court made up of members of the community. Complaints against suspects were brought directly by victims or their families. The victim provided the impetus, the evidence and the financial means to detect and prosecute crime. Without them, there could be neither conviction nor punishment.

This started to change from the reign of King Alfred – in the late 9th century – when the state began to press charges in some cases and crime came to be seen as an offence against God and the King’s peace; against society as a whole rather than an individual victim in isolation.

By the end of the 17th century the state had firmly established its right to bring prosecutions, although in practice it rarely intervened directly. That position changed over the course of the next two centuries. By the First World War, the police prosecuted the vast majority of cases on behalf of the public, and private prosecutions were very much the exception.

This process is a fundamental part of our criminal justice system. Individuals should not have to pursue justice on their own; nor is there any place for acts of revenge and vigilantism. But this positive move had negative – and unintended – consequences for victims of crime. As they lost their role as instigators of criminal proceedings, they gradually lost their place in the system entirely.

By the beginning of the 20th century, as Margaret Fry [magistrate and social reformer] argued: “the injured individual [had] rather slipped out of the mind of the criminal court”.² The interests of victims were subsumed within the wider public interest. The focus of the police, the courts and criminal lawyers was on those who broke the law, not on those who suffered as a result.

PROGRESS SINCE 1997

We have worked hard over the last thirteen years to change this – to focus the criminal justice system on the needs of the communities who live with the consequences of crime and on victims of crime, as those who have suffered directly, [while also working successfully to cut crime].

² Fry (1951), *Arms of the Law*.

In one of my first speeches as Home Secretary, I said:

“This system should be there to work for the victim and the public. We must afford much more dignity to the victims of crime, and give them a chance to see justice dispensed on their behalf.”

In the four years I served as Home Secretary and now three as Justice Secretary I have seen the shattering and corrosive effect crime has on people’s lives. Indeed, throughout my 30 years as an MP, holding surgeries, spending much time in my constituency, I’ve met many victims – individuals and families who have suffered unbearable trauma and distress as a result of crime. No statistic about falling crime levels is any comfort, and nor should it be. But many of the people I’ve met have channelled their hurt into something positive – advising, arguing, advocating for change; often backing it up with practical suggestions which have helped to shape criminal justice policy.

Victims’ needs vary. But I’ve come across some consistent messages.

First and most simply, victims want to be heard. I remember once meeting some parents whose innocent young boy had been killed at the hands of a stranger. Being able to speak up was critical to them. They were not alone.

This Government has worked hard to give victims a voice.

Victims now have the chance to explain the impact of crime on their lives – emotionally, physically, financially – in the form of a Victim Personal Statement. Since these statements form part of the case papers, everybody who makes decisions about a case as it progresses – from the police officer right through to the Parole Board – can use it to inform their decisions.

But at an even more basic level, victims need to be heard when they first report a crime, and they need to be confident that they will be taken seriously. So as part of the Policing Pledge, our guarantee to victims is that ‘every contact counts’. The police will answer all calls promptly. They will visit upset or vulnerable victims within an hour, and keep victims informed of how investigations are progressing.

Beyond individual cases, last year we introduced Community Prosecutors and Community Impact Statements to ensure the views of the whole community are reflected in the prosecution and sentencing. And we have brought together victims of crime, Ministers, and policy-makers through a Victims’ Advisory Panel to ensure victims’ views are heard by Government and to discuss how we can do things better. The Panel has already exerted a powerful influence. It was behind the decision, for example, to expand witness support to victims of anti-social behaviour, as well as the decision to improve guidance on special measures for young witnesses.

The post that Sara Payne holds – the Victims’ Champion – was brand new. It has a simple mandate: to represent the interests of victims at the heart of Government and beyond. By March this year, we should have appointed the UK’s first ever (statutory) Victims’ Commissioner – another reform which the Victims’ Advisory Panel advocated. The independent Commissioner will promote the interests of victims and witnesses at the highest levels of Government and will ensure that the pace of progress doesn’t let up.

Victims also want to be treated with dignity and respect. They want to be supported – both emotionally and practically – through what can be one of the most traumatic times of their lives. And they want to be kept informed; to know what is happening with their case. Two bereaved parents told me of their shock and distress, for example, when they read for the first time in a newspaper that the man who killed their child had been given temporary release from prison. Another couple were understandably upset when they first learnt through the local press that their child’s body had been found.

This is why the landmark Code of Practice for Victims of Crime 2006 placed legal obligations for the first time on every criminal justice agency to support victims and keep them informed. The Code isn’t just a statement of intent like its predecessor, the Victim’s Charter (1990, revised in 1996). It guarantees the minimum standards of service victims can expect to receive, and puts in place a new complaints system should agencies fail to meet those standards.

But the criminal justice system has changed further since the Code's creation. So I am announcing today that we will review the Victims' Code – not only to reflect recent developments, but to consider expanding the range of agencies with legal duties, as well as the types of victims and witnesses it covers.

Importantly, the review will look at how we might give specific entitlements to victims of anti-social behaviour when cases are taken through the civil courts. Anti-social behaviour is often and wrongly considered 'low-level' or 'minor'. In truth, it can be a menace to local communities and have a traumatising effect on some who have to endure it. The review will build on the package of measures Alan Johnson announced in October – supported by £2.8 million extra funding – to improve the services we offer to this group of victims.

Alongside the Code of Practice, we have introduced the "victims' surcharge" to make offenders literally pay back and contribute to the support victims need, and we have trebled funding for victims' services in the voluntary sector.

I'd like at this point to convey my thanks to the many representatives of voluntary organisations and charities who are here today, and to the thousands of volunteers up and down the country who work tirelessly in supporting victims of crime. Your organisations have looked after victims for many years – long before government became involved – and your persistent, determined campaigning has prompted fundamental changes to the criminal justice service. We owe all of you an enormous debt of gratitude.

For some victims the process of reporting the crime and their experience in court can compound the impact of the offence committed against them. So we have made it easier and less distressing for vulnerable and intimidated victims and witnesses to give evidence in court – through special measures such as live links, screens and intermediaries [Youth Justice and Criminal Evidence Act 1999], and provisions for anonymised evidence [Criminal Evidence (Witness Anonymity) Act 2008]. More than 150 joint police-CPS Witness Care Units now support around 400,000 witnesses each year – from the point of charge right through to the conclusion of a case.

Meanwhile, the Crown Prosecution Service has placed the interests of victims centre-stage. As the first Prosecutors' Pledge requires, prosecutors now make it their business to speak to witnesses and keep them informed.

All of this work has been underpinned by a single aim: to transform a bureaucratic criminal justice system into a genuine public service – a service which recognises the impact of crime on victims, treats them with respect, and gives them the support they need. Criminal justice staff now appreciate that by helping victims, they encourage more people to come forward and report crime, and help to build wider public confidence. There is greater understanding that justice is better served when the needs of the victims and communities affected by crime are seen as a priority rather than an afterthought.

There are some who present the rights of the accused and the rights of the victim as being mutually exclusive – a zero sum. I reject that entirely. Advancing victims' rights need not compromise the way we deal with offenders, and focusing upon victims need not mean we pay less attention to turning offenders away from crime. It certainly doesn't mean we must dilute the fundamental principles of a fair trial. Any criminal justice system worthy of the name has to do all it can to ensure that only the guilty are convicted.

That is important for its own sake in a civilised society. But it is important too for justice. The more confident members of the public are about the way victims are treated, the more likely it is that they will be prepared to play their own part in the criminal justice system – by reporting crime and going to court to give evidence.

THE RESULT

The impact of these changes has been dramatic. According to the Witness and Victim Experience Survey (“WAVES”), 90% of victims and witnesses now say they are satisfied with the way they are treated by criminal justice staff – an all time high. Of course that statistic doesn’t show the whole picture, because the survey doesn’t cover all types of victims. For example, it does not cover victims of domestic or sexual violence, as the interviews are conducted by telephone and we would not want to risk re-traumatising sensitive victims. Nonetheless, this is remarkable progress. More witnesses are now choosing to attend court (87% in 2008-09) and 22,000 fewer cases fail than just five years ago because the witness doesn’t turn up.

But for all the improvements to their treatment, a victim of crime is no less a victim. There is no magic cure for the mental wounds, even if physical injuries heal with time. Ultimately, the best service we can provide is one which prevents people becoming victims in the first place, by reducing crime.

We have done just that. Most people don’t believe that crime is falling, but as I indicated earlier, we have seen the most substantial and sustained reduction since the War. According to the British Crime Survey – the most reliable measure – overall crime is down 36% since 1997. Violent crime is down 41%. The chances of being a victim are now the lowest since accurate recording began more than 25 years ago. This means 4 million fewer victims of crime in 2008 than there were in 1998.

Adult re-offending has fallen by 20% and youth re-offending by nearly a quarter. Many more offences are now being brought to justice – a total of nearly 1.4 million in the year to June 2009.

Last Thursday the recorded crime figures for the quarter from July to September 2009 were published. They showed an 8% drop in the crime rate [compared with the same quarter last year], with a 4% drop in violence against the person, a 20% fall in car crime, a 9% fall in robberies, and an 8% fall in burglaries.

This is doubly good news, because the trend further defied those academics who for decades have claimed, wrongly, that there is not much that can be done about crime levels, and that crime would rise in the recession.

These figures are robust, independently verified by National Statistics. You'd have thought this good news would have been of interest to the readers of all newspapers – regardless of their politics. However, it was scarcely mentioned in a number of national papers. How different it would have been if recorded crime had gone up 8%, and not down.

'REDEFINING JUSTICE'

I am not suggesting that we have reached such a state of grace in the criminal justice system that everything is operating perfectly for victims and their families. It is not.

That much is clear from Sara Payne's report. Sara's nine months' study of the services victims receive and discussions with individuals across the country has given us a real insight into victims' experiences and what we need to do to help them. Let me take just three of her main findings.

First, the experiences and needs of victims are different. One person may be relatively unaffected by a crime; another may experience overwhelming loss or anxiety in respect of a similar crime, from which they struggle to recover. Support for victims must be driven by the impact of crime on an individual, rather than the type of offence committed against them.

Secondly, victims' problems don't disappear at the door of the courtroom. I met one woman in the last year whose daughter was brutally raped and murdered several decades ago. At the time, the crime may have hit the headlines for a few days, or even a few weeks. But long after the press had moved on to the next story and the criminal justice process had come to a conclusion, the woman is still struggling to come to terms with her ordeal. She still hasn't gone back to work. She is still on medication. Her daughter's murder has ruined her life.

We can and must continue to help people like this. Sara Payne's report argues that there needs to be an "end-to-end" service for victims, bringing the many agencies involved together, right from the point when their needs first arise to when their issues have been resolved.

Finally, there are still too many local variations in the services provided to victims. The statistics can be startling. Last year (2008-09) 41% of victims nationally recall being offered a chance to make a Victim Personal Statement, yet local performance varied from 60% in the highest performing areas to just 30% in the lowest performing areas. Likewise, 71% of victims nationally said they were offered specialist services, yet local performance varied from 84% to 60%. There must be consistency right across the country.

For all the improvements that have been made, it is clear that in too many areas the criminal justice system simply does not do enough for victims and their families, and there are still pockets of the system which overlook their needs. In part, this is because services for victims have developed separately rather than systematically, and because support has been based on the type of crime committed rather than the impact on the individual victim.

This is about to change.

NATIONAL VICTIMS' SERVICE

I am proud to announce details of the first ever National Victims' Service.

The aim is that for the first time, victims will be given support from the moment they report a crime until the moment they say they no longer need help. There is a parallel – of course not exact – with the way the Probation Service provides end-to-end management of offenders.

The Service will start by the beginning of March with families whose lives have been torn apart by murder or manslaughter – a pain which mercifully few will ever have to endure. The number of recorded homicides has fallen by almost a third since 2002-03. They are now at their lowest levels for a decade. But losing a loved one is always devastating, heartbreaking, life-changing. It is a hurt which will never disappear. We cannot turn the clock back. We can never hope to right the wrongs bereaved families have suffered. We can never remove the harm. But we can, even in small ways, lessen the distress.

The new National Victims' Service will give every relative bereaved through murder or manslaughter the tailored support, care and attention they need, for as long as they need it. They will be given a dedicated, professional support worker, who will meet regularly with them to identify their needs and liaise with the authorities on their behalf.

The bereaved person may need immediate practical assistance with security, for example, or childcare, dealing with the media, informing other family members of the death, or making bill payments. They will be helped through all of this. Emotional support and expert assistance will be offered where needed – counselling, for instance, or legal and financial advice. Support will not stop when the criminal justice process comes to a conclusion. It will carry on for as long as the victim needs it.

This provision will be complementary to the work which the police do already in support of victims and bereaved victims. Following the implementation of the 1999 Lawrence Inquiry Report, a comprehensive national system of Police Family Liaison Officers has been in place in homicide cases, which has proved very effective and helpful.

All involved in the support of victims and bereaved victims do so subject to any requirements of the Senior Investigating Officer involved, and that will of course continue to be the case.

We are delivering this new service for bereaved relatives through Victim Support, at a cost of £2 million per year.

This is a good start, but it is not enough.

So I am pleased to announce that from the 1st of April, the National Victims' Service will start to provide a new, enhanced service for victims of all crimes who need support – no matter where they live or what offence was committed against them.

The most vulnerable victims will be entitled to their own dedicated case worker, responsible for pulling together various public services – such as housing, health, employment or social services – and for referring them quickly to specialist support. All victims who need it will be given immediate emotional support on any day of the week – including weekends. They will be entitled to an in-depth assessment of their needs, and a tailored plan to address them.

From July, every victim who needs support will be entitled to a case worker who will guide them through the criminal justice process, and give them help and assistance for as long as they need it.

We are also looking at making more comprehensive the service for victims of anti-social behaviour, for example. Many anti-social behaviour cases involve crime, reported to the police. Victims in these cases will be supported like any other victim of crime. As part of the National Victims' Service, we are looking at how best to support other victims of anti-social behaviour with acute needs on a similar basis.

This new £8 million National Victims' Service will be delivered in partnership with Victim Support. More than 10% of the funding will be set aside for specialist support services provided by other victims' organisations.

This is a defining moment. The National Victims' Service will provide consistent levels of support for anyone who has been a victim of crime and who wants assistance. If victims need help, we will be there for them. And fundamentally, it will ensure that supporting victims is firmly embedded in the culture of the criminal justice service, as a function of the service, not an optional add-on.

CONCLUSION

A fair society is one which cares for those most in need. That was the principle behind the introduction of the modern Welfare State in 1945. It is the principle which has driven reforms to support victims since 1997. And it is the principle underlying the first ever National Victims' Service.

Crime can leave an indelible mark on victims' lives. No-one can truly understand the effect it can have unless they have been unfortunate enough to experience it themselves. It is the duty of Government – one of its first – to offer care and support to those affected by crime. Standing aside is not an option.

This Government has stood up for the law-abiding majority. We have given victims a central voice and priority, and a greater stake in justice. We have dramatically improved the services provided, and have invested heavily in support for them.

The National Victims' Service – inspired by the work of Sara Payne – will make sure that support for victims is seen as integral to the delivery of justice. It will make sure everyone in the criminal justice service – from the police to probation, from court staff to volunteers – understands that supporting victims is central to what they are there to do.

Victims of crime deserve nothing less.

WORDS: 4,400