



## **The Association of Youth Offending Team Managers (AYM) response to Delivering justice for victims: A consultation on improving victims' experiences of the justice system**

### **About the AYM**

The AYM is a professional association representing the majority of youth offending teams (YOT) and their managers in England.

Section 39 (1) of the Crime and Disorder Act 1998 requires the co-operation of the named statutory partners to form a YOT. Section 38 (1, 2) identifies the statutory partners and places upon them a duty to co-operate in order to secure youth justice services appropriate to their area. These statutory partners are the local authority, police, the probation service, and health. To support the YOT, additional partners may also be recruited to the joint strategic effort to prevent offending by children and young people.

The Association is able to draw on the wealth of knowledge and the breadth of members' experience to promote public understanding of youth crime issues and to play its part in shaping the youth crime agenda.

Our members run services providing community-based supervision for children and young people who offend. We also work with children in custody and work closely with staff in secure units and young offender institutions to ensure that young people receiving custody experience as smooth a transition as possible into custody and back in to the community.

The AYM welcomes the opportunity to provide a response to Delivering justice for victims: A consultation on improving victims' experiences of the justice system.

Below are responses from a number of our member Youth Offending Teams:

What victims should expect

- Timely, empathetic and supportive service, which keeps them at the heart of the criminal justice process.

Police and Courts which keep victims informed. Information made accessible to all victims considering barriers such as language, disabilities and trauma provided by Police, courts and other services such as Victim Workers

A service that takes victims' needs into account and tries to address their needs at every stage of the criminal justice process, from the moment of reporting the crime to the post-sentencing where support to overcome trauma and financial hardship can also be provided.

Information should be shared with victims at the very beginning of their involvement with the Criminal Justice System, allowing them informed choices and better understanding of procedures/processes to follow. There also should be a nominated worker as the victim's 'go to' if they have questions about the process or would like to discuss any details, not only post-sentence (as Victims Workers will do), but during the investigative stage as well as the pre-sentence stage. An example of this is regarding Victim Impact Statements (VIS) or ABEs. Not all victims are offered the opportunity to give an impact statement and this is the most basic right a victim should have - to have their voice heard at court and to be able to share the impact the offence had on them.

### The Victim Surcharge

Victims are very often left out of pocket due to an offence and the need to have a 'Victims' Fund' that could be used and accessed by victims who had a financial loss is of paramount importance. It is known that the Compensation Orders awarded by court are not enforceable and unfortunately very rarely paid in full, if paid at all (mainly in Youth Justice cases). Most victims who had a financial loss feel let down by the justice system, frustrated and re-victimised for not being able to recover the financial loss they incurred as a result of an offence, or for having to chase the payment of the compensation order they have been awarded by a Magistrates Court for months and still either receiving only a fraction of what they are due or not receiving anything at all, and having to accept a court order is not enforceable. In addition to that, it seems that the body responsible for the collection and payment of compensation to victims (LCCC - London Collection and Compliance Centre) does not communicate with victim in an effective or proactive manner, leaving the burden of 'chasing' compensation payments to victims.

### Community-based support services -

A much broader and greater offer of support services should be made available to victims of crime, as the current offer is quite limited (Victim Support being the main organisation to accept referrals from adults as well as young victims). A therapeutic approach via activities such as art, physical activities as well as practical workshops would be very beneficial to victims who wish to overcome a traumatic experience.

## Improved advocacy support

A greater offer of advocacy services available to victims, at every stage of the Criminal Justice process, is another example of how the victims' experience of the justice system can be improved. And, going beyond a widely available offer of advocacy services, which cater to diverse needs such as language, disabilities and mental health needs. The right to free legal representation should also be made available to all victims who wish to attend court and have an input in the criminal justice process.

## Meeting victims' expectations

Existing expectations for victims: the code

May benefit from specific reference to Restorative Justice

Training – for all staff working within CJS / appropriate language use, clarity of what can be said the victims

National advertising should be considered to ensure all aware of the victim code, re-visiting victim code with victim at other points as at initial point trauma of offence may impact understanding.

## Additional support for victims

Where there are diversion programmes / OOC – Witness Care – consider them to be involved in matters that are pre-court/ooc/diversionary. A victim is a victim regardless of the outcome/disposal.

Clarity for witness care provision and explaining the rights of the victim and ensuring their rights are understood. Confirming with victim that their rights are understood.

## Improving oversight and driving better performance

### Oversight mechanisms and structures

partnership working – making basic elements of victim work statutory requirement – look at establishing a Victim Council local/regional (with representation from various agencies, sharing best practice and monitoring compliance) Reinstate national standards around victim work.

PCC – consider quarterly oversight, oversight of suggested victim council, funding for statutory.

Inspectorate – YJS – potentially more oversight needed regarding victim data – looking at trends in terms of victim characteristics may offer insight into policing and prevention services and targeting of services in general

Communication and accessibility – Victims Commissioner

Ensuring delivery of victim support

Yes to standardisation, but allowing for bespoke services to be added as per local need.

#### Embedding the victim's voice

Audit trail of victim impact and personal statement statutory requirement with all agencies involved. (police, witness care, YOT/NPS, Courts). CPS documentation should routinely include VIS where agreed or advise when declined by victim

Consider an independent organisation to retrieve victim feedback at end of any CJS agencies involvement.

Provide online surveys with option for face to face to collect victim feedback

#### Complaints about the application of the code

Complaints Procedure – single agency for complaints sitting under the PCC with any feedback given to local agency with expectation for evidence of embedding learning

#### Supporting victims of crime

Supporting victims of Crime domestic violence, sexual assault, serious violence – more access to counselling support for these victims, further investment in the provision of local services, raising awareness for both agencies and victims of services available, accessibility of services such as in local churches, schools, hubs etc))

#### Increasing victim surcharge

Victim Surcharge should consider increase which should reflect cost of living/inflation to ensure better financial provision for victim services. We would also agree that the disparity in fines for individuals and organisations should be addressed.

#### Improving advocacy support

More understanding by CJS agencies on the role of advocates and how to access, specialist, dedicated trained staff within CJS organisations to support child victims of serious offences, general raising awareness and ensuring consistent access to this provision regardless of area.

Flow of communication – Often I am the first person to get in touch with them following the initial reporting of the crime and the arrest, it would help if YOTs were notified sooner of victim involvement to allow to make contact sooner

- Time scales – We are contacting victims of crime months sometimes even over a year after the event and they have been left wondering what is going on or even experiencing trauma during this time, Isn't this the Police's responsibility? Shouldn't the OiC be keeping the victim(s) up to date with the case. It would be difficult for a service to make contact as the YP could then be NFA.

- How victims can get help – Access to therapeutic services should be priority and not just for those crimes which are considered sexual or domestic abuse(2) Practical help – such as home security checks, access to a service that could repair any damages if reparation cannot do it. (3) financial help with whatever has been damaged or stolen – some of our victims have been massively left out of pocket and especially with youth crime are not always awarded compensation or damage costs. Even if they have been it's not an easy process to apply for them and I have supported one elderly victim to fill out the application form as it was too

wordy for her to deal with. In OoCD disposals the victim feels especially let down if they have suffered financial losses.

- Preparation, security and support for victims who are needed to attend court or give witness statements – one of our recent cases mum informed me that they considered withdrawing the complaint to avoid going to court so some clarity on what to expect needs to be consistent amongst police officers, broad to include children and young people and available support 'people' if needed. The courts can/should put special measures in place if needed. There may also be advocates available. If not, is this something YOTs could assist with i.e. arranging court visits, what the process will be regarding giving evidence, trials etc.

- Police/Professionals to be mindful that not all victims are the same and that everything offered should be victim-led rather than a process or tick box.

- RJ is offered after the incident and not at the time of witness statements etc. – victims have expressed that they didn't understand what was being offered to them and they were not in a position to think about it at that point either. Had our YOT Police Officer not followed up with some of the 'No to RJ' on the G26's and gave a 2<sup>nd</sup> offer then support and being heard for those people would have slipped through.