



Criminal Cases Review Commission

## CASEWORK POLICY

Policy Title: **Victim Notification**

Reference: **CW-POL-09**

Version: **2.0**

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### The CCRC's Quality Statement

The CCRC is committed to achieving high-quality case reviews as quickly as possible. In order to achieve this, we operate under a Quality Management System; please see 'Q-POL-01 CCRC Quality Policy' for further information. Our policy documents are available on our website: [www.ccrcc.gov.uk](http://www.ccrcc.gov.uk).

If you or someone you represent has difficulty accessing the internet then please contact us via 0300 456 2669 (calls charged at local rate) and we will send a hardcopy of the relevant policy free of charge.

This is a quality-controlled document. Significant changes from the last issue are in grey highlight: like this. Significant deletions are shown as: [text deleted].

### Introduction

This policy documents the CCRC's approach to informing victims of crime that the CCRC is conducting a review of the convicted person's case.

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## Key Points

- 1) The Code of Practice for Victims of Crime (the Victims' Code) sets out the services and a minimum standard for these services that must be provided for victims of crime, by every organisation in the Criminal Justice System (CJS) in England and Wales. The CCRC is one of these providers and has specific responsibilities to victims under Sections 9.15 to 9.18 of the Code.
- 2) There is a separate Victim Charter for Northern Ireland. The CCRC is not specifically named in that Charter.
- 3) The question of whether or not the victim should be informed of the CCRC's involvement will be considered whenever a case is reviewed.
- 4) Factors considered include the likelihood of media attention, whether the case is likely to be referred, and whether any approach from the CCRC could cause distress to the victim.
- 5) The Code requires the CCRC to record the reasons for its decisions as to whether a victim should be notified. Usually when a decision is made to notify a victim, the police will be informed and will assist the CCRC with hand delivering a letter to them.
- 6) Where a victim has been informed of the CCRC's review, they will also be informed of the outcome unless they have asked not to be informed.
- 7) The victim will be informed of a referral irrespective of whether they have been made aware of the CCRC's review of the case. Only in the most exceptional cases will a decision be made not to inform the victim. This decision is taken by the Chief Executive.
- 8) Victims will be given a brief explanation of the CCRC's reasons for a referral. This will generally be limited to the generic reason(s).
- 9) The CCRC will not generally issue a press release about a referral until the victim has been notified.
- 10) Any victim who has had contact with the CCRC and wishes to make a complaint about the service they received can do so. Please see 'CW-POL-12 Complaints' for further information.
- 11) See [Appendix 1](#) for information and support for victims of crime.

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## Definitions

Key Word	Meaning
CJS	Criminal Justice System
IOPC	Independent Office for Police Conduct
The Charter	Victim Charter: A Charter for Victims of Crime (September 2015) [this is only applicable to Northern Ireland]
The Code / Victims' Code	The Code of Practice for Victims of Crime in England and Wales (November 2020).

Additional key words defined in the Victims' Code (on page 3):

1) 'Victim' means:

- I. A person who has suffered harm, including physical, mental, or emotional harm or economic loss which was directly caused by a criminal offence.
- II. A close relative (or a nominated family spokesperson) of a person whose death was directly caused by a criminal offence.

You can also receive Rights under the Victims' Code if you are:

- III. A parent or guardian of the victim if the victim is under 18 years of age;<sup>1</sup> or
  - IV. A nominated family spokesperson if the victim has a mental impairment or has been so badly injured because of a criminal offence that they are unable to communicate or lacks the capacity to do so.
- 2) 'Criminal Offence' means an offence that is committed, or subject to criminal proceedings, in England and Wales.
- 3) 'Close relative' normally refers to the spouse, the partner, the relatives in direct line, the siblings, and the dependants of the victim. Other family members, including guardians and carers, may be considered close relatives at the discretion of the [CCRC].
- 4) Definitions used in the Charter (for Northern Ireland victims) can be found in Part 4 of the [Justice Act \(Northern Ireland\) 2015](#).

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<sup>1</sup> Unless the parent or guardian is under investigation or has been charged by the police in connection with the crime or if, in the reasonable opinion of the [CCRC], it is not in the victim's best interests for the parent or guardian to receive such services.

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## 1 Background Information

- 1.1 The Code of Practice for Victims of Crime (the Victims' Code) sets out the services and a minimum standard for these services that must be provided to victims of crime by organisations (referred to as service providers) in England and Wales.<sup>2</sup>
- 1.2 The Code is issued under section 32 of the Domestic Violence, Crime and Victims Act 2004, and came into effect in 2006 and was last updated in November 2020 (effective April 2021).
- 1.3 The Code focuses on 12 overarching rights for victims, outlining what they can expect from every area of the CJS, including the police, prosecution, Court and the CCRC. The Code relates to any case (whether an application in respect of conviction, sentence or both) in which there is an identifiable victim who has suffered harm, irrespective of the seriousness of the case. In the Code, harm can be physical, mental, emotional, or economic loss. Therefore, it applies to minor theft as well as to serious assault. Where a person dies as a result of criminal conduct or is unable to receive services as a result of disability, the victim's family spokesperson is entitled to receive services under the Code. Parents or guardians of victims under 18 are also able to receive rights under the Code. The CCRC will have regard to the responsibilities of other organisations and the potential need to co-ordinate in respect of victim notification, as appropriate, on a case-by-case basis.
- 1.4 In Northern Ireland, the rights of victims are governed by the Victim Charter. The Charter is issued under section 31 of the Justice Act (Northern Ireland) 2015 and came into effect in September 2015. The CCRC is not specifically named in this Charter but the CCRC treats all victims in the same way.
- 1.5 The CCRC's initial preservation notice under section 17 of the Criminal Appeal Act 1995 to the police includes information about the CCRC's approach to its duties under the Code (see [Section 3](#) below).<sup>3</sup>

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<sup>2</sup> The Code of Practice for Victims of Crime in England and Wales (November 2020), page 3.

<sup>3</sup> See 'CW-POL-27 Power to Obtain Material from Public Bodies (s.17)' for further information about section 17.

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## 2 Contact with Victims

- 2.1 The CCRC will not contact a victim just because we are looking at a case. This is because most of the cases we look at are not sent for an appeal. We know that victims and their families have already had stressful experiences. Finding out their case is under review can make them feel they are having to relive it all again or are not believed. We do our best to avoid causing unnecessary distress where we can.
- 2.2 The CCRC does not decide whether to inform victims based only on the type of offence. Each case is considered on its facts and our main aim is to avoid causing unnecessary distress to a victim or their family.
- 2.3 Decisions about contacting victims are kept under constant review. Whenever a case is being reviewed (whether in respect of conviction, sentence, or both), the question of whether or not the victim should be informed of the CCRC's involvement will be considered at the point of:
- a) CRM Triage (initial consideration of No Appeal and Re-application cases)
  - b) Screening (whilst the case awaits allocation for review).
  - c) Allocation for review and (where appropriate)
  - d) Decision.

This approach allows us to do our best to make sure that if the victim or their family is told about our review, they hear from us first.

- 2.4 We are working with the Victim Contact Scheme to try and ensure that when we contact victims, we do so in the most appropriate way.
- 2.5 The following factors will be considered when deciding to contact a victim:
- a) The likelihood of media attention.
  - b) The likelihood of the victim becoming aware of the review as a result of the CCRC's investigation.
  - c) Whether the case is likely to be referred.
  - d) Whether any approach from the CCRC could cause distress to a victim.
- 2.6 Very occasionally, it may be necessary for the CCRC to interview a victim.<sup>4</sup>

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<sup>4</sup> See 'CW-POL-21 Interviewing' for further information.

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## 2.7 Recording victim contact decisions

The Code requires the CCRC to record the reasons for its decisions as to whether a victim should be notified. Such decisions will be recorded. The police and, where relevant, the Victim Contact Scheme will usually be informed of any decision to contact a victim.

## 2.8 Documentary information to be provided to victims

Once the CCRC has decided to contact a victim, we usually ask the local police force (or another relevant organisation, where appropriate) to contact the victim in person and deliver a letter for us. The letter explains what the case is and if it is under review, or if a decision has been made, and will generally give brief reasons for the decision. Irrespective of how the approach is made, the victim will be provided with information about Victim Support.<sup>5</sup>

## 2.9 Ongoing contact with victims

Where a victim has been informed of the CCRC's review, they will also be informed of the outcome unless they have expressly asked not to be informed. The CCRC will, so far as possible, put arrangements in place to ensure that the victim is notified of the decision at the same time as the applicant. We will not normally update victims during a review until a final decision has been made. Our reviews can take months – or even years – to reach a final decision.

## 2.10 Referral cases

2.10.1 Where a decision is made to refer a case and the victim has not been informed of the CCRC's review at any earlier stage, the CCRC will consider whether it is appropriate to inform the victim of the referral decision.

2.10.2 In most cases, the victim will be informed of a referral irrespective of whether they have been made aware of the CCRC's review of the case. Only in the most exceptional cases will a decision be made not to inform the victim. Where a decision-making committee is minded not to inform the victim of a referral, the Chief Executive will be informed before the referral is made known to the applicant.

2.10.3 When a case has been referred, the appeal will be heard at the Court of Appeal (for convictions in the Crown Court) or the Crown Court (for convictions in the Magistrates' Court). It is then up to the

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<sup>5</sup> Once agreed with probation, victims who meet the criteria for the Victim Contact Scheme (usually for offences involving sentences of over 1 year) but are not signed up to it will be given information about the scheme.

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Court to decide if the appeal should be allowed; the CCRC has no further involvement.

## 2.11 Responsibility of decision-making committees

- 2.11.1 Decision-making committees in referral cases will always consider and record whether a victim is to be informed and if so, how this should be done. Arrangements for informing the victim of a referral will be put in place before the decision is issued to ensure victims and the applicant are informed at the same time (or at as similar a time as is possible).
- 2.11.2 In complex or serious cases, it may be necessary to inform a number of close relatives, and sufficient time will be allowed for that process to be completed.
- 2.11.3 The decision-making committee will decide and record the extent of any explanation to be given to the victim.

## 2.12 Information to be given to victims on referral

- 2.12.1 The Criminal Appeal Act 1995 limits what we can tell victims and their families about someone's application to the CCRC and our review. We cannot provide a copy of the Statement of Reasons to victims. Instead, victims will be given a brief explanation of the CCRC's reasons for a referral. This will often be limited to the generic reason(s), for example, new scientific evidence, or non-disclosure of unused material.
- 2.12.2 Care will be taken not to breach the limits on disclosure set by the Criminal Appeal Act 1995.<sup>6</sup>

## 2.13 Media statements

The CCRC will not generally issue a press release about a referral until the victim has been notified.

## 2.14 Liaison with the Independent Office for Police Conduct (IOPC)

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<sup>6</sup> See 'CW-POL-19 Disclosure by the CCRC' for further information.

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- 2.14.1 The IOPC may undertake investigations. In those circumstances, the IOPC effectively replaces the police as the body investigating the alleged offence and has the responsibilities of the police under the Code.
- 2.14.2 Where the CCRC is reviewing the conviction of a police officer (or member of another law enforcement agency) which resulted from an investigation by the IOPC (or its predecessor the Independent Police Complaints Commission), the CCRC will liaise with the IOPC with regard to victim notification. In such cases, the CCRC's initial section 17 preservation notice to the police will be used for the IOPC.
- 2.15 Complaints  
Under Right 12 of the Code, victims are entitled to make complaints against the CCRC if they believe the CCRC has not met their Rights in the Code. In the first instance victims are advised to discuss this with the person they have been dealing with at the CCRC. Any victims who have had contact with the CCRC and wish to make a complaint about the service they received can do so via the CCRC's internal complaints procedure.<sup>7</sup>

### **3 Information Contained in Initial Section 17 Notice to Police**

- 3.1 The CCRC's initial section 17 preservation notice to the police<sup>8</sup> includes information about our approach to the duties under the Victims' Code. This information is set out below.
- 3.2 Notification of Victims: Introduction  
The police and the Criminal Cases Review Commission (CCRC) both have notification responsibilities to victims under the Code. It can often be difficult to balance the value of notifying the victim (if at all) at an early stage of the CCRC's review of a case, against the concern or distress such notification may cause unnecessarily or prematurely.
- 3.3 The obligations of the CCRC to victims  
The obligations come under Right 9 of the Code: 'To be given information about the outcome of the case and any appeal.' Most cases reviewed by the CCRC do not:

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<sup>7</sup> See 'CW-POL-12 Complaints' for further information.

<sup>8</sup> Issued under Section 17 of the Criminal Appeal Act 1995.

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- a) Involve enquiries that would come to the attention of the victim.
- b) Generate media interest.
- c) End up being referred.

As such, the CCRC does not normally contact the victim in such cases. However, the CCRC will normally inform victims if a case is referred for an appeal and must inform victims of the final decision (whether or not the case is referred for an appeal) if the victim has already been made aware of the CCRC's review unless they have expressly asked not to be informed. The CCRC will also inform victims if they think there is a reasonable chance they will find out from another means. This is explained to victims in the CCRC's section of the Code at 9.15 to 9.18.

- 3.4 The CCRC regularly serves notices on the police to preserve material. Such notices are normally served on receipt of an application which the CCRC may not be in a position to review for a considerable period of time. Receipt of a section 17 notice should **NOT** therefore be taken by the police as an indication that a review has commenced.
- 3.5 The CCRC will inform the police of any case where the CCRC decides to contact the victim where appropriate.
- 3.6 If the police at any stage are considering making the victim in a CCRC case aware that a review of the case is taking place, this should be discussed with the CCRC in advance. In any event, the police are requested to inform the CCRC of any case where they have decided to inform the victim of the review.

#### 4 Victim's personal data

- 4.1 In the course of a case review, it may be necessary for the CCRC to obtain sensitive personal data relating to victims of crime.
- 4.2 Sensitive personal information includes, but is not limited to, the following categories of material:
  - a) Medical records
  - b) Social Service files
  - c) Education Department Files
  - d) Family Court records
  - e) Communications data such as phone billing

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f) Convictions and police intelligence files

- 4.3 All sensitive personal information relating to victims and witnesses will be stored in the Secured file with access restricted to those who need to view the records. Physical documentation will be registered and stored securely at the CCRC central office.
- 4.4 The principles in Section 25 of the Criminal Appeal Act 1995 will be applied to onward disclosure of the sensitive personal information of victims and witnesses even if not requested by the owning agency (which may be unaware of the provisions). Where necessary and possible, sensitive personal material will be incorporated into a Confidential Annex to the CCRC's Statement of Reasons. In-House Counsel must be consulted when disclosure to an applicant becomes an issue.
- 4.5 Material containing sensitive personal information of victims and witnesses will be returned and/or destroyed when a review has concluded unless the sensitive material has been relied upon in the decision-making process.
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**Relevant CCRC Documents**

Q-POL-01	CCRC Quality Policy
CW-POL-12	Complaints
CW-POL-19	Disclosure by the CCRC
CW-POL-21	Interviewing
CW-POL-27	Power to Obtain Material from Public Bodies (s.17)

**Legal Documents** (available for free from [www.legislation.gov.uk](http://www.legislation.gov.uk))

Criminal Appeal Act 1995

Domestic Violence, Crimes and Victims Act 2004

Justice Act (Northern Ireland) 2015

The Code of Practice for Victims of Crime is available for free from:

<https://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime>

The Victim Charter is available for free from:

<https://www.justice-ni.gov.uk/publications/victim-charter>


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**Document Control**

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## Appendix 1 - Information and Support for Victims of Crime

If you have been a victim of crime, you can get information and support from:

### Victim Support

0808 1689111 or [www.victimsupport.org.uk](http://www.victimsupport.org.uk).

Provides free confidential support to anyone in England and Wales who has been impacted by a crime.

### Victim Support NI

028 9024 3133 or [www.victimsupportni.co.uk](http://www.victimsupportni.co.uk).

Support line: 0845 3030 900

Provides free confidential support to anyone in Northern Ireland who has been impacted by a crime.

*For victims in Northern Ireland, there are several other support organisations listed in Annex C of the Victim Charter.*

### The Victims Information Service

0808 168 9293 or [www.victimsinformationsservice.org.uk](http://www.victimsinformationsservice.org.uk).

This is a national service to which calls from landlines are free. They help victims of crime to understand what to expect from the criminal justice system and help them find out what support services are available in their own area.

### The Victims' Commissioner for England and Wales.

This post is currently held by Dame Vera Baird. The Victims' Commissioner promotes the interests of victims and witnesses. For more information see [www.victimscommisioner.org.uk](http://www.victimscommisioner.org.uk)

**The Victim Contact Scheme** is open to victims of serious violent or sexual crime, where the offender has been sentenced to 12 months or more or detained under the Mental Health Act 1983. For more information see [www.gov.uk/get-support-as-a-victim-of-crime](http://www.gov.uk/get-support-as-a-victim-of-crime)

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