



Baroness Newlove of Warrington
Victims' Commissioner for England and Wales

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The Consultation Team

Sent by email: lcjb.evidence@justice.gov.uk

22nd February 2024

Dear Consultation Team,

Consultation Response: Local Criminal Justice Boards Call for Evidence

Thank you for sharing this Call for Evidence with my office. As Victims' Commissioner, I have a statutory responsibility to monitor how criminal justice and victim support agencies comply with the Victims' Code and Witness Charter. I therefore welcome this review of the challenges faced by Local Criminal Justice Boards (LCJBs) and how to support them, in light of the new duty that will be placed on Police and Crime Commissioners (PCCs) to collect Victims' Code compliance data and the role that LCJBs will play in this.

My statutory role is one of national oversight; therefore, there are limitations to the insight I can provide on specific challenges faced by LCJBs as these are inherently shaped by local factors. However, I would like to address several concerns I have around the powers of LCJBs to collect satisfactory Code compliance data, and resource implications for both the Boards themselves and their members.

Holding agencies to account

The Victims and Prisoners Bill will introduce new governance arrangements to collect and analyse local compliance data through PCCs. LCJBs will play a key role in facilitating local conversations on compliance, acting as a forum for agencies to identify any issues in the provision of Code rights and services and to determine effective local interventions. However, I question whether

LCJBs in their current form have the necessary authority to call agencies to account.

In Part 2 of its Police and Crime Commissioner Review, the government committed to strengthening LCJBs by placing them on a statutory footing, with PCCs given a statutory chairing role.¹ This commitment was recently reaffirmed by the Minister for Policing before the Home Affairs Committee.² Yet, the government claims that no legislative vehicle is available to introduce this change, despite the Criminal Justice Bill currently making its way through parliament. It is disappointing that this obvious opportunity is not being utilised.

Placing LCJBs on a statutory footing will give PCCs powers to compel attendance from key agencies including HMCTS and the CPS. Currently, the effectiveness of LCJBs is limited to the extent to which these agencies 'buy-in' to the process – if they do not send a senior representative who has the authority to input effectively and commit to action at the meeting, the collaborative process becomes frustrated.

This collaborative process will be crucial to ensuring that Code compliance data is reported effectively. Whilst I am concerned by the fact that PCCs will not have powers to compel agencies if their data is of an unsatisfactory standard, I believe that LCJBs are a useful forum to enable common understanding and ownership of quality Code compliance data. In other words, these forums can highlight and expose inadequate data provision from one agency, putting pressure on them to meet standards set by other agencies, and allowing frank conversations to take place to achieve resolution at a local level. If the government is not willing to give PCCs additional levers to hold agencies accountable at local level, it must commit to strengthening LCJBs.

Placing LCJBs on a statutory footing will also provide a national standard for how LCJBs are funded and operated. LCJB support is funded differently across local areas, in many cases by yearly partner contributions. Some criminal justice agencies refuse to pay anything towards LCJB business support. Providing a national framework will ensure a more coherent, consistent approach which will only serve to assist the collection of Code compliance data.

Resource implications for LCJBs

I am also concerned about the additional funding provided to LCJBs and PCCs to carry out the new duty to monitor Code compliance. The MoJ's Impact Assessment estimated that each PCC area would require two Senior Data Analysts to effectively monitor Code compliance, costing a combined £4

¹ [Police and Crime Commissioner Review: Part 2 - Hansard - UK Parliament](#)

² [10 January 2024 - Police and Crime Commissioners: 10 years on - Oral evidence - Committees - UK Parliament](#)

million each year.³ I have concerns around the adequacy and flexibility of this provision.

Firstly, I am concerned that this additional resource will not be enough to cover additional burdens. The costs in the Impact Assessment assume that LCJBs already undertake data collection and monitoring work, whereas in reality this varies depending on levels of business/analytical support across local areas. Some PCC areas will need to start this workstream from scratch, which will require more than just an analyst but also the establishment of a repository/reporting system.⁴

Secondly, I believe that any funding allocated to fulfil this duty should be given to PCCs, to use at their discretion to spend in a way which best meets the needs of their LCJBs, rather than being ringfenced for two Senior Data Analysts. Not every PCC area will require or be able to recruit two analysts and may judge that this money could be better spent on policy/strategy support to effectively advise PCCs in their role in relation to victim compliance. PCCs should be given funding which is ringfenced for the purpose of monitoring Code compliance, but which can be spent on business support posts as determined by local needs.

I would welcome clarity about the way this funding will be provided, and whether PCCs will be required to submit business cases or bid for funding. Steps should be taken to ensure that PCCs and LCJBs do not have to sacrifice valuable resource to administrative processes.

Resource implications for victim and witness services

The National Guidance for LCJBs states that representatives of victims' and witness service providers should be part of the Boards.⁵ I am happy to note that in some local areas LCJBs are already attended by representatives from the victim and witness sector. Representation from these providers is crucial for assessing code compliance, in particular to provide detailed qualitative feedback on how Code rights are being delivered. However, I have some concerns about the potential for services to commit precious resources in order to attend the boards or to participate.

It is crucial that any government guidance on commissioning, code compliance monitoring or on LCJBs, makes clear to PCCs (and other commissioners) that best practice would be to remunerate service providers who participate in LCJBs. This should be over and above their contract to provide services. 'Voluntary' participation or attendance should never be compelled, for example by making it a condition of funding. Any additional

³ [Impact Assessment template \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/674442/Impact_Assessment_template.pdf)

⁴ [Written evidence submitted by the Association of Police and Crime Commissioners to the Justice Select Committee Call for Evidence on the pre-legislative scrutiny of the draft Victims Bill](https://www.justice.gov.uk/evidence/justice-select-committee-call-for-evidence-on-the-pre-legislative-scrutiny-of-the-draft-victims-bill)

⁵ [National Guidance for Local Criminal Justice Boards \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/674442/National_Guidance_for_Local_Criminal_Justice_Boards.pdf)

costs incurred in preparing for the meeting attendance should also be appropriately and separately remunerated.

Commissioners should be remunerating any additional work that a service undertakes, that falls outside of the remit of providing the commissioned service to victims.

Guidance for LCJBs should direct chairs to give due consideration to how victims' representatives from an area can feed in, ensuring that the burden of speaking on behalf of all local victim and witness services does not fall permanently on one service. Chairs should also be directed to ensure that there is representation of a breadth of experience, including giving specific consideration to the inclusion of by and for services where relevant.

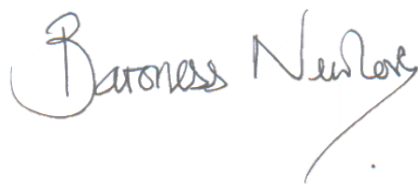
Ensuring representation of victim voice

It is vital that the issues outlined above are addressed in order to ensure that the victims voice is effectively represented at LCJBs.

Victims' representatives must be empowered to provide accurate, thorough feedback on their experiences of Code compliance, even in circumstances where this feedback is critical of other agencies attending the Boards. Members of the LCJB must be open to working collegiately, and open to hearing and addressing criticism and failings. Government should appropriately direct PCCs and others in guidance on LCJBs to ensure that a positive, proactive and collaborative environment is fostered.

I also want to call on the government to fulfil its commitment to introducing a duty on the relevant criminal justice agencies and PCCs to take into account feedback from victims to contextualise and add to Code compliance data.⁶ I am aware that the Ministry of Justice is currently considering compliance metrics, and that victim feedback is currently part of this work, but this is subject to cost considerations and potentially could be deemed unfeasible if it is judged to be too costly. I am concerned that, without a statutory duty to include victim feedback, there is a risk that the victims voice will be lost.

Yours sincerely,

A handwritten signature in blue ink that reads "Baroness Newlove". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Baroness Newlove LLD (hc) DCL
Victims' Commissioner for England and Wales

⁶ [Delivering justice for victims: Consultation response - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/delivering-justice-for-victims)