THE CODE OF PRACTICE FOR VICTIMS OF CRIME: RHETORIC OR RIGHTS?
AN ANALYSIS OF THE NATIONAL PROBATION SERVICE’S
STATUTORY OBLIGATIONS TO VICTIMS WITH A PARTICULAR FOCUS ON A
CRITICAL EVALUATION OF THE SUSSEX PROBATION AREA’S
VICTIM CONTACT SCHEME

DISSERTATION SUBMITTED IN PARTIAL FULFILMENT FOR THE
REQUIREMENTS OF THE
BSc (HONS) CRIME AND CRIMINOLOGY DEGREE
Institute of Criminal Justice Studies

BSc (Hons) Crime and Criminology Degree

Dissertation submitted as partial requirement for the award of BSc (Hons) Crime and Criminology degree.

Title:

The Code of Practice for Victims of Crime: Rhetoric or Rights?
An analysis of the National Probation Service’s statutory obligations to victims with a particular focus on a critical evaluation of Sussex Probation Area’s Victim Contact Scheme

Submitted by: Caroline BAYLISS

Declaration:

I confirm that, except where indicated through the proper use of citations and references, this is my own original work. I confirm that, subject to final approval by the Board of Examiners of the Institute of Criminal Justice Studies, a copy of this Dissertation may be placed upon the shelves of the library of the University of Portsmouth and may be circulated as required.

Signed:

Date: 2nd May 2008
ABSTRACT

The probation service’s statutory responsibilities to victims of crime continue to expand, following a renewed emphasis on victims within the Criminal Justice System (CJS). Probation’s victim contact work, introduced in the 1990s, remains a relatively new obligation for the offender-dominated service. More recently, the Domestic Violence, Crime and Victims Act 2004 introduced the Code of Practice for Victims of Crime, the successor to the previous Victim’s Charters, which now dictates probation’s statutory service available to eligible victims of serious violent and sexual crimes.

This study aims to critically examine the reasons for the re-emergence of victims of crime within the CJS and to ascertain whether, in general terms, the Government, with its plethora of victim-centred policies, is re-balancing the justice system in favour of victims and the law-abiding. It will also examine whether the Code of Practice affords victims rights or whether it could be construed as government rhetoric. Specifically, it will analyse the National Probation Service’s statutory obligations to victims under the Code of Practice for Victims of Crime. Secondary data will inform the literature review to chart the establishment of victim contact work nationally. Primary data will be gathered by conducting semi-structured, qualitative interviews with staff employed within the Sussex Probation Area, to undertake a critical examination of its Victim Contact Scheme, focusing on victim contact work and several key aspects of its service delivery. It will conclude that within both the wider CJS and the probation service, improvements are still required if the Government is to assuage accusations of using political rhetoric. Likewise, probation’s victim contact work is generally well-regarded by eligible victims and probation officers alike, but until the reoccurring criticisms are addressed, it will continue to offer victims only limited rights within a wider context of rhetoric.
ACKNOWLEDGEMENTS

Firstly, I would like to thank my dissertation supervisor, Dr. Jacki Tapley, for her support, guidance and encouragement. Dr Tapley has given me the confidence and self-belief that I needed to enable me to complete this dissertation to the very best of my ability.

Secondly, I would also especially like to thank my parents, David and Marilyn, who have encouraged me to persevere even when things became extremely challenging and stressful. I would like to thank Marc for his support and for vacating the house most weekends over the past eight months to give me a little peace and quiet! Maisey, thanks go to you too.

Finally, I would like to thank the Sussex Probation Area which has supported me over the past five years. Special thanks go to the Senior Management Team, Phil Jones, Martin Richardson, Yvonne Bishop and my ever-supportive and enthusiastic colleagues, Max Lunderstedt and Jennie Thorpe. I would also like to give an extra special thank-you to all of my colleagues who agreed to participate in this study.
# CONTENTS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title Page</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Abstract</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Acknowledgements</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>Contents</td>
<td></td>
<td>5</td>
</tr>
<tr>
<td>Glossary of Abbreviations</td>
<td></td>
<td>7</td>
</tr>
<tr>
<td><strong>Chapter One: Introduction</strong></td>
<td></td>
<td>8</td>
</tr>
<tr>
<td>Introduction</td>
<td></td>
<td>8</td>
</tr>
<tr>
<td>Aims and Objectives</td>
<td></td>
<td>12</td>
</tr>
<tr>
<td>The Re-emergence of Victims of Crime</td>
<td></td>
<td>14</td>
</tr>
<tr>
<td>From ‘Charter’ to ‘Code’</td>
<td></td>
<td>19</td>
</tr>
<tr>
<td><strong>Chapter Two: Literature Review</strong></td>
<td></td>
<td>21</td>
</tr>
<tr>
<td>Victims and the Probation Service</td>
<td></td>
<td>21</td>
</tr>
<tr>
<td>Probation’s Wider Victim Focus</td>
<td></td>
<td>29</td>
</tr>
<tr>
<td>Concluding Comments</td>
<td></td>
<td>30</td>
</tr>
<tr>
<td><strong>Chapter Three: Research Design and Methodology</strong></td>
<td></td>
<td>32</td>
</tr>
<tr>
<td>Research Design</td>
<td></td>
<td>32</td>
</tr>
<tr>
<td>Conducting the Research</td>
<td></td>
<td>36</td>
</tr>
</tbody>
</table>
Chapter Four: Data Analysis 38

The Criminal Justice System 38
Probation’s Victim Contact Scheme 42

Chapter Five: Conclusion 55

Appendices: 61

One: Chapter Ten of the Code of Practice for Victims of Crime 62
Two: Criminal Justice and Court Services Act 2000: Section 69 64
Three: Domestic Violence, Crime and Victims Act 2004: Sections 32-44 67
Four: Pilot Interview Schedule 82
Five: Final Interview Schedule 88

Reference List 94
**GLOSSARY OF ABBREVIATIONS**

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>CJS</td>
<td>Criminal Justice System</td>
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<tr>
<td>DTM</td>
<td>Deputy Team Manager</td>
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<td>IDAP</td>
<td>Integrated Domestic Abuse Programme</td>
</tr>
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<td>MAPPP</td>
<td>Multi-Agency Public Protection Panel</td>
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<tr>
<td>NOMS</td>
<td>National Offender Management Service</td>
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<td>NPS</td>
<td>National Probation Service</td>
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<tr>
<td>OASys</td>
<td>Offender Assessment System</td>
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<td>PO</td>
<td>Probation Officer</td>
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<td>SPA</td>
<td>Sussex Probation Area</td>
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<td>SPO</td>
<td>Senior Probation Officer</td>
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<td>VCS</td>
<td>Victim Contact Scheme</td>
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<td>VLO</td>
<td>Victim Liaison Officer</td>
</tr>
<tr>
<td>VPS</td>
<td>Victim Personal Statement</td>
</tr>
</tbody>
</table>
CHAPTER ONE

INTRODUCTION:
The National Probation Service’s (NPS) responsibilities to victims, introduced in the first Victim’s Charter in 1990 (Home Office, 1990), although relatively new to the offender-oriented organisation, continue to evolve. The most recent expansion resulted from the Domestic Violence, Crime and Victims Act 2004, central to the Government’s continuing pledge to re-balance the Criminal Justice System (CJS) in favour of victims (Home Office, 2004). Section 32 of the Act introduced the Code of Practice for Victims of Crime (CJS, 2006a), effective from April 2006, and successor to the 1996 Victim’s Charter (Home Office, 1996). The Code specifies the statutory obligations and service standards of all CJS agencies in England and Wales that crime victims and families bereaved through homicide should receive. Specifically, for the probation service, the Code mostly reiterated the obligations contained within the Charters. Importantly, however, the Code acknowledged that probation’s duties could not be met without contributions from partner-agencies, including Witness Care Units and the Parole Board, whose obligations effectively interlock and buttress those passed to the NPS (CJS, 2006a).
Under the Code the NPS:

1. Has obligations to victims of sexual and/or violent offenders sentenced to at least 12 months imprisonment and, in certain cases, victims of mentally disordered offenders

2. Shall provide victims with information regarding significant developments occurring within offenders’ prison sentences

3. Must take all reasonable steps to establish whether victims wish to make representations about the conditions under which offenders could be released

4. Must act upon victims’ requests for their views to be withheld from offenders

(Source: CJS, 2006a, Ch.10).

Appendix one contains Chapter 10 of the Code, unabridged.
Whilst the Code outlines the NPS’s general obligations, national guidance details how they shall be achieved (Home Office, 1991a; 1995a; 2001a; 2001b; 2003a; 2005a; NOMS, 2007a; 2007b; 2007c).

This paper’s author, a Victim Liaison Officer (VLO) with the NPS, has had a varied career within the CJS. One interest, however, has remained – that being the treatment of victims by the CJS. Not until finding employment within the probation service did the opportunity to really engage with, and support, victims truly materialise, despite its more familiar offender-orientation. After seven years in post the passion and concern for victims have not abated. There is a continuous endeavour to improve working practices, raise awareness of victims’ needs and rights amongst colleagues and, importantly, to provide victims with the best possible service. However, despite the Government’s continual pledge to rebalance the CJS, improvements are still required. In the author’s experience, many issues highlighted by previous research into probation’s victim contact work (see Johnston, 1995; Crawford & Enterkin, 1999; Tapley, 2000; HMIP, 2000; HMIP, 2003; MORI, 2004) still remain.

An examination of the Sussex Probation Area’s (SPA) Victim Contact Scheme (VCS) will be undertaken to ascertain whether, nearly two decades after probation’s obligations were introduced under the 1990 Victim’s Charter, victims are afforded rights or whether political expediency accounts for the development of victim-centred policies. It will build upon previous research, but as little or no formal research has been undertaken in this area since 2004, predating the
implementation of the Code of Practice for Victims of Crime, this study is well-timed. Although victims will not be interviewed, obtaining the perceptions and experiences of practitioners within the SPA will complement the victim survey work already undertaken (SPA, 2005; 2006; 2007). It is anticipated that any issues identified by Probation Officers (POs) and VLOs can, subsequently, be acted upon within SPA, thus, increasing the worth of the research.

Positivist researchers would argue that the author’s passion and profession could undermine the objectivity of this study (May, 1997, p.10). However, from a feminist perspective, having in-depth experience and knowledge will facilitate this review (Tapley, personal communication, October 23, 2007). A detailed methodology and discussion regarding the inherent ethical considerations when undertaking ‘insider’ research will be addressed in chapter three. Firstly, however, this chapter will outline the research’s aims and objectives, followed by an overview of the historical, political and social influences accounting for the re-emergence of victims within the CJS. A literature review, charting the establishment of victim contact work nationally, will be conducted in chapter two. Chapter four will analyse the primary data obtained from conducting ten semi-structured, qualitative interviews. Finally, chapter five will draw conclusions by assimilating the key findings from this study.
AIMS AND OBJECTIVES:

The author’s personal interest and professional experiences provide the motivation and broad framework around which this study is focused. It aims to:

- critically evaluate the Code of Practice for Victims of Crime, by examining its history and the politicisation of victims to ascertain if it provides victims with tangible rights or whether it is an example of government rhetoric

- examine Sussex Probation’s VCS, in terms of its implementation and service delivery, to establish if the obligations as contained in Chapter 10 of the Code of Practice for Victims of Crime are achievable and meaningful

These aims will be achieved by meeting the following objectives:

- charting the establishment of the Code of Practice for Victims of Crime and, specifically, the probation service’s obligations, within the context of the re-emergence of crime victims within the CJS

- critically examining the implementation and service delivery of Sussex Probation’s VCS by seeking the views of practitioners

- assessing how the obligations to, and needs of, victims are integrated into the core work of the probation service
➢ ascertaining whether improvements to the scheme are necessary in order to advance service delivery

➢ critically appraising whether the VCS fulfils its obligations to victims, as per the governing legislation and accompanying policy documents

The study will commence by outlining the key historical, political and theoretical influences which led to the re-discovery of crime victims.
THE RE-EMERGENCE OF VICTIMS OF CRIME:

In recent decades the CJS has adopted a plethora of victim-centred policies (Tapley, 2005a, p.237; Goodey, 2005, p.12; Spalek, 2006, p.16), including the Victim’s Charters (Home Office, 1990; 1996) and the subsequent Code of Practice for Victims of Crime (CJS, 2006a). Following a period when victims’ needs were, arguably, overlooked in favour of affording offenders’ due process (Williams, 2004, p.28), the Government continuously pledges to give victims a higher status within the CJS (“New Labour...”, 1997; Home Office, 2001c, p.8; Home Office, 2002a, p.19; CJS, 2005; Home Office, 2006; Home Office, 2007, p.2). However, this politicisation of victims is not a new phenomenon. Many commentators believe that, historically, victims were “underestimated, ignored and undervalued” (Walklate, 2007a, p.11), despite acknowledgements that, without their cooperation, the justice system would falter (Zedner, 2002, p.435; Wright, 2002, p.80). Nonetheless, although the introduction of victim-focused legislation to counter this was advocated, there were concerns that, consequently, offenders’ rights would diminish (Tapley, 2007, p.55).

The re-discovery of victims began in the 1940’s with the evolution of victimology, a sub-division of criminology. Early victimologists, such as Hans Von Hentig, held positivist beliefs (Rock, 2007, p.41) leading to influential theoretical perspectives being developed, such as ‘victim proneness’, ‘culpability’ and ‘victim-precipitation’, all attributing blame towards the victim (Tapley, 2007, p.13), which are still commonly applied to rape victims today (Williams, 2004, p.117). The fight-back
against positivist victimology began in the 1960s with the rise of the victims’ movement. Influenced by feminist and critical perspectives, it was significant in the politicisation of victims (Mawby & Walklate, 1994, p.18; Crawford & Goodey, 2000, p.291). It represented diverse political and ethical groups, ranging from right-wing lobbyists advocating increased punitiveness, to feminists highlighting the nature of, and impact on, victims of hidden crimes (Davies, Francis & Jupp, 2003, p.3), such as domestic violence, which created a misleading notion of unity (Goodey, 2005, pp.102-103) Importantly, feminists, however, highlighted the damaging effects of secondary victimisation, resulting from the adverse impact of policies and procedures advocated by a justice system permeated by positivism and patriarchal attitudes (Dignan, 2005, p.15; Tapley, 2005b, p.45). Critical of the notion ‘victim-precipitation’, feminists dubbed it ‘victim-blaming’ (Lamb, 1996, p.78) as, arguably, a “hierarchy of victimisation” (Carrabine, Iganski, Lee, Plummer & South, 2004, p.115) resulted. Dependent on whether victims were considered ‘deserving’ or ‘non-deserving’, inequitable treatment in the CJS was commonplace.

The interest in victims continued throughout the 1960s and 1970s, exemplified by the establishment of the Criminal Injuries Compensation Authority in 1964 (Mawby & Walklate, 1994, p.149). However, even today, its positivist approach denies victims explicit compensatory ‘rights’, as only those considered ‘deserving’ or ‘innocent’ are likely to receive compensation (Williams, 2004, p.108). In the late-sixties, in Bristol, a small inter-professional group formed to explore the status and role of victims within the CJS. This group evolved, becoming the National Association of Victim Support Schemes in 1979, and later, Victim Support, now
regarded the most influential victims’ organisation (Tapley, 2007, p.26). However, positivism remained pervasive, illustrated by the introduction of victimisation surveys in the 1970s, a period which saw rising crime rates. Consequently, the first British Crime Survey was published in 1982, examining the true nature and extent of victimisation (Goodey, 2005, p.46). Although such surveys were criticised (Zedner, 2002, p.423), the consistent findings, highlighting deficits in services to victims, were impossible for politicians to ignore (Tapley, 2007, p.35). Indeed, during the late-seventies, right-wing politicians seized the opportunity to call for increased punitiveness, largely on the pretence of securing justice for victims (Rock, 1990, p.327; Tapley, 2005a, p.239). This tactic, adopted by the Conservative Party, in opposition, became a vote-winner, with Thatcher taking power in 1979 (Reiner, 2000, p.73).

Concern for victims continued throughout the Conservative era, propelled by continued pressure from the victims’ movement, in addition to the media constantly highlighting the plight of victims and escalating crime levels. However, the media’s agenda is not necessarily to campaign on behalf of victims per-se, but to profit by sensationalising and misrepresenting the ‘problem’ of crime (Reiner, 2002, pp.383-393). Buttressing this, Williams (2004, p.119) suggests that the “interests of victims have been hijacked” to serve the media’s needs. Nonetheless, such campaigning eventually led to the first Victim’s Charter being published in 1990 (Home Office, 1990). The media’s influence, regardless of its motivation, continued and 1992 saw a crime which Jewkes (2004, p.72) hailed a watershed in the move towards a victim-oriented justice system. In this year, the murder of two-year-old James...
Bulger by two children led to Cavadino and Dignan (2006, p.67) stating that, such was the public’s disgust at this crime, Howard’s ‘Prison Works’ mantra was adopted, advocating the increased use of imprisonment and, therefore, affording victims justice. The policy was socially popular (Wilson & Ellis, 2006, p.10) and subsequently a plethora of other policies purporting to benefit victims, including the revised Victim’s Charter in 1996 (Home Office, 1996), followed.

The trend towards adopting victim-centred policies continued after New Labour took power in 1997, following a campaign fought heavily on a law and order agenda (Goodey, 2005, p.16). The media’s coverage of the murder of nine-year-old Sarah Payne by known paedophile, Roy Whiting, led to a renewed rigour in demanding justice for victims and tougher penalties for offenders. Such was the media’s influence that a news campaign to name-and-shame paedophiles incited moral panic and, consequently, wide-scale public protests and vigilantism (Nash, 2006, p.140). In response, the Criminal Justice and Court Services Act 2000 followed, legislating for better supervision and management of offenders, enhanced public protection measures and the statutory provision of victim contact work within the newly created NPS (Home Office, 2001d). This clearly illustrates the correlation between the media’s influential role, the establishment of moral panics and the subsequent enactment of tougher legislation.

The Government’s pledges to ‘re-balance’ the CJS have proliferated, exemplified by the New Deal for Victims and Witnesses (Home Office, 2003b) and the White Paper Justice for All (Home Office, 2002a) which first mooted a Victim’s Code,
backed by statute (Jackson, 2003, p.319). Encouragingly, governmental expenditure has increased more recently, attempting to raise public confidence in the CJS. This, Tapley (2005c, p.26) suggests, stems from the public’s continued dissatisfaction, as highlighted in the Government’s own research, *Reluctant Witness* (Institute of Public Policy Research, 2001), which acknowledged that justice cannot be achieved without victims and witnesses co-operation. Certainly, the introduction of Victim Personal Statements (VPS), the ‘No Witness–No Justice’ campaign, ‘special measures’ for vulnerable and intimidated witnesses and the Code of Practice for Victims of Crime, to name but a few, all intend to increase public confidence (Tapley, 2007, ch.5). However, Shipman (2006) argues that the frequency of the Government’s pledges suggest they are little more than populist political sound-bites. Buttressing this, Tapley (2005b, p.45) states that the impact of such reforms “has been limited, reflected in the continuing dissatisfaction of victims and witnesses and declining public confidence in the Criminal Justice System”. Moreover, Jackson (2003, p.312) proffers that many victim-focused policies have specific eligibility criteria attached, as exemplified by probation’s victim contact work. Consequently, to assert that the CJS is being rebalanced in favour of all victims is deceptive. In order to validate such views, the implementation of the Victim’s Charters and the current Code of Practice for Victims of Crime will be discussed.
FROM CHARTER TO CODE:

The Conservative Government published the 1990 Victim’s Charter in response to the growing discontentment and alleged marginalisation of victims by the CJS (Walklate, 2007a, p.11; Tapley, 2007, p.56). Purporting to be “a statement of the rights of victims of crime” (Home Office, 1990), it detailed the obligations of key justice agencies towards victims. However, scepticism grew as the promised rights failed to materialise suggesting that, as a commitment to giving victims rights, it was “seriously misleading” (Fenwick, 1995, p.852), largely due to the absence of legislative backing. In response to mounting criticism (Spalek, 2006, p.104), the Government published the revised Charter in 1996, merely replacing victims’ ‘rights’ with ‘service standards’ (Home Office, 1996). Paradoxically, the 1996 Charter, although devoid of legislative backing, contained stronger wording, thus, seemingly advocating greater rights for victims. However, the change in sub-heading suggested a back down, adding credibility to allegations that both Charters typify populist political agendas and that political concern for victims was used expediently (Jackson, 2003, p.311).

With Blair’s Government gaining power just one year later, the impetus to improve victims’ treatment continued (Crawford & Enterkin, 2001, p.707). A review of the second Victim’s Charter in 2001, at a time when public confidence in the CJS was waning, encouragingly spoke of introducing “statutory rights for victims” (Home Office, 2001e, p.1). Subsequently, the Code of Practice for Victims of Crime (CJS, 2006a) was developed, and implemented in April 2006 under the auspices of Section 32 of the Domestic Violence, Crime and Victims Act 2004. A cornerstone in
the Government’s avowal to place victims at the heart of the CJS (Home Office, 2005b), it was hailed “a victory for those making a case for victims to have rights” (Walklate, 2007b, p.108). Unlike the previous Charters, the Code’s legislative backing, the duty of the Parliamentary Ombudsman to investigate victims’ complaints and explicit obligations, covering all agencies within the CJS (CJS, 2006a), are positive and welcome. It is questionable, however, whether victims who can, in effect, be re-victimised by governmental policies and procedures are likely to have the ability, mentally and/or emotionally, and the wherewithal to enter a formal and convoluted complaints procedure. Moreover, the Code provides “no rights in any real sense… because these provisions are not enforceable in the Courts” (Sanders & Jones, 2007, p.285). Additionally, in order for victims to benefit, the Code needs to be promoted and publicised, in addition to an undertaking by all CJS agencies to work in partnership, to ensure victims’ rights are upheld. Without the commitment of all agencies within the justice ‘system’, failures are inevitable, leading to, perhaps, justifiable condemnation that the Code is little more than rhetoric.

This paper will now examine the probation service’s obligations under the Code of Practice (CJS, 2006a, ch.10), by reviewing the existing research to assess whether it, and its predecessors, the Victim’s Charters (Home Office, 1990; 1996), have, in fact, afforded crime victims ‘rights’ within the CJS.
CHAPTER TWO

LITERATURE REVIEW:

Victims and the Probation Service:

This review will chart the establishment of probation’s victim contact work to “provide the reader with a picture, albeit limited, in a short project, of the state of knowledge and of major questions in the subject” (Bell, 2005, p.100).

Contrary to common misconceptions, the probation service has, historically, had an interest in, and involvement with, crime victims (Kosh & Williams, 1995, p.24; Spalek, 2003, p.215), although, until the 1990s, it was limited. Nellis (n.d, cited by Johnston, 1995) believes that, for the probation service to be publicly and politically credible, the needs and rights of victims and offenders must be placed alongside each other. As discussed earlier, the 1990 Victim’s Charter signalled a new era throughout the entire CJS (Dignan, 2005, p.82) and was considered “an important spur” (Davies, 2003, p.115) for probation’s work with victims. It obligated the service to contact victims and bereaved families where offenders had received life sentences for violent and/or sexual crimes, to ensure that any anxieties about offenders’ releases could be addressed, usually through restrictive conditions being attached to life licences (Johnston, 1995, p.8). Fenwick (1995, p.846), however, proffers that, contrary to the Charter’s purported pledges, probation’s new obligations did not amount to an information-providing exercise, and was, in effect, limited. Moreover, victim contact was to be made when offenders’
resettlement plans were being finalised. Consequently, concerns were raised about the likelihood of re-victimisation resulting from probation’s unexpected contact with victims/bereaved families, often decades after the crimes had been committed (Johnston, 1995).

Opposition to the scheme proliferated, largely due to the Government implementing it without prior consultation with the organisation. Moreover, no additional funding was allocated and supporting guidance was not issued until November 1991 (Goodey, 2005, pp.169-170). Accordingly, the obligations were dismissed as ‘inappropriate’ and ‘problematical’ by the Association of Chief Probation Officers (1994, cited by Johnston, 1995, p.9). In East Sussex the initial response was low-key whereby “no-one paid any attention… victims were seen as a nuisance and a troublesome add-on which nobody really wanted…” (SPO, 1996, cited by Bishop, 1996, p.47). An absence of legislative backing and the significant levels of organisational discretion resulted in no penalty for failing to engage with victims (Jackson, 2003, p.319), fuelling speculation that it was government rhetoric, providing “minimal, inexpensive and unenforceable entitlements” (Fenwick, 1995, p.852).

Nonetheless, probation’s victim contact work expanded throughout the mid-nineties, whereby the publication of Probation Circular 61/1995 (Home Office, 1995a) required contact with victims of serious violent and/or sexual offenders who had been imprisoned for at least four years. The dual purpose was “to provide information to the victim about the custodial process, and to obtain information
from the victim about any concerns he or she may wish to be taken into account when the conditions (but not the date) of release are being considered” (Home Office, 1995a). This expansion was, somewhat, illogical given that, in 1995, the 1990 obligations were still to be embraced. This time, however, National Standards (Home Office, 1995b) and the 1996 Victim’s Charter effectively made victim contact work obligatory. Moreover, eligible victims were to be contacted within two months of offenders’ sentences being passed (Home Office, 1996).

Research into probation’s victim contact work began in the mid-nineties, examining its implementation and the accompanying professional, ethical and practical issues (Aubrey & Hossack, 1994; Johnston, 1995; Kosh & Williams, 1995; Bishop, 1996). One habitual debate was that of who was best placed to deliver the service, due, largely, to the absence of specific guidance. Consequently, different models of service delivery emerged, whereby the work was undertaken by: offenders’ through-care POs; probation staff of varying grades acting as VLOs; and other agencies, such as Victim Support, working in partnership with the probation service (Nettleton, Walklate & Williams, 1997; Crawford & Enterkin, 1999; Mawby, 2007).

Johnston’s (1995; 1996) important account of initial concerns and issues strengthened earlier findings regarding the poor treatment of victims within the wider CJS (Maguire & Pointing, 1988, p.10). Johnston (1995) advocated earlier contact to ensure their anxieties could be appropriately addressed in advance of offenders’ releases, as opposed to it occurring when resettlement plans were being finalised. He corroborated earlier concerns that the probation service could
“inadvertently re-traumatising and re-victimising” (Aubrey & Hossack, 1994, p.213) victims if enquiries were not timely and conducted with sensitivity. The lack of additional resources and absence of adequate guidance were also cited as significant factors as to why probation’s obligations had not been embraced (Johnston, 1995; 1996). More concerning was Bishop’s (1996) study which found that, due to staffing pressures and a lack of resources, victim contact work was labelled “irksome” (SPO, 1996, cited by Bishop, 1996, p.47).

Later, Crawford and Enterkin (1999, p.17) examined probation’s implementation of victim contact work in West Yorkshire and Northumbria to “advance a greater knowledge of victims’ needs in relation to the release of prisoners”. Despite both areas deploying different models of service delivery, most victims who engaged with the services wanted to receive information regarding offenders’ sentences and to influence their resettlement licence conditions. Some victims, however, expressed annoyance at the limited, one-way flow of information being provided and, thus, their “sense of injustice, reflecting what they perceive to be their secondary status within a system primarily concerned with protecting offenders’ rights” (Crawford & Enterkin, 2001, p.723) was reaffirmed. This echoed Roger’s (1999, p.26) findings in which victims expressed disappointment and frustration due to the limitations of the service. The ‘natural justice’ afforded to offenders compounded feelings of inequitable treatment as it was judged that they should have access to victims’ views, especially those relating to requests for victim-focused licence conditions (Dignan, 2005, p.83; Spalek, 2003, p.219). Generally, however, it concluded that victims:
“can benefit significantly from good quality, timely and well delivered information with regard to simple, factual information on the offender’s custody; contextual information which would allow them to understand the conditions of the offender’s custody; and explanations of criminal justice terminology and procedures” (Crawford & Enterkin, 2001, p.722).

Tapley’s (2000, p.17) study of the impact and service delivery of victim contact work in Dorset drew similar conclusions.

Importantly, Crawford and Enterkin (1999, p.17) interviewed POs “to identify and promote ‘good practice’ within victim contact work”. Although most officers agreed with its principles, disappointingly, echoing Bishop’s (1996) findings, the work was not embraced. Many viewed its agenda as narrow, whereby victims’ input should be curtailed to influence only resettlement licence conditions. Moreover, some officers were concerned that if victims’ requests were considered ‘excessive’, or they attempted to influence the Parole Board’s decision as to whether an offender should be released, they could be targeted by vengeful offenders (Crawford & Enterkin, 1999, ch.6).

The first official inspection examining victim contact work was published in 2000 and restated many of the findings of independent research, highlighting the need for: uniformity of service delivery; better communication (both within probation and with partner-agencies); victim confidentiality; and adequate resourcing. The inherent tensions, when attempting to balance the needs of victims and offenders, were also highlighted. Nonetheless, it concluded that, largely, the probation service
had responded positively to its victim-focused obligations (HMIP, 2000, pp.13-17). By 2000, the status of victims within the probation service, and, indeed, the CJS, was burgeoning. Section 69 of the Criminal Justice and Court Services Act 2000 (see appendix two) made victim contact work statutory for the first time and the obligations expanded, encompassing victims of violent and/or sexual offenders sentenced to at least 12 months imprisonment, from April 2001. This significant growth in workload finally resulted in government funding, resources and, importantly, comprehensive guidance (Home Office, 2001b, p.16; Spalek, 2003, p.216). Accordingly, the probation service underwent a metamorphic change (Davies, 2003, p.115). Propelled by the creation of the National Probation Service, the service’s *New Choreography* restated the importance of its victim focus (Home Office, 2001d, pp.15-18) and dedicated ‘victim units’, staffed by probation employees of varying grades, emerged as the preferred model of service delivery (HMIP, 2003, p.51).

Further research followed the expansion of probation’s victim contact work (HMIP, 2003; MORI, 2004; Newton 2003). The 2003 inspection outlined significant progress but also acknowledged that many issues were still to be addressed (HMIP, 2003, p.1). Encouragingly, an evaluation of probation’s victim contact work, undertaken by MORI (2004, p.7), showed that eighty-one percent of victims interviewed felt satisfied with the service provided by probation, which compared extremely favourably to the forty-six percent of victims expressing their satisfaction with the wider CJS. Some were, however, sceptical as to whether their VLO would
always keep them informed of key developments occurring throughout their offenders’ sentences (MORI, 2004, p.3).

Today, the probation service’s victim-focused responsibilities remain, mostly, unchanged from the statutory service introduced in 2001. However, the Domestic Violence, Crime and Victims Act 2004, which introduced the Code of Practice for Victims of Crime (CJS, 2006a), now provides the legislative framework (see appendix three). Probation’s duties are defined in Chapter 10 of the Code (see appendix one). Positively, policy-makers have addressed some criticisms of the Charters, as many victims of mentally disordered offenders are now eligible to receive information and request restrictive licence/discharge conditions (Home Office, 2005a; CJS, 2006a, p.15). Nevertheless, reminiscent of early condemnations, there has been limited guidance, no specific training regarding the mental health system and no additional resources to ensure that VLOs have the knowledge and skills to effectively undertake this new area of work.

Victim contact work has retained its bifurcated approach. Firstly, it provides eligible victims, or bereaved families, with information regarding offenders’ sentences and opportunities to be notified of all subsequent developments, including offenders applying for parole or being considered for transfers to open prisons and other significant events such as resettlement leave being considered/granted (CJS, 2006a, ch.10; Home Office, 2003a, para.6.3). Secondly, victims can voice their concerns regarding offenders’ eventual releases and are, potentially, able to influence offenders’ release/resettlement licence conditions (CJS, 2006a,
para.10.3). Victims’ views are relayed to probation colleagues, the Prison Service, the Parole Board and Multi-Agency Public Protection Panels (MAPPP), all of which contribute to the assessment and management of violent/sexual offenders as information from victims can be crucial when assessing risk (Parole Board, 2006a, p.16; Home Office, 2003c, pp.13-14).

Service delivery continues to develop and evolve as examples of best practice are identified through research. However, the consistency of other, less positive findings, some of which were first highlighted over a decade ago, suggests that attempts to tackle the more complex issues have been limited. Thus, arguably, probation’s victim contact work is still not necessarily considered a priority. Nevertheless, the continued political and social interest in victims ensures that they remain on the Government’s agenda, with a number of recent initiatives strengthening probation’s work with victims. Most notably, since September 2007, eligible victims can submit VPS to the Parole Board to notify it of: the impact and continuing consequences of the offence; information relevant to offenders’ risk assessments; and genuine concerns regarding offenders’ eventual releases (NOMS, 2007a; 2007b). The opportunity for victims to influence the conditions under which offenders may be released remains unchanged (CJS, 2006a, para.10.3; NOMS, 2007c). Concerns, however, about the levels of confidentiality afforded to victims which Crawford and Enterkin (1999, p.88) highlighted in 1999 still persist (NOMS, 2007d; Parole Board, 2006b).
Additionally, the Government has recently circulated a draft VLO guidance manual for consultation, suggesting that practitioners’ knowledge and experience is being harnessed. Due for official publication shortly, it will be the most comprehensive guidance issued to-date. Cynically, the publication of what is, effectively, an ‘encyclopedia’ for VLOs has been well-timed to coincide with the Government’s ‘contestability’ and out-sourcing agenda (NOMS, 2007e). It would, at least on paper, provide voluntary and private organisations with a broad understanding as to the minimum standard requirements needed in order to meet the current victim-focused obligations. Indeed, some probation areas have out-sourced their victim contact work to external providers who might offer a cheaper service, but may lack the specific knowledge and expertise that the probation service has, undoubtedly, gained over two decades. It is wrong to suggest that further advancements are not necessary, but with victims expressing a significantly higher satisfaction rate with, what is, an offender-dominated service, compared with the wider CJS (MORI, 2004, p.7) the probation service should be commended.

**Probation’s wider victim focus:**

The probation service’s involvement with victims is not restricted to statutory victim contact work. In 1995 the service’s National Standards encouraged a greater victim perspective. For the first time, when preparing court pre-sentence reports, the service was required to assess “the offender’s attitude to the victim and awareness of its consequences, drawing attention to any evidence of acceptance or minimisation of responsibility, remorse or guilt and any expressed desire to make amends” (Home Office, 1995b, pp.9-10). The 2005 National Standards which
advocate the use of VPS when assessing the impact of the crime on the victim and the offender’s attitude (Home Office, 2005c, p.7) reiterate this. However, according to SPA staff, the police’s use of VPS is inconsistent, which hampers POs’ victim-analysis. Consequently, this increases the risk of supposition as to how victims may or may not have been affected by specific crimes and could limit POs’ attempts to incorporate genuine and meaningful victim perspectives into their practice. Additionally, a similar viewpoint is incorporated into parole assessment reports (NOMS, 2007f), OASys risk assessments (Home Office, 2002b, pp.44-49) and MAPPP referrals (Home Office, 2003c, para.43), suggesting that its victim focus is becoming more pervasive. The service also delivers group-work programmes to offenders which incorporate victim perspectives, exemplified by the Integrated Domestic Abuse Programme (IDAP) in which the needs and safety of victims are paramount. IDAP Women Safety Workers establish contact with partners and ex-partners of offenders who undertake the programme to provide support and advice but also to gain valuable feedback from victims, which is integral to the assessment and management of risk (NPS, n.d., p.6).

Concluding comments:

Williams and Goodman (2007, pp.523-524) assert that “victim contact work appears to offer an effective response to a number of the demands which victims of crime commonly make of the Criminal Justice System, [including] to be heard, and treated with dignity, fairness and respect [and] to be provided with information about the Criminal Justice System and the outcome of their case”. Nonetheless, when reviewing the existing literature, four common themes emerge, which
potentially impede the effectiveness and value of the VCS. These are: the need for timely, accurate and reliable information to be passed to victims; insensitive and ineffective engagement with victims resulting in secondary victimisation; issues regarding victim/offender confidentiality; and the on-going debate regarding who is best placed to undertake victim contact work within, or on behalf of, the probation service.

These issues will be explored by seeking the views and experiences of Sussex Probation’s VLOs and POs and will be discussed in chapter four. Chapter three, however, will address the methodological and ethical issues relevant to this study.
CHAPTER THREE

RESEARCH DESIGN:

This research will meet its stated aims by critically examining the Sussex Probation Area’s VCS. Four key areas for discussion, detailed above, will be investigated further. The study will also identify other associated themes which may be unique to Sussex, although these should be indicative of matters arising nationally as the legislation, policy and guidance are issued centrally. Primary data will be collected by interviewing Sussex VLOs and POs of varying grades to critique the delivery of victim contact work and its integration within the probation service. General discussions about victims’ treatment within the CJS will also be undertaken. Victims’ views will not be sought directly, but secondary data will supplement this examination. Ethically, there are significant risks, when undertaking research with victims, that secondary victimisation may occur. Victims’ opinions and experiences are valuable and imperative for certain research projects, but as their knowledge of the complex legislation and policy which govern victim contact work is likely to be limited, their direct involvement in this study would not necessarily enhance it.

Methodology:

A case study, focusing on SPA’s VCS appropriately achieves the aims and objectives of this research. Since the 1970s, the use of case studies as effective methods of research has significantly increased (Bryman, 1989), but Yin (1994, p.xiii) believes they remain “stereotyped as a weak sibling amongst social science
methods" due to the lack of external validity. Nonetheless, it facilitates qualitative methods, reflective of the author's feminist perspective, which supports research conducted by individuals who have personal interests in the subject (Tapley, personal communication, October 23, 2007). Providing the research is conducted openly and honestly and the conclusions are legitimately drawn, it retains its validity. Qualitative methods use in-depth, semi-structured interviews which are often recorded and transcribed to aid analysis and comparison with secondary data. Although this process is time-consuming, its advantages include flexibility and adaptability in questioning by probing underlying comments and following up responses which deviate from the specific discussion topics (Robson, 1993, p.229). This also enables interviewees to discuss their own experiences and to raise issues which they perceive as important to the overall discussion.

**Sampling:**

Purposive sampling, which advocates the selection of interviewees based on known characteristics and status (May, 1997, p.88; Murray & Lawrence, 2000, p.141) will be employed due to the specific eligibility criteria attached to probation's victim contact work. The VCS is staffed by five employees, county-wide, but is facilitated by POs based within Public Protection Teams and Offender Management Teams, who are responsible for ensuring that VLOs are notified of all key developments occurring within relevant offenders' sentences. It would be of little benefit to select staff randomly as many have limited knowledge of the VCS and how it integrates with probation's offender-focused work. As is common with in-depth, semi-structured interviews, a relatively small sample has been chosen.
(Hayden & Shawyer, 2004, p.100), comprising of two VLOs; four POs; two Deputy Team Managers (DTMs) and two Senior Probation Officers (SPOs).

‘Insider’ status:
This paper’s author, a VLO with SPA, is afforded ‘insider’ status which can be advantageous, as ‘insiders’ have “an intimate knowledge of the context of the research and the micropolitics of the institution” (Bell, 2005, p.5). It could negate difficulties that an ‘outsider’ would experience, such as busy practitioners being reluctant to participate in interviews. Importantly, staff may be more likely to discuss potentially sensitive or contentious issues with an ‘insider’, as opposed to an external researcher, who may have a limited insight into the complex nature of probation’s work. However, there are disadvantages to ‘insider’ research (Bell, 2005, pp.50-55). The author is subordinate to senior officers and, therefore, not well-placed to elicit contentious answers to searching questions. Moreover, tension could result when probing colleagues on their working practices and responses to questions may be curtailed, or even untruthful, through fear of provoking controversy. Also, there may be a tendency for the author’s own beliefs, experiences and work ethics to influence and, perhaps, undermine the objectivity of this research; a viewpoint shared by positivist researchers, no doubt.

Ethical considerations:
It is imperative, when conducting research, to consider the ethical issues that may arise (British Society of Criminology, 2006). Hayden and Shawyer (2004, p.51) state the key principles governing ethical research include: voluntary participation;
not harming or misleading participants; assuring anonymity and confidentiality; securing sensitive and confidential data; and observing confidentiality when reporting the findings. All interviewees have been willing participants and each has been assured confidentiality and anonymity. Nonetheless, when using a small purposive sample it can be difficult to maintain anonymity as it could be easy to unintentionally identify someone, due to their status or job-role, when reporting the findings. In order to minimize this risk, all unique identifying features have been removed from this paper. As there are at least two members of staff interviewed from each group, namely: VLOs; POs; DTMs; and SPOs, all quotes will be attributed as such. Moreover, the data will be presented thematically which helps preserve the anonymity of participants (Hayden & Shawyer, 2004, p.137).

Importantly, permission to undertake this research has been granted by SPA’s Senior Management Team.
CONDUCTING THE RESEARCH:

The interview schedule:

When planning and preparing the interview schedule, a list of relevant topics was prepared. However, to aid a qualitative approach, it was transposed into a format suitable for semi-structured interviewing. It clustered associated themes into eight discussion topics, whilst providing opportunities for interviewees to develop further discourse and, where appropriate, to introduce new themes. The schedule was designed to apply to all interviewees regardless of job-role or grade (see appendix four). It reflects Robson’s (1993, p.238) model of a semi-structured interview schedule insofar as it: lists topic headings; utilises introductory comments for each area of discussion; specifies key questions; and uses prompts to facilitate discussion.

Pilot interviews:

Two pilot interviews were conducted, demonstrating that, generally, the schedule is an effective method of obtaining relevant data. One interviewee commented, however, that the introductory comments for each area of discussion were too detailed, resulting in a loss of concentration and focus. Accordingly, the schedule was amended to reflect the feedback from the pilot interviews, and finalised (see appendix five).

Primary data collection:

Eight further interviews were conducted in order to collect the primary data. Principally, during the interviews, open questions were used to elicit detailed
responses. Gray (2004, p.194) believes that open questions allow “a potential for richness of responses, some of which may not have been anticipated by the researcher”, which facilitates a qualitative methodology. Closed questions were used where necessary to seek confirmation or clarification of a response and to compare views expressed by different interview groups. Each interview lasted approximately one hour and, upon completion, the tapes were fully transcribed to provide written copies. Although the transcribing process is time-consuming and Hayden and Shawyer (2004, p.137) suggest that it is not always necessary, it does ensure that nothing of significance is lost through the process. Qualitative methods, however, produce more data than is practicable for the completion of a small-scale study (Hayden & Shawyer, 2004, p.136). Therefore, by fully transcribing the interviews and colour-coding associated themes, the data has been condensed to identify only that which is relevant to the aims and objectives of the study, the findings of which will now be discussed in chapter four.
CHAPTER FOUR: DATA ANALYSIS

The key themes which emerged from the literature review formed the broad areas for discussion throughout ten semi-structured interviews. Other issues were identified but, regrettably, it goes beyond the scope of this study to discuss these further. Attention is, therefore, focused on the findings which are most relevant to its aims and objectives.

Throughout this chapter the Code of Practice for Victims of Crime (CJS, 2006a) will be referred to, henceforth, as the Code.

THE CRIMINAL JUSTICE SYSTEM:
Rhetoric or rights?
Showing similarities to Bishop’s (1996, p.43) early research conducted with SPA staff, which found “widespread endorsement of the notion of ‘forgotten’ victims”, all ten interviewees believe that victims are marginalised by the CJS despite the Government continuing to promote victim-focused initiatives. Accordingly:

“…[victims] are relatively marginal to the whole process…”(VLO)

“…there are lots of victims who don’t feel listened to…”(DTM)

“…the offender is still the focus…the victim is secondary…”(PO)
This suggests that from Sussex practitioners’ perspectives, little has changed over the past decade, although improvements were noted. All interviewees gave examples of recent victim-centred policies such as Specialist Domestic Violence Courts, Victim Personal Statements and the Code, which are:

“…centred around processes to improve the lot of victims and witnesses.”(SPO)

Nonetheless, reflecting perspectives dominant in chapter one regarding the politicisation of victims and specifically Bishop’s (1996, p.44) earlier examination of SPA’s implementation of victim contact work, cynicism regarding the Government’s agenda is prevalent. Nine interviewees regarded the Government’s motivation as political window-dressing, insofar as victim-centred policies are: used by politicians expediently; to woo the electorate; and are often influenced (and sometimes instigated) by the media. As such:

“…it’s all froth and bubbles…”(PO)

“…it’s the politicisation of law and order debates and victims are used and abused…”(SPO)

“It is difficult to think about how it is sincere. Whether it’s a vote-garnering exercise…or in response to the media holding the Government accountable, I don’t know…”(VLO)

Only one interviewee felt that the Government was attempting to address the needs of victims because:

“…it seems a more fair way to deal with something…”(VLO)
Surprisingly, given the emphasis on probation incorporating a greater victim focus, as per the NPS’s *New Choreography* (Home Office, 2001d, p.iv), three interviewees were unfamiliar with the Government’s advocation of a victim-centred CJS. One commented:

“…if the Government does have some sort of policy or lead on that, then…it’s entirely ridiculous…” (DTM)

This implies that these practitioners are also unaware of the *New Choreography*. However, its publication pre-dates the employment of many of the staff interviewed so, perhaps, its key messages need to be reiterated.

The remaining seven interviewees consider the Government’s current agenda to be largely rhetorical whereby victims are used for political expediency. Some POs, however, demonstrated limited knowledge regarding victims’ treatment throughout earlier stages of the CJS, which resonates with the view that practitioners’ “attention tends to focus upon narrowly constructed service delivery and “customers” of a particular segment of criminal justice at a given time and place within the process, rather than upon cross-cutting, horizontal accountability and responsibilities” (Crawford & Enterkin, 1999, p.89). Therefore, arguably, the interviewees’ views may be more reflective of their perceptions of victims within SPA, or, alternatively, perhaps the media’s representations of how victims are treated by the CJS.
**Code? What Code?**

Ominously, only VCS staff had knowledge of the Code, despite it underpinning probation’s victim contact work. All staff, however, had sufficient understanding of probation’s statutory victim obligations so, arguably, it is not necessarily problematic. It does, perhaps, highlight a ‘don’t need-to-know’ mentality, as:

“...it’s not necessarily important for what I’m doing…”(PO)

Debatably, if the majority of probation staff interviewed have no knowledge of the Code, do victims not know of its existence either? The author’s professional experience as a VLO would suggest that this is probably the case, as when establishing initial contact following the offender’s sentence, the VLO role and its framework, namely the Code, is explained to victims. Very few acknowledge that they have previously been advised of their statutory entitlements or the Code itself. Given that probation’s obligations begin towards the end of the criminal justice process, the police, who are usually the first agency to assist victims, should be ensuring victims receive, or have access to, the *Victims of crime* leaflet (CJS, 2006b, p.2). If, therefore, this is not always happening some victims will be unaware of their statutory rights, as contained within the Code.

The general consensus amongst SPA staff interviewed is that the Code affords victims the right to be offered services by different CJS agencies, but reminiscent of Sanders and Jones’s (2007, p.285) criticism, it does not provide tangible rights due to a lack of Court enforcement. Although it provides victims with a right to
complain, ultimately, to the Parliamentary Ombudsman, they have to be advised of this and must also have the wherewithal to enter a formal complaints process.

Consequently, the consensus formed from all ten interviews is that, whilst providing victims with only limited rights, the Code is a significant advancement but one which needs to be better publicised and given a higher status within the CJS if it is not to be dismissed as political rhetoric.

PROBATION’S VICTIM CONTACT SCHEME:

How appropriate is the work?

All ten interviewees consider that the probation service’s victim contact work is entirely appropriate because:

“…as an organisation...what we all do is to protect the public and the biggest part of the public that is affected by crime are victims…”(DTM)

Again, echoing Bishop’s (1996), Aubrey and Hossack’s (1994) and Johnston’s (1995; 1996) earlier findings, there was acknowledgement that the work was initially regarded:

“…a very controversial move…”(SPO)

But, encouragingly, it is now:

“…a core part of the business…” (SPO)

“…absolutely essential both from a humanitarian viewpoint [and] an offender rehabilitation viewpoint…”(SPO)
The last decade, therefore, has witnessed a significant shift towards SPA embracing victim contact work, with the four longest serving interviewees (POs and SPOs), who observed the introduction of the work, now recognising the benefits of the probation service incorporating a victim perspective. It was also acknowledged that VLOs are not solely responsible for establishing probation’s victim focus. In terms of offender-management, for example, POs are required to address victim issues within court and parole reports, risk assessments and when working with offenders. All ten interviewees believed that victim contact work has raised awareness and has helped POs adopt a victim focus throughout their practice. Thus, it is now considered:

“…vital…so that [offenders’] behaviour can be challenged and that the overall picture of risk is more balanced, informed and proportionate…”(VLO)

“…really important because it gives another dimension to the work we do, if you don’t understand what the impact of someone’s offence is on a victim, then you have not got a full understanding of the risk that a person presents.”(SPO)

**Facilitating risk assessments:**

There was clear evidence that victim contact work facilitates risk assessments as:

“…in a sense, the expert…is going to be the victim, particularly in domestic violence cases…”(SPO)

“…Probation Officers…can inadvertently become very focused on an offender’s needs…”(DTM)

“…it’s a crucial element…”(PO)
Interestingly, however, one PO stated that:

“…risk assessment is…not about the victim, and the actual feelings of the victim don’t actually affect, as such, the risk assessment of the offender…”(PO)

Worryingly, this view opposes the Parole Board’s (2006a) and the MAPPP’s (Home Office, 2003c, para.43) thinking that victims do make vital contributions to the assessment of risk.

It should, perhaps, be questioned as to whether the intention of victim contact work is to facilitate risk assessments as, arguably, it exceeds the “concrete aspects of victim contact work, namely the provision of information and consultation” (Crawford & Enterkin, 1999, p.89). If this assertion is reasonable, involving victims in such a critical process may result in them feeling more central to any decisions made about their offender. However, the limitations of the service, which result in minimal offender-information being disclosed to victims, will only reinforce the anger and frustration felt regarding the perceived limited, one-way flow of information discussed earlier.

**Is a specialist VCS effective?**

There was total support for the current specialist VCS which, as a unit, consistently exceeds its National Standard, namely to contact victims within forty working days of offenders’ sentence dates, offering a face-to-face meeting (Home Office, 2005c). Interestingly, in Bishop’s (1996) study, the specialist model was initially rejected due to concerns about it generating “a sense of elitism, and a sense that victims
are a somehow more difficult area of work” (ACPO, 1996, cited by Bishop, 1996, p.50). Nonetheless, by 2001, Sussex had established its VCS, in response to its new statutory obligations and the large increase in workload that accompanied it. The current model is described as:

“…very effective…it’s an excellent way of delivering the service…”(SPO)

Victim survey work undertaken by SPA buttresses this (SPA, 2005; 2006; 2007) and, according to a recent ‘Better Quality Service’ review of the Sussex VCS:

“…internal feedback confirms that both the Sussex scheme and the VLOs are well-regarded by both practitioners and managers… Survey forms from victims…indicate the service is well received with 88 percent perceiving staff to be both friendly and approachable and understanding and sensitive to their particular situation” (Rogers, 2007).

However, both VLOs and several POs were concerned that resourcing of the work was not keeping up with rising caseloads. This is, according to those VLOs, beginning to undermine the effectiveness of the service. One VLO commented:

“…the larger the caseload, the poorer quality of service you are delivering to victims as you are spreading yourself too thinly…”(VLO)

Other models were discussed, such as through-care POs undertaking both offender-management and victim contact work, which was commonplace in the nineties. Although several POs identified some advantages insofar as it would, effectively, force them to ‘think victim’, the disadvantages proliferated:
“…some [POs] wouldn’t make it their priority…”(SPO)

“…the conflict…would probably mess with your head quite significantly…”(PO)

“…to remain impartial or balanced…would be really difficult…”(PO)

“…it’s really important that victims are given a dedicated [VLO]…to let them know that…we won’t be having any contact with the offender…”(VLO)

Although, SPA, like many areas, was slow to embrace its victim-focused duties many staff are now concerned, in this age of contestability, that the work may be out-sourced. It was believed that such decisions would be made purely for financial reasons and that it would have a detrimental impact on the quality of the service:

“…it would be tragic…”(SPO)

“…it would be awful… at the moment we’re in a situation where we have the IDAP programme and there’s a Women Safety Worker (out-sourced)...A) she’s not in the office and B) she doesn’t understand probation…”(PO)

“…it’s difficult enough to communicate from within your own organisation…”(VLO)

“…it would be a huge travesty.”(DTM)

**Do victims benefit?**

All interviewees acknowledged the importance and benefits of well-delivered victim contact work:

“…it’s empowering…gives victims’ a right to be heard…”(VLO)
“…it reassures some people that their views are being taken into account…”(SPO)

Three interviewees, however, expressed concerns that, occasionally, the service is divisive whereby, some victims:

“…just remain completely obsessed by the whole thing.”(PO)

Nonetheless, reminiscent of Crawford and Enterkin’s (1999, p.88) findings, it was believed that the limitations of the scheme, namely the provision of ‘baseline’ information, to be discussed later, results in victims experiencing disappointment and/or anger, reaffirming their secondary status within the CJS as:

“…to start with, they are probably quite optimistic about the whole service, however, with the limited information that can be passed to them, maybe, over a period of time…they get annoyed or frustrated…”(PO)

All interviewees empathised with the potential for secondary victimisation due to insensitive and ineffective engagement with victims. Tapley’s (2000, p.18) research focusing on Dorset’s VCS reflects this, stating that “it is essential that officers undertaking victim enquiry work have a thorough knowledge of the system, maintain accurate records and remain accountable”. MORI’s (2004, p.3) research also suggests that victims do not always trust their VLO to provide timely and reliable information regarding their offender. However, governmental policies stipulate that it is the responsibility of POs to pass on information to VLOs (Home Office, 2003a, paras.6.9-6.10; NOMS, 2007b, para.2.2) who will subsequently update the victims. Accordingly, it is, therefore, a little unwarranted that VLOs are, effectively, accountable for other colleagues’ oversights. Indeed, communication is
sometimes problematic, whereby POs do fail to notify VLOs of developments occurring within relevant cases which:

“...makes the whole VCS seem completely crap because that’s one of the main things: to inform [victims] of significant developments...”(VLO)

“...doesn’t make the VLO look particularly professional...”(PO)

Indeed, such failures clearly increase friction between VLOs and POs whereby:

“...VLOs, understandably, get very upset when they are not told things... sometimes that can get a little bit hairy...”(SPO)

Nonetheless, all staff could appreciate that, for example, by not informing a victim of an offender’s release due to an oversight further up the chain:

“...a victim could be so shocked...it could have a terrible effect...”(SPO)

“... could result in direct harm to the victim and harm to the organisation...”(SPO)

Nine interviewees, including both VLOs, however, accepted that POs do not intentionally forget to pass on information:

“I don’t think it’s deliberate...”(DTM)

“...it’s either a mental block or it’s the tremendous pressure in terms of POs workloads...”(VLO)

Conversely, one PO commented:
“...everything presupposes...that [POs] accept and value what [VLOs] are doing. ‘Cos otherwise they aren’t gonna bother to [make] contact...I don’t think it’s a matter of forgetfulness…”(PO)

The potential for poor communications from POs to VLOs has resulted in both VLOs developing systems in an attempt to safeguard against such eventualities. However, as not all developments within offenders’ sentences are planned, such as an offender being recalled to prison, these systems are not infallible and remain solely reliant on POs providing the information. Arguably, therefore, POs need to adopt similar systems to limit the risks of such oversights.

An impossible balancing act?

All interviewees commented on the complexities of one organisation working with both victims and offenders. Two main issues permeated throughout all ten interviews; namely the provision of ‘baseline’ information to victims, and potential conflict resulting from victims’ requests for exclusion zone conditions to be attached to offenders’ licences.

In terms of providing ‘baseline’ information, only two POs were concerned that:

“…too much information could be damaging…”(PO)

The remaining eight interviewees felt that ‘baseline’ information does not meet victims’ merest expectations, explicitly: to be told exactly when the offender is due for release; in which prison he/she is held; and to which town he/she will be
released. Similarly, there were also concerns about the apparent one-way flow of information, as highlighted by Crawford and Enterkin (2001, p.723), whereby:

“...if it weren't for the grace, understanding, patience and reasonability of victims, we would have a lot of explaining to do...it's like a learned helplessness.” (VLO)

Moreover, all interviewees expected victims to experience frustration, annoyance and anger, compounding a perceived secondary status, due to the limitations of the service. Many practitioners believe that providing ‘baseline’ information:

“...is to protect offenders from possible retribution from victims...” (VLO)

“...gives the offender some privacy...” (DTM)

Conversely, it was considered that victims are not afforded the same level of respect and confidentiality, which is an issue examined in some depth by Crawford and Enterkin (1999, pp.76-78). Despite this problem being highlighted nearly a decade ago, it evidently still persists. VLOs cannot guarantee victims that their views or concerns can be safely withheld from their offender. Although recent guidance has attempted to tackle this problem, in terms of victims submitting confidential VPS for the purpose of parole hearings (NOMS, 2007a), the current measures are not satisfactory:

…it’s the most obstructive, tricky, difficult, nonsensical way of submitting victim’s views for the parole board and the offender’s solicitor, at the end of the day, has access to that personal statement... (VLO)

In terms of ‘baseline’ information, two interviewees, notably a VLO and a PO, suggested introducing a voluntary scheme whereby more detailed information
could be provided to victims if offenders consented. Although this suggestion would be worth further consideration, its consensual aspect does, by its very nature, reinforce the limited statutory rights afforded to victims under the Code.

All ten interviewees acknowledged that a lack of sufficient information could result in victims feeling disempowered and anxious as:

“…it affects their sense of how much at risk they are…” (VLO)

“…the biggest concern for anybody…is when you don’t know the facts…” (PO)

The two VLOs suggested that, as a result of not being permitted to provide specific information, for example, whether an offender is remorseful, in an attempt to reduce victims’ concerns and anxieties, requests for larger exclusion zones were likely. This, according to POs, could negatively impact on offenders’ attempts to successfully reintegrate into society. Ultimately, therefore, it could be suggested that neither party currently benefits.

Exclusion zones were cited as being most likely to cause conflict between VLOs and POs as:

“…there is a perception of an expectation of the victim that they can have whatever exclusion zone they want and that it should be supported…” (PO)

Although most staff appreciate why victims request exclusion zones, several POs felt that requests are sometimes excessive and, consequently, can conflict with risk management plans focusing on wider public protection issues, hence:
“...sometimes the issues around the offenders and their supervision requirements need to take precedence.” (SPO)

However, one PO considers that victims’ requests take precedence:

“...in the vast majority of cases...” (PO)

Nevertheless, whilst eight interviewees felt that, in theory:

“...we must always put the victim first...” (PO)

in practice:

“...the offenders’ rights take precedence the whole way through... even once they are out, even with things like exclusion zones...” (PO)

Some probation staff did concede that, occasionally, by incorporating victims’ views and concerns into resettlement plans, especially requests for exclusion zones, the POs’ tasks become more complicated and time-consuming:

“...if you are the PO...you want to avoid things that would cause you difficulties...if you were going for an exclusion zone...you would need to do a little more work...” (SPO)

leading to:

“...a little tiny bit of resentment...” (DTM)

Conversely, however, one VLO commented that:

“...where MAPPP and the probation service don’t want to accept an offender back into an area, they’ve used victim issues to make their case expedient...where the victim might not be that fussed...” (VLO)
This indicates that, occasionally, due to other factors, such as practitioner workload, victims’ wishes may not always be given adequate consideration. Moreover, victims may be used expediently to justify stringent risk management plans of which they will have no knowledge, due to the limitations of the information to which they are entitled.

The probation service’s obligations to victims and offenders do sometimes result in an impossible balancing act, whereby staff can only do their best to accommodate the needs and wishes of both parties. Nonetheless, VLOs and POs must empathise with each others’ roles and responsibilities. POs need to understand the often lasting and devastating effects of victimisation and should acknowledge the very real fear and anxiety which victims often experience, prior to their offenders’ releases. Equally, VLOs must appreciate that sometimes, in the interests of risk management and wider public protection concerns, victims’ valid requests may have to be moderated as:

“...each case has to be seen on its own merits...I don’t think it’s helpful to get into this “us and them”, “offender versus victim” thing...it’s much more complex than that.”(SPO)

The primary data demonstrates a considerable positive shift in terms of how SPA views its obligations to victims, which are now considered integral to the service and the wider issue of public protection within the CJS. The VCS is respected, both within SPA but, more importantly, with victims themselves (SPA 2005; 2006; 2007), which also reflects the general findings from previous research nationwide (HMIP, 2003; MORI, 2004).
Nevertheless, it remains that all staff interviewed here, who are familiar with the limitations of the service, resulting from governmental policies and legislation, feel that more could be done to genuinely improve probation’s response to victims of serious violent and/or sexual crimes. It is for this reason that, for now, the general consensus is that SPA’s victim contact work, like other victim-focused initiatives throughout the CJS:

“...provides victims with limited rights within a context of rhetoric.” (SPO)
CHAPTER FIVE: CONCLUSION

This study has aimed to:

- critically evaluate the Code of Practice for Victims of Crime, by examining its history and the politicisation of victims to ascertain if it provides victims with tangible rights or whether it is an example of government rhetoric
- examine Sussex Probation’s VCS, in terms of its implementation and service delivery, to establish if the obligations as contained in Chapter 10 of the Code of Practice for Victims of Crime are achievable and meaningful

An examination of the new found prominence of crime victims within the CJS, in chapter one, has demonstrated, unequivocally, that successive Governments have, increasing, adopted victim-focused policies in recent decades (Jackson, 2003; Goodey, 2005, p.12). Three reasons for this are: the emergence of the victims’ movement from the 1960s onwards which campaigns for better rights for, and treatment of, victims (Mawby & Walklate, 1994, p.18); the politicisation of crime victims (Goodey, 2005, p.16); and the media highlighting the perceived inequitable treatment afforded to victims by the CJS (Reiner, 2002, p.385).

A critical overview of the Victim's Charters (Home Office, 1990; 1996) and the subsequent Code of Practice for Victims of Crime (CJS, 2006a) has demonstrated
how both epitomise populous political agendas whereby few substantive rights are actually afforded to victims. Although the Government, in terms of its Code of Practice has, correctly, responded to selected criticisms of the Charters (Home Office, 2005a; CJS, 2006a), the Code remains little more than rhetoric as it provides “no rights in any real sense” (Sanders & Jones, 2007, p.285). The primary data analysis, which has shown that, according to SPA staff, the Code of Practice is political window-dressing, has buttressed this view. Therefore, although improvements within the system are both acknowledged and welcomed, academics and practitioners alike believe that the Code is symptomatic of a Government employing rhetoric to counter public and media criticism and that the CJS does not yet place victims at its very core.

Chapter two’s literature review charts the development of victim contact work within the probation service nationally. It has acknowledged that, initially, it was unwelcome and considered inappropriate (Johnston, 1995; Bishop, 1996), but is now tentatively embraced within the organisation. Significant progress in terms of improving service delivery has also been made over the last ten years (HMIP, 2000; 2003; MORI, 2004). Secondary data suggests that victims benefit from effective and meaningful engagement with the probation service (Crawford & Enterkin, 1999, p86) and this is supported by the primary data.

An examination of SPA’s VCS, undertaken to establish if the Code of Practice’s obligations are achievable and meaningful, shows that SPA staff clearly recognise the importance of the probation service engaging with victims as it adds a new and
vital dimension to the management and assessment of offenders and also helps to develop a broader victim perspective throughout the service. Additionally, the provision of timely and accurate information to eligible victims about their cases is also considered meaningful and, often, vital. The Sussex VCS exceeds its centrally-imposed targets and victims’ feedback, routinely collected by SPA, is positive (SPA 2006; 2007; Rogers, 2007). Therefore, evidence suggests that probation’s obligations, under the Code, are achievable. However, it appears that, sometimes, it can be jeopardised by offenders’ needs taking precedence, not necessarily due to POs overlooking victims concerns, or favouring offenders, but as a result of victims’ requests conflicting with crucial risk management plans. This, perhaps, should not necessarily be problematic as it is in everyone’s best interests if offenders can be safely and effectively managed within the community. Nevertheless, the restrictions placed upon VLOs, whereby only ‘baseline’ information can be provided to victims, results in them being refused the courtesy of being told why their specific requests have been denied.

Although probation’s victim contact work is meaningful, insofar as it is valued by victims (Tapley, 2000, p.17; Crawford & Enterkin, 2001, p.722; MORI, 2004, p.3) and probation alike, the Government could do more to improve victims’ satisfaction. The issues that need urgent consideration are, undoubtedly, the provision of ‘baseline’ information to victims, which is, according to victims, practitioners and researchers, inadequate (Rogers, 1999, p.26; Crawford & Enterkin, 2001, p.723) and assuring victims confidentiality (Tapley, 2000, p.17). Until the Government satisfactorily address these concerns, probation’s victim
contact work will continue to be perceived as half-hearted, affording victims limited rights, within a wider context of Government rhetoric.

**The good points of the study:**

This research shows that SPA staff, regardless of job role or grade, value the work undertaken by the VCS in terms of the management and assessment of offenders and by providing a reputable service to victims. Staff appeared open and honest throughout the interviews. They were enthusiastic about probation’s victim-focused obligations and the author believes that participants found the interview discussions thought-provoking, which consequently raised the awareness of the work of the VCS. Suggestions to improve POs understanding of the work of the VCS were made and will be shared with the VCS manager, in the hope that they can be developed and adopted to further improve service delivery. Unfortunately, it is beyond the scope of this study to discuss these suggestions here.

**The limitations of the study:**

Due to the limitations of this paper, disappointingly, it has not been possible to examine several underlying factors and themes that were elicited from SPA staff during the qualitative interviews. These would have merited further discussion and include the suitability of the training provisions for probation staff and calls by POs to broaden the eligibility criteria to encompass a greater number of victims, particularly in domestic abuse cases. Moreover, this research has only examined victim contact work undertaken in Sussex. It would, therefore, be beneficial to carry out similar research in other areas to facilitate comparisons, although due to the
work being dictated by governmental policies and guidance, the findings of this study should be indicative of issues arising elsewhere.

Areas for further research:
There are many areas that would benefit from further study and research. These include: the benefits to victims and the probation service of expanding the eligibility criteria for victim contact work; instigating a pilot project regarding consensual information disclosure by offenders to their victims; and identifying and evaluating the current training provisions for staff involved, directly or indirectly, with the delivery of victim contact work.

The future:
Whilst the author believes that victim contact work will, rightfully, remain a vital service to victims and integral to the work of the NPS, its future remains uncertain. The work has expanded significantly since its inception less than two decades ago with further growth likely as the Government endeavours to honour its pledge to place victims at the heart of the CJS. However, the current era of contestability, whereby some areas of the probation service’s work are being out-sourced, has already resulted in some VCSs being administered by other providers. Currently, though, many areas, including SPA, intend to retain the work, which is extremely positive and testament to how it is now perceived, given that the obligations were initially unwelcome. Five years have passed since the last thematic inspection focusing on victim contact work was undertaken so it is likely that another will be on the horizon. With such significant changes to the provision of victim contact
work occurring in some parts of England and Wales, it will be interesting to contrast and compare probation-led VCSs to those provided by the voluntary and private sectors. Arguably, it will be the results of the next inspection that may shape the future of victim contact work. Nonetheless, the Government also needs to ensure that, regardless of who delivers the service to victims, it is properly resourced and that the accompanying policy and guidance adequately meets the complex needs of the victims for whom the service is intended.
APPENDIX ONE

CODE OF PRACTICE FOR VICTIMS OF CRIME: CHAPTER TEN
The Code of Practice for Victims of Crime: Chapter ten

10. Probation (National Offender Management Service)

10.1 Under the Domestic Violence, Crime and Victims Act 2004, the local probation boards have responsibilities in relation to the victims of offenders sentenced to 12 months or more for a sexual or violent offence, including mentally disordered offenders, in certain circumstances. These responsibilities are set out in full in the 2004 Act but are summarised below.

10.2 The Probation Service as the obligations set out below in relation to:

10.2.1 the victim of an offender who receives a sentence of imprisonment of 12 months or longer after being convicted of a sexual or violent offence;

10.2.2 the victim of an offender who is convicted of a sexual or violent offence and receives a restricted hospital order (including an order made under criminal insanity legislation); or is transferred to prison under the Mental Health Act 1983 with a restriction direction; or receives a hospital and limitation direction. (This only applies where the order or direction is made or the transfer to prison is directed on or after 1 July 2005).

10.3 The Probation Service must take all reasonable steps to establish whether a victim wishes to make representations about what licence conditions or supervision requirements (where it is a young offender) the offender should be subject to on their release from prison and/or conditions of discharge from hospital and to forward these to those responsible for making decisions about the prisoner’s or patient’s release.

10.4 The Probation Service must forward any requests for non-disclosure to those responsible for making decisions about the prisoner’s or patient’s release.

10.5 The Probation Service must pass on any information to the victim about whether the prisoner or patient will be subject to any conditions or requirements in the event of release or discharge and must provide the victims with details of any which relate to contact with the victim or their family and the date on which any restriction order, limitation direction or restriction direction is to cease to have effect.

10.6 The Probation Service shall also provide the victim with any other information which it considers appropriate in the circumstances of the case. Generally, victims will be given information at key stages in an offender’s sentence, for example, a move to a lower category prison or a temporary release from prison on licence.
APPENDIX TWO

CRIMINAL JUSTICE AND COURT SERVICES ACT 2000: SECTION 69
Criminal Justice and Courts Services Act 2000

Section 69 Duties of local probation boards in connection with victims of certain offences

(1) This section applies in a case where a court—
(a) convicts an offender of a sexual or violent offence, and
(b) imposes a relevant sentence on him in respect of that conviction.

(2) In cases where this section applies, the local probation board for the area in which the offender is sentenced must take all reasonable steps to ascertain whether any appropriate person wishes to—
(a) make representations about whether the offender should be subject to any conditions or requirements on his release and, if so, what conditions or requirements, or
(b) receive information about any conditions or requirements to which the offender is to be subject on his release.

(3) In this section, “appropriate person”, in relation to an offence, means any person who appears to the local probation board in question to be, or to act for, the victim of the offence (“the victim”).

(4) Where it is ascertained that an appropriate person wishes to make representations in accordance with paragraph (a) of subsection (2), the relevant local probation board must forward those representations to the person responsible for determining the matters mentioned in that paragraph.

(5) Where it is ascertained that an appropriate person wishes to receive information in accordance with subsection (2)(b), the relevant local probation board must take all reasonable steps—
(a) to inform that person whether or not the offender is to be subject to any conditions or requirements on his release,
(b) if the offender is to be subject to any such conditions or requirements, to provide that person with details of any conditions or requirements which relate to contact with the victim or his family, and
(c) to provide that person with such other information as is considered by that local probation board to be appropriate in all the circumstances of the case.

(6) For the purposes of subsections (4) and (5), “relevant local probation board” means—
(a) where the offender is to be supervised on release by an officer of a local probation board, that local probation board,

(b) in any other case, the local probation board for the area in which the prison or other place of detention from which the offender is to be released is situated.

(7) In this section—

- “conditions” means conditions in a licence,
- “court” does not include a court-martial or the Courts-Martial Appeal Court,
- “relevant sentence” means—
  (a) a sentence of imprisonment for a term of 12 months or more,
  (b) a sentence of detention in a young offender institution for a term of 12 months or more,
  (c) a sentence of detention during Her Majesty’s pleasure,
  (d) a sentence of detention for a period of 12 months or more under section 91 of the [2000 c. 6.] Powers of Criminal Courts (Sentencing) Act 2000 (offenders under 18 convicted of certain serious offences), or
  (e) a detention and training order for a term of 12 months or more,

(8) An offence is a sexual or violent offence for the purposes of this section if it is—

(a) a sexual or violent offence within the meaning of the Powers of Criminal Courts (Sentencing) Act 2000,

(b) an offence in respect of which the offender is subject to the notification requirements of Part I of the [1997 c. 51.] Sex Offenders Act 1997, or

(c) an offence against a child within the meaning of Part II of this Act.

(9) This section has effect in relation to cases where the relevant sentence is imposed after the section comes into force.
APPENDIX THREE

DOMESTIC VIOLENCE, CRIME AND VICTIMS ACT 2004: SECTIONS 32 - 44
Domestic Violence, Crime and Victims Act 2004

SECTIONS 32 - 44

Section 32 Code of practice for victims

(1) The Secretary of State must issue a code of practice as to the services to be provided to a victim of criminal conduct by persons appearing to him to have functions relating to—

(a) victims of criminal conduct, or

(b) any aspect of the criminal justice system.

(2) The code may restrict the application of its provisions to—

(a) specified descriptions of victims;

(b) victims of specified offences or descriptions of conduct;

(c) specified persons or descriptions of persons appearing to the Secretary of State to have functions of the kind mentioned in subsection (1).

(3) The code may include provision requiring or permitting the services which are to be provided to a victim to be provided to one or more others—

(a) instead of the victim (for example where the victim has died);

(b) as well as the victim.

(4) The code may make different provision for different purposes, including different provision for—

(a) different descriptions of victims;

(b) persons who have different functions or descriptions of functions;

(c) different areas.
(5) The code may not require anything to be done by—
(a) a person acting in a judicial capacity;
(b) a person acting in the discharge of a function of a member of the Crown Prosecution Service which involves the exercise of a discretion.

(6) In determining whether a person is a victim of criminal conduct for the purposes of this section, it is immaterial that no person has been charged with or convicted of an offence in respect of the conduct.

(7) In this section—
- “criminal conduct” means conduct constituting an offence;
- “specified” means specified in the code.

33 Procedure

(1) Subsections (2) to (7) apply in relation to a code of practice required to be issued under section 32.

(2) The Secretary of State must prepare a draft of the code.

(3) In preparing the draft the Secretary of State must consult the Attorney General and the Lord Chancellor.

(4) After preparing the draft the Secretary of State must—
(a) publish the draft;
(b) specify a period during which representations about the draft may be made to him.

(5) The Secretary of State must—
(a) consider in consultation with the Attorney General and the Lord Chancellor any representations made to him before the end of the specified period about the draft;
(b) if he thinks it appropriate, modify the draft in the light of any such representations.

(6) After the Secretary of State has proceeded under subsection (5) he must lay the code before Parliament.

(7) When he has laid the code before Parliament the Secretary of State must bring it into operation on such day as he appoints by order.

(8) The Secretary of State may from time to time revise a code previously brought into operation under this section; and subsections (2) to (7) apply to a revised code as they apply to the code as first prepared.
(9) But the Secretary of State may revise a code under subsection (8) only if it appears to him that the proposed revisions would not result in—
(a) a significant reduction in the quality or extent of the services to be provided under the code, or
(b) a significant restriction in the description of persons to whom services are to be provided under the code.

34 Effect of non-compliance

(1) If a person fails to perform a duty imposed on him by a code issued under section 32, the failure does not of itself make him liable to criminal or civil proceedings.

(2) But the code is admissible in evidence in criminal or civil proceedings and a court may take into account a failure to comply with the code in determining a question in the proceedings.

CHAPTER 2 REPRESENTATIONS AND INFORMATION

Imprisonment or detention

35 Victims’ rights to make representations and receive information

(1) This section applies if—
(a) a court convicts a person (“the offender”) of a sexual or violent offence, and
(b) a relevant sentence is imposed on him in respect of the offence.

(2) But section 39 applies (instead of this section) if a hospital direction and a limitation direction are given in relation to the offender.

(3) The local probation board for the area in which the sentence is imposed must take all reasonable steps to ascertain whether a person who appears to the board to be the victim of the offence or to act for the victim of the offence wishes—
(a) to make representations about the matters specified in subsection (4);
(b) to receive the information specified in subsection (5).

(4) The matters are—
(a) whether the offender should be subject to any licence conditions or supervision requirements in the event of his release;
(b) if so, what licence conditions or supervision requirements.

(5) The information is information about any licence conditions or supervision requirements to which the offender is to be subject in the event of his release.
(6) If a person whose wishes have been ascertained under subsection (3) makes representations to the local probation board mentioned in that subsection or the relevant local probation board about a matter specified in subsection (4), the relevant local probation board must forward those representations to the persons responsible for determining the matter.

(7) If a local probation board has ascertained under subsection (3) that a person wishes to receive the information specified in subsection (5), the relevant local probation board must take all reasonable steps—

(a) to inform the person whether or not the offender is to be subject to any licence conditions or supervision requirements in the event of his release,

(b) if he is, to provide the person with details of any licence conditions or supervision requirements which relate to contact with the victim or his family, and

(c) to provide the person with such other information as the relevant local probation board considers appropriate in all the circumstances of the case.

(8) The relevant local probation board is—

(a) in a case where the offender is to be supervised on release by an officer of a local probation board, that local probation board;

(b) in any other case, the local probation board for the area in which the prison or other place in which the offender is detained is situated.

Hospital orders

36 Victims’ rights: preliminary

(1) This section applies if the conditions in subsections (2) and (3) are met.

(2) The first condition is that one of these applies in respect of a person (“the patient”) charged with a sexual or violent offence—

(a) the patient is convicted of the offence;

(b) a verdict is returned that the patient is not guilty of the offence by reason of insanity;

(c) a finding is made—

(i) under section 4 of the Criminal Procedure (Insanity) Act 1964 (c. 84) that the patient is under a disability, and

(ii) under section 4A of that Act that he did the act or made the omission charged against him as the offence.

(3) The second condition is that a hospital order with a restriction order is made in respect of the patient by a court dealing with him for the offence.

(4) The local probation board for the area in which the determination mentioned in subsection (2)(a), (b) or (c) is made must take all reasonable steps to ascertain whether a person who appears to the board to be the victim of the offence or to act for the victim of the offence wishes—

(a) to make representations about the matters specified in subsection (5); and

(b) to receive the information specified in subsection (6).
(5) The matters are—
(a) whether the patient should be subject to any conditions in the event of his discharge from hospital;
(b) if so, what conditions.

(6) The information is information about any conditions to which the patient is to be subject in the event of his discharge from hospital.

37 Representations

(1) This section applies if section 36 applies.

(2) If—
(a) a person makes representations about a matter specified in section 36(5) to the local probation board mentioned in section 36(4) or the relevant local probation board, and
(b) it appears to the relevant local probation board that the person is the victim of the offence or acts for the victim of the offence, the relevant local probation board must forward the representations to the persons responsible for determining the matter.

(3) The duty in subsection (2) applies only while the restriction order made in respect of the patient is in force.

(4) The Secretary of State must inform the relevant local probation board if he is considering—
(a) whether to give a direction in respect of the patient under section 42(1) of the Mental Health Act 1983 (c. 20) (directions lifting restrictions),
(b) whether to discharge the patient under section 42(2) of that Act, either absolutely or subject to conditions, or
(c) if the patient has been discharged subject to conditions, whether to vary the conditions.

(5) A Mental Health Review Tribunal must inform the relevant local probation board if—
(a) an application is made to the tribunal by the patient under section 69, 70 or 75 of the Mental Health Act 1983 (applications concerning restricted patients), or
(b) the Secretary of State refers the patient’s case to the tribunal under section 71 of that Act (references concerning restricted patients).

(6) Subsection (7) applies if—
(a) the relevant local probation board receives information under subsection (4) or (5), and
(b) a person who appears to the relevant local probation board to be the victim of the offence or to act for the victim of the offence—
(i) when his wishes were ascertained under section 36(4), expressed a wish to make representations about a matter specified in section 36(5), or
(ii) has made representations about such a matter to the relevant local probation board or the local probation board mentioned in section 36(4).
(7) The relevant local probation board must provide the information to the person.

(8) The relevant local probation board is—
(a) if the patient is to be discharged subject to a condition that he reside in a particular area, the local probation board for the area;
(b) in any other case, the local probation board for the area in which the hospital in which the patient is detained is situated.

38 Information

(1) This section applies if section 36 applies.

(2) Subsection (3) applies if a person who appears to the relevant local probation board to be the victim of the offence or to act for the victim of the offence—
(a) when his wishes were ascertained under section 36(4), expressed a wish to receive the information specified in section 36(6), or
(b) has subsequently informed the relevant local probation board that he wishes to receive that information.

(3) The relevant local probation board must take all reasonable steps—
(a) to inform that person whether or not the patient is to be subject to any conditions in the event of his discharge;
(b) if he is, to provide that person with details of any conditions which relate to contact with the victim or his family;
(c) if the restriction order in respect of the patient is to cease to have effect, to notify that person of the date on which it is to cease to have effect;
(d) to provide that person with such other information as the board considers appropriate in all the circumstances of the case.

(4) The Secretary of State must inform the relevant local probation board—
(a) whether the patient is to be discharged;
(b) if he is, whether he is to be discharged absolutely or subject to conditions;
(c) if he is to be discharged subject to conditions, what the conditions are to be;
(d) if he has been discharged subject to conditions—
(i) of any variation of the conditions by the Secretary of State;
(ii) of any recall to hospital under section 42(3) of the Mental Health Act 1983 (c. 20);
(e) if the restriction order is to cease to have effect by virtue of action to be taken by the Secretary of State, of the date on which the restriction order is to cease to have effect.
(5) Subsections (6) and (7) apply (instead of subsection (4)) if—

(a) an application is made to a Mental Health Review Tribunal by the patient under section 69, 70 or 75 of the Mental Health Act 1983 (c. 20) (applications concerning restricted patients), or

(b) the Secretary of State refers the patient’s case to a Mental Health Review Tribunal under section 71 of that Act (references concerning restricted patients).

(6) The tribunal must inform the relevant local probation board—

(a) of the matters specified in subsection (4)(a) to (c);

(b) if the patient has been discharged subject to conditions, of any variation of the conditions by the tribunal;

(c) if the restriction order is to cease to have effect by virtue of action to be taken by the tribunal, of the date on which the restriction order is to cease to have effect.

(7) The Secretary of State must inform the relevant local probation board of the matters specified in subsection (4)(d) and (e).

(8) The duties in subsections (3) to (7) apply only while the restriction order is in force.

(9) The relevant local probation board has the meaning given in section 37(8).

Hospital directions

39 Victims' rights: preliminary

(1) This section applies if—

(a) a person ("the offender") is convicted of a sexual or violent offence,

(b) a relevant sentence is imposed on him in respect of the offence, and

(c) a hospital direction and a limitation direction are given in relation to him by a court dealing with him for the offence.

(2) The local probation board for the area in which the hospital direction is given must take all reasonable steps to ascertain whether a person who appears to the board to be the victim of the offence or to act for the victim of the offence wishes—

(a) to make representations about the matters specified in subsection (3);

(b) to receive the information specified in subsection (4).

(3) The matters are—

(a) whether the offender should, in the event of his discharge from hospital, be subject to any conditions and, if so, what conditions;

(b) whether the offender should, in the event of his release from hospital, be subject to any licence conditions or supervision requirements and, if so, what licence conditions or supervision requirements;

(c) if the offender is transferred to a prison or other institution in which he might have been detained if he had not been removed to hospital, whether he should, in the event of his release from prison or another such institution, be subject to any licence conditions or supervision requirements and, if so, what licence conditions or supervision requirements.
(4) The information is—
(a) information about any conditions to which the offender is to be subject in the event of his discharge;
(b) information about any licence conditions or supervision requirements to which the offender is to be subject in the event of his release.

40 Representations

(1) This section applies if section 39 applies.

(2) If—
(a) a person makes representations about a matter specified in section 39(3) to the local probation board mentioned in section 39(2) or the relevant local probation board, and
(b) it appears to the relevant local probation board that the person is the victim of the offence or acts for the victim of the offence, the relevant local probation board must forward the representations to the persons responsible for determining the matter.

(3) If the representations are about a matter specified in section 39(3)(a), the duty in subsection (2) applies only while the limitation direction given in relation to the offender is in force.

(4) The Secretary of State must inform the relevant local probation board if he is considering—
(a) whether to give a direction in respect of the offender under section 42(1) of the Mental Health Act 1983 (c. 20) (directions lifting restrictions),
(b) whether to discharge the offender under section 42(2) of that Act, either absolutely or subject to conditions, or
(c) if the offender has been discharged subject to conditions, whether to vary the conditions.

(5) A Mental Health Review Tribunal must inform the relevant local probation board if—
(a) an application is made to the tribunal by the offender under section 69, 70 or 75 of the Mental Health Act 1983 (applications concerning restricted patients), or
(b) the Secretary of State refers the offender’s case to the tribunal under section 71 of that Act (references concerning restricted patients).

(6) Subsection (7) applies if—
(a) the relevant local probation board receives information under subsection (4) or (5), and
(b) a person who appears to the relevant local probation board to be the victim of the offence or to act for the victim of the offence—
(i) when his wishes were ascertained under section 39(2), expressed a wish to make representations about a matter specified in section 39(3)(a), or
(ii) has made representations about such a matter to the relevant local probation board or the local probation board mentioned in section 39(2).

(7) The relevant local probation board must provide the information to the person.
(8) The relevant local probation board is—

(a) if the offender is to be discharged from hospital subject to a condition that he reside in a particular area, the local probation board for the area;

(b) if the offender is to be supervised on release by an officer of a local probation board, that local probation board;

(c) in any other case, the local probation board for the area in which the hospital, prison or other place in which the offender is detained is situated.

41 Information

(1) This section applies if section 39 applies.

(2) Subsection (3) applies if a person who appears to the relevant local probation board to be the victim of the offence or to act for the victim of the offence—

(a) when his wishes were ascertained under section 39(2), expressed a wish to receive the information specified in section 39(4), or

(b) has subsequently informed the relevant local probation board that he wishes to receive that information.

(3) The relevant local probation board must take all reasonable steps—

(a) to inform that person whether or not the offender is to be subject to any conditions in the event of his discharge;

(b) if he is, to provide that person with details of any conditions which relate to contact with the victim or his family;

(c) if the limitation direction in respect of the offender is to cease to have effect, to notify that person of the date on which it is to cease to have effect;

(d) to inform that person whether or not the offender is to be subject to any licence conditions or supervision requirements in the event of his release;

(e) if he is, to provide that person with details of any licence conditions or supervision requirements which relate to contact with the victim or his family;

(f) to provide that person with such other information as the board considers appropriate in all the circumstances of the case.

(4) The Secretary of State must inform the relevant local probation board—

(a) whether the offender is to be discharged;

(b) if he is, whether he is to be discharged absolutely or subject to conditions;

(c) if he is to be discharged subject to conditions, what the conditions are to be;

(d) if he has been discharged subject to conditions—

(i) of any variation of the conditions by the Secretary of State;

(ii) of any recall to hospital under section 42(3) of the Mental Health Act 1983 (c. 20);
(e) if the limitation direction is to cease to have effect by virtue of action to be taken by the Secretary of State, of the date on which the limitation direction is to cease to have effect.

(5) Subsections (6) and (7) apply (instead of subsection (4)) if—

(a) an application is made to a Mental Health Review Tribunal by the offender under section 69, 70 or 75 of the Mental Health Act 1983 (c. 20) (applications concerning restricted patients), or

(b) the Secretary of State refers the offender’s case to a Mental Health Review Tribunal under section 71 of that Act (references concerning restricted patients).

(6) The tribunal must inform the relevant local probation board—

(a) of the matters specified in subsection (4)(a) to (c);

(b) if the offender has been discharged subject to conditions, of any variation of the conditions by the tribunal;

(c) if the limitation direction is to cease to have effect by virtue of action to be taken by the tribunal, of the date on which the limitation direction is to cease to have effect.

(7) The Secretary of State must inform the relevant local probation board of the matters specified in subsection (4)(d) and (e).

(8) The duties in subsections (3)(a) to (c) and (4) to (7) apply only while the limitation direction is in force.

(9) The relevant local probation board has the meaning given in section 40(8).

Transfer directions

42 Victims’ rights: preliminary

(1) This section applies if—

(a) a person (“the offender”) is convicted of a sexual or violent offence,

(b) a relevant sentence is imposed on him in respect of the offence, and

(c) while the offender is serving the sentence, the Secretary of State gives a transfer direction and a restriction direction in respect of him.

(2) The local probation board for the area in which the hospital specified in the transfer direction is situated must take all reasonable steps to ascertain whether a person who appears to the board to be the victim of the offence or to act for the victim of the offence wishes—

(a) to make representations about the matters specified in subsection (3);

(b) to receive the information specified in subsection (4).
(3) The matters are—
(a) whether the offender should be subject to any conditions in the event of his discharge from hospital;
(b) if so, what conditions.

(4) The information is information about any conditions to which the offender is to be subject in the event of his discharge from hospital.

43 Representations

(1) This section applies if section 42 applies.

(2) If—
(a) a person makes representations about a matter specified in section 42(3) to the local probation board mentioned in section 42(2) or the relevant local probation board, and
(b) it appears to the relevant local probation board that the person is the victim of the offence or acts for the victim of the offence,
the relevant local probation board must forward the representations to the persons responsible for determining the matter.

(3) The duty in subsection (2) applies only while the restriction direction given in respect of the offender is in force.

(4) The Secretary of State must inform the relevant local probation board if he is considering—
(a) whether to give a direction in respect of the offender under section 42(1) of the Mental Health Act 1983 (c. 20) (directions lifting restrictions),
(b) whether to discharge the offender under section 42(2) of that Act, either absolutely or subject to conditions, or
(c) if the offender has been discharged subject to conditions, whether to vary the conditions.

(5) A Mental Health Review Tribunal must inform the relevant local probation board if—
(a) an application is made to the tribunal by the offender under section 69, 70 or 75 of the Mental Health Act 1983 (applications concerning restricted patients), or
(b) the Secretary of State refers the offender’s case to the tribunal under section 71 of that Act (references concerning restricted patients).

(6) Subsection (7) applies if—
(a) the relevant local probation board receives information under subsection (4) or (5), and
(b) a person who appears to the relevant local probation board to be the victim of the offence or to act for the victim of the offence—
(i) when his wishes were ascertained under section 42(2), expressed a wish to make representations about a matter specified in section 42(3), or
(ii) has made representations about such a matter to the relevant local probation board or the local probation board mentioned in section 42(2).

(7) The relevant local probation board must provide the information to the person.

(8) The relevant local probation board is—
(a) if the offender is to be discharged subject to a condition that he reside in a particular area, the local probation board for the area;
(b) in any other case, the local probation board for the area in which the hospital in which the offender is detained is situated.

44 Information

(1) This section applies if section 42 applies.

(2) Subsection (3) applies if a person who appears to the relevant local probation board to be the victim of the offence or to act for the victim of the offence—
(a) when his wishes were ascertained under section 42(2), expressed a wish to receive the information specified in section 42(4), or
(b) has subsequently informed the relevant local probation board that he wishes to receive that information.

(3) The relevant local probation board must take all reasonable steps—
(a) to inform that person whether or not the offender is to be subject to any conditions in the event of his discharge;
(b) if he is, to provide that person with details of any conditions which relate to contact with the victim or his family;
(c) if the restriction direction in respect of the offender is to cease to have effect, to notify that person of the date on which it is to cease to have effect;
(d) to provide that person with such other information as the board considers appropriate in all the circumstances of the case.

(4) The Secretary of State must inform the relevant local probation board—
(a) whether the offender is to be discharged;
(b) if he is, whether he is to be discharged absolutely or subject to conditions;
(c) if he is to be discharged subject to conditions, what the conditions are to be;
(d) if he has been discharged subject to conditions—
(i) of any variation of the conditions by the Secretary of State;
(ii) of any recall to hospital under section 42(3) of the Mental Health Act 1983 (c. 20);
(e) if the restriction direction is to cease to have effect by virtue of action to be taken by the Secretary of State, of the date on which the restriction direction is to cease to have effect.
(5) Subsections (6) and (7) apply (instead of subsection (4)) if—

(a) an application is made to a Mental Health Review Tribunal by the offender under section 69, 70 or 75 of the Mental Health Act 1983 (applications concerning restricted patients), or

(b) the Secretary of State refers the offender’s case to a Mental Health Review Tribunal under section 71 of that Act (references concerning restricted patients).

(6) The tribunal must inform the relevant local probation board—

(a) of the matters specified in subsection (4)(a) to (c);

(b) if the offender has been discharged subject to conditions, of any variation of the conditions by the tribunal;

(c) if the restriction direction is to cease to have effect by virtue of action to be taken by the tribunal, of the date on which the restriction direction is to cease to have effect.

(7) The Secretary of State must inform the relevant local probation board of the matters specified in subsection (4)(d) and (e).

(8) The duties in subsections (3) to (7) apply only while the restriction direction is in force.

(9) The relevant local probation board has the meaning given in section 43(8).

Interpretation

45 Interpretation: sections 35 to 44

(1) In sections 35 to 44—

- “court” does not include a court-martial or the Courts-Martial Appeal Court;

- “hospital direction” has the meaning given in section 45A(3)(a) of the Mental Health Act 1983 (c. 20);

- “hospital order” has the meaning given in section 37(4) of that Act;

- “licence condition” means a condition in a licence;

- “limitation direction” has the meaning given in section 45A(3)(b) of the Mental Health Act 1983;

- “local probation board” means a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000 (c. 43);

- “relevant sentence” means any of these—

  (a) a sentence of imprisonment for a term of 12 months or more;

  (b) a sentence of detention during Her Majesty’s pleasure;
(c) a sentence of detention for a period of 12 months or more under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) (offenders under 18 convicted of certain serious offences);

(d) a detention and training order for a term of 12 months or more;

• “restriction direction” has the meaning given in section 49(2) of the Mental Health Act 1983;

• “restriction order” has the meaning given in section 41(1) of that Act;

• “supervision requirements” means requirements specified in a notice under section 103(6) of the Powers of Criminal Courts (Sentencing) Act 2000;

• “transfer direction” has the meaning given in section 47(1) of the Mental Health Act 1983.

(2) For the purposes of sections 35 to 44, an offence is a sexual or violent offence if it is any of these—

(a) murder or an offence specified in Schedule 15 to the Criminal Justice Act 2003 (c. 44);

(b) an offence in respect of which the patient or offender is subject to the notification requirements of Part 2 of the Sexual Offences Act 2003 (c. 42);

(c) an offence against a child within the meaning of Part 2 of the Criminal Justice and Court Services Act 2000.
APPENDIX
FOUR

PILOT INTERVIEW SCHEDULE
PILOT INTERVIEW SCHEDULE:
VICTIM LIAISON OFFICERS/PROBATION OFFICERS

1) Victims and the Criminal Justice System:

_The Government currently promotes a victim-centred Criminal Justice System following decades where the needs and rights of victims were said to have been overlooked in favour of advocating an offender-oriented system._

What are your views on the place of victims within the Criminal Justice System?

Potential prompts for discussion:

- Previous treatment of victims within the Criminal Justice System?
- Status of victims within today’s Criminal Justice System?
- Reasons for the new-found prominence of victims of crime within the justice system?
- Who benefits from the politicisation of victims?
- Code of Practice for Victims of Crime / other similar initiatives
- Does the current Criminal Justice System provide victims with rights?

2) Victims and the ‘National Probation Service’:

_The Probation Service is seen, traditionally, as an offender-dominated service, and having moved away from advising, assisting and befriending offenders, now focuses on the rehabilitation of offenders, protection of the public and the enforcement of licence/community order conditions. Victim contact work has been undertaken by the Sussex Probation Area since the mid-1990s and was placed on a statutory footing in 2001._

What service is the Sussex Probation Area required to provide to victims of crime?

Potential prompts for discussion:

- Criteria as per Code of Practice for Victims of Crime
- National Standards
- Timescales – post-sentence contact, pre-release contact, significant developments, base level information etc.
- Pre-release contact - consultations re: licence conditions/views etc.
- Victim Personal Statements

What place, if any, is there within today’s National Probation Service, to engage to victims of crime?
Possible prompts for discussion:

• Do victims benefit? How? Empowering, giving victims a ‘voice’, preventing repeat victimisation etc.?
• Does the Probation Service benefit? How? Risk assessment, intelligence, looking at the bigger picture etc.?
• How important is it that the Probation Service also provides a service to victims of crime?
• Is victim contact work embraced within the organisation or is it construed as an ‘inconvenient add on’?
• Depending of length of service of the PO, discuss the introduction of victim work in the nineties – has it significantly altered the history and culture of the Probation Service?
• Victim contact work within Probation – does it afford victims’ RIGHTS or is it an example of governmental RHETORIC?

3) Key areas for discussion:

a) Communication with victims

The Code of Practice for Victims of Crime, governed by Section 32 of the Domestic Violence, Crime and Victims Act 2004, and guidance issued by the National Probation Directorate, sets out the policy and its limitations of the service available to eligible victims. It specifies when contact should be initially made to victims and lists the key stages within offenders’ sentences which should instigate further contact with those using the service. The policy and guidance also sets out the rights of victims to be consulted prior to offenders’ releases from prison and the possibility of influencing the conditions under which release should take place. One of the key limitations is the requirement to only impart ‘base level’ information to those victims requesting contact.

What is your understanding of ‘base level’ information and it is adequate to ensure that victims receive an effective and worthwhile service?

Possible prompts for discussion:

• Rights of victims versus the rights of offenders to confidentiality
• Do POs and VLOs understand what base level information is? Is the guidance clear or is it a subjective concept?
• What information should be made routinely available to victims?
• Can providing only base level information cause secondary victimisation?
• Do POs / VLOs empathise with each other re limitations of information and how providing/not providing certain information can impact on practitioners/service users?

Have you experienced any instances where you believe it would have been beneficial to disclose more than base level information? What were the circumstances of the case?
**Possible prompts for discussion:**

- Release arrangements?
- Reasons why recall action not taken in situations where breaches of victim-focused licence conditions have been alleged?
- Licence conditions – exclusion zones?
- Victim info used in parole/release reports?
- Known risk to victims – threats to kill – not able to disclose to victims?
- Offenders making exceptional progress – remorseful, programmes undertaken etc?

**b) Communication between practitioners**

*In order for victim contact work to be effective, and for the Probation Service to meet its statutory obligations as per the Code of Practice for Victims of Crime, it is vital that there is good communication between Probation Officers and Victim Liaison Officers.*

What comments or observations could you offer regarding the communications between Probation Officers and Victim Liaison Officers?

**Possible prompts for discussion:**

- PO responsibility to update VLO
- Examples of information to be communicated from PO to VLO to ensure the victim is updated accordingly
- Timeliness of information – deadlines re. parole assessment reports, outcome of parole decisions etc.
- Any safeguards/systems in place?
- Consequences of failing to pass on information regarding significant developments
- Suggestions to improve communications

**c) Conflicts of interest**

*When working with two opposing groups, namely victims and offenders, both with potentially specific needs, concerns and expectations, within one organisation, it is inevitable that conflicts of interests and competing tensions will arise from time to time. Areas in which commentators who have researched victim contact work within the Probation Service raise as likely sources of conflict are:*

- Victim contact work resulting in secondary victimisation due to raising victims expectations of what they can achieve by offering them a ‘voice’ within the Criminal Justice System
- Victims’ unrealistic expectations of the service
- Victims’ requests for licence conditions not being agreed to
- Issues regarding confidentiality of information relating to the offender when the same guarantees cannot be offered to victims of crime
Have you experienced any cases in which the competing needs of the victim and the offender have led to conflicts between you and the PO/VLO?

If yes, please outline what the key issues were and how the matter was eventually resolved.

Possible prompts for discussion:
- Victim’s or offender’s rights’ given precedence?
- Knowledge of Craven ruling regarding exclusion zones?
- Were the victim’s rights as per the Code of Practice for Victims of Crime maintained?
- How did it affect relations between victim/VLO; VLO/PO; PO/offender etc.
- Could the matter have been better resolved?

d) Other areas for discussion

Are there any other important issues that you would like to discuss regarding the current place for victims of crime within the wider Criminal Justice System?

Are there any other important issues that you would like to raise regarding the probation service’s engagement with victims of crime?

Are there any other important issues regarding the service delivery of victim contact work that you believe are relevant to this critical evaluation of victim contact work within Probation?

4) Resourcing and staff skills:

Sussex Probation Area has adopted a ‘specialist’ model of service delivery for the victim contact work, in favour of other models which, for example, result in the integration of victim and offender case management by throughcare officers or the outsourcing of victim contact work to other agencies, such as Victim Support.

How effective do you think Sussex Probation Area’s response is to ensuring the victim contact work is delivered to the highest standards?

Possible prompts for discussion:
- Performance of the unit / Reputation of the unit
- Are sufficient resources available? If no, what consequences may result from under-resourcing this area of work?
- Meeting the needs of victims?
- Meeting the needs of probation officers/prisons/Parole Board?
- Meeting obligations as contained in the Code of Practice for Victims of Crime?
- Strengths/Examples of good practice
- Weaknesses/Areas for improvement
What training is provided to you, as a practitioner, regarding the delivery of victim contact work within the Sussex Probation Area?

Is this training adequate? How does it enable you to ensure your responsibilities regarding the delivery of victim contact work are met?

What other training, if any, would you like to see introduced and by whom should it be provided?

5) And finally

How valuable to you believe the Victim Contact Scheme is to victims of crime?

Does the Victim Contact Scheme, governed by the Code of Practice for Victims of Crime provide victims with tangible rights, or is it an example of Government rhetoric? Please explain your answer.

What status do you think victims of crime will hold within the probation service in the future?

Possible prompts for discussion?

- Same as now/enhanced recognition of the value of victim contact work
- No place for victims within the offender-dominated probation service?
- Further developments/rights given to victims
- Victims of other offences becoming eligible – burglary-dwellings etc. ?
- Victims of serious sexual/violent offences – offender NOT sentenced to at least 12 months imprisonment having rights under the Code of Practice?
- Restorative justice?
- Contestability/outsourcing of victim contact work
APPENDIX
FIVE

FINAL INTERVIEW SCHEDULE
FINAL INTERVIEW SCHEDULE: VICTIM LIAISON OFFICERS/PROBATION OFFICERS

1) Victims and the National Probation Service:

The Probation Service is seen, traditionally, as an offender-dominated service. However, Victim contact work has been undertaken by the Sussex Probation Area, and nationally, since the mid-1990s and was placed on a statutory footing in 2001.

What is your understanding of the service that the Sussex Probation Area is required to provide to victims of crime?

Potential prompts for discussion:
- Criteria as per Code of Practice for Victims of Crime
- National Standards
- Timescales – post-sentence contact, pre-release contact, significant developments, base level information etc.
- Pre-release contact - consultations re: licence conditions/views etc.
- Victim Personal Statements

What place is there within today’s National Probation Service, to engage to victims of crime?

Possible prompts for discussion:
- Do victims benefit? How? Empowering, giving victims a ‘voice’, preventing repeat victimisation etc.?
- Does the Probation Service benefit? How? Risk assessment, intelligence, looking at the bigger picture etc.?
- How important is it that the Probation Service also provides a service to victims of crime?
- Is victim contact work embraced within the organisation or is it construed as an ‘inconvenient add on’?
- Depending of length of service of the PO, discuss the introduction of victim work in the nineties – has it significantly altered the history and culture of the Probation Service?
- Victim contact work within Probation – does it afford victims’ RIGHTS or is it an example of governmental RHETORIC?

2) Key areas for discussion:

b) Communication with victims

The Code of Practice for Victims of Crime, governed by Section 32 of the Domestic Violence, Crime and Victims Act 2004, and guidance issued by the National Probation Directorate, sets out the policy and its limitations of the service available to eligible victims. One of the key limitations is the requirement to only impart ‘base level’ information to those victims requesting contact.
What is your understanding of ‘base level’ information and it is adequate to ensure that victims receive an effective and worthwhile service?

Possible prompts for discussion:

- Rights of victims versus the rights of offenders to confidentiality
- Do POs and VLOs understand what base level information is? Is the guidance clear or is it a subjective concept?
- What information should be made routinely available to victims?
- Can providing only base level information cause secondary victimisation?
- Do POs / VLOs empathise with each other re limitations of information and how providing/not providing certain information can impact on practitioners/service users?

Have you experienced any instances where you believe it would have been beneficial to disclose more than base level information? What were the circumstances of the case?

Possible prompts for discussion:

- Release arrangements?
- Reasons why recall action not taken in situations where breaches of victim-focused licence conditions have been alleged?
- Licence conditions – exclusion zones?
- Victim info used in parole/release reports?
- Known risk to victims – threats to kill – not able to disclose to victims?
- Offenders making exceptional progress – remorseful, programmes undertaken etc?

e) Communication between practitioners

In order for victim contact work to be effective, and for the Probation Service to meet its statutory obligations as per the Code of Practice for Victims of Crime, it is vital that there is good communication between Probation Officers and Victim Liaison Officers.

What comments or observations could you offer regarding the communications between Probation Officers and Victim Liaison Officers?

Possible prompts for discussion:

- PO responsibility to update VLO
- Examples of information to be communicated from PO to VLO to ensure the victim is updated accordingly
- Timeliness of information – deadlines re. parole assessment reports, outcome of parole decisions etc.
• Any safeguards/systems in place?
• Consequences of failing to pass on information regarding significant developments
• Suggestions to improve communications

f) Conflicts of interest

When working with two opposing groups, namely victims and offenders, both with potentially specific needs, concerns and expectations, within one organisation, it is inevitable that conflicts of interests and competing tensions will arise from time to time.

Have you experienced any cases in which the competing needs of the victim and the offender have led to conflicts between the victim/offender, or you and the PO/VLO?

If yes, please outline what the key issues were and how the matter was eventually resolved.

Possible prompts for discussion:

• Victim’s or offender’s rights’ given precedence?
• Knowledge of Craven ruling regarding exclusion zones?
• Were the victim’s rights as per the Code of Practice for Victims of Crime maintained?
• How did it affect relations between victim/VLO; VLO/PO; PO/offender etc.
• Could the matter have been better resolved?

g) Other areas for discussion

Are there any other important issues that you would like to raise regarding the probation service’s engagement with victims of crime?

Are there any other important issues regarding the service delivery of victim contact work that you believe are relevant to this critical evaluation of victim contact work within Probation?

3) Concluding remarks regarding the VCS/service delivery:

How valuable do you believe the Victim Contact Scheme is to victims of crime?

Does the Victim Contact Scheme, governed by the Code of Practice for Victims of Crime provide victims with tangible rights, or is it an example of Government rhetoric? Please explain your answer.

What status do you think victims of crime will hold within the probation service in the future?
Possible prompts for discussion?

- Same as now/enhanced recognition of the value of victim work/No place for victims within offender-dominated NPS?
- Further developments/rights given to victims
- Victims of other offences becoming eligible – burglary-dwellings etc.?
- Victims of serious sexual/violent offences – offender NOT sentenced to at least 12 months imprisonment having rights under the Code of Practice?
- Restorative justice?
- Out-sourcing / contestability

4) Resourcing and staff skills:

Sussex Probation Area has adopted a ‘specialist’ model of service delivery for the victim contact work, in favour of other models which, for example, result in the integration of victim and offender case management by throughcare officers or the outsourcing of victim contact work to other agencies, such as Victim Support.

How effective do you think Sussex Probation Area’s response is to ensuring that victim contact work is delivered to the required standards?

Possible prompts for discussion:

- Performance of the unit / Reputation of the unit
- Are sufficient resources available? If no, what consequences may result from under-resourcing this area of work?
- Meeting the needs of victims?
- Meeting the needs of probation officers/prisons/Parole Board?
- Meeting obligations as contained in the Code of Practice for Victims of Crime?
- Strengths/Examples of good practice
- Weaknesses/Areas for improvement

What training is provided to you, as a practitioner, regarding the delivery of victim contact work within the Sussex Probation Area?

Is this training adequate? How does it enable you to ensure your responsibilities regarding the delivery of victim contact work are met?

What other training, if any, would you like to see introduced and by whom should it be provided?
5) And finally… Victims and the Criminal Justice System:

The Government currently promotes a victim-centred Criminal Justice System following decades where the needs and rights of victims were said to have been overlooked in favour of advocating an offender-oriented system.

What are your views on the place of victims within the Criminal Justice System?

Potential prompts for discussion:

- Previous treatment of victims within the Criminal Justice System?
- Status of victims within today’s Criminal Justice System?
- Reasons for the new-found prominence of victims of crime within the justice system?
- Who benefits from the politicisation of victims?
- Code of Practice for Victims of Crime / other similar initiatives
- Does the current Criminal Justice System provide victims with rights?


