

A REVIEW OF COMPLAINTS AND RESOLUTION FOR VICTIMS OF CRIME

FOREWORD BY THE VICTIMS' COMMISSIONER, THE BARONESS NEWLOVE OF WARRINGTON



This is my first review looking at compliance with the Code of Practice for Victims of Crime (the Victims' Code). Since taking up the post of Victims' Commissioner, I have met with many victims and their families across England and Wales. It has become very clear there is a long way to go before we can be confident that the scales of justice truly put victims at the heart of the criminal justice system.

One of the ways in which I hope to rectify this is through a series of reviews to see whether criminal justice agencies are compliant in their obligations of delivering services to victims under the Victims' Code. I have focused my first review on complaints and their resolution because victims and their families have told me on many occasions that they feel they have not been listened to when contacting criminal justice agencies about their experiences. They have also told me that when they have challenged agencies, often their concerns have not always been addressed in a satisfactory way.

I welcome the Government's commitment to introduce a Victims' Law, but I have been clear that improvements should be made now. All agencies should be ensuring victims are getting what they are entitled to under the existing Victims' Code, and if things go wrong, they are entitled to ask why, and to have it put right.

This is a completely independent review of what services say they are providing and what victims say they are experiencing. I have set out some examples of what seems to be working well. I have set out standards for what I think good practice looks like, and have made recommendations to the Government and to the heads of the criminal justice agencies about what is needed to deliver improvements.

I am very grateful to the criminal justice agencies and service providers who took the time to speak with my team. More than anything, I want to thank the victims who took part in this review. It will have taken great courage and may have caused considerable personal trauma to describe some of the things that have happened to them. As you will know, my own journey in this role started with having to come to terms with being a victim of crime myself. I have experienced, and continue to experience, many of the issues that are covered in this report personally, as have my family. I hope the victims who participated in this review feel that the uniqueness of their experiences has been acknowledged whilst capturing some common themes which lead to many of my recommendations.

Ultimately this report sets the standards by which I expect agencies to be handling concerns from victims and what should be done to give victims a better experience. It also says how the criminal justice system can operate in a way which gives victims confidence that their voice will be listened to – and that what they say really **does** matter.

A handwritten signature in black ink, appearing to read 'Heta', with a long horizontal stroke extending to the left.

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EXECUTIVE SUMMARY

I am pleased to set out my first report on compliance with the Code of Practice for Victims of Crime (the 'Victims' Code). As the Victims' Commissioner for England and Wales, my role is to promote the interests of victims and witnesses, encourage good practice in their treatment, and to regularly review the Victims' Code which sets out the service victims can expect to receive. In pursuing my role, I ensure that I meet with victims and their families so that I am properly informed of the issues that really matter to them.

Victims are entitled to ask why things have gone wrong for them and to have those things put right by agencies. They should not be made to feel that they are asking for a special service or favour if they query how they have been treated.

In completing this review, my team spoke with all the criminal justice agencies listed in the Victims' Code. They also spoke with a few organisations that come into contact with victims of crime but who are not covered by the Victims' Code. In total my team conducted nearly fifty interviews with criminal justice agencies and other organisations. To see if what agencies reported reflected victims' experiences, my team consulted with 200 victims through a variety of different methods. Although they heard from victims who had very different experiences, there were a number of common concerns raised by victims which my recommendations seek to address.

Of the 200 victims consulted, we spoke with some who had very recent experiences (for example, within the last 12 months), as well as some who had raised concerns and complaints less recently. Over 50% of victims reported they had experienced a crime in the last four years. Of the victims we consulted almost all had submitted a complaint, or were seriously thinking of doing so.

My review has focused on the following areas:

- awareness by victims and agencies of victims' rights to make a complaint, as set out in the Victims' Code;
- the ease and accessibility of agencies' complaints processes;
- how satisfactorily the complaint was handled; and,
- whether criminal justice agencies are learning from the complaints they receive to improve victims' services.

I found examples of positive work taking place across the criminal justice system, and I have reflected examples of good practice in my review. However, I found there to be a gap between what criminal justice agencies described and what victims experience. Almost all victims said they had not been made aware of the Victims' Code or of their entitlements under it. This meant they did not know what they could ask for or who to go to if they had concerns. Those victims who had complained or raised concerns described feeling confused, ignored or dismissed. Almost three quarters of those who had complained were not happy with the response that they received.

I found there to be inadequate attention paid to how victims were treated by those handling their complaints. Victims told me that they felt staff failed to show warmth, compassion, empathy and patience. They felt they were not treated as individuals and that the responses lacked any personal touch.

I recognise that victims may not always get the outcome they want but, they should be treated decently and as individuals. Staff need to understand that the impact of crime on victims varies and that people will react in different ways. Although policies and procedures are important, victims have made it clear to me that what matters most to them is how they and their families are treated by every person they come into contact with in the criminal justice system.

This leads me to conclude that despite some positive developments that have taken place, behaviours by criminal justice staff need to change in order to improve victims' experiences. Changes in policy are not enough; agencies should ensure there are changes to practice.

My key findings are summarised here:

OVERALL FINDING

There is a gap between the handling of complaints as described by criminal justice agencies, and how victims feel they have been treated

SPECIFIC FINDINGS

- Despite criminal justice agencies and service providers having processes in place for victims to make a complaint, victims find it difficult to do so for a number of reasons. These reasons included not knowing who to make a complaint to, how to make their complaint, or, how to secure help when they needed it.
- Not all victims are aware of their entitlements under the Victims' Code to make a complaint about an agency's or service provider's service to them.
- Not all criminal justice agencies and service providers helped victims to distinguish between a concern or a more formal complaint. Agencies that did distinguish between a concern or formal complaint were generally able to provide a swifter resolution.
- Some victims were not provided with a response or explanation within the timeframes specified in the Victims' Code.
- Some victims were not made aware of the full complaints policy and its stages, particularly in relation to the Parliamentary and Health Service Ombudsman. Victims were confused about how to escalate their complaint.
- In some cases, victims felt that the steps agencies and service providers had taken to resolve their complaint were inadequate. Some victims falling into this category felt that financial compensation should have been an option available to the agencies or service providers when considering their specific complaint.
- Despite agencies' and service providers' efforts to display sensitivity, compassion and respect when contacting victims, whether in person or in writing, victims felt that their concerns and needs were being ignored. They described feeling confused, unimportant and dismissed. Victims also felt that the personal touch required for their circumstances was being overlooked.
- Agencies and service providers which conducted a dialogue with the victim to understand the reason for their complaint were able to provide a quicker and more helpful response.
- Criminal justice agencies and service providers who were members of the Cross-Government Complaints Forum found their membership to be helpful to the way in which they handled complaints.
- Victims wanted agencies and service providers to show how complaints have led to visible changes and improvements.
- Where agencies and service providers used real-life anonymised examples of complaints to inform staff training and development, staff were more aware of the impact of their actions on victims' experiences.
- Agencies and service providers which involved victims in the creation of their complaints processes demonstrated a better understanding of victims' needs.

- Criminal justice agencies and service providers who had applied the Parliamentary and Health Service Ombudsman's *Principles of Good Complaint Handling*¹ in relation to their complaints policy consider this to be effective contribution to their management of complaints.
- The criminal justice inspection process has led to some agencies making improvements to their practice regarding complaints from victims.
- Although there are voluntary support services available at some coroners' courts for bereaved families, they are not available in all coroners' courts across England and Wales.

Based on the above findings, I have made a number of recommendations and commitments that seek to improve victims' experiences when they raise a concern or make a complaint.

OPERATIONAL – RECOMMENDATIONS FOR CRIMINAL JUSTICE AGENCIES AND SERVICE PROVIDERS

I have identified a number of key standards, which indicate good quality handling of complaints. They include standards relating to agencies' and service providers' processes and internal policies, but also standards to improve staff interactions with victims. By implementing these standards agencies can demonstrate that their staff are working towards providing a quality service to victims and that they are fulfilling their duties and obligations to victims under the Victims' Code.

In the longer term these standards may help constitute a baseline measure of the quality of a service provider's performance in the handling of victims' complaints. Agencies and victims could then measure improvements against this baseline.

I have also recommended that inspecting bodies should consider whether an assessment of victims' complaints should be included in their joint annual appraisal of the quality of victims' experiences.

STRATEGIC – RECOMMENDATIONS FOR POLICY MAKERS

I have recommended that the heads of criminal justice agencies covered by the Victims' Code report to the Criminal Justice Board on how they will ensure that their respective agencies meet the standards.

I have also recommended that policy makers consider how effective handling of complaints and improvements to victims' services fits into the wider strategic landscape. My recommendations ask policy makers to consider how the standards for effective complaint handling might be reflected in the recently announced Victims' Law, the proposed Victims' Information Service and other policy developments.

VICTIMS' COMMISSIONER'S COMMITMENT

Finally, I have set out how I will use my role to support implementation of the operational and strategic recommendations. In particular, I have committed to working with some of the agencies not covered by the Victims' Code, to see how they might incorporate the standards, for good practice in complaints handling, into their work with victims of crime. I have also committed to producing a guide to help victims of crime to receive their entitlements under the Victims' Code.

1 Parliamentary and Health Service Ombudsman *Principles of Good Complaint Handling* (2009) http://www.ombudsman.org.uk/_data/assets/pdf_file/0005/1040/0188-Principles-of-Good-Complaint-Handling-bookletweb.pdf

INTRODUCTION

Victims do not know what to expect when they report an allegation to the police, and start their journey as a victim. They are catapulted into the criminal justice system and its processes, through no fault of their own. They are automatically given the term 'victim', and a whole series of processes start to take place around them. Victims have told me that they can sometimes feel forgotten in the criminal justice process, or that they only matter until the court case is over.

To improve their experience, victims need the opportunity to voice their concerns about the services they receive. When they raise concerns they need to feel that they have been listened to. Their concerns should be addressed fairly and in a timely manner, and in a way that makes victims feel they have been treated with dignity and respect.

You may have already heard me say that one victim's complaint can change the experience for others – I truly believe that. That is why this review looked at the processes and policies that agencies and service providers have in place, and how victims experienced them.

This area is a priority for me because, during my time as Victims' Commissioner, I have heard from many victims who have not felt able to voice their complaint(s), or who have not been listened to when they did.

My report is not an academic study – rather it is an illustration of what victims feel about the quality of service they receive. Based on my findings, I have made a number of recommendations which are set out at the end of this document.

It is important that criminal justice agencies and service providers ensure that their interactions with victims do not re-victimise, or add to their trauma.

Victims of crime deserve to be treated in a fair and respectful way. Where they are not, it is important they have the right to ask, **why not?** It is equally important that agencies are able to answer that question. Therefore the purpose of this review was to find out:

- how did victims know when and how to raise concerns or how to complain about the service they received?
- how did agencies enable victims to raise their concerns or make their complaint, and what information was provided to them?
- what happened when the concern(s) were raised or complaint was made?
- were victim(s) included in how the concern or complaint(s) was resolved?
- how did agencies know if the victim was satisfied?
- did agencies improve any of their services as a result of concerns raised or complaints they had received?

1. METHODOLOGY

- 1.1. This review was informed by feedback from nearly 200 victims and by assessments of criminal justice agencies and other organisations. My role as Victims' Commissioner is not to inspect or review individual agencies' performance; there are other bodies and people that have responsibility for this. Instead, my review is an illustration of how agencies and service providers say they meet victims' needs and entitlements, and whether victims share this view.
- 1.2. This review is an illustration of what was happening during November 2014. The revised Victims' Code was not published until October 2013, and was not implemented until December 2013. Nonetheless agencies and service providers should have had complaints processes in place well before this, and have made revisions in line with the updated Victims' Code from October 2013.
- 1.3. In my review, I wanted to focus on one core issue – **what actions criminal justice agencies and service providers are taking, or need to take, to ensure they can provide the most effective service for dealing with concerns or complaints raised by victims of crime (or their representatives)**².
- 1.4. I decided to focus on complaints from victims of crime as defined by the Victims' Code. This is defined as:

“a person who has suffered harm, including physical, mental or emotional harm, or economic loss which was directly caused by criminal conduct; or,

*“a close relative of a person whose death was directly caused by criminal conduct”.*³
- 1.5. Having analysed letters and other feedback to my office, it was clear that the majority of victims were not complaining about the **outcome** of their case (for example, whether to charge an offender; the sentence or order passed to an offender; or an offender's conditions of release etc). The majority of feedback expressed concern about **how victims felt they had been treated** when they had raised concerns or questions, or made a complaint. My review of complaints therefore focuses on the service(s) provided by the agencies and service providers, and does not include comments on the criminal justice outcome of the case.
- 1.6. I did not exclude information from victims who had made a complaint or raised concerns about how an appeal against a criminal justice outcome had been handled, or how the victim was treated when making an appeal.

2 Victims' representatives have also been included here to make sure that those victims who are unable to make a complaint or challenge to a criminal justice agency or service provider are not excluded. This includes victims who are vulnerable (such as children, or those who have difficulties in communicating), as well as those bereaved by a criminal act. Victims' representatives may therefore include parents/guardians of victims under 18 years of age; a family spokesperson; or legal representatives or support workers in appropriate cases.

3 See *Code of Practice for Victims of Crime* (October 2013) - paragraph 4 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/254459/code-of-practice-victims-of-crime.pdf

WHO DID WE SPEAK WITH AND WHY?

- 1.7 My team conducted 48 interviews⁴ to present the findings that follow below, and in addition heard back from almost 200 victims who were consulted during this review.
- 1.8 To ensure we conducted a fair and proportionate review, we spoke to national representatives for all the criminal justice agencies and service providers listed within the Victims' Code. We also spoke to organisations not covered by the Victims' Code because of their interactions with victims of crime (for example, the Foreign and Commonwealth Office). All agencies and organisations we contacted are listed at [Annex A](#)⁵.
- 1.9 My team spoke with local practitioners across the country, where criminal justice agencies provide regional or local services for victims. For this review, and for the time we had available, we visited four areas: London, Manchester, Cardiff and St Albans⁶, consulting the following agencies that had local or regional services:
- Crown Prosecution Service (CPS)
 - HM Courts and Tribunals Service (HMCTS)
 - National Probation Service (NPS)
 - Area Police Force
 - Police and Crime Commissioner's Office (PCC)⁷
 - Witness Care Units (WCU)
 - Youth Offending Team (YOT)⁸
- 1.10 My team also consulted with victims through a variety of methods, which included:
- a survey for victims, which was hosted on my office's website, directing them to answer questions about complaints: (<http://victimscommissioner.org.uk/review/>);
 - focus groups with victims held in London, Manchester and Cardiff during the team's visits to these areas;
 - complaints and concerns sent to my office for my attention; and,
 - a sample of complaints and concerns sent to Victim Support and the Ministry of Justice.
- 1.11 Of the 200 victims consulted, we spoke with victims who had very recent experiences (for example, within the last 12 months), as well as victims who had raised concerns and complaints less recently. Over 50% of victims reported they had experienced a crime in the last four years.

WHAT DID WE ASK THE PEOPLE AND ORGANISATIONS WE SPOKE TO?

- 1.12 The Victims' Code sets out duties for criminal justice agencies and service providers handling complaints from victims of crime. These are listed as:

4 Forty four interviews were conducted with criminal justice agencies and other organisations. Four additional interviews were conducted with victims' focus groups and Victim Support.

5 The team were unable to speak with the Ministry of Defence Police.

6 The four areas were not chosen with any particular reason in mind, but to ensure that an illustration could be provided to reflect the differences in victims from across the country.

7 The team was unable to speak with the PCC's office in Manchester.

8 The team was unable to speak with the youth offending services in St Albans.

- to treat victims in a respectful, sensitive and professional manner without discrimination of any kind;
- to enable victims to make a complaint;
- for the complaint to be swiftly and fully addressed;
- to ensure victims receive information on how to make a complaint including details, and the process for making a complaint;
- to ensure victims receive an acknowledgement or full response to the complaint within 10 working days of receipt;
- to ensure victims receive information on the service provider's internal complaints process, including a timeframe for receiving a substantive response where appropriate;
- to receive a full response within a set timeframe, provided in an accessible language and format;
- to ensure victims receive information in the agency or service provider's response about how to complain to the Parliamentary and Health Service Ombudsman (PHSO); and,
- to ensure victims know they have the right to refer a complaint to the PHSO (via the constituency MP) if still dissatisfied with the way the complaint has been handled by the service provider.

1.13 When speaking with the criminal justice agencies, and other organisations providing victims' services, my team wanted to cover these issues, but they also wanted to have a look at the quality of service that should accompany these processes. They asked all agencies and service providers the same questions, and tailored follow-up questions to take into account their specific business. The questions were based around four key areas:

- the level of agencies' awareness of a complaints process and meeting the duties and requirements listed in the Victims' Code;
- the actual process for handling complaints;
- whether and how complaints processes are reviewed (to ensure they are correct and appropriate); and,
- what learning from complaints was taking place and what had changed as a result.

1.14 Victims were asked:

- whether they were made aware of their entitlements and rights as set out in the Victims' Code;
- how they complained to agencies and service providers;
- what actually happened when they complained; and,
- what they would like from the agencies and service providers that received their complaint.

WHY DID WE SPEAK WITH OTHER ORGANISATIONS NOT LISTED IN THE VICTIMS' CODE?

1.15 I felt it was important that we spoke with other organisations that also come into contact with victims of crime which are not listed in the Victims' Code (for example, the judiciary, the Foreign and Commonwealth Office [FCO] and the Independent Police Complaints Commission [IPCC]). I wanted to know about the ways in which they deal with complaints from victims of crime, and how they might work with criminal justice agencies and service providers.

- 1.16 We also consulted the Cabinet Office and the Secretariat for the Cross-Government Complaints Forum⁹. The Parliamentary and Health Services Ombudsman (PHSO) developed core principles for complaints handling in 2008¹⁰. The Cross-Government Complaints Forum has since then developed and agreed complaints standards and a support framework which has been informed by the PHSO's core principles and the requirements of the Cabinet Office Customer Excellence Standard¹¹. My team spoke with them to discuss what those principles are and how effective they have been for the various Government Departments and agencies that use them to manage complaints.
- 1.17 The Cabinet Office is currently undertaking a review of complaints across all public services. I felt that it was important that we found out about their review and their findings.

HOW DID WE CONSOLIDATE AND ANALYSE OUR FINDINGS?

- 1.18 After conducting 48 interviews, and with the information received into my office through letters and the website survey, it became very clear that there were a number of common themes arising.
- 1.19 With regard to the agencies and service providers we spoke to, all were able to provide us with information about their duties and obligations under the Victims' Code. We spoke to national and regional divisions of agencies and service providers and asked them the same questions. We also met with victims in these regions.
- 1.20 With regard to the victims we consulted, we were not able to trace back individual cases and complaints to the agencies concerned. However, we found a number of common themes reported by all victims, regardless of the detail of their complaint or the nature or category of the crime experienced.

9 The Government has established the Cross-Government Complaints Forum (CGCF) as a means through which Departments can bring together best practice and establish complaint handling standards – House of Commons Public Administration Committee Report - *More Complaints Please!* (Appendix 1 of Government Response) (2014) - <http://www.publications.parliament.uk/pa/cm201415/cmselect/cmpubadm/618/61804.htm>

10 Parliamentary and Health Services Ombudsman - *Principles of Good Complaints Handling* *ibid*

11 <http://www.customerserviceexcellence.uk.com/aboutTheStandardCSE.html>

2. SO WHAT DID WE FIND?

- 2.1 Our findings showed an inconsistency with what agencies and service providers were telling us they were doing, and what victims were saying about their experiences and how they were made to feel.
- 2.2 **It was clear that whilst criminal justice agencies and service providers have in most cases very clear complaints processes in place, there is a gap in how those processes are actually delivered and how confident victims feel about making a complaint or raising concerns.**
- 2.3 From meeting with victims, victims' families and victim organisations in my role as Victims' Commissioner, I believe this gap is likely to exist nationally and not only in the areas visited during this review.
- 2.4 The **detailed** findings that allowed me to reach this conclusion are set out below in three sections as follows:
 - i. information from criminal justice agencies and service providers;
 - ii. feedback from victims who took part in the survey on my office's website, letters sent to my office, and victims the team consulted with in London, Manchester and Cardiff; and,
 - iii. information from other organisations that come into contact with victims of crime.
- 2.5 A **summary** of the findings can be found at [Annex B](#).

3. DETAILED FINDINGS

Criminal justice agencies and service providers – what did you tell us?

3.1 MAKING A COMPLAINT – AWARENESS OF THE VICTIMS' CODE

- 3.1.1 Almost all agencies and service providers had a complaints process in place as set out in the Victims' Code. We found that most of these agencies had recognised that some victims did not necessarily want to make a formal complaint, but wanted an opportunity to voice a concern, or request clarification or further information.
- 3.1.2 In some cases, we found agencies and service providers had flexible systems in place to help address immediate issues from victims, or requests for clarification or information swiftly. These agencies and service providers had developed a good understanding of the victims they serve, recognising the importance of the issue for the victim and that quick resolution was essential. Some agencies and service providers working in this way also made the link that swift or immediate action in this informal way could reduce or avoid trauma to a victim, as well as avoiding the issue being handled as a formal complaint at a later date.
- 3.1.3 Only a minority of agencies had not made this distinction, and pressed victims to put their concerns in writing so that a formal response could be given. I recognise that putting a complaint into writing might provide an agency or service provider with clarity about a victim's concerns. However, this approach suggests that victims forced to take this route, may not receive the prompt response that their concern(s) calls for. This should not necessarily be seen as a failing, but should encourage agencies that some complaints can be handled in a more immediate manner without the victim having to write to the agency or service provider with a formal complaint.

PRACTICE POINT:

Agencies and service providers making the distinction between informal issues to be resolved and formal complaints which required formal resolution, provided a more tailored and effective service to victims.

- 3.1.4 Almost all agencies and service providers had information available publicly on how to make a complaint about the service they provide. However, some agencies and service providers only published this information on their website. This mistakenly assumes that all victims would be competent in using computers and electronic devices, and that they can access the internet.
- 3.1.5 Where service providers and agencies had provided alternative sources of information, such as posters or leaflets, they recognised that they did not always know how easily this information was accessed by victims.
- 3.1.6 In many cases, it became clear, that victims would have to rely on agencies and service providers explicitly telling them that they were entitled to make a complaint. Where agencies and service providers supplied information directly, it was not always given consistently. I recognise, however, that for some victims, telling them about a complaints procedure may be too much information for them to comprehend at such a distressing time.
- 3.1.7 I recognise that achieving a balance between too much and too little information can be challenging for agencies and service providers. However, agencies should be aware that there is a gap between the information that is available, and what victims receive. This means that many victims do not know what to do if they want to make a complaint.

PRACTICE POINT:

Agencies and service providers need to consider how they can be sure that victims are aware of their right to voice concerns, or to make a complaint. There appears to be a gap in what victims know, and what agencies think they are telling them.

- 3.1.8 With regard to providing information that can be understood by victims with diverse needs, some of the local representatives in Cardiff were able to readily provide a Welsh language version of the complaints process. Not one of the agencies or service providers was able to demonstrate information that was immediately accessible in other formats (whether in other languages, or formats such as easy read or Braille). All agencies however, were aware of their duty to provide alternative formats, should a victim request them.
- 3.1.9 Some agencies demonstrated that they were responsive to the diverse needs of their local population, and provided services in other languages, through the use of translators, interpreters and intermediaries.

PRACTICE POINT:

Agencies should consider how they can most effectively let victims know that information is available in other formats, to avoid deterring victims from making a complaint where they are not competent in English, or where other formats are needed.

- 3.1.10 We identified a mixed approach to how agencies and service providers managed complaints or contact by victims of crime (or their representatives) as opposed to how they managed other complaints. Some of the agencies and service providers clearly sign-posted victims of crime to more specific routes for their concerns or complaint to be handled. This meant there was a clearly distinct process for victims, tailored to their specific needs, which was separate from complaints received from offenders or members of the public (not linked to the case). The NPS' Victim Contact Scheme was a good example of this.
- 3.1.11 Some agencies and service providers had not made the specific distinction for victims, and as a result addressed complaints from victims in the same way that all complaints were addressed. This could lead to further traumatisation if there is not a proper understanding of the issues the victim is raising. It is not suggested that a separate process must always be created for victims' complaints, but that agencies and service providers recognise that different issues and concerns will apply. It may therefore be useful for agencies and service providers to consider recording that a complaint has been made by a victim to ensure that the most appropriate response can be given.
- 3.1.12 In some cases, agencies such as the NPS were going back to victims and consulting them about the details of the complaint or concern raised, after receiving initial communication. By having a two-way conversation these agencies and service providers showed a better understanding of the nature of the complaint or concern from the victim and were more likely to resolve it in a way that the victim could be happy with.
- 3.1.13 This two-way dialogue could be particularly useful for victims who are not confident with speaking or writing English, who may be very vulnerable and need special assistance, or for those who have mental or physical health issues.

PRACTICE POINT:

Agencies and service providers should consider how they identify and fully understand a complaint from a victim to enable the most effective response.

3.2 AFTER THE COMPLAINT HAS BEEN MADE – WHAT HAPPENS NEXT?

- 3.2.1 Almost all agencies demonstrated their awareness of their obligations under the Victims' Code to acknowledge a complaint or respond in full within 10 working days. All agencies had good processes in place to ensure the timeframes were met. Some agencies and service providers had automated processes and some had manual processes, but both types ensured the victim was kept informed of what was happening with their complaint.
- 3.2.2 Where agencies and service providers had automated systems in place, we saw that some administrative tasks could be better monitored and managed, as the handling was not totally reliant on human input. We found this to be the case with the larger agencies/service providers such as the CPS or HMCTS.
- 3.2.3 I accept that there will be different ways in which agencies and service providers will manage the handling of their complaints, and automated or manual systems may be equally effective. However, we found that complaints were responded to most efficiently when there was comprehensive monitoring or oversight of the systems used.
- 3.2.4 Where agencies and service providers were unable to send a response by the set timeframe of 10 working days, some agencies told the victim why that was the case, and provided a revised timeframe in which to expect a full response. Some agencies and service providers did not tell the victim why a response would be late, but instead focused on providing a full response to the best of their ability as soon as possible after that date.

PRACTICE POINT:

Agencies and service providers should consider processes for communicating effectively with a victim when the timescales set out in the Victims' Code cannot be met.

- 3.2.5 We found that all agencies and service providers gave victims information on their internal complaints processes. The way this was communicated varied: some provided the information in their complaints resources (such as on their website pages, or complaints leaflet); others provided it in their direct responses to victims.
- 3.2.6 Whilst information on internal processes was helpful, we found little evidence to show that victims (who made a **formal** complaint) were aware that their complaint could be escalated to the Parliamentary and Health Service Ombudsman (PHSO). In addition, we discovered that many victims were not aware of the PHSO, what their role was, and how a complaint could be referred to them.
- 3.2.7 We also found that the final stages of some agencies' and service providers' complaints handling processes were not clearly communicated. For example, the escalation for complaints made to the police depends on the nature of the complaint and how it is handled. There are several bodies that may receive escalated police complaints, excluding the PHSO. We found this to be rather complicated for victims.

PRACTICE POINT:

Agencies and service providers need to be clearer about the role of the PHSO in relation to their own complaints procedures and ensure victims understand how and where to escalate their complaint.

- 3.2.8 In most cases, agencies and service providers had ways of identifying what the victim needed in response to the complaint made. Where a concern had been raised or a request for further information or clarification was made, service providers and agencies recognised that most issues could be resolved immediately, or in a very short time period by the person who the complaint had been referred to. We saw particular evidence of this with the police forces, and the Crown Prosecution Service.
- 3.2.9 Where a formal complaint had been made, almost all agencies and service providers were able to have the complaint reviewed by a member of staff who had not been involved in the incident. Where the agency or service provider was a smaller organisation, the complaint was referred to an independent team dealing with complaints specifically. We saw this example with the Parole Board and the UK Supreme Court. I do not think there needs to be only one way to handle a complaint, but I think that recognition of independence in the investigation of a complaint by agencies and service providers is the right approach. As a result, most agencies and service providers could provide a clear and unbiased response to the victim.
- 3.2.10 We found evidence from all agencies and service providers that they recognised when a victim required certain types of resolution to address their complaint. All agencies and service providers recognised that some victims required further information; some wanted an explanation of why a certain action had or had not been taken; some victims required an apology, particularly in cases where certain actions had not been taken; and, some victims requested financial compensation.
- 3.2.11 We found that agencies and service providers understood their responsibilities in relation to all of these methods of resolution, except for financial compensation. We found that only some agencies and service providers had financial compensation (or financial redress) policies in place, and there were a small number who were considering whether they should have one.

PRACTICE POINT:

Agencies and service providers may wish to consider other agencies' financial redress and compensation policies to help them decide if they should develop the same, or if any changes are needed to existing policies.

- 3.2.12 We were pleased to see agencies and service providers thinking about what the victim may want from a response. All were able to explain how responses to complaints and concerns were provided in a way that was respectful, sensitive and professional without showing discrimination of any kind.
- 3.2.13 We were impressed with the lengths that some agencies and service providers had gone to, to try and make sure all their staff dealt with victims in a respectful and appropriate way. Some agencies and service providers held training workshops and provided regularly updated guidance to their staff. Some agencies had gone a step further and brought in external organisations to help them with this work. A few particularly good examples we saw included:

- a disability charity being consulted on how to manage complaints or concerns raised over the phone by victims with specific disabilities. The CPS involved this charity in training workshops with their staff;
- in one area, the police had asked a local University for assistance in helping staff in one agency to communicate better through the running of a linguistic workshop;
- some agencies and service providers ran scrutiny panels or post-case reviews with other local partner agencies and service providers, charities and support organisations, and in some cases victims (who were not involved in the cases discussed) to learn about how to provide better responses; and,
- some agencies and service providers had made sure that all staff handling complaints and concerns from victims had passed training courses on complaints handling and customer service skills (provided by external suppliers) before being appointed to their jobs.

3.2.14 I recognise that not all agencies and service providers would be able to accommodate these courses and training plans, so I was pleased to see other examples of good practice. I was encouraged that the NPS and HMCTS areas that we visited told us about learning taking place through staff workshop meetings and conferences at national and local levels. This learning was then included in their official training and guidance documents.

3.2.15 Some of the WCUs we visited told us of their practices which included peer checks on the quality of responses going out to victims. Some WCUs also helped police and CPS frontline staff to deal with complaints, by providing a quality checking role to responses before they were sent to victims. We also saw examples in most agencies and service providers of quality checks being undertaken by more experienced managers or senior colleagues.

3.2.16 I was concerned that a small number of agencies and service providers could not provide us with evidence that they had training or learning in place for making sure that victims receive high quality responses.

PRACTICE POINT:

Agencies and service providers should continually review the measures they have in place to ensure staff treat victims appropriately.

3.2.17 All of the agencies and service providers had received complaints and concerns about other agencies and service providers. We found the majority of agencies and service providers were able to identify which complaints they could handle themselves, which complaints should be sent to another relevant agency, and which complaints needed to be responded to jointly.

3.2.18 We found some agencies made a referral to another agency or service provider and told the victim what had been done, and that the relevant organisation would contact them. One of the YOTs reported that they also regularly checked with the other agency about whether the victim had been given information about the progress of their complaint.

3.2.19 We found that some agencies and service providers simply gave the victim the contact information for the relevant agency/service provider and left it to the victim to make contact. I think this approach is unhelpful for victims as it may leave them feeling dismissed and confused.

3.2.20 In most cases I think it is better for agencies and service providers to pass on or forward the complaint, and tell the victim what has happened. It should then be for the second agency/service provider to retain contact with the victim and keep them informed about the progress of their case.

3.2.21 I was disappointed to find that some agencies did not understand the responsibilities of other agencies and so were not able to communicate the right information to victims who had made complaints. There was some degree of blame going on between agencies, instead of them working together to provide a constructive response to the victim. In my opinion, this is likely to cause more distress to an already traumatised victim, and needs to be avoided.

3.3 REVIEWING COMPLAINTS PROCESSES

- 3.3.1 We found evidence to suggest that where agencies and service providers had properly defined structures in place to handle complaints, they periodically reviewed them to make improvements. We found no evidence to suggest that agencies were reviewing their complaint processes after specific periods of time (for example, on a six monthly or annual basis), but learning was taking place through the process of responding to the complaints themselves. For example, the First Tier Tribunal (Criminal Injuries Compensation) and one of the WCUs had found that certain ways of responding to victims were more effective and would not result in escalation of the complaint. This knowledge was shared with other colleagues and then became part of the formal complaints handling process.
- 3.3.2 We saw evidence that most agencies and service providers were proactive about the ways they managed their responses to complaints. Many of the agencies and service providers, such as HMCTS, held team meetings (either in person or through other means), to make sure that the team knew about the responses required to the complaints they had received and the timescale in which they should respond. Where a complaint raised complex or sensitive issues we saw evidence, for example, from the Criminal Injuries Compensation Authority, of these issues being discussed more widely to make sure that any previous experience could be used in responding to the complaint. I was pleased to see day to day learning taking place to make incremental improvements in the handling of complaints.
- 3.3.3 We saw some evidence of longer term work which aimed to improve complaints processes. With the CPS and NPS we saw evidence of significant changes to their complaints processes following inspections by their relevant HM Inspectorate bodies¹². For the CPS¹³ in particular, we were pleased to see evidence of a major overhaul of the complaints process and the appointment of an independent person (an Independent Assessor of Complaints) to assess their complaints.
- 3.3.4 By addressing the recommendations that were made, they have put in place some major procedural improvements, such as making the complaints process and information provided about it much clearer for victims and members of the public. They have also made some key structural changes to the services they offer victims and as a result can offer a more tailored approach to the type of complaints and challenges they receive.

PRACTICE POINT:

Inspecting bodies may wish to consider complaints handling by agencies and service providers as part of their annual joint appraisal on the quality of victims' experiences.

12 HMIP Inspection: *Victim Contact Scheme* (2013) - <http://www.justiceinspectorates.gov.uk/probation/wp-content/uploads/sites/5/2014/03/victim-contact-report.pdf>

13 HMCPSP Inspection: *CPS – complaints handling (follow-up inspection)* (2013) - (http://www.hmcpsi.gov.uk/documents/reports/THM/COMP/COMP_FU_Jan13_rpt.pdf)

- 3.3.5 We were pleased to learn that a small number of the agencies and service providers consulted were members of the Cross-Government Complaints Forum, and were keen to learn from members about how complaints processes could be improved. We saw new guidance material on complaints handling being published by these agencies and new training being put in place.
- 3.3.6 A small number of agencies demonstrated that despite not being members of the Cross-Government Complaints Forum, they had taken note of the PHSO's work on improving complaints handling. Some of the agencies for example, the CPS and HMCTS had applied the PHSO's *Principles of Good Complaint Handling* to their processes and procedures¹⁴ and had used them in revisions of their agency's complaints processes.

PRACTICE POINT:

Agencies and service providers should consider referencing or applying the PHSO's principles in their respective complaints procedure and consider membership of the Cross-Government Complaints Forum.

3.4 ANALYSING COMPLAINTS – WHAT CHANGES ARE MADE?

- 3.4.1 We found evidence to indicate that all agencies and service providers are learning from complaints and challenges raised by victims. Almost all of the agencies and service providers were able to give examples of services they have changed as a result of the complaints they received. One example that many agencies gave us was that they could resolve issues more quickly by recognising that not all complaints were being made on a formal basis. By doing this they were able to provide a more immediate and responsive service to victims about the issue(s) concerning them.
- 3.4.2 Some agencies, for example the police and some of the NPS local teams changed their wider policies after receiving complaints from several victims on the same issue. We found that these agencies had recorded the complaints accurately and so were able to identify the most important issues for victims and make changes as a result.
- 3.4.3 I was pleased to see how the need for change was often identified by frontline staff in the agencies working with victims on a daily basis. This information was being passed to senior managers so that changes and improvements could be driven from the top. To see this feedback from victims going directly to the people in charge gives me some confidence that the agencies and service providers are trying to make changes which genuinely reflect the interests of victims.
- 3.4.4 Victims told us they would also like to see how their complaints have affected services for other victims. A small number of agencies and service providers were clearly improving the services they provided to victims as a result of their complaints but had no records to show how or why they had made these improvements. I do not want to suggest that complaints handling becomes an industry of administrative procedures, but I think it would be useful for agencies and service providers to have a record of what is going wrong and what they are doing about it. This will help them to not waste resources repeating the same mistakes or learning the same lessons over and over again.

14 Parliamentary and Health Service Ombudsman *Principles of Good Complaint Handling* (2009) http://www.ombudsman.org.uk/_data/assets/pdf_file/0005/1040/0188-Principles-of-Good-Complaint-Handling-bookletweb.pdf

PRACTICE POINT:

All agencies and service providers should consider what information they could publish for victims and the general public about improvements they are making as a result of victims' complaints.

- 3.4.5 There was evidence that agencies and service providers were putting their learning from complaints handling into practice. Where good recording of complaints was taking place, agencies and service providers such as the Criminal Injuries Compensation Authority were using this information in their training and guidance for staff.
- 3.4.5 I was pleased to see how real life examples were being used in some agencies' and service providers' training materials and that some went beyond this to think about how they could improve services further such as by bringing in external organisations and charities. For example, the police used management reviews of staff handling of complaints to help identify poorly performing individuals. As a result they were able to identify training and development needs for these staff.
- 3.4.6 My team asked all service providers and agencies whether they provided victims with the opportunity to feed back views outside of the complaints process. Almost all of the agencies and service providers had processes in place to capture both positive feedback and complaints.
- 3.4.7 I was impressed to see the level of engagement some of the agencies and service providers had gone to, to capture satisfaction levels about services victims receive. We saw some very positive measures with one of the police forces who had put in place dedicated resources to look at victim satisfaction measures. They used this feedback to inform future policing practice.
- 3.4.8 One concern with this otherwise positive approach is that some victims may feel 'over-surveyed' or get 'survey fatigue'. It is not fair to keep asking victims the same questions about the service they have received, unless it leads to visible improvements for victims. Satisfaction surveys are a useful tool but they need to be used thoughtfully and there should be feedback to victims about how the information they have provided is leading to improvements.

PRACTICE POINT:

All agencies and service providers should consider what information they could publish for victims and the general public about improvements they are making as a result of victims' complaints.

- 3.4.9 One of the most important things I wanted to look into was the culture of the agencies and service providers when dealing with complaints. Despite all the work agencies described to improve their handling of complaints, some staff appeared to see complaints from victims as a 'nuisance', or made derogatory remarks such as 'all complainants see themselves as victims'. This is a poor reflection on the many staff who work hard to help victims with their complaints. Agencies and service providers should ensure none of their staff act in this way.

Victims - what did you tell us?

- 3.5 I am very grateful to all the victims who took part in this review. I was concerned to hear about some of their experiences because of the actions of offenders, but also by the way in which some of the agencies and service providers have treated them.

3.6 KNOWING YOUR RIGHTS UNDER THE VICTIMS' CODE

3.6.1 From speaking with those we met at the focus groups and those who completed the survey, it is very clear to me that victims are not always being told about their right to complain.

"Nobody explains anything well to you.... the information that we get doesn't say whether there is a clear contact point"

"It's a maze. You either can't find the information or everyone tells you something different."

3.6.2 This concerns me. There is so much work that agencies and service providers are doing to try and put the right processes in place, but it seems they are not telling victims about them in a way that is meaningful. Victims told us that they felt complaints processes are based on what agencies and service providers think they would want, and not what they actually want.

3.6.3 We heard that the reasons the majority of victims did not make a complaint, when they wanted to, included:

- not knowing who to complain to;
- problems with accessing the right language to make a complaint;
- not knowing how to complain; and,
- not feeling confident about making a complaint.

3.6.4 I was particularly concerned to hear comments where victims were left feeling that they had been told to go away. Some victims told me that they had been asked to make the complaint to the person who had wronged them in the first place. This has left some victims feeling that they don't have any rights as victims which undermined their confidence to complain.

PRACTICE POINT:

All victims have rights under the Victims' Code to make a complaint, and agencies and service providers should help them to do this.

3.7 MAKING A COMPLAINT, OR CHALLENGING AN AGENCY – WHAT WERE YOUR EXPERIENCES?

3.7.1 We found that victims contacted agencies and service providers for a number of different reasons, including to request further information or to have something explained more fully.

3.7.2 When contacting an agency or service provider to make a formal complaint, victims told us that they used a variety of approaches; including by letter, online, by email, by telephone, face to face, via their MP or through a support organisation. Most were able to find out where to complain to the agency or service provider concerned by looking at their website, a leaflet, a member of staff

or through a support organisation. Some victims, however, told us they were not provided with any clear information and so investigated the options personally, by using the internet to find the relevant website/information, or by speaking to others (such as friends, support organisations, police, MP etc) who directed them to the information needed.

- 3.7.3 I was appalled to hear about the experiences of one particular victim who felt that the only option available to them was to make their complaint via a press interview. This victim told us that it was in fact the journalist who advised them that they could make a complaint. It is clear from this that information is either not being provided to victims, or is not properly understood when it is. It is therefore important that when agencies and service providers communicate with victims, that they ensure victims understand the information they are being given.
- 3.7.4 The majority of victims felt quite confident in making their complaint whilst they were still involved with the relevant agency. The minority of victims who felt unable to complain until their contact with the agency had ended said there were a variety of reasons for this. This included wanting to wait until they felt comfortable, emotionally ready or when prompted to complain by another individual or organisation. I recognise that it is not always easy to make a complaint, or to challenge an agency when you are a victim and are feeling traumatised and vulnerable. Agencies and service providers need to do more to understand this.

PRACTICE POINT:

Agencies and service providers should consider seeking input from victims when drafting complaints policies so that victims' needs can be better understood as part of the process.

- 3.7.5 In almost all cases where victims had made a complaint, they were directed to the right agency or service provider. This is encouraging. I hear about victims being ignored or feeling like they are being passed from pillar to post, so I am pleased to see that in the majority of cases this is not happening and victims are given the right contact from the start.
- 3.7.6 There were, however, a small number of victims who felt 'fobbed off' or ignored when making a complaint. They felt they were passed to different areas within the same agency or service provider, or were not able to identify who to go to for help. There were also a small number of victims who told us they felt completely ignored and told to go away.
- 3.7.7 I also heard from some victims who wanted to make a complaint, or challenge an agency or service provider, but in the end decided to not do so. I wanted to find out why they had not felt able to do this and to see whether agencies or service providers could do more to help.
- 3.7.8 The main reason victims did not make a complaint when they might have wanted to, was that they did not feel confident that their complaint would be taken seriously; or that they did not know who to complain to. I was concerned to hear about the reasons victims didn't feel confident enough – reasons such as:

“I lost confidence to complain”

“Because nothing would be done”

“Being seen as a victim isn’t manly – complaining makes us seem weak..... there are many men who probably won’t complain and just accept things”

“I’m just frightened I think they will harass me if I complain about the way they have treated me and my daughter”

3.7.9 I realise that not all victims will want to complain or raise concerns to the agencies and service providers working on their cases but they should not be made to feel unable to voice their concerns. It is important that victims feel confident and able to complain if there is an issue which needs to be addressed.

3.7.10 I know that there will be some people who will contact an agency or service provider many times and who might unwittingly make themselves a nuisance in the agency’s eyes. But this shouldn’t distract agencies and service providers from the issues these victims raise, if those issues have not already been addressed. Agencies and service providers need to understand the difference between victims who write or speak with lots of emotional language or who are unable to articulate their concerns easily, and people who mis-use the complaints and feedback processes. I understand this can be hard for busy agencies and service providers, but I know victims are sometimes not able to communicate exactly the issue they want to be addressed. These victims need help, not criticism.

PRACTICE POINT:

Agencies and service providers may wish to consider making early dialogue with a victim part of their process so that the complaint is properly understood, and any support needs the victim has can be identified at the earliest stage. This may help victims feel more confident about making a complaint.

3.8 WHAT HAPPENED AFTER YOU MADE YOUR COMPLAINT?

3.8.1 We heard that most victims were kept informed by the agency or service provider, about how they would respond but, over half of them told us they were not happy with the response received.

3.8.2 The reasons for this unhappiness included that some victims had not received an explanation regarding the agency’s or service provider’s responsibilities in relation to their case in a way that they could understand.

3.8.3 Victims told us the information received was often unclear, or that they felt their complaint had not been taken seriously. Victims often felt that the right checks had not been made with what the agencies and service providers had sent out (for example, inaccuracies in names and circumstances of the incident or, inappropriate comments). We found little evidence to show that agencies and service providers had checked that victims understood what they had been told.

PRACTICE POINT:

Agencies and service providers should ensure that there are checks to assure the quality of responses to victims to avoid victims receiving inappropriate, inaccurate or unclear responses. We saw good examples of scrutiny workshops with independent members and of workshops involving support organisations.

- 3.8.4 We were told that where victims felt listened to, they would be happy to accept a response from the agency or service provider that was not to their liking, if everything had been properly explained and victims had been kept informed about what had happened.
- 3.8.5 Some of victims told us that in addition to a proper explanation, receiving an apology from the agency or service provider also mattered. I think this is important. Agencies and service providers need to take ownership of what they are doing, including putting right the mistakes they might make, or taking responsibility for the shortcomings that might arise.
- 3.8.6 Some of victims who told us that they would be happy if the agency or service provider committed to actions to make sure that no other victims would experience the same issues, as a result of the complaint. Agencies need to pay attention to this. Victims have told me that they are fed up of hearing that 'lessons have been learned from past mistakes'. Victims want to see specific changes to the service, as a result of the information they have fed back.
- 3.8.7 We received a small number of responses saying that financial compensation would be the only way to resolve the issue at the heart of the complaint. There needs to be a decision by agencies and service providers themselves about which complaints, if perhaps any, might warrant a financial resolution.
- 3.8.8 Victims told us that they were not always given information on what to do if they were not happy with how their complaint was dealt with by the agency or service provider. Some victims were not told about the various stages of the complaints process, or what to do if they continued to be dissatisfied. Most victims were not aware that where their complaint had not been satisfactorily handled by the agency or service provider concerned, the PHSO could review what had happened. Where a complaint is upheld, or the PHSO agreed that the complaint was not properly handled, the PHSO could recommend the agency or service provider to pay financial compensation. This outcome is very exceptional but victims should be informed about it from the outset.
- 3.8.9 Some of victims reported that where they were provided with the information about the next stages of a complaints process, it could be confusing. One of the comments from a victim I found particularly concerning was:

"I raised concerns about the process, the process was almost worse than the actual journey of being a victim"

- 3.8.10 Making a complaint or telling an agency or service provider about their concerns with their case should not be like this. The process for raising an issue should be clear and straightforward and victims should not be made to feel like a nuisance, or that their concerns are not important. Victims have the right to complain, the right to voice concerns and to have these concerns dealt with properly. Agencies have duty under the Victims' Code to enable victims to exercise this right.

3.9 WHAT SHOULD AGENCIES DO TO HANDLE COMPLAINTS BETTER?

3.9.1 Some of victims made very helpful suggestions about how agencies and service providers could make things better for victims. These included:

- *“actually listening to the complaint and what you need – not being dismissed and being told ‘to get on with your life’ ”*
- *“understanding why the complaint has been made and being able to resolve the ‘easy’ issues quickly so that there is no need to make a formal complaint”*
- *“being able to identify better when there is a language or other special need”*
- *“providing the right information for you on how to make a complaint and to who”*
- *“being open and not secretive about how the complaint will be handled”*
- *“explaining all issues or points raised in a complaint – and not ignoring key points”*
- *“checking the response properly before it is given”*
- *“making good on the actions that they said they would take to address the complaint”*
- *“recognising any failings or mistakes and apologising in a meaningful way”*
- *“consider all complaints, analyse what they have in common and do something about them”*
- *“knowing how many victims complain and what they complain about”*
- *“taking responsibility where they haven’t done their job properly – there should be consequences if this has happened”*

PRACTICE POINT:

Agencies and service providers should ensure victims understand the information they have been given.

Agencies and service providers need to treat victims and the complaints they make with a single principle in mind: ‘treat others as you would wish them to treat you’.

What did we learn from the other organisations (not covered by the Victims’ Code) that could help to make things better for victims?

- 3.10 I was keen to find out whether organisations not covered by the Victims’ Code have complaints procedures that the agencies and service providers that are listed within the Victims’ Code could learn from or vice versa.
- 3.11 The Foreign and Commonwealth Office (FCO) demonstrated that they had taken some proactive steps to change the culture and attitude of their staff so that queries and complaints were not handled in a defensive way. By regularly monitoring their complaints, analysing common issues raised, and reviewing their processes and queries, they were able to devise specific training packages based on real life anonymised examples. Staff were given support in dealing with sensitive issues, and coached in how to be sympathetic and respectful of victims’ experiences.

- 3.11.1 I was pleased to see that they had taken on board the guidelines developed by the PHSO on good complaints handling and had regularly updated their practices to ensure they were meeting those principles.
- 3.12 The Independent Police Complaints Commission (IPCC) had explicitly recognised that their work had a link to the Victims' Code. They were able to see how using the entitlements in the Victims' Code would help them deliver a better service to victims of crime. Despite not being a listed agency or service provider, they had adopted similar principles for the provision of their services including complaints from victims.
- 3.12.1 The IPCC told us of one example where the Victims' Code had been used to build a checklist on their case management system which they then used to draft responses to victims. They recognised this was important to provide a comprehensive response to a victim's complaint. The checklist was also used to spot patterns and trends from the complaints received. It was encouraging to see they had used the principles to develop some good practice using the Victims' Code proactively, when they were under no obligation to do so.
- 3.13 We consulted the Chief Coroner's Office as the representative for coroners across England and Wales, in addition to the Minister of Justice, who have responsibility for coroner law. In some areas of England and Wales, there are voluntary support services available at some coroners' courts for bereaved families, similarly to that provided by the agencies and service providers listed within the Victims' Code. However, I was disappointed to learn that this voluntary service is not available across all of England and Wales.
- 3.13.1 I have met with the Chief Coroner who is responsible for providing leadership and guidance for coroners in England and Wales. I was pleased to hear that he has been reviewing a number of coroners' practices and procedures. I was particularly encouraged to hear about the review of guidance for some of the processes that take place around an inquest¹⁵ and how these will take into account the impact on a bereaved family.
- 3.14 During this review, we learned of a number of public consultations and other reviews taking place to improve services for victims of crime. I welcome these reviews and many of the recommendations they make to the agencies and organisations concerned.
- 3.14.1 There are a number of reviews that are taking place which will contribute to a wider evaluation of police complaints¹⁶. I look forward to seeing the future work that will take place on this, as announced by the Government, in July 2014¹⁷.

15 An inquest is an investigation held by a coroner (in public) when a person has died, to confirm who they were, and when and how they died. Inquests are held only in certain circumstances, but will almost always be held where there has been a criminal act which has led to someone's death. An inquest will take place after any criminal proceedings have been finalised.

16 Such as the review into police disciplinary system (<https://www.gov.uk/government/consultations/changes-to-the-police-disciplinary-system>); and police accountability structures (<https://www.gov.uk/government/consultations/local-policing-accountability-leadership-and-ethics>)

17 Home Secretary's announcement of police complaints system and the IPCC (July 2014): <https://www.gov.uk/government/speeches/home-secretary-on-police-reform>

- 3.14.2 The Home Secretary's more recent announcement¹⁸ that the Government is proposing to give PCCs powers to handle complaints about the police may be a useful way to help victims who want to make a complaint. I look forward to seeing the outcome of the public consultation and the implications for PCCs and the IPCC.
- 3.14.3 Parliament, through the Foreign Affairs Committee, has also looked at the complaints that the FCO receives in their recent review, *Support for British Nationals Abroad: The Consular Service*¹⁹. I recognise that there are some recommendations for the FCO to make improvements but, I know they have made some key improvements already. I am pleased there is an agreement in place between the FCO, Police and Coroners for relatives of those who may have been murdered or killed abroad²⁰. I note the Foreign Affairs Committee's findings that the Department's complaints handling is now much more positive²¹. I look forward to the results of that review and how it can help those who have been victims of crime abroad.
- 3.14.4 I have read with interest the work the Government is considering following the Public Administration Select Committee's findings in July 2014²². I will be interested to see how the findings might impact on complaints made by victims of crime.
- 3.15 All of these reviews are welcomed but, we need to see how their findings are put into practice to make things genuinely better for victims.

18 Home Secretary's announcement of police complaints system and the IPCC (December 2014) - <https://www.gov.uk/government/speeches/police-integrity>

19 House of Commons Foreign Affairs Committee – *Support for British Nationals Abroad: The Consular Service* – November 2014 (<http://www.publications.parliament.uk/pa/cm201415/cmselect/cmfaff/516/516.pdf>) – page 7

20 *Memorandum of Understanding between the Foreign and Commonwealth Office, Association of Chief Police Officers (ACPO) and the Coroners' Society of England and Wales* – 2012 (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/141958/mou-fco-acpo-coroners.pdf)

21 House of Commons Foreign Affairs Committee *ibid* - pages 42-44

22 House of Commons Public Administration Committee Report – *ibid*

4. CONCLUSIONS

- 4.1 This review indicates that although there have been positive developments in policies and improved procedures for dealing with victim's complaints, victims are often left feeling confused, ignored and dismissed. I have therefore made a number of recommendations which I hope will improve the way in which agencies and service providers handle complaints, and ultimately improve victims' experiences.
- 4.2 Based on the findings of my review I have identified a number of key standards, which indicate what good quality handling of complaints involves. They include standards relating to agencies' processes and internal policies but also measures to improve staff interactions with victims. I have called these the *Victims' Commissioner's Standards: Complaints Handling*. I have not commented on whether or not any of the individual agencies are already meeting these standards. I want to see all agencies reviewing their own performance against these standards and making changes where necessary.
- 4.3 Agencies and service providers meeting these standards are likely to be fulfilling their duties and obligations to victims under the Victims' Code. In the longer term these standards may help constitute a baseline measure of quality in the handling of victims' complaints. This measure could be used to assess changes in the quality of service over time.
- 4.4 I have grouped my recommendations into three main areas:
- **Operational recommendations** - for agencies and service providers to comply with the *Victims' Commissioner's Standards: Complaints Handling* and for inspection bodies to consider incorporating an assessment of complaints in their joint annual appraisal of the victims' experiences
 - **Strategic recommendations** - for policy makers to consider how effective handling of complaints fits into the wider strategic landscape of services for victims
 - **Victims' Commissioner's Commitment** - this explains how I will use my role to support implementation of the operational and strategic recommendations

5. RECOMMENDATIONS

OPERATIONAL RECOMMENDATIONS FOR CRIMINAL JUSTICE AGENCIES AND SERVICE PROVIDERS

5.1 Agencies and service providers should:

- have complaints procedures and practices which meet the standards set out in [Annex C](#)

5.2 Inspecting bodies should:

- consider whether an assessment of victims' complaints should be included in their joint annual appraisal of the quality of victims' experiences.

STRATEGIC RECOMMENDATIONS FOR POLICY MAKERS

5.3 The Criminal Justice Board should:

- require the heads of the agencies covered in the Victims' Code to submit a short response on what action they will take to ensure their agencies comply with the *Victims' Commissioner's Standards: Complaints Handling*. This response should be submitted to the Criminal Justice Board and the Office of the Victims' Commissioner by 31 March 2015.
- require that agencies and service providers covered by the Victims' Code regularly review their performance against the *Victims' Commissioner's Standards: Complaints Handling*, and submit an updated report by 31 December 2015.

5.4 The Ministry of Justice, should consider:

- how the *Victims' Commissioner's Standards: Complaints Handling* might be incorporated into a Victims' Law;
- how the *Victims' Commissioner's Standards: Complaints Handling* will be taken into account when developing the Victims' Information Service and related policy for victims; and,
- whether the voluntary support services available at some coroners' courts to bereaved families, could be made available across all coroners' courts in England and Wales.

VICTIMS' COMMISSIONER'S COMMITMENT

5.5 As Victims' Commissioner, I will:

- contact the agencies included in this review which are not covered by the Victims' Code, asking them if they will commit to meeting the standards set out in [Annex C](#);
- work with inspecting bodies to assess how they might incorporate the *Victims' Commissioner's Standards: Complaints Handling* into relevant inspection programmes;
- consider how my office could use the *Victims' Commissioner's Standards: Complaints Handling* to evidence improved services for victims;
- produce a guide for victims to advise them on how they might receive their entitlements under the Victims' Code; and,
- include the outcome of my actions in my Annual Reports to the Secretary of State for Justice.

ANNEX A

CRIMINAL JUSTICE AGENCIES AND ORGANISATIONS REQUIRED TO PROVIDE SERVICES UNDER THE VICTIMS' CODE AND ABBREVIATIONS USED IN THE REPORT

- Criminal Cases Review Commission (CCRC)
- Criminal Injuries Compensation Authority (CICA)
- Crown Prosecution Service (CPS)
- First Tier Tribunal (Criminal Injuries Compensation)
- Her Majesty's Courts and Tribunals Service (HMCTS)
- Her Majesty's Prison Service
- National Offender Management Service (NOMS)
- National Probation Service²³ (NPS)
- Parole Board
- Police and Crime Commissioners (PCCs)
- All Police Forces in England and Wales (inc British Transport Police and Ministry of Defence Police)
- UK Supreme Court
- Witness Care Units (WCU)
- Youth Offending Teams (YOTS)

OTHER ORGANISATIONS CONTACTED DURING THE REVIEW

- Association of Police and Crime Commissioners (APPC)
- Cabinet Office
- Foreign and Commonwealth Office (FCO)
- Hundred Families
- Independent Police Complaints Commission (IPPC)
- Ministry of Justice (MoJ)
- Office of the Chief Coroner
- Victim Support
- Youth Justice Board (YJB)

23 Community Rehabilitation Companies were not included in our review of services as they would not ordinarily deal with victims of crime. The National Offender Management Service was consulted at the national level, and National Probation Service (NPS) at the regional level

ANNEX B

SUMMARY OF KEY FINDINGS FROM REPORT

Overall finding

There is a gap between the handling of complaints as described by criminal justice agencies, and how victims feel they have been treated

Specific findings

- Despite criminal justice agencies and service providers having processes in place for victims to make a complaint, victims find it difficult to do so for a number of reasons. These reasons included not knowing who to make a complaint to, how to make their complaint, or, how to secure help when they needed it.
- Not all victims are aware of their entitlements under the Victims' Code to make a complaint about an agency's or service provider's service to them.
- Not all criminal justice agencies and service providers helped victims to distinguish between a concern or a more formal complaint. Agencies that did distinguish between a concern or formal complaint were generally able to provide a swifter resolution.
- Some victims were not provided with a response or explanation within the timeframes specified in the Victims' Code.
- Some victims were not made aware of the full complaints policy and its stages, particularly in relation to the Parliamentary and Health Service Ombudsman. Victims were confused about how to escalate their complaint.
- In some cases, victims felt that the steps agencies and service providers had taken to resolve their complaint were inadequate. Some victims falling into this category felt that financial compensation should have been an option available to the agencies or service providers when considering their specific complaint.
- Despite agencies' and service providers' efforts to display sensitivity, compassion and respect when contacting victims, whether in person or in writing, victims felt that their concerns and needs were being ignored. They described feeling confused, unimportant and dismissed. Victims also felt that the personal touch required for their circumstances was being overlooked.
- Agencies and service providers which conducted a dialogue with the victim to understand the reason for their complaint were able to provide a quicker and more helpful response.
- Criminal justice agencies and service providers who were members of the Cross-Government Complaints Forum found their membership to be helpful to the way in which they handled complaints.
- Victims wanted agencies and service providers to show how complaints have led to visible changes and improvements.
- Where agencies and service providers used real-life anonymised examples of complaints to inform staff training and development, staff were more aware of the impact of their actions on victims' experiences.
- Agencies and service providers which involved victims in the creation of their complaints processes demonstrated a better understanding of victims' needs.

- Criminal justice agencies and service providers who had applied the Parliamentary and Health Service Ombudsman's *Principles of Good Complaint Handling* in relation to their complaints policy consider this to be an effective contribution to their management of complaints.
- The criminal justice inspection process has led to some agencies making improvements to their practice regarding complaints from victims.
- Although there are voluntary support services available at some coroners' courts for bereaved families, they are not available in all coroners' courts across England and Wales.

ANNEX C



VICTIMS' COMMISSIONER'S STANDARDS: COMPLAINTS HANDLING

From the findings in this review and from what victims have told me it is evident that we need a **change in culture** rather than changes in policies to close the gap between what agencies are saying and what victims are experiencing. Agencies need to find a way of creating and embedding a 'culture of empathy' which ensures policies and procedures are delivered in a way which treats victims with kindness, patience and respect. It is, of course, much harder to measure change in culture than it is to measure change to process but, victims have given me a number of suggestions which I think can be turned into indicators of what a 'culture of empathy' might look like, or what actions might underpin it.

I have set this information out as a set of standards which will help agencies review and develop their practice. Agencies and service providers meeting these standards are more likely to be fulfilling their duties to victims under the Victims' Code in a way which is meaningful to victims.

Victims' Commissioner's Standards – victims should receive under the Victims' Code:

- clear information from agencies and service providers on how they will support them in raising a concern or making a complaint about the service they have received;
- information on how informal concerns can be submitted and dealt with, in addition to processes for the submitting of formal complaints;
- details on how agencies and service providers will keep victims informed of the progress of their complaint at all stages;
- the option to state their preferred method of communication with an agency or service provider when raising a concern or making a complaint;
- clear information to understand what to do if not happy with the response that has been received, including details about the role of the Parliamentary and Health Service Ombudsman and the right to complain to them; and,
- information on how they might be able to be involved in developing, reviewing and improving an agency's or service provider's complaints process.

Agencies and service providers should ensure they offer to all victims:

- a clear statement about the **support** they will provide to victims who wish to raise a concern or make a complaint about the service that has been provided;
- processes to deal with concerns swiftly and informally where appropriate, in addition to processes to deal with more formal complaints;
- a commitment that they will deliver mandatory training and development plans for all staff who deal with victims' complaints;

- a commitment to ensure that all staff who interact with victims, have in place a performance objective reflecting how they will be held accountable for treating victims with **empathy, dignity and respect**;
- properly defined processes and recording practices which enable victims complaints to be handled proactively and appropriately;
- a published statement on whether they will apply the Parliamentary and Health Service Ombudsman's *Principles of Good Complaint Handling* in their complaints processes; and,
- publish information illustrating how complaints from victims have led to improvements in services.



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