



## NOTICE OF MEETING

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# Scrutiny Review - Support for Victims of Crime

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THURSDAY, 14TH JANUARY, 2010 at 18:30 HRS - CIVIC CENTRE, HIGH ROAD, WOOD GREEN, LONDON N22 8LE.

MEMBERS: Councillors Aitken (Chair), Davies, Egan and Patel

### AGENDA

**1. APOLOGIES FOR ABSENCE**

**2. DECLARATIONS OF INTEREST.**

A member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

A member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgment of the public interest **and** if this interest affects their financial position or the financial position of a person or body as described in paragraph 8 of the Code of Conduct **and/or** if it relates to the determining of any approval, consent, licence, permission or registration in relation to them or any person or body described in paragraph 8 of the Code of Conduct.

**3. LATE ITEMS OF URGENT BUSINESS.**

The Chair will consider the admission of any late items of urgent business. Late items will be considered under the agenda items where they appear. New items will be dealt with at item 6 below.

**4. MINUTES (PAGES 1 - 8)**

To approve the minutes of the meetings of 26 November and 8 December 2009 (attached).

## **5. SUPPORT TO VICTIMS OF CRIME - EVIDENCE FROM STAKEHOLDERS**

To receive evidence from the following:

- The Children and Young People's Service on the provision of grant funding for Victim Support
- The Anti Social Behaviour Team on support provided for victims of anti social behaviour
- The Youth Offending Service on work to support young victims of crime.

## **6. NEW ITEMS OF URGENT BUSINESS**

Ken Pryor  
Deputy Head of Local Democracy and Member  
Services  
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River Park House  
225 High Road  
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06 January 2010

**MINUTES OF THE SCRUTINY REVIEW - SUPPORT FOR VICTIMS OF CRIME  
THURSDAY, 26 NOVEMBER 2009**

Councillors Aitken (Chair), Davies and Egan

**LC11. APOLOGIES FOR ABSENCE**

None.

**LC12. DECLARATIONS OF INTEREST.**

None.

**LC13. LATE ITEMS OF URGENT BUSINESS.**

None.

**LC14. MINUTES**

**AGREED:**

That the minutes of the meeting of 2 November 2009 be approved.

**LC15. SUPPORT TO VICTIMS OF CRIME - EVIDENCE FROM STAKEHOLDERS**

The Panel received evidence from the following:

- Pete Dickson from the Police Service
- Hywel Ebsworth from the Crown Prosecution Service;
- Stephen Carroll from the Courts Service.

Mr Dickson reported that, together with the Crown Prosecution Service, he led an integrated prosecution team. This was based in Lymington Avenue, Wood Green. A range of support was provided. This included crime prevention advice, specialist assistance and support from Victim Support. Support could also be co-ordinated by specialist teams for victims of particular crimes such as sex offences. It was available right through the criminal justice process and could continue afterwards.

The Victims Charter had set time limits for keeping people informed of progress with cases and the service strived to comply with these. Victims were informed within 24 hours if an arrest was made. There were also particular timescales for informing victims if an individual was charged or pleaded guilty. Efforts were made to arrange court dates that were convenient to victims and witnesses, who were informed as soon as a date was set.

There were strong links with the CPS, with whom they jointly ran the Witness Care Unit (WCU). They aimed to develop an ongoing relationship with victims and witnesses. One particular purpose of this was to determine whether witnesses were getting more nervous. In such circumstances, they could put them in touch with the Witness Service. Special measures could be applied for if the witness was vulnerable or intimidated. This was done by application to the court. The Witness Service could arrange a pre trial visit to the court so that witnesses could familiarise themselves with the surroundings. Whilst it was possible for witnesses to bump into defendants, there

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were separate facilities for them so that the chances of contact could be minimised. One particular problem was that there was only one entrance to the Crown Court at Wood Green so it was not possible to separate victims and witnesses on their way in.

A wide range of assistance could be provided such as transport to court, taxis, childcare, hotels and even flights. However, these could constitute a cost pressure on the Police. Sometimes they did not become aware that a witness was required until a comparatively late stage. The service had a good record on getting witnesses to court – only two to three were lost, on average, every month. The service was supported by Victim Support PCSOs would undertake general administration duties. The prosecution team took over once an individual had been charged. Before this stage, it was the responsibility of the Detective Inspector to liaise with witnesses. Merely attending court was a hugely important step as it was a common defence tactic to see if the prosecution were able to get their witnesses to court. This was especially common in domestic violence cases. If the defendant saw evidence that the witness had the courage to go to court, they often caved in. However, they lost the opportunity to gain the maximum discount on their sentence by pleading guilty at this stage.

The Witness Care Unit was the single point of contact for the witnesses and they coordinated all aspects of witness care. Additional support could be brought in by them, if necessary.

Mr Ebsworth stated that the service dovetailed into the services provided by the CPS. All victims should be given a copy of the code of practice for victims of crime which included a list of duties that agencies were expected to fulfil. The CPS first became aware of cases when they were required to provide charging advice. A decision was made after reviewing the evidence and considering whether the public interest would be served. A lesser test was applied if the case was so serious that the offender was in custody. The time that it took to reach a decision depended on the complexity of the case. The decision was made by the prosecutor together with the investigating officer. The decision was required to be communicated to victims/witnesses within 24 hours.

Police officers established whether a witness was vulnerable – this could be due to physical or mental health issues – or intimidated. If they were, an application could be made to the court for special measures, such as the giving of evidence through a video link and screens. The process was intended to be victim led – they had to be asked and the decision was theirs to take from a position of knowledge. People varied in how they responded to being a witness. Some people started off as being resilient but then became more nervous. Victim Support and the Witness Service offered a personalised service that was geared to providing emotional support. In cases of domestic violence, there were currently Independent Domestic Violence Advocates (IDVAs) available to assist victims and witnesses. These were funded by the Council and had been effective in providing support. In addition to providing support during the judicial process, they could provide assistance even when a decision was made to not proceed with the case. The monies to fund the scheme had come from a delay in recruiting to a post in the Safer Communities team. The scheme had currently only got short term funding.

It was noted that it was not always the case that witnesses failed to turn up at court for good reason. There were a number of costs associated with cases collapsing due to

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witnesses not giving evidence. It was difficult to quantify the overall cost but there were costs associated with court, police and CPS time.

Mr Carroll reported that the magistrates court currently had 150 magistrates that it worked with. The Courts Service was responsible for the legal advice that they were given. Magistrates came from a range of different and diverse backgrounds. The Court Service did not directly assist victims and witnesses but responded to what they were asked to do by other agencies. The Witness Service had its own office and waiting room at the magistrates court. Professionals did not always know beforehand that witnesses were vulnerable. Although they might appear willing to assist at first, they could become reluctant. The CPS could still make an application for special measures even at a comparatively late stage. However, the defence had to be given notice and could object. It was possible to put the defendants bad character to the court in certain circumstances. Exceptions to the hearsay rule could be made in domestic violence cases where the alleged victim was too frightened to give a statement. In such circumstances, the fact that the assault had been witnessed could be sufficient evidence.

Witness Care Units provided information for witnesses prior to them attending court. The Witness Service could, in theory, also provide assistance to defence witnesses but they were less likely to be made aware by the defence that such assistance was required. There were separate entrances to the court for defendants and witnesses and security within the court building. If it was not felt that this was sufficient, they could inform the Police, whose presence could act as a deterrent. This was particularly when the Youth Court was sitting and gang members were being tried.

The longest that magistrates courts cases lasted was a day. Waiting times were currently within LCJB targets and there had been no issues of people being dissatisfied with the length of time that they had been forced to wait. The situation at Crown Court was different as they often had "floaters" – cases that had not been allocated to a specific court but were instead waiting until one became free. Crown court time was hugely expensive and therefore the use of courts had to be maximised. Judge Lyons, the resident judge at Wood Green Crown Court, was keen to ensure that cases were ready and was particularly proactive in managing cases. All magistrates were trained in case management. If it was inevitable that a case would not proceed, efforts were made to ensure that witnesses were alerted so that they did not have to attend court. Weekly case management meetings were held and strenuous efforts were made to avoid ineffective trials.

Special measures were undertaken when children were required to give evidence including the provision of video links. The Court House wished to improve the CCTV in operation at the Court and their estates service was currently addressing this. However, there was no CCTV outside the court. This could help to deter trouble in the area nearby. Problems could particularly occur when the Youth Service was sitting. The local Safer Neighbourhood Team had adjusted their hours to ensure a presence when the court was sitting. There was regular liaison with the police, including risk assessment.

CCTV tapes were often encrypted which meant that it was not possible for the court to view them. Whilst CCTV could sometimes provide useful evidence, it needed to be in a format that was viewable by the Court. Fortunately, the Police had provided the

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magistrates court with a machine called Pluto that enabled which could de-code the tapes. However, not all courts had this facility.

It was noted that Victim Support received a large number of referrals that were classified as “no crime”. Mr Dickson stated that this was probably due to the initial investigating officer classifying the incident as a crime but it later being re-classified as “no crime”. It had also been noted from evidence from Victim Support that it appeared that victims were not always asked before being referred. Mr Dickson stated that front line officers needed to be educated about the need to do this and it could be included in officer development. However, the Police needed to be appraised of such issues so that they could address the matter.

Possible improvements could be made through the provision of additional funding to ensure better separation of defendants and witnesses, such as different toilets. As previously mentioned, additional CCTV around the vicinity of the Court House, that was also linked into the local authority system, would also be of help. The location of the court house was not ideal and the Court Service would like, in the long term, to relocate to a more central locations.

It was noted that there was a general presumption that trials would proceed if a defendant failed to appear without giving a good reason. If the sentence imposed was likely to be greater than a fine, a warrant could be issued for the arrest of the defendant. There was a statutory definition of vulnerability which was inclusive of physical and medical impairment. Children were automatically considered to be vulnerable witnesses.

Mr Dickson stated that any contact between the defendant and the witnesses had to be reported and could be considered to be witness intimidation, which was regarded as a serious matter by the courts. This could include merely loitering in the vicinity. 73% of cases resulted in a guilty plea. 98% of cases were dealt with in the magistrates court.

The Panel thanked Mr. Dickson, Mr Ebsworth and Mr Carroll for their assistance.

**AGREED:**

1. That further information on the future funding of the IDVA scheme be sought from the Domestic Violence Coordinator.
2. That further information be sought from the Council's Urban Environment directorate regarding the feasibility of siting CCTV cameras in the vicinity of the Magistrates Court.

**Cllr Ron Aitken  
Chair**

**MINUTES OF THE SCRUTINY REVIEW - SUPPORT FOR VICTIMS OF CRIME  
TUESDAY, 8 DECEMBER 2009**

Councillors: Aitken (Chair) and Egan

Apologies: Councillor Davies

**LC16. APOLOGIES FOR ABSENCE:**

Received from Councillor Davies.

**LC17. DECLARATIONS OF INTEREST:**

None.

**LC18. LATE ITEMS OF URGENT BUSINESS:**

None.

**LC19. SUPPORT TO VICTIMS OF CRIME - EVIDENCE FROM STAKEHOLDERS:**

The Panel welcomed six volunteers who worked locally with victims of crime. They all either worked for Victim Support or the Witness Service, who provided a service at the courts and were run by Victim Support.

They had been inspired to become volunteers for a number of reasons. In some cases, this was after they had become victims of crime themselves. They stated that liaison between the Police and victims could be improved, although matters had improved since the establishment of the Victim Focus Desk.

Victims had on occasion complained that, amongst other things, statements and crime reference numbers had not been taken. It was possible that front line officers were sometimes overwhelmed by the considerable demands that were placed on them and therefore occasionally remiss. It could also be difficult at times to get hold of relevant officers due to their shift patterns or them being out and about. Messages could be left for them but officers did not always respond.

The perception amongst some victims was that, whilst crimes were logged by the Police, there was not necessarily an interest in investigating all of them. In addition, victims occasionally felt that they were treated as if they were themselves criminals. However, it was acknowledged that the Police Service was a very large organisation with many different staff. Front line officers were different from community officers. Volunteers had a very high opinion of community officers, who were always very helpful. It was noted that a high percentage of front line officers were relatively young and inexperienced.

There could sometimes be language difficulties in dealing in communicating with victims. Victim support could arrange for interpreters but had to pay for them out of their budget. Not all interpreters were reliable but unfortunately the pool of interpreters for some languages could be very small. It was suggested that, in some instances, volunteer interpreters could be used from institutions such as the School of

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Oriental and African Studies. It was possible that, in particular, students studying law might be interested in assisting.

There were generally a good relationship between the Witness Service and the Police and, as far as was known, there had not been any complaints. The service from the Witness Care Unit (WCU) was variable. One particular issue was that the WCU did not always provide the information that Witness Service volunteers required, leaving them with little or no information on victims and witnesses that were attending the magistrates court and whether they were vulnerable or intimidated. The service received the list of witnesses to attend court (LWAC) documentation but this did not provide all the necessary details such as the charge. Sometimes the Witness Service was not informed by the Police when cases were dropped. Such occurrences could cause embarrassment and de-motivate volunteers. If the Witness Service was made aware of all the necessary information in good time, they could contact witnesses in advance. It was noted that the same problems did not exist at the Crown Court.

The WCU was responsible for ensuring that information was provided. There had been a number of meetings where concerns had been raised. Performance had improved but there was still some way to go. One particular problem was the high turnover of staff at the WCU.

When Victim Support volunteers first met with victims, they began by establishing what sort of assistance they needed and whether they required referral to other services. They also asked to hear the victim's story. Practical and emotional support could be provided but volunteers were not trained counsellors. It was felt that they needed access to taking therapies so that they could refer people onwards when appropriate. Although they only saw a comparatively small percentage of victims, many were very needy and becoming the victim of a crime could sometimes be the final straw for them. They could advise victims to go to their doctor if it was felt that they needed to be referred for counselling but there was a long waiting list for this.

Some volunteers specialised in more serious crimes such as murder, manslaughter and serious sexual offences. Dealing with cases such as this could emotionally affect volunteers. There was supervision of volunteers in order to ensure that they were coping and Victim Support was strengthening this system as part of its reorganisation. However, there was no direct access to counselling or specialist assistance.

All volunteers received comprehensive training. There were a number of younger volunteers including some law students. However, many were passing through and unlikely to stay. Sometimes younger people just got involved as they felt that it would look good on their CV. In addition, exams could get in the way of their work. There was now a contract for volunteers that required them to assist for a minimum of 18 months. The younger volunteers tended to be more ethnically diverse than the older ones. The hours that people put in varied enormously, from a few hours per month to several days per week.

There was a great level of variation in the quality of interactions between front line police officers and victims. It was recognised, however, that Police officers had difficult jobs. If victims were not happy with the way that they had been treated by the Police, they were normally advised to speak to the Citizens Advice Bureau. However, at least one victim had been given forms to lodge a complaint with the Independent Police Complaints Commission which appeared to be disproportionate.



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It would be far more preferable if issues could be resolved at an earlier stage. In particular, regular informal meetings between volunteers and the Police would assist in improving communications and highlighting any issues. Police Family Liaison officers had assisted with training of volunteers and were very effective in their role. The nature of such specialised roles tended to attract police officers who had a special interest and aptitude for such work.

Accommodation at Highgate magistrates court was felt to be inadequate. They were currently located at the foot of a stairwell, in a corridor. It was difficult to have a meaningful conversation in such surroundings. It was also cold. They used to have good accommodation at the court but the lease had run out and they were currently located adjacent to a large unoccupied office. Accommodation at Victim Support's offices in Commerce Road could also be improved as it only had two interview rooms which everyone, including staff, had to use for meetings. In addition, it was very difficult for volunteers to park near the offices. It was felt inappropriate for Victim Support to be co-located in the same premises with the Police.

It was felt that the plethora of different agencies and organisations involved in supporting victims and witnesses was a major source of confusion and did not work well. This was particularly true of domestic violence. There was no need for Independent Domestic Violence Advocates as this duplicated work already being undertaken by other organisations and added further to the confusion. Whilst they could fulfil a useful role in some areas, they lacked specific knowledge of court procedures. The similarity in the names between the WCUs and Witness Service was a particular problem. There was also overlap in the roles and, amongst others, the CPS had difficulty differentiating. However, this was less of a problem at the Crown Court.

The Panel thanked the volunteers for their kind assistance.

**Cllr Ron Aitken  
Chair**

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