

Improving the Code of Practice for Victims of Crime

Response from Brake, the road safety charity

10 May 2013

About Brake

[Brake](#) is an independent charity working UK-wide to make roads safer, prevent road death and injury, and care for crash victims. Brake is a government-funded provider of national, specialist support services for people bereaved and seriously injured in crashes, including a national helpline and support packs that are handed to bereaved families by police following every road death. Brake also provides services for professionals who work with road crash victims, including a year-round programme of seminars, providing guidance and sharing research and best practice.

Summary

There are many improvements to the Code Brake fully supports, such as: a greater focus on victims' entitlements at each stage of their contact with the CJS; improved clarity of language around entitlements for adult victims; inclusion of the right to make a Victim Personal Statement; the right to receive information about restorative justice; that bereaved road crash victims (where police investigations or court cases are ongoing) are referenced (albeit indirectly) as people with entitlement to enhanced services, including referral within two days to appropriate support services; and that all road crash victims where an investigation is ongoing have entitlements under this code.

However there remain some serious flaws in the draft Code that Brake urges the MoJ to rectify prior to publication. These relate to: structure and language; clarity of priority status for bereaved and seriously injured road crash victims; lack of entitlement to support and information for bereaved and seriously injured victims when the investigation and any criminal proceedings conclude, and lack of clarity about how these victims will be appropriately redirected to other sources of help rather than simply being 'abandoned'; and a lack of clarity about the type of support that priority victim groups are entitled to.

Brake is concerned the presentation of the Code is not as practical and accessible as it could be for traumatically bereaved or seriously injured road crash victims. Brake recommends clearer labelling of the sections, and presenting entitlements and duties alongside one another so victims and practitioners can easily cross reference between the two (given that at any point these audiences will probably find it useful to refer to both). Brake is especially concerned about jargon and other confusing language and descriptions used in various places in the Code, but especially in the children and young people's section, as explained in answer to Q19.

Brake is also very concerned that traumatically bereaved and very seriously injured road crash victims continue to be sidelined in this Code, despite all the evidence their needs are similar to those suffering other violent crimes such as homicide¹. While there is some indication that bereaved and very seriously injured road crash victims whose cases are ongoing may be included in the priority category 'victims of serious crimes', which Brake wholeheartedly welcomes, this is by no means clearly spelled out, as it is for victims of GBH or wounding. Brake recommends clarifying this within the Code so it is clear to police, other agencies and victims themselves that bereaved and very seriously injured road crash victims are

¹ [Review into the needs of families bereaved through homicide](#), Victims Commissioner, July 2011

categorised as 'victims of serious crimes' and therefore entitled to priority treatment. Brake suggests this could be rectified very easily, and is likely to make a big difference to the treatment and support of these acutely suffering victims.

Brake also believes that all bereaved or very seriously injured road crash victims where there is no ongoing criminal case should be entitled to the same level of support as those who have ongoing criminal cases. This is on the basis that all are victims of violent, man-made events, all are likely to have similarly high support needs, all will have had some contact with the CJS and a large proportion are victims of criminal activity – including some where no criminal prosecution can take place because the perpetrator has been killed. Moreover, Brake argues that it is highly inhumane to suddenly end the support provided to victims of violent, devastating events, likely to be in great need of help, on the basis that no criminal prosecution will take place. This could leave many victims in highly vulnerable positions, feeling lost and abandoned. At present the draft Code states that when an investigation or criminal proceedings end, victims are no longer eligible for support, yet these victims are likely to still be suffering acutely and with profound support needs. Brake therefore recommends that at the very least the Code should make this point clear, and include stipulation that victims who still need support at this stage, which many will, should be given help accessing other sources of support. See further information in answer to Q2.

Brake is further concerned the Code remains unclear about the type of support victims can access. It should be made clear that victims of the most serious crimes (including bereaved and seriously injured crash victims) should be referred to specialist services that can demonstrate that they meet the needs of this victim group. In short, Brake believes all victims of a death or very serious injury in a road crash should be able to expect a prompt and proactive offer of and referral to comprehensive, specialist support and information that is appropriate to their needs, and would like to see this clearly laid out in the Code.

Definition of serious injury

The category of serious injury in road crashes, as defined in police and government data, is extremely broad, encompassing those affected by permanent and life-changing serious injuries (such as brain damage and paralysis) and far less impactful injuries that victims may fully recover from. Brake is primarily focused on ensuring those affected by permanent, long-term and life-changing serious injuries in a road crash can access appropriate, comprehensive support, which it believes should be government-funded. Therefore for the purposes of this consultation response, Brake will focus on these victims, who will be referred to in this document as victims of very serious injury.

Response to questions

Q1 Do you think that the approach taken to restructure the Code is the right one?

Brake agrees it is right to rewrite the Code in a more accessible way, in terms of language and structure, so victims can clearly understand what they can expect from criminal justice agencies at all stages. Given the acute distress many victims will be experiencing, it is crucial the Code is clear, accessible, empathetic and reassuring. It should be designed so victims can very easily use it to understand their entitlements in terms of support and information, can dip in and out of it, and easily find the information they need at that time.

Brake adheres to a set of quality standards in producing its support literature for adults and children who are suddenly bereaved or seriously injured (which has been carefully developed in line with best practice and refined over many years in light of victim feedback and expert advice). These standards can be found

on Brake's website [here](#)² and Brake recommends the Code follows a similar set of principles. At present, the draft Code would need significant further improvement to meet these standards.

Brake recommends the following further improvements should be made to ensure this Code is as useful, accessible and transparent as possible to victims of serious road crashes who are likely to be experiencing extreme emotional stress or trauma:

- **Contents and section headers.** While the draft Code does, in the introduction section, direct victims to the relevant sections, it would be clearer to include more detailed direction in the contents page, particularly making clearer which section are relevant for whom and when, including flagging up who the grey boxes on each page are aimed at. This will help victims to navigate the document, many of whom will be using it while experiencing extreme trauma. For example, at present in the contents the section on trials in chapter 1 only includes one sub-heading on 'attending court as a witness'. Many bereaved road crash victims are not witnesses, but will nevertheless want to attend court, and will need support through this. This page does include information relevant to them, but this is not clear from the contents. Clear labelling is important to allow victims to find the section appropriate to their query or situation. It should not be expected that this document is something victims will read in one go, but is something they may dip into and refer to as appropriate. Brake's road crash bereavement guide, funded by the MoJ, provides an example of how segmenting and labelling can make complex guides easier for people suffering trauma to use by dipping in and out.
- **Structure.** Brake would suggest that separating out entitlements and duties into two sections, one aimed at victims and the other at providers, makes the document difficult to use because it is likely both victims and providers will need information in both of these sections and will have to flick between them. Brake recommends restructuring the Code so entitlements and duties are presented alongside each other for easier reference.
- **Language.** It is critical the entire document is written simply and concisely, in plain English, using similar standards to those Brake has developed for its support literature³, based on its wide experience of writing for severely traumatised crash victims. It should also be ensured that sections aimed at children and young people are accessible for these younger age groups. At present a lot of the wording and explanations used in the draft Code is likely to be unclear or confusing for many victims, most of whom are likely to be unfamiliar with the CJS and therefore not familiar with some of the jargon contained in the draft Code. Brake would also suggest that not only should the whole document be reviewed against strict plain English standards, but also some of the language could be reconsidered so it is more sensitive to victims' likely views and situations. For example, the Code refers to the family nominating a 'spokesperson' (a rather daunting term that implies speaking to media or in front of an audience), when it would be clearer and less daunting to refer to this person as a main point of contact for the police. (Also see response to Q19.)
- **Relevant and appropriate phrasing and terminology.** In several parts of the Code assumptions are made about the status or circumstances of victims that will not apply to all, and are therefore likely to be confusing or possibly alienating to readers of the document. For example, from page nine of the Code, it outlines entitlements from 'your Witness Care Unit', but it does not explain what this is or who it is for (except in the glossary). There are also a number of places where the Code is written as though all victims are also witnesses and that it will be them who reports the crime, which is very often not the case for bereaved victims of road crashes. For example, the flow diagram on

² See <http://www.brake.org.uk/services-for-victims/supportstandards.htm>

³ *ibid*

page seven begins with a box saying the victim of a crime reports it to the police. Bereaved crash victims may read this and think that this Code is not aimed at them, because this doesn't apply.

Q2 Do you think that the categories of persons entitled to receive enhanced services under the Code are appropriate?

Brake strongly agrees that it is appropriate to include bereaved victims of road crashes in the category of people entitled to enhanced services as these people have been shown to have acute and wide-ranging support needs, and suffer in a similar way to people bereaved by other types of violent crime such as murder and manslaughter⁴. Brake particularly welcomes the fact that this will mean these bereaved families are entitled to a referral to support within two days of the crash being reported (see below for further comment on this). However, Brake is concerned this is not clearly explained on page four when the category 'victims of the most serious crime' is first introduced and explained. In this paragraph it lists a number of offences that fall into this category, then adds any "close relative who has been bereaved by criminal conduct". Brake also points out that there appears to be a mistake on page two of the introduction, section 9, which could also lead to confusion, where it refers to 'relatives of the bereaved', which Brake assumes to mean 'relatives of the person killed' or 'bereaved relatives'.

It is only in the glossary at the end of the document that it is explicitly stated bereaved road crash victims, where someone is charged with causing that death through bad driving, are included in the group that qualifies for enhanced services. Brake strongly recommends that bereaved road crash victims are specifically named and included on page four when this concept is first introduced, so it is completely clear that this includes all bereaved road crash victims where a police investigation or court case is ongoing (as outlined on page two and three of the Code).

Brake also argues that very seriously injured victims of road crashes should be explicitly included in this category of victims of the most serious crimes, in line with the fact victims of GBH are included. Given that a new offence of causing serious injury by dangerous driving is due to be introduced shortly, Brake proposes that this offence should be named within this category. Victims of serious injury face similarly acute emotional and practical upheaval and suffering to those of GBH, since they are also victims of sudden, violent, man-made and preventable events. Indeed, many very seriously injured road crash victims are likely to experience far greater and more prolonged upheaval and suffering than some GBH victims. Some GBH victims will suffer injuries that they will make a complete (physical) recovery from, while many very seriously injured road crash victims suffer life-long or very long-term disabilities. Currently it remains unclear if very seriously injured victims are intended to be included under the catch-all term 'violent crimes', as the Code only goes on to list two 'examples' including wounding and GBH. This will lead to confusion by police conducting needs assessments and other agencies, and confusion on the part of victims referring to the Code, and mean some of the most vulnerable and seriously affected victims of crime are left in a position where they have to argue to be included in the priority category or are denied the support they need. Brake believes it is extremely important that appropriate support is proactively offered to acutely-suffering road crash victims, not something they should have to seek out or, worse, fight for.

Brake also suggests removing reference to the National Crime Recording Standard in the Code, which is used to explain criminal conduct, and therefore who the Code applies to. This is because this standard

⁴ Psychological suffering by the victims [of road crashes] and their relatives is often extreme and long-lasting." *Impact of road death and injury*, FEVR (the European Federation of Road Traffic Victims), (1995) and [Review into the needs of families bereaved through homicide](#), Victims Commissioner, July 2011

excludes the recording of many driving offences and could therefore lead to police wrongly excluding some bereaved or very seriously injured victims of road crashes from entitlement under the Code.

Brake additionally argues that enhanced victims' entitlements to support set out in the revised Code, as well as a right to specialist support explained above, should apply to all those who fall victim to road death or very serious injury, even if there is no ongoing criminal case. This is because:

- All bereaved road death victims suffer appallingly as a result of the sudden, violent, man-made nature of the death, and in a similar way to homicide victims⁵. Research shows their suffering is profound and long-lasting⁶, and is often exacerbated by practical difficulties and complex procedural issues, including through contact with the CJS. Particularly without appropriate support, these victims may develop long-term or permanent psychological and health conditions and social difficulties⁷. All very seriously injured victims suffer terribly as a result of the physical violence of their injuries and the upheaval this causes to their lives.
- All bereaved and most very seriously injured crash victims come into contact with the CJS, albeit to varying extent, because all cases of road death and most cases of very serious injury are followed by police investigation and FLO deployment. There is inevitably much variation in the duration of this contact before it is determined by whether or not a prosecution takes place.
- In many cases of road death the death will have resulted from criminal activity, yet this will never officially be recorded as a crime, nor will a prosecution take place, due to the person who has committed the crime being killed or very seriously injured (and being the sole victim). This makes it impossible to distinguish exactly how many fatal and very serious injury crash victims are victims of illegal behaviour. In the draft Code it is unclear how or when police will decide if a person is a victim of criminal conduct and therefore if they will receive a police assessment of their support needs. Brake argues that in these cases it is fair to assume a crime has occurred, since if someone has died or been very seriously injured as a result of their driving, it is likely this driving would be considered 'dangerous' or 'careless' in the eyes of the law.
- In some cases, where no criminal activity has occurred, it remains the case that the family will suffer terribly, as a result of man-made, preventable circumstances, and a failure by government. For example, if a child is mown down and killed outside their house in a 30mph limit by someone driving at 29mph, Brake believes the family should receive government funded support on the basis that the road should have been safer, such as with a 20mph limit and better driver education.
- A large proportion of the extra funding the MoJ plans to invest in victim support (£30million a year) will be generated by those who break laws and pose a danger on roads. In line with the principles of restorative justice outlined in the MoJ's proposals, it would be highly appropriate to use a significant proportion of this funding to ease the suffering of those grievously affected by road crashes.
- Requiring providers of support to crash victims to apply for part-funding from the MoJ and part-funding from elsewhere creates an additional administrative burden for these organisations.

⁵ [Review into the needs of families bereaved through homicide](#), Victims Commissioner, July 2011

⁶ "Psychological suffering by the victims [of road crashes] and their relatives is often extreme and long-lasting." *Impact of road death and injury*, FEVR (the European Federation of Road Traffic Victims), (1995)

⁷ For example, see A Rationale for Creating Standardized Diagnostic Criteria for Prolonged Grief Disorder, University of Memphis, Laurie Burke and Micro-sociological analysis of social support following traumatic bereavement: unhelpful and avoidant responses from the community, Kari Dyregrov, Centre for Crisis Psychology, Bergen

In short, a range of factors make it difficult to distinguish which road crash victims and victims of crime and which are not, and attempting to make this distinction presents a barrier to support providers providing a consistent, high-quality service to all road crash victims who need it.

Moreover, the MoJ's stipulation in the Code that road crash victims are only entitled to support while the police investigation or criminal proceedings are ongoing could create an unacceptable situation in which deeply suffering victims in great need of support are suddenly abandoned or told they can't get help due to no longer being eligible, greatly exacerbating their pain and vulnerability. Brake urges the MoJ to at least make clear within the Code that agencies working with victims should ensure they are transparent about the possible limitations of support (such as if it may come to an end when the investigation or case closes) and go to every effort to assist victims in accessing alternative ongoing support as appropriate.

Brake would point out that as a matter of principle, Brake's helpline will not suddenly stop supporting a road crash victim who still needs help at the point when criminal investigations/proceedings finish, as this would go against our fundamental aim as a charity to ease the suffering of road crash victims. Therefore at present, Brake has to supplement the MoJ funding we receive for the helpline with sponsorship from private sponsors. The entitlements set out in the Code are likely to place significantly greater demand on Brake's helpline on the basis that Brake would expect more police to refer to its helpline automatically. Brake strongly welcomes this, as we want all road crash victims to be able to access the help we offer. But we also point out that the Code will increase strain on Brake's helpline both in relation to victims where the investigation/criminal case is still ongoing and in relation to victims whose case has ended, on the basis that many victims will be referred while the investigation is still taking place, but will continue to need and seek support afterwards. In short, this means the Code is likely to create an increase in demand across Brake's helpline services, which will only in part be eligible for MoJ funding.

Q3 Do you think that the duties imposed on the criminal justice agencies in the revised Code are the right ones? Please provide comments.

Brake broadly agrees with most of the duties imposed on the criminal justice agencies in the revised Code. Brake particularly welcomes the requirement for victims of very serious crimes to be referred to appropriate support within two days (unless they opt out), with the assumption that this category includes people who are bereaved and very seriously injured in road crashes. However, Brake has some concerns around lack of clarity in the Code about some aspects of the duties, including support referrals.

As above, Brake is deeply concerned that currently there is a partial lack of clarity on whether bereaved road crash victims are included in the priority category 'victims of the most serious crimes', and a complete lack of clarity over whether seriously injured crash victims are included. This could lead to police inappropriately downgrading these victims in terms of their duties to them, and failing to make automatic support referrals, despite their very high support needs. Brake argues all bereaved and very seriously injured victims of road crashes should be automatically referred to specialist support, rather than having to request it, to ensure no victims 'fall down the gaps' of support. Brake knows from its long-running experience of providing support to road crash victims that a proactive offer of and referral to specialist support is in itself of enormous value to victims as well as being crucial in ensuring that the right sort of support is available and accessible to all victims who need it. As is often fed back to Brake by bereaved and injured victims, the gravitas of their situation often means they have a feeling of being lost and bewildered, and not knowing which way to turn. It is therefore especially difficult for victims in these situations to *seek out* support, and make sure that they (and their family) get the right help for them.

Therefore it is vital that victims of bereavement and very serious injuries from a road crash are clearly and specifically named as entitled to priority support within the category 'victims of the most serious crimes'.

Brake is also concerned that it is confusing to refer to the task of police categorising victims (i.e. to decide whether they are victims of very serious crimes, and therefore eligible for automatic referrals) as needs assessments, as is presently the case in some places in the draft Code. Needs assessments are highly specialised and important exercises carried out by support providers to determine the support needs of each individual and provide support tailored to these needs. The exercise to be carried out by police as described in the Code is not an assessment of need, but an assessment of the severity of crime the victim has been subject to, in order to determine what their entitlements are under the Code. Brake recommends this terminology is changed to aid clarity around the police's role in determining the status of victims and referring them to support.

Brake also recommends improving clarity around the importance of police referring victims of very serious crimes onto specialist and high-quality support services, the providers of which can demonstrate they are able to meet the range of needs of that victim group. At present, the Code places a duty on police to refer to 'appropriate' support, which is ambiguous. Brake knows from its experience supporting road crash victims that specialist support, professionally developed and provided, which is able to carefully assess need and meet the varying needs of different individuals at different points in time, is of vital importance in helping victims through a range of severe emotional reactions and practical and procedural issues.

Brake is also keen to learn more about referral practices to support services, which is not explained in the Code or consultation document. Brake would like further assurance that this process will meet appropriately high standards so it is smooth and efficient and ensures victims' are effectively referred onto specialist and high-quality services. As well as requiring in the Code that police refer to specialist services that can demonstrate how they meet that victim group's needs, Brake would also suggest it is stipulated that police explain the nature of that support service to victims at the earliest opportunity, to help victims understand how the service may be able to help them. This is clearly very important in victims' decision whether to accept or opt out of support, and therefore how many go on to access support.

Brake has worked for many years to develop relationships with every police force and to provide free input training to ensure our packs for bereaved families are being handed out appropriately and promptly following every road death, and FLOs are able to refer families to relevant contents to the packs and direct people to our helpline effectively. This close working with police, to help police provide accurate information about our support services to victims, is vital in victims being effectively referred to the support we provide.

Brake also has some concerns that much communication with victim families, outlined as duties in this section, is expected to be done by letter. This could be inappropriate, inconvenient, or even distressing for families, who may benefit from hearing news about their case in person (at least in the first instance, with follow-up information provided by letter) so it can be relayed sensitively and the opportunity is given to ask further questions. An example of this is when the CPS decides to substantially alter charges.

It is also vital that all duties have a timeframe attached. Although many duties in the Code do have a timeframe for action associated with them, there is no timeframe given for bereaved relatives to be offered a meeting with the CPS in relation to an appeal. Brake recommends a short timeframe is included in the Code as learning of an appeal can be extremely distressing for families.

Q4(a) Do you think that the Police and Crime Commissioners should be included in the revised Code? Please give reasons.

(b) If so, what duties should they fulfil and at which stages of the criminal justice process should Police and Crime Commissioners be included?

Brake believes it is right for PCC duties to be outlined in the code, as well as how to complain or provide feedback to them. PCCs are set to be given important responsibilities for commissioning local services to support victims; therefore they have a duty to also monitor the provision of this support to ensure there are no gaps in support and it is of good quality, and be available for victims to communicate any problems they have with the support made available to them. Brake agrees PCCs could also be involved in monitoring and oversight of the duties under the Code carried out by local police.

Q5 Do you agree that the Victim Personal Statement should be included within a revised Victims' Code?

Brake strongly supports the inclusion of Victim Personal Statements (VPS) within the Code. Inclusion in the Code will help to ensure victims are aware of and understand the use of VPS. Brake believes it is vital all victims are proactively made aware of this opportunity to complete a VPS, and supported in doing so if needed, as it is a critical opportunity for victims to be heard in the justice process. Being able to express the impact a crime has had on the victim and wider family, and having this considered by the court, can be extremely important to victims and enable them to feel included in the process and their voice heard. Brake would further recommend that the Code should also include an entitlement for the VPS to be read out in court if the victim wishes it to be.

Brake recommends that the Code should reference the CJS booklet 'Making a Victim Personal Statement', and add the duty on providers that this is provided to all victims, as it is Brake's experience that having information in writing to refer to can be helpful to victims who have suffered trauma and may be experiencing difficulty taking in and remembering information.

Brake also suggests that the entitlements section of the Code should clearly state who is taking the VPS, and what victims should do if they wish to amend it at a later date. Brake has some concerns about MoJ passing responsibility for taking a VPS from police to other agencies, as suggested as a possibility in the accompanying consultation document to the Code. The VPS is the main opportunity for victims to be heard in the criminal justice process, so it is crucial victims are given appropriate support to help them do this. Composing a VPS can be incredibly difficult for more seriously affected victims so it is vital help to write a VPS is carried out face-to-face by someone trained in how to support victims, so they can encourage them, without telling them what to say. Brake argues it is vital that anyone supporting a victim to make a VPS should also be well trained in both the ways of the court and empathetic communication with victims, so they can clearly explain the purpose of a VPS and assist victims to include appropriate information in a supportive manner. While it may not have to be the police who take the VPS, it is vital that whoever takes on this role is appropriately trained and funded, so the standard of support given to victims in writing a VPS is not diminished.

Q6 Do you think that police forces should be encouraged to expand their use of Community Impact Statements?

Yes. In Brake's experience serious road crashes can impact whole communities, much the same way as homicides do, and particularly when they occur in close knit communities and involve the deaths or serious injuries of young people or children. Brake believes community impact statements may be a useful tool to highlight the impact serious crashes can have on a community, to inform future approaches to support, and

also help to identify wider community concerns over road safety, to help prevent similar crashes happening again. For example, it could help to expose problems with drivers speeding through the village, which could be addressed through improved enforcement, or a hazardous junction, which could be improved.

Q7 (a) Do you think community impact statements provide an effective way of capturing the problems confronting communities?

(b) If so, how might the wider roll out of the Community Impact Statement be encouraged?

(c) If not, how might community impact statements be improved?

Brake does not feel able to comment further on this at this stage beyond the points made under Q6.

Q8 Do you agree that all businesses should be entitled to make an impact statement to explain how a crime has affected them?

NA

Q9 Do you think businesses will benefit from this scheme?

NA

Q10 Do you think that this statement should be extended to other organisations, such as charities?

NA

Q11 Do you agree that RJ should be included in the Victims' Code where the offender is over 18 years of age?

Yes. Brake agrees that victims should be able to participate in restorative justice should they wish to, where this opportunity is available. Victims, especially those who are grievously suffering, need to be informed of the opportunities available to them to participate in the justice process, and provided guidance according to their needs, so they can make informed and supported choices about whether and how they wish to do this. It is also vital that families who choose to accept restorative justice are given appropriate support to help them do this in a way that is constructive for them.

Q12 Do you think that the section on RJ in the revised Code will help to support wider work to improve victim awareness of RJ?

NA

Q13 (a) How much do you think RJ uptake will increase as a result of the reforms to the Code?

(b) Which specific types of RJ intervention do you think will increase?

NA

Q14 Do you think that the complaints system in the revised Code will deliver a better service for victims? Please give reasons.

Brake welcomes that complaints made to the wrong agency will be forwarded on appropriately, but remains deeply concerned that the feedback procedure in the Code remains unclear. Brake has in the past received comments from road crash victims who are deeply dissatisfied and distressed about their difficulty in making a complaint about CJS procedures and receiving a timely response. It is generally extremely important to victims that they can make their voice heard if they feel aggrieved about CJS procedures, and know that their grievance has been considered and where appropriate acted upon. Ensuring the Code is clear about the complaints (and wider feedback) process and what victims can expect is therefore of great importance.

At present, a section at the end of the draft Code refers to making complaints, primarily suggesting that witnesses complain to the agency concerned in the first instance, which may be worrying or unhelpful for victims who are already finding this relationship difficult. It does not provide details of how to complain to different agencies, or encourage feedback of other types.

Brake recommends that a simple complaint and feedback process is clearly outlined in the Code, in a way that encourages feedback and enables victims to submit comments in a variety of forms, alongside reassurance on how quickly they can expect a response. It is crucial that those providing feedback are also given an understanding of what happens with their feedback and what they can expect next, for example, that it will be passed on to the agency in question with a requirement that they review all feedback, and respond within 30 days. CJS professionals who are in direct contact with victims and who deal with complaints and comments should be trained in valuing and encouraging feedback as part of a continuous improvement process, and appropriate ways to encourage feedback provision.

It also should be recognised in the Code that witnesses may not wish to make a formal 'complaint'; they may simply wish to receive help to overcome a particular problem, such as obtaining information from police that is not forthcoming. Brake frequently supports victims who are experiencing problems like this, offering advocacy services to help them overcome such issues. Many victims will be concerned with overcoming problems and difficulties with their case in the here and now (such as obtaining information or appealing against a decision not to prosecute) rather than providing retrospective feedback, and reports of this sort should equally be dealt with promptly and effectively.

It should also be recognised that victims and witnesses may wish to provide various types of feedback, positive and negative, in relation to their contact with CJS agencies, that they may not consider a formal 'complaint'. It is important for CJS agencies to encourage and welcome this full spectrum of feedback for improvement and development of services. At the same time, the process with which this feedback will be dealt with should be made absolutely clear to victims and witnesses, including that negative feedback or complaints will be taken seriously and appropriate action taken, and the timeframes for victims and witnesses to receive a response or acknowledgement. Monitoring systems and controls should be put in place to ensure CJS agencies are adhering to the expected standards in dealing with and responding to feedback as stated.

Q15 How do you think compliance and performance by agencies and organisations under the Code can be best monitored? And by whom? Should this be locally or nationally driven?

Q16 In addition to the improvements outlined in the Code, what reforms do you think are needed to improve means of redress for victims?

Q17 Do you agree that there should be a dedicated section for children and young people in the Code?

Children and young people are particularly vulnerable and require higher standards of communication and support so it is right there should be a dedicated section for children and young people and additional duties on service providers. Brake would reiterate its comments from Q1 that both entitlements and duties should be alongside each other in one section, so all information relevant to child and young victims is in one place and easily accessible. As outlined in Q1, it is also vital that the language and presentation of information is clear, simple and accessible for the audience in question; see Q19 for further comment.

Q18 Do you agree that the duties on the criminal justice agencies with regards to children and young people are correct? Please give reasons.

Please see answer to Q3.

Q19 Do you consider that this section is appropriately user-friendly for children and young people?

Brake is concerned the section aimed at informing children and young people of their entitlements is not written in a way they will be able to easily understand. This is especially the case for younger children and those who have suffered very serious trauma.

The children's section of the code contains a lot of jargon that is likely to be extremely confusing for children (and which may not be understood by many adults as well), such as the terms 'in the public interest', 'remanded in custody', 'suspect to be formally disposed of' and 'police bail'. It is critical throughout this document that plain English is used to make the Code accessible and transparent to victims, but this is especially vital in a section relating to children's entitlements, which may be read directly by or relayed to minors.

Brake notes that the MoJ proposes to write an additional 'EasyRead' version using simple language and visual aids targeted at children, young people and the parents of young children. Brake recommends this approach should be used in the Code itself, rather than creating a shadow version in a different format, which in itself could create confusion.

Brake is experienced at writing support literature for suddenly bereaved children and we take great care to ensure it is simple, straightforward and very easy to read⁸. Brake recommends the Code for children and young people adheres to similar principles and standards.

Q20 How can we ensure that the Code is communicated effectively?

Brake would urge the MoJ to ensure the Code is accessible to victims through a variety of channels, considering how victims might wish to seek out the information themselves, and appropriate times when they could and should be made aware of it proactively by agencies working with them.

The Code must be easy to find online, and CJS agencies and support agencies working with victims should be encouraged to reference it. Ensuring the Code itself is clear, relevant, well-presented and accessible (following our recommendations above), and therefore a useful tool for victims, will encourage agencies and support providers to refer to it and use it.

Q21 Do you think we have correctly identified the range and extent of the effects of these proposals on those with protected characteristics under the Equality Act 2010?

NA

Q22 If not, are you aware of any evidence that we have not considered as part of our equality analysis? Please supply the evidence. What is the effect of this evidence on our proposals?

NA

⁸ See www.amyandtom.org

Q23 Do you have any comments in relation to our impact assessment?

NA

Q24 Could you provide any evidence or sources of information that will help us to understand and assess those impacts further?

NA

Q25 How long does it take to record a VPS from a victim of crime?

This can vary widely from half an hour to many hours. As stated above, it is important victims are supported in this process, including being given time and space to consider and not being rushed.

Q26 What is the additional burden on civil society organisations if they are contracted to take the VPS on behalf of the police?

See answer to Q5. If any civil society organisation is contracted to take the VPS on behalf of the police, it is vital they are appropriately trained in the ways of the court as well as in empathetic liaison with victims, and that high standards of service and support are maintained.

Brake has not answered the remaining questions due to limited relevance to Brake's area of expertise.

For any queries on this consultation response, please contact Ellen Booth on 01484 550067 / ebooth@brake.org.uk.

For more information on Brake's support services for bereaved and seriously injured road crash victims, and professionals working with them, see www.brake.org.uk/support.