



Attorney General's Office

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ACPO FAMILY LIAISON CONFERENCE

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**Attorney General's Office
20 Victoria Street, London SW1H 0NF**

Good morning ladies and gentlemen, and thank you Commander Foy for that kind introduction. I am very pleased to be here today, and only sorry that I can't stay longer. I am here, however, to adequately express how much in Government we appreciate the difficult and sensitive work that you do, and how vitally important it is. You are the core element in our work to improve the criminal justice experience of the families of homicide victims which until a few years ago, was not well managed, indeed it was hardly managed at all. Because they were not players in the trial, they were irrelevant to the prosecution, to the defence and to the judge. How remote the criminal justice system was then from the real work in which crime causes its victims injury

and pain and that should be the pass card into the centre of our concern, despite their lack of a role in the technical process.

Of course, nothing we can do will reduce the anguish felt by people who have lost a loved one in this terrible way. But with your help we can ensure that their pain is not made worse allowing them to feel ignored or at best sidelined by a court process which is hard to understand without an interpreter. Undoubtedly, I dare say that as we in Government have seen the need for change, youth have been the main agents for change.

We in the Attorney General's Department superintend the Crown Prosecution Service and so I know best the role the Family Liaison Officers play,

a key role in the CPS Victim Focus scheme, which was introduced throughout England and Wales on 1st October last year for homicide and fatal road traffic cases. Launching the scheme, the Attorney General said: “This represents a huge breakthrough in how we, the prosecutors, can work with victims’ families.

As you know, in cases which fall within Victim Focus, the FLO acts as the contact point which makes the system flow and the prosecutor rightly does not approach the family direct. The CPS recognises that the FLO will have established a rapport with the bereaved family and created a relationship of mutual trust and that families may look to the FLO for advice on whether to attend a meeting with the prosecutor, and what they might

get out of it. Likewise, while the CPS welcomes contact with the bereaved family, it will also look to the FLO to advise on whether such a meeting should take place. There may be good reasons why one should not be held, for example, where some family members may blame the authorities in some way or are unco-operative. This situation is very difficult for you too. And as a general rule, if the bereaved family have indicated that they do not wish the services of the FLO, there will not be a meeting with the prosecutor.

One expects though that many families will in the near future be advised of the nature of the charge and how a decision is made and how the court process will unfold and to have an opportunity to make a victim personal statement. A better

understanding of what is going on from a central player in the process and an opportunity to talk about the victim, again to a central figure, in the way the State deals with a death causing crime and to tell how the loss has affected them can be somewhat restorative for the relatives of homicide victims, and I would ask all Family Liaison Officers to encourage bereaved families to take up the offer of a meeting with the CPS prosecutor.

Nick Hawkins, as Chief Crown Prosecutor has read some of the statements out in court. He agrees the told us that “Being able to ensure that members of a family are not left as outsiders in the courtroom cannot be underestimated. I believe that this way of working goes some way to help them cope with the tragedy that has befallen them.”

The FLOs in Merseyside, Northumbria and South Wales will know that the CPS is currently piloting meetings with bereaved families when there is an acquittal in Victim Focus cases or a conviction on a lesser charge – for example from murder to manslaughter and which can often be seen as an acquittal or some way of downgrading their loss - the prosecutor will offer to meet the bereaved family to explain, as far as is possible, the court decision.

Meetings take place at least three weeks after the verdict to give the bereaved family the opportunity to reflect on the proceedings and formulate any questions which they may wish to ask. Once again, contact that is making the practice flow is made via the FLO. The pilots will be evaluated later this year

and we will consider, no doubt in the case of the FLO, whether to roll-out further the system as it is or perhaps in an adapted way.

I would also like to mention the Victim Advocate Pilots which were held in five Crown Court centres from April 2006 to April 2008 – the Old Bailey, Birmingham, Cardiff, Manchester and Winchester – a broader range of support than that offered by the CPS was available here. I want to thank you for your work on these. The pilots have now concluded and have been evaluated, although a few eligible cases are still going on. Obviously, the positive feedback received from bereaved families from the Victim Advocate Scheme about contact with the CPS was a decisive factor in the decision just to get on and roll-out the CPS Victim Focus Scheme

nationally from October last year. I am very glad that the close liaison between the FLOs and the CPS contributed to the success of the Victim Advocate pilots.

One outstanding issue is that the Government is currently considering how to ensure that the small number of relatives who took up the offer of access to legal advice for personal matters arising out of the death (such as advice on probate, child custody, or welfare advice) - for which we made provision in the Victims Advocates Pilots - are given appropriate support and access to solicitors and we hope to be able to give you further advice on this soon.

Government colleagues responsible for working with Victim Support have also raised concerns that

in all areas there is not always a clear understanding amongst all FLOs of the role Victim Support can play in assessing the wider needs and providing support for bereaved relatives. So let me encourage you to consider offering relatives timely referral to Victim Support and I know that following the national roll out of their Victim Support Plus operating model they will be seeking to raise greater local awareness and build stronger partnerships with the police.

I would also encourage FLOs – and indeed all police investigating officers – to ensure that victims of crime and bereaved families have the opportunity to make a victim personal statement, or VPS, setting out the impact the crime has had on them. Prosecutors will ensure that a VPS is placed before

the court before the offender is sentenced. You will know better than we can how much difference it can make to a victim, or a victim's family, to feel that their voice has been heard, and that the court has been able to take account of their feelings and the impact a crime has had on them.

This is all part of the greater focus on victims and witnesses which has been a major part of recent criminal justice policy. Even looking just at the past couple of years, we have brought in some very significant changes, among them our commitment in October 2005 to the Prosecutors' Pledge, which states that the prosecutor will:

- Take into account the impact on the victim or their family when making a Charging decision
- Inform the victim where the charge is withdrawn, discontinued or substantially altered.
- When practical seek a victim's view or that of the family when considering the acceptability of a plea.
- Address the specific needs of a victim and where justified seek to protect their identity by making an appropriate application to the court. I should

mention the case of Davis which has already been mentioned in the House of Lords. Lord Phillips said that there is little authority to justify the amount of anonymity that is currently being made available in the criminal justice system. We will have to legislate quickly to deal with this because there are cases in which anonymous witnesses are currently testifying. There is some probability that the model used will be the New Zealand model and it will probably have to be done retrospectively so as to ensure that there aren't unnecessary appeals. However, it is extremely important that there should be a balance in the use of anonymous witnesses and this is an opportunity for us to look at the issue again.

- Assist victims at court to refresh their memory from their written or video statement and answer their questions on court procedure and processes.
- Promote and encourage two-way communication between victim and prosecutor at court.
- Protect victims from unwarranted or irrelevant attacks on their character and may seek the court's intervention where cross-examination is considered to be inappropriate or oppressive.
- On conviction, robustly challenge defence mitigation which is derogatory to a victim's character.
- On conviction, apply for appropriate order for compensation, restitution or future protection of the victim; and

- Keep victims informed of the progress of any appeal, and explain the effect of the court's judgment.

In April 2006, we introduced the Code of Practice for Victims of Crime, which for the first time gives victims a statutory right to a high level of service from criminal justice agencies. The Code entitles victims to tailored support and regular information about the progress of their case. Victims also have a right of complaint to the Parliamentary Ombudsman if their rights are not met.

Following the success of the £1m Victim Care Unit pilots, Victim Support received an additional £5.6m grant this year to roll out an enhanced services business model. This will expand and improve the services to victims – it will make them faster, more

consistent and practical, and more tailored to victims' needs.

Some needs are for specialist help and support.

With regard to victims of Domestic Violence and Rape our current strategy is to provide improved support by other mechanisms. We have invested £3 million pounds in independent domestic violence advisors, to befriend the complainers and to network into all public services and can provide support and information from offence to attending court and even afterwards. We are currently piloting independent sexual violence advisors to provide these victims with specific tailored support in sex crimes. There is a difficult issue around the lower conviction rates in rape trials.

Looking to the future, as you will know, we are committed to a series of Public Service Agreements, including, under PSA 24, a commitment to increase the proportion of victims and witnesses who are satisfied with the way they are treated by the criminal justice system. I know that ACPO and the others in the criminal justice system are working closely together to ensure that we deliver on this commitment, and I am certain that you will all play your part in this, and continue to give the excellent service and support that you do to the families of those who have died in tragic circumstances.

Having moved from the situation I outlined at the start where victims could feel really victimised by the neglect of the criminal justice system to having

as one of the Government's main targets – there are few PSAs and they are centre stage – shows how far our real understanding of the needs of victims has come and how clearer we now see that the criminal justice system will not work without the confidence of the people who unwillingly are brought into it as victims. We have come a long way. But the PSA is a major commitment which is still to be achieved.

Let me end where I started. We in Government are immensely grateful for the sensitive job you do and we say to you please keep up the good work.