

Victims' Rights Bill

A BILL

To

Make provision for a statutory framework for victims of crime, to provide for the training of Criminal Justice Staff on the impact of crime on victims and for related purposes.

Be it enacted by the Queen's most Excellent Majesty, by and with advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: -

Clause 1. Victim's Rights

(1) The Secretary of State shall have a responsibility to publish a Victims' Bill of Rights in respect of victims of serious crime and its consequences in both the criminal and civil courts.

Clause 2. Victims Framework

The Secretary of State shall by regulations within one year of this Act coming into force -

- (a) Issue policy guidelines to ensure that crimes reported by victims are properly investigated by the Police.
- (b) Ensure that victims have the right if requested to:
 - 1) Accurate and timely information from all relevant agencies.
 - 2) Notice of all court and legal proceedings, including all decisions and discussions involving all Criminal Justice agencies relating to the victims perpetrator including any prison sentence, changes to perpetrators circumstances or whilst on parole or in custody and to include crimes committed abroad when the victim is a British national
 - 3) Access to interpretation and translation services
 - 4) Direct contact details of all criminal justice agencies and individuals involved in the proceedings
- c) Each Police area shall provide effective and safe ways to report a crime. This will be assessed annually by the Victims Regulatory Body.
- d) There shall be a duty on each Police and Crime Commissioner to deliver properly funded victim services

Clause 3. Right to Advice

- 1) To ensure that all victims have the right to ask for a review of a Police or CPS decision in the event of the case being dropped by the Police or discontinued by the Prosecution.
- 2) To ensure that all relevant victims have the right to review an acquittal if new evidence comes to light or can be shown that relevant evidence was not presented to the court.

Clause 4. Fair Treatment

- 1) To ensure that all victims involved in proceedings are not subjected to unnecessary delay by any other party.
- 2) To ensure that victims are treated with dignity & respect & not subjected to any discriminatory behavior throughout the criminal justice process.
- 3) To ensure that children and vulnerable adults should be able to give their evidence from a location away from court.
- 4) To ensure that the safety and protection of the victims is paramount including a presumption that they remain domiciled at the family home and conversely that the offender should be considered for relocation or electronic tagging or both in order to minimize further stress and fear to the victim.
- 5) To ensure that victims and people supporting the victim have access to discreet waiting areas during all court proceedings.
- 6) To ensure that all victims have the right to access appropriate treatment or support services for as long as necessary.
- 7) To ensure that a victim shall have the right to have an allegation of a crime both recorded and investigated.
- 8) It shall be a statutory duty for a Judge to hold a Ground Rules Hearing in a Crown Court if a victim or witness is deemed either to be a young person or a vulnerable adult.

Clause 5. Representation

- 1) To ensure all victims have the right to a case companion who is properly trained to communicate on victims behalf to all agencies and ensure victim is updated and aware of case progress and impact of any legal or court decisions relating to their case.
- 2) To ensure that young witnesses have access to a Registered Intermediary - a trained communications expert - to help them understand what is happening with the police and court whenever necessary.
- 3) To ensure the victim has a right to be a represented party at Mental Health Tribunals and to be allowed to submit personal victim statements.
- 4) Ensure that a victim's view of a crime where they are the victim is heard in any relevant Criminal or Civil proceedings.

Clause 6. Parental Rights

- 1) To give the judiciary the power to suspend the parental responsibility of a parent or main carer who has been convicted of a serious violent offence against relevant victim until such time as that person can prove to the court that they are a fit parent.

Clause 7. Vexatious Claims against Victims

- 1) To give the judiciary in family & civil proceedings the power to disallow vexatious claims which can be shown to be an abuse of process and in addition for the victim not to incur personal costs defending vexatious claims.
- 2) If an individual is proved to have made more than one vexatious claim against the same victim, that victim shall have the right to make an application to a judge to disallow any further vexatious claims from that individual in the future.

Clause 8. Disclosure

- 1) To ensure that the personal data of any victim should not be disclosed by any court or public authority, if that disclosure would put the victim at risk of harm by the alleged perpetrator or any other person.
- 2) To ensure that victims have a right to access transcripts of any related legal proceedings at no personal cost.
- 3) To ensure that the victim has access prior to proceedings to any electronic footage or evidence which may cause alarm or distress to the victim.
- 4) To ensure that all crimes committed against the victim by the perpetrator are disclosed at trial.
- 5) All victims should have the right to attend a pre-court hearing to determine the nature of their cross-examination.
- 6) There shall be a duty upon all personnel working with children or vulnerable adults to report concerns or allegations of abuse to relevant agencies including Local Authority and Police who have a responsibility to investigate the complaints.

Clause 8. Compensation & Costs

- 1) Ensure that victims of crime have the right to access compensation.
- 2) To ensure that victims have the right to restitution of property and reimbursement of personal belongings seized for evidence
- 3) To ensure that the victim has access to state compensation and the right to refuse to consent to any compensation order in respect of relevant perpetrator.
- 4) To ensure that funds are made accessible to meet the costs incurred by victims or members of their family when crime against them are committed overseas.
- 5) To ensure victims have a right to reimbursement of all expenses incurred in attending court or any related legal process that they are party to.
- 6) To ensure victims have a right to access legal aid throughout legal process.

Clause 9. Regulation

The secretary of State shall establish a professional regulatory body who shall have the power to accredit any victim support/ treatment service to ensure that these organisations adhere to its codes and ethics. It shall also have the power to:

- 1) Ensure sure that all victims' rights contained in Clause 2 – 8 above shall be upheld and enforced.
- 2) Investigate any complaints from the victim or a member of the public that a right contained in Clause 2 – 8 above has been violated or breached. The investigation should be completed within 28 days of the complaint being received and the decision presented to the victim.
- 3) Issue fines if a complaint is upheld and the relevant agency or individual has not responded within 28 days.
- 4) Issue fine if an agency or individual is found to have breached the victims' rights following an investigation and the agency at fault will then be liable to pay compensation to that victim or to a victim's fund.
- 5) The Regulatory body shall have a duty to draft and publish quality standards for the provision of victim's services.
- 6) The Regulatory body shall make provision for national standards for periodic reviews of homicide cases where either no one was brought to justice or there was an acquittal

Clause 10 .Training

1) The secretary of state shall ensure that all judges and lawyers taking sexual violence cases , including domestic violence, child sexual abuse, rape and stalking should undertake mandatory specialist training

2) The secretary of state shall ,publish and implement a strategy to provide training on the impact of crime on victims and their rights in

- I. Police Services
- II. The Crown Prosecution Service
- III. Victim support services
- IV. Probation services
- V. Foreign Office
- VI. Health services
- VII. Social services
- VIII. Schools and Colleges
- IX. Such other bodies as the Secretary of State considers appropriate

3) The Secretary of State shall publish an agreed timetable for the delivery and completion of such training.

4) All training to all agencies listed above shall include modules which address stereotypical views of victims

Clause 11. School Education

- (1) It shall be the duty of the Secretary of State for Education to ensure that victim awareness programmers are developed for persons under the age of 18 in schools

Clause 12. Annual Report

(1) It shall the duty of the Secretary of State to lay before parliament an annual report on the effect of the clauses contained within the Act on victims of serious crime at the end of each financial year.

(2) The Secretary of State must lay a copy of the annual report before each House of Parliament.

Clause 13. Extent

(1) This Act extends to England, Wales and Northern Ireland.

(2) The provisions of this Act shall also extend to the Isle of Man and any of the Channel Islands.

Clause 14. Commencement

This Act shall come into force on such a day as the Secretary of State may by statutory instrument appoint and different days may be appointed for different provisions or for different purposes

Clause 15. Short title

This Act may be cited as the Victims' Rights Act 2015.