

**Association of Chief Police Officers of England,
Wales and Northern Ireland**

ACPO – VICTIM SUPPORT Victim Referral Agreement

Status: **Victim referral agreement, the agreement on which local protocols should be based for referrals to Victim Support.**

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ACPO – VICTIM SUPPORT Victim Referral Agreement

The basis for this agreement is Home Office Circular 44/2001.

The Police Service is committed to ensuring that victims of crime receive improved treatment from our staff and to this end we have set up agreements to ensure data sharing with our partners in the Criminal Justice System is timely and efficient.

ACPO recognises the importance of passing victim information to Victim Support to allow them to carry out their work of supporting victims both through the criminal justice system and for those whose cases do not reach the courts. For most victims, police referral is the first time they have heard of the range of services offered by Victim Support and the other support groups in the voluntary sector. Victim Support, as part of their role, will refer victims to other support networks where the needs of victims are best served by this.

Victim Support is the national organisation for crime victims, witnesses, their families and friends. The organisation offers a range of accessible services, whether or not a crime has been reported. These are delivered locally by staff and volunteers who are trained to help people recover from the effects of crime. Independent of the police and courts, Victim Support works alongside the criminal justice system, government and other organisations nationally and in local communities to promote the rights of victims and witnesses.

Following the introduction of the Data Protection Act 1998, many forces became concerned that their victim referral practices might not be in accordance with data protection principles and the number of referrals to Victim Support fell away.

These uncertainties were discussed between the Home Office, ACPO, the Crown Prosecution Service, Victim Support and the Information Commissioner, and procedures were devised to address them. The procedures have been agreed between all the parties involved as being data protection compliant when carried out as described. These make it clear that victims must have a genuine opportunity to say if they do not want their details passed on to Victim Support. The police should accordingly have effective mechanisms in place to ensure that such wishes are respected. Victim Support should themselves ensure that their service' arrangements for processing any data passed on to them are fully compliant with data protection principles.

Procedures

The following procedures will apply to 3 separate categories of offences;

- Those which the police routinely pass to Victim Support,
- Those more serious offences for which express consent is required and
- Those which become referable due to aggravating factors

1. The *Victims of Crime* leaflet has a key role to play in these procedures. The leaflet is given to victims of crime by the police. It explains what happens when a crime is reported, what happens next, and what other help and advice is available. The leaflet explains that victims' details will be passed to Victim Support unless the victim expresses a contrary wish (except in cases of domestic violence or sexual crime or bereaved families of victims of homicide where express consent is always required).
2. This right is spelt out clearly on the front cover of the leaflet, where the fourth bullet point says that:
"The police will pass information about you to Victim Support so that they can offer you help and support, unless you ask the police not to."
3. That message is reinforced in the 'Check List for Action' section of the leaflet, and in the section headed 'Help From Victim Support Schemes'.
4. While the leaflet is one way of helping to ensure that victims are aware that they can opt out of having their details passed on to Victim Support, it should not be relied upon as the only way. It is important that officers should make it clear to victims that their details will normally be passed on to Victim Support unless the victim says they don't want this to happen. This requirement could be met by officers using a standard form of words when recording details of the crime from the victim, along the following lines:

"Victim Support is an independent charity which can offer you help. We recommend their services, and it is force policy to refer your details to them unless you ask us not to."

If the victim then said that they did not want their details passed to Victim Support, the officer should/will record that fact as indicated by local force policy e.g. in his/her notebook, or on the computer system if recording the crime details over the phone, and ensure compliance. Unless such a response was formally recorded, it could be assumed that the victim was content for their details to be passed on. The Information Commissioner believes that where information systems are used to record the reporting of a crime, then a mechanism for recording that the notification to the victim had taken place would also be valuable. If a victim were subsequently to complain to the Commissioner that their details had been passed on to Victim Support without their knowledge, then any Chief Officer having such a record available would be well placed to rebut such an assertion.

5. The force policy with regard to referral of victims' details to Victim Support should be emphasised in other ways, for example, on force websites, in force leaflets and on posters in police stations etc.
6. Express consent must still be sought from victims of domestic violence, sexual crime or the bereaved relatives of victims of homicide. Such victims, following a recommendation as to Victim Support services, should continue to be asked specifically if they want their details to be passed on to Victim Support, and onward referral should only be made if they positively opt in.
7. Where an FLO is involved, the availability of Victim Support services should be offered and recommended at the earliest appropriate moment and the consent sought.

8. Information to be routinely passed to Victim Support will include
 - i. Name
 - ii. Address
 - iii. Contact telephone number
 - iv. Gender
 - v. Age
 - vi. Brief crime details - including self-defined ethnicity (under the 16 + 1 system) where relevant to the offence. E.g. racially aggravated public order offences where the correct ethnicity of the victim may be at variance to that used by the perpetrators, or where the victim believes the crime to be racially motivated.
9. Other information may be passed on a case by case basis where the additional information will be required by Victim Support to assess the type and level of support required.
10. There are crimes, which due to their volume, cannot always be handled by Victim Support and the police may not routinely refer these offences unless there are aggravating factors involved. The offences this will relate to are:
 - a. theft from motor vehicles
 - b. tampering with motor vehicles
 - c. minor criminal damage
 - d. theft of motor vehicle

However, aggravating factors such as repeat victimisation, victim request for contact, vulnerable victims or hate crime will ensure a referral to Victim Support.

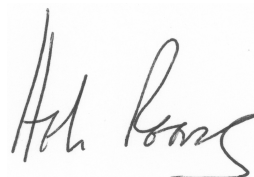
11. The situations where a homicide or injury is a consequence of a road crash is currently being reviewed by a government working group, and each force should discuss with its Victim Support Area the level of support which they are currently able to provide.
12. Victim Support is also one of the listed agencies for engagement in response to emergencies and disasters.

Agreed between

John Broughton
Assistant Chief Constable
ACPO
Victims and Witnesses Portfolio

and

Dame Helen Reeves
Chief Executive
Victim Support



Dated 18th December 2003