



Adult Out of Court Disposals Scrutiny Panel

Victims from Ethnic Minority Backgrounds

December 2023

Overview

The adult Out of Court Disposal (OoCD) Scrutiny Panel held in December 2023 was a thematic panel which looked specifically at cases involving victims from an Ethnic Minority background. This panel had a dual purpose. The panel scrutinised the cases to determine if the disposal was correctly issued but it also scrutinised the victims process and perspectives in the decision making to explore if correct procedures were followed and victims received a high quality service. A deep dive scoping exercise was undertaken to determine the correct line of questioning to follow in the panel and the resulting information was shared with panel members prior to the meeting.

The aim of the deep dive was to establish:

- If there is any specific guidance relating to victims in the OoCD process.
- What is the forces approach to supporting victims of crimes when the offender receives an OoCD?
- What key issues need to be considered from the victim's perspective?
- The drivers for decisions for outcomes.
- The statutory requirements relating to victims of crime.

National Context

The Code of Practice for Victims of Crime (The Victims' Code) focuses on victims' rights and sets out the minimum standards that organisations must provide to victims of crime in England and Wales. Victims of crime should be treated in a respectful, sensitive, and professional manner without discrimination of any kind. There are twelve specific rights that victims are entitled to. The code acknowledges that victims who are considered vulnerable or intimidated, are a victim of the most serious crime or have been persistently targeted are more likely to require specialist assistance and would be eligible for Enhanced Rights under this code as a 'vulnerable' victim.

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The single Act has replaced previous anti-discrimination laws, it is easier to understand and sets out the different ways in which it is unlawful to treat someone. Within the Equality Act 2010, the Public Sector Equality Duty requires the force to a) "eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010", b) "advance equality of opportunity" and c) "foster good relations".

South Wales Police (SWP) and the Police and Crime Commissioner have a joint victims and witness strategy, Supporting Victims and Witnesses 2021 – 2026. The aim of the Victim and Witness Strategy is to place the needs of victims of crime at the heart of policing in South Wales and provide them with the support they need through their engagement with the Criminal Justice System (CJS). Central to this strategy is a collective commitment to seeking the views of victims and witnesses, whilst ensuring there are opportunities to place the needs and views of victims at the centre of policy and practice improvement. SWP have a duty to ensure victims have the confidence to report crime, with the knowledge that they will be supported and updated throughout the investigation. SWP achieve

this by ensuring that victims are treated according to their needs and ensuring that their rights under the Victims Code are not compromised.

Please see the links below:

[The Code of Practice for Victims of Crime in England and Wales and supporting public information materials - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime-in-england-and-wales)

[Equality Act 2010: guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/equality-act-2010-guidance)

[Victims and Witnesses Strategy | South Wales Police \(south-wales.police.uk\)](https://south-wales.police.uk/victims-and-witnesses-strategy)

Outcomes of the Deep Dive Scoping Exercise

The deep dive scoping exercise involved consultation with SWP's Justice Services, SWP's lead for victim focus and the Victims and Vulnerability team in the Office of the Police and Crime Commissioner.

The outcomes of the consultations are noted below:

- There is no specific victim guidance for OoCD's.
- Due to there being no specific victim's guidance, Justice Services within the force have developed internal training with specific victim/officer engagement guidance highlighted.
- The force has a mandatory victim checklist they use with all victims which provides clear guidance on how officers are to interact with victims of crime, irrespective of the type of disposal being considered.
- The ethnicity of the victims was not recorded in a high number of the cases receiving an OoCD.
- The National Police Chief's Council (NPCC) Gravity Matrix (Adult) Two-Tier Framework is considered by SWP in the decision-making phase of issuing an OoCD. Section one specifically refers to victims.

Outcomes for victims

SWP refer to NPCC guidance in the decision-making phase of giving an OoCD. The section relating to victims states that the victims views should be sought wherever possible to establish:

1. their view about the offence.
2. the nature and extent of any harm or loss.
3. the significance relative to the victim's circumstances.
4. their views on the outcome and the conditions including considerations for compensation, Restorative Justice, making right any damage.
5. The victims view should be considered but the final decision rests with the Decision Maker.

Consultation with victims will increase victims' confidence and satisfaction that an appropriate outcome has been given.

OoCDs allow victims to be involved in decision making and condition setting, the victims voice is heard and reparation is delivered. Below are conditions and outcomes that could be considered:

- Referral to 18-25 service
- Referral to Women's Whole System Approach (WSA)
- Victim Awareness course/Education course for offender
- Restorative Justice/Personal apology
- Apology letter
- Financial Compensation

Data Presented at the Panel by SWP Justice Services

The panel considered OoCD data from November 2022 to October 2023. There were 102,037 outcome records for offenders 18 years and older. It was noted that there were 2769 victims from an ethnic minority background recorded. However, a high number of victims did not have their ethnicity recorded or it was not stated.

The data included information on Cautions, Conditional Cautions and Community Resolutions. Of those cases where the ethnicity of the victim was captured the highest offence category was for assault. Problems with the capturing of ethnicity of victims of crime in relation to OoCD makes thorough analysis difficult. For example, of 1045 community resolutions with no ethnicity recorded, 19 were racially/religiously aggravated offences. It is, therefore, difficult to analyse the nuances of these crimes without the information on ethnicity.

In cases where a Caution/Conditional Caution was received there were 16 ethnic minority victims recorded (a high number of cases did not capture the ethnicity of victims). None of these were for racially/religiously aggravated public fear, alarm or distress offences. However, of the 292 cases where there was no ethnicity recorded, 2 were racially/religiously aggravated offences.

SWP are continually working on improving capturing data on ethnicity and noted some difficulties in capturing data for victims of crime. For example, it was explained how it is not appropriate to enquire about a person's ethnicity while they are making a distressing call to 101 or 999. It was acknowledged that there is also an issue with their recording system. This issue has been escalated to the company responsible for the system who are looking to resolve this as soon as possible. On occasions it has been identified that there are problems with officers recording the data on their systems. This is being addressed by the force providing regular training sessions and publishing information notices on the internal shared information portal. All officers have access to this portal. Officers carry a mobile device which they use to issue OoCDs. It is mandatory to enter the ethnicity and age of the perpetrators on to the device. Since this has been in use there has been huge improvements in recoding these details. However, a similar system does not exist for capturing this data relating to victims. The focus in the future is improving capturing the victim's details.

It was noted by the OPCC Victims and Vulnerabilities representative that some services when submitting Ministry of Justice (MoJ) returns had recorded that the victim's ethnicity has not been disclosed. Upon discussing this with services it was shared that this could be due to staff prioritising immediate support requirements as opposed to issues with data collection.

In addition, the following points were also shared by services on some of the challenges of collating demographic data:

- On some occasions support may be short term or offered over the telephone (this can include but is not limited to one contact and then signposted off to other services) in which case the initial call is focussed on addressing immediate safety and support needs.
- When presenting at services and during initial conversations with victims asking for data on demographics can feel less urgent and potentially insensitive.
- Services have also shared that victims may be reluctant to share demographic data due to having limited knowledge on how this information can be used to tailor support to their needs.

Summary of Panel Observations and Organisational learning

Panel observations	Organisational learning
Guidance not being followed	
OoCD issued when there was no admittance of guilt by the offender. In one case the offender did not admit guilt and signed that they did not accept the OoCD but still received one. There was no recording of the decision makers rationale in this case and this decision goes against national guidance.	The force encourages all officers to complete the online E Learning module for basic understanding of when to issue an OoCD. The Community Resolution process app on the handheld devices also support the officers when deciding if a Community Resolution is an appropriate disposal for the outcome of the case. Communication is ongoing in the custody units and hubs to reinforce the guidance for issuing OoCD.
The panel noted that there was a lack of victim consultation before the outcome had been decided and a lack of recording the victim's response. In some cases, it was evident that the victims had not been advised of the outcome.	Internal force training has been developed with specific victim/officer engagement guidance highlighted. This includes the importance of recording the victims' responses on the force systems. Face to face training/awareness is being delivered to custody units and hubs.
The panel noted that, in some cases, there was no evidence of a referral to Victim Focus.	SWP encourages officers to submit a Victim Focus referral at the initial contact with the victim. Referrals to Victim Focus have increased from 300 referrals a month to 2000 a month over the last four years.

Inconsistencies in recording	
<p>The panel queried the number of cases where the ethnicity of the victim was not recorded. It was noted that there were often genuine reasons why this could be e.g the victim did not want to give their ethnicity at the time of reporting the incident.</p>	<p>SWP's focus will be on improving capturing the victim's details.</p> <p>The Victims and Vulnerability team in the OPCC are working with commissioned partners to address barriers to capturing victim's ethnicity and will share the learning with SWP.</p>
<p>It was noted that there is an issue with 'Niche', the record management system, when recording ethnicity and age.</p>	<p>Feedback from South Wales Police Crime Integrity Team noted they have escalated the issue with the lead for 'Niche' who are currently working to solve the issue.</p>
<p>Officers obtain ethnicity data and enter it into the digital witness statement but do not enter it onto the Niche system.</p>	<p>Face to face training is provided on data entry into the niche system and regular updates are on the forces information notices on the internal shared portal that officers access daily.</p>
Victim's distinct needs not appropriately addressed	
<p>The panel queried how the force engage with victims who do not speak English.</p> <p>The panel also questioned the appropriateness of leaving messages for victims on answerphones or via text message.</p>	<p>SWP explained that officers have access to Language Line at all times. They are able to make translations in real time while engaging with victims. It was also noted that victims services are able to provide translation when providing their support services. Training is being provided to officers to ensure victims distinct needs are being appropriately addressed.</p>
<p>The panel queried officers understanding of the use of Restorative Justice (RJ) in offences of hate crime. It was noted that these cases need to be managed carefully and the impact on victims is to be fully explored and understood.</p> <p>The panel questioned if it would be beneficial for officers to have further specialist training to develop their skills and experienced in these cases and further consideration is needed regarding specialist officers supporting and managing the cases.</p>	<p>The force has started a review process with the Hate Crime Team. They will review the procedures with specialist hate crime officers and then bring police officers together to review the specific cases from this panel for organisation learning. Hate crime officers give additional support and follow up on cases on behalf of victims.</p>
Missed opportunities	
<p>The panel noted that there were missed opportunities for referrals to suitable interventions for individuals with complex needs e.g. Women's Whole System Approach and alcohol awareness course.</p>	<p>Face to face training/awareness is being provided to officers to educate and to ensure all those eligible will be referred to the appropriate support intervention. Information on each intervention is provided in the training sessions.</p>

<p>The panel questioned if the RJ process is meaningful and if it offered the victim a positive service. Processes seemed inconsistent at times.</p>	<p>The RJ force lead is currently working with the Learning and Development team to review and significantly refresh officers training. They are actively looking to create an app like the Community Resolution (CR) app that officers current use. The app allows for a streamlined approach for officers issuing a CR giving a step-by-step guide to the process. A RJ app will allow for a more consistent approach to the RJ process.</p>
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Summary

The organisational learning highlighted above will be fed back to individual officers and their supervisors to reflect and inform future decision making for cases. The feedback will be shared accordingly across the force for learning. Correspondingly, the examples of excellent work will be provided to the officers involved and included in the training.

It was identified that there is a lack of understanding of the impact that Hate Crime offences can have on victims and a review of the process will be completed with the Hate Crime Team which will be fed back to SWP Justice Services.

SWP recognise that their RJ processes need to be thoroughly reviewed. The RJ lead has started to work with the Learning and Development team to review and significantly refresh the officers' training. The force is planning to create an app to streamline the RJ process and make it more consistent. The force is still discussing the app and the RJ process and are looking into how it will incorporate the Community Remedy options and, potentially, Immediate Justice. SWP will determine how the RJ process will work and then move on to the next stage of the app development. This will provide officers with guidance and prompt them to offer more opportunities to refer victims and offenders to appropriate services. The aim is for there to be more RJ measures in place that will ensure the RJ process is a more meaningful process providing the victim with a quality service.

Mae'r ddogfen hon ar gael yn Gymraeg ar ein gwefan, neu gallwch gysylltu â:
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