



Department of
Justice
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Victim Charter Summary

A Charter for victims of crime

Understanding your entitlements and the support you can get



Victim Charter Summary

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If you have been a victim of crime (behaviour constituting an offence), you are **entitled** to certain information and services from criminal justice service providers. This includes the Police Service of Northern Ireland, the Public Prosecution Service, the Northern Ireland Courts and Tribunals Service, the Northern Ireland Prison Service, the Probation Board for Northern Ireland, the Youth Justice Agency and victim support service providers (Victim Support NI and NSPCC Young Witness Service).

The Victim Charter is a Charter for victims of crime. It explains your entitlements and the standard of service you can expect from these organisations. Most of the services and entitlements under the Charter will only be relevant where the crime has been reported to the police and there are criminal proceedings. Even if no one is brought to justice you will still have entitlements and be able to access services under the Charter¹. This document summarises the key points and entitlements in the Charter. It is not a direct translation from it². Full details of the entitlements, how they will work and the conditions for these are set out in the main Charter. The text below provides a short summary overview of the main elements – there are more than 22 entitlements, with more detail on all of the entitlements available to you contained in the Charter itself. It also explains when there may be conditions or exceptions in relation to accessing entitlements.

The Victim Charter is available at www.nidirect.gov.uk/victimcharter. Information on service providers and contact details for support organisations, including specialist support services, can be found at www.nidirect.gov.uk/victimsupportorganisations or in **Annex C** of the Charter.

The Charter is also for service providers who have a duty to provide services under the Charter and to meet your entitlements.

Overview of entitlements

Generally you are **entitled** to:

- be recognised and treated fairly, professionally, and with dignity and respect;
- be understood and to understand – in your first language if necessary;
- be updated at key stages and given relevant information;
- have your needs considered by service providers;
- be told about available support and bring someone with you to give support;
- apply for compensation, if you were a victim of a violent crime;
- ask for a court familiarisation visit and be kept separate from the accused as much as possible at court;
- have the opportunity to tell the court how the crime has harmed you, where the case is to go to court;
- ask to be told how the offender's sentence is managed; and
- let service providers know if you are unhappy with the service provided.

¹ This includes where no one has been identified for, apprehended for, charged for, prosecuted for or convicted of an associated offence. The majority of the entitlements and services will only be available where criminal proceedings are being taken forward – access to support services is not conditional on this.

² The Victim Charter will be a statutory document in 2015, this summary is not. In addition, in summarising its key elements the meaning of some terms may have inadvertently been altered. In some cases it may not be possible to provide all the services and standards set out in the Charter due to individual operational or practical constraints, for example where a case moves extremely quickly.

You are **entitled** to:

1. Be recognised and treated in a courteous, dignified, respectful, sensitive, tailored, professional and non-discriminatory way.

2. Have service providers take appropriate measures to help you **understand** what they are telling you and make sure they understand what you are telling them.

3. Be told what is happening, at times agreed with the police, where the police are investigating the crime.

4. Receive information on:

- what to expect from the criminal justice system;
- crime reference details;
- help and support available to you (including information on specialist support organisations);
- decisions not to continue with or end an investigation;
- a decision not to prosecute someone;
- the offences for which the accused is being prosecuted;
- the date, time and location of key court hearings (trial³, sentence and appeal);
- the outcome of relevant bail hearings (where this directly affects you) and the trial;
- claiming expenses, if asked to give evidence;
- claiming compensation (on request); and
- victim information schemes (where relevant).

5. Have access to free translation or interpretation, if asked for and you do not speak or understand English, when:

- being given an acknowledgement of the crime;
- receiving information about the date, time and location of key court hearings;
- giving evidence; and
- receiving information about the outcome of the trial.

6. Bring someone of your choice to **support** you when you meet service providers, unless this would not be in your best interest or could affect the case.

7. Be referred to, and have access to, free of charge confidential services (including specialist services) that can help you, based on your needs – **support services**.

8. Have your needs assessed to identify if you need extra help to give evidence to the police or at court.

9. Be interviewed by the police as few times as possible – **only where necessary** for the investigation – and to have someone of your choice with you (unless this would hinder the police investigation).

10. Be told whether a suspect is to be **prosecuted or not** and to have a decision not to prosecute that person reviewed, where you ask for this.

11. Get property that you own **back** as soon as possible, if it is taken as evidence, unless it is needed for the investigation or court proceedings or its return would be an offence.

³For the purpose of this Charter references to trial will include a reference to a contest at Magistrates' Court.

12. Apply for **compensation**, if you are a victim of a violent crime (within two years of the incident causing the injury).

13. Be given the opportunity to make a **written statement** to the court about how a crime has affected you, where the case is to go to court.

14. Be told if you have to give **evidence at court** and receive information to help you prepare for this.

15. Discuss any needs you have with your **case officer** in the **Victim and Witness Care Unit** and be referred to a relevant victim support service provider, if appropriate, who can advise you of services (including specialist services).

16. Ask for a **court familiarisation visit** before the case is heard, to enter the building through a different entrance from the suspect and to sit in a separate waiting area, where possible.

17. Be **protected from contact** with the alleged offender at court, where possible.

18. Where you take part in programmes to **engage with the offender**, have steps taken to **protect** you.

19. Know when the offender leaves custody or hospital or will be supervised as part of their sentence, where you join the relevant victim **information release scheme** (for sentences of six months or more).

20. Raise your concerns with a service provider or an independent body, if you are **not happy with the service** provided or don't think your entitlements under the Charter have been met by service providers.

21. Deal with people who are **trained appropriately** in contact with victims.

22. A range of services and assistance, if you **live in another EU country**.

1. Reporting a crime

The process begins when a victim (or someone else who is aware of what happened) reports a crime to the police. Each victim journey will be unique and your needs may differ at each stage of the process.



2. Support services

You can access support services, including specialist support, whether or not you report the crime to the police. Contact Victim Support NI (028 9024 3133), who can also advise you about specialist support. More information can be found at www.victimsupportni.co.uk.



3. Police investigation

The police will investigate the crime and check what support you need. You may have to give a witness statement. The police will tell you whether a suspect has been identified and will give you regular updates. If there is no suspect or there is not enough evidence, the investigation may be closed. For less serious crimes, the police may deal with the case through 'police discretion', which means that it does not have to go to court.



4. Will it go to court?

If the police send a file to the Public Prosecution Service, a prosecutor will decide whether there is enough evidence for the case to go to court and whether it is in the public interest for this to happen. In some cases, the prosecutor may decide that an alternative to prosecution (such as a caution) is more appropriate. The Victim and Witness Care Unit will let you know the decision. If the case is going to court, the Unit will check what support you need and give you information on how to make a victim personal statement. They will also tell you whether you have to give evidence at court.



5. Preparing for court

Depending on your age, you can get support from Victim Support NI's Witness Service (for adults aged 18 or over) or the NSPCC's Young Witness Service (if you are under 18). This may include visiting the court so that you have a better idea of what to expect.



6. The trial and giving evidence

If the defendant pleads guilty before the start of the trial you will not usually have to give evidence. If the trial goes ahead, the Victim and Witness Care Unit will keep you informed about what's happening and what you need to do. They will also check again what support you might need. If you have additional needs, some extra help (known as 'special measures') may be provided if you want this and the judge agrees.



7. Outcome

The Victim and Witness Care Unit will let you know the outcome of the case. If the defendant is found guilty, or pleads guilty, the Unit will tell you about any sentence given and what this means.



8. After the trial

If there is a sentence of six months or more, the offender is going to be supervised by the Probation Board for Northern Ireland or will be subject to a hospital order, the Victim and Witness Care Unit will send you details of the relevant post-conviction victim information scheme.

There is a more detailed flowchart at **Annex D** of the Victim Charter. (www.nidirect.gov.uk/victimcharter). Each victim journey will be unique and the extent of your needs may differ at each stage of the process.

Am I entitled to services under the Charter?

If you are a direct victim of a crime and have reported the crime to the police you are **entitled** to receive services and support under the Victim Charter. This includes if you are related to the person accused of the crime. Others entitled to receive services under the Charter include:

- (i) a family member, or representative, of a person who has died following a crime, whether their death is a direct result of the crime or not;
- (ii) a family member (or representative, usually where there is no family member or the family member cannot be agreed upon), where it would be unreasonable to expect you (as a victim of crime) to access or receive services yourself due to your physical or mental condition;
- (iii) a parent of a child or young person (who may receive services in addition to, or instead of, the child).

You and your family members are also **entitled** to access support services, including specialist support services, even if you have not reported the crime to the police. Throughout your contact with the criminal justice system you are **entitled** to deal with people who are trained appropriately for their duties and contact with victims.

Support services

You can be referred to, and have access to, free of charge confidential support services that can help you, according to your needs. These include the services provided by Victim Support NI⁴ and NSPCC Young Witness Service.

Victim Support NI helps people who have been a victim of, or witness to, a crime. They provide emotional support, information and practical help to victims, witnesses and others affected by crime by offering community and witness services and help in applying for compensation. They can refer you to specialist support services, where appropriate and available. The NSPCC Young Witness Service⁵ provides support and information for children and young people under the age of 18 who may have to give evidence in court. The service also aims to help parents and carers support their child or young person through the court process.

To talk confidentially about what happened to you, or any concerns that you have, you can phone Victim Support NI on 028 9024 3133. Additional help is also available for specific crime types or type of victim:

⁴ www.victimsupportni.co.uk/

⁵ www.nspcc.org.uk/what-we-do/the-work-we-do/services-for-children/young-witness-service/young-witness-service_wda100687.html

Children and young people:

- NSPCC Northern Ireland 028 9035 1135.
- NSPCC Young Witness Service (at court) 028 9448 7533.

Domestic abuse/violence:

- 24 hour domestic and sexual violence helpline 0808 802 1414.
- Women's Aid 028 9024 9041.
- Men's Advisory Project 028 9024 1929.

Hate Crime:

- Details of hate crime advocates can be found at **Annex C** of the Victim Charter or at: www.nidirect.gov.uk/victimsupportorganisations.

Murder/Manslaughter:

- Cruse Bereavement Care 028 9079 2419 or 0844 477 9400.
- Support after Murder and Manslaughter NI 028 9442 9009.

Road traffic death:

- Brake 0845 603 8570.
- Cruse Bereavement Care 028 9079 2419 or 0844 477 9400.

Sexual abuse/violence:

- 24 hour domestic and sexual violence helpline 0808 802 1414.
- Nexus 028 9032 6803.
- The Rowan Sexual Assault Referral Centre 0800 389 4424.

Trafficking:

- Migrant Help 24 hour helpline 077 6666 8781 and 013 0420 3977.
- Modern slavery 24 hour helpline 0800 0121 700.
- Also see domestic violence above.

Contact details for support organisations, including specialist support services (for example, for bereaved families or for victims of domestic and sexual abuse or violence, hate crime or trafficking) can be found at **Annex C** of the Victim Charter or at www.nidirect.gov.uk/victimsupportorganisations.

Being understood

You are **entitled** to have service providers take appropriate measures both to help you understand what they are telling you and to make sure they understand what you are telling them (for example, the use of a Registered Intermediary where you are giving evidence to the police or at court).

During your contact with the criminal justice system you are also **entitled** to free of charge translation or interpretation, if requested⁶ and you do not speak or understand English, when:

- being given an acknowledgement of the crime;
- giving evidence;
- receiving information about the scheduled date, time and location of key court hearings (trial, appeal and sentencing); and
- being given information about the outcome of relevant bail hearings (where this directly affects you) and the trial.

You can ask for information about the progress of your case to be provided in a format that best suits your needs (for example, by phone, by email or in writing). You are **entitled** to bring someone to support you when you meet service providers, unless this would not be in your best interest or could have a detrimental effect on the case. You are also **entitled** to a range of services and assistance if you normally live in another EU country.

Reporting the crime

You can report a crime to the police in the following ways:

Emergency: In an emergency dial 999 or 18000 for textphone users. This is where serious injury has been caused or a crime is in progress and suspects are on the scene.

Non-Emergency: Where the incident is not urgent telephone 101.

Hate crime: Where the incident is not urgent telephone 101, then dial 2. You can also report hate crime online at www.urzone.com/neirf/. This is in addition to the other ways of reporting the crime set out in this section.

Third party reporting: If you really do not want to or cannot report the crime yourself, someone else can report it for you, such as a family member, a representative or a voluntary organisation. They would make the initial contact with the police. You would still be involved later in the proceedings.

Crimestoppers: If you do not want to give your name you can report a crime anonymously by calling the freephone Crimestoppers charity helpline on 0800 555 111. This service is not part of the police.

⁶ You can ask for this or someone else can ask for this on your behalf.

Call at your local police station: Where the incident is not urgent you may also report it at your local police station, during opening hours.

Police Ombudsman: If you believe that a crime has been committed by a police officer you should report it to the Police Ombudsman who will investigate and may make recommendations to the Director of Public Prosecutions for criminal prosecution.

If you report a crime to the police you are **entitled** to receive either information about what to expect from the criminal justice system, such as the information for victims of crime leaflet, or the details of a website which contains the same information, as soon as possible after reporting the crime. This contains contact details of specialist support services. The police will also provide you with a crime reference number.

You are **entitled** to have the police pass your details to a victim support service provider (unless you object) so that you can be offered information on what support services, including specialist support services, are available to you. You do not have to use these services.

Police investigation

You are **entitled** to have your needs considered by the police to identify if you need extra help to give your best evidence to the police or at court, including special measures if appropriate.

You may be asked by the police to make a witness statement saying what happened during the crime. This will give details such as when the crime took place, where it happened and what you saw.

You are **entitled** to be interviewed by the police as few times as possible – only where necessary for the investigation – and to have someone of your choice with you (unless this would hinder the police investigation).

The police should keep you informed of progress made in the investigation. You are **entitled** to an update from the police, within 10 days, on what they are doing to investigate your crime. If it is appropriate they will give you a further update and agree with you when these updates will be. The police will let you know if any arrests are made or if a suspect is charged or is summonsed to appear in court. You will also be informed of a decision not to continue with the investigation.

You are **entitled** to get back property that you own as soon as possible, if it is taken as evidence, unless it is needed for the investigation or court proceedings or its return would be an offence.

Special measures

If you are a vulnerable or an intimidated victim⁷, or have particular needs, you can ask the Public Prosecution Service to consider whether special measures⁸ are appropriate, to help you give your best evidence. You are **entitled** to have information on special measures explained to you where these may be applied for. Your views on whether or not you want to benefit from any support, or special measures, will be considered. The Public Prosecution Service, where appropriate, will apply to the judge for special measures. The judge will make the final decision on whether to grant one or more of the special measures. These measures include:

- screens/curtains in the courtroom so you do not have to see the defendant and, in some cases, people in the public gallery;
- a live video link allowing you to give evidence away from the courtroom;
- giving evidence in private – the public gallery can be cleared in cases involving a sexual offence, trafficking or slavery, or where the court is satisfied that someone may try to intimidate you;
- the removal of wigs and gowns by lawyers and judges involved in the case;
- the use of video-recorded statements;
- assistance from a Registered Intermediary (someone to help you give evidence if you have significant communication difficulties); and
- the use of communication aids.

Decision to prosecute

Once a crime has been reported to the police, the investigation may lead to a suspect being prosecuted for the crime. The Public Prosecution Service will make a decision, about whether or not to prosecute, based on the test for prosecution which has two elements:

- The evidential test – is there enough evidence to provide a reasonable prospect of a conviction?
- The public interest test – is it in the public interest to prosecute?

You are **entitled** to be told by the Victim and Witness Care Unit whether a suspect is to be prosecuted or not, to be given reasons for a decision not to prosecute a person and to ask for a review of that decision. The Victim and Witness Care Unit is a single, informed point of contact for victims and witnesses, from when the Public Prosecution Service receive an investigation file through to the conclusion of any appeal. A member of staff will be identified as your case officer and you will be provided with their contact details for any queries you have relating to your case. They will provide services to you until the case is over.

⁷ A vulnerable victim, when giving evidence, is someone under 18 at the time of the offence or a person the quality of whose evidence is likely to be affected due to mental health issues, learning or communication difficulties or a physical disability. An intimidated victim, is someone the quality of whose evidence is likely to be affected because of fear or distress about testifying. Victims of sexual assault, trafficking and slavery automatically fall into this category.

⁸ www.psnj.police.uk/special_measures_leaflet.pdf

Victim personal statement

A victim personal statement is a written statement to the court about how a crime has affected or continues to affect you. You are **entitled** to be given the opportunity to make a victim personal statement where the case is to go to court. The Victim and Witness Care Unit will send you a leaflet on this, once a decision has been taken to prosecute a person. Making a victim personal statement allows your views to be heard during criminal proceedings. It is your choice to make this statement; you do not have to make one if you do not want to.

The victim personal statement lets you explain in your own words how a crime has affected or continues to affect you, for example, physically, emotionally, financially or in any other way. If you are completing the statement and are not the actual victim or bereaved family member, for example a parent or representative, you can set out how the crime has affected both you and/or the victim. You should not give your views on the defendant or any punishment you think should be given.

The victim personal statement will be used in court if the defendant is found guilty or pleads guilty. It will be seen by the prosecution, the defendant, their legal representative and the judge. In some cases it may not be possible for a victim personal statement to be considered if the case is dealt with very quickly by the courts.

Going to court

If your case does go to court, you may be called as a witness in the trial. You will not usually have to give evidence if the defendant pleads guilty. If the defendant pleads not guilty, the Victim and Witness Care Unit will tell you if you have to attend court to give evidence.

You are **entitled** to be told by the Victim and Witness Care Unit about the time, date and location for key court hearings (trial, sentencing and appeal) and whether the defendant has been released on court bail or is being held in custody until the trial begins. You will be advised where these hearings do not take place on the scheduled date (are delayed) and the reason for this. In some cases it may only be possible to advise you of this on the day that the hearing is scheduled to take place, where you are at court, or afterwards if you are not at court.

You are **entitled** to be told if you have to give evidence at court and to be given information to help you prepare for this. You are **entitled** to discuss any needs you have with your case officer in the Victim and Witness Care Unit and be referred to a relevant victim support service provider, if appropriate. This includes whether you could benefit from special measures, which are measures to help you give your best evidence. You are **entitled** to ask a victim support service provider to arrange a court familiarisation visit before the case is heard. They can also advise you about access to specialist support services.

The trial

If you are giving evidence you can normally only watch the proceedings after you have given your evidence. If you are not giving evidence in the case you can watch the trial from the start, unless the judge has ordered that the public gallery is cleared.

Giving evidence

If you are a victim of crime and giving evidence at court, you are **entitled** to:

- view online a video about what to expect at court⁹;
- practice using the live link facility before the trial, where you are to use this to give evidence, where possible;
- ask the Northern Ireland Courts and Tribunals Service if you can enter the building through a different entrance from the defendant and sit in a separate waiting area, where possible;
- be protected from contact with the defendant at court, where possible;
- meet with a victim support service provider upon arrival at court, if this is asked for and arranged before you arrive at court;
- have the Public Prosecution Service prosecutor or representative indicate how long you may have to wait before giving evidence and update you regularly during the day, where circumstances permit and it is possible to do so;
- receive an explanation from the Public Prosecution Service prosecutor or representative if the delay is longer than expected;
- have any special measures set up for you by the Northern Ireland Courts and Tribunals Service, where these have been ordered by the court;
- have questions about court answered by a victim support service provider or be referred by them to someone who can answer your questions.

The verdict

You are **entitled** to receive information from the Victim and Witness Care Unit about the outcome of the trial, any sentence and what it means (for example, that a person has been found guilty of certain offences and has been sentenced to 18 months, nine months in jail and nine months on licence). You are **entitled** to be informed as soon as possible (and at least within five working days) of the Victim and Witness Care Unit being notified of the decision.

If the offender appeals against the sentence or conviction, you are **entitled** to be informed by the Victim and Witness Care Unit about this. The Unit should tell you when and where the appeal hearing will take place and the outcome of that appeal. You are also **entitled** to be informed by the Victim and Witness Care Unit about when and how you can claim expenses, where you have been called to give evidence at court. The PPS's guidance notes and expenses rates can be found at www.ppsni.gov.uk. You are **entitled** to be paid any expenses you are due, after you give evidence at court or attend court to give evidence.

After the trial

When the trial is over, you may be directed to victim support services, where appropriate and where they are available. Services are available before, during and for an appropriate time after criminal proceedings. Your family members are also **entitled** to have access to these services, based on their needs and the level of harm you suffered.

⁹ www.nidirect.gov.uk/index/information-and-services/crime-justice-and-the-law/going-to-court.htm

Compensation

If you have been a victim of a violent offence, you may be eligible for compensation and are **entitled** to apply to Compensation Services for this. You should submit an application for compensation within two years of the date of the incident that caused the injury. Victim Support NI can give you information, advice and support during the compensation claim process. While you can use the services of a solicitor if you wish, the confidential Victim Support NI service is free plus any award will be paid to you in full without deductions. You are **entitled** to ask Victim Support NI for help with completing and progressing your application.

If you tell Compensation Services, in the Department of Justice, that you want to make an application for compensation you are **entitled** to have them give you the information that you need to help you fill in the application form, including clear information on how and under what conditions you can access compensation.

Victim information schemes

If an offender is sentenced to prison, confined to hospital under a restriction order or is under probation supervision for a period of six months or more you are **entitled** to be informed by the Victim and Witness Care Unit about access to the relevant post-conviction victim information schemes. Where you are under 18 a family member or representative can access the service on your behalf.

You are also **entitled** to apply directly to the Victim Information Unit to receive information about the release or supervision of an offender. You must register with the Unit if you want to be informed of an offender's release (including temporary release) or supervision. This does not happen automatically. Once registered with the scheme you are **entitled** to be given information about when the offender leaves custody or hospital or will be supervised as part of their sentence, or about any other temporary periods of release.

You are also **entitled** to have the opportunity to submit views to the Victim Information Unit, or to register concerns you have about your personal safety, and have these considered as part of the assessment process when an offender applies for temporary release or is to be released on licence.

Restorative justice

As a victim of crime, you may be able to take part in restorative justice. The aim of this is to try to help repair the damage caused by the crime. Victims involved in restorative justice have a chance to say what happened and to explain the impact of the offence. The process is completely voluntary and you do not have to take part. Restorative justice can involve direct or indirect contact between you and the offender. Where you take part in programmes to engage with the offender, you are **entitled** to have steps taken to protect you.

If the offender is under 18 a youth conference may be held by the Youth Justice Agency. This will involve a youth conference co-ordinator, who will organise and attend the meeting. Others who will attend include the young person who committed the offence and their appropriate adult, usually a parent, and a police officer trained for youth conferencing. There are others who may be there such as the offender's solicitor, a social worker or youth worker or someone who can represent the views of the community.

Where the offender is over 18 you may be offered the opportunity to participate in restorative justice interventions (by the Probation Board for Northern Ireland or the Northern Ireland Prison Service) where a person has been given a prison sentence or subsequently receives a probation supervised order or licence.

Making a complaint

You are **entitled** to be treated with dignity and respect by all the service providers that give support and services to victims under the Victim Charter. Where this is not the case or where the services you are **entitled** to under the Charter are not provided, you are **entitled** to have the service provider look into the matter. You are also **entitled** to be informed by all service providers about their complaints mechanism. Concerns should be dealt with quickly and properly by the service provider's internal complaints service. If you are unhappy with the response you receive, you can raise your concerns with an independent body such as the Northern Ireland Ombudsman, the Police Ombudsman or the Independent Assessor of Complaints¹⁰. Contact details for making a complaint about a service provider, including raising this with an independent body, can be found in **Section 10** and **Annex B** of the Victim Charter or at www.nidirect.gov.uk/victimcharter and www.nidirect.gov.uk/victimcontacts.

Alternative formats

This summary is based on the full Victim Charter. There is also an easy read version of the summary and a young person's guide to the Charter. The summary document is available in a number of other languages besides English (Latvian, Lithuanian, Mandarin, Polish, Portuguese and Romanian)¹⁰. The documents are available at www.nidirect.gov.uk/victimcharter. Hard copies and copies in other formats (including Braille, large print, a language other than those specified, etc.) can be made available on request. If it would help you to have one of these documents in an alternative format, please let us know and we will do our best to assist you. You can contact:

Victims and Witnesses Branch
Department of Justice
Massey House
Stormont Estate
Belfast, BT4 3SX

Telephone: 028 9016 9592
Fax: 028 9016 9502
Text phone: 028 9052 7668
E-mail: access.public@dojni.x.gsi.gov.uk

¹⁰ All police complaints are dealt with by the Police Ombudsman for Northern Ireland.

¹¹ This is based on those languages for which an interpreter is most commonly needed in the criminal justice system (at police and court stage).

