


**POLICE AND CRIME COMMISSIONER (PCC) FOR LINCOLNSHIRE  
REQUEST FOR DECISION**

**REF: 019 / 2016  
DATE: 19 SEPTEMBER 2016**

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| <b>SUBJECT</b>   | <b>PROVISION OF VICTIMS' SERVICES: INDEPENDENT SEXUAL VIOLENCE ADVOCACY AND RESTORATIVE JUSTICE</b> |
| <b>REPORT BY</b>   | <b>CHIEF EXECUTIVE</b>  |
| <b>CONTACT OFFICER</b>   | <b>Malcolm Burch, Chief Executive</b><br><br><b>Telephone 01522 947192</b>                          |
| <b>EXECUTIVE SUMMARY AND PURPOSE OF REPORT</b>   |   |
| <p>Provision of services for victims of crime, whether or not the crime is reported to the police, is a priority for both the Police and Crime Commissioner for Lincolnshire ('the PCC') and the Lincolnshire Community Safety Partnership.</p> <p>The PCC currently commissions a countywide Children and Young Person's Sexual Violence Support Service. This service originally commenced as a one year pilot in April 2015. The current contract ends on 31 March 2017.</p> <p>For a number of years, Lincolnshire County Council (LCC) has commissioned adult Independent Sexual Violence Advocacy Services. The current contract ends on 31 March 2017. Demand and the needs experienced by these services demonstrate an on-going requirement for the provision. Sexual Violence is a priority for both the PCC and the Lincolnshire Community Safety Partnership. In addition the PCC currently commissions a whole system restorative justice service. Restorative justice can play an important role in a victim's recovery. The current contract ends on 31 March 2017.</p> <p>The wider Victims' services landscape continues to evolve but it also remains complex and fragmented, with a number of related services commissioned by others, both locally and nationally. Victims do not distinguish between providers as they move through their journey of coping with their experience, seeking support, and achieving recovery. The PCC and partners therefore wish to take the opportunity when recommissioning services to ensure greater coherence and connectivity between victims' services. This report sets out the rationale and recommendation for issuing invitations to tender for children and young persons and adult sexual violence advocacy services and restorative justice provision.</p> |   |
| <b>RECOMMENDATION</b>  | <b><i>That invitations to tender are issued for the services outlined in this report.</i></b>       |

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| <b>POLICE AND CRIME COMMISSIONER FOR LINCOLNSHIRE</b>  |               |
| I hereby approve the recommendation above, having considered the content of this report.       |               |
| Signature:  | Date: 19/9/16 |

## **A. NON-CONFIDENTIAL FACTS AND ADVICE TO THE PCC**

### **A1. INTRODUCTION AND BACKGROUND**

The following decision notice was compiled by Howard Hunt, former Deputy Chief Executive prior to leaving the Office of the Police and Crime Commissioner for Lincolnshire on 31 August 2016.

#### **National context**

Following a Government consultation in 2012 ('Getting it Right for Victims and Witnesses'), the victims' services commissioning landscape has seen significant changes including the transfer of responsibilities from the Ministry of Justice (MoJ) to Police and Crime Commissioners to enable local commissioning of emotional and practical support services for victims of crime.

The Code of Practice for Victims of Crime forms a key part of the wider Government strategy to transform the criminal justice system by putting victims first, and making the system more responsive and easier to navigate. Victims of crime should be treated in a respectful, sensitive, tailored and professional manner without discrimination of any kind. They should receive appropriate support to help them, as far as possible, to cope and recover and be protected from re-victimisation. It is important that victims of crime know what information and support is available to them from reporting a crime onwards and who to request help from if they are not getting it.

The Code sets out the services that must be provided to victims of crime by organisations in England and Wales and sets a minimum standard for these services. Service providers can choose to offer additional services and victims can choose to receive services tailored to their individual needs that fall below the minimum standard. The Code places obligations on a number of organisations to provide services to victims, including police and crime commissioners.

#### **Arrangements in Lincolnshire**

The victims' services landscape continues to improve and evolve but remains complex and fragmented. In Lincolnshire significant steps have been taken to improve service provision. The Police and Crime Commissioner for Lincolnshire (PCC) currently provides victim referral and support, cope and recovery services through a mixed model provided by an in-house team within Lincolnshire Police and Victim Support. Specialist arrangements include a commissioned provider supporting whole system restorative justice which can form an important part of a victim's recovery and a countywide Children and Young Person's Sexual Violence Support Service which originally commenced as a one year pilot in April 2015. The PCC also supports community and voluntary sector organisations which offer support to victims and contribute to preventing crime such as Stop Hate UK, Crimestoppers and Neighbourhood Watch.

In addition, for a number of years Lincolnshire County Council (LCC) has commissioned Independent Sexual Violence Advocacy Services.

Other services, such as rape support (provided within Lincolnshire by Rape Crisis and Trust House) and the national witness service provided by Citizens Advice are currently commissioned by the MoJ. However, consultation is taking place to inform further devolution to Police and Crime Commissioners of victims' services commissioning to commence as early as 2017. Locally, the Sexual Assault Referral Centre (SARC) is jointly commissioned by NHS England and the PCC. Regionally, NHS England plans to put in place specialist

paediatric SARC provision from April 2017. Finally, Lincolnshire County Council currently commissions a range of services to support victims of domestic abuse.

The current contracts for Independent Sexual Violence Advocacy Services (both the core adult service and the children's and young persons' service) and restorative justice all terminate on 31 March 2017. It is therefore proposed that the PCC invite tenders to ensure the continuity of service provision in these important areas.

### **Local commissioning powers and responsibilities**

To enable local commissioning, grant funding has been provided to Police and Crime Commissioners by the MoJ under powers given to the Secretary of State by s56 of the Domestic Violence, Crime and Victims Act 2004 (DVCVA 2004). In making provision for victims services and initiatives that contribute to preventing crime and disorder the PCC is responding to the obligations placed upon him and uses the powers given to him by both the Police Reform and Social Responsibility Act 2011 and the Anti-social Behaviour Crime and Policing Act 2014. His approach is also informed by the Victims' Services Commissioning Framework issued by MoJ in May 2013.

Services for victims, including those commissioned by the PCC must satisfy the requirements of The Code of Practice for Victims Of Crime (as published in October 2015) and, from November 2015 and until such time it ceases to have effect, the EU directive (referred to as the Victims' Directive) on the 'minimum standards on the rights, support and protection of victims of crime' [2012/29/EU]. In addition the PCC must use the MoJ Victims' Services Grant for the following purposes:

- i) emotional and practical support services for victims of crime (as defined in Article 2(1)(a) of the Victims' Directive, that is, including bereaved family members), including restorative justice services and practical support measures, and particularly for victims in the priority categories outlined in the Victims' Code, namely victims of the most serious crime, persistently targeted victims, and vulnerable or intimidated victims, to help them cope with the impacts of crime and, as far as possible, recover from the harm they have experienced;
- ii) emotional and practical support services for family members (as defined in Article 2(1)(b) of the Victims' Directive);
- iii) emotional and practical support services for victims of sexual violence, victims of domestic violence and victims of child sexual abuse and exploitation;
- iv) building the capacity and capability of providers of services for victims of crime (including providers of restorative justice services) from the Voluntary Community and Social Enterprise (VCSE) sector; and
- v) covering any associated costs that arise in the process of commissioning or provision of victims' services.

The Victims services grant agreement defines Child Sexual Abuse (CSA) and Child Exploitation (CSE) as:

#### **Definition of CSA<sup>1</sup>:**

Sexual abuse of children involves forcing or enticing a child or young person to take part in sexual activities. The activities may involve physical contact and noncontact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual

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<sup>1</sup> Source: The Independent Inquiry into CSA

activities, encouraging children to behave in sexually inappropriate ways or grooming a child in preparation for abuse including via the internet. Child sexual abuse includes child sexual exploitation.

#### Definition of Child Sexual Exploitation (CSE)<sup>1</sup>:

Sexual exploitation of children is a form of child sexual abuse. It involves exploitative situations, contexts and relationships where a child receives something, as a result of them performing, and/or another or others performing on them sexual activities. Child sexual exploitation can occur through the use of technology.

#### Definition of RJ

For the purposes of the MoJ Victims' Services Grant and this specification, activity is a restorative justice activity if:

- the participants consist of, or include, the offender and one or more of the victims;
- the activity gives a victim or victims an opportunity to talk about, or by other means express experience of, the offending and its impact and to have a say in the resolution of offences; and
- the activity aims to maximise the offender's awareness of the impact of the offending concerned on the victims.

Restorative justice offers victims an opportunity to be heard and to have a say in the resolution of offences, including agreeing rehabilitative or reparative activity for the offender. It can provide a means of closure and enable the victim to move on. Restorative justice also provides an opportunity for offenders to face the consequences of their actions, recognise the impact that it has had upon others and where possible make amends. In this way, restorative justice has the potential to help rehabilitate offenders and enable them to stop offending. It can involve victims:

- explaining to an offender the impact of the crime on them;
- seeking an explanation and apology from the offender; and
- playing a part in agreeing reparative or rehabilitative activity for the offender e.g. working for free for a charity, paying to repair any material damage, or keeping the victim informed of their progress in getting off drugs or finding a job.

A restorative justice process can be delivered through:

- **A face-to-face meeting** (sometimes called a restorative justice conference or victim-offender conference): Involves a trained facilitator, the victim(s), and the offender(s) and supporters, usually family members. Such meetings might conclude with an agreement for further steps to be taken, such as some sort of reparation, but this is not mandatory.
- **A community conference**: Involves members of the community that has been affected by a particular crime and all or some of the offenders. This is facilitated in the same way as a RJ conference but it differs in that it can involve many people.

Ministry of Justice evidence<sup>1</sup> suggests that a face-to-face meeting between the victim and offender is an effective form of restorative justice activity in terms of outcomes for victims and offenders. However, it is important that the right type of restorative justice activity is delivered for the individual circumstance at the right time. Wherever possible, a face-to-face meeting should be the aim, but if the trained facilitator does not assess it as suitable then an alternative type of restorative justice activity can be considered. For example, indirect communication is possible. This can be via telephone or video conferencing, written correspondence or 'shuttle restorative justice' through the facilitator. This may lead to a face-to-face meeting at a later stage.

Whilst ensuring that effective support provision is in place for victims of crime (and family members), the PCC must seek efficiency and best value for money when utilising the Victims' Grant. This includes consideration of options such as co-commissioning of services and integration of services. When inviting tenders for services the PCC also welcomes providers indicating what scope there may be to attract additional funding (either from providers' own resources, partners or philanthropic sources) to further enhance the service offering and regard the PCC's contribution as "core" funding.

### **Areas of priority for the Police and Crime Commissioner for Lincolnshire**

#### **Sexual violence advocacy**

Sexual violence and abuse have a devastating and lasting effect on victims, and their family members. Victims can suffer long term and significant impact on their health and wellbeing, and it can be very difficult to cope with the crime and to recover from the harm suffered.

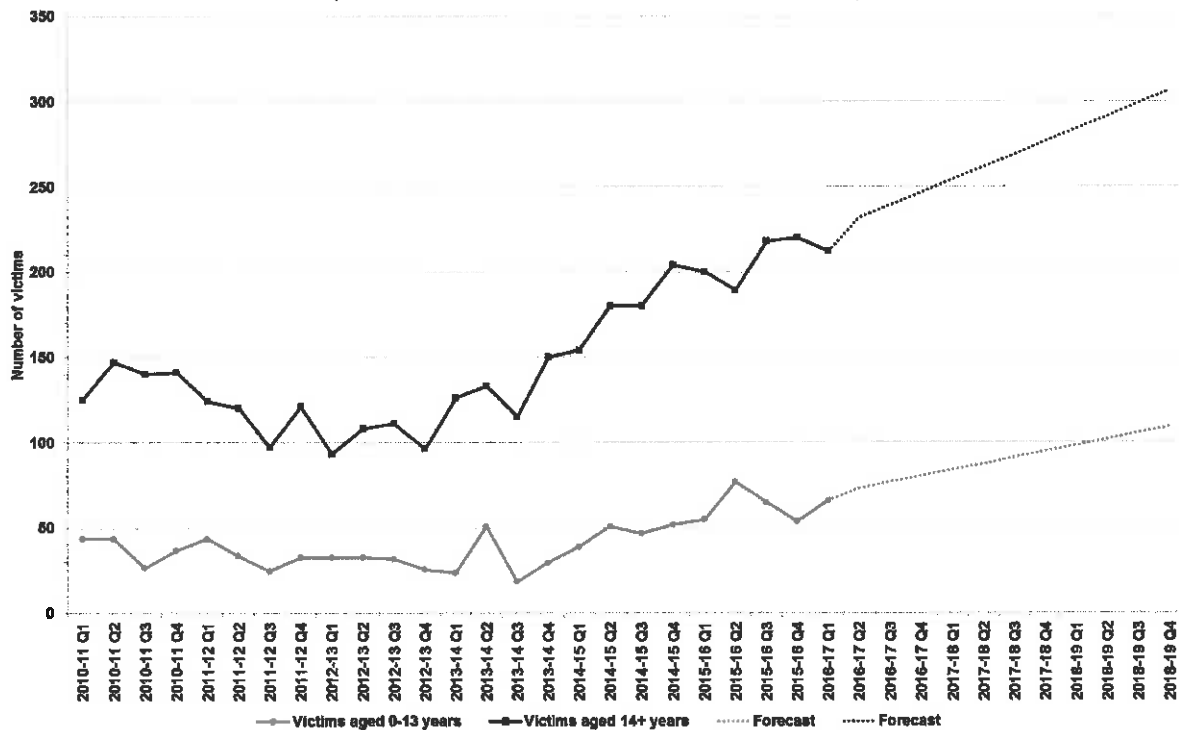
Victims of sexual violence deserve to be provided with the support necessary to maximise their ability to cope with the immediate impacts of such a serious event and supported to recover, as far as possible, from the harm suffered. Victims should be treated with dignity and respect, and empowered to engage with the Criminal Justice process with a view to seeing their offenders brought to justice.

HM Government continues to place a focus on tackling sexual abuse, child sexual abuse and child sexual exploitation through its Violence Against Women and Girls (VAWG) Strategy and its Modern Crime Prevention Strategy. The VAWG Strategy states that Government will set out our clear expectations of local service providers in a National Statement of Expectations (NSE). These crimes have become more visible, and more frequent. Reported crimes have increased nationally and locally. In Lincolnshire the number of sexual offences recorded by Lincolnshire Police increased by 25.6% in the period April 2015 – March 2016 (235 crimes in total) and it is expected this upward trend will continue. This is thought to be partly related to greater numbers of victims of sexual offences having the confidence to report both historical and current offences to the police in line with recent high profile cases widely reported in the national media. Lincolnshire has the 5th highest numbers of sexual offences recorded per 1,000 population in England and Wales. It is recognised that not all victims report their crime to the police and support must be in place for all victims, regardless of whether they have reported a crime to the police.

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<sup>1</sup> <http://www.restorativejustice.org.uk/resource/mojresearch/>

Sexual offence victims by age group, Lincolnshire, April 2010 - Jun 2016  
(forecast trendline to Mar 2019 based on trend since Jan 2014)



Victims do not distinguish between providers as they move through their journey of coping with their experience, seeking support, and achieving recovery. As HM Government sets out in the VAWG Strategy, Police and Crime Commissioners are ideally placed to bring all local commissioners together, including those from health and local authorities, to develop collaborative and joined up commissioning. The PCC intends to provide this leadership and supports the further devolution of services to PCCs. Sexual violence is a priority for both the PCC and the other members of the Lincolnshire Community Safety Partnership (CSP) and the CSP is currently developing a Sexual Violence and Abuse strategy. This shared priority, together with the prospect of further devolution of services commissioning from the MoJ and the continued pressures placed on public finances, presents real opportunities to deliver fully joined-up services for victims that best meet local need and are both efficient and effective.

**Children and Young Person’s Sexual Violence Support Service – summary of need and scope of service**

The PCC has committed his unwavering support to working closely with partners to protect children and young people. The PCC has recognised, and the initial pilot evidenced, there were significant gaps in the provision of sexual violence support for children and young people in Lincolnshire. For a child or young person that has experienced sexual violence, trying to understand the Criminal Justice process and decision making can be very confusing for the victim, causing distress and potentially hindering their recovery.

The PCC is therefore committed to continuing to enhance the provision of child-focussed support to prepare and guide young victims through the criminal justice system, court process and witness testimony.

In order to meet the needs of a child or young person victim outside of the court process, specialist work is required for both pre and post court work . This is also relevant in cases that are discontinued, in order to help bring closure for the victim, and maximise their opportunities to both cope and recover from the harm suffered. It is important that victims are

supported regardless of whether or not a crime is reported, whether or not statutory services are involved or if the case is closed or discontinued.

Most importantly, support must be in place to help victims cope with the immediate and longer term impact of the crime and to ultimately recover from the harm suffered.

In the first year of operation, the pilot service received 371 case referrals, which were categorised as 160 cases of CSE and 211 cases of CSA. Just under half of these cases required intensive support. The majority of referrals were received from Lincolnshire Police (from both specialist and regular officers) and also from Children's Services, Family Support Workers, Schools, NHS, Witness care, Youth Offending Service, self-referrals, Child and Adolescent Mental Health Services (CAMHS) and secure units.

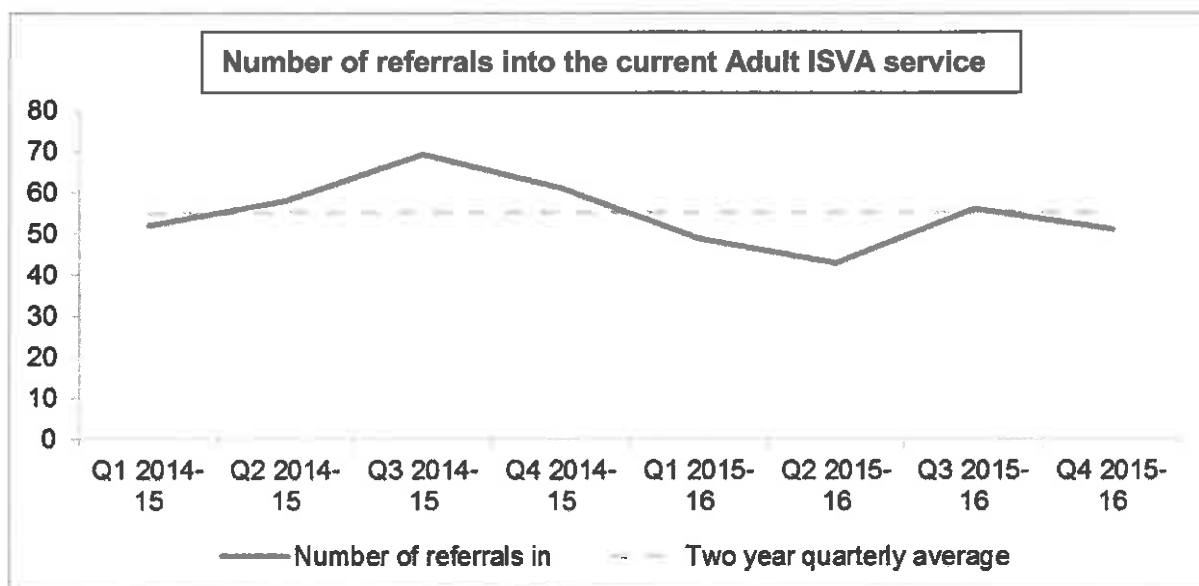
Around one quarter of referrals were cyber-crime related. This was an unanticipated need when the pilot commenced and involved young people themselves but with the majority of cases being worried, distraught or concerned parents who need some advice to understand what they can do to protect and/or support their children. This is an area where the PCC is keen to continue support, not just to assist those who may have become victims, or are deemed at significant risk of harm, but also to provide advice to prevent crime taking place.

#### **Adult Independent Sexual Violence Advocacy Service - scope of service**

Sexual Abuse has a significant impact on adult victims and their children. Their health and wellbeing (physical and emotional), community engagement and economic independence are affected. It reduces an individual's capacities and capabilities in many ways.

The service provided by the Independent Sexual Violence Advocates (ISVA's) assists service users' access to all the necessary support from partner agencies to minimise the risk they face, enhance their safety and rebuild positive lives. For the majority of the time the ISVA, works in partnership with the Sexual Assault Referral Centre (SARC), Lincolnshire Police and other statutory and voluntary sector support services.

ISVAs work with the service user from the point of crisis, usually after a police call out, an attendance at Accident and Emergency, or the SARC. However the service also seeks to support those who are identifying themselves as victims of historic abuse and must seek to ensure that the victim is supported regardless of whether or not a crime is reported to the police. This service is for men and women and, where necessary, works in partnership with the children and young person's sexual violence support service to best meet the specific needs of young people. Service users should be able to self-refer to the service or be signposted by other agencies or through the Lincolnshire (SARC) Sexual Assault Referral Centre.



The PCC will therefore shortly issue an invitation to tender for both a countywide Children and Young Person’s Sexual Violence Support Service and adult service.

### Restorative Justice

Victim-led restorative justice can play an important role in a victim’s recovery. In the year 2015/16, victims reported satisfaction with the RJ process and outcome in 87% of face to face conferences. Feelings of fear reduced and feelings of safety increased for the victim in more than 80% of these cases and there were no instances of the victim being re-victimised by the offender. In 89% of cases, the victim said they would recommend the RJ process. 1237 Community Resolutions were completed between April 15 and March 16.

The PCC currently commissions a whole system restorative justice service. Building on existing provision, this service originally commenced as a one year contract in April 2015 and was extended for a further year. The current contract ends on 31 March 2017. The PCC will therefore issue an invitation to tender for the continued provision of an integrated whole system, victim-initiated, restorative justice service within the Lincolnshire Police area that builds on current good practice.

In the interests of maintaining a fair and equitable procurement process, the specific details of the services to be procured have not been included in the published section of this report. The full service specifications have however been made available to the PCC as part of the decision making process.

## A2. LINKS TO POLICE AND CRIME PLAN AND PCC’S STRATEGIES/PRIORITIES

Within his Police and Crime Plan, the PCC makes a specific commitment to the provision of services for victims of crime.

## B. FINANCIAL CONSIDERATIONS

Police and Crime Commissioners receive specific ring-fenced grants for the provision of victims’ services from the Ministry of Justice. Provision for the costs of these



contracts will be built into the PCC's budget for 2017-18. Indicative annual budgets for these services are £180,000 for sexual violence advocacy and £80,000 for restorative justice services.

### **C. LEGAL AND HUMAN RIGHTS CONSIDERATIONS**

*[This should include the legal powers the PCC has for making the decision]*

The Code of Practice for Victims of Crime sets out the duties placed on police and crime commissioners and others in terms of the services that have to be provided under the Code. The Code is made pursuant to section 33 of the Domestic Violence, Crime and Victims Act 2004. The Queen's Speech 2015 set out that key entitlements of victims and witnesses are to be enshrined in primary legislation in the Government's forthcoming legislative programme.

Section 9 of the Police Reform and Social Responsibility Act 2011 provides Police and Crime Commissioners with the powers to award crime and disorder grants to any organisations and projects which, in the opinion of the PCC, will secure, or contribute to securing, crime and disorder reduction in the police area.

In addition, Section 143 of the Anti-social Behaviour, Crime and Policing Act 2014 provides Police and Crime Commissioners with powers to provide or commission services. Within the meaning of this section, a PCC may provide or arrange for the provision of:

- (a) services that in the opinion of the PCC will secure, or contribute to securing, crime and disorder reduction in the PCC's area
- (b) services that are intended by the PCC to help victims or witnesses of, or other persons affected by, offences and anti-social behaviour
- (c) services of a description specified in an order made by the Secretary of State.

A PCC arranging for the provision of services under this section may make grants in connection with the arrangements. A grant may be subject to any conditions (including conditions as to repayment) that the PCC thinks appropriate. For the purposes of the legislative provision "anti-social behaviour" means behaviour by a person that causes or is likely to cause harassment, alarm or distress to one or more other persons not of the same household as that person; "crime and disorder reduction" means reduction in levels of:

- (a) crime and disorder (including anti-social behaviour and other behaviour adversely affecting the local environment),
- (b) the misuse of drugs, alcohol and other substances, and
- (c) re-offending.

The Advice about the initial procurement and subsequent extension of the contract has been sought from the Lincolnshire Police Strategic Procurement Unit, is informed by the Police Contract Regulations 2006 (as amended) and supports the course of action recommended in this report.

### **D. PERSONNEL AND EQUALITIES ISSUES**

In contracting with a provider, the PCC places an expectation on that provider that they meet all applicable legislative requirements in relation to personnel and equalities issues.

**E. REVIEW ARRANGEMENTS**

The PCC's Chief Executive will oversee the commissioning and contract implementation processes and put in place appropriate contract management and monitoring arrangements.

**F. RISK MANAGEMENT**

Risk management forms an intrinsic part of the contract management process. The key risk of the absence of this service provision for which there is a demonstrable need is eliminated by the recommendation of this report.

**G. PUBLIC ACCESS TO INFORMATION**

Information in this form along with any supporting material is subject to the Freedom of Information Act 2000 and other legislation. Part 1 of this form will be made available on the PCC's website within one working day of approval. However, if release by that date would compromise the implementation of the decision being approved, publication may be deferred. An explanation for any deferment must be provided below, together with a date for publication.

**Is the publication of this form to be deferred? No**

**If Yes, for what reason:**

**Until what date:**

Any facts/advice/recommendations that should not be made automatically available on request should not be included in Part 1 but instead on the separate part 2 form.

**Is there a part 2 form? Yes**

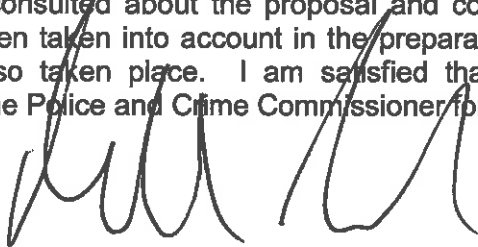
**If Yes, for what reason:**

In the interests of maintaining a fair and equitable procurement process, the specific details of the services to be procured have not been included in the published section of this report. The full service specifications have however been made available to the PCC as part of the decision making process.

## ORIGINATING OFFICER DECLARATION

|   | Initial to confirm |
|---|--------------------|
| <b>Originating Officer:</b><br>The Chief Executive recommends this proposal for the reasons outlined above. | JEF                |
| <b>Financial advice:</b><br>The Deputy Chief Finance Officer has been consulted on this proposal.           | CDL                |
| <b>Monitoring Officer:</b><br>The PCC's Monitoring Officer has been consulted on this proposal              | US                 |
| <b>Chief Constable:</b><br>The Chief Constable has been consulted on this proposal                          | NR                 |

## OFFICER APPROVAL

|  |                     |
|--|---------------------|
| <p><b>Chief Executive</b></p> <p>I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. Consultation outlined above has also taken place. I am satisfied that this is an appropriate request to be submitted to the Police and Crime Commissioner for Lincolnshire.</p> |                     |
| <p><b>Signature:</b></p>    | <p><b>Date:</b></p> |

