



**STRATEGIC POLICING AND CRIME BOARD
03 December 2013**

Victims Funding Update

PURPOSE OF REPORT

1. The purpose of this report is to update members on the current situation regarding funding for victims of crime, which transfers to Police and Crime Commissioners (Commissioners) in October 2014. They will be responsible for commissioning locally most of the emotional and practical support services for victims of crime that are provided by the voluntary, community and social enterprise sector. These services help victims to cope with and recover from the impacts of crime.
2. The Ministry of Justice (MoJ) will retain responsibility for commissioning certain specialist services and £22 million of the core budget has been allocated for these national services. Support includes services for those bereaved through homicide, rape support centres, court based witness services, human trafficking and some telephone helplines such as BRAKE.
3. With the move to local commissioning of victims services, the Ministry of Justice has been engaging with all Commissioners to consider the options in commissioning approaches to ensure effective, value for money arrangements for referrals to support services. The current model is run centrally, and supports a mechanism for referral by police into victims' services. This includes provision of information on the services available to victims, arrangements for assessing the type of support needed by victims where required, and onward referral to local support or other specialist support.
4. In May 2013 Helen Grant, the previous Victims Minister, asked Commissioners to choose between national and local commissioning of the baseline referral service for victims.
5. During the summer the MoJ held a series of roadshows across the country that briefed Commissioners and heard their views on the proposals.
6. The APCC held an event on the 19 September where Commissioners asked for transition arrangements to be developed. A working group of Commissioners with differing views regarding local and national commissioning was launched to work

with MoJ to create transition arrangements and seek solutions that addressed the needs and aspirations of the vast majority of Commissioners.

7. The working group on Victims Commissioning includes Kevin Hurley, Police and Crime Commissioner for Surrey; Alun Michael, Police and Crime Commissioner for South Wales; and Dorothy Gregson, Chief Executive for Cambridgeshire. They have been working with the MoJ to create transition arrangements and seek solutions that address the needs and aspirations of the vast majority of Police and Crime Commissioners.
8. The working group made a number of suggestions to the Ministry of Justice including:
 - Commissioners work collaboratively with the MoJ to create effective transition arrangements. They are also willing to explore whether a joint MoJ-PCC Board can be created in the near future to oversee the transition and ensure that Commissioners are able to influence how existing and future nationally commissioned services are delivered.
 - with respect to the specific question of referral mechanisms; transition plans (which will propose that Commissioners work together within the existing Victim Support model and regional boundaries) are being developed. These regional arrangements should enable commissioners in the future to either maintain existing Victims Support referral arrangements or move to another model of provision. The devolution of additional money and other aspects will not be affected by this transition process and will begin in October 2014
 - the proposal that a small number of local pilots can be supported in a way which does not destabilise the transition and meets national standards but does enable them to explore the effectiveness of new, more local, models of working.
9. There were also a number of shared values and principles that were agreed by the working group:
 - The victim must be at the heart of any changes
 - Commissioners must have an increasing role in getting the best outcomes for victims regionally and locally
 - The current service must not be dismantled before it can be secured and improved by Commissioners
 - Commissioners need a say on any services that are commissioned nationally so they link to the local commissioning structures and serve the needs of victims
 - Commissioners need to prove they can work together to reach consensus, even on difficult issues.
10. A transition model that also signifies a new way of working with the MoJ has been designed that ensures that engagement and negotiation takes place, an evidence based approach is used, the Commissioner leads locally and regionally and has influence over the national decision.

11. The new governance overview considers the national, local and regional landscape.

National

- Commissioners are on a steering group with the MoJ and engaging with Victim Support national standards, the transition plan, nationally commissioned services, and ensuring a national IT system is in place.

Regional

- Commissioners form a regional board for each Victim Support area which will give governance and oversight of Victim Support, potential restructure of Victim Care Units, and manage transition at a regional level.
- The West Midlands regional Board had its first meeting on 15 November with representation from each area: Sue Arnold DPCC from Staffordshire, Eric Wood DPCC from Warwickshire, Chris Jenson from West Mercia and Cath Hannon, Victims lead for the West Midlands. The second meeting is taking place on the 20 December and Victim Support will be attending.

Local

- Services will be accountable to the Commissioner for performance. The Commissioner has a duty to listen to victims, commission with additional money and with smaller pots of MoJ money which were historically granted to local services. Cath Hannon is currently leading on work with VS to engage with the voluntary and community sector and will be attending a Victims Services Network meeting on Thursday 27 November. This is an inaugural meeting organised by Victim Support to enable us to make an assessment regarding their working relationships with other providers across the West Midlands.

The timetable for change

12. The timescales below sets out the plan that Commissioners are working to for delivery.

November 2013-March 2014 (Nationally)

- Commissioners will set up joint national steering group with MoJ (this will give oversight on transition and over full range of existing national contracts)
- Set up regional commissioner collaboration structures
- MoJ to engage with VS to extend contract to April 2015, this will include reporting to Commissioners from April 2014
- Commissioner engagement with VS prepares the ground for Commissioners to lead regionally from April 2014.
- MoJ is to agree pilot locations and details
- Stabilize national IT infrastructure etc

November 2013 (Regionally)

- Set up regional commissioner collaboration structures

April 2014 - April 2015

- Commissioners to oversee Victim Support regional work:
 - develop local delivery arrangements
 - performance data and regional activities
 - Victim outcomes to be developed
 - Financial data, Value for money

- Prepare commissioning infrastructure and plans to take on full responsibility for regional referral mechanisms.

April 2014 – April 2015 (National steering group)

- Agree and oversee transition plan, to include:
 - Development of shared standards within Victim Support model
 - Ensure cross boundary victims and referrals from national bodies/Transport Police receive services
 - Work out how different models will operate together
 - Consideration of volunteer retention and training
 - Peer-review system for learning from one another.
 - Processes put in place to maintain national Victim Support IT backbone
 - Engagement on nationally commissioned services, (including witness support services if not devolved)

October 2014

- Local pilots commence from October 2014
- Locally commissioned services in place
- Commissioners increasingly influence how Victim Support provide local & regional services within current grants, and connect to national services and new local services.
- Review of pilots / early learning in place.
- Regions draw up plans for April 2015 and discuss with MoJ.
- APCC provides peer-review support for the process.
- Assurance in place that any new referral systems will provide high quality services to victims and no victim will 'slip through the net'.

Final phase from April 2015 onwards

- Final handover of responsibility of commissioning regional referral hubs to regional Commissioner Consortia (collaboration)
 - Some will choose to maintain or develop existing model
 - Some will choose to commission new arrangements
- Protected national activity in place including shared standards within the referral arrangements, training, learning, volunteer support systems
- Local delivery commissioned as previously agreed
- Strengthened Commissioner input with MoJ to influence remaining nationally commissioned victim support services
- Possible transition of witness support to create a single integrated system -which is the option that most Commissioners prefer.

The way forward

13. The working group wrote to the new Minister for Victims, Damien Green on the 11 October with the plan and timescales above. They also identified that the best date for transition from existing referral arrangements is April 2015, although some areas will be piloting local arrangements from October 2014, with the caveat that existing regional arrangements are protected during the period of the pilot.
14. The approach identified in the plan above has been agreed by Ministers, and the working group will be working with officials to take forward the transitional approach. They will shortly be reporting back to all Commissioners with further details.

15. Damien Green wrote to all Commissioners on the 4 November, clarifying his agreement for an extended transition phase to April 2015 regarding regional commissioning. As part of the transition, some PCC areas will move to locally commissioned/provided referral mechanisms by 1 October 2014 as 'early adopters'. The numbers and location of the 'early adopters' have not yet been identified, however detailed proposals are currently being developed.

Indicative Budgets 2014-15 and 2015-16

16. The total indicative budget for PCC local commissioning for the final two quarters of 2014-15 is £23m and £46m for 2015-16. Victim services commissioning budgets are met in part from the additional revenue being raised from offenders through the increased and extended Victim Surcharge, increased Penalty Notices for Disorder and increased motoring Fixed Penalty Notices. The MoJ estimate total additional receipts from offenders of £35m in 2015-16 which will lead to a substantial increase in services spending on top of the current budget of £50m.

17. The indicative budget for the West Midlands has been allocated using a population based funding formula. The budget is attached at Annex A. The total indicative budget and therefore the local indicative budget include the funding for referral. Nationally the current provision for referral through Victim Support costs approximately £25m a year.

18. Referral costs will be confirmed in December when indicative budgets are updated. Confirmed allocations for 2014-15 and 2015-16 will be received in April 2014, however they will not be less than the indicative budgets identified at Annex A, less referral costs for Commissioners working towards transition in April 2015.

Restorative Justice

19. 40% of the total additional receipts (maximum £20m) from offenders have been prioritised for restorative justice (RJ) provision and funding has been allocated as part of the wider victims' service grant. The funding is not ring-fenced, and can be used to meet locally identified need. Indicative budgets for RJ in 2014-15 total £10m, of which £6.25 will be allocated to Commissioners. The remaining £3.75m will be allocated to a number of organisations to deliver further capacity building and pre-sentence RJ pathfinders. A decision on 2015-16 has not yet been made, but the indication is that it will not be less than the allocation for 2014-15.

Funding for 2013-14

20. Funding of £18m has been made available to Commissioners in the current financial year, as receipts from offenders are already coming through. The rationale for the funding is to:

- build RJ capacity, and where capacity is sufficient, fund RJ capacity
- build the capacity and capability of wider Voluntary Community and Social Enterprise sector (VCSE) to support providers in advance of local commissioning
- prepare for local commissioning.

21. The conditions of grant are attached at Annex B, and take into consideration the requirements that are set out in the EU Directive on victims which Commissioners

will need to consider. The conditions are still in draft, and will be finalised when the allocations for 2014-15 and 2015-16 are finalised.

22. The current indicative allocations for the West Midlands is as follows:

	PCC Preparatory funding 2013-14	Indicative funding 2014-15 (£23)	Indicative funding 2015-16 (46m)
Victims	691,072	1,123,000	2,246,000
RJ	188,030	305,000	tbc
Total	879,102	1,428,000	

FINANCIAL IMPLICATIONS

23. The financial implications are as indicated above.

LEGAL IMPLICATIONS

24. The funding will be issued as a grant under s56 of the Domestic Violence, Crime and Victims Act 2004.

The Commissioner has responsibility to gain the views of the public with specific mention of victims of crime, in the policing area about matters concerning policing and crime. These requirements are set out in the Police Act 1996 as amended by the Police Reform and Social Responsibility Act 2011.

RECOMMENDATIONS

25. The Board is asked to note the contents of the report.

Alethea Fuller
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Police Force Areas	Population formula ¹	2013-14			2014-15 ³			2015-16 ^{2, 3, 4}
		PCC preparatory funding	Restorative Justice ⁵	Total	Indicative allocation (£23m) ²	Restorative Justice ⁵	Total ⁶	Indicative allocation (£46m) ²
Avon & Somerset	2.86%	£404,124	£109,956	£514,080	£656,000	£178,000	£835,000	£1,313,000
Bedfordshire	1.10%	£156,344	£42,539	£198,882	£254,000	£69,000	£323,000	£508,000
Cambridgeshire	1.44%	£203,794	£55,449	£259,243	£331,000	£90,000	£421,000	£662,000
Cheshire	1.82%	£258,069	£70,217	£328,286	£419,000	£113,000	£533,000	£838,000
Cleveland	0.99%	£139,676	£38,004	£177,680	£227,000	£61,000	£288,000	£454,000
Cumbria	0.88%	£124,847	£33,969	£158,816	£202,000	£55,000	£258,000	£405,000
Derbyshire	1.81%	£256,168	£69,699	£325,868	£416,000	£113,000	£529,000	£832,000
Devon & Cornwall	2.97%	£420,953	£114,535	£535,488	£684,000	£185,000	£870,000	£1,368,000
Dorset	1.33%	£187,682	£51,065	£238,747	£305,000	£82,000	£387,000	£610,000
Durham	1.10%	£154,987	£42,170	£197,157	£251,000	£68,000	£320,000	£503,000
Dyfed-Powys	0.91%	£129,161	£35,143	£164,304	£209,000	£57,000	£266,000	£419,000
Essex	3.08%	£435,470	£118,485	£553,954	£707,000	£192,000	£900,000	£1,415,000
Gloucestershire	1.06%	£150,625	£40,983	£191,608	£244,000	£66,000	£311,000	£489,000
Greater Manchester	4.78%	£675,937	£183,912	£859,849	£1,098,000	£298,000	£1,397,000	£2,197,000
Gwent	1.02%	£144,578	£39,337	£183,915	£235,000	£63,000	£298,000	£470,000
Hampshire	3.39%	£479,064	£130,346	£609,410	£778,000	£211,000	£990,000	£1,557,000
Hertfordshire	2.00%	£282,435	£76,846	£359,281	£459,000	£124,000	£583,000	£918,000
Humberside	1.63%	£230,429	£62,696	£293,125	£374,000	£101,000	£476,000	£749,000
Kent	3.09%	£437,345	£118,995	£556,340	£710,000	£193,000	£904,000	£1,421,000
Lancashire	2.59%	£366,626	£99,753	£466,379	£595,000	£161,000	£757,000	£1,191,000
Leicestershire	1.81%	£256,476	£69,783	£326,259	£416,000	£113,000	£530,000	£833,000
Lincolnshire	1.27%	£179,812	£48,924	£228,736	£292,000	£79,000	£371,000	£584,000
Merseyside	2.45%	£346,614	£94,308	£440,922	£563,000	£153,000	£716,000	£1,126,000
MOPAC/City	14.69%	£2,078,275	£565,467	£2,643,742	£3,378,000	£917,000	£4,296,000	£6,756,000
Norfolk	1.53%	£216,449	£58,892	£275,341	£351,000	£95,000	£447,000	£703,000
North Wales	1.22%	£172,707	£46,991	£219,698	£280,000	£76,000	£357,000	£561,000
North Yorkshire	1.42%	£200,776	£54,628	£255,404	£326,000	£88,000	£415,000	£652,000
Northamptonshire	1.24%	£175,244	£47,681	£222,925	£284,000	£77,000	£362,000	£569,000
Northumbria	2.52%	£356,285	£96,940	£453,224	£579,000	£157,000	£736,000	£1,158,000

Nottinghamshire	1.94%	£274,883	£74,792	£349,675	£446,000	£121,000	£568,000	£893,000
South Wales	2.28%	£322,509	£87,750	£410,259	£524,000	£142,000	£666,000	£1,048,000
South Yorkshire	2.39%	£338,228	£92,027	£430,255	£549,000	£149,000	£699,000	£1,099,000
Staffordshire	1.95%	£275,663	£75,004	£350,667	£448,000	£121,000	£569,000	£896,000
Suffolk	1.29%	£183,187	£49,842	£233,030	£297,000	£80,000	£378,000	£595,000
Surrey	2.02%	£286,040	£77,827	£363,867	£464,000	£126,000	£591,000	£929,000
Sussex	2.87%	£405,751	£110,399	£516,150	£659,000	£179,000	£838,000	£1,319,000
Thames Valley	4.06%	£574,226	£156,238	£730,464	£933,000	£253,000	£1,187,000	£1,866,000
Warwickshire	0.97%	£137,071	£37,295	£174,367	£222,000	£60,000	£283,000	£445,000
West Mercia	2.17%	£307,638	£83,704	£391,342	£500,000	£135,000	£635,000	£1,000,000
West Midlands	4.88%	£691,072	£188,030	£879,102	£1,123,000	£305,000	£1,428,000	£2,246,000
West Yorkshire	3.96%	£560,497	£152,503	£712,999	£911,000	£247,000	£1,158,000	£1,822,000
Wiltshire	1.22%	£172,286	£46,876	£219,162	£280,000	£76,000	£356,000	£560,000
Total		£14,150,000	£3,850,000	£18,000,000	£23,000,000 ⁷	£6,250,000 ⁷	£29,250,000 ⁷	£46,000,000 ⁷

¹ Based on ONS' Mid-2012 Population Estimates for England and Wales (aged 0+)

² Includes cost of referral

³ Rounded down to the nearest £1,000

⁴ This excludes funding for Restorative Justice, which will not be at a lower level than for 2014-15

⁵ The Restorative Justice allocation is not ring-fenced

⁶ This may not equal the sum of the previous two columns due to rounding

⁷ Rounded to the nearest £50,000

PCC Grant Conditions

1. (a) Funding provided by the Ministry of Justice for the purposes of victims' services commissioning in the PCC area ("the victims' services grant") must be spent on:-

- (i) services for victims of crime (or witnesses, or other person affected by offences); and
- (ii) services for family members (as defined in article 2 of the Victims Directive) of such victims; and
- (iii) any associated costs that arise in the process of commissioning of victims' services.

(b) Services commissioned must particularly assist victims of serious crime including those who are particularly vulnerable or intimidated or who have been persistently targeted.

(c) Where the services for victims of crime are restorative justice services, funding can be used –

- (i) where necessary, to build the capacity and capability of restorative justice services across the criminal justice system in the PCC area; or
 - (ii) if capacity and capability are sufficient, to commission restorative justice services.
- (For the purposes of this grant restorative justice services are defined as set out in Annex A).

2. (a) Having identified *relevant existing provision in the PCC area, the recipient must provide or commission services with the victims' services grant, which, when taken together with these existing services, will satisfy the requirements of EU Directive 2012/29 establishing minimum standards on the rights, support and protection of victims of crime (and in particular Articles 8 and 9 of that Directive) ("the Victims' Directive").

(b) To comply with the requirement of the Victims' Directive, services commissioned in accordance with this paragraph must act in the interests of the victim and be:-

- (i) free of charge;
- (ii) confidential;
- (iii) non-discriminatory (including being available to all regardless of residence status, nationality or citizenship);
- (iv) available whether or not a crime has been reported to the police;
- (v) available before, during and for an appropriate time after any investigation or criminal proceedings.

* relevant existing provision refers to victims' services which are currently in place and funded by other means

3. (a) Unless the recipient is satisfied that suitable arrangements are otherwise in place in their area, services provided or commissioned in accordance with condition 2(a) must include a service:-

- (i) to which initial contact by referring organisations or victims (or, where relevant, family members) can be made;
- (ii) through which the needs of victims (and family members) can be assessed; and
- (iii) by which victims (and family members) can be provided with relevant information and/or referred to suitable victim support services, in accordance with their needs.

(b) The recipient must ensure that the availability and contact details of a service provided or commissioned under this paragraph are widely publicised in a variety of media and locations.

4. Where the victims' services grant is used for restorative justice services, PCCs must ensure that service providers:-

- (i) take account of guidance issued by the Restorative Justice Council and, where necessary, seek their advice, to ensure the development of safe and competent RJ services (in accordance with Article 12 of the Directive), and
- (ii) can demonstrate that victims who choose to participate in RJ processes will have access to safe and competent restorative justice services (in accordance with Article 12 of the Directive).

5. The recipient will provide a statement to the Authority at the end of every financial year covering the following:

- (i) how compliance with condition 1, 2, 3 and 4 has been satisfied;
- (ii) the range of services that have been funded by the recipient;
- (iii) how much of the budget has been spent on commissioning costs;
- (iv) how the recipient has monitored and demonstrated the impact of the use of the grant (in particular the expectation that funding is helping victims to cope and recover from crime); and
- (v) confirmation that the funding has been spent in accordance with the grant conditions.

Internal management information must be kept locally.

Restorative Justice

Restorative justice (RJ) activities provide opportunities for victims to be heard and to have a say in the resolution of offences. RJ has the potential to transform the way in which the needs of the victim are met. It also provides an opportunity for offenders to face the consequences of their actions and the impact that it has had upon others. This has been shown to be effective in motivating offenders to change, make use of support being offered, and reduce re-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 restorative or reparative 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.

An RJ process can be delivered through:

- A restorative group conference, involving a facilitator, the offender and victim and their supporters (usually family members). Professionals, such as social workers, Youth Offending Teams (YOTS), probation, police or prison staff, and representatives of the wider community may also be involved. These conferences follow a clear structure, with some facilitators choosing to follow a 'script' of set questions, and may conclude with an agreement for further steps to be taken e.g. a form of reparation.
- A community conference, involving members of the community affected by the crime or conflict. This is facilitated in the same way as a restorative conference. But it differs from the restorative conference in that it can involve many more people.
- Contact between victim and offender through a mediator/facilitator, to discuss the offence. This contact might result in an agreement for further steps to be taken e.g. some sort of reparation, but this is not a necessary outcome.

Indirect communication is also possible. This can be via telephone or video conferencing, written correspondence or 'shuttle mediation' through the facilitator. All of these can lead to a face-to-face meeting at a later stage.