



Ministry of Defence

JSP 839 – Victims’ Services

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Directorate Service Personnel Policy

This JSP has been equality and diversity impact assessed in accordance with departmental Policy. This resulted in a Part One screening only being completed (no direct discrimination or adverse impact identified / policy is a reflection of statutory requirements and has been cleared by a Legal Advisor).

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SECTION 1 - INTRODUCTION

1.1 All victims of crime should be treated in a respectful, sensitive and professional manner, without bias or discrimination. 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, who they are able to request help and assistance from and how to obtain this help and assistance.

1.2 This guidance supports the Armed Forces Code of Practice for Victims of Crime ('the Code'), which comes into force on Mon 16 Nov 15, in providing advice on how Service Providers should discharge their obligations as required by the Code and consequently deliver the appropriate entitlements to victims. This guidance is designed to assist service providers in ensuring compliance with the Code¹, and it should read in conjunction with the Code, a copy of which is at Annex A. This copy has had the paragraph and cross-reference numbers changed to assist in navigation of the Code, but the text is otherwise unchanged from the original Code as contained in the Criminal Justice (Armed Forces Code of Practice for Victims of Crime) Regulations 2015. All references to Chapters and paragraphs of the Code contained in this JSP are to the version of the Code at Annex A. It should also be read in conjunction with DIN2014 01-209 - Guidance to Commanding Officers and victims when dealing with allegations of serious criminal offences including sexual offences (the text of which is copied at Annex B), in such cases.

1.3 The procedures within the guidance are primarily for:

- a. **Victims of crime.** A victim is defined by the Code as a natural person² who has suffered harm, including physical, mental or emotional harm or economic loss, which was caused directly by a criminal offence³. This includes a close relative of a person whose death was directly caused by a criminal offence and who has suffered harm as a result of that person's death.
- b. **Commanding Officers (COs).** The CO of the suspect for the offence which has caused the victim harm.
- c. **Victim Liaison Officers (VLOs).** Appointed by the CO to keep the victim informed of various events as the case progresses through the Service Justice System.
- d. **Service Police.** The Royal Navy Police, The Royal Military Police and the Royal Air Force Police.
- e. **Service Prosecution Authority (SPA).** The SPA are responsible for the prosecution of criminal offences in the Service Courts.

¹ The Code remains the ruling document. It makes provision as to the services to be provided to a victim of crime by service providers within the Service Justice System so as to give effect to Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime.

² Legal persons (e.g, businesses) are not included in the definition of a victim.

³ Criminal offence means a Service Offence (within the meaning of section 50 of the Armed Forces Act 2006) that is committed in, or subject to Service justice criminal proceedings in, the European Union.

f. **The Military Court Service (MCS).** The organisation that provides a criminal court service for the Services in the Court Martial, Summary Appeal Court (SAC) and Service Civilian Court (SCC).

g. **The Military Corrective Training Centre (MCTC).** The primary location where Persons Subject to Service Law (PSSL) serve periods of Service detention after having been sentenced for criminal offences. The Comdt MCTC also delivers the Armed Forces Victim Contact Scheme (AFVCS).

1.4 **Geographical Constraints.** This guidance has the same geographical constraints as the Code. It applies to all cases where there is an eligible victim⁴ who has made an allegation to the Service Police or the alleged perpetrator's Commanding Officer⁵ that they have suffered harm which was directly caused by a criminal offence committed by a person subject to service law or a civilian subject to service discipline and the crime took place in the European Union (EU), or for crimes that took place outside the EU, only in relation to those criminal proceedings that take place within the EU⁶. For those cases not covered by the Code, whilst Service Providers are not obligated to deliver the entitlements set out by the Code to victims, the needs of the victim should always be a key consideration in any investigation. All should also be cognisant of Annex B in dealing with the victims of serious criminal offences including sexual offences.

⁴ A victim that has made an allegation to the Service Police or to the alleged perpetrator's Commanding Officer that they have suffered harm (including physical, mental or emotional harm or economic loss) which was directly caused by a criminal offence committed by a person subject to service law or a civilian subject to service discipline, or have had such an allegation made on their behalf, or if they are contacted as a victim in the course of investigations

⁵ Or have had such an allegation made on their behalf, or if they are contacted as a victim in the course of investigations.

⁶ In a case, some criminal proceedings, such as interviews with victims, may take place outside the EU, while other criminal proceedings, such as a trial or Summary Hearing, may take place in the EU. This guidance does not apply to those criminal proceedings that take place outside the EU.

SECTION 2 - VICTIMS

2.1 General. This section sets out an overview of some of the key personnel and procedures set out in the Code which you will come into contact with. Please see the Code for more detailed information.

2.2 Entitlements. Parts 1, 2 and 3 of the Code (or Parts 1, 2 and 4 if you are under 18) set out your entitlements as a case progresses through the Service Justice System. If you are the victim of the most serious crime, a persistently targeted victims or vulnerable or intimidated victim, you are also entitled to Enhanced Entitlements, which are fully explained within the Part 2 of the Code. You may also benefit from the protections set out in 2014DIN 01-209, the text of which is copied at Annex B. You are strongly encouraged to examine the Code, which is copied at Annex A.

2.3 Investigation. In the Service Justice System, investigation of an alleged crime will be carried out either by the Service Police or the Commanding Officer (CO) of the person suspected of committing the crime.

2.4 Victim Leaflet. You will be informed of many of your entitlements without unnecessary delay from your first contact with the Service Police or the person taking your allegation on behalf of the CO of the person suspected of committing the crime against you. These are detailed within the introduction to the Code at Part 1, Chapter 3, Paragraph 13. This will usually be done at the first contact itself. During this first contact, you will be handed the Victim of Crime Leaflet (copied at Annex C). This leaflet contains all that information which must be provided at this first contact, including the details of the person dealing with your case, the investigation reference number, brief details of the incident reported and contact details for victim support services.

2.5 Needs Assessment. You are entitled to a timely needs assessment. This will generally be conducted on your first contact with the Service Police or CO, the person recording your account of events will conduct a needs assessment. This assessment will determine the kind of support that you may need to ensure that you are able to provide the best possible evidence and are appropriately supported. If necessary, the needs assessment will be re-assessed as the case progresses through the Service Justice System and it will be used by the Service Prosecuting Authority (SPA) should there be a requirement to apply to the Court Martial for Special Measures. You are able to request that the Service Police or CO consider the use of any measures that you believe will assist you during the investigation (Special Investigation Measures) or at court (Special Measures) and conversely, you may decline to take up any of the services or measures offered to you.

2.6 Interpretation and Translation. If you do not understand or speak English, you are entitled to ask for interpretation into a language you understand when reporting a crime, being interviewed in respect of the crime or giving evidence in criminal proceedings. The Victims' Code sets out your entitlement to request the translation of key documents as part of the case, including the written acknowledgement.

2.7 VLO. The CO of the person suspected of committing the crime against you will allocate a VLO to you; however, in some cases the responsibility for this role, or partial responsibility, will be taken by the Service Police. In any case you will be informed of who is providing your victim liaison at all times and be informed of how to contact them. The VLO will be a minimum of Senior Non-Commissioned Officer (SNCO) rank and will not have had any involvement in the case. The VLO

will keep you informed of events as the case progresses, such as Service Court and Summary Hearing dates and times.

2.8 Reviews. The Code entitles you to seek a review of certain decisions made by the Service Police, CO or SPA, in respect of the suspect if you are unhappy with those decisions. You are able to request the review of:

- a. a decision by the Service Police not to refer a suspect for a charge to the CO or Director of Service Prosecutions (DSP);
- b. a decision of a CO not to charge a suspect, or in cases where the CO cannot charge without first referring the case to the DSP, a decision not to refer the case to the DSP, or a decision to discontinue a charge;
- c. a decision by the SPA not to bring or direct a charge or certain other decisions to end the case.

2.9 The Service Police, CO or SPA will inform you of their respective Right to Review Schemes and how to request such a review.

2.10 Armed Forces Victim Contact Scheme (AFVCS). Should the person that committed the crime against you be found guilty of a criminal offence in respect of that crime at a Service court or Summary Hearing and be sentenced to a period of Service detention or civilian imprisonment, you are entitled to enrol into the AFVCS. The purpose of the scheme is to provide victims who are concerned for their safety with information, keeping them informed of the key stages of the offender's sentence. Your VLO should offer you this when informing you of the outcome of the Service Court or Summary Hearing. The AFVCS will allocate a MCTC Liaison Officer (LO) to you. Where there is a danger or an identified risk of harm to you, the LO will inform you of the key stages of the offenders sentence, such as periods of community work placements, short-term temporary release and release. Full details of these entitlements can be found in Chapter 7, Part 3 and Chapter 7, Part 4 of the Code. If you initially decide that you do not want to opt in to the AFVCS, but later change your mind, you can do so by calling MCTC on military 94660 6717/civil 01206 816717 during working hours or military 94660 6757/civilian 01206 816757 out of hours.

2.11 Unwanted Contact From Offenders. If the suspect for the crime committed against you contacts you against your wishes or you feel in any way intimidated by them or others in respect of your reporting and/or providing evidence in respect of the offence, you should contact the person investigating your case using the contact details provided to you on the victim leaflet. If you feel in imminent danger or otherwise feel threatened, you should contact your local Service Police (or civilian police if appropriate). If you are receiving unwanted contact from an offender serving a term of Service detention or civilian imprisonment in respect of the crime committed against you, you should inform MCTC on military 94660 6717/civil 01206 816717 during working hours or military 94660 6757/civilian 01206 816757 out of hours, the National Offender Management Service Victim Helpline on 0300 0606699 (or email victim.helpline@noms.gsi.gov.uk), or, where relevant, the Youth offending team supervising an offender.

2.12 What if the suspect is unknown? If the suspect for the crime committed against you is unknown, you are still entitled to services as a victim of crime. These services will be provided by the Service Police or CO that is investigating the incident you have reported. Should a suspect be

identified who is under the command of a different CO to the one who has been providing the services to you, the responsibility will transfer to the CO of this suspect.

2.13 Victim Support Services. There are a range of support services that provide advice, guidance and support to the victims of crime. Contact details for those that support victims within the Service Justice System are available on the victims leaflet. In addition, there is nothing to stop you from contacting any other organisation or support group that you feel will help you. If you are unsure of how to contact a victim support service you should speak with the person that recorded your complaint, using the contact details that they have provided to you. Details of victim support services are listed at Sect 9 of this guidance.

2.14 Complaints. If you feel that any of the Service Providers within the Service Justice System have failed to inform you of or provide you with your entitlements as required by the Code, you are entitled to submit a complaint about it. Each has a complaints procedure and will inform you how to you can make a complaint. If you feel confident in doing so, you should initially make your complaint to the person responsible for delivering the entitlement(s) to you and if possible they will attempt to resolve the matter with you quickly and to your satisfaction. However, if you do not feel that you are able to do this, you can make a formal complaint as detailed in the appropriate Service Provider's complaints procedure. The complaints processes are without prejudice to any other lawful remedy which may be open to you, including Judicial Review.

SECTION 3 – COMMANDING OFFICERS

3.1 The Code requires COs to provide services to which the victim of a crime committed by a suspect under their command is entitled. The services to be provided by a CO will vary depending on whether the incident is being investigated by the Service Police or the CO. This Section provides guidance to COs on how these entitlements should be delivered.

CO's Investigation

3.2 **First Contact.** The Code requires you to provide certain information to the victim without unnecessary delay from your first contact with them. This should generally be provided at first contact⁷. This is detailed within the introduction to the Code at Part 1, Chapter 3, Paragraph 13 to the Code. First contact is defined as being the first meeting that you have with the victim. Whilst it is acknowledged that this first contact may actually be conducted by somebody acting on your behalf, the obligation is on you as the CO to ensure that the information is provided. All of the information that must be provided to a victim at first contact is contained within the 'Victim of Crime' leaflet at Annex C. This includes the provision of contact details for the person taking their complaint, a reference number and brief summary of the incident they have reported.

Actions/Guidance.

- a. The Victim of Crime leaflet must be completed and handed to a victim at first contact and the person handing over the leaflet should request that the victim reads it.
- b. They should then ask the victim whether they wish their details to be passed to Victim Support. If they do, ensure that their details are passed to the relevant victim support services – see Section 9 of this JSP.
- c. A written record should be made to document that the leaflet has been handed to and read by the victim, as well as any request for referral to Victim Support or if the offer was declined.
- d. Agree with the victim how often they wish to be updated on the progress of the case.

3.3 **Interpretation and Translation.** If the victim does not understand or speak English, they are entitled to request interpretation into a language they understand:

- a. when reporting a criminal offence;
- b. when being interviewed by the Service Police or Commanding Officer exercising powers of investigation; and
- c. when giving evidence as a witness.

⁷ If the first contact is not face to face, or if the relevant leaflets are not available at the time, the information must be provided without unnecessary delay thereafter.

3.4 If they do not understand or speak English, they are entitled on request to translation of the following information:

- a. the written acknowledgement of the reported crime;
- b. where it is essential for the purposes of the interview, summary hearing, or court hearing to see a particular document that is disclosed to you, the relevant parts of the document;
- c. the document informing you of the date, time and place of trial; and
- d. the outcome of criminal proceedings where so entitled under this Code and at least brief reasons for the decision where available.

3.5 An oral translation or summary of this information may be provided, unless doing so would prejudice the fairness of the proceedings. You must ensure such interpretation or translation is available free of charge.

3.6 If the victim is unhappy with a decision not to provide interpretation or translation services, they are entitled to make a complaint.

3.7 **Needs Assessment.** A Needs Assessment is an evaluation to determine the kind of support that a victim may need following a crime and is also used to explain Special Measures and Special Investigation Measures and to identify any Special Investigation Measures that may assist in obtaining the victim's account of events or Special Measures that may assist them in giving evidence at any future Service Court or Summary Hearing. Completion of the Needs Assessment will identify whether the victim falls into one of the three priority categories of victims of the most serious crime, vulnerable or intimidated victims or persistently targeted victims and so be eligible for Enhanced Entitlements under the Code. Enhanced entitlements includes the provision of appropriate Special Investigation Measures and Special Measures, as well as requirements in the swifter provision of information as the case progresses. Victims under the age of 18 yrs are automatically considered to be vulnerable.

Actions/Guidance.

- a. The Victim/Witness Needs Assessment must be timely. This generally means that it should be completed by the person recording the account from the victim **before** the account is obtained. The form at Annex D to this JSP should be used in conjunction with the guidance notes at Annex E.
- b. If the victim does not fall into one of the priority categories eligible for enhanced entitlements the assessment must still be completed and filed. However, you should always consider whether another assessment is required as the case progresses, because the circumstances of the victim may change (e.g. if they suffer harassment or intimidation or become concerned for their safety.)
- c. If the victim does fall into one of the priority categories and it is considered that the use of Special Investigation Measures may be appropriate or the victim requests the use of measures, you must fully consider whether the measure would assist the victim in providing

complete, coherent and accurate evidence. The rationale for any decision not employ Special Investigation Measures to an entitled victim must be fully documented and explained to the victim.

d. If you consider that Special Investigation Measures should be utilised but are unable to provide them, the case should be passed to the Service Police, unless there is an urgent need to interview the victim and failure to do so could harm the victim or another person or prejudice the investigation.

e. If the requirement for Special Investigation Measures and/or Special Measures are identified and you retain the lead in the investigation (i.e. do not pass it to the Service Police), a completed copy of the Victim/Witness Needs Assessment must be passed to your Legal Advisory Branch if you intend to deal with the matter summarily or SPA if you refer the case to the DSP.

3.8 Interview of the Victim. Whilst you might not conduct an interview with the victim yourself, you must ensure that it is conducted in a manner that considers the needs and views of the victim (as detailed at para 3.7 above) in order to minimise their stress and maximise the quality of the evidence that will be gathered. It must be explained that any witness statement that is taken may result in the victim having to give evidence to a Service Court or a Summary Hearing at a later date. Where possible the interview should be planned in advance, taking into account the following:

Actions/Guidance.

a. The timing and location of the interview – does the victim have any commitments (e.g. child care)? The status and/or unit of the victim may influence the location (e.g. civilian access to unit lines or feelings that the victim may have in entering the suspect's unit lines.).

b. The gender of the victim and interviewer – whilst a male may interview a female victim (although this must be given further consideration as Special Investigation Measure and in cases involving sexual offences), he should do so accompanied by another person and vice versa for male victims with female interviewers.

c. For a child victim, a suitable adult should be present to provide emotional support.

d. Ensure that the interview is conducted as soon as possible after the incident has been reported in order to ensure that the victim provides their best recollection of the events.

e. You should allow the victim to be accompanied by a person of their choice, unless you make a reasoned decision to the contrary. Any person that the victim wishes to accompany them must not have been involved in or a witness to the offence and their presence is merely to provide emotional support to the victim or to provide assistance in their understanding or being understood, rather than to assist them in providing the account⁸.

⁸ Unless the accompanying person is also doing so as a Registered Intermediary under Enhanced Entitlements.

- f. In cases where the Special Investigation Measure of video recording an interview is not being used, the interviewer should make a written record (statement) of the victim's account of events. On completion, the victim must be allowed to read over the record, then sign and date it, indicating that it is true and accurate to the best of their knowledge and belief.
- g. Where possible the number of interviews should be limited to those which are strictly necessary for the investigation. It is acknowledged that there may be the requirement to re-interview the victim in order to clarify their account, especially if other evidence questions its accuracy. However, you should avoid doing so repetitively; it may be beneficial to do so when all other witness evidence has been obtained. This will enhance the quality of the evidence you obtain from the victim, whilst also minimising stress to them.
- h. Medical examinations (where necessary) must be kept to a minimum and only carried out where strictly necessary for the purpose of the criminal proceedings. If the victim has suffered an injury, you should request that they be medically examined and request that they consent for you to obtain evidence from the medical practitioner that examined them. It is recommended that you take legal advice if you feel a follow up medical examination of the victim is required.
- i. You must always take steps to ensure that the victim does not have unnecessary contact with the suspect before, during and after any interviews.
- j. You must ensure that a decision not to investigate a crime is explained without unreasonable delay;
- k. You must ensure that the victim is advised, without unreasonable delay, when an investigation into a case has been concluded with no person being referred and that the reasons are explained. You must ensure the victim is asked if they wish to be informed if the investigation is to be re-opened. A record of their response should be made. The victim's views are to be sought and must be considered if re-opening of the case is formally considered.
- l. You must ensure that any disabilities or linguistic needs are taken into account and that required Special Investigation Measures are provided in accordance with the Needs Assessment.
- m. You must provide an update on the investigation or criminal proceedings as agreed with the victim at first contact.

3.9 Appointment of VLO. You must appoint a VLO to the victim within 3 working days of the incident occurring or 1 working day if the victim falls into one of the three priority categories eligible for Enhanced Entitlements under the Code. The VLO is responsible for providing information on the progress of the case and any key events. This is a crucial role in ensuring your compliance with the Code.

Actions/Guidance.

- a. VLOs must be a minimum of substantive SNCO rank and you should be satisfied that the nominated person possess the appropriate personal characteristics and communication skills to carry out the role.

- b. The VLO must have no connection to the case or should not have another role in decisions relating to the case.
- c. You are to be satisfied that the nominated VLO is aware of the Code and their obligations under it. This may include a bespoke brief. They should also be aware of where to obtain specialist support in the event that they have a question or require advice.
- d. You should without unnecessary delay inform the VLO of the following events. This information can be passed verbally or in writing (e.g. via email or text message); however, a record should be made of the date and time when the VLO was informed of the event:
 - (i) The date and time of any arrest of a suspect.
 - (ii) The date and time of the release of the suspect from Service custody, including any release requirements that are imposed, changed or cancelled, unless you consider that the provision of this information to the victim would cause an identified risk of harm to the suspect.
 - (iii) Any decision not to proceed with or to end an investigation, not to charge a suspect or not to refer the case to the DSP. This should include a brief summary of reasons for this decision where available and information to the victim on their entitlement to request a review of decisions not to charge or refer a suspect to the DSP in accordance with the CO's Right to Review Scheme contained at Annex F.
 - (iv) Any decision to substitute a charge against the suspect with another charge, substantially alter a charge or bring an additional charge against the suspect, together with a brief summary of reasons for the decision where available.
 - (v) Any decision to discontinue proceedings on the charge. This should include a brief summary of reasons for this decision where available and information to the victim on their entitlement to request a review of that decision in accordance with the CO's Right to Review Scheme at Annex F.
 - (vi) The date, time and place of any trial, Summary Hearing or appeal and the nature of the charges against the suspect.
 - (vii) The final outcome of any trial, Summary Hearing or appeal, including a brief summary of reasons for that outcome where available.

3.10 Victim Personal Statement (VPS). A VPS provides victims the opportunity to describe the wider effects of the crime upon them, express their concerns and indicate whether or not they require any support. You may offer a victim the opportunity to make a VPS when it seems appropriate, but you must ensure that you offer all victims the opportunity to make a VPS when they make their initial witness statement to you or the person acting on your behalf. In addition, the offer should be made to victims of the most serious crime, persistently targeted victims and vulnerable or intimidated victims even if they have not made a witness statement. It should also be noted that this offer should be made to the parent or carer of a vulnerable adult or victim under the age of 18 years if it is considered in their best interests. A record should be made of the offer of the

VPS and whether it was accepted. If declined, the victim may request to make a VPS at any other time before sentencing at criminal proceedings, should the accused be found guilty of the offence. Further detail can be found at Paragraphs 232 to 240 inclusive, Chapter 3, Part 5 of the Code and a useful guidance document can be found at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/264622/practitioners-vps-guidance.pdf

Actions/Guidance.

- a. Ensure that the offer of the VPS is made and victim's response is recorded.
- b. If accepted, the VPS should be recorded separately to the witness statement and headed 'Victim Personal Statement' to ensure that it is easily identifiable.
- c. The victim should be asked whether they want their VPS to be read aloud (or played if recorded) if the matter proceeds to a Service Court and whether they would like to read it to the court themselves or for the SPA prosecutor to do so on their behalf. In doing so, you should inform the victim:
 - (i) That the VPS does not have to be read aloud if they do not want it to be and will still be considered by the court. The victim can change their mind should they later wish it to be read out by themselves or be read out by the SPA prosecutor.
 - (ii) That the victim may be questioned on the content of the VPS in a Service Court or at Summary Hearing.
 - (iii) That any media present at court may report on the content of the VPS with a risk to their privacy.
 - (iv) That it is a judicial decision as to whether the VPS is actually fully or partially read out and by whom or played if recorded.
- e. The victim should be informed that should the matter proceed to Summary Hearing, they may read out the VPS if they are called to give evidence or otherwise the statement will form part of the case papers. The victim should also be informed that if they read it aloud at Summary Hearing, they may be questioned upon it.
- f. If the case is to be referred to the DSP, you must forward a copy of the VPS to the SPA as part of the case papers.
- g. Should the case proceed to a Service Court, you must inform the SPA of the victim's preference in relation of the presentation of the VPS to the court.
- h. If the case proceeds to a Summary Hearing, you must ensure that the VPS is included in the case summary and written evidence.

3.11 Summary Hearing. The following applies if verbal evidence from the victim is to be taken at a Summary Hearing:

Actions/Guidance.

- a. You must re-consider the Needs Assessment that you or the person acting on your behalf carried out when the initial account of events was taken from the victim. In doing so, you should assess whether the needs of the victim have changed.
- b. Where the Needs Assessment identifies that the victim will be unable to give evidence without the requirement for the use of Special Measures and it is anticipated that the witness may need to give evidence verbally, you should not hear the case and instead refer the case to the DSP, so that an appropriate decision can be made as to whether Special Measures are required.
- c. You should arrange for an appropriate member of your discipline staff to meet with the victim before the Summary Hearing and brief them on the process, answering any questions they may have and where possible indicating how long they may have to wait before giving evidence.
- d. If the victim falls into one of the three priority categories that entitles them to Enhanced Entitlements, you should offer them the opportunity to visit the location where the Summary Hearing will take place so that they can familiarise themselves with the layout of the location in an attempt to make them feel more at ease with the process.
- e. You should ensure that the victim is provided with a copy of their statement within a reasonable time prior to the Summary Hearing, or if recorded, provided with the opportunity to view/watch their interview, in order to refresh their memory.
- f. You should make every effort where possible to ensure that the victim and any family members with permission to accompany them are able to enter and leave the place of the hearing via a different entrance/exit to the accused and be seated in a separate waiting area from the accused. If this proves difficult, you must as a minimum make every effort to ensure that the victim does not have any unnecessary contact with the accused prior to and during the Summary Hearing process.
- g. If there is any delay in the proceedings you should ensure that victim is provided with an explanation for the delay and how long it is likely to be.
- h. You should ensure that the victim has a point of contact to your Discipline Staff in order that they can leave the place of the hearing whilst they are waiting to give evidence and be contacted if necessary.
- i. You must ensure that any questioning of the victim is conducted in a fair and just manner and you must intervene if you consider that any questioning by the accused is inappropriate or aggressive in its manner.
- j. You must ensure that the victim is able to reclaim properly and reasonably incurred expenses that they have incurred as a result of your decision to hear evidence from them. This may take the form of a travel warrant or voucher entitling the witness to travel free of charge, and an undertaking by the unit of the CO dealing with the Summary Hearing to pay any other expenses incurred in respect of giving evidence. Given that costs lie where they

fall, for civilian witnesses, the unit should liaise with the witness as to travel requirements and any other expenses they may have. Service witnesses will make their own arrangements for attendance through ship/unit/establishment travel offices. This may include travel and subsistence, loss of earnings and childcare costs. You should take advice from your unit finance personnel on the appropriate means of ensuring that this process causes the minimum hardship to the victim. Guidance contained in Appendix 1 to Annex E to MCS SOP16 should be followed where relevant. The financial arrangements should be agreed in advance during any meeting with the victim prior to the hearing. Where it is possible and practicable to do so the claimant should provide receipts for expenses claimed.

3.12 If the victim is not present at the Summary Hearing you should ensure that arrangements are in place that will allow them to find out what is happening whilst the case is being heard.

3.13 On conclusion of the hearing you must ensure that you provide the outcome of the Summary Hearing including a brief summary of reasons for the decision⁹, to the VLO without unreasonable delay.

3.14 **Service Courts and Appeals.** If the case proceeds to a Service Court or appeal hearing, you are responsible for informing the VLO of all key events and outcomes. This information should be passed via the VLO who will then pass it to the victim, and is detailed at Chapters 5, 6 and 7, Part 5 of the Code.

3.15 **Complaints.** Should a victim submit a complaint regarding their belief that they have not been dealt with as required by the Code, you should deal with the matter in accordance with the COs Complaints Procedure At Annex G to this JSP.

⁹ This must be consistent with the record of decision.

SECTION 4 – VICTIM LIAISON OFFICERS (VLOs)

4.1 A VLO will be appointed to a victim by the CO of the suspect for the crime committed against them. In cases, where the suspect is unknown, the VLO will be appointed by the CO of the victim, or if the victim is a civilian the role is likely to be taken by the Service Police. The primary role of the VLO is to keep the victim informed of key events as their case progresses through the Service Justice System. Whilst it is not the VLO's role to provide emotional support to the victim, they should be aware of the victim support agencies available and be able to provide advice to victims on how to contact them. This section provides advice and guidance on how VLOs deliver their obligations to victims as required by the Code.

4.2 **Impartiality.** As a VLO, you will be delivering obligations placed upon you by the Code to the victim of a crime allegedly committed by a member of your unit. You must inform your CO if you know or believe that there is any reason why you should not undertake this role. This could include, but is not limited to, having been involved in or witness to the incident or an existing social relationship with the suspect or victim. You must always act with impartiality and be respectful, with the best interests of the victim in mind.

4.3 **Provision of Information to Victims.** As detailed above, your primary role is the provision of information to victims. You should ensure that you agree a means of contacting with the victim and always provide information to the victim without unnecessary delay, especially if the victim is a victim of the most serious crime, a persistently targeted victim or a vulnerable or intimidated victim. Some of the information that you will be required to pass to the victim may be supplied by other Service Providers, such as the Service Police, SPA and MCS. These providers will inform your CO (or his/her discipline staff) of the information, who will then inform you. You are responsible on behalf of your CO for providing the victim with the following information without unreasonable delay:

- a. The date and time of any arrest of a suspect.
- b. Advising the victim that they may ask to be informed of the release of the suspect from service custody, including any service custody requirements that are imposed, changed or cancelled.
- c. An update on the investigation or criminal proceedings at intervals agreed with the victim by the CO.
- d. Any decision to charge or refer the case to the DSP.
- e. Any decision by the CO not to proceed with or to end an investigation, not to charge a suspect or not to refer the case to the DSP. This will include a brief summary of your CO's reasons for this decision where available and information to the victim on their entitlement to request a review of decisions not to charge or refer a suspect to the DSP in accordance with the CO's Right to Review Scheme.
- f. Any decision by the CO to substitute a charge against the suspect with another charge, substantially alter a charge or bring an additional charge against the suspect, together with a brief summary of reasons for the decision where available.

- g. Any decision by the CO to discontinue proceedings on the charge. This will include a brief summary of your CO's reasons for this decision where available and information to the victim on their entitlement to request a review of the decision in accordance with the CO's Right to Review Scheme.
- h. The date, time and place of any trial at a Service Court or Summary Hearing (or any adjournment or postponement of that trial or Hearing) and the nature of the charges against the suspect.
- i. Where the victim may be required to give evidence in a Summary Hearing, discuss with the victim any needs they may have and refer them to victim support services where appropriate – see Section 9 of this JSP.
- j. The plea entered by the suspect at any preliminary hearing. If the plea is not guilty, you should discuss any needs that the victim may have and refer the victim to any support services that may be appropriate (see Sect 9).
- k. Notification to the victim if they are required to give evidence at a Service court or Summary Hearing, including information on the process that will be followed. For those that will be giving evidence at a Service Court, they should be encouraged to read the MCS witness information leaflet *at Annex H*.
- l. The outcome of any Special Measures application hearing.
- m. The court's decision on whether, and what sections of, the VPS should be read aloud or played and who will read it.
- n. In cases where there is danger of identified risk of harm to the victim (you will have been informed of this by your CO or the SPA), you must notify the victim without any unnecessary delay of the release from custody of a suspect, together with any release requirements imposed, changed or cancelled. However, this information may be withheld at the discretion of your CO or the SPA if there is considered to be a risk of harm to the suspect.
- o. The final outcome of any Service Court or Summary Hearing, including the sentence and a brief summary of reasons for the outcome where available, and a short explanation about the meaning and effect of the sentence. If you cannot answer the questions asked by the victim you should refer the victim to the SPA.
- p. Any notice that an appeal has been made by the offender to the Summary Appeal Court (SAC), High Court, Court Martial or Court Martial Appeal Court.
- q. The date, time and place of any appeal hearing.
- r. The outcome of any appeal, including any changes to the original sentence.
- s. Explain the purposes of the Armed Forces Victim Contact Scheme and explain that if the victim wishes to use the scheme they are to contact MCTC.

4.4 **Review.** If an entitled victim seeks a review of a Commanding Officer's decision not to charge a suspect, not to refer the case to the DSP, or a decision to discontinue proceedings, the procedures set out in the Commanding Officers' Victim Right to Review Scheme at Annex F are to be followed. Eligibility to use the scheme is subject to territorial rules. Where the Code and the scheme do not apply due to territorial restrictions, although in no way obliged to do so, the CO and Higher Authority may nonetheless consider that an individual in a particular case should be offered a review following the spirit of the scheme. Legal advice from single Service Legal Branches should be obtained before making such a decision.

4.5 **Complaints.** Should the victim submit a complaint regarding their belief that they have not been dealt with as required by the Code, the matter will be dealt with in accordance with the procedure at Annex G to this JSP.

4.6 **Record Keeping.** You should maintain a diary of all contact with a victim, noting the detail of the information passed and any response made. After passing information to the victim, you should inform your CO, or the Service Provider that you are acting on behalf of, to confirm to them that their obligation has been fulfilled. On completion of your duties as VLO, you should hand your diary and/or all notes that you have made to your unit discipline staff for retention with the respective discipline casework.

SECTION 5 – SERVICE POLICE

5.1 The Code requires the Service Police to deliver the appropriate entitlements to the victims of crimes where they have the responsibility of investigating as the lead agency (i.e. investigations where the Service Police have jurisdiction). It is acknowledged that each Service Police publishes investigative doctrine or instructions to its personnel regarding issues such as dealing with victims and that every effort is made to represent the national best practice set by the College of Policing. This section provides guidance on the standards of services to be delivered to victims of crime as required by the Code but does not prohibit any activity by the Service Police to deliver any services over and above that set by the Code.

5.2 **First Contact.** All victims must be treated with respect and sensitivity, with an acknowledgement of the courage it often takes a victim to come forward and report a crime. It is essential to get the relationship with a victim right from first contact, as this will inspire their confidence in the Service Justice System and consequently provide the opportunity to obtain the best available evidence and appropriate justice outcome. The Code requires you to provide certain information to the victim without unnecessary deal from your first contact with them. This should normally be provided at first contact¹⁰. This is detailed within the introduction to the Code at Part 1, Chapter 3, Paragraph 13. First contact is defined as being the first meeting that you have with the victim. All of the information that must be provided to a victim at first contact is contained within the 'Victim of Crime' leaflet once it is completed – Annex C. This includes the provision of contact details of the person taking the compliant, a reference number and brief summary of the incident recorded.

Actions/Guidance.

- a. The Victim of Crime leaflet must be completed and handed to a victim at first contact and the person handing over the leaflet should request that the victim reads it.
- b. They should then ask the victim whether they wish their details to be passed to Victim Support. If they do, ensure that their details are passed to the relevant victim support services – see Section 9 of this JSP.
- c. A record should be made to document that leaflet has been handed to and read by the victim and any request for referral to Victim Support or if the victim has declined the offer of referral.
- d. Agree with the victim how often they wish to be updated on the progress of the case.

5.3 **Interpretation and Translation.** If the victim does not understand or speak English, they are entitled to request interpretation into a language they understand:

- a. when reporting a criminal offence;
- b. when being interviewed by the Service Police or Commanding Officer exercising powers of investigation; and

¹⁰ If the first contact is not face to face, or if the relevant leaflets are not available at the time, the information must be provided without unnecessary delay thereafter.

- c. when giving evidence as a witness.

5.4 If they do not understand or speak English, they are entitled on request to translation of the following information:

- a. the written acknowledgement of the reported crime;
- b. where it is essential for the purposes of the interview, summary hearing, or court hearing to see a particular document that is disclosed to you, the relevant parts of the document;
- c. the document informing you of the date, time and place of trial; and
- d. the outcome of criminal proceedings where so entitled under this Code and at least brief reasons for the decision where available.

5.5 An oral translation or summary of this information may be provided, unless doing so would prejudice the fairness of the proceedings. You must ensure such interpretation or translation is available free of charge.

5.6 If the victim is unhappy with a decision not to provide interpretation or translation services, they are entitled to make a complaint.

5.7 **Needs Assessment.** A Needs Assessment is an evaluation to determine the kind of support that a victim may need following a crime and is also used to explain Special Measures and Special Investigation measures, and to identify any Special Investigation Measures that may assist in obtaining the victim's account of events or Special Measures that may assist in them giving evidence at any future Service Court or Summary Hearing. Completion of the Needs Assessment will identify whether the victim falls into one of the three priority categories of victims of the most serious crime, vulnerable or intimidated victims or persistently targeted victims and so be eligible for Enhanced Entitlements under the Code. Enhanced Entitlements include the provision of appropriate Special Investigation Measures and Special Measures as well as requirements in the swifter provision of information as the case progresses. Victims under the age of 18 yrs are automatically considered to be vulnerable.

Actions/Guidance.

- a. The Victim/Witness Needs Assessment must be timely. This generally means that it should be completed by the person taking the statement of complaint from the victim **before** the account is obtained. The form at Annex D to this JSP should be used in conjunction with the guidance notes at Annex E.
- b. If the victim does not fall into one of the priority categories eligible for Enhanced Entitlements the assessment must still be completed and filed as necessary. However, the investigator must always consider whether another assessment is required as the case progresses, because the circumstances of the victim may change (e.g. if they suffer harassment or intimidation or become concerned for their safety).

c. If the victim does fall into one of the priority categories and it is considered that the use of Special Investigation Measures may be appropriate or the victim requests the use of measures, you must fully consider whether the measure would assist the victim in providing complete, coherent and accurate evidence. The rationale for any decision not employ to Special Investigation Measures to an entitled victim must be fully documented and explained to the victim.

d. If you consider that Special Investigation Measures should be utilised but are unable to provide them at that time, the interview should be postponed unless there is an urgent need to interview the victim and failure to do so could harm the victim or another person or prejudice the investigation. In these cases, advice should be sought from your single Service subject matter experts in witness interviewing.

e. If the requirement for Special Investigation Measures and/or Special Measures are identified you should engage early with SPA, utilising SPA Form 3 and a completed copy of the Victim/Witness Needs Assessment must be forwarded to the SPA as soon as is practicable. A completed copy of the Victim/Witness Needs Assessment must also be forwarded to the CO if the case is referred to the CO.

5.8 Victim Interview. You should always ensure that any interview with a victim is conducted in a manner that considers their needs, which you will have assessed at the outset (as detailed at para 5.7 above) and views in order to minimise their stress and maximise the quality of the evidence that will be gathered. It must be explained that any witness statement that is taken may result in the victim having to give evidence to a Service Court or a Summary Hearing at a later date. Where possible the interview should be planned in advance, taking into account the following:

Actions/Guidance.

a. If the Needs Assessment identifies that the victim is entitled to Special Investigation Measures and that they should be used, the interview should be conducted by a suitably trained investigative interviewer and in accordance with the guidance within 'Achieving Best Evidence in Criminal Proceedings'.

b. The timing and location of the interview – does the victim have any commitments (e.g. child care)? Are Service Police premises or the victim's home/living accommodation the appropriate place where they will feel at ease?

c. The gender of the victim and interviewer – whilst a male may interview a female victim (although this must be given further consideration as a Special Investigation Measure in cases involving sexual offences), he should do so accompanied by another person and vice versa for male victims with female interviewers.

d. For a child victim, a suitable adult should be present to provide emotional support. Also, consider the powers of the Service Courts to admit video recorded evidence in chief in determining how to record the evidence of a child victim.

- e. Ensure that the interview is conducted as soon as possible after the incident has been reported in order to ensure that the victim provides their best recollection of the events.
- f. You should allow the victim to be accompanied by a person of their choice, unless you make a reasoned decision to the contrary. Any person that the victim wishes to accompany them must not have been involved in or a witness to the offence and their presence is merely to provide emotional support to the victim or to provide assistance in their understanding or being understood, rather than assist them in providing the account¹¹.
- g. Where possible the number of interviews should be limited to those which are strictly necessary for the investigation. It is acknowledged that there may be the requirement to re-interview the victim in order to clarify their account, especially if other evidence questions its accuracy. However, you should avoid doing so repetitively; it may be beneficial to do so when all other witness evidence has been obtained. This will enhance the quality of the evidence you obtain from the victim, whilst also minimising stress to them.
- h. Medical examinations (where necessary) must be kept to a minimum and only carried out where strictly necessary for the purpose of the criminal proceedings. If the victim has suffered an injury, you should request that they be medically examined and consent to you obtained evidence from the medical practitioner that examined them. It is recommended that legal advice is taken if you feel a follow up medical examination of the victim is required.
- i. You must always take steps to ensure that the victim does not have unnecessary contact with the suspect before, during and after any interviews.
- j. You must ensure that a decision not to investigate a crime is explained without unreasonable delay;
- k. You must ensure that the victim is advised, without unreasonable delay, when an investigation into a case has been concluded with no person being referred and that the reasons are explained. You must ensure the victim is asked if they wish to be informed if the investigation is to be re-opened. A record of their response should be made. The victim's views are to be sought and must be considered if re-opening of the case is formally considered.
- l. You must ensure that any disabilities or linguistic needs are taken into account and that required Special Investigation Measures are provided in accordance with the Needs Assessment.
- m. You must provide an update on the investigation or criminal proceedings as agreed with the victim at first contact.
- n. You must advise the victim that they may ask to be informed of the release of the suspect from service custody, including any service custody requirements that are imposed, changed or cancelled¹².

5.9 Victim Personal Statement (VPS). A VPS provides victims the opportunity to describe the wider effects of the crime upon them, express their concerns and indicate whether or not they

¹¹ Unless the accompanying person is also doing so as a Registered Intermediary under Enhanced Entitlements.

¹² See section 4 on VLOs for more detail.

require any support. You may offer a victim the opportunity to make a VPS when it seems appropriate, but you must ensure that you offer all victims the opportunity to make a VPS when they make their initial statement of complaint to you. In addition, the offer should be made to victims of the most serious crime, persistently targeted victims and vulnerable or intimidated victims even if they have not made a witness statement. This offer should be made to the parent or carer of a vulnerable adult or victim under the age of 18 years if it is considered in their best interests. A record should be made of the offer of the VPS and whether it was accepted. If declined, the victim may request to make a VPS at any other time before sentencing at criminal proceedings, should the accused be found guilty of the offence. Further detail can be found Paragraphs 212 to 222 inclusive, Chapter 2, Part 5 of the Code and a useful guidance document can be found at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/264622/practitioners-vps-guidance.pdf.

Actions/Guidance.

- a. Ensure that the offer of the VPS is made and the victim's response is recorded.
- b. If accepted the VPS should be recorded separately to the statement of complaint and headed 'Victim Personal Statement' to ensure that it is easily identifiable.
- c. The victim should be asked whether they want their VPS to be read aloud (or played if recorded) if the matter proceeds to a Service Court and whether they would like to read to the court themselves or for the SPA prosecutor to do so on their behalf. In doing so, you should inform the victim:
- d. That the VPS does not have to be read aloud if they do not want it to and will still be considered by the court. The victim can change their mind should they later wish it to be read out by themselves or the SPA prosecutor.
- e. That the victim may be questioned on the content of the VPS in court or at Summary Hearing.
- f. That any media present at court may report on the content of the VPS with a risk to their privacy.
- g. That it is a judicial decision as to whether the VPS is actually fully or partially read out and by whom or played if recorded.
- h. The victim should be informed that should the matter proceed to Summary Hearing, they may read out the VPS if they are called to give evidence or otherwise the statement will form part of the case papers. The victim should also be informed that if they read it aloud at Summary Hearing, they may be questioned upon it.
- i. If the case is to be referred to the DSP, you must forward a copy of the VPS to the SPA as part of the case papers. Similarly, if the case is referred to the CO, you must forward a copy of the VPS to the CO as part of the case papers.

- j. Should the case proceed to a Service Court, you must inform the SPA of victim's preference in relation of the presentation of the VPS to the court.

5.10 Victim Liaison. The Code entitles all victims to be informed of events as the investigation and any subsequent judicial proceedings into their case progresses. The CO of the suspect for the crime that has been committed against them is responsible for allocating a Victim Liaison Officer (VLO) to the victim. The VLO is responsible on behalf of the CO for informing the victim of events once your investigation has been completed (i.e. post-referral of a suspect) – see Section 4 above. In cases where you may wish to inform the victim of these post-referral events (usually in cases where a Service Police Family Liaison Officer (FLO) is required), this must be agreed with the victim and CO to ensure that there is no confusion and the victim knows exactly who their point of contact is at all times. Effective victim liaison is the key to compliance with the Code. In all cases, you must provide the victim with the following information without unnecessary delay:

Action/Guidance

- a. The date and time of any arrest of a suspect.
- b. The date and time of the release of the suspect from pre-charge custody, including any requirements that are imposed upon the suspect.
- c. An update on the investigation at intervals agreed with the victim.
- d. Any decision to refer the case to the CO or DSP.
- e. Any decision to not to refer a suspect to the CO or DSP. This should include a brief summary of your reasons for this decision where available and information to the victim on their entitlement to request a review of the decision in accordance with the relevant Service Police Right to Review Scheme.
- f. Should all reasonable lines of enquiry in the investigation fail to identify a suspect, the victim should be informed of any decision to cease the investigation. This victim does not have a right to request a review of this decision but should be provided with an explanation for it.
- g. That a suspect has been referred for charge to the CO or DSP.
- h. Whilst the Code does not specify that any of the above information should be provided in writing, it is recommended that any verbal passage of information is confirmed in writing, unless to do so would put the victim at risk of harm. In these cases, a thorough record of all victim interaction should be maintained.
- i. It is recommended that an agreement is reached with the CO of the suspect to pass the responsibility to the VLO for the passage of information to the victim regarding case events post-referral. This is because the CO will always be informed of the progress of the case through the Service Justice System when it is being considered by the SPA or being scheduled for pre-trial hearings or trial by the MCS, whereas you will not. Passing the responsibility to the VLO on behalf of the CO at this stage will therefore ensure that the victim remains fully informed and compliance with the Code is maintained.

5.11 **Complaints.** Should a victim submit a complaint regarding their belief that they have not been dealt with as required by the Code, you should deal with the matter in accordance with your single Service Police Complaints Procedure.

SECTION 6 – SERVICE PROSECUTING AUTHORITY (SPA)

1. The Code places obligations upon the SPA to deliver services to victims in cases which have been referred to the SPA by the Service Police or CO. The SPA is independent of the chain of command and has its own policy which complies with the obligations of the Code. This Section provides a brief description of these services in order to assist eligible victims to better understand the minimum level of service the SPA provides.

2. **Provision of Information to the Victim.** The SPA will, without unreasonable delay, inform the victim, of decisions to:

- a. charge (including directing the bringing of a charge), allocate the charge for trial by a Service court or refer the case to the Commanding Officer;
- b. substitute for the charge another charge against the accused;
- c. substantially alter a charge;
- d. bring an additional charge against the accused;
- e. discontinue proceedings on a charge;
- f. offer no evidence on a charge;
- g. not bring proceedings (i.e at the pre-charge stage);
- h. leave all charges in the proceedings to lie on the file; and
- i. make a direction barring further proceedings.

3. Decisions at paragraph 2. e to i are known as qualifying decisions. Where a qualifying decision is made the victim will be provided with the reason for the decision (such as that there is insufficient evidence, or that it is not in the public and Service interest to prosecute), how the victim can obtain further information regarding this decision and how the victim can request a review of the decision in accordance with the SPA Victim's Right to Review policy¹³.

4. **Provision of Information to VLO.** The SPA will provide the following information to the VLO, in order that it can then be passed to the victim:

- a. That a victim will be required to attend court as a witness;
- b. The outcome of any pre-trial hearings in the case, including the plea that the defendant has entered;

¹³ The SPA Victim's Right to Review policy can be found at the following link:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/966645/VRR_Policy_-_Jul_2019.pdf.

- c. Where there is a danger or identified risk of harm to the victim, the release of a defendant from custody and any Service custody release requirements that are imposed, changed or cancelled;
- d. The outcome of any Special Measures application;
- e. The outcome of any application for the victim to read out their Victim Personal Statement, to have someone else read it, or to have a recorded VPS played in court;
- f. That an appeal to the Court Martial Appeal Court or the Supreme Court has been made. In these cases the SPA will provide the relevant court with the VLOs' contact details;
- g. The outcome of an appeal to the Court Martial Appeal Court or the Supreme Court, together with reasons for the decision. This will include any change to the sentence.

This information may also be provided to the victim directly.

5. **Needs Assessment/Special Measures.** The SPA should have received a copy of the Victim Needs Assessment conducted by the Service Police or CO. That process should have identified whether the victim requires and/or requests the use of Special Measures to help them to give their best evidence at trial. If the victim is required to attend court, the SPA will ensure that the Needs Assessment is current, as the victim's circumstances may have changed as the case has progressed. In appropriate cases the SPA will explain to the victim how the use of Special Measures may help them give their evidence. If relevant, the SPA will consider making a Special Measures application to the court, taking into account any views expressed by the victim.

6. **At the Trial.** Where possible the Prosecutor will meet the victim at court. The Prosecutor will answer any questions about the court process and provide the victim with an indication of how long they may have to wait before giving evidence, explaining the reasons for any delay if required. The Prosecutor will not be able to discuss the evidence in the case with the victim. The Prosecutor will ensure the victim has had an opportunity to view their statement, including any video recorded statement, before giving evidence in person. Where cross-examination is inappropriate or too aggressive the Prosecutor will seek the court's intervention to ensure that the requirement to always treat victims with respect is upheld.

7. The Prosecutor will ensure any Victim Personal Statement and the victim's preference for how it should be presented at court is served on the court in sufficient time to allow the court to consider how the VPS should be presented. The Prosecutor will keep under review whether a revised VPS is desirable, and will invite the victim, through the VLO, Service Police, or directly as appropriate, to provide an updated VPS if necessary.

8. **After the Trial.** The Prosecutor will ensure that the victim is made aware of the outcome of the trial without unreasonable delay, either directly or through the VLO. This will include the details of any sentence ordered by the court. The Prosecutor will also be prepared to answer any questions from the victim regarding the sentence that the VLO was unable to sufficiently answer.

9. **Appeals.** The SPA will inform the victim of an appeal to the CMAC or UK Supreme Court. The SPA will inform the victim, through the VLO or by other appropriate means, if an opportunity arises for the victim to supply a further Victim Personal Statement.
10. **Complaints.** Any victim who feels they have not received the services to which they are entitled under the Code may complain using the SPA Victim Complaints Policy, which can be found on the SPA's webpage at <http://spa.independent.gov.uk/index.htm>.
11. The Victim and the VLO should ensure that any changes to their contact details are provided to the SPA so as to enable effective communication.

SECTION 7 – MILITARY COURT SERVICE (MCS)

7.1 The Code places obligations on you that are primarily concerned with the provision of information to the CO of the defendant in order that they or the VLO (or the Service Police if they are acting as the main point of contact for the victim) can inform the victim of events in the case. You will be informed by the CO or Service Police in advance if the Service Police are the main point of contact. The Code also requires you to provide entitlements to the victim when they are required to attend a Service Court as a witness. This section provides you with the necessary guidance to ensure that you meet your obligations to the victim as required by the Code.

7.2 **Pre-Trial.** You are required by the Code, wherever possible, to inform the Service Police or VLO (as appropriate) of the following within 1 working day if you have been informed that the victim is a victim of the most serious crime, a persistently targeted victim or a vulnerable or intimidated victim or within 3 working days in all other cases:

- a. The dates, time and location of all court hearings.
- b. The outcome of any Service custody and applications for Special Measures.
- c. The details of any adjournments and postponements of scheduled hearings.
- d. The arrest of a suspect after charge.

7.3 If you are informed that the victim is to give evidence as a witness in court and that they are a victim of the most serious crime, a persistently targeted victim or a vulnerable or intimidated victim, you should also offer them the opportunity to conduct a pre-trial visit to the court in order to familiarise themselves with the location and if necessary, practise using any Special Measure equipment. This should be in conjunction with any victim support services that may be being utilised.

7.4 **At The Trial.** Wherever possible you should ensure that the victim and any family members who are accompanying them to court are able to enter and exit the court building through a different entrance/exit and are seated in a different waiting area to the accused and those accompanying them. You should ensure that there is a contact point for a victim to find out what is happening whilst the case is being heard and that you have their contact details should the victim leave the court building and you need to contact them. You should also ensure that any Special Measures ordered by the court are available for use at the appropriate time.

7.5 **Expenses.** A victim that is required to attend a Service court to give evidence as a witness is entitled to recompense for expenses that have incurred as a result of this requirement and which you deem to be valid and reasonable. You must ensure that once the nature of the expenses has been agreed that you supply the victim with the appropriate claim documentation and process the claim without unreasonable delay.

7.6 **Appeals.** You are obliged by the Code to provide information and/or services to the victim should an offender submit an appeal to courts available to him or her. These obligations are:

Appeal to the Summary Appeal Court (SAC).

- a. You should inform the CO (VLO) of the date, time and location of any hearings.
- b. You should ensure that the victim and any family members who are accompanying them to court are able to enter and exit the court building through a different entrance/exit and are seated in a different waiting area to the accused and those accompanying them.
- c. You should provide a suitable point of contact for the victim if they are not present, so that they can contact the court during normal working hours.
- d. You should inform the CO and VLO of the outcome of the appeal, including any changes to the original sentence.

7.7 Application to the SAC to have a case stated for the opinion of the High Court. You should inform the CO and VLO of an application to the SAC to have a case stated for the opinion of the High Court within 1 working day of its receipt. You should then ensure that the CO and VLO are informed of the following events:

- a. The Judge Advocate's decision as to whether or not they have decided to state a case.
- b. The date, time and location of any hearing before the High Court.
- c. The outcome of that stated case.
- d. That the High Court staff will manage the needs of the victim should they attend the High Court.

7.8 Complaints. Should a victim submit a complaint regarding their belief that they have not been dealt with as required by the Code, you should deal with the matter in accordance with your existing complaints procedure.

SECTION 8 – MILITARY CORRECTIVE TRAINING CENTRE (MCTC)

8.1 The Code places obligations upon you to deal with any occasions of unwanted contact from an offender undergoing a period of Service detention and in providing information to victims on the key stages of an offender's sentence of detention or imprisonment, if the victim is concerned for their safety and has opted into the Armed Forces Victim Contact Scheme (AFVCS). This section provides guidance to you on the delivery of these obligations.

8.2 **Unwanted Contact From Offenders.** You are required to maintain a telephone point of contact that is permanently monitored for victims to report any unwanted contact they may have had from an offender who is serving a sentence of Service detention. When a report of unwanted contact is made, you should carry out the following actions:

- a. Obtain a full account from the victim detailing the means, time, date and content of the unwanted contact, allowing the victim to explain how this contact has made them feel.
- b. Reassure the victim that the matter will be investigated and ask the victim whether they wish to be informed of the outcome of the investigation.
- c. Consider, based upon the victim's account, whether the matter should be reported to the Service Police for investigation.
- d. If it is decided not to report the matter to the Service Police, the Comdt MCTC should investigate the matter him/herself or ensure that it is investigated by an appropriate member of his unit acting on his/her behalf.
- e. On completion of any such investigation, inform the victim of the outcome if they have expressed a wish to be so informed.
- f. Maintain a record of the matter within the detainee's MCTC file.

8.3 **AFVCS.** The AFVCS will be offered to victims (including bereaved close relatives and parents/carers of victims aged under 18 yrs) by the VLO where the offender is serving a sentence of Service detention, imprisonment or youth custody of 12 months or more or been detained in a hospital for treatment for a mental disorder and a victim who is concerned for their safety wishes to take part in the AFVCS. In such a case you should:

- a. Assign a MCTC Liaison Officer (LO) who will be the main point of contact for the victim.
- b. The MCTC LO is to agree a means of contact that meets the needs of the victim, paying particular attention to any circumstances that place them in danger or at an identified risk of harm.
- c. The Comdt MCTC will decide whether a victim is entitled to be information under the scheme. This will occur if the victim is identified as being in danger or there is an identified risk of harm to the victim. In such a case the Comdt will decide on the level of information to be provided to the victim, which may include, but is not limited to, events such as any short term temporary release, re-integration leave, compassionate leave, transfer to open

conditions, release on licence, work placement or final release. In doing so, the Comdt MCTC must also consider any level of risk to the offender caused by the level of detail of the information provided. Any information to be provided must be provided without unnecessary delay.

d. If information is to be provided, the victim is to be informed without unnecessary delay of any orders or conditions which an offender is subject to on unsupervised release which relates to the victim of the victim's family. This should also include any changes made to these orders or conditions and when they are due to cease.

e. The Comdt MCTC may authorise the MCTC LO to inform the victim of any other information regarding the offender's detention/imprisonment that they consider to be appropriate in the circumstances and does not breach any confidentiality (e.g. medical in confidence matters).

f. For those offenders serving terms of imprisonment, MCTC is to maintain an appropriate point of contact within the National Offender Management Service (NOMS) or the Northern Ireland equivalent where appropriate in order to ensure that they are informed of these key stages.

g. Should an offender be transferred to a civilian prison in Scotland, the MCTC LO should advise the victim that they will need to contact the devolved administration's victim contact scheme and provide assistance to the victim in doing so wherever possible.

8.4 **Escape.** In the event of a detainee escaping from Service custody you are to ensure that the Service Police are informed without unnecessary delay.

8.5 **Complaints.** Should a victim submit a complaint regarding their belief that they have not been dealt with as required by the Code, you should deal with the matter in accordance with your existing complaints procedure.

SECTION 9 – POINTS OF CONTACT, SUPPORT SERVICES AND RESOURCES

Service/MOD Sources of Assistance and Welfare Support

Royal Navy and Royal Marines Welfare Service

(Mil): 9380 28777
(Civ) +44 (0)23 9272 8777

Army Welfare Service

AWS Intake and Assessment Team (AWS IAT) 0830-1630 UK local time) Monday-Thursday, 0830-1600 on Fridays
(Mil) 94777 3053
(Civ) +44 (0) 1904 882053
Email: AWS-HQ-AWS IAT (MULTIUSER)@mod.uk
Out of hours the AWS can be contacted through the Unit Welfare Officer and/or the Staff Duty Officer

Royal Air Force Welfare Service

Details of RAF Welfare Services are provided locally via the Personnel Management Squadron

PS&SWS (RAF)

RAF personnel and their families stationed in the UK and overseas are able to contact the SSAFA PS&SWS (RAF) out of hours telephone service in the UK on +44 (0)207 463 9358 for advice and support.

SSAFA

0845 241 7141 <https://www.ssafa.org.uk/>

Defence Business Services – Employee Wellbeing Service (EWS) (MOD Civilian Staff)

Civilian employees can access the EWS between 0830 and 1630 Monday to Friday by calling the EWS helpline on 0800 345 7047 or 93345 7750 (mil)

Organisations offering support to those experiencing domestic abuse

Women's Aid – a national charity working to end domestic violence against women and children. 24 Hour National Domestic Violence Helpline for women, children and young people. 0808 2000 247 <http://www.womensaid.org.uk/>

Men's Advice Line – advice for male victims of domestic abuse. Tel: 0808 801 0327
www.mensadviceline.org.uk

Broken Rainbow – advice for gay, lesbian, bisexual, transgender victims of domestic abuse. Tel: 0300 999 5428 <http://www.brokenrainbow.org.uk/home>

Respect – the UK membership organisation for work with domestic violence perpetrators, male victims, young people and employers. Tel: 0808 802 4040 for domestic violence perpetrators; 020 7549 0578 for general enquiries www.respect.uk.net

National Centre for Domestic Violence – a national, free legal resource for those dealing with domestic violence, including emergency civil injunctions. <http://www.ncdc.org.uk/>

NSPCC – free 24 hour help line for anyone concerned about a child at risk. Also includes **Childline** an organisation providing help and advice directly to children who are dealing with any kind of abuse or cruelty. Tel: 0808 800 5000 to report concerns about a child. <http://www.nspcc.org.uk/> Tel: 0800 1111 helpline for children and young people. <http://www.childline.org.uk/Pages/Home.aspx>

Organisations offering support to those experiencing sexually-related crime

Sexual Assault Referral Centres (SARCs) – the following links provide SARC telephone numbers and addresses <http://www.nhs.uk/Service-Search/Rape-and-sexual-assault-referral-centres/LocationSearch/364> and <http://www.thesurvivorstrust.org/sarc>

Rape Crisis: www.rapecrisis.org.uk 0800 802 9999

Rape Crisis Scotland: 08088 01 03 02 <http://www.rapecrisisscotland.org.uk/>

The Survivors Trust – support to survivors of rape and sexual assault 01788 550554 <http://www.thesurvivorstrust.org/>

Survivors UK: male victims of rape and sexual abuse – helpline 0845 122 1201 or 0203 5983898 <http://www.survivorsuk.org/>

Organisations offering victim support

Victim Support Supportline – independent national charity supporting victims of crime in England and Wales 0808 1689293. <https://www.victimsupport.org.uk/>

National Health Service (NHS) Direct – 24hr health information service Telephone 111 www.nhsdirect.nhs.uk



Ministry
of Defence

The Armed Forces Code of Practice for Victims of Crime

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PART 1 - Introduction

CHAPTER 1 - General

General

1. Victims of crime should be treated in a respectful, sensitive 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.
2. This Code⁽¹⁴⁾ sets out the services to be provided by Service justice organisations and persons to victims of crime committed by persons subject to Service law or civilians subject to Service discipline.
3. This Code sets a 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 set standard.
4. For the purposes of this Code, a “victim” is:
 - (a) a natural person⁽¹⁵⁾ who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence⁽¹⁶⁾;
 - (b) a close relative (see definitions in Part 6 of this Code) of a person whose death was directly caused by a criminal offence and who has suffered harm as a result of that person’s death.
5. Enhanced entitlements are provided to victims of the most serious crime, persistently targeted victims and vulnerable or intimidated victims. These three categories are explained in Part 2 of this Code.
6. In addition to this Introduction which is important to read, table 1 below shows which Parts of the Code may be relevant to you. Each Part allows you to follow your journey through the Service justice process and find out what you are entitled to at each stage.

Table 1

<i>Person</i>	<i>Parts of the Code</i>
An adult victim of crime entitled to services under the Code	Parts 2 and 3
A victim under 18 years of age entitled to services under the Code	Parts 2 and 4
An organisation providing services to victims under the Code	Parts 2, 3, 4 and 5

⁽¹⁴⁾ This Code implements relevant provisions of the EU Directive establishing minimum standards on the rights, support and protection of victims of crime (2012/29/EU);

⁽¹⁵⁾ Legal persons (eg businesses) are not included in the definition of a victim.

⁽¹⁶⁾ For the purposes of this Code ‘criminal offence’ means a Service offence (within the meaning of section 50 of the Armed Forces Act 2006) that is committed in, or is subject to Service justice criminal proceedings in, the European Union.

CHAPTER 2 - Which organisations have to provide services under this Code?

Service Providers

7. This Code requires the following persons and organisations to provide services to victims:
- (a) Service Police;
 - (b) Commanding Officers exercising powers of investigation or charge;
 - (c) Victim Liaison Officers;
 - (d) The Military Court Service;
 - (e) The Service Prosecuting Authority;
 - (f) The Commandant, Military Corrective Training Centre;
 - (g) The UK Supreme Court;
 - (h) The Criminal Cases Review Commission;
 - (i) Her Majesty's Courts and Tribunals Service.
8. The persons and organisations that provide services under this Code are collectively referred to in this Code as "service providers". Other organisations, including voluntary sector organisations may provide services for victims but they are not covered by this Code.
9. This Code does not require anything to be done by either a person acting in a judicial capacity, or a person acting in the discharge of a function of a member of the Service Prosecuting Authority which involves the exercise of a discretion.
10. Where required to share information under this Code, Service providers must do so effectively and in accordance with their obligations under the Data Protection Act 1998.

CHAPTER 3 - What kind of support can I expect as a victim of crime?

Support

11. Victims of criminal conduct, including bereaved close relatives, should have access to information on the range of victim support services (see definitions section) available. These victim support services may be provided by locally or nationally commissioned organisations. You will be directed to victim support services where required under this Code, but this does not prevent you from accessing those services directly if you wish⁽¹⁷⁾. Service providers must communicate with you in simple and accessible language, taking appropriate measures where possible to assist you to understand and be understood. In considering appropriate measures, service providers must take account of any relevant personal characteristic of the victim which may affect their ability to understand and be understood.
12. If, due to the impact of the crime, you need assistance to understand or to be understood in your first contact (see Definitions) with the Service Police or a Commanding Officer exercising powers of investigation you are entitled to be accompanied by a person of your choice unless that service provider considers it would be contrary to your interests or prejudicial to the investigation or prosecution.

Written Information

13. You are entitled to receive written information on what to expect from the Service justice system such as the victim and witness information leaflets, or the details of a website which contains that information. Subject to paragraph 14, the following information must be offered to you

⁽¹⁷⁾ See, however, paragraphs 16 to 18 of the Code.

without unnecessary delay from your first contact with the Service Police or Commanding Officer exercising powers of criminal investigation:

- (a) where and how to get advice or support, including access to medical support, any specialist support (such as psychological support) and alternative accommodation⁽¹⁸⁾;
- (b) what you need to do to report a criminal offence, and who you should contact in case you have any questions about the case;
- (c) any measures available for your protection, if required;
- (d) how to seek compensation;
- (e) what to do if you are not present in the UK;
- (f) the availability of interpretation and translation services;
- (g) how to make a complaint about a service provider or other competent authority;
- (h) how to recoup expenses incurred as a witness in a Service court hearing or Summary Hearing.

14. The extent or detail of the information in paragraph 13 may vary depending on the type of crime, your personal circumstances, or its relevance to the particular stage of the investigation or of the proceedings.

CHAPTER 4 - Who is entitled to receive services under this Code?

Victims of crime where an allegation has been made

15. Subject to paragraph 16 below, you are entitled to receive services under this Code if you have made an allegation to the Service Police or to the alleged perpetrator's Commanding Officer that you have suffered harm (including physical, mental or emotional harm or economic loss) which was directly caused by a criminal offence committed by a person subject to service law or a civilian subject to service discipline, or have had such an allegation made on your behalf, or if you are contacted as a victim in the course of investigations⁽¹⁹⁾.

16. You are only entitled to receive the services set out in this Code:

- (a) if the crime took place in the European Union; or
- (b) for crimes that took place outside the European Union, only in relation to criminal proceedings that take place in the European Union.⁽²⁰⁾

17. Subject to paragraph 18 below, you are entitled to access victim support services at any time, whether you have reported a crime or not, and after the conclusion of the investigation and prosecution.

18. Where a victim is not present in the United Kingdom or has left the territory of the United Kingdom, it is the victim's country of residence that should provide victim support services to that victim.

Bereaved close relatives of a victim of crime

19. Close relatives of the deceased are entitled to receive services under the Code as victims of the most serious crime.

⁽¹⁸⁾ This may vary depending on a number of circumstances – see paragraphs 16 to 18 of Part 1 of the Code.

⁽¹⁹⁾ Complaints made outside the European Union in respect of a crime which took place outside the European Union do not trigger entitlements under this Code.

⁽²⁰⁾ In a case, some criminal proceedings, such as interviews with victims, may take place outside the European Union, while other criminal proceedings, such as a trial, may take place in the European Union. The services set out in this Code will not apply to those criminal proceedings that take place outside the European Union.

The family spokesperson for families bereaved by crime

20. If a family is bereaved as a direct result of a criminal offence, the deceased's close relatives are entitled to nominate a family spokesperson to act as the single point of contact to receive services under this Code. If the close relatives cannot choose a family spokesperson, the Service Police Senior Investigating Officer working on the case must choose the family spokesperson.

The family spokesperson for victims of crime who have a disability or for victims who have been so badly injured as a result of a criminal offence that they are unable to communicate

21. If you have a disability or have been so badly injured as a result of a criminal offence that you are unable to communicate, you or your close relatives are entitled to nominate a family spokesperson to act as the single point of contact to receive services under this Code.

The parent or guardian of a victim who is under 18 years of age

22. If you are a victim who is under the age of 18 you, and usually your parent or guardian, are entitled to receive services under this Code⁽²¹⁾.

CHAPTER 5 - Additional information for all those entitled to receive services under this Code

General

23. You are entitled to access services under the Code regardless of whether anyone has been charged or convicted of a criminal offence and regardless of whether you decide that you do not wish to cooperate with the investigation.

24. If, following an investigation, it is decided that you are not a victim of a criminal offence you or, where relevant, the family spokesperson will be informed by the relevant service provider that you are no longer entitled to services under this Code.

Information provided under this Code

25. Where a service provider is required to communicate information to which a victim is entitled under this Code, this may be provided by posting or personally delivering a letter to your last known correspondence address given by you to the service provider, or sending an electronic message to the electronic contact details given by you to the service provider. Additionally, if written communication is not required, communication may be made by telephone call, audio-visual communication or a face to face meeting. The choice of communication method is to be determined by the service provider.

26. Where there is a high number of victims involved in a case, or where otherwise appropriate in exceptional cases, the service provider may communicate information to which a victim is entitled under this Code through alternative channels such as the service provider's website.

27. Nothing in this Code requires a service provider to provide information where disclosure of that information:

- (a) could result in harm to a person;
- (b) could affect the proper handling of any criminal investigation or prosecution, or could otherwise prejudice any civil or criminal case; or
- (c) would, in the service provider's view, be contrary to the interests of national security.

⁽²¹⁾ Unless your parent or guardian is under investigation or has been charged in connection with the crime or in the reasonable opinion of the service provider involved it is not in your best interests for your parent or guardian to receive such services.

Interpretation and translation

28. If you do not understand or speak English, you are entitled to request interpretation into a language you understand:

- (a) when reporting a criminal offence⁽²²⁾;
- (b) when being interviewed by the Service Police or Commanding Officer exercising powers of investigation; and
- (c) when giving evidence as a witness.

29. If you do not understand or speak English, you are entitled on request to translation of the following information:

- (a) the written acknowledgement of the reported crime;
- (b) where it is essential for the purposes of the interview, summary hearing, or court hearing to see a particular document that is disclosed to you, the relevant parts of the document;
- (c) the document informing you of the date, time and place of trial; and
- (d) the outcome of criminal proceedings where so entitled under this Code and at least brief reasons for the decision where available.

30. An oral translation or summary of the information in paragraph 28 may be provided, unless doing so would prejudice the fairness of the proceedings. The relevant service provider must ensure such interpretation or translation is available free of charge.

31. If you are unhappy with a decision not to provide interpretation or translation services, you are entitled to make a complaint to the relevant service provider. The relevant service provider must consider your request in accordance with the complaints procedure in Part 3, Chapter 8 (for adults) and Part 4, Chapter 8 (for children and young people).

What if my case is transferred to a civilian jurisdiction?

32. Where the allegation made leads to a criminal investigation which is later transferred to a civilian jurisdiction, any person entitled to services as a result of the allegation having been made will cease to be entitled to further services under this Code from the date that jurisdiction is transferred provided that they are notified of the transfer of jurisdiction. Responsibility for support will then transfer to the civilian sector. Where there is a joint civilian/military investigation, the Code applicable to the lead agency will apply.

What if I do not want to receive the services that I am entitled to under the Code?

33. You may decide that you do not want some or all of the information or services you are entitled to under this Code or that you want to opt out of receiving these at a later date. If this is the case, you can discuss with the service provider how these entitlements are best tailored to your needs.

34. You may choose to opt back into receiving services under the Code at any time the case is under active investigation or prosecution.

What happens if I don't receive the services that I am entitled to under this Code?

35. Part 3, Chapter 8 (for adults) and Part 4, Chapter 8 (for children and young people) of this Code sets out your entitlements if you wish to make a complaint about the services you have received.

⁽²²⁾ You are entitled to report the crime in a language you understand or with the necessary linguistic assistance if you don't speak English.

PART 2 - Enhanced Entitlements

CHAPTER 1 - Victims entitled to receive enhanced entitlements

General

36. This Code sets out enhanced entitlements for victims entitled to receive services under this Code⁽²³⁾ in the following categories because they are more likely to require enhanced support and services through the Service Justice System:

- (a) Victims of the most serious crime;
- (b) Persistently targeted victims; and
- (c) Vulnerable or intimidated victims.

How do I know if I am in one of the three groups who are entitled to receive enhanced entitlements?

37. The three categories are designed to ensure that victims who are most in need will be able to access enhanced support. You may be entitled to enhanced services under more than one category at the same time. For example, if you are under 18 years of age you will be automatically eligible for enhanced services as a vulnerable victim regardless of whether you are also a victim of the most serious crime or are a persistently targeted victim. A victim of domestic violence is eligible for enhanced services as a victim of the most serious crime, but may also qualify for enhanced services as a vulnerable or intimidated victim.

38. The final decision on whether you fall into one or more of the three categories is the responsibility of the relevant service provider.

39. Victims of a criminal offence entitled to receive services under the Code are entitled to an assessment by the initial service provider (Service police or the Commanding Officer exercising powers of investigation) to identify any needs or support required, including whether and to what extent they may benefit from Special Investigation Measures and Special Measures. This is known as a Needs Assessment. The length and content of this assessment depends on the severity of the crime and your individual needs. The assessment will take into account your personal characteristics, the nature and circumstances of the crime, and your views. The more information you are able to provide during the assessment, the more tailored the level of support will be to your individual needs.

40. As your needs may change while the criminal offence is being investigated due to your health, intimidation or any other reason, service providers must give you the opportunity to be re-assessed if your change of circumstances is brought to their attention.

41. Once a service provider has identified that you are eligible for enhanced entitlements under this Code, that service provider must ensure that this information is passed on as necessary to other service providers with responsibilities under this Code and to victim support services where appropriate⁽²⁴⁾. Service providers should check with you first that you are content for them to pass on your information to victim support services.

42. If you do not fall into the three categories outlined below, although they are not obliged to do so a relevant service provider may exercise his/her discretion and provide enhanced entitlements, according to the provisions of this Code, to any victim entitled to receive services under this Code depending upon the individual's circumstances and the impact that the crime has had on them.

⁽²³⁾ See paragraphs 15 to 21 of this Code.

⁽²⁴⁾ See paragraphs 16 to 18 of this Code.

43. If a victim meets the requirements of paragraph 37 of this Code, but does not wish to receive enhanced entitlements, the advice contained in paragraphs 33 to 34 of this Code should be followed.

Victims of the most serious crime

44. You are eligible for enhanced entitlements under this Code as a victim of the most serious crime if you are a close relative bereaved by a criminal offence, a victim of domestic violence, hate crime terrorism, sexual offences, human trafficking, attempted murder, kidnap, false imprisonment, arson with intent to endanger life and wounding or causing grievous bodily harm with intent. Additional enhanced entitlements that are available for bereaved close relatives are identified separately at various states of this Code.

Persistently targeted victims

45. You are eligible for enhanced entitlements under this Code as a persistently targeted victim if you have been targeted repeatedly as a direct victim of crime over a period of time, particularly if you have been deliberately targeted or you are a victim of a sustained campaign of harassment or stalking.

Vulnerable or intimidated victims

46. You are eligible for enhanced entitlements under this Code as a vulnerable victim⁽²⁵⁾ if:

- (a) You are under 18 years of age at the time of the offence, or
- (b) The quality of your evidence is likely to be affected because;
 - (i) You suffer from mental disorder within the meaning of the Mental Health Act 1983;
 - (ii) You otherwise have a significant impairment of intelligence and social functioning; or
 - (iii) You have a physical disability or are suffering from a physical disorder.

47. You are eligible for enhanced entitlements under this Code as an intimidated victim if the service provider considers that the quality of your evidence will be affected because of your fear or distress about testifying in court.⁽²⁶⁾

48. When assessing whether a victim is intimidated, the service provider must take account of;

- (a) Any behaviour towards the victim on the part of the accused, members of the family or associates of the accused, and any other person who is likely to be an accused or witness in a potential court case'
- (b) The nature and alleged circumstance of the offence to which a potential court case relates. Victims of a sexual offence or human trafficking will automatically be considered to be intimidated; and
- (c) The victim's age and, if relevant, the victim's social and cultural background, religious beliefs or political opinions, ethnic origin, domestic and employment circumstances.

⁽²⁵⁾ This is based on the criteria in section 16 of the Youth Justice and Criminal Evidence Act 1999 for the court to determine eligibility for Special Measures (see paragraphs 53 and 54 of this Code).

⁽²⁶⁾ This is based on the criteria in section 17 of the Youth Justice and Criminal Evidence Act 1999 by which the court determines eligibility for Special Measures (see paragraphs 53 to 54 of this Code).

CHAPTER 2 - Special Investigation Measures

Special Investigation Measures

49. When your needs are assessed by a relevant service provider and you are identified as being eligible for enhanced entitlements, the relevant service provider will discuss the Special Investigation Measures available with you and determine whether you would benefit from such measures and therefore if any should be applied in your case, and, if so, what they should be. You are entitled to ask the relevant service provider, which could be the Service Police or the Commanding Officer, for Special Investigation Measures to be used. The service provider will take your views into account when deciding whether any Special Investigation Measures should be provided. The following Special Investigation Measures may be available:

- (a) To have the same person, where possible, conduct all the interviews (unless to do so would prejudice the proper handling of the investigation);
- (b) To be offered the opportunity to have a person of the same sex conduct the interview where you are a victim of sexual violence, gender-based violence, or domestic violence (any request will be met where possible unless to do so would prejudice the proper handling of the investigation);
- (c) To have interviews carried out by or through professionals trained for that purpose;
- (d) To have interviews carried out in premises designed or adapted for that purpose.

50. If you are under 18 years of age, the additional Special investigation Measure of audio-visual recording of interviews may be available.

51. If you are considered to be a vulnerable victim (in accordance with paragraph 46 of this Code, then in addition to the above Special investigation Measures, the use of communication aids are available.

52. A Special Investigation Measure shall not be made available if operational or practical constraints make this impossible or where there is an urgent need to interview a victim and failure to do so could harm the victim or another person or could prejudice the course of the proceedings.

CHAPTER 3 - Special Measures

Special Measures

53. If you give evidence at a Service court you will do so as a witness. Special Measures is the term used to describe the measures a Service court can order to assist vulnerable or intimidated witnesses to give their best evidence in court. Special Measures are mentioned in Parts 3 and 4 of this Code. When your needs are assessed by a relevant service provider and you are identified as being eligible for Special Measures, the relevant service provider will discuss the measures available with you and record what you think will best help you to give evidence. You are entitled to ask the relevant service provider, which could be the Commanding Officer, Service Police or the Service Prosecuting Authority for Special Measures to be used during the trial to help to give your best evidence. The Service Prosecuting Authority will take your views into account when deciding whether to make an application. In cases where the Service Prosecuting Authority does make an application for Special Measures, you are entitled to be informed of the outcome of this application. It is the court that decides whether Special Measures should be ordered. Once the court orders Special Measures, you are entitled to receive them. If you are a vulnerable or intimidated victim (in accordance with paragraph 37 of this Code) the following Special Measures may be available:

- (a) Screens/curtains in the courtroom so the witness does not have to see the defendant, and, in some cases, the public gallery;

- (b) A live video link allowing a witness to give evidence away from the courtroom. This could be from a separate room within the court building, or from a dedicated live-link site outside the court building;
- (c) Giving evidence in private – the public gallery can be cleared in certain cases including those involving a sexual offence, human trafficking, or where the court is satisfied that someone other than the accused may seek to intimidate the witness;
- (d) Removal of wigs and gowns by judges, defence and prosecution advocates;
- (e) Video-recorded statements – these allow a witness to use a pre-recorded video statement as their main prosecution evidence.

54. If you are considered to be a vulnerable victim (in accordance with paragraph 46 of this Code) then in addition to the above Special Measures, the use of communication aids, such as assistance from Registered Intermediaries (see paragraph 55 of this Code), are available.

Registered Intermediaries

55. Registered Intermediaries are specialists who help vulnerable witnesses with an assessed communication difficulty to give their best evidence in court. The intermediary is approved by the court and can help to explain the questions and answers so far as necessary to help the witness but without changing the substance of the evidence.

PART 3 - Victims' Entitlements – Entitlements for Adults

CHAPTER 1 - Introduction

Introduction

56. This Chapter tells you about victims' entitlements if you are over 18 and are a victim entitled to receive services under this Code⁽²⁷⁾.

CHAPTER 2 - Service Police and Commanding Officers' Investigations

General

57. Service offences may be investigated either by a Commanding Officer or by the Service Police. Regardless of which of these investigates your complaint you have the following entitlements.

Information, referral to victim support services and needs assessments

58. You are entitled to receive⁽²⁸⁾ the following:

- (a) a written acknowledgement that you have reported a crime including the basic details of the offence. The written acknowledgement could be in the form of a letter, an electronic notification such as an email or text, or it could be written by hand. You may request not to receive such acknowledgement. Where the Service Police or Commanding Officer consider there may be a risk of harm to you from sending the written acknowledgement (for example in domestic violence cases) they may agree with you not to send one;
- (b) a clear explanation of what to expect from the Service Justice System when you report a crime;
- (c) a timely assessment of your needs to help work out whether you want support, and, if so, what help or support you may need. This will help to identify whether you are in one of the three categories of victim who may need enhanced support⁽²⁹⁾, and to determine whether and to what extent you may benefit from Special Investigations Measures and Special Measures;
- (d) written information (in accordance with paragraphs 13 and 14 of the Introduction) on what to expect from the Service Justice System such as the victim and witness information leaflets without unnecessary delay from your first contact with the with the Service Police or Commanding officer exercising powers of investigation;
- (e) to be notified, without unnecessary delay, of your entitlement to receive the following information:
 - (i) any decision not to proceed with or to end an investigation or not to prosecute a suspect, including a brief summary or reasons for the decision where available;
 - (ii) the time and place of the trial or Summary Hearing, and the nature of the charges against the accused;

⁽²⁷⁾ See paragraphs 15 to 21 of this Code.

⁽²⁸⁾ Information will be provided to your last known correspondence address or electronic contact details given by you to the service provider. In exceptional cases, for example due to the high number of victims involved in a case, information may be provided through the press, through an official website of the service provider or through a similar communication channel.

⁽²⁹⁾ See also paragraph 39 of this Code.

- (iii) any final judgement in the trial or Summary Hearing, including a brief summary of reasons for the decision where available;
- (iv) information enabling you to know about the state of the criminal proceedings on your request unless the proper handling of the case may be adversely affected by such notification;
- (v) where you are notified of a decision that qualifies for a review under the Service Police, Commanding Officers or Service Prosecuting Authority victims' right to review schemes, that you are entitled to receive sufficient information to enable you to decide whether to request a review;
- (f) to be informed how often you will receive updates on the status of the case following discussion with the investigator;
- (g) an explanation, without unreasonable delay, of a decision not to investigate a crime;
- (h) to be advised, without unreasonable delay, when an investigation into the case has been concluded with no person being charged or referred, and to have the reasons explained to you.

59. Victim support services are voluntary organisations which offer victims of crime help and support to help them cope and recover after a crime. You are entitled to have your details passed to victim support services after reporting the crime if you wish them to be⁽³⁰⁾. The Service Police or Commanding Officer will ask if you want this to happen and will seek your explicit consent before sending your details to victim support services.

60. You are entitled to receive information about victim support services including the contact details so that you can access their support at any time.

61. If you are making a witness statement the investigator should explain to you that this may result in you needing to give evidence in court or at Summary Hearing proceedings, if the case goes to trial or hearing.

62. You may request the investigator to inform you of:

- (a) a suspect being released from Service custody with no further action;
- (b) a suspect being released from Service custody and any Service custody release requirements which are imposed, changed or cancelled.

63. You are entitled to the information requested in paragraph 62 of this Code only where there is a danger or an identified risk of harm to you, in which case the information will be provided without unnecessary delay⁽³¹⁾.

64. You may discuss and agree with the investigator timings to receive the information and services in paragraphs 58 to 62 of this Code to suit your needs.

65. If you are being interviewed by the Service Police or as part of a Commanding Officer's investigation, you are entitled to:

- (a) be accompanied by a person of your choice, unless a reasoned decision has been made to the contrary;
- (b) have any interviews with you conducted without unjustified delay;
- (c) have the number of interviews limited to those that are strictly necessary for the purposes of their investigation;
- (d) have medical examinations kept to a minimum and carried out only where strictly necessary for the purposes of the criminal proceedings.

⁽³⁰⁾ See, however, paragraphs 16 to 18 of this Code.

⁽³¹⁾ You are not, however, entitled to this information if there is an identified risk of harm to the suspect which would result from the notification.

66. In addition to the entitlements in paragraph 65 of this Code, if you are a victim of the most serious crime, persistently targeted or vulnerable or intimidated, you may also be entitled to receive Special Investigation Measures as set out in paragraphs 49 to 52 of this Code.

67. The Service Police will ensure, wherever possible, that you and your family members do not come into direct contact with the suspect while on Service police premises.

68. In addition to the entitlements outlined above, if you are a victim of the most serious crime, persistently targeted or vulnerable or intimidates, you are entitled to the following from the Service Police or Commanding Officer:

- (a) to have information on Special Investigation Measures explained to you where appropriate (see paragraphs 49 to 52 of this Code);
- (b) to have information on Special Measures explained to you, where appropriate (see paragraphs 53 and 54 of this Code);
- (c) on being advised that a case has been concluded without referral or charge, to be asked if you wish to be informed if the investigation is to be reopened. The Service Police or Commanding Officer must consider your views if reopening of the case is formally considered.

69. In addition to the entitlements outlined above, if you are a bereaved close relative of a victim who died as a result of a criminal offence, you are entitled to:

- (a) have a Service Police Family Liaison Officer assigned to you by the Service Police where the Senior Investigating Officer considers this to be appropriate;
- (b) be offered accessible advice on bereavement and information on available victim support service by the Service Police⁽³²⁾.

Victim personal statement

70. A Victim Personal Statement (VPS) gives you an opportunity to explain in your own words how a crime has affected you, whether physically, emotionally, financially or in any other way. This is different from a witness statement about what happened at the time, such as what you saw or heard. The VPS gives you a voice in the Service Justice System. However, you may now express your opinion on the sentence or punishment the suspect should receive as this is for the court, or the Commanding Officer in a Summary Hearing to decide.

71. You are entitled to make a VPS at the same time as giving a witness statement about what happened to the Service Police or commanding officer about a crime. When making your VPS, you are entitled to say whether or not you would like to have your VPS read aloud or played (where recorded), if the case is dealt with before a Service court and the suspect is found guilty. In such a case, you are also entitled to say whether you would like to read your VPS aloud yourself or to have it read aloud (usually by the Service Prosecuting Authority advocate).

72. If you do not want to read your VPS aloud yourself or have it read aloud on your behalf, you do not have to choose this option. Your VPS will still be considered as part of the evidence before the Service court prior to sentencing if the accused is found guilty. If at first you choose to have your VPS read aloud but later decide you do not want this, you can change your mind.

73. In Summary Hearing your VPS will be considered as part of the evidence before the Commanding Officer prior to sentencing if the case against the accused is found to be proved.

74. Although you are entitled to make a VPS, you do not have to do so. If you are initially unsure about making a VPS when you are giving a witness statement about what happened, you may choose to make a VPS at a later time – provided this is before the case comes to court or the accused is sentenced, or in the case of a Summary Hearing, before the case summary and written evidence are provided to the accused. You should be aware that if you choose not to make a VPS

⁽³²⁾ See, however, paragraphs 16 to 18 of this Code.

when initially offered, you only have a limited opportunity to make one later on. This is because the case may be dealt with by the Service courts or the Commanding Officer very quickly.

75. In addition to the entitlements outlined above, if you are a victim of the most serious crime (including bereaved close relatives), persistently targeted, or vulnerable or intimidated, you are entitled to make a VPS to the Service Police prior to sentence whether or not you make a witness statement about what happened⁽³³⁾. You should be aware that if you choose not to make a VPS when initially offered, you only have a limited opportunity to make one later on. This is because the case may be dealt with by the Service courts or the Commanding Officer very quickly.

76. If you are not giving a witness statement about what happened and you are not a victim in one of the three priority categories as outlined in paragraph 74 of this Code, the Service Police or Commanding Officer may make arrangements for you to make a VPS at their discretion.

77. Once the statement is completed and signed, a VPS (like any other formal statement) cannot be changed or withdrawn if you have second thoughts about what you have said. However, you may submit a further VPS to the Service Police or Commanding Officer to add or clarify your original VPS.

Victim personal statement and the Service courts and Summary Hearings

78. A VPS will always be shared with the Service Prosecuting Authority if a case is referred to the Service Prosecuting Authority. If the case reaches a Service court, then the VPS will be served on the court and the defence if it is included as evidence in the trial, so that accused will usually be able to see it. In Summary Hearing proceedings, the VPS will form part of the evidence before the Commanding Officer and will be provided to the accused.

79. If the accused is found guilty before a Service court, you are entitled to say whether you would like to have your VPS read aloud or played (where recorded) in a Service court. You are also entitled to say whether you would like to read your VPS aloud yourself or to have it read aloud (usually by the Service Prosecuting Authority advocate). Before deciding whether you wish to have your VPS read aloud or played in court, you will be advised about the possible consequences, including that your VPS could be reported on in the media. You could also be asked questions about your VPS in court by the defence.

80. If you do request that your VPS is read aloud or played in court, it is for the court to decide whether and what sections of the VPS should be read aloud or played, and who will read it, taking into account your interests. In most cases some or all of your VPS will be read out (either by you or the Service Prosecuting Authority advocate) or played, unless the court decides there are good reasons not to do so. You will be told of the court's decision.

81. The Service court (or Commanding Officer in a Summary Hearing) will pass what it judges to be the appropriate sentence, having regard to all the circumstances of the offence and of the offender. This will include taking into account, so far as the court (or Commanding Officer) considers it appropriate, the impact of the offence on you as set out in your VPS. Your VPS will be considered in exactly the same way whether or not it is read or played in court.

CHAPTER 3 - Pre-Trial – Charge and Service Custody

Charge and Service Custody

82. You are entitled to be informed of a decision:

- (a) to refer the case to the Commanding Officer or the Director of Service Prosecutions;
- (b) not to refer the case to the Commanding Officer or the Director of Service Prosecutions;

⁽³³⁾ In the case of a Summary Hearing, this may be done prior to the case summary and written evidence being provided to the accused.

- (c) to charge the suspect;
- (d) not to charge the suspect.

83. Following:

- (a) a Service Police decision not to refer a case in which a suspect has been identified and interviewed after caution, to the Commanding Officer or the Director of Service Prosecutions,
- (b) a Commanding Officer's or Service Prosecuting Authority decision⁽³⁴⁾ not to bring or direct a charge, or
- (c) a Commanding Officer's decision not to refer the case to the Director of Service Prosecutions, where the Commanding Officer does not have power to charge without first referring the case to the Director of Service Prosecutions,

you are entitled to be notified of the reasons why this decision was made, how you can access further information about the decision and how you can seek a review of the decision and how you can seek a review of the decision if you are dissatisfied with it, in accordance with their victims' right to review scheme.

84. Where a suspect is arrested, taken into custody or charged by a person of that suspect's unit in respect of a criminal offence, a Victim Liaison Officer is to be allocated to your case no later than 3 working days after the day of the event, and within 1 working day where you are a victim of the most serious crime, persistently targeted or vulnerable or intimidated. Upon allocation, the CO must inform the Victim Liaison Officer of the event.

85. You are entitled to be informed by the Victim Liaison Officer or the Service Prosecuting Authority of the date, time and location of any court hearings in your case.

86. You are entitled to receive the information at paragraphs 82, 83 and 85 of this Code without unreasonable delay.

87. You may request the Victim Liaison Officer or the Service Prosecuting Authority to inform you of:

- (a) a suspect being released from Service Custody with no further action;
- (b) a suspect being released from Service Custody and any Service custody release requirements which are imposed, changed or cancelled.

88. You are entitled to the information requested in paragraph 87 of this Code only where there is a danger or an identified risk of harm to you, in which case the information will be provided without unnecessary delay⁽³⁵⁾.

89. If you are dissatisfied with any of the decisions set out at paragraph 83 of this Code, you are entitled to seek a review of that decision in accordance with the Service Police, Commanding Officers, or Service Prosecuting Authority victims' right to review schemes as appropriate. The schemes give victims of criminal offences a right to request a review of those decisions.

90. Where you are notified of a decision that qualifies for a review in accordance with paragraph 89 of this Code, you are entitled to receive sufficient information in the notification to enable you to decide whether or not you wish a review to take place.

Post-Charge

91. You are entitled to be informed by the Service Prosecuting Authority of a decision made by the Service Prosecuting Authority to:

- (a) substitute for the charge another charge against the accused;

⁽³⁴⁾ This refers to the powers to charge or direct charge exercisable by the Director of Service Prosecutions under Part 5 of the Armed Forces Act 2006.

⁽³⁵⁾ You are not, however, entitled to this information if there is an identified risk of harm to the suspect which would result from the notification.

- (b) substantially alter a charge;
- (c) bring an additional charge against the accused;
- (d) discontinue proceedings on the charge;
- (e) offer no evidence in all proceedings;
- (f) refer the charge to the accused's Commanding Officer;
- (g) make a direction barring further proceedings.

92. You are entitled to be informed by the Victim Liaison Officer of any decision made by the Commanding Officer to:

- (a) substitute for the charge another charge against the accused;
- (b) substantially alter a charge;
- (c) bring an additional charge against the accused;
- (d) discontinue proceedings on the on the charge;
- (e) refer the charge to the Director of Service Prosecutions.

93. In addition, where the Service Prosecuting Authority, or the Commanding Officer, discontinues, or the Service Prosecuting Authority offers no evidence in all proceedings or makes a direction barring further proceedings, you are also entitled to be informed by the Service Prosecuting Authority or Victim Liaison Officer as appropriate of how you can access further information about the decision and to seek a review of the decision if you are dissatisfied with it, in accordance with the Service Prosecuting Authority or the Commanding Officer's victims' right to review schemes as set out in paragraphs 89 and 90 of this Code. Where you are notified of a decision that qualifies for a review you are entitled to receive sufficient information in the notification to enable you to decide whether or not you wish a review to take place.

94. You are entitled to receive the information in paragraphs 91, 92 and 93 of this Code without unreasonable delay.

Pre-Trial

95. In this section, where your Victim Liaison Officer is required to provide you with some of the services listed below the Service police may provide some or all or those services instead. You will be told by the Service police if this is the case.

96. You are entitled to:

- (a) request the investigator to inform you of:
 - (i) a suspect being released from Service Custody with no further action;
 - (ii) a suspect being released from Service Custody and any Service custody release requirements which are imposed, changed or cancelled;
- (b) receive the information requested in paragraph 96(a) of this Code only where there is a danger or an identified risk of harm to you, in which case the information will be provided without unnecessary delay⁽³⁶⁾;
- (c) be informed, without unreasonable delay, of the date, location and outcome of any court or Summary hearings in the case by your Victim Liaison Officer;
- (d) in cases where the accused pleads not guilty in a Service court, or where you may be required to give evidence in a Summary hearing, discuss any needs you may have with the Victim Liaison Officer and be referred to relevant victim support services⁽³⁷⁾ where appropriate;

⁽³⁶⁾ You are not, however, entitled to this information if there is an identified risk of harm to the suspect which would result from the notification.

⁽³⁷⁾ See paragraphs 16 to 18 of the introduction.

(e) be informed, without unreasonable delay, by your Victim Liaison Officer if you are required to give evidence. You are also entitled to be told about what to expect, including how to access the Military Court Service “Witness Information” leaflet;

(f) view your statement to help refresh your memory – if you made a written statement, it will be available for you at court or Summary hearing on the day; if you made a video recorded statement, arrangements will be made for you to view this separately before the trial;

97. If you are required to give evidence, you are entitled to be offered a full needs assessment by the Service police, the Commanding Officer or Service Prosecuting Authority as appropriate to make sure you are supported in giving your best evidence. This may include consideration of the use of Special Measures (see paragraphs 53 and 54 of this Code) and whether a Summary Hearing is appropriate. If you are to give evidence in the court, you are also entitled to visit the court before the trial to familiarise yourself with the building and the court room.

98. In addition to the entitlements outlined above you are also entitled to be informed of the outcome of any Special Measures application.

99. If the suspect pleads not guilty in Service court or if you are required to give evidence in the Summary Hearing, you are entitled to talk to the Military Court Service (if your case is being heard in a Service Court) or your Victim Liaison Officer (if your case is being heard in a Summary Hearing) about what support you may need. You can ask for your contact details to be sent to victims’ services so they can get in touch with you to talk about any extra support they could offer you.

Measures for victim’s protection in case of escape

100. In the event of a suspect escaping from service custody, if there is a danger of an identified risk of harm to you, the Service Police, once aware of the escape or notified of it by the Military Corrective Training Centre, will notify you wherever possible of the escape and any measures taken for your protection if it is assessed that the suspect poses a significant risk of harm to you.

CHAPTER 4 - Trial

Attending Court as a Witness

101. If you are attending court as a witness, you are entitled to:

(a) ask the Military Court Service staff if you and any family members who are also attending court can enter and leave the court building through a separate entrance from the accused and their family and friends;

(b) where circumstances permit, meet the Service Prosecuting Authority advocate or representative to ask him or her questions about the court process. They will indicate where possible how long you may have to wait before giving evidence;

(c) wherever possible, receive an explanation from the Service Prosecuting Authority advocate or representative if there is a delay in proceedings on the day and how long the wait is likely to be;

(d) wait and be seated in an area separate from the accused and their family and friends. The Military Court Service staff will ensure this is done wherever possible. If you have family members who may attend court they will also be seated in a separate area from the accused and their family and friends wherever possible;

(e) have any Special Measures set up for you where these have been ordered by the court;

(f) be given a Military Court Service contact to point at the court so you can find out what is happening in the case whilst it is being heard.

102. If you need to leave the court building at any time, you should give your contact details to Military Court Service staff so they can contact you if necessary.

103. Part of the court process involves the cross-examination of witnesses to test their evidence. It is up to the court to make sure the trial is conducted in a fair and just manner, taking into account representations from the defence advocate and the Service Prosecuting Authority advocate representing the Crown. The Service Prosecuting Authority will treat victims who are witnesses in court respectfully and, where appropriate, will seek the court's intervention where cross-examination is considered by the prosecutor to be inappropriate or too aggressive.

104. If you are not a witness in the case you are generally entitled to observe court proceedings from the public gallery.

Attending a Summary Hearing as a Witness

105. If you are attending a Summary Hearing as a witness you are entitled to:

- (a) ask the Commanding Officer's discipline staff if you and any family members who have permission to accompany you can enter and leave the place of the hearing through a separate entrance from the accused and their family and friends where possible;
- (b) where circumstances permit, meet a member of the Commanding Officer's discipline staff to ask him or her questions about the Summary Hearing process. They will indicate where possible how long you may have to wait before giving evidence;
- (c) wherever possible, receive an explanation from the Commanding Officer's discipline staff if there is a delay in proceedings on the day and how long the wait is likely to be;
- (d) wait and be seated in an area separate from the accused. The Commanding Officer's discipline staff will ensure this is done for you and any family members who have permission to accompany you wherever possible.

106. If you need to leave the building at any time, you should give your contact details to Commanding Officer's discipline staff so they can contact you if necessary.

107. Part of the Summary Hearing process involves the questioning of witnesses to test their evidence. It is up to the Commanding Officer to make sure the hearing is conducted in a fair and just manner. The Commanding Officer will treat victims who are witnesses respectfully and, where appropriate, will intervene where questioning is considered inappropriate or too aggressive.

After the trial/Summary Hearing

108. Following the trial/Summary Hearing, where your Victim Liaison Officer is required to provide you with some of the services listed below, the Service Police may provide some or all of those services instead. You will be told by the Service Police if this is the case.

109. Following the trial or Summary Hearing, you are entitled to:

- (a) be paid within a reasonable time any expenses the Military Court Service or Commanding Officer have decided are due to you if you have attended court or a Summary Hearing to give evidence and have submitted a correctly completed claim form;
- (b) be informed by the Victim Liaison Officer about the outcome of the trial or Summary Hearing including, where available, a brief summary of reasons for the decision. This information will be provided without unreasonable delay;
- (c) be directed by the Victim Liaison Officer to victim support services where appropriate and where they are available⁽³⁸⁾.

⁽³⁸⁾ See paragraphs 16 to 18 of this Code.

CHAPTER 5 - Sentencing Information

General

110. In this Chapter, where your Victim Liaison Officer is required to provide you with some of the services listed below, in some cases, the Service Police may provide some or all of those services instead. You will be told by the Service Police if this is the case.

Information to be provided

111. You are entitled to be informed by the Victim Liaison Officer of the sentence given to the accused (if convicted) without unreasonable delay. This includes a short explanation about the meaning and effect of the sentence.

112. Where the sentence follows a trial at a Service court, you are entitled to be referred to the Service Prosecuting Authority who will respond to any questions you may have about the sentence which the Victim Liaison Officer is not able to answer.

CHAPTER 6 - Appeals

General

113. Where your Victim Liaison Officer is required to provide you with services in this section, the Service Police may provide some or all of those services instead. You will be told by the Service Police if this is the case.

If an application is made to the Summary Appeal Court to appeal against a conviction or sentence in the Summary Hearing

114. You are **entitled** to be informed without unreasonable delay of the following information by your Victim Liaison Officer:

- (a) any notice of appeal that has been made;
- (b) the date, time and location of any hearing;
- (c) the outcome of that appeal, including any changes to the original sentence.

115. You are also entitled to:

- (a) ask the Military Court Service staff if you and any family members who are attending court can enter and leave the court building through a separate entrance from the accused and their family and friends;
- (b) wait and be seated in court in an area separate from the appellant and their family and friends. The court will ensure this is done wherever possible. If you have family members who may attend court they will also be seated in court in a separate area from the accused and their family and friends wherever possible;
- (c) be provided with a Military Court Service contract point at the Summary Appeal Court;
- (d) receive information about victim support services where appropriate and available⁽³⁹⁾.

116. An appeal to the Summary Appeal Court involves a rehearing of the charge and/or the punishment. In such a case the relevant entitlements relating to Victim Personal Statements set out in Section 1 of this Part of the Code will apply. The relevant entitlements set out in Chapters 2, 3 and 4 of this Part of the Code will also apply.

⁽³⁹⁾ See paragraphs 16 to 18 of the Introduction.

If an application is made to the Summary Appeal Court to have a case stated for the opinion of the High Court

117. You are entitled to be informed, without unreasonable delay, of the following information by your Victim Liaison Officer:

- (a) an application to the Summary Appeal Court to have a case stated for the opinion of the High Court has been made;
- (b) the judge advocate's decision as to whether or not they have decided to state a case;
- (c) the date, time and location of any hearing before the High Court;
- (d) the outcome of that stated case.

118. If you or your family members attend the High Court you are also entitled to:

- (a) ask the High Court if you and any family members who are attending court can enter and leave the court building through a separate entrance from the accused and their family and friends;
- (b) wait and be seated in court in an area separate from the appellant and their family and friends. The court will ensure this is done wherever possible. If you have family members who may attend court they will also be seated in court in a separate area from the accused and their family and friends wherever possible.
- (c) be provided with a High Court staff contact point at the High Court;
- (d) receive information about victim support services where appropriate and available⁽⁴⁰⁾.

If an appeal is made to the Court Martial against a conviction or sentence in the Service Civilian Court

119. You are entitled to be informed, without unnecessary delay, of the following information by your Victim Liaison Officer:

- (a) any notice of appeal that has been made;
- (b) the date, time and location of any hearing;
- (c) the outcome of that appeal, including any changes to the original sentence.

120. You are also entitled to:

- (a) ask the Military Court Service staff if you and any family members who are attending court can enter and leave the court building through a separate entrance from the accused and their family and friends;
- (b) wait and be seated in court in an area separate from the appellant and their family and friends. The court will ensure this is done wherever possible. If you have family members who may attend court they will also be seated in court in a separate area from the accused and their family and friends wherever possible;
- (c) be provided with a contact point at the Military Court Service;
- (d) receive information about victim support services where appropriate and available⁽⁴¹⁾.

121. Where an appeal is made, the case will be dealt with by a rehearing of the charge and/or sentence before the Court Martial. In such a case the relevant entitlements relating to Victim Personal Statements set out in Chapter 2 of this Part of the Code will apply. The relevant entitlements set out in Chapters 2, 3 and 4 of this Part of the Code will also apply.

If an application is made to appeal against a conviction or sentence to the Court Martial Appeal Court, or an application or appeal is made to the UK Supreme Court in a criminal case on a point of law

122. You are entitled to:

⁽⁴⁰⁾ See paragraphs 16 to 18 of the Introduction.

⁽⁴¹⁾ See paragraphs 16 to 18 of the Introduction.

- (a) be told by the Victim Liaison Officer, without unreasonable delay, that the appellant has been given leave to appeal;
- (b) receive information from the Victim Liaison Officer, without unreasonable delay, about the date, time and location of any hearing;
- (c) request the Victim Liaison Officer to inform you if the appellant is to be released on bail pre-appeal or if the bail conditions have varied or if bail has been revoked;
- (d) receive the information requested in paragraph 122(c) of this Code only where there is a danger or an identified risk of harm to you, in which case the information will be provided without unnecessary delay⁽⁴²⁾;
- (e) receive an update from the Victim Liaison Officer, without unreasonable delay, on any changes to hearing dates;
- (f) be provided, by your Victim Liaison Officer, with a contact point for the Court staff;
- (g) be told, without unreasonable delay, about the result of the appeal. This includes any changes to the original sentence;
- (h) wait and be seated in court in an area separate from the appellant and their family and friends. The court staff will ensure this is done wherever possible. This will also be done for members of our family who attend court wherever possible. It is rare for the appellant to attend hearings in the Supreme Court. Special arrangements will be made for you if the appellant is present and you do not wish to sit in the courtroom;
- (i) request a copy from the Court Martial Appeal Court or UK Supreme Court staff of the court's judgment in the case once it has been published.

The Court Martial Appeal Court and Victim Personal Statements

123. In determining an appeal against sentence, the court will always take into account any Victim Personal Statement (VPS) that is presented to it which was provided to the sentencing court.

124. It is normally necessary for a further VPS to be provided to the Court Martial Appeal Court. However, if there is information the court should know about the continuing impact the crime has had on you, a new or further VPS may be sent to the court through the Service Police or Service Prosecuting Authority. In very rare cases, you may be asked questions about your VPS in court. If the VPS is used in evidence, it will be disclosed to the defence and should not contain any comments about the sentence given or whether the appeal should succeed or not.

CHAPTER 7 - Post-Trial

Criminal Cases Review Commission

125. On receiving an application from an offender, the Criminal Cases Review Commission undertakes reviews of convictions and sentences imposed as a result of the offender's criminal offending. The Commission may refer a conviction or sentence for a fresh appeal if there is some new information or new argument which might mean the conviction is unsafe or the sentence too long. When reviewing a case, the Commission will assess the potential impact on you and decide if you should be notified. The Commission will record the reasons for its decisions as to the form of contact with you and in appropriate cases will notify the Service police if their assistance in contacting you is required.

126. You are entitled to be notified by the Commission if it deems there is a reasonable prospect of a review coming to your attention.

127. If the Commission decides that is appropriate to contact you during the course of the review, the Commission will notify you that an application has been received and that the case is under

⁽⁴²⁾ You are not, however, entitled to this information if there is an identified risk of harm to the suspect which would result from the notification.

review. Following the review, the Commission will decide if the conviction or sentence should be referred to the courts, and will notify you of its decision unless you have expressly asked not to be informed.

128. If the Commission decides that it is not appropriate to contact you during the review, but subsequently decides to refer the conviction or sentence to the courts, the presumption is that the Commission will inform you of the referral.

Unwanted contact from offenders

129. Persons subject to sentences of Service detention have limited access to telephone and internet facilities. If you receive unwanted contact from such a person in any form, you can report this by calling the Military Corrective Training Centre.

130. Prisoners are not allowed mobile phones and are allowed access to the internet only for educational purposes, employment and resettlement activities. They are not permitted to use social networking sites. If you receive unwanted contact from a prisoner in any form, you can report this by calling the National Offender Management Service Victim Helpline.

131. If you receive unwanted contact from an offender who is on licence (see 'licence conditions' in Definitions) in the community, you can contact the National Probation Service, or the police. If the offender is under 18 and being supervised by a Youth Offending Team, you can contact that Youth Offending Team to report any unwanted contact.

Armed Forces Victim Contact Scheme

132. The Armed Forces Victim Contact Scheme is offered to victims of offences including bereaved close relatives in cases where the offender:

- (a) receives a sentence of Service detention;
- (b) receives a sentence of imprisonment or youth custody of 12 months or more; or
- (c) has been detained in a hospital for treatment because he, or she, has a mental disorder.

133. If you wish to utilise this scheme you should notify the Military Corrective Training Centre. The purpose of the Armed Forces Victim Contact Scheme is to provide victims who are concerned for their safety with information keeping them informed of the key stages of the offender's sentence, such as periods of unsupervised release including Short Term Temporary Release, Re-Integration Leave, Compassionate Leave, Community Work placements, transfer to open conditions as well as release. The detail of the information provided is subject to the discretion of the Commandant of the Military Corrective Training Centre and information will not be provided in cases where there is an identified risk of harm to the offender which would result from the notification.

134. If you are eligible, and choose to take part in the Armed Forces Victim Contact Scheme you are entitled to the information set out in this paragraph only where there is a danger or an identified risk of harm to you, in which case the information will be provided without unnecessary delay⁽⁴³⁾:

- (a) decide whether you want to receive information about key stages of the offender's sentence. In the case of an offender detained in a hospital for treatment because he or she has a mental disorder, some of the decisions about their management will be related directly to their medical treatment, and as such, will be confidential medical information;
- (b) be assigned a Military Corrective Training Centre Liaison Officer who will act as your point of contact for the scheme;
- (c) receive information from the Military Corrective Training Centre without unnecessary delay about the offender's Short Term Temporary Release, Re-Integration Leave,

⁽⁴³⁾ You are not, however, entitled to this information if there is an identified risk of harm to the suspect which would result from the notification.

Compassionate Leave, transfer to open conditions, release on licence, or Community Work placements, or final release;

(d) be informed by the Commandant of the Military Corrective Training Centre without unnecessary delay about any orders or conditions which an offender is subject to on unsupervised release which relate to you or your family. For example, this could include an order to prevent the offender from contacting you or your family;

(e) be informed about any other information which the Commandant of the Military Corrective Training Centre considers to be appropriate in the circumstances of the case, including about key stages of the offender's sentence, or treatment in the case of a mental health patient.

135. If you are a bereaved close relative of the victim of an offender sentence to service detention, or to imprisonment of 12 months in prison or more for a violent or sexual offence or detained in a secure hospital for treatment, you will also be offered participation in the Armed Forces Victim Contact Scheme if there is a danger or an identified risk of harm to you.

136. If you are the parent, guardian or carer of a victim who is under 18, a vulnerable adult, or is otherwise unable to fully participate in the Armed Forces Victim Contact Scheme, then you will usually be offered participation on their behalf. However, this participation may not be offered to a parent, guardian or carer if it is considered not to be in the best interests of the victim.

137. In the event of a suspect escaping from custody, if there is a danger or an identified risk of harm to you, the Service Police or police, once aware of the escape or notified of it by the Military Corrective Training Centre, the prison, Youth Offending Team, hospital or immigration detention centre, will notify you wherever possible of the escape and any measures taken for your protection if it is assessed that the suspect poses a significant risk of harm to you.

Civilian Victim Contact Scheme

138. If you are the victim of a criminal offence where the offender serves a sentence of imprisonment, youth custody, or detention in hospital in Scotland, the Armed Forces Victim Contact Scheme does not apply, but the Scottish civilian procedures will apply. The contact details for that system can be obtained from the Military Corrective Training Centre.

CHAPTER 8 - How to make a complaint

Complaints

139. You are entitled to be treated by service providers in a respectful, sensitive and professional manner without discrimination of any kind. Where they fail to do so, or fail to provide the services required under this Code, you are entitled to make a complaint and for that complaint to be swiftly and fully addressed. A complaint made pursuant to this Section of the Code is not a Service Complaint made under the Armed Forces Act 2006.

140. In the first instance, if you feel your entitlements have not been met or that any service provider has not delivered their duties under the Code, and you feel comfortable doing so, you should discuss your complaint with the person you have been dealing with at that service provider.

141. If you remain dissatisfied, or if you do not feel comfortable discussing the complaint with the person you have been dealing with in the relevant service provider, you can make a complaint through the internal complaints procedure of that service provider. If you send your complaint to the wrong service provider, that provider will use its best endeavours to redirect your complaint to the relevant service provider and inform you that they have done this. Complaints wrongly directed to Her Majesty's Courts and tribunal Service or the UK Supreme Court will be forwarded to the Victim Liaison Officer for them to identify the relevant service provider and they will inform you they have done this.

142. You are entitled to:

- (a) receive information from the service provider on how to make a complaint, including contact details and the process for dealing with a complaint;
- (b) make a complaint if you feel that your entitlements set out under the Code have not been met by service providers;
- (c) receive either an acknowledgement of your complaint or full response to your complaint within 10 working days of receipt of the complaint;
- (d) if you receive an acknowledgement of your complaint, be given information on the internal complaints process of the service provider to whom you are complaining, including a timeframe for receiving a substantive response where appropriate;
- (e) receive a full response from the relevant service provider within a set timeframe, provided in an accessible language and format.

CHAPTER 9 - Transfer to Civilian Jurisdiction

General

143. If at any time during proceedings, the matter is turned over to the civilian authorities, Service responsibility will cease, and you should be directed to consult the applicable civilian procedures by the Victim Liaison Officer.

PART 4 - Victims' Entitlements – Entitlements for Children and Young People

CHAPTER 1 - Introduction

General

144. This Part of the Code tells you what information, help and services you should receive from the service providers if you are under 18 and are a victim entitled to services under this Code⁽⁴⁴⁾. It should be read along with Parts 1 and 2 of this Code.

145. Your parent or guardian may also receive help and support unless they are a suspect in connection with the crime or if it is considered not to be in your best interests. A suspect is someone who the Service Police or Commanding officer believes may be involved in the crime.

How should I read this Part of the Code?

146. You can use this Part of the Code to help you follow your journey through the Service justice system and find out what help you should get at each stage. It is written for you and shows you what information, help and services you should get. These are called your “entitlements”.

147. You can also use the definitions contained in Part 6 of this Code which explain what certain words and phrases mean.

148. A victim information leaflet is also available which also explains what you can expect during the Service justice process.

CHAPTER 2 - Service Police and Commanding Officers' Investigations

General

149. Service offences may be investigated either by a Commanding officer or by the Service Police.

Information provided to you when you report a crime

150. When you report a crime to the Service Police or the Commanding officer, you are entitled to:

- (a) receive written confirmation that you have reported a crime, including the basic details of the offence. The written acknowledgement could be in the form of a letter, an electronic notification such as an email or text, or it could be written by hand. You may request not to receive such acknowledgement. Where the Service Police or Commanding Officer consider there may be a risk of harm to you from sending the written acknowledgement (for example in domestic violence cases) they may agree with you not to send one;
- (b) a clear explanation of what happens next;
- (c) a leaflet with information for victims of crime to be provided without unnecessary delay from your first contact with the Service Police or Commanding officer. This will include information about people you can talk to if you are upset and need support and how you can get in touch with them;

⁽⁴⁴⁾ See paragraphs 15 to 21 of this Code.

- (d) talk to the investigator to help you work out what support you need. This is called a “needs assessment”;
- (e) have your contact details sent to organisations that help victims if you want this to be done. The investigator will ask if you want your details sent to them first. These organisations are called “victim support services” in this Code. If you agree to have your details sent to victim support services then they will get in touch with you to let you know what support is available to you⁽⁴⁵⁾.
- (f) To be notified, without unnecessary delay, of your entitlement to receive the following information;
 - (i) any decision not to proceed with or to end an investigation or not to prosecute a suspect, including a brief summary or reasons for the decision where available;
 - (ii) the time and place of the trial or Summary Hearing, and the nature of the charges against the accused;
 - (iii) any final judgement in the trial or Summary Hearing, including a brief summary of reasons for the decision where available;
 - (iv) information allowing you to know about the state of the criminal proceedings on your request unless the proper handling of the case may be harmed;
 - (v) where you are notified of a decision that qualifies for a review under the Service Police, Commanding Officers or Service Prosecuting Authority victims’ right to review schemes, that you are entitled to receive sufficient information to enable you to decide whether to request a review.

Investigation

151. A Service Police and Commanding Officer’s investigation is when the Service Police or Commanding Officer looks for suspects and evidence of the crime you told them about. If the Commanding officer or Service Police decide not to investigate they will let you know without unreasonable delay from the decision.

152. The Service Police or Commanding Officer’s investigator will talk to you as part of your Needs Assessment. As you are under 18, they will consider whether any Special Investigation Measures or Special Measures should be used in your case and, if so, what they should be. They will discuss these with you. The Special Investigation measures include video recording your witness statement. You can find a full list of Special Investigation Measures in paragraphs 49 to 52 of this Code. You can ask if you would like some to be used, and the investigator will take your views into account when making their decision.

153. After you have told the Service Police or Commanding Officer a crime has taken place, you may then be asked to tell them what happened. This is called a witness statement. When you give your witness statement you are entitled to:

- (a) have someone with you unless the Service Police or investigator decides this is not allowed and tell you why. This could be a parent or family friend but normally they should be over 18 years old;
- (b) ask for someone to help you understand the questions you are being asked;
- (c) be told about Special Measures if you might have to go to court. Special Measures are things ordered by a court to make it easier for you to give evidence in court. These can include giving evidence from a different room by video link or judges removing their wigs and gowns. You can find a full list of Special Measures in paragraphs 53 and 54 of this Code.

154. You may also be entitled to receive Special Investigation Measures as set out in paragraph 153 of this Code.

155. You are also entitled to make a Victim Personal Statement. The Victim Personal Statement lets you explain in your own words how you feel the crime has affected you. This is not the same as a witness statement about what you saw and heard. Both your witness statement and Victim

⁽⁴⁵⁾ See paragraphs 16 to 18 of this Code if you are not present in the United Kingdom.

Personal Statement can be video recorded where appropriate. You do not have to make a Victim Personal Statement if you do not want to. If you decide not to make a Victim Personal Statement at first, you can do it later, but only if this is before sentencing. Sentencing is when the court or Commanding Officer orders the punishment that the offender will receive. The information you give in a Victim Personal Statement will be shared with the defence (who represent the person who has been accused of the crime) or the accused if it is used in court or Summary hearing. The accused or their defence might ask you questions about your Victim Personal Statement on rare occasions.

156. If the accused is found guilty in a Service court, you are entitled to say if you would like to have your VPS read aloud or played (if recorded) in court before the accused is sentenced. When the Service Police are taking your Victim Personal Statement, you are entitled to say, if the case is to end up in a Service court, whether you would like to read your Victim Personal Statement aloud, have it read aloud by someone else or played in court and what this means. If your case ends up being dealt with by a Commanding officer in a Summary hearing, you may read out your Victim Personal Statement if you are called to give evidence. If you are not called to give evidence in a Summary hearing, your Victim Personal Statement will still be considered by the Commanding Officer as written evidence.

157. When the Service Police or Commanding Officer are investigating your case you are entitled to:

- (a) receive information about what is happening and discuss with the investigator how often they will contact you;
- (b) be told if no one is found to be a suspect, or if the case is closed and be told without unreasonable delay from the decision being made;
- (c) ask the investigator to inform you of a suspect being released from Service custody and any Service custody release requirements which are made by the court, or if those release requirements change;
- (d) receive the information requested in paragraph 157(c) of this Code only where there is a danger or an identified risk of harm to you, in which case the information will be provided without unnecessary delay⁽⁴⁶⁾;
- (e) say if you want to be told if a closed case has been reopened, so the Service Police or Commanding Officer can consider your wishes.

158. The Service Police will ensure, wherever possible, that you and your family members do not come into direct contact with the suspect while on Service Police premises.

CHAPTER 3 - Before the trial - charge, Service custody and information about the trial

Charge and Service custody

159. This Chapter tells you what happens when the suspect is charged with committing the crime. Being charged is when there is enough evidence (or proof) and it is in the public interest to formally accuse the suspect of the offence.

160. You are entitled to be told, without unreasonable delay, of the following events happening:

- (a) if the case is referred by the Service police to the Commanding Officer or the Director of Service Prosecutions or a decision is made not to refer the case and be told why if not. You can ask for a review of a decision not to refer the case if you are not happy with it and you should be given enough information to help you decide whether or not you want to do that;

⁽⁴⁶⁾ You are not, however, entitled to this information if there is an identified risk of harm to the suspect which would result from the notification.

- (b) a Commanding Officer's decision to charge the suspect or to refer the case to the Director of Service Prosecutions, or a decision not to do these things. If the Commanding officer decides not to charge or does not refer the case (where they do not have the power to charge without first referring the case to the Director of Service Prosecutions), you are entitled to be told why not. You can ask for a review of a decision not to refer the case or not to charge if you are not happy with it and you should be given enough information to help you decide whether or not you want to do that;
- (c) a Service Prosecuting Authority decision to prosecute (take to court) or not to prosecute the suspect. You are entitled to be told how you can get more information about the decision if the Service Prosecuting Authority decides not to prosecute the suspect. You can ask for a review of the decision if you are not happy with it and you should be given enough information to help you decide whether you want to do that. The Service Prosecuting Authority prosecutes (takes to court) service offences.
- (d) the date of any hearing being set and the outcome of the hearings;
- (e) where there is a danger or an identified risk of harm to you, on request, the investigator will inform you, without unnecessary delay, of a suspect being released from Service custody and any Service custody release requirements which are made by the court, or if those release requirements change⁽⁴⁷⁾.

Preparation for the trial

161. Where a suspect is charged with committing a crime, you are entitled to be informed without unreasonable delay of a Service Prosecuting Authority or Commanding officer's decision to make big changes to the charges against the suspect, to stop the case, to charge the suspect with another crime or a Service Prosecuting Authority decision to offer no evidence to the court (i.e. end the case).

162. Where the Service Prosecuting Authority or the Commanding Officer decides to stop the case by discontinuing proceedings or the Service Prosecuting Authority decides to offer no evidence, you are entitled to be told how you can get more information about the decision and how you can ask for a review of the decision if you are not happy with it. You are entitled to receive enough information to help you decide whether or not you want to ask for a review.

163. Paragraphs 165 to 168 of this Code give you information about services you are entitled to get from the Victim Liaison Officer. Sometimes the Service Police might provide you with this information and support instead if they are your main point of contact. The Service Police will tell you if they are your main point of contact.

164. You are entitled to be told about the date, time and place of any court hearings or Summary Hearing, the court or Commanding Officer's decision and what should happen next. You will be given this information by the Victim Liaison Officer without unreasonable delay. You will also be told what this means for you and what you need to do.

165. (a) You may ask the Victim Liaison Officer to inform you of a suspect being released from Service custody and any Service custody release requirements which are made by the court, or if those release requirements change;

(b) You are entitled to the information requested in paragraph 165(a) of this Code only where there is a danger or an identified risk of harm to you, in which case the information will be provided without unnecessary delay⁽⁴⁸⁾.

166. If the accused pleads not guilty in a Service court or if you are required to give evidence in the Summary hearing, you are entitled to talk to the Military Court Service (if your case is being

⁽⁴⁷⁾ You are not, however, entitled to this information if there is an identified risk of harm to the suspect which would result from giving you this information.

⁽⁴⁸⁾ You are not, however, entitled to this information if there is an identified risk of harm to the suspect which would result from the notification.

heard in a Service court) or your Victim Liaison Officer (if your case is being heard in a Summary hearing) about what support you may need. You can ask for your contact details to be sent to victim support services so that they can get in touch with you to talk about any extra support they could offer you⁽⁴⁹⁾.

167. You are entitled to be told by your Victim Liaison Officer, without unreasonable delay, if you have to give evidence.

168. If you are asked to give evidence at the trial you are entitled to:

- (a) see your video recorded or written statement shortly before the trial to help you remember what you said when you told the Service police what happened to you. The Service Police will arrange this for you;
- (b) if you made a written statement, it will be available for you on the day. If you made a video recorded statement, arrangements will be made for you to view this separately before the trial;
- (c) be informed by the Military Court Service staff about what will happen on the day. The Service Prosecuting Authority advocate will explain the Special Measures available to help you (see paragraphs 53 and 54 of this Code);
- (d) be told by the Military court Service how you can get leaflets that help you understand what will happen when you give evidence to a court;
- (e) if you are due to attend court as a witness, visit the court before the trial to see what it looks like. You should see the court room and practice using Special Measures equipment like video links or screens around the witness box depending on what the court has ordered. Where possible, you will get to meet the staff who will help you on the day.

169. If you are required to give evidence at the Summary Hearing, you are entitled to:

- (a) view your statement to help refresh your memory, a copy will be made available to you on the day of the hearing;
- (b) be informed by the Victim Liaison Officer about what will happen at the Summary Hearing.

170. In the event of a suspect the event of a suspect escaping from service custody, if there is a danger of an identified risk of harm to you, the Service Police, once aware of the escape or notified of it by the Military Corrective Training Centre, will notify you wherever possible of the escape and any measures taken for your protection if it is assessed that the suspect poses a significant risk of harm to you.

CHAPTER 4 - Trial or Summary Hearing

Trial at Service court

171. If you do go to court to give evidence at the trial, you are entitled to:

- (a) wherever possible, meet the Service Prosecuting Authority advocate (the lawyer who presents the case against the accused) or representative to ask him or her questions about what will happen in court, how long you may have to wait before giving evidence and be told of any delay;
- (b) ask court staff if you and any family members who are also attending court can use a different entrance and exit from the accused and their family and friends. This means that when you go to court you do not need to see the accused or their family and friends;
- (c) wait and be seated in an area separate from the accused and their family and friends. If you have family members who may attend court, they will also be seated in a separate area from the accused and their family and friends wherever possible;
- (d) be given a contact point at the court where you can find out what is happening while you are waiting to give your evidence;

⁽⁴⁹⁾ See paragraphs 16 to 18 of this Code.

- (e) have any Special Measures arranged for you by the court staff when the court has ordered them. For example, if you have pre-recorded your witness statement, the court may, as a Special Measure, allow this to be played to the court so that you do not have to give this evidence again. You would then be asked questions about your evidence. This is called cross-examination. Another Special Measure is for you to provide your evidence from a different room using a video link;
- (f) give your contact details to court staff so they can call you back quickly if you have left the court building for a short while;
- (g) watch the trial in the public gallery if you have finished or are not giving evidence as a witness.

172. At a trial by a Service court, part of the court process involves the cross-examination of witnesses to test their evidence. It is up to the court to make sure the trial is conducted in a fair way, taking into account what is said by the defence lawyer and the Service Prosecuting Authority advocate. The Service Prosecuting Authority will treat victims who are witnesses in court respectfully and, where appropriate, will seek the court's intervention where cross-examination is considered by the prosecutor to be inappropriate or too aggressive.

Summary Hearing

173. If you do attend a Summary hearing to give evidence you are entitled to:

- (a) ask the Commanding Officer's discipline staff if you and any family members who have permission to accompany you can enter and leave the place of the Hearing through a separate entrance from the accused where possible;
- (b) where circumstances permit, meet a member of the Commanding Officer's discipline staff to ask him or her questions about the Summary Hearing process. They will indicate where possible how long you may have to wait before giving evidence;
- (c) wherever possible, receive an explanation from the Commanding Officer's discipline staff if there is a delay in proceedings on the day and how long the wait is likely to be;
- (d) wait and be seated in an area separate from the accused. The Commanding Officer's discipline staff will ensure this is done for you and any family members who have permission to accompany you wherever possible.

174. If you need to leave the building at any time, you should give your contact details to the Commanding Officer's discipline staff so they can contact you if necessary;

175. Part of the Summary hearing process involves the questioning of witnesses to test their evidence. It is up to the Commanding Officer to make sure the hearing is conducted in a fair and just manner. The Commanding Officer will treat victims who are witnesses respectfully and, where appropriate, will intervene where questioning by the accused is considered inappropriate or too aggressive.

CHAPTER 5 - After the trial

Expenses

176. Following the trial or Summary hearing you are entitled to be paid any expenses without unreasonable delay which the Military Court Service or Commanding Officer has decided are due to you if you have attended court or a Summary Hearing to give evidence and have submitted a correctly completed claim form.

General

177. Paragraphs 178 and 179 of this Code tell you about the services you are entitled to get from the Victim liaison Officer. Sometimes the Service Police might provide you with this information and

support instead if they are your main point of contact. The Service Police will tell you if this is the case. You are entitled to receive this information without unreasonable delay.

The sentence

178. You are entitled to be informed about the decision of the court or Commanding Officer and, where available, receive a brief summary of reasons for the decision. If the accused has been found guilty or the case has been proved in a Summary hearing, you are entitled to be told the sentence he or she has been given. The sentence is the punishment ordered by the court or Commanding Officer. This will include a short explanation about what the sentence is and what it means. If the Victim Liaison Officer is not able to answer your questions about the sentence, they will pass you to the Service prosecuting Authority or Commanding officer. They will help to answer your questions.

Victim Support Services

179. You are entitled to be put in touch with victim support services by the Victim Liaison Officer where available and appropriate⁽⁵⁰⁾.

CHAPTER 6 - Appeals

Appeals

180. Sometimes the offender asks the court to look at the case or the sentence again. This is called an appeal. If the offender does appeal, you are entitled to the following without unreasonable delay:

- (a) to be told whether the court will let the appeal go ahead;
- (b) to ask the Victim Liaison Officer to inform you if the appellant is to be released on bail pre-appeal or if the bail conditions have varied or if bail has been revoked;
- (c) to receive the information requested in paragraph 180(b) of this Code only where there is a danger or an identified risk of harm to you, in which case the information will be provided without unnecessary delay⁽⁵¹⁾.
- (d) to be given dates, times and locations of any further hearing dates and any changes to the dates if the appellant is allowed to appeal;
- (e) to be told the outcome of the appeal or if there are any changes to the sentence originally given by the court;
- (f) to receive information about victim support services that can help you, where available⁽⁵²⁾.

181. If the appeal is to the Court Martial Appeal Court, the High Court or is a United Kingdom Supreme Court case you can ask for a copy of the decision from the relevant court (which is called a judgment) once it has been published.

182. If there is going to be an appeal hearing, you may be able to make a new or further Victim Personal Statement (see paragraph 155 of this code). This lets you tell the court about the longer term effects that the crime has had on you. Your Victim Liaison Officer will let you know if it is possible to make such a Victim Personal Statement.

183. In some appeals the case may be re-heard. Where an appeal has a re-hearing of the charge or the sentence, your relevant entitlements set out earlier in this part of the Code will apply.

⁽⁵⁰⁾ See paragraphs 16 to 18 of this Code.

⁽⁵¹⁾ You are not, however, entitled to this information if there is an identified risk of harm to the suspect which would result from the notification.

⁽⁵²⁾ See paragraphs 16 to 18 of this Code.

CHAPTER 7 - After the Sentence

Unwanted contact from offenders

184. Persons subject to sentences of Service detention have limited access to telephone and internet facilities. If you receive unwanted contact from such a person in any form, you can report this by calling the Military Corrective Training Centre.

185. Prisoners are not allowed mobile phones and are only allowed access to the internet for certain purposes. They are not allowed to use social networking sites. If you receive unwanted contact from a prisoner in any form, you can report this by calling the National Offender Management Service Victim Helpline.

186. If you receive unwanted contact from an offender who is on licence (see 'licence conditions' in Definitions) in the community, you can contact the National Probation Service, or the police. If the offender is under 18 and being supervised by a Youth Offending Team, you can contact that Youth Offending Team to report any unwanted contact.

Armed Forces Victim Contact Scheme

187. The Armed Forces Victim Contact Scheme is offered to victims of offences including bereaved close relatives in cases where the offender:

- (a) receives a sentence of Service detention;
- (b) receives a sentence of imprisonment or youth custody of 12 months or more; or
- (c) has been detained in a hospital for treatment because he, or she, has a mental disorder.

188. If you wish to use this scheme you should notify the Military Corrective Training Centre. The purpose of the Armed Forces Victim Contact Scheme is to provide victims who are concerned for their safety with information keeping them informed of the key stages of the offender's sentence, such as periods of unsupervised release including Short Term Temporary Release, Re-Integration Leave, Compassionate Leave, Community Work placements, transfer to open conditions as well as release. The detail of the information provided is subject to the discretion of the Commandant of the Military Corrective Training Centre and information will not be provided in cases where there is an identified risk of harm to the offender which would result from the notification.

189. If you are eligible, and choose to take part in the Armed Forces Victim Contact Scheme you are entitled to the information set out in this paragraph only where there is a danger or an identified risk of harm to you, in which case the information will be provided without unnecessary delay⁽⁵³⁾:

- (a) decide whether you want to receive information about key stages of the offender's sentence;
- (b) be given the details of a person who will be your point of contact for the scheme;
- (c) be told when the offender is released from the Military Corrective Training Centre, prison or hospital and any conditions put on them which relate to you;
- (d) be told about any other important information which the Commandant of the Military Corrective Training Centre thinks you should be told.

190. If you are eligible, your parent or guardian or carer will usually be offered participation on your behalf. However, this participation may not be offered if it is considered not to be in your best interests.

191. In the event of a suspect escaping from custody, if there is a danger or an identified risk of harm to you, the Service Police or police, once aware of the escape or notified of it by the Military Corrective Training Centre, the prison, Youth Offending Team, hospital or immigration detention

⁽⁵³⁾ You are not, however, entitled to this information if there is an identified risk of harm to the suspect which would result from the notification.

centre, will notify you wherever possible of the escape and any measures taken for your protection if it is assessed that the suspect poses a significant risk of harm to you.

Civilian Victim Contact Scheme

192. If you are the victim of a criminal offence where the offender serves a sentence of imprisonment, youth custody, or detention in hospital in Scotland, the Armed Forces Victim Contact Scheme does not apply, but the Scottish civilian procedures will apply. The contact details for that system can be obtained from the Military Corrective Training Centre.

CHAPTER 8 - How to make a Complaint

Complaints

193. You are entitled to be treated by service providers in a respectful, sensitive and professional manner without discrimination of any kind. If you do not think that you have received the services and support that you are entitled to in this Code, you can make a complaint.

194. If you feel comfortable doing so, you should first talk about your complaint with the person you have been dealing with at that organisation.

195. If this does not help to answer your complaint, you can make a complaint through the organisation's official complaints system. If you send your complaint to the wrong service provider, that provider will use its best endeavours to redirect your complaint to the relevant service provider and inform you that they have done this. Complaints wrongly directed to Her Majesty's Courts and Tribunal Service or the UK Supreme Court will be forwarded to the Victim Liaison Officer for them to identify the relevant service provider and they will inform you they have done this.

196. You are entitled to:

- (a) receive information from the organisation on how to make a complaint, including contact details and the process for dealing with a complaint;
- (b) receive:
 - (i) an acknowledgement saying that the organisation has got your complaint and is dealing with it, or
 - (ii) a full response to your complaint,

within 10 working days;

- (c) if you receive an acknowledgement, information about how the organisation deals with complaints including how long it may take to get a full response where appropriate;
- (d) receive confirmation from the organisation you complain to that says they have got your complaint and when to expect an answer;
- (e) receive a full response from the organisation within the timeframe they set out.

CHAPTER 9 - Transfer to Civilian Jurisdiction

General

197. If at any time during proceedings, the matter is turned over to the civilian authorities, Service responsibility will cease, and you should be directed to consult the applicable civilian procedures by the Victim Liaison Officer.

PART 5 - Duties on Service Providers

CHAPTER 1 - Introduction

General

198. This Part sets out the information, help and services that service providers in paragraph 7 of this Code must provide to victims entitled to services under this Code⁽⁵⁴⁾ to enable them to deliver the entitlements set out in earlier Parts. For the avoidance of doubt, the relevant service providers must provide the entitlements as set out in Part 3 (for adults) and Part 4 (for persons under 18) and the duties set out in Parts 1 and 2 of this Code.

Victims under the age of 18

199. All victims of crime who are under 18 (child victims) are automatically eligible for the enhanced services provided to vulnerable victims of crime. All service providers must therefore ensure that they provide the same enhanced level of service to child victims and have regard to their duties in Parts 1 to 4 of this Code.

200. For the avoidance of doubt the relevant service providers must also ensure that they provide the entitlements to child victims or their parents or guardians as set out in Part 4 of this Code.

201. At all times the child's best interests must be a primary consideration for service providers.

202. Where the age of a victim is uncertain and there are reasons to believe that the person is under 18 years of age, service providers should presume that person to be under 18 and therefore entitled to receive the enhanced entitlements set out in this Code for victims who are under 18 years of age (in Parts 2 and 4 and in this Part).

CHAPTER 2 - Service Police Investigation

Information, referral to victim support services and needs assessments

203. The Service Police must:

- (a) provide the entitlements set out in Part 3, Chapter 2 and, in relation to a child victim, Part 4, Chapter 2 where they are not specifically listed in the duties below;
- (b) provide all victims with a written acknowledgement of the crime that they have reported including the basic details of the offence. The written acknowledgement could be in the form of a letter, an electronic notification such as an email or text, or it could be written by hand. The victim may request not to receive such acknowledgement. Where the Service Police consider there may be a risk of harm to the victim from sending the written acknowledgement (for example in domestic violence cases), they may agree with the victim not to send one;
- (c) notify the victim, without unnecessary delay, of their entitlement to receive the following information:
 - (i) any decision not to proceed with or to end an investigation or not to prosecute a suspect, including a brief summary or reasons for the decision where available;
 - (ii) the time and place of the trial or Summary Hearing, and the nature of the charges against the accused;
 - (iii) any final judgement in the trial or Summary Hearing, including a brief summary of reasons for the decision where available;

⁽⁵⁴⁾ See paragraphs 15 to 21 of this Code.

- (iv) information enabling the victim to know about the state of the criminal proceedings on their request unless the proper handling of the case may be adversely affected by such notification;
 - (v) where the victim is notified of a decision that qualifies for a review under the Service Police, Commanding Officers or Service Prosecuting Authority victims' right to review schemes, that they are entitled to receive sufficient information to enable them to decide whether to request a review.
- (d) conduct a timely needs assessment to decide whether victims fall into one of the three priority categories: victims of the most serious crime, persistently targeted victims and vulnerable or intimidated victims (a child victim is automatically eligible for the enhanced services provided to vulnerable victims of crime) following the tests set out in Part 2 of this Code;
- (e) explain Special Investigation Measures and Special Measures where appropriate to victims in the three priority categories and record any views expressed by the victim about going to court or Summary Hearing. Establish what measures, if any, the victim feels they need to best help them give their evidence;
- (f) record the outcome of the needs assessment and requests for Special Investigation Measures and Special Measures and share this information with the Commanding Officer and the Service Prosecuting Authority as appropriate;
- (g) provide (in accordance with paragraphs 13 and 14 of this Code) all victims with the victim and witness information leaflets without unnecessary delay from the victim's first contact (see the definitions in Part 6) with the Service Police;
- (h) discuss and seek to agree with the victim (or, in relation to a child victim: the victim or their parent or guardian) how often they will receive updates about the case;
- (i) inform all victims about this Code and how they can find out more about it;
- (j) explain to all victims that their details will be passed to victim support services by the Service Police if they wish this to happen⁽⁵⁵⁾;
- (k) seek explicit consent from victims before sending their details to victim support services⁽⁵⁶⁾;
- (l) inform all victims that they can choose to refer themselves to victim support services at a later date and provide information about victim support services, including contact details⁽⁵⁷⁾;
- (m) explain that any witness statement that is taken may result in the victim having to give evidence in court or Summary hearing at a later date;
- (n) explain, without unreasonable delay, a decision not to investigate a crime;
- (o) advise the victim, without unreasonable delay, when an investigation into a case has been concluded with no person being referred and explain the reasons. The Service Police or Commanding Officer, as appropriate, must ask the victim if they wish to be informed if the investigation is to be re-opened. A record of their response should be made. The victim's views are to be sought and must be considered if re-opening of the case is formally considered.

204. The Service Police must advise the victim that they may ask to be informed⁽⁵⁸⁾ of:

- (a) a suspect being released from Service custody with no further action;
- (b) a suspect being released from Service custody and any Service custody release requirements which are imposed, changed or cancelled.

⁽⁵⁵⁾ See, however, paragraphs 16 to 18 of this Code.

⁽⁵⁶⁾ See, however, paragraphs 16 to 18 of this Code.

⁽⁵⁷⁾ See, however, paragraphs 16 to 18 of this Code.

⁽⁵⁸⁾ Note paragraph 204 of this Code.

205. The victim is entitled to the information requested pursuant to paragraph 204 of this Code only where there is a danger or an identified risk of harm to the victim, in which case the information will be provided without unnecessary delay⁽⁵⁹⁾.

206. The Service police may discuss and agree with the victim timings for the provision of information in paragraphs 203 to 205 of this Code to suit the victim's needs.

207. If the Service Police need to interview a victim, they must consider the "Achieving Best Evidence in Criminal Proceedings" guidance and ensure that a suitably trained professional conducts the investigative interview in a way that considers the needs and views of the victim in order to minimise his or her stress. This should be planned in advance, taking into account factors such as:

- (a) the need for an intermediary or linguistic assistance to help the victim to communicate their evidence effectively;
- (b) any disabilities or special needs the victim has;
- (c) the timing and location of the interview;
- (d) the gender of the interviewer and victim;
- (e) the need for a suitable adult to be present to provide emotional support.

208. When recording a child victim's evidence, the Service Police must have regard to the powers of Service courts to provide (by way of direction) for any relevant recording to be admitted under section 27 of the Youth Justice and Criminal Evidence Act 1999⁽⁶⁰⁾ (video recorded evidence in chief).

209. If the Service Police require a child to be interviewed they must allow the child to be accompanied by an adult of their choice to help provide emotional support, unless it is in their best interests not to be accompanied by this person.

210. The Service Police must:

- (a) conduct the interview without unjustified delay after the facts have been reported⁽⁶¹⁾;
- (b) limit the number of interviews where possible and only carry out interviews where strictly necessary for the purposes of their investigation;
- (c) keep medical examinations to a minimum and carry them out only where strictly necessary for the purposes of the criminal proceedings;
- (d) allow the victim to be accompanied by a person of their choice, unless a reasoned decision has been made to the contrary;
- (e) take steps to ensure the victim does not have unnecessary contact with the suspect when the victim is being interviewed.

211. Where the victim is a victim of the most serious crime, a persistently targeted victim, or vulnerable or intimidated victim, the Service Police must provide the victim with any Special Investigation Measures (see paragraphs 49 to 52 of this Code) identified as appropriate in the needs assessment, unless operational or practical constraints make this impossible, or where there is an urgent need to interview the victim and failure to do so could harm the victim or another person or could prejudice the course of proceedings.

Victim Personal Statement

212. The Service Police must offer the opportunity to make a Victim Personal Statement to the following people:

- (a) any victim at the time they complete a witness statement about what has happened;

⁽⁵⁹⁾ You are not, however, entitled to this information if there is an identified risk of harm to the suspect which would result from the notification.

⁽⁶⁰⁾ 1999 c.23.

⁽⁶¹⁾ See, however, paragraphs 15 to 18 of this Code.

(b) victims of the most serious crime (including bereaved close relatives), persistently targeted victims and vulnerable or intimidated victims, irrespective of whether or not they have given a witness statement about what happened (a child victim is automatically eligible for enhanced services under this Code);

(c) a parent or carer of a vulnerable adult or of a young victim under the age of 18 unless it is considered not to be in the best interests of the child or vulnerable adult.

213. In addition the Service Police may offer the opportunity for the victim to make a Victim Personal Statement in any other case where it seems appropriate.

214. The Service Police may arrange for a Victim Personal Statement or a further Victim Personal Statement to be taken by an organisation offering victim support services or another service provider, but all statements must be taken in accordance with the requirements of section 9 of the Criminal Justice Act 1967⁽⁶²⁾.

215. A Victim Personal Statement can be video recorded, but the Service Police must also make arrangements for the victim to make a written statement if they prefer.

216. When taking a Victim Personal Statement, the Service Police or other service provider must ask the victim whether he or she wants the Victim Personal Statement to be read aloud or played (if recorded) if the matter proceeds to a Service court. The Service Police must also ask the victim whether they would prefer to read the statement aloud themselves or whether they would like the Service Prosecuting Authority advocate to do this on their behalf. The Service Police must explain to the victim:

(a) that their Victim Personal Statement does not have to be read aloud if they do not want it to. It should be explained to the victim that they can change their mind and choose not to have their Victim Personal Statement read aloud;

(b) that the victim may be questioned on the Victim Personal Statement in court or Summary Hearing;

(c) the risk to the victim's privacy;

(d) that the contents of the Victim Personal Statement may be reported by the media if the case is heard in a Service court; and

(e) that ultimately it is a matter of judicial discretion as to whether the statement is read out (and by whom) or played (where recorded) in full or in part, in court.

217. When taking the Victim Personal Statement, the Service Police or other service provider must explain to the victim that if the matter proceeds to a Summary Hearing they may read out the Victim Personal Statement if they are called to give evidence as a witness, or otherwise it will be provided as written evidence in the Summary Hearing. They must explain to the victim that they may be questioned on the Victim Personal Statement in the Summary Hearing.

218. The Service Police or other service provider taking the statement must ensure it is forwarded to the Service Prosecuting Authority and/or the Commanding officer as appropriate and must inform them of the victim's preference in relation to the Victim Personal Statement in a timely manner.

219. If the case proceeds to a Service Court, the Service Prosecuting Authority must ensure that the Victim Personal Statement and information about the victim's preference (as above) is served on the court in a timely manner to enable the court to consider whether, and what sections of, the Victim Personal Statement should be read aloud or played, and who will read it. This is unless the case is not proceeding on the charges to which the Victim Personal Statement relates, in which case the Victim Personal Statement remains unused material.

220. If the case proceeds to a Summary Hearing, the Commanding Officer must ensure that the Victim Personal Statement is included in the case summary and written evidence.

⁽⁶²⁾ 1967 c. 80.

221. The Service Prosecuting Authority must ensure wherever possible that the Victim Liaison Officer (or Service Police if they are acting as the main point of contact in the case) are notified within 1 working day of the court's decision about whether, and what sections of, the Victim Personal Statement should be read aloud or played, and who will read it.

222. The Victim Liaison Officer (or Service Police if they are acting as the main point of contact in the case) must, wherever possible, notify the victim in a timely manner of the court's decision about whether, and what sections of, the Victim Personal Statement should be read aloud or played, and who will read it so that the victim can make arrangements to attend court if necessary.

Referral

223. In a Service Police investigation the Service Police must inform victims, without unreasonable delay, of all decisions to refer the case to the Commanding Officer or the Director of Service Prosecutions.

224. In a Service police investigation, the Service Police must inform victims of all Service Police decisions not to refer a case in which a suspect has been identified and interviewed under caution, to the Commanding Officer or the Director of Service Prosecutions without unreasonable delay from the suspect being told. They must give reasons for the decision to the victim, how they can access further information about the decision and how they can seek a review of the decision if they are dissatisfied with it in accordance with the Service Police victims' right to review scheme. Sufficient information must be provided to enable the victim to decide whether or not they wish a review to take place.

Appointment of a Victim Liaison Officer

225. Where a suspect is arrested, taken into custody or charged in respect of a criminal offence, a Victim Liaison Officer is to be allocated to the victim's case no later than 3 working days after the day of the event, and within 1 working day where the victim is a victim of the most serious crime, persistently targeted, or vulnerable or intimidated. Upon allocation, the Commanding officer must inform the Victim Liaison Officer of the event.

CHAPTER 3 - Commanding Officer's Investigation

Information, referral to victim support services and needs assessments

226. The Commanding Officer must:

- (a) provide the entitlements set out in Part 3, Chapter 2 and, in relation to a child victim, Part 4, Chapter 2 where they are not specifically listed in the duties below;
- (b) ensure victims are provided with a written acknowledgement of the crime that they have reported including the basic details of the offence. The written acknowledgement could be in the form of a letter, an electronic notification such as an email or text, or it could be written by hand. The victim may request not to receive such acknowledgement. Where the Commanding Officer considers there may be a risk of harm to the victim from sending the written acknowledgement (for example in domestic violence cases), they may agree with the victim not to send one;
- (c) ensure the victim is notified, without unnecessary delay, of their entitlement to receive the following information:
 - (i) any decision not to proceed with or to end an investigation or not to prosecute a suspect, including a brief summary or reasons for the decision where available;
 - (ii) the time and place of the trial or Summary Hearing, and the nature of the charges against the accused;
 - (iii) any final judgement in the trial or Summary Hearing, including a brief summary of reasons for the decision where available;

- (iv) information enabling the victim to know about the state of the criminal proceedings on their request unless the proper handling of the case may be adversely affected by such notification;
 - (v) where the victim is notified of a decision that qualifies for a review under the Service Police, Commanding Officers or Service Prosecuting Authority victims' right to review schemes, that they are entitled to receive sufficient information to enable them to decide whether to request a review;
- (d) ensure a timely needs assessment is conducted to decide whether victims fall into one of the three priority categories: victims of the most serious crime, persistently targeted victims and vulnerable or intimidated victims following the tests set out in Part 2 of this Code (a child victim is automatically eligible for the enhanced services provided to vulnerable victims of crime);
- (e) ensure Special Investigation Measures and Special Measures are explained, where appropriate, to victims in the three priority categories and establish what measures, if any, the victim feels they need to best help them give their evidence;
- (f) ensure the outcome of the needs assessment and requests for Special Investigation Measures and Special Measures are recorded and share this information with the Service Police and the Service Prosecuting Authority if the case is passed or referred to them;
- (g) ensure victims are provided (in accordance with paragraphs 13 and 14 of this Code) with the victim and witness information leaflets without unnecessary delay from the victim's first contact (see the definitions in Part 6) with the Commanding Officer's investigation;
- (h) ensure that the investigators discuss and seek to agree with the victim (or, in relation to a child victim: the victim or their parent or guardian) how often they will receive updates about the case;
- (i) ensure that victims are informed about this Code and how they can find out more about it;
- (j) ensure that it is explained to victims that their details will be passed to victim support services by the Commanding Officer if they wish this to happen⁽⁶³⁾;
- (k) ensure that explicit consent is sought from victims before sending their details to victim support services⁽⁶⁴⁾;
- (l) ensure that victims are informed that they can choose to refer themselves to victim support services at a later date and that information about victim support services is provided, including contact details⁽⁶⁵⁾;
- (m) ensure that it is explained that any witness statement that is taken may result in the victim having to give evidence in court or Summary Hearing at a later date;
- (n) ensure that a decision not to investigate a crime is explained without unreasonable delay;
- (o) ensure that the victim is advised, without unreasonable delay, when an investigation into a case has been concluded with no person being charged and that the reasons are explained. The Commanding Officer must ensure the victim is asked if they wish to be informed if the investigation is to be re-opened. A record of their response should be made. The victim's views are to be sought and must be considered if re-opening of the case is formally considered.

227. The Victim Liaison Officer must advise the victim that they may ask to be informed⁽⁶⁶⁾ of:

- (a) a suspect being released from Service custody with no further action;
- (b) a suspect being released from Service custody and any Service custody release requirements which are imposed, changed or cancelled.

⁽⁶³⁾ See, however, paragraphs 16 to 18 of this Code.

⁽⁶⁴⁾ See, however, paragraphs 16 to 18 of this Code.

⁽⁶⁵⁾ See, however, paragraphs 16 to 18 of this Code.

⁽⁶⁶⁾ Note paragraph 228 of this Code.

228. The victim is entitled to the information requested pursuant to paragraph 127 of this Code only where there is a danger or an identified risk of harm to the victim, in which case the information will be provided without unnecessary delay⁽⁶⁷⁾.

229. If the Commanding officer's investigation needs to interview a victim, the Commanding Officer must ensure that the investigative interview is conducted in a way that considers the needs and views of the victim in order to minimise his or her stress. This should be planned in advance, taking into account factors such as:

- (a) the need for an intermediary or linguistic assistance to help the victim to communicate their evidence effectively;
- (b) any disabilities the victim has;
- (c) the timing and location of the interview;
- (d) the gender of the interviewer and victim;
- (e) the need for a suitable adult to be present to provide emotional support.

230. The Commanding Officer must:

- (a) ensure that the interview is conducted without unjustified delay after the facts have been reported⁽⁶⁸⁾;
- (b) limit the number of interviews where possible and only carry out interviews where strictly necessary for the purposes of the investigation;
- (c) keep medical examinations to a minimum and carry them out only where strictly necessary for the purposes of the criminal proceedings;
- (d) allow the victim be accompanied by a person of their choice, unless a reasoned decision has been made to the contrary;
- (e) take steps to ensure the victim does not have unnecessary contact with the suspect when the victim is being interviewed.

231. Where the victim is a victim of the most serious crime, a persistently targeted victim, or vulnerable or intimidated victim, the Commanding Officer must note any Special Investigation Measures (see paragraphs 49 to 52 of this Code) identified as appropriate in the needs assessment, or requested by the victim. The Commanding Officer must either provide those Special Investigation Measures, or, if the Commanding Officer is unable to provide any of those Special Investigation Measures, then they must pass the case to the Service Police for investigation unless operational or practical constraints make this impossible, or where there is an urgent need to interview the victim and failure to do so could harm the victim or another person or could prejudice the course of proceedings.

Victim Personal Statement

232. The Commanding Officer must ensure that the victim is offered the opportunity to make a Victim Personal Statement in the following situations:

- (a) any victim at the time they complete a witness statement about what has happened;
- (b) victims of the most serious crime (including bereaved close relatives), persistently targeted victims and vulnerable or intimidated victims, irrespective of whether or not they have given a witness statement about what happened (a child victim is automatically eligible for enhanced services under this Code);
- (c) a parent or carer of a vulnerable adult or of a young victim under the age of 18 unless it is considered not to be in the best interests of the child or vulnerable adult.

⁽⁶⁷⁾ You are not, however, entitled to this information if there is an identified risk of harm to the suspect which would result from the notification.

⁽⁶⁸⁾ See, however, paragraphs 15 to 18 of this Code.

233. In addition the Commanding Officer may offer the opportunity for the victim to make a Victim Personal Statement in any other case where it seems appropriate.

234. When the Victim Personal Statement is being taken, the Commanding Officer must ensure that the victim is asked whether he or she wants the Victim Personal Statement to be read aloud or played (if recorded) if the matter proceeds to a Service court. The Commanding Officer must also ensure that the victim is asked whether they would prefer to read the statement aloud themselves or whether they would like the Service Prosecuting Authority advocate to do this on their behalf. The Commanding Officer must ensure that it is explained to the victim:

- (a) that their Victim Personal Statement does not have to be read aloud if they do not want it to. It should be explained to the victim that they can change their mind and choose not to have their Victim Personal Statement read aloud;
- (b) that the victim may be questioned on the Victim Personal Statement in court or Summary Hearing;
- (c) the risk to the victim's privacy if the case is heard in a Service court;
- (d) that the contents of the Victim Personal Statement may be reported by the media if the case is heard in a Service court; and
- (e) that ultimately it is a matter of judicial discretion as to whether the statement is read out (and by whom) or played (where recorded) in full or in part, in court.

235. When the Victim Personal Statement is being taken the Commanding Officer must ensure that it is explained to the victim that if the matter proceeds to a Summary Hearing they may read out the Victim Personal Statement if they are called to give evidence as a witness, or otherwise it will be provided as written evidence in the Summary Hearing. They must explain to the victim that they may be questioned on the Victim Personal Statement in the Summary Hearing.

236. The Commanding Officer must ensure that any Victim Personal Statement taken is forwarded to the Service Prosecuting Authority where the case is referred to the Service Prosecuting Authority and must inform them of the victim's preference in relation to the Victim Personal Statement in a timely manner if the matter proceeds to a Service court.

237. If the case proceeds to a Service Court, the Service Prosecuting Authority must ensure that the Victim Personal Statement and information about the victim's preference (as above) is served on the court in a timely manner to enable the court to consider whether, and what sections of, the Victim Personal Statement should be read aloud or played, and who will read it. This is unless the case is not proceeding on the charges to which the Victim Personal Statement relates, in which case the Victim Personal Statement remains unused material.

238. If the case proceeds to a Summary Hearing, the Commanding Officer must ensure that the Victim Personal Statement is included in the case summary and written evidence.

239. The Service Prosecuting Authority must ensure wherever possible that the Victim Liaison Officer (or Service Police if they are acting as the main point of contact in the case) are notified within 1 working day of the court's decision about whether, and what sections of, the Victim Personal Statement should be read aloud or played, and who will read it.

240. The Victim Liaison Officer must, wherever possible, notify the victim in a timely manner of the court's decision about whether, and what sections of, the Victim Personal Statement should be read aloud or played, and who will read it so that the victim can make arrangements to attend court if necessary.

Appointment of a Victim Liaison Officer

241. Where a suspect is arrested, taken into custody or charged in respect of a criminal offence, a Victim Liaison officer is to be allocated to the victim's case no later than 3 working days after the day of the event, and within 1 working day where the victim is a victim of the most serious crime, persistently targeted, or vulnerable or intimidated. Upon allocation, the Commanding officer must inform the Victim Liaison Officer of the event.

CHAPTER 4 - Charge and Pre-trial/Summary Hearing

General

242. The relevant service providers below must ensure that they provide the entitlements in Part 3, Chapter 3, and Part 4, Chapter 3 which fall to them.

Commanding Officer's consideration of charge and Summary Hearing

243. Where a Commanding Officer, following a Service Police investigation or their own investigation has initial powers⁽⁶⁹⁾ in respect of a case, the Victim Liaison Officer must inform the victim, without unreasonable delay, of:

- (a) any decision to charge or to refer the case to the Director of Service Prosecutions;
- (b) any decision not to charge or not to refer⁽⁷⁰⁾ a case in which a suspect has been identified and questioned after caution to the Director of Service Prosecutions. They must give reasons for the decision to the victim, how they can access further information about the decision and how they can seek a review of the decision if they are dissatisfied with it in accordance with the Commanding Officers' victims' right to review scheme. Sufficient information must be provided to enable the victim to decide whether or not they wish a review to take place.

244. The Victim Liaison Officer must inform victims, without unreasonable delay, of:

- (a) the date, time and location of any Summary Hearing; and
- (b) the date, time and location of any Service court hearing.

245. The Victim Liaison Officer must advise the victim that they may ask to be informed⁽⁷¹⁾ of a suspect being released from Service custody and of any Service custody release requirements which are imposed, changed or cancelled.

246. The victim is entitled to the information requested pursuant to paragraph 245 of this Code only where there is a danger or an identified risk of harm to the victim, in which case the information will be provided without unnecessary delay⁽⁷²⁾.

247. The Victim Liaison Officer must inform victims of decision to:

- (a) substitute for the charge another charge against the accused;
- (b) substantially alter a charge;
- (c) bring an additional charge against the accused;
- (d) discontinue proceedings on the charge; or
- (e) refer the charge to the Director of Service Prosecutions.

248. Where the Commanding Officer discontinues proceedings on the charge the Victim Liaison Officer must also give reasons for the decision to the victim and must inform the victim how they can access further information about the decision and how they can seek a review of the decision if they are dissatisfied with it, in accordance with the Commanding Officers' victims' right to review scheme. The notification of the decision must include sufficient information to enable the victim to decide whether or not they wish a review to take place.

⁽⁶⁹⁾ In accordance with sections 119 and 120 of the Armed Forces Act 2006 (2006 c. 52).

⁽⁷⁰⁾ This only applies where a Commanding Officer does not have power to charge without first referring the case to the Director of Service Prosecutions.

⁽⁷¹⁾ Note paragraph 246 of this Code.

⁽⁷²⁾ You are not, however, entitled to this information if there is an identified risk of harm to the suspect which would result from the notification.

249. Victims must be provided with the information at paragraphs 247 and 248 without unreasonable delay from the decision being made.

Director of Service Prosecutions' consideration of a charge

250. Where the case has been referred to the Director of Service Prosecutions⁽⁷³⁾, the Service Prosecuting Authority prosecutor responsible for the case must inform the victim without unreasonable delay of:

- (a) any decision to charge⁽⁷⁴⁾, allocate the charge for trial by a Service court or to refer the case to the Commanding Officer;
- (b) any decision not to charge. They must give, the reason for the decision (insufficient evidence or on public including Service interest grounds), how they can access further information about the decision from the Service Prosecuting Authority and how they can seek a review of the decision if they are dissatisfied with it, in accordance with Service Prosecuting Authority's victims' right to review scheme. The notification of the decision must include sufficient information to enable the victim to decide whether or not they wish a review to take place.

251. The Military Court Service must inform victims and the Victim Liaison Officer without unreasonable delay of the date, time and location of any court hearings in the case.

252. In cases where there is a danger or an identified risk of harm to the victim, the Service Prosecuting Authority must inform the Victim Liaison Officer without unnecessary delay if the suspect is released from Service custody, together with any Service custody release requirements imposed, and any changes to those requirements with reasons if provided by the judge advocate⁽⁷⁵⁾.

253. The Victim Liaison Officer must advise the victim that they may ask to be informed of a suspect being released from Service custody and any Service custody release requirements which are imposed, changed or cancelled⁽⁷⁶⁾.

254. The victim is entitled to the information requested pursuant to paragraph 253 of this Code only where there is a danger or an identified risk of harm to the victim, in which case the information will be provided without unnecessary delay⁽⁷⁷⁾.

255. The Service Prosecuting Authority must provide information on Service Prosecuting Authority prosecution decisions to the Commanding Officer and the Victim Liaison Officer so they can also inform victims of the decision.

256. The Service Prosecuting Authority must inform victims of decisions to:

- (a) substitute for the charge another charge against the accused;
- (b) substantially alter a charge;
- (c) bring an additional charge against the accused;
- (d) discontinue proceedings on the charge;
- (e) offer no evidence in all proceedings;
- (f) refer the charge to the accused's Commanding Officer;
- (g) make a direction barring further proceedings.

⁽⁷³⁾ Under the Armed Forces Act 2006, section 116(2) (referral of case following investigation by civilian or service police) or section 120(3) (referral of case by Commanding Officer).

⁽⁷⁴⁾ This includes directing the bringing of a charge.

⁽⁷⁵⁾ The victim is not, however, entitled to this information if there is an identified risk of harm to the suspect which would result from the notification.

⁽⁷⁶⁾ Note paragraph 254 of this Code.

⁽⁷⁷⁾ You are not, however, entitled to this information if there is an identified risk of harm to the suspect which would result from the notification.

257. Where the Service Prosecuting Authority discontinues or offers no evidence in all proceedings, the Service Prosecuting Authority must also give reasons for the decision to the victims and must inform the victim how they can access further information about the decision and how they can seek a review of the decision if they are dissatisfied with it, in accordance with the Service Prosecuting Authority's victims' right to review scheme. The notification of the decision must include sufficient information to enable the victim to decide whether or not they wish a review to take place.

258. Victims must be provided with the information at paragraphs 257 and 258 of this Code without unreasonable delay from the decision being made.

Pre-Summary Hearing

259. This paragraph outlines the duties that the Victim Liaison Officer must provide to victims prior to a Summary Hearing. The Victim Liaison Officer must:

- (a) notify victims of the time, date, location, adjournment, postponement and outcome of any Summary Hearing without unreasonable delay;
- (b) in cases where the victim may be required to give evidence in a summary hearing the Victim Liaison Officer must discuss any needs the victim may have and refer the victim to victim support services where appropriate⁽⁷⁸⁾;
- (c) notify victims who are required to attend a summary hearing to give evidence without unreasonable delay and inform them what to expect including how to access the Military Court Service witness information leaflet;
- (d) the Victim Liaison Officer must advise the victim that they may ask to be informed⁽⁷⁹⁾ of a suspect being released from Service custody and any Service custody release requirements which are imposed, changed or cancelled;
- (e) the victim is entitled to the information requested pursuant to paragraph 259(d) of this Code only where there is a danger or an identified risk of harm to the victim, in which case the information will be provided without unnecessary delay⁽⁸⁰⁾.

260. The Commanding Officer must offer a full needs assessment to victims who are required to give evidence at a Summary Hearing. In cases involving victims of the most serious crime, persistently targeted victims and vulnerable or intimidated victims (a child victim is automatically eligible for the enhanced services provided to vulnerable victims of crime) where a Needs Assessment has identified that any Special Measures are either appropriate or have been requested by the victim, and the victim may be required to give evidence at the Summary Hearing, a Commanding Officer should not hear the case and must instead refer the case to the Director of Service Prosecutions so that an appropriate decision can be made as to whether Special Measures are required.

261. The Commanding Officer must arrange for victims to be shown their video-recorded, or written, statement shortly before the Summary Hearing to refresh their memory.

Pre-trial

262. This paragraph outlines the duties that the Victim Liaison Officer must provide to victims. In some cases, the Service Police might provide the information in this paragraph to victims instead. The Service Police must tell victims if this is the case and agree with the Victim Liaison Officer which of the following services they will provide. The Victim Liaison Officer must:

- (a) notify victims of the time, date, location and outcome of any Service court hearing without unreasonable delay;

⁽⁷⁸⁾ See paragraphs 16 to 18 of this Code.

⁽⁷⁹⁾ Note paragraph 259(5) of this Code.

⁽⁸⁰⁾ You are not, however, entitled to this information if there is an identified risk of harm to the suspect which would result from the notification.

- (b) following a not-guilty plea, discuss any needs the victim may have and refer the victim to victim support services where appropriate⁽⁸¹⁾;
- (c) notify victims who are required to attend court to give evidence without unreasonable delay and inform them what to expect, including how they can access the Military Court Service witness information leaflet;
- (d) inform victims of the outcome of the Special Measures applications;
- (e) the Victim Liaison Officer must advise the victim that they may ask to be informed⁽⁸²⁾ of a suspect being released from Service custody and any Service custody release requirements which are imposed, changed or cancelled;
- (f) the victim is entitled to the information requested pursuant to paragraph 262(e) of this Code only where there is a danger or an identified risk of harm to the victim, in which case the information will be provided without unnecessary delay⁽⁸³⁾.

263. Military Court Service court staff must ensure wherever possible that the Service Police and Victim Liaison Officer are notified within 1 working day of the following decisions being made for victims of the most serious crime, persistently targeted, and vulnerable or intimidated victims (in cases in which the court staff have been notified that these categories of victims are involved), and within 3 working days in cases involving all other victims:

- (a) court dates in relation to all hearings;
- (b) the outcome of Service custody and administrative Special Measures applications;
- (c) adjournments and postponements of scheduled hearings;
- (d) ensure that the Service Police, and the Victim Liaison Officer are notified as soon as possible of a suspect being arrested after charge.

264. Military Court Service court staff must also offer, in a timely manner, victims of the most serious crime, persistently targeted, and vulnerable or intimidated victims who will be witnesses in the case, and who will be giving evidence in court, a pre-trial visit to the court to familiarise themselves with the court room and to practise using Special Measures equipment.

265. The Service Prosecuting Authority must:

- (a) offer a full needs assessment to those victims who are required to attend court to give evidence to assess what support they may require. Victims must be informed what to expect including how they can access the witness information leaflet;
- (b) where appropriate explain the Special Measures that may be available to assist the victim in giving their best evidence in court;
- (c) provide Military Court Service and the Victim Liaison Officer with the list of witnesses attending court as soon as it is finalised so that Military Court Service and the Victim Liaison Officer or in some instances, the Service Police if they are acting as the main point of contact for the victim, can inform victims who are required to give evidence;
- (d) if appropriate, consider making a Special Measures application to the court taking into account any views expressed by the victim and record the outcome of that consideration.

CHAPTER 5 - Trial/Summary Hearing

⁽⁸¹⁾ See paragraphs 16 to 18 of this Code.

⁽⁸²⁾ Note paragraph 262(6) of this Code.

⁽⁸³⁾ You are not, however, entitled to this information if there is an identified risk of harm to the suspect which would result from the notification.

General

266. The relevant service providers below must ensure that they provide the entitlements in Part 3, Chapter 4 and Part 4, Chapter 4 which fall to them (child victims are automatically eligible for enhanced services under this Code).

Summary Hearing

267. The Commanding Officer must:

- (a) ensure that victims and any family members with permission to accompany them can enter and leave the premises in which the Summary Hearing is being held through a different entrance and are seated in a separate waiting area from the accused where possible;
- (b) ensure that, where circumstances permit, the Commanding Officer's discipline staff meet the victim and answer any questions posed about the Summary Hearing process and where possible provide an indication of how long the victim may have to wait before giving evidence;
- (c) wherever possible, if there is a delay in proceedings on the day ensure that the Commanding Officer's discipline staff provide an explanation to the victim and indicate how long they may have to wait;
- (d) ensure that there is a Commanding Officer's discipline staff contact point for victims so they can find out what is happening in their case whilst it is being heard.

268. The Commanding Officer must ensure that there are procedures in place for their discipline staff to take the victim's contact details if they need to leave the building at any time, so the victim can be contacted if necessary.

269. Part of the Summary Hearing process involves the questioning of witnesses to test their evidence. It is up to the Commanding Officer to make sure the hearing is conducted in a fair and just manner. The Commanding Officer will treat victims who are witnesses respectfully and, where appropriate, will intervene where questioning by the accused is considered inappropriate or too aggressive.

After the Summary Hearing

270. The Victim Liaison Officer must notify victims of the outcome of the Summary Hearing without unreasonable delay and must direct victims to victim support services where appropriate and available⁽⁸⁴⁾. If the Service Police are acting as the main point of contact for the victim and agree with the Victim Liaison Officer to provide this information to victims instead, they must tell victims that they will do so. The notification of the outcome must include, where available, a brief summary of reasons for the decision concerned.

271. The unit must pay, without unreasonable delay, any expenses the Commanding Officer has decided are due to the victim after receiving the correctly completed claim form.

Service court trial

272. The Service Prosecuting Authority must:

- (a) where circumstances permit, introduce themselves to victims, answer any questions they have on the court process and where possible indicate how long victims may have to wait before giving evidence;
- (b) wherever possible, explain any delay in proceedings and tell the victim how long the wait is likely to be.

⁽⁸⁴⁾ See paragraphs 16 to 18 of this Code.

273. The Service Prosecuting Authority will treat victims who are witnesses in court respectfully and, where appropriate, will seek the court's intervention where cross examination is considered by the prosecutor in all the circumstances of the case to be inappropriate or aggressive.

274. Military Court Service staff must ensure that:

- (a) any Special Measures required by the victim are available if the court has ordered them;
- (b) victims and any family members who are attending court can enter the court through a different entrance and are seated in a separate waiting area from the suspect and their family and friends where possible;
- (c) there is a contact point for victims so they can find out what is happening in their case whilst it is being heard in court.

275. Military Court Service staff must also ensure wherever possible that contact details for all victims who are witnesses are taken so they are able to leave the court precincts and be contacted when necessary.

After the trial

276. The Service Prosecuting Authority or the Victim Liaison Officer must notify victims of the outcome of the trial hearing without unreasonable delay and must direct victims to victim support services where appropriate and available⁽⁸⁵⁾. If the Service Police are acting as the main point of contact for the victim and agree with the Service Prosecuting Authority and Victim Liaison Officer to provide this information to victims instead, they must tell victims that they will do so. The notification of the outcome must include, where available, a brief summary of reasons for the decision concerned.

277. The Military Court Service must pay any expenses, without unreasonable delay, which the Military Court Service has decided are due to the victim after receiving the correctly completed claim form.

CHAPTER 6 - Sentencing information following Summary Hearing or trial

General

278. The Victim Liaison Officer and the Service Prosecuting Authority must ensure that they provide the entitlements in Part 3, Chapter 5 and Part 4, Chapter 5 which fall to them (child victims are automatically eligible for enhanced services under this Code). In some cases, the Service Police might act as the main point of contact for the victim and agree with the Victim Liaison Officer or Service Prosecuting Authority to provide the information in this section to victims instead. The Service Police must tell victims if this is the case.

Sentence

279. The Victim Liaison Officer must notify victims of the sentence given to the suspect if convicted without unreasonable delay. This must include a short explanation about the meaning and effect of the sentence.

280. If the Victim Liaison Officer cannot answer the questions asked by the victim, they should refer the victim to the Service Prosecuting Authority.

281. Where a suspect is convicted the Service Prosecuting Authority must respond to any question the victim has about the sentence if the victim is referred to the Service Prosecuting Authority by the Victim Liaison Officer.

⁽⁸⁵⁾ See paragraphs 16 to 18 of this Code.

CHAPTER 7 - Appeals

General

282. The relevant service providers below must ensure that they provide the entitlements in Part 3, Chapter 6 and Part 4, Chapter 6 which fall to them (child victims are automatically eligible for enhanced services under this Code). In some cases, the Service Police might act as the main point of contact for the victim and agree with the Victim Liaison Officer to provide the relevant information to victims instead. The Service Police must tell victims if this is the case.

If an application is made to the Summary Appeal Court to appeal against a conviction or sentence in the Summary Hearing

283. The Victim Liaison Officer must ensure that they notify the victim of an appeal against conviction or sentence, and of the outcome of the appeal. The Victim Liaison Officer must notify the victim about these developments, without unreasonable delay, including:

- (a) the date, time and location of any hearings; and
- (b) the outcome of the appeal, including any changes to the original sentence.

284. Where an appeal is made the Military Court Service must ensure wherever possible that:

- (a) victims and any family members who are attending court can enter the court through a different entrance where possible;
- (b) they provide a Military Court Service contact point for the victim during usual working hours;
- (c) they provide appropriate waiting and seating facilities as set out in paragraph 115 of this Code, including separate facilities for victims and their family and friends where available.

285. As an appeal to the Summary Appeal Court involves a rehearing of the charge and/or punishment, the relevant entitlements set out elsewhere in the Code apply, including the relevant entitlements relating to Victim Personal Statements.

If an application is made to the Summary Appeal Court to have a case stated for the opinion of the High Court

286. The Military Court Service must ensure that they notify the Victim Liaison Officer within 1 working day of receipt of an application to the Summary Appeal Court to have a case stated for the opinion of the High Court, and within 1 working day, of the outcome of that procedure. The Victim Liaison Officer must then notify the victim about these developments, without unreasonable delay, including:

- (a) an application to the Summary Appeal Court to have a case stated for the opinion of the High Court has been made;
- (b) the judge advocate's decision as to whether or not they have decided to state a case;
- (c) the date, time and location of any hearing before the High Court;
- (d) the outcome of that stated case.

287. Where an application is made the High Court staff must also ensure wherever possible that:

- (a) victims and any family members who are attending court can enter the court through a different entrance from the suspect and their family and friends where possible;
- (b) they provide a High Court staff contact point for the victim during usual working hours;
- (c) they provide appropriate waiting and seating facilities as set out in paragraph 118, including separate facilities for victims and their family and friends where available.

If an appeal is made to the Court Martial against a conviction or sentence in the Service Civilian Court

288. The Military Court Service must ensure that they notify the Victim Liaison Officer within 1 working day of receipt of an appeal against conviction or sentence, and within 1 working day of the outcome of the appeal. The Victim Liaison Officer must then notify the victim about these developments without unreasonable delay including:

- (a) any notice of appeal that has been made;
- (b) the date, time and location of any hearings; and
- (c) the outcome of the appeal, including any changes to the original sentence.

289. Where an appeal is made the Military Court Service must also ensure wherever possible that:

- (a) victims and family members who are attending court can enter the court through a different entrance from the suspect and their family and friends where possible;
- (b) they provide a Military Court Service contact point for the victim during the usual working hours;
- (c) they provide appropriate waiting and seating facilities as set out in paragraph 120 of this Code, including separate facilities for victims and their family and friends where available.

290. As an appeal to the Court Martial from the Service Civilian Court involves a rehearing of the charge and/or sentence, the relevant entitlements set out elsewhere in the Code apply, including the relevant entitlements relating to Victim Personal Statements.

If an application is made to appeal against a conviction or sentence to the Court Martial Appeal Court, or an application or appeal is made to the UK Supreme Court in a criminal case on a point of law

291. The Service Prosecuting Authority must provide details of the Victim Liaison Officer's identity and contact details to Her Majesty's Courts and Tribunal Service staff in the Court Martial Appeal Court within 2 working days of being supplied with a copy of Form 1. If any relevant issues arise, the Service Prosecuting Authority must also provide details of an alternative Victim Liaison Officer to Her Majesty's Courts and Tribunal Service staff within 5 working days of receipt of a request to do so. The Service Prosecuting Authority must provide details of the Victim Liaison Officer's identity and contact details to the UK Supreme Court within 5 working days of receipt of a request to do so.

292. Her Majesty's Courts and Tribunal Service staff in the Court Martial Appeal Court and UK Supreme Court must ensure, wherever possible, that they notify the Victim Liaison Officer at the same time as notifying the appellant when leave to appeal is granted, when a date and time has been set for a hearing or a change is made to a hearing date and when the outcome of the appeal is known.

293. Her Majesty's Courts and Tribunal Service staff in the Court Martial Appeal Court must also notify the Victim Liaison Officer of the decision to release an appellant on bail pre-appeal without unnecessary delay.

294. After receiving information from the Court Martial Appeal Court staff that an appellant is to be released on bail pre-appeal, or that bail conditions have been varied, in cases where there is a danger or an identified risk of harm to the victim, the Victim Liaison Officer must inform victims and the Military Corrective Training Centre Armed Forces Victim Contact Scheme of this without unnecessary delay⁽⁸⁶⁾.

⁽⁸⁶⁾ The victim is not, however, entitled to this information if there is an identified risk of harm to the suspect which would result from the notification.

295. On receiving the relevant information from Her Majesty's Courts and Tribunal Service staff in the Court Martial Appeal Court or UK Supreme Court, the Victim Liaison Officer must inform victims, without unreasonable delay, and the Military Corrective Training Centre Armed Forces Victim Contact Scheme contact where relevant⁽⁸⁷⁾ of the following information:

- (a) that leave to appeal has been granted and a hearing in designated form will occur;
- (b) a contact point for the victim during usual working hours during the hearing;
- (c) the outcome of the appeal including any changes to the original sentence.

296. On receiving information from Her Majesty's Courts and Tribunal Service staff in the Court Martial Appeal Court, or UK Supreme Court about the time, date and location of any hearing or any changes to hearing dates, the Victim Liaison Officer must inform victims and, where the accused was sentenced to imprisonment or a sentence of Service detention, the Military Corrective Training Centre Armed Forces Victim Contact Scheme contact without unreasonable delay.

297. Her Majesty's Courts and Tribunal Service staff in the Court Martial Appeal Court and UK Supreme Court must also ensure that:

- (a) victims and any family members who are attending court can enter the court through a different entrance from the suspect and their family and friends where possible;
- (b) they provide appropriate waiting and seating facilities as set out in paragraph 122, including separate facilities for victims and their close relatives where available;
- (c) they provide a victim in the case or their family spokesperson with a copy of the court's approved and published judgment when requested.

298. The Victim Liaison Officer must provide the Service Prosecuting Authority, the Commanding Officer and the Service Police with their contact details. In addition, they must notify the Service Prosecuting Authority, the Commanding Officer and the Service Police of any changes to this information.

299. The Service Prosecuting Authority must inform the Victim Liaison Officer in a timely manner if the victim has the opportunity to make a new or further VPS in the appeal process. The Victim Liaison Officer must inform the victim of this opportunity without unreasonable delay of being provided with the information.

CHAPTER 8 - Post-trial

General

300. The relevant service providers below must ensure that they provide the entitlements in Part 3, Chapter 7 and Part 4, Chapter 7 which fall to them (child victims are automatically eligible for enhanced services under this Code).

Criminal Cases Review Commission

301. When undertaking a review, the Criminal Cases Review Commission must assess the potential impact on the victim and decide if they should be notified of that review. The Commission must record the reasons for its decisions as to the form of contact with the victim and in appropriate cases will notify the Service Police of those if their assistance in contacting the victim is required.

302. The Commission is obliged to notify the victim if it deems there is a reasonable prospect of a review coming to the victim's attention.

⁽⁸⁷⁾ In cases where a sentence of service detention, or a sentence of imprisonment or equivalent youth custody has been imposed.

303. If the Commission decides that it is appropriate to contact the victim during the course of the review the Commission must notify the victim that an application has been received and that the case is under review. Following the review, the Commission will decide if the conviction or sentence should be referred to the courts, and must notify the victim of its decision unless they have expressly not to be informed.

304. If the Commission decides that it is not appropriate to contact the victim during the review, but subsequently decide to refer the conviction or sentence to the courts, the presumption is that the Commission will inform the victim of the referral.

Unwanted contact from offenders

305. The Commandant of the Military Corrective Training Centre must maintain a telephone contact number to ensure that victims have a number to ring if they receive unwanted contact from a person undergoing a sentence of Service detention.

306. If unwanted contact from an offender is reported to the Military Corrective Training Centre, they must:

- (a) investigate the allegation;
- (b) take appropriate administrative and/or disciplinary action.

The Armed Forces Victim Contact Scheme

307. Following a conviction for a criminal offence where the offender:

- (a) receives a sentence of Service detention,
- (b) receives a sentence of imprisonment of youth custody of 12 months or more, or
- (c) has been detained in a hospital for treatment because he, or she, has a mental disorder,

the Victim Liaison Officer is to notify the victim, including bereaved close relatives, of the Armed Forces Victim Contact Scheme.

308. The Victim Liaison Officer is to explain that the purposes of the Armed Forces Victim Contact Scheme is to provide victims who are concerned for their safety with information keeping them informed of the key stages of the offender's sentence, at the discretion of the Commandant of the Military Corrective Training Centre, such as parole, work placements, Short Term Temporary Release, Re-Integration Leave, Compassionate Leave, Community Work placements, and transfer to open conditions as well as release. The Victim Liaison Officer is to explain that if an entitled victim wishes to utilise this scheme they are to notify the Military Corrective Training Centre.

309. If an eligible victim chooses to take part in the Armed Forces Victim Contact Scheme, the Commandant of the Military Corrective Training Centre must carry out the duties set out in this paragraph. However, the victim is entitled to the information set out in this paragraph only where there is a danger or an identified risk of harm to them⁽⁸⁸⁾:

- (a) assign a Military Corrective Training Centre Liaison Officer who will act as your point of contact for the scheme;
- (b) ensure that information is provided to the victim without unnecessary delay about the offender's short term temporary release, re-integration leave, compassionate leave, transfer to open conditions, release on licence, community work placements or final release. The detail of the information provided is subject to the discretion of the Commandant of the Military Corrective Training Centre and information should not be provided in cases where there is an identified risk of harm to the offender which would result from the notification;
- (c) ensure that the victim is informed without unnecessary delay about any orders or conditions which an offender is subject to on unsupervised release which relate to the victim

⁽⁸⁸⁾ You are not, however, entitled to this information if there is an identified risk of harm to the suspect which would result from the notification.

or the victim's family. For example, this could include an order or condition to prevent the offender from contacting the victim;

(d) ensure that the victim is informed without unnecessary delay of material changes made to any such orders or conditions and when these orders or conditions will end;

(e) ensure that the victim is informed about any other information which the Commandant of the Military Corrective Training Centre considers to be appropriate in the circumstances of the case, including about key stages of the offender's sentence, or treatment in the case of a mental health patient.

310. The Commandant of the Military Corrective Training Centre will usually offer the parent, guardian or carer of a victim who is under 18, a vulnerable adult, or a victim who is otherwise unable to fully participate in the Armed Forces Victim Contact Scheme, participation on the victim's behalf. However, this participation may not be offered to a parent, guardian or carer if it is considered not to be in the best interests of the victim.

311. In the event of a suspect escaping from Service custody the Commandant of the Military Corrective Training Centre must, without unnecessary delay, notify the Service Police.

Civilian victim contact scheme - Scotland

312. Where the offender serves a sentence of imprisonment, youth custody, or detention in hospital in Scotland, the Armed Forces Victim Contact Scheme does not apply, but the Scottish civilian procedures will apply. The Commandant of the Military Corrective Training Centre must ensure that the contact details for the Scottish victim contact system are provided to victims on request.

CHAPTER 9 - Complaints

Complaints

313. Service providers must ensure that they provide the entitlements in Part 3, Chapter 8 and Part 4, Chapter 8 when they receive a complaint, recognising and treating victims in a respectful, sensitive and professional manner without discrimination of any kind.

314. All service providers must have a clearly identified complaints process through which victims can complain if their entitlements as set out under the Code have not been met.

315. Service providers must provide either an acknowledgement or response to the victim within 10 working days of receipt of their complaint. Where an acknowledgement is provided, it must clearly set out the internal complaints process of that service provider, including timeframes for sending a substantive response to the complaint where appropriate. Service providers must provide clear contact details at both a local and, where appropriate, a national level for victims in case of enquiries or complaints and communicate these to the victim on request.

316. Where a service provider (the initial provider) receives a complaint which should have been sent to a different service provider, the initial provider will use its best endeavours to ensure that the complaint is directed to the appropriate service provider to respond. Where the service provider is Her Majesty's Courts and Tribunal Service or the UK Supreme Court, they will forward the complaint to the Victim Liaison Officer for them to identify the relevant service provider.

317. The service provider must provide a full and timely response which informs victims of the outcome of their complaint. The response must be provided in an accessible language and format.

CHAPTER 10 - Transfer to civilian jurisdiction

General

318. If at any time during proceeding the matter is turned over to the civil authorities, Service providers must advise the Victim to consult the applicable civilian procedures.

PART 6 - Definitions

Definitions

319. This Part provides an explanation of the key words or phrases found in this Code. You will also find a summary of all the Special Measures available and information about Registered Intermediaries at paragraphs 53 to 55. In this Code:

- “Accused” is a person who has been charged with having committed an offence;
- “Acquittal” means a formal direction or finding that the accused is not guilty of the criminal charge;
- “Adjournment” means the temporary suspension of the hearing of a case by order of the court or Commanding Officer;
- “Advocate” is the person who represents the Service Prosecuting Authority or defendant in court;
- “Appeal” is a legal process by which a case is brought before a higher court for review of the decision of a lower court;
- “Bail (and bail conditions)” means the release of a suspect from custody, until his or her next appearance in court. This is sometimes subject to security being given and/or compliance with certain bail conditions, such as periodically reporting to a police station;
- “Charge” means a formal accusation against a person(s) in the Service Justice System;
- “Child” means any person below 18 years of age;
- “Close Relatives” refers to the spouse, the partner, the relatives in direct line, the siblings and the dependants of the victim. Other family members, including guardians and carers, may be considered close relatives at the discretion of the service provider;
- “Entitlement” means service(s) that are to be provided to victims of a criminal offence by the relevant service provider;
- “Family Liaison Officer (FLO)” is a Service Policeman trained to work with bereaved families to secure their confidence and trust, to provide support and information about the investigation and support agencies, and to gather information which contributes to the investigation;
- “First Contact” means this is the first meeting between the victim and the Service Police or the Commanding Officer’s investigation;
- “Guardian in relation to a person under the age of 18” means a person who has for the time being the care of a person who is under the age of 18;
- “Hate Crime” means any criminal offence that is motivated by hostility or prejudice based on the victim’s disability, race, religion or belief, sexual orientation or transgender identity;
- “Licence conditions” means the conditions an offender must comply with if they are released from prison ‘on licence’. This means they will be supervised by Probation and will have to comply with certain conditions which are designed to protect the public, prevent reoffending and reintegrate the offender into the community;
- “Meeting” means a meeting may be a face-to-face meeting or be made by telephone or audio-visual technology. The choice of method of meeting in a particular case is to be determined by the service provider;
- “Needs assessment” means an evaluation carried out by service providers to determine the kind of support that a victim may need following a crime. This process can also be used to identify any Special Measures that a victim might need if they are going to be giving evidence;
- “Notifying/Informing a victim” means the posting of a letter, the making of a telephone call, a face-to-face meeting or the sending of an e-mail, fax, text message or any other communication method that the service provider considers is most appropriate;
- “Offender” is the person who has been found guilty or proved of having committed the crime;
- “National Probation Service” means the provider of probation and offender management services when offenders are released from prison. These services include rehabilitating

offenders, reducing their risk, protecting the public, punishing offenders, and providing victim services;

- “Place of the hearing” means the building or vessel in which the hearing takes place;
- “Prosecutor” is the lawyer who presents the case against the suspect(s);
- “Sentence” means the punishment given to a suspect found guilty by a Service court or a Commanding Officer;
- “Service Courts” means the Court Martial, Summary Appeal Court, Service Civilian Court, and Court Martial Appeal Court;
- “Service Custody Release Requirements” means requirements imposed by a Judge Advocate where necessary to secure the accused’s attendance at hearings, to secure that they do not commit an offence while released from custody, or interfere with witnesses, or obstruct the course of justice, or imposed for their own protection or, if aged under 17 for their own welfare or interests;
- “Service Justice System” means the criminal justice and disciplinary system for the UK Armed Forces;
- “Service Police” means the Royal Navy Police, the Royal Military Police, or the Royal Air Force Police;
- “Service Prosecuting Authority” is the organisation responsible for prosecuting offences in the Service Courts. It is headed by the Director of Service Prosecutions;
- “Service provider” means a person or organisation required to provide services under this Code, as specified in paragraphs 7 and 8 of this Code;
- “Special Investigation Measures” means the various enhanced entitlements for victims in Service Police and Commanding Officers’ investigations. The full list with an explanation is included in paragraphs 49 to 52 of this Code;
- “Special Measures” means the various measures that a court can order to assist vulnerable or intimidated witnesses to give their best evidence in court as set out under sections 16 to 30 of the Youth Justice and Criminal Evidence Act 1999. These measures include live video links, video-recorded statements, screens around the witness box and assistance with communication, including the use of an Intermediary. The full list with an explanation is included in paragraphs 53 and 54 of this Code;
- “Summary Hearing” means the process heard before a Commanding Officer in less serious cases to determine whether the charge against the accused is proved;
- “Suspect” means someone who the Police believe may have committed the crime;
- “Trial” means the court process that determines whether someone who is accused of a crime is guilty;
- “UK Supreme Court” means the highest appeal court in the United Kingdom;
- “Victim Liaison Officer” is a persons appointed to keep the victim informed of various events through the Service justice process;
- “Victim support services” are organisations providing emotional and practical support services to victims of crime;
- “Witness Statement” means a written or video account by a witness of the facts and details of a crime or an incident;
- “Working day” means a day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971. For the purposes of calculating time periods under this Code the first “working day” is the first day after the decision or event.

**GUIDANCE TO COMMANDING OFFICERS AND VICTIMS WHEN DEALING WITH
ALLEGATIONS OF SERIOUS CRIMINAL OFFENCES INCLUDING SEXUAL OFFENCES.**

This annex copies the text of 2014DIN01-209

References:

- A. DIN 2014DIN01-090 dated May 2014.
- B. JSP 839 Code of Practice on services to be provided by the Armed Forces to Victims of Crime.

Introduction

1. Interim guidance to assist Commanding Officers in the management of allegations of sexual offences where the victim and the accused were in the same unit was set out at Reference A. That interim advice has now been superseded by the terms of this Annex which presents revised guidance about the provision of enhanced victim support to Service personnel or civilians subject to Service discipline. This revised guidance supplements that contained in Reference B and will be incorporated into the wider policy advice contained in Reference B, when that document is next revised.
2. Victims of the most serious crime, persistently targeted victims and vulnerable or intimidated victims all require enhanced support. For the purpose of this guidance:⁸⁹
 - a. A victim of the most serious crime includes a victim of domestic violence, hate crime, terrorism, sexual offences, human trafficking, attempted murder, kidnap, false imprisonment, arson with intent to endanger life and wounding or causing grievous bodily harm with intent.
 - b. Persistently targeted victims are persons who have been targeted repeatedly as direct victims of crime over a period of time, particularly where they have been deliberately targeted, or are victims of a sustained campaign of harassment or stalking.
 - c. A vulnerable or intimidated victim is a person who is
 - (1) under 18 years of age at the time of the offence, or
 - (2) whose quality of evidence is likely to be affected because:
 - (a) they suffer from a mental disorder within the meaning of the Mental Health Act 1983;
 - (b) they otherwise have a significant impairment of intelligence and social functioning; or
 - (c) they have a physical disability or are suffering from a physical disorder.

⁸⁹ All definitions are taken from the Ministry of Justice Code of Practice for Victims of Crime dated Oct 13.

d. An intimidated victim is a person whose evidence will be affected because of fear or distress about testifying in court. When assessing whether a victim is intimidated, account must be taken of:

(1) Any behaviour towards the victim on the part of the accused, members of the family or associates of the accused, and any other person who is likely to be an accused or witness in a potential court case.

(2) The nature and alleged circumstance of the offence to which a potential court case relates.

(3) Victims of a sexual offence, or human trafficking, will automatically be considered to be intimidated.

(4) The victim's age and, if relevant, the victim's social and cultural background, religious beliefs or political opinions, ethnic origin, domestic and employment circumstances.

3. In addition to the categories detailed in paragraph 2 above, a Commanding Officer may exercise his/her discretion and offer enhanced support, according to the provisions of this Annex, to any victim depending upon the individual's circumstances and the impact that the crime has had on them. The decision on whether a victim, who does not match the definitions provided in paragraph 2 above, is to be entitled to an enhanced level of support in accordance with this Annex, rests with the Commanding Officer. If a victim meets the requirements of paragraph 2 above, but does not wish to receive enhanced victim support, the advice provided at Reference B should be followed.

4. It is important to note that the Service Police also have a responsibility to provide support to the victim and therefore where the Service Police are involved, the Commanding Officer should liaise with them and assist in providing support to the victim.

5. This guidance is in two parts. The first part (Appendix 1) sets out actions and issues for Commanding Officers when managing and supporting victims of the most serious crime, persistently targeted victims and vulnerable or intimidated victims. The second part (Appendix 2) is a note to explain to victims the support which is available to them. Contact details for organisations which can offer support to victims in a range of circumstances is at Appendix 3.

ACTIONS FOR COMMANDING OFFICERS TO ASSIST IN THE SUPPORT OF VICTIMS OF THE MOST SERIOUS CRIME, PERSISTENTLY TARGETED VICTIMS, AND VULNERABLE AND INTIMIDATED VICTIMS

Overview

1. This guidance is written specifically for you, in your role as a Commanding Officer, to assist you in the care and management of personnel who have been the victim of the most serious crime, or who are considered to be persistently targeted, vulnerable or intimidated victims. This guidance aims to set out for you, step-by-step, the actions you must take, and the issues you must consider, where such allegations have been made. It also contains specific guidance for cases where a victim and alleged offender are in the same unit.
2. Managing incidents involving violence and/or a sexual element can be difficult, even for those who are trained to do so. There are two primary objectives, for the Commanding Officer, in such cases. First, you must ensure that the victim is provided with appropriate support. The incident may have happened very recently or perhaps some time ago but all victims are to be managed professionally, respectfully and sensitively regardless of any time lapse between the incident and the reporting of it. Secondly, all cases are to be handled in accordance with procedures laid down in the Manual of Service Law (volume 1, chapter 6). If you are in any doubt as to the procedures to be followed, you should contact the relevant Service discipline/legal branch for advice.
3. When an incident is reported to you, there are a number of issues you will need to consider. The steps below should be followed:
 - a. **Step 1. Offer immediate reassurance.** When you see the victim it is important to remain calm, impartial and reassuring, and make clear to them that your immediate focus is on their safety and well-being. Where the complaint concerns a sexual offence, it may be appropriate to acknowledge their courage in reporting the offence to you
 - b. **Step 2. Determine the category of the victim.** Consider whether the person falls into any of the categories defined at Paragraphs 2 and 3 of this Annex. If not, the procedures at Reference B should be followed.
 - c. **Step 3. Offer immediate support.** You should let the person know the immediate steps you will take in dealing with the incident, including reporting to the Service Police if that is required (see Step 5). An initial priority is to make the victim aware of the range of immediate sources of support, both professional (e.g. NHS/SARCs (see below)) and Service Welfare organisations and/or Chaplaincy services. Alternatively, a person may simply request the support of a close colleague, or friend, while others may not want any support at all, at this stage. It is important that the individual is allowed to make their own choice and that there is a range of options available.
 - d. **Step 4. Preservation of evidence.** You should seek immediate advice from the Service Police regarding the protection of forensic evidence at the site of the incident and upon the victim's body and clothing while remembering that this is likely to be an issue of heightened sensitivity for the victim. Depending upon the nature of the incident and whether, in the case of a sexual assault, it has taken place recently, encourage (but do not order) the victim not to bathe or shower as it might destroy potential evidence useful in a police investigation (see below). If preservation of forensic evidence is a priority for the victim, ideally they should not eat, drink or smoke following the incident. Nor should they urinate or defecate until the forensic evidence has been collected. If the person needs to do so, and

there are no forensic evidence kits to hand, a practical receptacle to collect urine/faeces and bags for accompanying tissue paper should be offered.

e. **Step 5. Consider whether you must inform the Service Police.** When you are made aware of an alleged offence, directly or through a third person, you need to decide whether the nature of the offence, or the circumstances surrounding it, is such that it must be reported to the Service Police. In accordance with sections 113 to 115 of the Armed Forces Act 2006 (AFA 06) and the procedures set out in the Manual of Service Law (volume 1, chapter 6, part 3) you must ensure that the Service Police are aware of an offence or a suspected offence under Schedule 2 of AFA 06, or of the existence of prescribed circumstances. For offences of this type there is no discretion and matters must be referred to the Service Police, regardless of the wishes of the victim. In any other case you must ensure that the matter is investigated in such way and to such extent as is appropriate – this may involve referral to the Service Police.

f. **Step 6. Sexual assault – Ask the victim whether they wish to attend a Sexual Assault Referral Centre (SARC).** These Centres are specialist medical and forensic services, for anyone who has been raped or sexually assaulted, which are funded and run in partnership, usually between the NHS, civilian police and the voluntary sector. They aim to be a one-stop service providing, under one roof, medical care and forensic examination following assault/rape and, in some locations, sexual health services. Medical services are free of charge and provided to women, men, young people and children. The Centres are mostly able to assist in the immediate aftermath of an assault but do not offer the long term specialised counselling and advocacy services that are provided by Rape Crisis Centres. Further information regarding the services provided by SARCs is to be found in Appendix 2.

Contact details In the UK. The details of the SARCs can be found on the Survivors Trust website: <http://www.thesurvivorstrust.org/sarc/> or by using the NHS Choices search engine found at: <http://www.nhs.uk/Service-Search/Rape-and-sexual-assault-referral-centres/LocationSearch/364>. These links are also within Appendix 3.

Overseas: There is no SARC network outside the UK and so the forensic examination that would normally be conducted by a SARC, is organised by the Service Police and carried out by specially trained Service Medical Staff. Individual support is provided by the British Forces Welfare Services. You should remember that, whilst the Service Police provide access to appropriate investigative and welfare resources, depending on the balance of jurisdiction between the UK Armed Forces unit and the relevant host country, and the legal basis for the UK Armed Forces presence there, it may be open to the victim to report the matter to the local police and welfare authorities if they so wish. However, advice from specialist staffs (such as those suitably qualified to advise on Service conduct and discipline, and local cultural and legal, issues) should be taken before doing this in order to ensure that the victim is aware of the cultural and basic legal norms of the host country. It is to be remembered that, in relation to the reporting of sexual offences, and equality, gender, orientation and relationship issues generally, host nation attitudes and law may differ greatly from the UK, and may, in extremis, place the victim at risk of local criminal charges and/or physical harm.

g. **Step 7. Give the victim a copy of the Victim Support Guidance.** You should ensure that a victim, as defined in paragraph 2 of the introduction to this Annex, is given a copy of the guidance to enhanced support, at Appendix 2 to this Annex, as soon as possible. This sets out, for the benefit of the victim, the support which is available to him or to her, and how that support will be provided.

h. **Step 8. Appoint a Victim Support Officer.** As part of your ongoing responsibilities to the personnel under your command, you are to appoint a Victim Support Officer (VSO) to all victims of serious offences, persistently targeted victims, and vulnerable and intimidated victims. Unless the victim has decided that they do not want a VSO, you should appoint one

as soon as practicable after the complaint is made. Before appointing a VSO, you need to ensure they meet the following criteria:

- Must not have been, nor be likely to become involved, in the arrest, custody or charging of a suspect in connection with the allegations made by the victim.
- Must not be, or likely to be, a witness for or against the suspect.
- Must not have acted (or subsequently act) as Assisting Officer to the suspect should that person be subsequently arrested, held or charged for offences connected to the incident involving the victim.

i. **Step 9. When a VSO is to be appointed, ensure that the victim understands their role.** The VSO is an officer, Warrant Officer or senior NCO whom you appoint to look after the day-to-day support of a vulnerable victim (where they are in agreement to this). The VSO might be the same person as the Victim Liaison Officer (see Step 10), but does not have to be. The duties of a VSO are to:

- Keep regular contact with the victim.
- Provide the victim with moral support.
- Ensure that the victim is not being intimidated or ostracised in the unit; and to act upon any such behaviour by reporting any intimidation or coercion to you. You must investigate any such allegation or report it to the Service Police as appropriate⁹⁰.
- Assist the victim in accessing relevant Service and/or MOD guidance (Bullying and Harassment, Conduct and Discipline, etc), and identifying internal subject matter experts, to help guard against victimisation of the individual.
- Ensure the victim has information about the internal and external organisations which can provide them with support.

j. **Step 10. Appoint a Victim Liaison Officer.** Unless the victim has decided they do not want a VLO, you should appoint one within 3 days of a suspect being arrested, taken into custody, or charged. The duties of the VLO are set out in Reference B, but in summary, they will be responsible for liaising with the senior investigating Police Officer (who is responsible for the release of information) in order to keep the victim informed of events related to the progress of the investigation, and possible trial, related to the case. In most cases, involving victims of the most serious offences or intimidated or vulnerable victims, the Service Police will be responsible for notifying the victim and/or VLO of the stages in the case. Where the Service Police are not involved, it will be the responsibility of the Commanding Officer, or an Officer acting with the CO's authority, to notify the victim/VLO of the stages in the case, e.g. arrest of suspect, referral, dismissal etc.

k. The VLO is responsible for ensuring that any questions from the victim about the case are passed onto the relevant investigating authority. Before appointing a VLO, you need to ensure that he/she meets the following criteria:

- Must be of the rank of at least Petty Officer in the Royal Navy, or Sergeant in the Army or Royal Air Force.
- Must not have been, nor be likely to become involved, in the arrest, custody or charging of a suspect in connection with the allegations made by the victim.

⁹⁰: This is a particularly important issue where a person has made a complaint against another member of the Armed Forces and Service Police investigation is in progress.

- Must not be, or likely to be, a witness for or against the suspect.
- Must not have acted (or subsequently act) as Assisting Officer to the suspect should that person be subsequently arrested, held or charged for offences connected to the incident involving the victim.

l. **Step 11. Advise the victim of their Right to complain about breaches of the Code of Practice.** When you are made aware of an allegation involving a victim, you should ensure that they are made aware of the procedures for complaining about breaches of the Code of Practice on Services to be provided by the Armed Forces to Victims of Crime (Reference B). These procedures are set out at Section 6 of Reference B.

m. **Step 12. Consider separation of parties.** If the accused and the victim work and/or live in the same Service environment, you must consider whether it is necessary to separate them, or manage working patterns in such a way that avoids contact between them. If separation is necessary, it is normally the accused that should be moved; such action is without prejudice and should not be misconstrued as a presumption of guilt. In some circumstances, you may decide that it would be appropriate to suspend the alleged offender for a short period of time. You must keep the Service Police informed of any decision to move an alleged offender. If the victim is to be moved, it should normally only be done with their consent and following consultation with specialist staffs. A plan must be put in place for the continued support of the victim while separated from the unit.

n. **Step 13. Consider additional leave.** When you are made aware of an incident, you should consider whether the victim should be offered a period of additional leave until a trial date or until a decision is taken on whether a case is going to be tried.

o. **Step 14. Arrange for case conferences.** You should arrange for regular case conferences at which the support provided to the victim is reviewed and where, if appropriate, you should refer to single Service guidance on self-harm and suicide⁹¹. Case conferences are to be chaired by yourself, or an officer appointed by you, and should be attended only by those directly relevant to the handling of the case (Welfare Officer, Victim Support Officer, Victim Liaison Officer the victim's Divisional Officer or sub-Unit Commander and the Padre and Medical Officer as required). Such case conferences should be administered on the principle of applying the strictest privacy standards to all information discussed and such information should only be released with the permission of the individual, Commanding Officer and/or Service Police, as appropriate, and where there is a genuine need to do so in relation to the case and/or the ongoing care of the individual. Case conferences are to be held, as required, and certainly in the following circumstances:

- As soon as practicable after you become aware of the allegations.
- After any trial.
- If the police or prosecuting authority decide that no further action will be taken.
- When (a decision is to be made that) the victim is no longer in need of specific support.

p. **Step 15. Victim career management.** If, following an incident, it is not considered appropriate to move the alleged offender, the reasoning should be explained to the victim so long as doing so will not breach operational/security protocols or the Data Protection Act. The victim is to be informed that they may request a move from their current unit. At some point, the victim may also request to be considered for a career change, such as a change in

⁹¹ Single Service References: **RN** in BR3, Part 5 Annex 24E: **Army** – AGAI Vol 3, Chapter110: **RAF** – AP9012, Chapter 6

trade, Arm or Corps. Such requests must be considered fully in accordance with established procedures, taking into account the exigencies of the Service and the ability of the victim to serve in the new role once a reasonable period of re-training has been provided. The final decision about what can reasonably be achieved lies with the appropriate Service Secretary.

q. **Step 16. Provide advice on the possibility of 'compassionate discharge'.** Any vulnerable victim has the right to request consideration for a compassionate discharge, in accordance with the normal procedures for doing so (see Single Service QRs), whether or not a conviction has been secured. A compassionate discharge for a vulnerable victim of a sexual assault, or other serious crime, is not a right but will be fully considered having due regard to the circumstances of the incident, and its impact upon the victim.

r. **Step 17. Raise with the victim the possibility of a 'Marker' for future postings.** You should ask the victim, irrespective of whether their case comes to trial, if they would wish to request that a 'marker' be applied to his or her personnel record so that the circumstances of the victim's future postings can be considered carefully. Such markers are already in use for a range of other circumstances and will not in themselves be an indication that the person has been the victim of a serious crime or assault. Any such request will be given full consideration.

s. **Step 18. Continued Support.** The requirement to support a victim may cease when, or shortly after, the matter has been brought to a conclusion in the Service Justice System. However, in some cases the effect of the offence on the victim will be longer lasting and continued support may be required. After the hearing the CO must make a judgement, in consultation with the victim, as to whether the continued use of the VLO and VSO is the best way to provide that support or whether a transfer of responsibility to an appropriate Service welfare provider, would be more appropriate.

25. **Further Advice for Commanding Officers.** The management of Service personnel involved in allegations (either as victim or alleged perpetrator) where there are vulnerable victims, such as cases of alleged sexual assault, can be difficult and complex. If in doubt, COs are to seek appropriate legal advice from single Service legal advisers or Service discipline policy branches.

SUPPORT AVAILABLE TO VICTIMS OF SEXUAL OFFENCES AND OTHER SERIOUS CRIMES AND VULNERABLE VICTIMS

1. We do not underestimate the devastating impact that a sexual assault, or other serious crime, can have on a person. Please be assured that the MOD will handle your complaint with the utmost seriousness. You are bound to have additional concerns if the person who assaulted you is from your unit and the ways in which we can provide you with support in this type of situation, are included in the guidance below. In this guidance, we will not try to tell you what you should do or how you should react because there are no right or wrong ways, everyone will react differently to a traumatic experience. However, we do want to let you know what support is available within your Service and from other civilian organisations. Here are some of the issues you may need to think about as a result of your experience. If you find you need guidance on something which is not covered, please speak with your Victim Support Officer (VSO), Victim Liaison Officer (VLO) or alternatively contact your unit Welfare Officer, or other Service welfare provider, who will try to assist you further.

2. **Deciding whether to report the incident and who to approach.** The decision whether to report an incident may not be an easy one to take and we understand that, in some cases, people choose not to do so. There is nothing wrong in feeling that you would rather not make a report and this does not stop you from seeking specialist medical, emotional and trauma support directly from the non-Service organisations listed in Appendix 1. If this is how you are feeling, you are urged to continue reading this guidance and to seek the help that is available for you from non-Service sources, as soon as possible.

3. If you decide that you do want to make a complaint, so that it can be properly investigated, you can contact the Service Police, the Civil Police or your Commanding Officer (or, if you prefer, someone else in your chain of command). When you inform your Commanding Officer of your complaint, they will have to ensure that any offences are appropriately investigated. For certain serious offences your CO may have to ensure that the Service Police are made aware of the matter and they, in turn, will begin their official investigation as soon as possible. While you may also report any offence to another person within your chain of command, they too would have to investigate the complaint or report it to the CO or Service Police. So, if you would like your complaint to be properly investigated you should contact the Service, or Civil, Police, or your CO. However, if you feel that you do not want to do this, at least for the time being, you are still urged to seek immediate help from the non-Service sources that are detailed below.

4. **Consider whether you want to go to a Sexual Assault Referral Centre (SARC).** SARCs are non-Service facilities which offer specialist medical and forensic services for anyone who has been raped or sexually assaulted. They also provide independent advice and support regardless of how long ago the assault took place and whether or not you choose to involve the Service or Civil Police.

5. If you report the assault to the police, it is very likely that they will take you to a SARC for a forensic medical examination and interview. SARCs provide numerous services to victims of sexual assault, with staff that are usually very well informed, trained and experienced. SARC services are run in partnership, usually between the NHS, police and voluntary sector, and they are free to access. Most SARCs provide:

- support, information and advice following sexual assault;
- medical care;

- forensic examination and evidence gathering;
- contraception and sexual health services (or referral to such);
- interview facilities;
- some also provide long term specialised counselling and advocacy services (or referral to such).

6. If you are undecided about whether you want to make a complaint to the police, SARC's have facilities for storing forensic evidence until you have made your decision. They also have independent staff who can talk through your options with you and answer any questions you might have.

7. Most areas of the UK have a SARC and almost all take self-referrals (whereby you, or a friend, can make contact directly). To find your nearest SARC, please refer to the contacts list in Appendix 3 to this document.

8. **Reporting an incident and Medical and Welfare response Overseas.** If you are serving outside the UK there are still sources of help and support for you although there are some differences that you should know about. Firstly, as there is no SARC network outside the UK, the forensic examination they would provide will be organised by the Service Police and carried out by specially trained Service medical staff with individual support provided by the British Forces Welfare Services. Secondly, in addition to a Service Police investigation, factors such as the country you are in, and your reason for being there, may give you the option to report the incident to the local police and/or welfare authorities. However, it is important to bear in mind that Service personnel sometimes operate in countries that have very different cultural and legal outlooks, compared to the UK. Your Commanding Officer, specialist Service discipline staff, and officers qualified to direct on local cultural and legal issues, will be able to advise on such matters. However, we want you to understand the importance of this because a host nation's legal system, and cultural norms, may mean that they treat complaints such as rape and serious sexual assault very differently to the UK.

9. **Appointment of a Victim Support Officer (VSO).** If you report a sexual, or certain other serious offence to your Commanding Officer, or if you are a persistently targeted victim, or a vulnerable or intimidated victim you will be offered the services of a VSO. This is someone (at the rank of Officer, Warrant Officer or Senior NCO) who will be appointed to provide you with day to day support. The VSO will:

- Keep in regular contact with you.
- Provide you with moral support.
- Ensure that other unit members are not (intentionally or unintentionally) intimidating or excluding you within the Service environment. To help your VSO, it is important to tell them if you experience any such behaviour so that they can report it to the Commanding Officer for investigation by the CO or the Service Police.
- Ensure that you have information about the various Service/MOD regulations designed to help you from this point onwards, and the internal and external organisations which can provide support to victims of crime, including (where appropriate) victims of sexual assault.
- Please note that you do not have to have a VSO. The appointment of a VSO is intended to be a supportive measure but if you would prefer not to have one then please let your Commanding Officer know.

10. You can find more information as to the circumstances in which a VSO will be appointed, and other enhanced levels of support offered, in paragraph 2 of this Annex. However, as a brief guide

enhanced victim support including the appointment of a VSO will be provided in cases of domestic violence, hate crime, terrorism, sexual offences, human trafficking, attempted murder, kidnap, false imprisonment, arson with intent to endanger life, and wounding or causing grievous bodily harm with intent. It will also be provided to persistently targeted victims such as the victims of a sustained campaign of harassment or stalking, and to vulnerable or intimidated victims such as those who were under 18 at the time of the offence.

11. **Appointment of a Victim Liaison Officer (VLO).** If someone suspected of assaulting you is arrested, held in custody or charged, the CO should appoint a Victim Liaison Officer. The VLO's role is to keep you informed of developments in the case and to act as a link between you and the investigative authorities. This person may be the same person who carries out the role of Victim Support Officer, but that does not have to be the case.

12. **Your Right to complain about breaches of the Code of Practice.** As stated, all complaints will be taken seriously and properly investigated. However, if you become unhappy with any part of the investigation, or with the handling of the offence that you have reported, you have the right to complain. Your Commanding Officer should advise you about how to do so using the procedures for making a complaint that can be found in Section 6 of JSP 839, (Code of Practice on Services to be provided by the Armed Forces to Victims of Crime). You should be aware that it is not possible to make a Service complaint which concerns certain matters including decisions about whether a prosecution should take place, the verdict arising out of any trial, or any decisions on compensation.

13. **Your working environment.** If you have been assaulted by someone in your unit, or by someone with whom you come into regular contact, your chain of command should consider whether procedures should be put in place to try to avoid you coming into contact with that person. This might mean that working patterns are adapted, or locations temporarily changed. The suspect(s) might be moved, or you may prefer to work in a different location. Normally you will remain in your unit and a decision to move you will only be made with your consent.

14. **Consider asking for additional leave.** Victims of a serious crime, especially sexual assault, sometimes feel that they need time away from work and you might, therefore, want to request additional leave. Additional leave may not be possible in all circumstances; however, your Commanding Officer is required to give such requests proper consideration.

15. **Requests for career change.** Occasionally, in the aftermath of an incident, people no longer want to remain in their current trade. However, if your desire to change career path arises because of the behaviour of other unit members, you should tell your Commanding Officer, or VSO, as this may amount to victimisation which is not acceptable within the Armed Forces.

16. Even if you are not experiencing victimisation, but simply want a 'fresh start' in a different environment, you can ask your Commanding Officer to consider you for a career change (such as a change in branch, trade, Arm or Corps). The ability to make such a change cannot be guaranteed as it will depend on the needs of the Service and your suitability for a new role once a period of re-training has been provided. However, any such request must be fully considered by the chain of command.

17. **Request a 'marker' for future postings.** Whether you change career, or not, you might decide that you want to request a 'marker' to be applied to your personnel record in order to avoid being posted to locations, or units, where you would have to live, and/or work, with the alleged perpetrator(s) associated with the incident. Such 'markers' are already in use for a range of other reasons, so having one associated with your personnel record will not mean that you are identified as having been a victim of an assault. It will just mean that when your next posting comes up, your posting authority will consider the particular preferences which you have asked to be noted. Again, a posting marker cannot be guaranteed but a request will be given full consideration.

18. **Compassionate Discharge.** There are many circumstances which can lead to a request for a compassionate discharge. If you think that, as a result of your experience, you are unable to continue with your career in the Armed Forces, you can apply for a compassionate discharge in accordance with the normal procedures. A compassionate discharge in the light of a sexual assault or other serious crime is not a right, but it will be fully considered according to the circumstances of the incident and its impact upon you.

19. If you have any other concerns which are not covered in this guidance, please contact your unit Welfare Officer, or VSO, in the first instance.

CONTACT DETAILS FOR VICTIM SUPPORT ORGANISATIONS

This appendix contains basic contact details of a number of organisations that exist to provide assistance and support to people who have experienced being a victim of serious crime, including sexually related offences. It is not an exhaustive list, and the non-MOD/Service organisations listed carry no recommendation from the MOD. However, they may be of use to anyone seeking professional support after becoming a victim of crime.

SERVICE/MOD SOURCES OF ASSISTANCE AND WELFARE SUPPORT

Royal Military Police	Contact details vary according to location. Please see your Ship/Unit/Base for details.
Royal Navy & Royal Marines Welfare Service	Royal Navy Royal Marines Welfare (Mil): 9380 28777 (Civ): +44 (0)23 9272 8777
Army Welfare Service	Confidential Information and direction 8.30am – 16.30pm UK local time work days. Tel 94222 7586 or +44 (0) 1252 787586. E-mail: AWS-HQ-0MAILBOX@mod.uk Outside of these hours the AWS can be contacted through the Unit Welfare Officer and the Duty Officer. Welfare and Support - British Army Website
Royal Air Force Welfare Service	Details of RAF Welfare Services are provided locally via the Personnel Management Squadron.
Service Chaplains	See your Ship/Unit/Base for details
SSAFA	0845 241 7141 https://www.ssafa.org.uk/
Doctor's Surgery at local Service Medical Centre	Contact your local Service Medical Centre – for entitled personnel only.
Defence Business Services – Employee Wellbeing Service (MOD Civilian staff)	0800 345 7047 Employee Wellbeing Service (EWS)

NON SERVICE SOURCES OF ASSISTANCE AND SUPPORT

REPORTING A CRIME

Civilian Police	999 (Emergency) or see local area details for non emergency contact details.
Crime-stoppers: To report crime in absolute confidence - no one will know you called.	0800 555 111 https://crimestoppers-uk.org/

VICTIM SUPPORT – GENERAL

Victim Support Supportline: Independent national charity supporting victims of crime in England and Wales	0845 30 30 900 https://www.victimsupport.org.uk/ Get support as a victim of crime - GOV.UK
National Health Service (NHS) Direct - 24 hr nurse advice and health information service.	Telephone 111 www.nhsdirect.nhs.uk

SEXUALLY RELATED CRIME

Sexual Assault Referral Centres (SARCs)	Individual SARC telephone numbers and addresses can be found at the following links: http://www.nhs.uk/Service-Search/Rape-and-sexual-assault-referral-centres/LocationSearch/364 and http://www.thesurvivorstrust.org/sarc
Rape Crisis: Provides a range of services for women and girls who have been raped or experienced another form of sexual violence (England and Wales).	0800 802 9999 www.rapecrisis.org.uk
Rape Crisis Scotland	08088 01 03 02 http://www.rapecrisisscotland.org.uk/
The Survivors Trust: Support to survivors of rape and sexual assault	01788 550554 http://www.thesurvivorstrust.org/
Survivors UK: Male victims of rape & sexual abuse.	Helpline: 0845 122 1201 or 0203 5983898 http://www.survivorsuk.org/
Mankind - Advice for male victims of sexual abuse.	0870 7944124 or 01273 911680 http://www.mankindcounselling.org.uk/index.php

DOMESTIC ABUSE

Women's Aid - National charity working to end domestic violence against women and children. Also includes The Hideout for children and young people dealing with domestic violence.	24 Hour National Domestic Violence Helpline for women, children and young people: 0808 2000 247 http://www.womensaid.org.uk/ http://www.thehideout.org.uk/default.aspx
Men's Advice Line - Advice for male victims of domestic abuse.	0808 801 0327 www.mensadviceline.org.uk
Broken Rainbow - Advice for gay, lesbian, bisexual, transgendered victims of domestic abuse.	0300 999 5428 http://www.brokenrainbow.org.uk/home
Respect: The UK membership organisation for work with domestic violence perpetrators, male victims, young people and employers.	0808 802 4040 – Domestic Violence perpetrators. 0808 801 0327 – Men's Advice Line 020 7549 0578 – General Enquiries www.respect.uk.net
National Centre for Domestic Violence - A national, free legal resource for those dealing with domestic violence, including emergency civil injunctions.	0844 8044 999 http://www.ncdv.org.uk/
NSPCC - Free 24 hr help line for anyone concerned about a child at risk.	0808 800 5000 – Report concerns about a child.

Also includes **Childline** an organisation providing help and advice directly to children who are dealing with any kind of abuse or cruelty.

<http://www.nspcc.org.uk/>

0800 1111 – Helpline for children and young people.

<http://www.childline.org.uk/Pages/Home.aspx>

SEXUAL, DOMESTIC ABUSE AND CULTURAL ISSUES

Forced Marriage Unit at GOV.UK, includes information on Forced Marriages and contact details for people wanting to report a Forced Marriage, and for anyone trying to leave one. Includes link to 'survivor's guide booklet with links to additional resources.

020 7008 0151 or 1500

Overseas: +44 (0)20 7008 0151

<https://www.gov.uk/forced-marriage>

Email to: fm@fco.gov.uk

Karma Nirvana - Honour Network Helpline: Support to victims of 'honour' crimes and Forced Marriages

0800 5999 247

<http://www.karmanirvana.org.uk/>

Black Association of Women Step Out (BAWSO): Government accredited support provider to Black and Ethnic Minority women in Wales.

029 20437390

<http://www.bawso.org.uk/about-us/>

Conviction, sentence, release and probation supervision: When someone is convicted of an offence and sentenced to detention at the Military Corrective Training Centre (MCTC) or imprisonment to a civilian prison, they will pass into the care of the relevant detaining organisation. If this is the case, your VLO will inform you of your entitlement to opt in to the Armed Forces Victim Contact Scheme, following which you can be informed of the key stages of the offender's sentence, such as release information.

FURTHER INFORMATION

You can use the Victims' Information Service to find more detailed information about support and services for victims within the UK in the Helping You Recover from a Crime section at www.victimsinformation.service.org.uk or phone 0808 168 9293.

Within the UK Citizens Advice can help with financial problems or advice, legal issues or other practical problems. To find out more, visit: www.citizensadvice.org.uk or call 0845 126 4264.

Members of the military community can also call Forces-line (Mon – Fri, 1030 – 1930hrs (UK local time)) on Freephone:
UK - 0800 731 4880
Germany - 0800 1827395
Cyprus - 800 91065
Falkland Islands - #6111
Rest of the world - +44(0)1980 630854

DETAILS OF THE CRIME YOU HAVE REPORTED

Thank you for reporting this incident. You can find below some details about the incident you have reported and other useful contact details. You may find it useful to keep this leaflet for future reference so that you have all the contact details and important information about the incident you have reported in one place, together with details about advice and support services that may be available to you.

Initial Contact:

Name of person recording your incident:

Phone Number or Email Address:

Person dealing with the case (if different from above):
Name:

Phone Number or Email Address:

Case Details:
Date Incident Reported:

Date of Incident (if different from above):

Investigation Reference Number (if assigned):

Description of the Incident/offence:

Information for Victims of Crime

This leaflet sets out what you can expect from the Service Justice System if you are a victim of crime.

It contains information about organisations that you can contact for free advice, practical information and emotional support.

Next Steps

You will be informed by the person investigating your complaint about what to expect from the Service Justice System, including information about the Victims' Code. The Victims' Code sets out the services you can expect from Service Justice providers. A "needs assessment" will be conducted and you will be asked questions to establish what help and support you might need. The Victims' Code also sets out your rights to make a complaint under the Victims' Code if you are unhappy with the service you receive. If you would like to read the Code in full please visit: <https://www.gov.uk/Armed-Forces-Code-link>

If the crime against you did not take place within the European Union (EU), you will still be entitled to many of the services set out in the Victims' Code, but only in relation to criminal proceedings that take place in the EU. However, if you are not present in the UK, the country in which you reside shall provide any Victim Support services to you.

The Victim Personal Statement (VPS): The Victims' Code entitles victims of crime to make a Victim Personal Statement (VPS). The VPS helps give victims a voice in the Service justice process. In your VPS you can inform those hearing your case how the offence has affected you or your family. You can ask to read your statement aloud in court or have it read out on your behalf if the accused is found guilty. If your case is subject to Summary Hearing, your VPS will form part of the case papers considered by the Commanding Officer (CO).

Victim Support: If you are present in the UK or are a person subject to Service discipline, with your agreement your details will be passed on to an organisation that provides services to victims of crime. This can include assistance with health and housing issues. In the majority of cases, your details will be passed on to a local victim support service. You can also contact these services directly if you would like support following a crime. To find out more, visit: www.victimsupport.org.uk or phone 0808 1689293 in the UK or 05251 1809340 in Germany. Additional support is also available through SSAFA, single Service welfare agencies and the Forces Helpline.

Working together to investigate your crime: The Service Police or a Commanding Officer may investigate your crime. To assist those who will investigate your crime (whose contact details are overleaf) you should let them know:

- If you remember something not already included in your current statement.
- If the crime involved any type of hostility, for example if you were targeted because of your race, sexuality, religion, disability or gender identity, or perceived race, sexuality, religion, disability or gender identity.
- If you have any specific needs, for example, mobility, communication or religious requirements.

Protection against harassment or intimidation: If you, or others close to you, are harassed or threatened in any way during an investigation or a trial, you should contact the Service Police immediately. If the accused is released from Service custody, requirements may be imposed that would prevent them from making any contact with a named person or persons. You could also apply to a court to get an injunction against the accused if you think it's likely that he or she will harass you. In addition, protection for victims and witnesses against witness intimidation extends for up to a year after the end of a trial.

Criminal charges: If there is sufficient evidence to charge the person(s) that committed the crime against you with a criminal offence, it may be dealt with at Summary Hearing by the suspect's CO, or the case may be referred to the Service Prosecuting Authority (SPA), who will decide whether to prosecute or not and whether to take your case to a Service court. To find out more about the SPA and for a useful overview of the Service Justice System visit: <http://spa.independent.gov.uk/index.htm>

Notification: You are entitled to the following information:

- Decision not to investigate, end an investigation or not to prosecute a suspect, with brief summary of reasons where available.
- The time and place of the trial and nature of the charges.
- The final judgement in the trial or Summary Hearing with brief summary of reasons where available.
- Information about the state of the criminal proceedings at your request, unless it may adversely affect the proper handling of the case.
- When notified of a decision that qualifies for a review under the Service Police, Commanding Officer or SPA Right to Review Schemes, sufficient information to enable you to decide whether to request a review.

A Victim Liaison Officer (VLO) (or in some cases a Service Police Liaison Officer) will be appointed to you to inform you about the progress of your case, including the date and outcome of any hearings. They can also give information on claiming expenses for attending court, including travel, allowances for meals, loss of wages and child care.

Going to a Service court as a witness: The Military Court Service (MCS) is responsible for administering all Service Courts. To find out more visit <https://www.gov.uk/guidance/the-military-court-service>. The MCS will provide a witness support leaflet to all witnesses in advance of a trial. The leaflet provides information on claiming expenses for attendance at court as well as details of what you can expect on the day and court procedures.

The Witness Service, run by Victim Support, helps victims and witnesses attending court. They are trained staff and volunteers who you can talk to about what to expect before going to court during a pre-trial visit, and who are also present to support you at court. The Witness Service cannot discuss the case or the contents of your evidence with you. To find out more, visit: www.victimsupport.org.uk or call 0808 1689293

Compensation: UK: If you have been the victim of a violent crime, you may be eligible for compensation. If the incident took place within the UK, this will be via the Criminal Injuries Compensation Authority (CICA). You can apply online at www.gov.uk. If you need help to complete an application by telephone contact the CICA Customer Service Centre advisors on 0300 003 3601. You can apply for compensation whether someone has been prosecuted for the offence or not but you must apply within two years of the date of the incident. You should not wait until the end of a civil or criminal trial before applying for criminal injuries compensation. To find out if you are eligible for payment for having suffered immediate financial hardship contact Victim Support on 0845 30 30 900 or visit: www.victimsupport.org.uk as soon as possible. **Overseas:** If you are a person subject to service law and have been the victim of a violent crime overseas, you may be eligible to claim compensation via the Criminal Injuries Compensation (Overseas) Scheme, for which information can be found at www.gov.uk/government/publications/guide-to-the-criminal-injuries-compensation-scheme. Similarly, for Civil Servants there is the Civil Service Injury Benefits Scheme, for which information can be found at www.civilservicepensionscheme.org.uk.

Translation and Interpretation: If you do not understand or speak English, you are entitled to ask for interpretation into a language you understand when reporting a crime, being interviewed in respect of the crime or giving evidence in criminal proceedings. The Victims' Code sets out your entitlement to request the translation of key documents as part of the case, including the written acknowledgement.

Investigation/Case Reference Number.....

VICTIM/WITNESS NEEDS ASSESSMENT

*(Note that completion of this form does not mean that Special Investigation Measures or Special Measures **will** be implemented and **no assurances are to be given to the victim/witness**)*

Name..... Age..... Date of Birth..... Gender.....

1. Identification of Victim/Witness

The Youth Justice and Criminal Evidence Act 1999 (YJ&CE 99) aims to assist certain vulnerable groups of witnesses⁹² to give evidence at court with the assistance of 'Special Measures'. Similarly, the Armed Forces Code of Practice for Victims of Crime provides Enhanced Entitlements to certain groups of victims to assist in their provision of evidence during the investigation, at a Service court or Summary Hearing. Tick to show which of the group(s) below apply to the victim/witness.

a. Vulnerable:

- | | |
|---|--------------------------|
| (i) Person under 18 yrs of age | <input type="checkbox"/> |
| (ii) Person with a mental disorder | <input type="checkbox"/> |
| (iii) Person with a learning difficulty | <input type="checkbox"/> |
| (iv) Person with a physical disability/disorder | <input type="checkbox"/> |

b. Intimidated:

- | | |
|--|--------------------------|
| (i) Person in fear or distress about giving evidence | <input type="checkbox"/> |
| (ii) Complainant in a sexual/hum trafficking case | <input type="checkbox"/> |

c. Victims of the most serious crime:

A victim of domestic violence, hate crime, terrorism, sexual offences, human trafficking, attempted murder, kidnap, false imprisonment, arson with intent to endanger life and wounding or causing grievous bodily harm with intent. This also includes a close relative bereaved by a criminal offence.

☐

d. Persistently targeted victims:

A direct victim of crime repeatedly targeted over a period of time, particularly those that have been deliberately targeted or victims of a sustained campaign of harassment or stalking.

2. Eligibility for Special Investigation Measures/Special Measures

⁹² In the majority of cases a victim will also be a witness in the case.

The YJ&CE 99 makes those victims/witnesses at 1(a(i)) and 1(b(ii)) automatically eligible for Special Measures. In addition, the Armed Forces Code of Practice for Victims of Crime **entitles** all victims of crime identified as belonging to one of the four groups within 1(a) to (d) above to Enhanced Entitlements, which includes Special Investigation Measures and Special Measures. (See paras 3 and 4 below.)

In relation to sub-paras 1(a(ii)), 1(a(iii)), 1(a(iv) and 1 (b(i)), explain briefly below the nature of the vulnerability, fear or distress and show how it is likely to diminish the quality of their evidence in terms of their evidence being complete, coherent and accurate. Coherence refers to their ability to understand the questions put to them and give appropriate answers.

<p>Nature of disorder/impairment or witness fear/distress and effect on evidence (expert advice may need to be sought):</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p><i>(indicate here if a continuation sheet is used)</i></p>	<p>In relation to sub-para 1(b(i)) consider and note these factors</p> <ul style="list-style-type: none"> • The circumstances of the offence. • The age of the witness. • Their social and cultural background. • Their domestic and employment circumstances. • Any religious beliefs or political opinions. • Any behaviour toward the witness by the accused, their family or anyone else.
--	---

3. Special Investigation Measures - Victims

Special Investigation Measures must be discussed with a victim entitled to Enhanced Entitlements under the Armed Forces Code of Practice for Victims of Crime. The victim is entitled to request that Special Investigation Measures are used and their request is to be considered in deciding whether any such measures are provided. Special Investigation Measures are:

- a. Having the same person, where possible, conduct all interviews (unless to do so would prejudice the proper handling of the investigation).
Requested ☐ Used ☐ Remarks.....
- b. Be offered the opportunity to have a person of the same sex conduct the interview for victims of sexual violence, gender-based violence, or domestic violence (any request to be met unless to do so would prejudice the proper handling of the investigation).
Requested ☐ Used ☐ Remarks.....
- c. To have interviews carried out by or through professionals trained for that purpose.
Requested ☐ Used ☐ Remarks.....
- d. To have interviews carried out in premises designed or adapted for that purpose.
Requested ☐ Used ☐ Remarks.....

e. If the victim is under 18 yrs of age, an audio-visual recorded interview.

Requested ☐ Used ☐ Remarks.....

f. If the victim is under 18 yrs of age, suffers from a mental disorder, has a significant impairment of intelligence and social functioning, has a physical disability or physical disorder, the use of communication aids.

Requested ☐ Used ☐ Remarks.....

4. Special Measures

If a victim/witness is under 18, tick to show if the case is:

- a. Sexual Offence
b. Offence involving violence, cruelty or abduction
c. Any other offence

The admission of a visually recorded interview should be considered, particularly if paras 4(a) and 4(b) above apply.

Which Special Measure(s) is/are likely to improve the ability of the witness to give evidence, and why? Consider: the needs of the victim/witness, age, development or disability, communication difficulties, the state of mind (distress, shock); the type and severity and/or the circumstances of the offence (offender known to the witness); the purpose and likely value of visually recorded interview on this occasion, perceived fears about intimidation and reprimination.

Special Measures	Tick if Required	State how this will improve the quality of the witness's evidence
Screens		
Live Link		
Evidence in Private		
Removal of wigs and gowns		
Visually recorded evidence		
Video cross-examination		
Intermediaries		

Interpreter		
Communication aids		

5. Please attach supporting evidence, e.g. birth certificate, medical report (if available).

Details of supporting evidence attached:

6. Give the views of the witness as to why the measures sought are required:

.....
.....
.....
.....

7. If appropriate, what are the views of interested parties? E.g. parent, carer, doctor, nurse, guardian, etc:

.....
.....
.....

8. Details of agencies involved, e.g. Social Care Services, SPA, SSAFA, etc. (include results of any communications and contact numbers, details and addresses):

.....
.....
.....
.....

9. If you decide not to collect evidence from a witness by visual recording explain why:

.....

.....
.....
.....

10. Indicate if a special measures meeting is required: Yes / No

Assessing NCO (name, rank, number).....Date.....

Contact Details.....

GUIDANCE FOR COMPLETION OF VICTIM/WITNESS NEEDS ASSESSMENT

This assessment **MUST** be initiated **BEFORE** recording a statement from the Victim/Witness

Purpose of the Victim/Witness Needs Assessment

1. The purpose of the Victim/Witness Needs Assessment is to:
 - a. Identify whether the victim or witness is eligible for or entitled to any Special Investigation Measures or Special Measures.
 - b. Allow for the victim or witness to request the use of any Special Investigation Measures and then document this request, as well as whether the measures are to be used.
 - c. Provide information to the SPA for a Special Measures meeting if appropriate.
 - d. Provide information to SPA to apply for Special Measures to the court.
 - e. Record the views of the witness.
 - f. Identify witnesses in need of special protection. (See additional guidance notes below).
2. Where additional space is required, use a continuation sheet, indicating this on the assessment as appropriate.

Completing the Assessment

3. **Para 1.** This identifies the type of victim/witness who might be eligible for Special Measures.
 - a. A vulnerable victim/witness is eligible for special measures if the witness is:
 - (i) under 18; or
 - (ii) suffering from mental disorder, or significant impairment of intelligence and social functioning, or physical disability or disorder.
 - b. An intimidated victim/witness is eligible for special measures if the witness is:
 - (i) in fear or distress about testifying; or
 - (ii) is a complainant in a sexual case.
 - c. A victim of the most serious crime is defined by the Code as a victim of domestic violence, hate crime, terrorism, sexual offences, human trafficking, attempted murder, kidnap, false imprisonment, arson with intent to endanger life and wounding or causing grievous bodily harm with intent. This also includes a close relative bereaved by a criminal offence.

d. A persistently targetted victim is defined by the Code as a direct victim of crime repeatedly targeted over a period of time, particularly those that have been deliberately targeted or victims of a sustained campaign of harassment or stalking.

4. **Para 2.** The assessment must take into account the victim's age, the nature and circumstances of the offence and any of the following factors that appear to be relevant:

- a. Social and cultural background and ethnic origins of the victim/witness;
- b. Domestic and employment circumstances of the victim/witness;
- c. Any religious beliefs or political opinions of the victim/witness; and/or
- d. Any behaviour toward the victim/witness by the accused, the family or associates of the accused or any other person likely to be an accused or a witness in the proceedings.

5. **Para 3.** This requires the assessor to inform an eligible victim of their entitlement to Special Investigation Measures and explain the range of measures that may be available to them to assist in obtaining the best possible evidence. The form allows the assessor to record any requests for such measures made by the victim, whether they were then used and the rationale should they have not been used.

6. **Para 4.** This requires the assessor to ensure any victim/witness deemed to be "in need of special protection" is identified. There are three categories of victim/witness that is under 18 yrs of age:

- a. Persons under 18 yrs of age giving evidence in a sexual offence case;
- b. Persons under 18 yrs of age giving evidence in a case involving an offence of violence, neglect or abduction; or
- c. Persons under 18 yrs of age giving evidence in all other cases.

7. Particularly those under 18 yrs in the first two categories should be considered for the provision of audio-visually recorded interview and for this to be used as evidence in court. For any other offence, under 18 yr olds may be eligible for both visually recorded statements to be admitted and other testimony by live link.

8. **Para 4** continues for all other cases by requiring details to justify why a measure or measures would be likely to improve the quality of evidence by the witness. For example, give details of the special measures for a complainant in a sexual offence.

9. **Para 5.** Any evidence that can be obtained to support the application should be submitted if available.

10. **Para 6.** It is essential that the victim/witness be asked to give his/her views, since any proceedings considering granting a measure must consider all circumstances of the case, and in particular the views of the victim/witness when deciding where the interests of justice lie. For

similar reasons it is an important consideration in determining whether Special Investigation Measures are appropriate. It is essential to canvass the views of the victim/witness before deciding how to take his/her evidence.

11. **Para 7.** Record the views of interested parties such as a parent or carer, etc. It should only be completed in appropriate cases, where the views of the victim/witness can be supported or assisted by such a person. Hence, this will include:

- a. The views of the carer about the victim/witness going to court;
- b. How supportive is the carer of the under 18 yr old and the prosecution; and/or
- c. Strengths and weaknesses of the person under 18, such as:
 - (1) developmental age;
 - (2) linguistic and emotional development (e.g. their level of understanding or grasp of time intervals may be relevant to specimen charges); and
 - (3) attention span relevant to requests for breaks when giving evidence.
- d. The person under 18 yrs' preference, the carer's and Service Police or CO's view about how the child should give evidence (i.e. use of screens, TV link, and/or other special measures).

Inform any victim/witness aged under 18 yrs that should they be called to give evidence at a Service court, the Military Court Service will send them an information leaflet designed specifically for them.

12. **Para 8.** The details of other agencies involved, e.g. Social Services or a school, will assist the prosecution to ensure relevant assistance is given to the victim/witness. Include details of any work progressing with the witness, such as continuing support.

13. **Para 9.** In the event that a written statement is taken from any witness under 18 yrs of age, the investigator must ensure that any decision to do so is recorded and a sufficient explanation given having regard to "Achieving Best Evidence".

14. **Para 10.** A Special Measures meeting is a meeting that takes place between the investigating and prosecuting agencies to discuss and agree which Special Measures would be required and applied for. Assessors are to ensure that the Service Police Case Referral or CO's case papers indicate that a Special Measures meeting is required.

Commanding Officers' Victim Right to Review Scheme

Introduction

1. This guidance sets out the Commanding Officers' Victim Right to Review (VRR) Scheme.

Background

2. VRR relates to the right of a victim of a criminal offence⁹³ to ask for a review of a Commanding Officer's (CO's) decision not to charge a suspect or in a case where a CO is unable to hear a charge summarily, a decision not to refer the case to the Director of Service Prosecutions (DSP).

3. A victim's right to a review of a decision not to prosecute is set out in Article 11 of EU Directive 2012/29/EU⁹⁴ (EU Directive), which comes into effect on the 16 November 2015. The ability of a victim to seek a review of a decision not to prosecute was recognised in the case of *R v Killick*.⁹⁵

4. The Service Prosecuting Authority (SPA) adopted a VRR scheme in June 13, in response to the *Killick* ruling.

5. Article 11 of the EU Directive provides that, 'Member States shall ensure that victims....have the right to a review of a decision not to prosecute'; this consequently includes a CO's decision not to charge, or in cases where a CO is unable to deal with the matter summarily, a decision not to refer the case to the DSP.

6. The EU Directive provides the legal imperative to implement a COs' VRR system but it is anticipated that facilitating such reviews will also improve victim satisfaction and wider confidence in the transparency of the Service Justice System (SJS).

Key Features

7. The COs' VRR scheme comprises of the following key features:

- a. The VRR scheme is to be effective from 16 November 2015.
- b. The VRR scheme applies to qualifying cases, as set out in paras 17 to 21 below.

⁹³ For the purposes of this scheme, 'criminal offence' means a Service offence that is committed in, or is subject to Service justice proceedings in the European Union.

⁹⁴ EU Directive establishing minimum standards on the rights, support and protection of victims of crime.

⁹⁵ *R v Christopher Killick* [2011] EWCA Crim 16089 (*R v Killick*).

c. The VRR scheme is available for all victims of a criminal offence (see footnote 1 below), that is victims that have made an allegation to the alleged perpetrator's Commanding Officer that they have suffered harm (including physical, mental or emotional harm or economic loss) which was directly caused by a criminal offence committed by a person subject to service law or a civilian subject to service discipline, or have had such an allegation made on their behalf, or are contacted as a victim in the course of investigations.

d. All eligible victims are to be notified of their right to ask for a review at the point that they are informed of the decision not to charge a suspect or not to refer a case to the DSP. However, a review will not necessarily be conducted until an investigation has concluded (see para 10 below).

e. On receipt of a request from a victim for such a review the CO is to refer the case to their Higher Authority (HA) who (provided that the HA is of the rank of at least Brigadier/Air Commodore/Commodore) shall appoint another officer to act as the suspect's CO for disciplinary purposes. The Reviewing CO must then conduct a review of the decision not to bring a charge or not to refer the case to the DSP, as applicable.

f. The Reviewing CO must consider the case afresh on the basis of the evidence presented. They may direct further investigation of the facts surrounding the alleged offence as they deem necessary. The Reviewing CO must not discuss with the original CO (or with those who advised them) the basis of the decision not to prosecute. Legal advice should be sought in line with existing Service policies.

g. In order to overturn the decision not to charge a suspect(s) or not to refer a case to the DSP, the Reviewing CO must be satisfied that the decision that the Evidential Test and/or Service Interest Test⁹⁶ had not been met was wrong and that for the maintenance of confidence in the SJS, the decision must be reversed.

h. The appointment of a CO to conduct the review will include the requirement to then deal with the case if the original decision is overturned.

i. The COs' VRR scheme will offer a single review of the evidence (see para 40 below).

j. VRR requests must be dealt with in a timely manner, in particular where cases are subject to a time limit in accordance with the Armed Forces Act 2006 (AFA 06) s55 - 62 (see paras 24 - 26 below).

k. The scheme will allow victims to request a review within 3 months of them being notified of a decision not to charge a suspect or, in cases that cannot be heard summarily, a decision not to refer the case to the DSP (see para 23 below).

⁹⁶ Evidential Test and Service Interest Test as defined at paras 93 and 94 of Chap 6 of JSP 830 - Manual of Service Law

- I. Review decisions should ordinarily be confirmed in writing (see para 36 below).

Who Can Apply Under The Scheme?

8. Any eligible victim, as set out in para 9 and 17 below, in a qualifying case where a decision is made not to charge a suspect or, in cases which cannot be heard summarily, not to refer the case to the DSP, as per paras 18 and 19 below, is entitled to seek a review of that decision.

9. An eligible victim of a crime that took place outside of the EU is still entitled to request a review under this scheme if the criminal proceedings in respect of which the review is sought take place within the EU.

10. All victims who are eligible to request a review under this scheme should be notified of their right to ask for a review at the point they are informed of the CO's decision not to charge a suspect, or in cases that cannot be heard summarily, the decision not to refer the case to the DSP. However reviews will not ordinarily be conducted until the conclusion of the investigation. This is to cater for situations where no further action is taken against one or more suspects but the case remains open and actively investigated. This further investigation may result in another suspect(s) being charged and thereby places the case outside the scope of qualifying cases. Consideration may need to be given to securing material that the victim indicates will form the basis of a future request for a review, where appropriate; particularly if it is liable to being lost or destroyed. If there is likely to be a significant period of time between the decision to take no further action and the concluding of the investigation consideration may also need to be given for conducting the review at an earlier stage, as very lengthy delays could strengthen a subsequent abuse of process argument made by the suspect.

11. It is recommended that COs make a record that a victim has been made aware of their right to ask for a review. The notification itself does not necessarily need to be made in writing. However, it is important that victims are provided with sufficient information to decide whether to request a review of a decision and it is recommended that written information on the VRR is provided to victims, either as part of the notification or as part of other information provided during the course of the investigation.

12. This VRR scheme is specifically intended to allow a victim to have an avenue to appeal against a decision not to charge a suspect, or not to refer the case to the DSP. It is not intended to allow others, such as campaigning groups, to direct reviews of cases that relate to their area of interest and such requests should be declined.

13. It is acknowledged that a victim might ask an individual to act on their behalf, such as a solicitor or an MP. COs may wish to consider the appropriateness of acting on such requests on a case by case basis and should wish to obtain written confirmation, where appropriate, that the person in question has the authority of the victim to act on their behalf.

Victims Entitled to an Enhanced Service

14. The Victims' Code identifies three categories of victim who are entitled to receive an enhanced service: vulnerable or intimidated victims, victims of the most serious crime and victims who are persistently targeted.

15. COs must look to ensure that victims entitled to an enhanced service are given an appropriate level of support to enable them to make an informed decision regarding their right to ask for a review. This might involve ensuring that relevant victim support agencies are engaged in helping the victim with their decision regarding VRR.

16. Reviews requested by a victim who is entitled to an enhanced service should be expedited, where possible, as the effect of the crime and of uncertainty regarding the outcome of the investigation are likely to have an increased impact on them.

Qualifying Cases

17. The COs' VRR scheme will only apply to offences in which there is a victim⁹⁷ and where a suspect has been identified.

18. The right of a victim to request a review arises when the CO makes a decision not to charge a suspect, or in cases which the CO cannot deal with summarily, decides to not refer the matter to the DSP.

19. The COs' VRR scheme will only apply to qualifying decisions made by a CO on or after the 16 Nov 15. The scheme does not apply retrospectively to decisions made before that date.

20. The following cases **DO NOT** fall within the scope of the COs' VRR:

- a. Cases where no suspect has been identified.
- b. Cases where a suspect is charged with (or a referral to the DSP made in respect of) offences that refer to some (but not all) of the allegations made against some (but not all) of the possible suspects.
- c. Cases where the suspect is charged with (or a referral to the DSP made in respect of) an offence that differs from the crime alleged (e.g. a victim alleges a common assault and the suspect is charged with a non-criminal conduct offence).
- d. Cases where the victim retracts their complaint or refuses to co-operate with investigation and the decision is therefore made not to charge the suspect(s).

⁹⁷ Victim is defined as a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence or a close relative of a person whose death was directly caused by a criminal offence. It does not include businesses.

21. It must be noted that the CO's VRR specifically relates to the decision not to charge or refer a case to the DSP and does not cover a CO's decision not to conduct an investigation.

Time Limits

22. When a victim requests a review of a decision it should be acknowledged within 10 working days.

23. Victims should be allowed to request a review within 3 months⁹⁸ of being notified of the decision not to charge the suspect or in cases that are not capable of being dealt with summarily, referred to the DSP. Requests made after this period should be dealt with at the discretion of Higher Authority. It is highly recommended that all case material is retained for at least the 3 month period open for review requests.

24. Wherever possible, reviews should be completed and the outcome communicated to the victim within an overall timeframe of 30 working days (i.e. 6 weeks from receipt of the request from the victim).

25. It is acknowledged that due to complexities in the case or due to operational reasons it may not always be possible to provide a VRR decision within the usual time limits. In such cases, the victim should be notified accordingly and be provided with regular updates on the progress of the review.

26. Where time limits apply for commencing proceedings every effort should be made to expedite the review.

Conducting the Review

27. The CO appointed by Higher Authority to undertake a review under this scheme must be independent of the original investigation.

28. The CO undertaking the review must approach the case afresh and reach their own conclusion regarding the decision not to charge, or in cases which cannot be heard summarily, the decision not to refer the case to the DSP.

29. Should a case require a level of specialist knowledge, the reviewing CO should either have relevant experience/qualifications in that field or have access to appropriate subject matter experts. The reviewing CO should also obtain fresh legal advice on the case before making their decision.

30. The reviewing CO should not assess whether the original decision was justified based on the process that was taken to reach it.

⁹⁸ This is the period during which a Judicial Review may be made in England and Wales.

31. A determination to overturn a decision not to make a referral must be grounded in the principle that the original decision was 'wrong' as per para 7(g) above. This is to ensure that such decisions have a legal foundation that will withstand challenge.

32. Factors that might be regarded as leading to a determination that the original decision was 'wrong' include, but are not limited to:

- a. An unreasonable decision to disregard compelling evidence;
- b. A significant misinterpretation of the evidence.
- c. A failure to consider, or an unreasonable decision to ignore, relevant policy.
- d. An incorrect application of the law.

33. The decision of the reviewing CO takes precedence over the original decision.

34. The outcome of the review and the rationale for the reviewing CO's decision should be recorded in writing. The rationale should clearly set out why the original decision was wrong, considering the factors in paragraph 30 above. This is important if the decision is subsequently challenged through Judicial Review.

The Outcome of the review

35. There are four potential outcomes of a review:

- a. The original decision is upheld.
- b. The original decision is overturned and the suspect is charged or the case referred to the DSP.
- c. It is determined that further investigation is required before the reviewing CO can make their decision.
- d. The original decision is overturned but the case is subject to a time limit for charging under AFA 06 s55-62 and proceedings cannot therefore be instigated.

36. The method of communicating the outcome of a review with a victim may be determined on a case by case basis but review decisions should be confirmed in writing, unless the circumstances of the case make it inappropriate to do so or the victim has stated that they do not wish to receive written communication.

37. If proceedings are to be commenced following review, the suspect should be advised. Suspects should not be made aware of the victim's request for a review during the review process or in cases where the original decision is upheld.

38. It is important that suspects are given clear information if they are informed of a decision to take no further action against them, making them aware that proceedings may still be initiated in light of fresh evidence or a review of the decision. This is vital to prevent abuse of process arguments precluding the instigation of proceedings following a review.

39. In cases where a time limit for charging applies but where the reviewing officer believes that the original determination was wrong, the only option available is to offer an explanation and, where appropriate, an apology to the victim.

40. A victim who remains dissatisfied with the outcome of a COs review and wishes to pursue the matter further may consider applying to the Courts for a Judicial Review.

Reviews, Complaints and Operational Learning

41. Reviews of decisions not to charge or refer a case to the DSP are **not** be considered to be 'complaints' against the CO that made the decision.

42. If a review reveals issues of misconduct or under-performance then these should be dealt with in the normal manner, but the purpose of a review is not to apportion blame.

43. Where lessons can be learned from the outcome of a VRR request, single Service Discipline Branches should establish a process for informing relevant parties and embedding the learning more widely where appropriate.

44. The decision of a CO not to bring a charge or not to refer a case to the DSP is excluded from being subject of a Service Complaint.

45. An expression of dissatisfaction by the victim in relation to a review decision should not automatically be treated as a complaint. The appropriate way for a victim to challenge the reviewing CO's decision is by way of Judicial Review.

46. A review decision cannot itself be reviewed under this scheme.

47. Complaints made regarding the person undertaking the review but not specifically about the decision of the review itself, such as an allegation relating to their conduct, should be dealt with by the appropriate complaints process.

ARMED FORCES CODE OF PRACTICE FOR THE VICTIMS OF CRIME – COMMANDING OFFICERS’ COMPLAINTS PROCEDURE

INTRODUCTION

1. The Armed Forces Code of Practice for Victims of Crime (“the Code”) sets out the services to be provided by Service Providers to the victims of crime committed by persons subject to Service law or civilians subject to Service discipline. Included in the list of Service Providers are Commanding Officers who exercise powers of investigation or charge, and Victim Liaison Officers⁹⁹. Victims are entitled to be treated by Service Providers in a respectful, sensitive and professional manner without any unlawful discrimination.

2. The Code provides that if a victim entitled to services under the Code believes that they have not received the services and support that they are entitled to by virtue of the Code, they can make a complaint. This DCI sets out the procedures for making and dealing with such a complaint.

COMPLAINTS

What is a complaint?

3. As set out above, this DCI applies to complaints made by a victim entitled to services under the Code who believes that they have not received the services and support that they are entitled to by virtue of the Code. It applies only to complaints made about Commanding Officers who exercise powers of investigation or charge, and Victim Liaison Officers. Complaints against other Service Providers should be made using their individual complaints procedures.

4. This procedure is distinct from the Service Complaint procedure outlined in JSP 831 - Redress of Individual Grievances: Service Complaints.

How a complaint may be made

5. If the victim feels comfortable doing so, they should first talk about their complaint with the person they have been dealing with as the representative of the Service Provider. This may help to answer or deal with the complaint. However, if this does not help answer the complaint, or the victim is not comfortable in dealing with the person directly, they may make a formal complaint in accordance with this procedure. A victim entitled to services under the Code is entitled to receive information about how to make a complaint, including contact details and the process for dealing with a complaint.

⁹⁹ A list of service providers is set out in paragraph 7 of the Introduction to the Code.

6. When making a formal complaint, the complaint must be made in writing¹⁰⁰, and should be addressed to the Commanding Officer of the person being complained about¹⁰¹. The word 'complaint' need not be used and care must be taken to ascertain whether in such correspondence the victim has a considered grievance needing to be resolved, rather than an observation to be noted or question that a victim wishes to be answered.

Who can complain?

7. The complaint may only be made by a victim entitled to services under the Code or someone acting on their behalf¹⁰². If it is being made by someone on the victim's behalf, evidence of their authority to act should normally be sought.

8. For crimes that occurred outside the EU, the complaints process is only available to victims in relation to criminal proceedings that take place within the EU¹⁰³.

When can a complaint be made?

9. Complaints must be made within 3 months of any obligation to the victim as required by the Code. Should a victim wish to make a complaint outside of this timescale because they were previously unaware of their entitlements under the Code and therefore did not know that they had not been met, the person receiving the complaint has discretion to decide whether it can be allowed, taking into account the circumstances of the incident and investigation and whether to do so would be fair and just to all concerned.

Out of scope complaints

10. The following complaints do not fall within the scope of this procedure:

- a. Complaints about the decision of a CO not to charge a suspect or in cases where a CO is unable to hear a charge summarily, a decision not to refer the case to the Director of Service Prosecutions. All matters concerning these decisions must be dealt with in accordance with the COs' Victims Right to Review Scheme.
- b. Anonymous complaints. All complaints must be made by the victim or by a person acting on behalf of the victim, with their consent.
- c. Complaints about the manner in which an investigation was conducted¹⁰⁴ (e.g. a complaint regarding the quality of the evidence gathered).

¹⁰⁰ This may include electronic communication, primarily email.

¹⁰¹ If the CO is implicated in any way in the matter complained of, the complaint should be made to the CO's immediate superior in the chain of command, or another CO must be appointed to deal with the complaint.

¹⁰² For example, a legal adviser.

¹⁰³ In a case, some criminal proceedings, such as the interview with the victim, may take place outside the EU, while other criminal proceedings, such as the Summary Hearing, may take place within the EU. The Code does not apply to those criminal proceedings that take place outside the EU.

¹⁰⁴ Except where this constitutes a breach of the Code.

- d. Complaints older than 3 months. Such complaints will be subject to the discretion detailed at para 9 above.
- e. Complaints which are deemed vexatious or malicious.

THE COMPLAINTS PROCEDURE

Aim

11. The aim of this procedure is to resolve any complaints made by victims at the lowest level, expeditiously and, where appropriate, to their reasonable satisfaction, taking appropriate action where relevant or providing information to the victim to demonstrate that any obligations required by the Code had been met.

Receipt of a complaint

12. Receipt of a complaint made under this procedure must be recorded at the earliest opportunity in order to ensure that an audit trail is maintained. Should a complaint be sent to the wrong Service Provider, they must use their best endeavours to redirect the complaint to the correct Service Provider, and inform the complainant that they have done this.

13. All complaints must be acknowledged with a letter or electronic communication being posted or sent within at least 3 working days of receipt. This acknowledgement must state that the complaint has been received and is being dealt with. It should also contain information about how complaints are dealt with and indicate how long it may take to receive a full response to the complaint.

Local Resolution

14. Local resolution is a way of understanding a complaint and resolving it directly with the person making the complaint as quickly as possible. For local resolution to be successful, the complainant must consent to it and cannot be forced or feel under any pressure to proceed in that manner. Where both appropriate and possible, local resolution at the lowest possible level should be the preferred method of addressing a complaint, as this will deal with the matter expediently for all involved in the process. Local resolution may be in the form of a personal visit from an officer with the authority to resolve issues or to issue an apology/explanation as appropriate. Should local resolution be achieved, it must be followed up by correspondence to the complainant confirming the nature of complaint and the resolution provided.

Commanding Officer complaint analysis

15. On receipt of the complaint, the Commanding Officer of the person complained about is to conduct an analysis of the complaint. On conclusion of the analysis, it should be apparent whether the matter can be resolved by way of local resolution or whether the matter requires further enquiries in order to respond fully to the complainant. Broadly, the analysis should focus on assessing the following:

- a. Who is complaining?
- b. What are they complaining about?
- c. Does the complaint fall within the scope of this procedure?
- d. If relevant, do the circumstances leading to the complaint seem to be as a result of a genuine error or honest mistake?
- e. What, if any, resolution is being sought by the complainant?
- f. Can the complaint be resolved locally?
- g. Are there wider lessons to be learnt from the circumstances that led to the complaint.
- h. Is there any suggestion of negligence or other misconduct?
- i. Does the matter require administrative or disciplinary processes to be considered?
- j. Does the complaint appear to be vexatious or oppressive (see paras 19 to 22 below)?

Determining Complaints

16. The Commanding Officer addressing the complaint is to:
 - a. Consider the complaint, taking into account the obligations of the Service Provider and entitlements afforded to the victim by the Code, together with the circumstances of the incident/offence investigated.
 - b. Decide whether the matter can be dealt with by local resolution.
 - c. Decide what action is necessary and proportionate (e.g. the taking of administrative/disciplinary action, additional training, the giving of an apology or the provision of a previously denied service) and initiate it.
 - d. Identify any organisational learning from the matter and disseminate it as appropriate.
 - e. Communicate the CO's findings and decision to the victim complaining¹⁰⁵. This may be conducted in person or in writing; however, if carried out in person this should be confirmed in writing.

¹⁰⁵ This may include a statement that administrative or disciplinary action is being considered, but will not include details of, including the outcome of, any such procedures. The disclosability or otherwise of any

- f. A copy of the decision and finding is to be forwarded to the single Service Discipline Branch.
- g. The determination of the complaint must be completed and the victim advised of the outcome (as per paragraph 14 e above) within 10 working days from receipt of the complaint, where practicable. If this is not practicable, the victim must be informed in writing of progress and an anticipated completion date in accordance with paragraph 13 above.
- h. All records must be retained for a minimum of six years from the date of the complaint.

Possible Outcomes

17. Following analysis of the complaint (at all levels) the range of outcomes may be one or more of the following:

- a. **Complaint rejected.** This may occur if the analysis and/or any fact finding identify that the complainant's belief is incorrect. The complainant should be informed of the finding and rationale/evidence for it in person or in writing. If in person, it is highly recommended that the conversation is confirmed in writing.
- b. **Local resolution.** See paragraph 14 above.
- c. **Complaint (or part of complaint) is upheld.** This could include an apology to the complainant and/or the provision of a service under the Code previously denied to the victim.
- d. **Administrative Action.** In some cases, it may be appropriate for administrative action to be considered, in which case joint and single Service guidance will apply. This should not delay the provision of a service under the Code previously denied to the victim where this is appropriate.
- e. **Disciplinary Action.** Where appropriate, disciplinary action may be commenced under the Armed Forces Act 2006. This should not delay the provision of a service under the Code previously denied to the victim where this is appropriate.
- f. **No Action.** Notice that no action will be taken should the complaint be classified as vexatious or malicious.

Apologies to persons making a complaint

18. It is possible that in the interaction with a victim, mistakes will be made in the informing or delivery of their entitlements under the Code. If, on analysis of the complaint,

administrative or disciplinary action will be determined separately in accordance with the rules applicable to those procedures.

there has been a mistake or error made by the person being complained about or personnel acting on his/her behalf then it may be appropriate that an apology is offered as soon as is reasonably practicable once the facts have been established. Specialist advice should be obtained from personnel and legal staff.

Vexatious or malicious complaints

19. Following analysis, it may be apparent that the complaint could be considered vexatious or malicious. It is important to note that it is the complaint itself that must be judged vexatious or malicious not the complainant. The complainant's past complaint history may however be relevant to show that the current complaint is vexatious or malicious. The complaint history may be relevant, for example to show whether there have been a series of like complaints that have been addressed, either directed at the person subject to this complaint or another person.

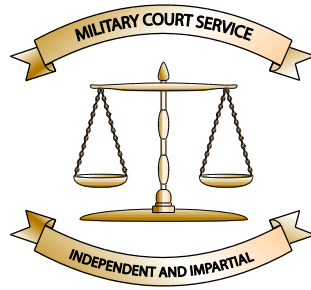
20. Proportionate assessment of the complaint remains necessary to establish whether a complaint lacks foundation or amounts to an abuse. Information and explanation should be provided to support the assessment.

21. A vexatious complaint is an unmeritorious and/or recurring complaint which seeks only to annoy or distress others, or cause unnecessary administrative effort. For a complaint to be vexatious, it does not have to be repetitious.

22. A malicious complaint is a complaint motivated by malice, spite or ill-will, which is intended to cause harm to others.

Disclosure

23. Disclosure of material is governed by the MOD disclosure policy and procedures. If requested by the person complaining, a copy of their complaint and the record of decision/finding may be provided once the CO has made a determination of the complaint. This will exclude any data protected by the Data Protection Act 1998, including, where appropriate, investigative material or security protected material. This may require the provision of a redacted copy of the relevant material, which must be sent to relevant single Service Discipline Branch for authority to release.



WITNESS
INFORMATION
LEAFLET

Introduction

This leaflet provides you with information about giving evidence at a Service Court. It describes what happens in court and tells you how to get advice and further information.

Attending court as a witness can be a worrying experience and court procedures can be confusing. If you would like to make a familiarisation visit to a Court Centre near you, including the courtroom, before giving evidence, please let the Court Staff know and they will arrange this. Contact details, and a location map of the Court Centre you are attending, are attached. A pre-trial visit is encouraged if you have never given evidence in a Service Court. Special arrangements are made for vulnerable witnesses, including children. If you are a parent of a child witness, please contact the Court Staff in advance and they will explain these arrangements to you.

The Court Staff wear identification badges and they will provide help and advice to you at the Court Centre. You may bring a companion to the court, but please discuss this with the Court Staff beforehand so that suitable arrangements can be agreed.

The Court Martial is the equivalent of a Crown Court, but instead of a judge and jury there is a Judge Advocate and three, sometimes five, Service members. In some cases there may be civilian members. The Summary Appeal Court is the court which hears appeals from decisions made by an officer at a summary hearing. It has a Judge Advocate and two Service members. Lastly, there is the Service Civilian Court, which has a Judge Advocate sitting alone. It equates to a Magistrates' Court and it only tries civilians.

Administration

Service Witnesses

Attendance at court is a duty requirement for Service personnel. You must attend at the date and time given to you by the Court Staff. Any expenses incurred are claimed in the normal way.

Civilian Witnesses

The Court Staff will contact you to discuss your administrative arrangements for attending at court. It is very important that you attend at the date and time notified to you. Failure to attend could result in the Judge Advocate issuing a summons to ensure your attendance, in just the same way as at any other criminal court. Witnesses are entitled to claim most of the costs associated with attendance at court (e.g. travel, meals, accommodation, loss of earnings etc). Claim forms are available from the Court Staff and the completed forms, supported by receipts where relevant, should be handed to them before departure from the Court Centre. Refunds are the same as for attendance at Crown Court.

Getting to Court

You will have received from the Headquarters Military Court Service a notice to attend court. This provides you with the outline details of the time and place of the hearing. The exact date and time of attendance will be confirmed by the Court Staff nearer to the date of the hearing. The Court Staff will discuss your travel arrangements with you and arrange for a rail ticket to be sent if required. If you are travelling in your own transport or on public transport, you will receive reimbursement at the publicly approved rates. The Court Staff will advise you on the best method of travel depending on your particular circumstances. If there is a possibility that you will be required to stay overnight, they will arrange accommodation for you. For those travelling from overseas, transport on arrival at the airport can be arranged.

Attendance on the Day

Security

The hearing will be held at the named Court Centre. Whilst the guards at the Main Gate or Court Centre will be informed of your arrival, to assist, please bring with you some proof or form of identity, e.g. a Service identity card, a passport or photo-card driving licence, and allow sufficient time for the necessary security checks to be completed.

The Court Centre

On arrival at the Court Centre you should report to the reception desk. There will be separate waiting rooms available for prosecution and defence witnesses. If you are a victim, you should be aware that the defendant will be in the vicinity of the court. However, be assured that the defendant has a waiting room which is quite separate from the witnesses. If you gave a statement to the police during the investigation, the Prosecutor will provide you with a copy of your statement. You should take time to read through the statement carefully to refresh your memory. If time permits, witnesses will be taken into the courtroom to familiarise them with the layout. During your time at court you must not discuss the case, the content of your statement or your evidence with anyone else. Lunch and refreshments will normally be available at the Court Centre.

Giving Evidence

When you are required in the courtroom, the Court Usher will tell you and guide you to the correct place. Service witnesses will be instructed to salute when they enter the courtroom and then to remove head-dress; this is the only formal element. It is important that the court hears your evidence and you should not be worried or feel intimidated by appearing before the court. All witnesses have equal standing and no witness has a right to be believed, or not, simply because of their status or position. All witnesses are required to swear an oath or make an affirmation. If you prefer to affirm or wish to take the oath using a holy book other than the Holy Bible, please tell the Court Staff when you arrive. The Court Usher will guide you through the procedure. Witnesses will normally sit when giving evidence and water will be available.

Court Procedure

If you are a prosecution witness, the Prosecutor will put questions to you first. The Defence will then follow with its questions. Answers should be given clearly. Matters will be taken slowly as the Judge Advocate will be taking a written note of all the evidence. The court does not see a copy of your statement. The only evidence they hear is that which you give from the witness box. If you do not know the answer to a particular question, simply say so. If you are a defence witness, the process is reversed with the Defence putting its questions first. Before completion there may be points of clarification required, and the Judge Advocate may also ask you some questions. When you have finished giving your evidence, you will be free to leave the Court Centre. The Judge Advocate will give you a reminder not to discuss the case with anyone until you know that the trial or appeal is over. Service witnesses will be instructed to replace head-dress, salute and then leave the courtroom.

Afterwards

Once the trial or appeal has been completed, the outcome is notified to the Service chain of command. If you are a victim and wish to be informed of the outcome, please leave your details with either the Prosecutor or the Court Staff.

Further Information

If you have any concerns about giving evidence or attendance at court, please do not hesitate to contact the Court Staff whose details are on the attendance notice.

The Witness Service

You may wish to contact the Witness Service. This is a civilian organisation run by Victim Support, the national charity that helps people cope with crime. The service is confidential and free. They have offices throughout the UK and have trained volunteers who can offer friendly guidance and support. The Witness Service helps witnesses, victims and their families before, during and after the trial or appeal. Contact details are on the enclosed Witness Service letter. Alternatively, you can ask the Court Staff to contact the Witness Service for you.

Notes

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