
STATUTORY INSTRUMENTS

2015 No. 1811

**CRIMINAL JUSTICE
DEFENCE**

**The Criminal Justice (Armed Forces Code of
Practice for Victims of Crime) Regulations 2015**

Made - - - - 21st October 2015
Laid before Parliament 23rd October 2015
Coming into force - - 16th November 2015

The Secretary of State is a Minister designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to criminal justice.

The Secretary of State makes the following Regulations in exercise of the powers conferred by that section:

Citation and commencement

1. These Regulations may be cited as the Criminal Justice (Armed Forces Code of Practice for Victims of Crime) Regulations 2015 and shall come into force on 16th November 2015.

Armed Forces Code of Practice for Victims of Crime

2. The code of practice entitled “The Armed Forces Code of Practice for Victims of Crime” set out in the Schedule shall come into operation on 16th November 2015.

Effect of non-compliance

3.—(1) If a person fails to perform a duty imposed on him by the code of practice set out in the Schedule, the failure does not of itself make him liable to criminal or civil proceedings.

(2) But the code of practice is admissible in evidence in criminal or civil proceedings and a court may take into account a failure to comply with the code of practice in determining a question in the proceedings.

(1) [S.I. 2012/2752](#).

(2) Section 2(2) was amended by section 27(1)(a) and (b) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

21st October 2015

Mark Lancaster
Parliamentary Under Secretary of State
Ministry of Defence

SCHEDULE

Regulations 2 and 3

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⁽³⁾ 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:

(1) a natural person⁽⁴⁾ who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence⁽⁵⁾;

(2) 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.

(3) 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);

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

(5) 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.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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

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:

- (1) Service Police;
- (2) Commanding Officers exercising powers of investigation or charge;
- (3) Victim Liaison Officers;
- (4) The Military Court Service;
- (5) The Service Prosecuting Authority;
- (6) The Commandant, Military Corrective Training Centre;
- (7) The UK Supreme Court;
- (8) The Criminal Cases Review Commission;
- (9) 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⁽⁶⁾. 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 without unnecessary delay from your first contact with the Service Police or Commanding Officer exercising powers of criminal investigation:

(1) where and how to get advice or support, including access to medical support, any specialist support (such as psychological support) and alternative accommodation⁽⁷⁾;

(2) what you need to do to report a criminal offence, and who you should contact in case you have any questions about the case;

(3) any measures available for your protection, if required;

(4) how to seek compensation;

(5) what to do if you are not present in the UK;

(6) the availability of interpretation and translation services;

(7) how to make a complaint about a service provider or other competent authority;

(8) 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.

⁽⁶⁾ See, however, paragraphs 16 to 18 of the Code.

⁽⁷⁾ This may vary depending on a number of circumstances – see paragraphs 16 to 18 of Part 1 of the Code.

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⁽⁸⁾.

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

- (1) if the crime took place in the European Union; or
- (2) for crimes that took place outside the European Union, only in relation to criminal proceedings that take place in the European Union.⁽⁹⁾

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.

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.

⁽⁸⁾ 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.

⁽⁹⁾ 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 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⁽¹⁰⁾.

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:

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

Interpretation and translation

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

- (1) when reporting a criminal offence⁽¹¹⁾;
- (2) when being interviewed by the Service Police or Commanding Officer exercising powers of investigation; and
- (3) when giving evidence as a witness.

⁽¹⁰⁾ 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.

⁽¹¹⁾ You are entitled to report the crime in a language you understand or with the necessary linguistic assistance if you don't speak English.

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

- (1) the written acknowledgement of the reported crime;
- (2) 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;
- (3) the document informing you of the date, time and place of trial; and
- (4) 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.

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(12) in the following categories because they are more likely to require enhanced support and services through the Service Justice System:

- (1) Victims of the most serious crime;
- (2) Persistently targeted victims; and
- (3) 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(13). 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,

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

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

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.

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⁽¹⁴⁾ if:

- (1) You are under 18 years of age at the time of the offence, or
- (2) The quality of your evidence is likely to be affected because;
 - (a) You suffer from mental disorder within the meaning of the Mental Health Act 1983;
 - (b) You otherwise have a significant impairment of intelligence and social functioning; or
 - (c) 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.⁽¹⁵⁾

48. When assessing whether a victim is intimidated, the service provider must take account 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. Victims of a sexual offence or human trafficking will automatically be considered to be intimidated; and

(3) 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.

⁽¹⁴⁾ 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).

⁽¹⁵⁾ 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:

(1) To have the same person, where possible, conduct all the interviews (unless to do so would prejudice the proper handling of the investigation):

(2) 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);

(3) To have interviews carried out by or through professionals trained for that purpose;

(4) 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:

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

(2) 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;

(3) 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;

(4) Removal of wigs and gowns by judges, defence and prosecution advocates;

(5) 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(16).

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(17) the following:

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

(17) 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.

(1) 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;

(2) a clear explanation of what to expect from the Service Justice System when you report a crime;

(3) 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⁽¹⁸⁾, and to determine whether and to what extent you may benefit from Special Investigations Measures and Special Measures;

(4) 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;

(5) to be notified, without unnecessary delay, of your entitlement to receive the following information:

- (a) 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;
- (b) the time and place of the trial or Summary Hearing, and the nature of the charges against the accused;
- (c) any final judgement in the trial or Summary Hearing, including a brief summary of reasons for the decision where available;
- (d) 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;
- (e) 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;

(6) to be informed how often you will receive updates on the status of the case following discussion with the investigator;

(7) an explanation, without unreasonable delay, of a decision not to investigate a crime;

(8) 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⁽¹⁹⁾. 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.

⁽¹⁸⁾ See also paragraph 39 of this Code.

⁽¹⁹⁾ See, however, paragraphs 16 to 18 of this Code.

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

- (1) a suspect being released from Service custody with no further action;
- (2) 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⁽²⁰⁾.

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:

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

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:

- (1) to have information on Special Investigation Measures explained to you where appropriate (see paragraphs 49 to 52 of this Code);
- (2) to have information on Special Measures explained to you, where appropriate (see paragraphs 53 and 54 of this Code);
- (3) 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:

- (1) have a Service Police Family Liaison Officer assigned to you by the Service Police where the Senior Investigating Officer considers this to be appropriate;
- (2) be offered accessible advice on bereavement and information on available victim support service by the Service Police⁽²¹⁾.

⁽²⁰⁾ 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.

⁽²¹⁾ See, however, paragraphs 16 to 18 of this Code.

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 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(22). 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

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

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:

- (1) to refer the case to the Commanding Officer or the Director of Service Prosecutions;
- (2) not to refer the case to the Commanding Officer or the Director of Service Prosecutions;
- (3) to charge the suspect;
- (4) not to charge the suspect.

83. Following:

(1) 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,

(2) a Commanding Officer's or Service Prosecuting Authority decision⁽²³⁾ not to bring or direct a charge, or

(3) 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

⁽²³⁾ 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.

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:

- (1) a suspect being released from Service Custody with no further action;
- (2) 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⁽²⁴⁾.

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:

- (1) substitute for the charge another charge against the accused;
- (2) substantially alter a charge;
- (3) bring an additional charge against the accused;
- (4) discontinue proceedings on the charge;
- (5) offer no evidence in all proceedings;
- (6) refer the charge to the accused's Commanding Officer;
- (7) 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:

- (1) substitute for the charge another charge against the accused;
- (2) substantially alter a charge;
- (3) bring an additional charge against the accused;
- (4) discontinue proceedings on the on the charge;
- (5) 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

⁽²⁴⁾ 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.

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:

- (1) 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;
- (2) receive the information requested in paragraph 96(1) 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⁽²⁵⁾;
- (3) 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;
- (4) 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⁽²⁶⁾ where appropriate;
- (5) 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;
- (6) 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

⁽²⁵⁾ 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.

⁽²⁶⁾ See paragraphs 16 to 18 of the introduction.

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:

(1) 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;

(2) 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;

(3) 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;

(4) 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;

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

(6) 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:

(1) 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;

(2) 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;

(3) 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;

(4) 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:

(1) 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;

(2) 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;

(3) be directed by the Victim Liaison Officer to victim support services where appropriate and where they are available(27).

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.

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

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:

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

115. You are also entitled to:

(1) 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;

(2) 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;

(3) be provided with a Military Court Service contract point at the Summary Appeal Court;

(4) receive information about victim support services where appropriate and available⁽²⁸⁾.

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.

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:

(1) an application to the Summary Appeal Court to have a case stated for the opinion of the High Court has been made;

(2) the judge advocate's decision as to whether or not they have decided to state a case;

(3) the date, time and location of any hearing before the High Court;

(4) the outcome of that stated case.

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

(1) 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;

⁽²⁸⁾ See paragraphs 16 to 18 of the Introduction.

(2) 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.

(3) be provided with a High Court staff contact point at the High Court;

(4) receive information about victim support services where appropriate and available(29).

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:

(1) any notice of appeal that has been made;

(2) the date, time and location of any hearing;

(3) the outcome of that appeal, including any changes to the original sentence.

120. You are also entitled to:

(1) 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;

(2) 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;

(3) be provided with a contact point at the Military Court Service;

(4) receive information about victim support services where appropriate and available(30).

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:

(1) be told by the Victim Liaison Officer, without unreasonable delay, that the appellant has been given leave to appeal;

(2) receive information from the Victim Liaison Officer, without unreasonable delay, about the date, time and location of any hearing;

(3) 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;

(4) receive the information requested in paragraph 122(3) 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);

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

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

(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.

(5) receive an update from the Victim Liaison Officer, without unreasonable delay, on any changes to hearing dates;

(6) be provided, by your Victim Liaison Officer, with a contact point for the Court staff;

(7) be told, without unreasonable delay, about the result of the appeal. This includes any changes to the original sentence;

(8) 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;

(9) 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 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:

- (1) receives a sentence of Service detention;
- (2) receives a sentence of imprisonment or youth custody of 12 months or more; or
- (3) 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⁽³²⁾:

(1) 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;

(2) be assigned a Military Corrective Training Centre Liaison Officer who will act as your point of contact for the scheme;

(3) receive information from the Military Corrective Training Centre without unnecessary delay about the offender’s Short Term Temporary Release, Re-Integration Leave, Compassionate Leave, transfer to open conditions, release on licence, or Community Work placements, or final release;

(4) 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;

⁽³²⁾ 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.

(5) 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:

(1) receive information from the service provider on how to make a complaint, including contact details and the process for dealing with a complaint;

(2) make a complaint if you feel that your entitlements set out under the Code have not been met by service providers;

(3) receive either an acknowledgement of your complaint or full response to your complaint within 10 working days of receipt of the complaint;

(4) 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;

(5) 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⁽³³⁾. 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.

⁽³³⁾ See paragraphs 15 to 21 of this Code.

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:

(1) 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;

(2) a clear explanation of what happens next;

(3) 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;

(4) talk to the investigator to help you work out what support you need. This is called a “needs assessment”;

(5) 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⁽³⁴⁾.

(6) To be notified, without unnecessary delay, of your entitlement to receive the following information;

(a) 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;

(b) the time and place of the trial or Summary Hearing, and the nature of the charges against the accused;

(c) any final judgement in the trial or Summary Hearing, including a brief summary of reasons for the decision where available;

(d) 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;

(e) 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

⁽³⁴⁾ See paragraphs 16 to 18 of this Code if you are not present in the United Kingdom.

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:

(1) 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;

(2) ask for someone to help you understand the questions you are being asked;

(3) 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 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:

(1) receive information about what is happening and discuss with the investigator how often they will contact you;

(2) 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;

(3) 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;

(4) receive the information requested in paragraph 157(3) 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⁾;

(5) 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:

(1) 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;

(2) 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;

(3) 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.

(4) the date of any hearing being set and the outcome of the hearings;

(5) 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⁽³⁶⁾.

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

⁽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.

⁽³⁶⁾ 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.

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.—(1) 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;

(2) You are entitled to the information requested in paragraph 165(1) 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⁽³⁷⁾.

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 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⁽³⁸⁾.

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:

(1) 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;

(2) 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;

(3) 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);

(4) 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;

(5) 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

⁽³⁷⁾ 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.

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

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:

(1) view your statement to help refresh your memory, a copy will be made available to you on the day of the hearing;

(2) 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:

(1) 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;

(2) 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;

(3) 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;

(4) be given a contact point at the court where you can find out what is happening while you are waiting to give your evidence;

(5) 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;

(6) 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;

(7) 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:

(1) 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;

(2) 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;

(3) 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;

(4) 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**(39)**.

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:

- (1) to be told whether the court will let the appeal go ahead;
- (2) 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;
- (3) to receive the information requested in paragraph 180(2) 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**(40)**.
- (4) 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;
- (5) to be told the outcome of the appeal or if there are any changes to the sentence originally given by the court;
- (6) to receive information about victim support services that can help you, where available**(41)**.

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.

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.

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

(40) 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.

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

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:

- (1) receives a sentence of Service detention;
- (2) receives a sentence of imprisonment or youth custody of 12 months or more; or
- (3) 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⁽⁴²⁾:

- (1) decide whether you want to receive information about key stages of the offender’s sentence;
- (2) be given the details of a person who will be your point of contact for the scheme;
- (3) 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;
- (4) 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 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.

(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.

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:

(1) receive information from the organisation on how to make a complaint, including contact details and the process for dealing with a complaint;

(2) receive:

(a) an acknowledgement saying that the organisation has got your complaint and is dealing with it, or

(b) a full response to your complaint,

within 10 working days;

(3) 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;

(4) receive confirmation from the organisation you complain to that says they have got your complaint and when to expect an answer;

(5) 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⁽⁴³⁾ 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:

(1) 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;

(2) 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;

(3) notify the victim, without unnecessary delay, of their entitlement to receive the following information:

(a) 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;

⁽⁴³⁾ See paragraphs 15 to 21 of this Code.

- (b) the time and place of the trial or Summary Hearing, and the nature of the charges against the accused;
 - (c) any final judgement in the trial or Summary Hearing, including a brief summary of reasons for the decision where available;
 - (d) 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;
 - (e) 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.
- (4) 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;
- (5) 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;
- (6) 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;
- (7) 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;
- (8) 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;
- (9) inform all victims about this Code and how they can find out more about it;
- (10) explain to all victims that their details will be passed to victim support services by the Service Police if they wish this to happen(44);
- (11) seek explicit consent from victims before sending their details to victim support services(45);
- (12) 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(46);
- (13) 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;
- (14) explain, without unreasonable delay, a decision not to investigate a crime;
- (15) 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(47) of:

- (1) a suspect being released from Service custody with no further action;

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

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

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

(47) Note paragraph 204 of this Code.

(2) a suspect being released from Service custody and any Service custody release requirements which are imposed, changed or cancelled.

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⁽⁴⁸⁾.

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:

- (1) the need for an intermediary or linguistic assistance to help the victim to communicate their evidence effectively;
- (2) any disabilities or special needs the victim has;
- (3) the timing and location of the interview;
- (4) the gender of the interviewer and victim;
- (5) 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⁽⁴⁹⁾ (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:

- (1) conduct the interview without unjustified delay after the facts have been reported⁽⁵⁰⁾;
- (2) limit the number of interviews where possible and only carry out interviews where strictly necessary for the purposes of their investigation;
- (3) keep medical examinations to a minimum and carry them out only where strictly necessary for the purposes of the criminal proceedings;
- (4) allow the victim to be accompanied by a person of their choice, unless a reasoned decision has been made to the contrary;
- (5) 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.

⁽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.

⁽⁴⁹⁾ 1999 c.23.

⁽⁵⁰⁾ See, however, paragraphs 15 to 18 of this Code.

Victim Personal Statement

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

- (1) any victim at the time they complete a witness statement about what has happened;
- (2) 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);
- (3) 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(51).

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:

- (1) 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;
- (2) that the victim may be questioned on the Victim Personal Statement in court or Summary Hearing;
- (3) the risk to the victim's privacy;
- (4) that the contents of the Victim Personal Statement may be reported by the media if the case is heard in a Service court; and
- (5) 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

(51) 1967 c. 80.

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.

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:

(1) 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;

(2) 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;

(3) ensure the victim is notified, without unnecessary delay, of their entitlement to receive the following information:

- (a) 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;
- (b) the time and place of the trial or Summary Hearing, and the nature of the charges against the accused;
- (c) any final judgement in the trial or Summary Hearing, including a brief summary of reasons for the decision where available;
- (d) 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;
- (e) 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;

(4) 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);

(5) 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;

(6) 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;

(7) 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;

(8) 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;

(9) ensure that victims are informed about this Code and how they can find out more about it;

(10) 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⁽⁵²⁾;

(11) ensure that explicit consent is sought from victims before sending their details to victim support services⁽⁵³⁾;

(12) 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⁽⁵⁴⁾;

(13) 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;

(14) ensure that a decision not to investigate a crime is explained without unreasonable delay;

(15) 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

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

⁽⁵³⁾ See, however, paragraphs 16 to 18 of this Code.

⁽⁵⁴⁾ See, however, paragraphs 16 to 18 of this Code.

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⁽⁵⁵⁾ of:

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

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⁽⁵⁶⁾.

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:

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

230. The Commanding Officer must:

- (1) ensure that the interview is conducted without unjustified delay after the facts have been reported⁽⁵⁷⁾;
- (2) limit the number of interviews where possible and only carry out interviews where strictly necessary for the purposes of the investigation;
- (3) keep medical examinations to a minimum and carry them out only where strictly necessary for the purposes of the criminal proceedings;
- (4) allow the victim be accompanied by a person of their choice, unless a reasoned decision has been made to the contrary;
- (5) 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.

⁽⁵⁵⁾ Note paragraph 228 of this Code.

⁽⁵⁶⁾ 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.

⁽⁵⁷⁾ See, however, paragraphs 15 to 18 of this Code.

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:

- (1) any victim at the time they complete a witness statement about what has happened;
- (2) 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);
- (3) 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.

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:

- (1) 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;
- (2) that the victim may be questioned on the Victim Personal Statement in court or Summary Hearing;
- (3) the risk to the victim's privacy if the case is heard in a Service court;
- (4) that the contents of the Victim Personal Statement may be reported by the media if the case is heard in a Service court; and
- (5) 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(58) in respect of a case, the Victim Liaison Officer must inform the victim, without unreasonable delay, of:

(1) any decision to charge or to refer the case to the Director of Service Prosecutions;

(2) any decision not to charge or not to refer(59) 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:

(1) the date, time and location of any Summary Hearing; and

(2) 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(60) of a suspect being released from Service custody and of any Service custody release requirements which are imposed, changed or cancelled.

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

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

(60) Note paragraph 246 of this Code.

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**(61)**.

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

- (1) substitute for the charge another charge against the accused;
- (2) substantially alter a charge;
- (3) bring an additional charge against the accused;
- (4) discontinue proceedings on the charge; or
- (5) 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.

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**(62)**, the Service Prosecuting Authority prosecutor responsible for the case must inform the victim without unreasonable delay of:

(1) any decision to charge**(63)**, allocate the charge for trial by a Service court or to refer the case to the Commanding Officer;

(2) 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**(64)**.

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**(65)**.

(61) 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.

(62) 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).

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

(64) 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.

(65) Note paragraph 254 of this Code.

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⁽⁶⁶⁾.

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:

- (1) substitute for the charge another charge against the accused;
- (2) substantially alter a charge;
- (3) bring an additional charge against the accused;
- (4) discontinue proceedings on the charge;
- (5) offer no evidence in all proceedings;
- (6) refer the charge to the accused's Commanding Officer;
- (7) make a direction barring further proceedings.

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:

- (1) notify victims of the time, date, location, adjournment, postponement and outcome of any Summary Hearing without unreasonable delay;
- (2) 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⁽⁶⁷⁾;
- (3) 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;
- (4) the Victim Liaison Officer must advise the victim that they may ask to be informed⁽⁶⁸⁾ of a suspect being released from Service custody and any Service custody release requirements which are imposed, changed or cancelled;

⁽⁶⁶⁾ 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.

⁽⁶⁷⁾ See paragraphs 16 to 18 of this Code.

⁽⁶⁸⁾ Note paragraph 259(5) of this Code.

(5) the victim is entitled to the information requested pursuant to paragraph 259(4) 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(69).

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:

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

(2) following a not-guilty plea, discuss any needs the victim may have and refer the victim to victim support services where appropriate(70);

(3) 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;

(4) inform victims of the outcome of the Special Measures applications;

(5) 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 any Service custody release requirements which are imposed, changed or cancelled;

(6) the victim is entitled to the information requested pursuant to paragraph 262(5) 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).

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:

(1) court dates in relation to all hearings;

(2) the outcome of Service custody and administrative Special Measures applications;

(3) adjournments and postponements of scheduled hearings;

(69) 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.

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

(71) Note paragraph 262(6) 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.

(4) 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:

(1) 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;

(2) where appropriate explain the Special Measures that may be available to assist the victim in giving their best evidence in court;

(3) 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;

(4) 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

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:

(1) 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;

(2) 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;

(3) 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;

(4) 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⁽⁷³⁾. 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:

(1) 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;

(2) wherever possible, explain any delay in proceedings and tell the victim how long the wait is likely to be.

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:

(1) any Special Measures required by the victim are available if the court has ordered them;

(2) 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;

(3) 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⁽⁷⁴⁾. 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.

⁽⁷³⁾ See paragraphs 16 to 18 of this Code.

⁽⁷⁴⁾ See paragraphs 16 to 18 of this Code.

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.

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:

- (1) the date, time and location of any hearings; and
- (2) 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:

(1) victims and any family members who are attending court can enter the court through a different entrance where possible;

(2) they provide a Military Court Service contact point for the victim during usual working hours;

(3) 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:

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

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

- (1) 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;
- (2) they provide a High Court staff contact point for the victim during usual working hours;
- (3) 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:

- (1) any notice of appeal that has been made;
- (2) the date, time and location of any hearings; and
- (3) 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:

- (1) 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;
- (2) they provide a Military Court Service contact point for the victim during the usual working hours;
- (3) 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⁽⁷⁵⁾.

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⁽⁷⁶⁾ of the following information:

- (1) that leave to appeal has been granted and a hearing in designated form will occur;
- (2) a contact point for the victim during usual working hours during the hearing;
- (3) 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:

- (1) 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;
- (2) they provide appropriate waiting and seating facilities as set out in paragraph 122, including separate facilities for victims and their close relatives where available;
- (3) they provide a victim in the case or their family spokesperson with a copy of the court's approved and published judgment when requested.

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

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.

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:

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

The Armed Forces Victim Contact Scheme

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

- (1) receives a sentence of Service detention,
- (2) receives a sentence of imprisonment of youth custody of 12 months or more, or

(3) 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⁽⁷⁷⁾:

(1) assign a Military Corrective Training Centre Liaison Officer who will act as your point of contact for the scheme;

(2) 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;

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

(4) 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;

(5) 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

⁽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.

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 paragraph 1.15. 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 needs 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.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into operation the Armed Forces Code of Practice for Victims of Crime (“the Code”) set out in the Schedule, making provision as to the services to be provided to a victim of criminal conduct by service providers within the Armed Forces 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 and replacing Council Framework Decision 2001/220/JHA (OJ L 315, 14.11.2012, p. 57-73).

The Code consists of six Parts. Part 1 provides an introduction, stating who is entitled to receive services under the Code and who is to provide those services. It also provides for interpretation and translation services to be made available for victims of crime where needed. Part 2 provides for certain categories of victims to receive enhanced services such as Special Measures. Further services for victims under the Code are set out in Part 3 for adults and Part 4 for persons under 18 years of age, while Part 5 sets out what service providers must do to ensure that those services are provided. Part 6 sets out definitions for the purposes of the Code.