

**Victim Policy**

**Reviewed 01.10.18**

Becoming a victim of crime can be a deeply traumatic experience for anyone and it is important that such trauma is never compounded by an individual’s experience of the criminal justice system. Gateshead Youth Offending Team (YOT) has a commitment to working with victims in a way that is respectful, victim centred and works to repair the harm caused. This policy incorporates the ethos of the 2018 HM Government Victim Strategy and Restorative Justice National Occupational Standards and is in accordance with statutory minimum standards as outlined in the Victim Code of Practice (2015).

*‘Restorative Justice brings those harmed by crime or conflict and those responsible for the harm into communication, enabling everyone affected by a particular incident to play a part in repairing the harm and finding a positive way forward.’(Restorative Justice Council,* [*www.restorativejustice.org.uk*](http://www.restorativejustice.org.uk)*)*

**The aims of this victim policy are:**

* To provide a framework that promotes best practice, following Youth Justice National Standards, the Restorative Justice Council and Victim Code of Practice (2015)
* To provide practitioners and victims of crime with quality information about the Restorative options available to make a personal informed choice about participation and what option will suit their needs best.
* To provide victims of crime with a quality service by having a group of trained and qualified staff to facilitate Restoratives approaches.
* Ensure that victims feel empowered to make their views known and are assisted toward recovery from harm.

In accordance with National Standards for both the Youth Offending Team and the National Probation Service (NPS) it is a statutory duty of the NPS to provide a service to victims of sexual and violent offences where the offender has received a custodial sentence of 12 months or more. In these circumstances the age of the perpetrator is irrelevant, and services will be always provided by the NPS victim worker.

Gateshead Youth Offending Team is committed to following the Council’s equal opportunities policy and will treat everyone regardless of race, religion, gender, sexual orientation or abilities with respect and offer equal access to services. Where required victims will be entitled to interpretation of services in a language they understand including written documents where relevant.

**Restorative Justice**

Restorative Justice (RJ) attempts to repair the harm caused by offending. Gateshead YOT endeavour to enable victims of crime to make informed choices about the best restorative intervention for them by providing sufficient information and empowering victims in the process. Information about intervention is shared through one or more methods including face to face, over the phone, in writing (letter from the victim worker or a leaflet and a DVD both produced by Gateshead Youth Offending Team). The DVD is made with local people who have gone through different RJ processes facilitated by Gateshead YOT.

From the outset victims of crime will be informed that engagement in the process is wholly voluntary and that they can withdraw consent to engage in such processes at any time. Additionally, should a victim refuse the offer of a restorative process and then subsequently change their mind, then Gateshead YOT will endeavour to facilitate such requests wherever possible.

To ensure that all victims of crime are given an opportunity to participate in the Restorative Justice process and to facilitate all victims’ requirements and requests they are given the following RJ interventions as options:

* **Restorative meeting;**
* **Mediation (Direct or Shuttle);**
* **Reparation (both for the benefit of the community and /or specifically requested by the victim);**
* **Letter from the young person (apology or explanation);**
* **Be kept updated about the progress the young person is making on their intervention;**
* **Other forms of multi media can also be used to record indirect mediation between parties.**

Also, with the agreement of the victim at the initial contact, Gateshead Youth Offending Team will contact victims by phone at different times during the young person’s intervention to update them on the progress.

If a victim is unhappy or dissatisfied with their treatment by representatives of Gateshead Youth Offending Team, they may choose to make a complaint via the Council’s Corporate procedure. The Youth Offending Team will ensure that victims are aware of the procedure.

Gateshead YOT will ensure that victims receive a seamless service in cases where Police have made an initial referral to Victim’s First.

Gateshead YOT endeavour to complete a home visit, with every victim, however at times this may not be possible. The minimum initial contact will be a telephone call. With liaison with the Police Officer based within Gateshead Youth Offending Team, a risk assessment will take place and if there are any identified risks apparent, staff will follow Gateshead Youth Offending Team policies and procedures for home visits to service users..

Gateshead YOT is committed to the aims of Youth Justice System and swift justice however it recognises that victims may need time to consider their options and consult with family and friends. Victims should not be pressurised or coerced into making a decision. Due to this, victims will be left with the information and if interested but unsure, they will be contacted at an agreed later date to discuss RJ again.

Gateshead YOT is committed to contacting all victims of crime where appropriate, and in doing so recognise that victims have the right to be listened to and kept informed. Where the young person has committed offences against more than one victim, Gateshead Youth Offending Team will attempt to contact each victim individually. In the case of Referral Orders where victims may attend the initial panel meeting, consideration also needs to be given to the rights of the offender, where the attendance of more than one victim may create an imbalance.

In terms of Pre-sentence RJ, the Youth Offending Team will work with the courts to offer RJ to the victims before sentencing. The YOT will also work in partnership with the Courts and Police, to follow timescales and procedures put in place by the Ministry of Justice (2014) through their policies and procedures on Pre-Sentence RJ.

Issues raised by cases where the victim and offender are members of the same family or are otherwise known to each other can be complex therefore need to be treated with sensitivity. Cases that involve Domestic Violence and Sexual offending also need to be treated with sensitivity and Gateshead Youth Offending Team will do so on an individual basis.

**Confidentiality**

In any intervention the protection of issues of a confidential nature for all participants will be a priority. Victims will only be contacted by either the Officer in Charge (OIC) or the YOT Victim Liaison Officer who has undergone additional vetting suitable to the post as defined by Northumbria Police. Any information about the victim will only be given to the young person with the victim’s specific written consent. Personal information concerning the young person will also only be given to the victim with the offender’s specific permission, with the exception of details regarding the type of sentence received, the contract at a panel meeting, the progress they have made and where appropriate the month of release from custody.

The exception to confidentiality would be any issues of a child protection nature and the prevention of grave crimes or serious harm.

Within any restorative approach which involves a face to face meeting, both parties should be asked to accept confidentiality within that forum, with exception as mentioned in the previous paragraph. If this cannot be agreed then the meeting should not proceed.

**Data Retention**

Any written records or files containing information about the offender or victim will be stored separately and in accordance with GDPR (General Data Protection Regulation). Gateshead Youth Offending Team will destroy victim information no later than three months after the closure of the case. Non identifiable information will also be used to provide performance indicators for local and national monitoring.

**Feedback and Complaints**

If a victim is not happy with the services, they have received from Gateshead Youth Offending Team they have the right to make a complaint and will be given the relevant information to do so. Victim feedback is important to us and victims are contacted to provide opinions and suggestions via the Victim User Evaluation Questionnaire.