## Guidance on rights of victims

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**Summary**
This RIG gives advice to inspectors and inspector’s assistants on how we will deliver our obligations to victims as laid down in the October 2015 Code of Practice for the victims of crime. This Code sets out the services that must be provided to victims of crime by organisations, including ORR, in England and Wales. There are separate arrangements in Scotland. This supersedes RGD 2007-02 ORR Victim Personal Statement Scheme, which is now withdrawn.

**Original consultation**
- Ruth Luxford, Legal Services Team; Ian Skinner, David Gould, Scotland.

**Subsequent consultation**
(review only)
1. Introduction

Chapter 5 of this Code sets out the services that must be provided to victims of crime by ORR in England and Wales.

Scotland
The Scottish government has published a Victims Code for Scotland which lays down out the rights of victims.
https://www.mygov.scot/victims-code-for-scotland/

ORR is not a relevant authority for the purposes of this Code as the duties will normally be carried out by the Crown Office and Procurator Fiscal Service, the Scottish Courts and Tribunal Service and Police Scotland.

However, as a matter of policy, we will apply the relevant parts of Chapter 5 of the Ministry of Justice Code for England and Wales when carrying out investigations in Scotland up to the point of submitting a report to the Procurator. See part 2 below.

2. The requirements of the Code
For the purposes of this Code, a “victim” is:

- a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence;
- a close relative of a person whose death was directly caused by a criminal offence.

Our main duty towards victims, including the bereaved, is to ensure that they are proactively provided with certain information:

1. Availability of victims’ support services;
2. written information about what to expect from the criminal justice system;
3. the right to have assistance, such as an interpreter if the victim
may have difficulty understanding;

4. information on how to report any criminal offence;

5. how to make a complaint about a service provider i.e. ORR;

6. the availability of restorative justice services (E&W only);

7. if interviewing a victim, this should only be done where necessary for the investigation, be carried out as soon as practicable whilst keeping the number of interviews to a minimum;

8. an explanation of a decision not to proceed with, or to end, an investigation or a decision not to prosecute a suspect and the reasons why (or report to the COPFS in Scotland);

9. the time and place of the trial and the nature of the charges against the suspect;

10. how to recoup expenses incurred as a witness in a criminal trial;

11. to make a Victim Personal Statement (VPS) to explain how the crime affected them (E&W only);

12. read their VPS aloud or have it read aloud, subject to the views of the court, if a defendant is found guilty (E&W only); and

13. their rights to seek a review of ORR’s decision not to prosecute (or submit a report to the COPFS) and how to go about it.

If they are also a witness to the incident and have provided a witness statement, they also have the right to receive the following additional information:

14. information about the state of the criminal proceedings (unless in exceptional cases where to do so would affect the proper handling of the case); and

15. the final outcome of any trial.

In Scotland ORR is not required to supply the information in paras 9 – 12 and 14 and 15. The relevant authority will do that.
3 Action
Jointly with Legal Services, we have prepared two leaflets that will cover most of these requirements:

England and Wales: Advice and Guidance for the Bereaved and Victims of Incidents on the Railways for England and Wales. This encompasses the information previously contained in the bereavement pack together with new information arising from the Victims Code. This replaces the Bereavement Pack (E&W) that is now withdrawn.

The leaflet for the bereaved and victims should be sent to the appropriate person as soon as possible after an investigation has commenced. You should complete the box on page 4 giving the name and contact details of the lead investigator.

This leaflet should be followed up with progress reports at intervals to be decided with the investigation manager and recorded on the investigation plan. At the end of the investigation, the victims should be informed and any decision about further enforcement action explained to them. If there is to be a prosecution, then the victims must be informed about the time and place and the charges to be brought.

Once the prosecution has concluded, the victim must be informed of the outcome.

As you identify witnesses, you should send them the Being a Witness for the ORR leaflet.

The current arrangements for keeping in touch with the witness are contained in RGD 2010-07.

Scotland: Advice and Guidance for Victims of Incidents on the Railways

The bereavement pack for Scotland remains in use.