

SCHEDULE

Armed Forces Code of Practice for Victims of Crime

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⁽¹⁾ 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;

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

Status: This is the original version (as it was originally made).

(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;
- (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⁽²⁾;

(11) seek explicit consent from victims before sending their details to victim support services⁽³⁾;

(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⁽⁴⁾;

(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

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

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

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

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⁽⁵⁾ 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.

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⁽⁶⁾.

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⁽⁷⁾ (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⁽⁸⁾;
- (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

(5) Note paragraph 204 of this Code.

(6) 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.

(7) 1999 c.23.

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

Investigation Measures (see paragraphs 49 to 52 of this Code) identified as appropriate in the needs assessment, unless operational or practical constraints make this impossible, or where there is an urgent need to interview the victim and failure to do so could harm the victim or another person or could prejudice the course of proceedings.

Victim Personal Statement

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

- (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⁽⁹⁾.

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.

(9) 1967 c. 80.

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

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

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

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;

Status: This is the original version (as it was originally made).

(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⁽¹⁰⁾;

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

(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⁽¹²⁾;

⁽¹⁰⁾ See, however, paragraphs 16 to 18 of this Code.

⁽¹¹⁾ See, however, paragraphs 16 to 18 of this Code.

⁽¹²⁾ See, however, paragraphs 16 to 18 of this Code.

(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 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(13) 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(14).

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(15);

(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

(13) Note paragraph 228 of this Code.

(14) 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.

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

Measures, then they must pass the case to the Service Police for investigation unless operational or practical constraints make this impossible, or where there is an urgent need to interview the victim and failure to do so could harm the victim or another person or could prejudice the course of proceedings.

Victim Personal Statement

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

- (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(16) 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(17) 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.

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

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

Status: This is the original version (as it was originally made).

245. The Victim Liaison Officer must advise the victim that they may ask to be informed(18) of a suspect being released from Service custody and of any Service custody release requirements which are imposed, changed or cancelled.

246. The victim is entitled to the information requested pursuant to paragraph 245 of this Code only where there is a danger or an identified risk of harm to the victim, in which case the information will be provided without unnecessary delay(19).

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

- (1) any decision to charge(21), 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(22).

(18) Note paragraph 246 of this Code.

(19) 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.

(20) 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).

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

(22) 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.

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(**23**).

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(**24**).

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(**25**);
- (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(**26**) of a suspect being released from Service custody and any Service custody release requirements which are imposed, changed or cancelled;

(23) Note paragraph 254 of this Code.

(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.

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

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

Status: This is the original version (as it was originally made).

(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(27).

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(28);

(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(29) 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(30).

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;

(27) 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.

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

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

(30) 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

Status: This is the original version (as it was originally made).

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⁽³¹⁾. 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⁽³²⁾. 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.

⁽³¹⁾ See paragraphs 16 to 18 of this Code.

⁽³²⁾ 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;

Status: This is the original version (as it was originally made).

(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⁽³³⁾.

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⁽³⁴⁾ 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.

⁽³³⁾ 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.

⁽³⁴⁾ In cases where a sentence of service detention, or a sentence of imprisonment or equivalent youth custody has been imposed.

Status: This is the original version (as it was originally made).

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⁽³⁵⁾:

(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

(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.

Status: This is the original version (as it was originally made).

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.