

## **Terms of Reference**

### **Victims of Crime Commissioner Designate**

#### **1. Background**

- 1.1 After meeting with victims of crime and their representatives and listening to their experiences of the criminal justice system the Minister of Justice undertook to consider whether there was a need for a Victims of Crime Commissioner for Northern Ireland.
- 1.2 In late 2020, the Minister of Justice established a Reference Group, made up of experts from the voluntary and community sector and from the statutory sector who work directly with victims of crime, to provide her with advice and inform her thinking on the need for a Victims of Crime Commissioner and the role and functions required for such a post. The Reference Group reported to the Minister in December 2020 and met with her in January 2021 to discuss their views.
- 1.3 After considering the evidence and the advice provided, the Minister of Justice decided that the appointment of a Victims of Crime Commissioner would enhance existing provision for victims of crime, and would be a positive step forward in providing a voice for all victims, promoting best practice and driving improved outcomes and experiences for victims within the criminal justice system.
- 1.4 The Minister of Justice made it very clear that the role of a Victims of Crime Commissioner must add value to the current representation and service provision available for victims of crime; avoid duplication of existing roles and deliver value for money.

- 1.5 The Minister of Justice consulted publicly on proposals to establish a Victims of Crime Commissioner for Northern Ireland during May-July 2021. The Consultation report and summary of responses can be found on the DoJ website <https://www.justice-ni.gov.uk/publications/victim-and-witness-strategy-and-victims-crime-commissioner-consultation-report> .
- 1.6 On 21 September 2021, the Minister of Justice announced her intention to establish a Victims of Crime Commissioner Designate for Northern Ireland.
- 1.7 It has not been possible to legislate to put a Victims of Crime Commissioner for Northern Ireland on a statutory footing within the current Northern Ireland Assembly mandate (2017-2022), therefore a non-statutory Victims of Crime Commissioner Designate is being appointed.

## **2. Statement of purpose and outcomes**

- 2.1 The overarching purpose of the Victims of Crime Commissioner Designate is to provide a voice for all victims of crime, representing their needs and interests and helping to drive systemic improvements across the criminal justice system that will improve the experience of victims of crime of the criminal justice system. This will include helping to identify any areas where victims are not consistently being provided with their entitlements set out within the Victim Charter and ensuring that their issues and experiences are raised in the public arena, with Government, with criminal justice organisations and with organisations that support and represent victims of crime, in order to bring forward effective change.
- 2.2 As well as communicating and influencing at a strategic and senior level, the Victims of Crime Commissioner Designate will have a person centred approach in order to listen to victims of crime and their representatives and understand the challenges which victims of crime encounter in the criminal justice system. However, the role is intended to have a focus on where systemic changes are needed that will benefit all victims of crime and is not to become involved in

individual cases. Therefore, the role should not advocate for individual victims nor investigate individual cases, although it is acknowledged that there may be individual cases which serve to exemplify systemic issues that need to be addressed.

- 2.3 The Victims of Crime Commissioner Designate will represent all victims of crime. However, the Commissioner Designate will also recognise the specific needs of vulnerable victims and give specific attention to victims of domestic and sexual abuse and victims of hate crime.
- 2.4 The Minister of Justice has confirmed that a priority for the role is to assist the Department of Justice by helping to inform the development of the statutory role for the Commissioner, through the information and evidence gathered when scoping the victims of crime landscape and from completing the functions for the role during the first year in post. As part of this, the Commissioner Designate is also asked specifically to consider the role of the statutory Commissioner in independently monitoring and reporting on crime, and to make recommendations particularly, in the first instance, in relation to hate crime, to assist the development of a Hate Crime Bill in the new mandate.
- 2.5 The Victims of Crime Commissioner Designate is independent from government and has autonomy to set their own priorities. They will publish a Strategic Plan that sets out their strategic priorities, objectives, programme of work and anticipated outcomes, informed by the evidence of victims' needs. They will also provide an annual report to the Minister of Justice, for publication, outlining how they have exercised their functions over the year and the extent to which objectives and outcomes have been met.
- 2.6 The role of the Victims of Crime Commissioner Designate is also expected to contribute to the following overarching criminal justice outcomes for victims of crime:
  - Victims experience improved outcomes from the criminal justice system;

- Better informed and more effective policies, legislation and operational responses;
- Increased awareness and understanding of the impact of both crime and of the criminal justice system on victims;
- Policies and operational practices are informed by the identification and promotion of best practice; and
- Increased confidence in the criminal justice system.

2.7 These outcomes are in line with the Victim and Witness Strategy.

### 3. Role and Remit

#### Core functions

- 3.1 The role of the Victims of Crime Commissioner Designate is to give all victims of crime a voice; promoting their rights as stated in the Victim Charter; raising issues with Government, criminal justice organisations and support organisations; and promoting good practice, as well as driving forward systemic improvements for victims of crime and contributing to a more cohesive, coordinated and victim centred criminal justice system.
- 3.2 The main responsibilities and duties of the Victims of Crime Commissioner Designate are to:
- ***provide a voice for all victims of crime*** - this requires the Commissioner Designate to engage with victims and the organisations that represent them. The Commissioner Designate will be their voice in the public arena and will be able to highlight identified issues with Government and criminal justice organisations, in order to drive forward systemic improvements for victims of crime or, where appropriate, for groups of cohorts of victims with particular vulnerabilities. The role also includes promoting and safeguarding the rights of victims, as well as representing

victims on Government groups and forums to raise awareness of victims' issues.

- ***identify, promote, encourage and issue guidance on good practice*** with a view to encouraging the criminal justice system to embrace and build on such practice.
- ***review the adequacy and effectiveness of law and practice*** – the Commissioner Designate has a role in:
  - *influencing* the development of any new legislation or policy that impacts on victims of crime;
  - *scrutinizing* current legislation to highlight areas that need to be addressed; and
  - *reviewing* compliance with the law and practice.
- ***review the operation and delivery of Victim Charter entitlements and promotion of the Victim Charter*** - This is to ensure compliance with, as well as promotion of, the Victim Charter and includes the:
  - *identification* of any issues that need to be addressed;
  - *raising* these issues with relevant bodies;
  - *making recommendations* for improvement; and
  - *raising awareness* of the Charter and the entitlements for victims of crime.
- ***direct complaints and monitor outcomes*** – it is important that the Commissioner Designate is aware of the complaints being made by victims of crime in relation to their treatment within the criminal justice system in order to identify key systemic issues that need to be addressed at a strategic level. Therefore, the role includes functions around directing victim complaints to relevant responsible bodies within the Victim Charter and monitoring the outcomes of these complaints. However, the role is not responsible for directly dealing with complaints or becoming involved in individual complaints - services already exist for this purpose and agencies should be directly involved in responding to complaints in order to be able to identify emerging issues and also to promote continuous improvement within their organisation.

- ***advise and make recommendations*** to the Minister of Justice and criminal justice organisations, on the basis of evidence gathered and research completed. The role includes:
  - providing *advice* that will help to shape victim policy;
  - *highlighting* and *challenging* in relation to systemic issues requiring attention;
  - *making recommendations* on how to improve the outcomes for victims of crime.
- ***undertake or commission research*** to gain an understanding and gather evidence/information on the issues impacting on the experience of victims of crime; and
- ***ensure good governance*** – the role is to ensure good financial and corporate governance of the Victims of Crime Commissioner Designate office and resources.

### Remit

3.3 The remit of the role will include the following:

- Represent all victims of crime.
- Be informed by and engage with victims, voluntary and community organisations that represent and support victims, criminal justice statutory organisations and any other relevant source.
- Include a particular focus on victims of domestic and sexual abuse and hate crime.
- Be independent<sup>1</sup> from government.
- Autonomy to set their own priorities.
- Publish a Strategic Plan that sets out strategic priorities, objectives, programme of work and anticipated outcomes, informed by the evidence of victims' needs.
- Provide an Annual Report to the Minister of Justice, for publication, outlining how the Commissioner Designate has exercised their functions

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<sup>1</sup> The Victims of Crime Commissioner Designate acts independently in the exercise of their functions. However, it is accountable to the Minister of Justice, through the Department of Justice, for the operation of their office and, through the Director of Access to Justice, for their personal performance.

over the year and the extent to which objectives and priorities for the year have been met.

- Undertake thematic reviews and provide advice when requested by the Minister of Justice on a particular victim priority.
- Assist the Department of Justice by helping to inform the development of the statutory role for the Commissioner. This will be on the basis of the information gathered when scoping the victims of crime landscape and from completing the functions for the role during the first year in post. The Minister of Justice has advised that this is a priority for the role.
- As part of the scoping exercise mentioned above, the Commissioner Designate is to specifically consider the role of the Commissioner in independently monitoring and reporting on crime, and make recommendations particularly, in the first instance, in relation to hate crime to assist the development of a Hate Crime Bill in the new mandate.
- Primary focus on criminal justice experience of victims of crime.
- Work with other Commissioners where there is a common victim interest (i.e., in relation to the wider societal experiences and needs of victims of crime).
- Establish an Advisory Group<sup>2</sup> comprising of suitably experienced individuals.
- Not duplicate the work of support services or other established commissioners or champions.
- Not become involved with individual cases.
- The scope of the post does not cover victims of ‘conflict related offences’ as defined in the Victims and Survivors (NI) Order 2006, which falls under the remit of the Commissioner for Victims and Survivors.

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<sup>2</sup> Members should be familiar with the functioning of the criminal justice system and how it interacts with victims of crime; and should have an understanding of the issues affecting victims of crime. The group would advise and assist the Commissioner Designate in identifying priorities, including key themes for consideration, research required and policy issues that are appropriate to deliver improvement across a wide range of victim issues and communities. The Advisory Group could also act as an expert forum for testing ideas and initiatives. Group members would be on a voluntary basis, albeit with reimbursement for reasonable travel and subsistence costs. The size, membership and structure of the Panel would be for the Commissioner Designate to determine.

#### **4. Accountability**

- 4.1 The Victims of Crime Commissioner Designate acts independently in the exercise of their functions. However, they will be accountable to the Minister of Justice, through the Department of Justice, for the operation of their office and, through the Director of Access to Justice for their personal performance.
  
- 4.2 As this is a non-statutory position, the Victims of Crime Commissioner Designate and their office will sit within the accounting boundary of the Department of Justice and will be sponsored by Access to Justice Directorate. The Victims of Crime Commissioner Designate is required to comply with requests for financial, corporate governance and performance information, as and when required.
  
- 4.3 There will be regular accountability meetings with Department of Justice officials.

#### **5. Resources**

- 5.1 The level of policy and administrative support and resources that will be provided to the Commissioner Designate will be subject to available funding through future Departmental budget allocations. As future year Departmental budgets are not yet set, funding for 2023-24 onwards will need to be considered as part of the future year budget process.
  
- 5.2 In this context, as a minimum, the Commissioner Designate will have the support of three members of staff (Chief of Staff, Policy and Research Officer and Complaints Officer/Office Manager) to manage the office and assist with scoping out the role for the statutory Commissioner, as well as provide other policy/research assistance in accordance with the Commissioner Designates role and functions.