

# **Victims' Right to Review (VRR) scheme – response to the 2020 consultation**

**November 2020**

## **Introduction**

The purpose of this report is to set out our response to the consultation on the development of a Victims' Right to Review scheme ("VRR Scheme"), which opened on 28 February 2020 and ran to 17 July 2020.

## **Background**

Article 11 of the European Union Directive 2012/29 ("the EU Directive") establishes minimum standards on the rights, support and protection of victims of crime, and provides for the right of a victim to a review of a decision not to prosecute.

The IOPC does not consider that it is under a strict legal duty to provide a VRR Scheme. Our position is not directly comparable to that of the CPS or the police. However, we acknowledge that where on conclusion of an investigation we determine not to make a referral to the CPS under the Police Reform Act 2002 ('PRA'), the CPS has no opportunity to make a prosecutorial decision, and the 'decision-making' in this regard is complete. The absence of any IOPC VRR Scheme results in a situation in which a victim of a crime who alleges that the crime was committed by a member of the public has a right to seek a review of a decision not to refer the matter to the CPS, but a victim of a crime who alleges that the crime was committed by a police officer (where that matter is investigated by the IOPC) does not.

It is for this reason that the IOPC, following a review of its policy position, has decided to introduce a VRR Scheme.

The Scheme will only apply to criminal investigations that have been carried out, managed or directed by the IOPC and it will enable victims to seek a review of the original decision not to refer. For clarity, the Scheme will not apply to reviews or appeals carried out by the IOPC following an investigation by the police.

## **The Consultation**

On 28 February 2020, the IOPC launched a consultation in respect of the proposed VRR Scheme.

We asked for feedback on the draft IOPC VRR policy document, and particularly drew attention to:

1. the proposed timescales for the process;
2. any potential impact on disciplinary proceedings (and any other proceedings) and how any such impacts could be managed; and
3. how to treat 'out of time' requests.

The consultation document was sent to 43 Stakeholders and advocacy groups, and the consultation ended on 17 July 2020. We received 22 responses in total.<sup>1</sup>

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<sup>1</sup> Note that a number of these Stakeholders are composed of several separate organisations, some of which responded independently. Taking each separate organisation into account, the response rate is much lower; approximately 17%.

A summary of the feedback received is provided in this response document, which also sets out how that feedback informed the final version of the policy. Many submissions have been précised, and issues raised by multiple respondents resolved into one point for inclusion in the table which appears at Annex A.

Importantly, 41% of respondents supported the introduction of a VRR. No respondents disagreed with the principle of the VRR being introduced, although one queried the jurisdictional basis of the Scheme.

## **1. The proposed timescales for the process**

### **Draft Policy:**

The policy proposed that the victim must make a request for a review within:

- (i) 5 working days from the date of the non-referral decision letter, for a summary only offence;
- (ii) 20 working days from the date of the non-referral decision letter, for an indictable offence.

The draft policy also stated that a review should be completed, wherever possible, within 20 working days of the date that it is requested.

### **Consultation Response:**

91% of respondents commented on the proposed timescales. Responses were mixed: 30% of respondents who commented on the timescales agreed with those set out in the draft policy, and 65% disagreed. One further respondent queried whether there should be a time limit in which the VRR should be carried out but may have overlooked the proposed inclusion of such a provision.

The majority of respondents who disagreed with the timescales considered that the same time-limit should be applied irrespective of the category of offence.

31% percent of respondents who disagreed with the timescales submitted that five working days for summary-only offences was not long enough because time may be lost through the postal system, and victims may have particular needs requiring further time, including English not being their first language. Four respondents suggested that the timescales should be aligned to those of the police and CPS, each of which provide three months.

Finally, a query was raised as to what would happen where the STL expired during the review process.

### **IOPC Response:**

The IOPC has reflected on the feedback, and the timescale has been amended to allow 28 days for summary only offences for purposes of consistency and clarity (we have decided to use 'calendar days' as opposed to 'working days' throughout the Scheme for purposes of clarity and simplicity). It is accepted that 5 working days provides only a very short time

frame for reviews to be requested (although it is noted that the CPS requests that reviews are requested within this time where possible).

However, there is often cause for urgency due to the statutory time-limit ('STL') of six months applicable to bringing charges in such matters.<sup>2</sup> As a result, where there is less than one calendar month before the expiry of the STL for summary only offences, we will require applications to be submitted sooner (the specific time frame will be determined on a case by case basis), in order, where possible, that the request can be made, and application considered before the STL expires.

However, the IOPC recognises that there may be occasions in which it is not possible for the Review to be carried out prior to the expiry of the STL, although all reasonable endeavors will be employed to protect against this. The Policy provides that should this occur, "*consideration will need to be given to the appropriate outcome*".

The IOPC appreciates that in all cases there is a need for matters to be dealt with expeditiously, and for individuals concerned to have certainty regarding these important decisions. It is for this reason that the IOPC considers that three months is too lengthy a period to allow for the exercise of the right to review, absent exceptional circumstances. We have sought to ensure that an appropriate balance is drawn between resolving cases quickly and with certainty, and enabling victims sufficient time to consider their position and exercise their right under the VRR Scheme should they wish to do so.

In respect of all matters, cases will only be considered after 28 days have elapsed in exceptional circumstances. Again, an appropriate balance must be struck between the competing interests here. 'Out of time' requests are discussed further below.

## **2. Any potential impact on disciplinary proceedings (and any other proceedings) and any views you may have on managing any such impacts**

### **Draft policy**

The IOPC acknowledges the risk that the introduction of the VRR Scheme will have an impact on disciplinary proceedings. We therefore sought representations in this respect, in order inform the framing and operation of the proposed policy.

### **Consultation Response**

27% of respondents commented on the potential impact on disciplinary proceedings. The majority of those respondents, 67% (4 respondents in total) expressed concern that the VRR would cause a delay to disciplinary proceedings. One respondent (a Professional Standards Department ('PSD')) stated they would await the response to a VRR before the Appropriate Authority<sup>3</sup> ('AA') would consider the IOPC final report regarding conduct matters, and that a delay of two months could therefore be incurred.<sup>4</sup> The respondent noted

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<sup>2</sup> Subject to any specific statutory provision permitting a different time-period for bringing charges.

<sup>3</sup> The 'Appropriate Authority' is responsible for decision making in respect of disciplinary matters on behalf of the relevant Chief Officer or local policing body.

<sup>4</sup> Two months consists of 28 days to submit a VRR request and 28 days for the IOPC to reach a decision.

that the AA could mitigate against any delay by reviewing an IOPC final report to make a provisional decision regarding conduct, pending the VRR outcome.

Another respondent requested clear guidance for police forces on how to manage disciplinary matters where a VRR is requested and stated that there may be an impact on disciplinary timescales and “whether they go ahead”. Separately, a respondent expressed the view that decisions to proceed with conduct matters should not progress until the VRR process is finalised, in part as it is important that an officer has certainty regarding criminal proceedings before providing a response to any disciplinary proceedings.

Additionally, a respondent (again a PSD) stated they would be able to manage their stakeholders and officers given the 28 day timescale to conduct the reviews.

A further view was that whilst delays were likely; (i) this was not excessive; (ii) it was important that matters of criminal liability were correctly determined; and (iii) improved expedience at other stages of the process would improve the overall position.

## **IOPC Response**

As above, several responses expressed concern regarding a perceived tension between the expeditious progression of disciplinary decision-making and proceedings, and the introduction of the VRR. However, the extent to which the VRR will or may impact on these disciplinary matters will vary according to the particular circumstances of a case, and the IOPC anticipates that delay will only result in limited circumstances.

In order to address this issue, we have introduced the following provisions into the VRR policy:

1. The AA and any subject officer will be informed that the provisional CPS referral decision may be challenged by way of VRR, which is ordinarily exercisable within 28 days.
2. The AA will be asked to provide its opinion as to whether it is able to submit a memorandum under paragraph 23(6) of Schedule 3 PRA (for pre 1 February 2020 cases) or express its views under paragraph 23(5A) of Schedule 3 PRA (for cases from 1 February 2020)..
3. The IOPC considers that it will be highly unusual for decisions regarding disciplinary matters to be delayed pending the conclusion of the VRR process. Should this be contemplated, the IOPC encourages AAs to engage in an open discussion in this respect. Should it be appropriate, the IOPC may agree for the AA’s decision-making to be delayed beyond 15 working days<sup>5</sup> for investigations under the 2012 statutory scheme, or for an extension to be granted under Regulation 27(5) Police (Complaints and Misconduct) Regulations 2020, as applicable.

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<sup>5</sup> Paragraph 11.46 of the IPCC/IOPC Statutory Guidance 2015 stipulates: “The IPCC expects the appropriate authority’s memorandum as soon as practicable having made its determination and in any event, within 15 working days of the request.”

4. The IOPC notes that the Home Office Guidance 2020<sup>6</sup> emphasises that disciplinary matters will ordinarily be expected to proceed notwithstanding the possibility of a criminal prosecution:

*7.81 Where there are possible or outstanding criminal proceedings against an officer, these will not normally delay the misconduct proceedings. They will only delay proceedings under the Conduct Regulations where the appropriate authority considers such action would prejudice the outcome of the criminal case.*

*7.82 The presumption is that action for misconduct should be taken prior to, or in parallel with, any criminal proceedings. Where it is determined that prejudice to the outcome of the criminal case would result, then this decision shall be kept under regular review to avoid any unreasonable delay to the misconduct proceedings. If there is any doubt then advice should be sought from the Crown Prosecution Service (CPS) or other relevant prosecuting authority.*

*7.83 Where potential prejudice is identified, the proceedings under the Conduct Regulations will proceed as normal up until the referral of a case to misconduct proceedings or an accelerated misconduct hearing. The matter will be investigated under the relevant regime and the investigation report submitted. The appropriate authority will then decide whether there is a case to answer in respect of misconduct or gross misconduct or neither. Where there is a case to answer, no referral to misconduct proceedings or an accelerated misconduct hearing will take place if this would prejudice the criminal proceedings, as per Regulation 10 of the Conduct Regulations.*

5. However, in appropriate cases Regulation 9 Police (Conduct) Regulations 2012, and Regulation 10 Police (Conduct) Regulations 2020, as applicable, can be utilised in order to protect against prejudice to criminal proceedings.
6. The IOPC will encourage and expect an open dialogue with the Appropriate Authority in respect of these matters.
7. The IOPC will ensure that the subject and the victim are kept updated as to the decisions that are made, the processes being followed, and the relevant timescales.

It is hoped that these provisions will enable disciplinary matters to proceed as expeditiously as possible, notwithstanding the introduction of the VRR Scheme. Of course, the IOPC will be receptive to any feedback regarding the impact of the Scheme, which will be kept under review.

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<sup>6</sup> Conduct, Efficiency and Effectiveness: Statutory Guidance on Professional Standards and Integrity in Policing Issued by the Home Office

### **3. How to treat 'out of time' requests**

#### **Draft Policy:**

Any request for a VRR submitted after the expiry of the stipulated time limit will only be considered in exceptional circumstances.

#### **Consultation Response:**

55% of respondents provided specific comment concerning this aspect of the draft policy. 8% (one respondent) did not agree that out of time requests should be accepted due to the potential impact on officers caused by uncertainty and delaying misconduct proceedings. 42% of the respondents who commented on this aspect of the policy referred to the link with exceptional circumstances. Two respondents requested clarity from the IOPC about what we would consider 'exceptional'. One respondent suggested that evidence be required as to why the request had been delayed, and that exceptional circumstances be considered on a case by case basis. Separately, one respondent submitted that the threshold should be very high, in view of the potential impact on disciplinary proceedings, and another that the test should be 'strict'. One respondent proposed that there be an 'absolute cut-off' of three months, in reflection of the position in the CPS and police schemes.

The following issues were also raised:

- (i) What the position would be where no disciplinary action had been taken, but a decision subsequently taken to refer to the CPS;
- (ii) 'Out of time' submissions, and those considered exceptional, should be subject to monitoring.

#### **IOPC Response:**

The IOPC is conscious of the importance of certainty in decision-making, however this needs to be balanced against providing a fair process by which the interests of victims can be protected.

An out of time VRR will only be accepted in 'exceptional circumstances', which will be applied on a case by case basis. The policy does not provide detailed guidance on what is considered 'exceptional' as the IOPC does not wish to restrict factors that may properly meet this threshold. Instead, exceptionality will be determined in each individual case, taking into account all of the circumstances. The policy has however been amended in order to provide examples of circumstances which **may** be considered exceptional, namely where:

- The victim has been in hospital, and has been unable to respond;
- The victim is in prison, and was not provided with notification of the provisional decision until after the response deadline;
- The victim suffers from a mental health problem, and because of this was not able to respond within the time frame permitted.

The policy also notes that where relevant, reasonable adjustments should be made in accordance with the Equality Act 2010.

The application of 'exceptional' will be subject to ongoing review, in order to ascertain whether further guidance is required, and to ensure that the standard is being applied consistently.

In accordance with one of the submissions made, the policy states that where a request for VRR is received after the applicable time limit, but within three months, the victim should be asked for an explanation for the delay if one has not been provided.

The IOPC notes, as above, that disciplinary matters should not ordinarily be delayed pending the outcome of a VRR, and that the Home Office Guidance 2020 presumes that *"action for misconduct should be taken prior to, or in parallel with, any criminal proceedings"*.<sup>7</sup> As such, delays incurred through the VRR scheme should not ordinarily impact on disciplinary proceedings.

However, again as above, the IOPC also recognises that it is important to both the individuals concerned and the public, that there is certainty in decision-making. As such, where the reviewer is considering whether it is 'appropriate' for a matter to be referred to the CPS, the fact and effects of any delay will be accorded appropriate weight, and consideration given to whether the public interest requires a matter to be referred to the CPS. This will remove the necessity of having an additional 'Stage 3' test in these cases, as had been proposed in the draft policy. Whilst no respondent made this specific suggestion, the responses that were received led us to reconsider the proposed test, and to make this amendment to increase clarity, simplicity and efficiency of decision making.

### **CPS Referral Guidance**

During the course of the consultation, we received a request for the IOPC CPS Referral Guidance to be published. This Guidance is in the course of being finalised, whereupon it will be published. It is intended that this will enhance the transparency, clarity and consistency of the VRR Scheme.

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<sup>7</sup> Paragraph 7.82, FN 3.



## Annex A

### Further responses and policy amendments

Your feedback	Our Response/What we will do
<p><b>Legislation</b></p> <p>1. What legislation provides the provision for the IOPC to introduce a Victims Right to Review policy?</p>	<p><b>Legislation</b></p> <p>There is no specific statutory provision as envisaged in the question.</p> <p>However, there are two routes by which it might be argued that the IOPC is under a legal obligation to provide a right of review. The first route is via EU Directive 2012/29 that establishes minimum standards on the rights, support and protection of victims of crime. The second is via the case of <i>R v Killick (2012) 1 Cr App R 10</i>.</p>
<p><b>Notification</b></p> <p>1. The IOPC should provide clear expectations about how complaints of domestic abuse, concerning serving police officers, will be handled.</p> <p>2. Victims in cases of domestic abuse should be advised by specialist domestic abuse professionals regarding action available to produce the '<i>desired outcome</i>'.</p> <p>3. Family members should be provided with details of non-governmental organisations when they are notified of a provisional decision not to make a referral to the CPS when there has been a death.</p> <p>4. Victims should be provided with the rationale when a decision is made not to refer a case to the CPS.</p> <p>5. Plain English should be used to explain a final decision which upholds the provisional decision not to make a CPS referral. Consideration should be given to sharing the decision in person as well as in writing.</p>	<p><b>Notification</b></p> <p>1. This feedback has been shared with the IOPC domestic abuse subject matter network to consider.</p> <p>2. This feedback has been shared with the IOPC domestic abuse subject matter network to consider.</p> <p>3. Relevant information has been incorporated into a leaflet, to be provided to victims when notified of the availability of the VRR.</p> <p>4. Sufficient information will be given to the victim to provide them with a fair opportunity to make representations should they wish to do so in exercising their VRR. Similarly, victims will be provided with reasons should their VRR not result in a referral to the CPS.</p> <p>5. We agree with this feedback. We will use plain English to explain our decisions in writing. Under the IOPC service user standards, we will make sure our service is accessible and meets the needs of the service user. This may include a meeting to</p>

<p>6. The process to appeal a VRR should be defined and victims should be notified that a Judicial Review is an option to challenge the IOPC decision when they are dissatisfied with the VRR outcome.</p> <p>7. The IOPC should provide the victim with details of support, including criminal injuries compensation, when providing the VRR outcome.</p>	<p>explain our decision on a VRR in relevant circumstances.</p> <p>6. The VRR decision cannot be appealed, though it is amenable to judicial review. We have provided information on this matter in the information leaflet. This information will also be included in the letter informing the victim of a negative outcome to the VRR.</p> <p>7. As above at '3', relevant information has been incorporated into a leaflet, to be provided to victims when notified of the availability of the VRR.</p>
<p><b>Policy   Process</b></p> <p>1. The reviewer should be at least one grade above the initial decision maker with no previous involvement in the investigation.</p> <p>2. Policy wording should be amended from <i>'if the reviewer is unclear about any evidential issue'</i> to <i>'if the reviewer is unclear about any of the information relating to the investigation'</i>.</p> <p>3. The IOPC draft policy does not specify that a suspect must have been identified and interviewed under caution for VRR to apply.</p>	<p><b>Policy   Process</b></p> <p>1. The draft policy addresses this and states: <i>The Review will be carried out by an independent reviewer. The reviewer must:</i></p> <ul style="list-style-type: none"> <li>• <i>Be of equal or more senior grade to the initial decision maker;</i></li> <li>• <i>Have had no decision-making responsibility in the investigation;</i></li> <li>• <i>Have no relevant conflict of interest, in accordance with IOPC policy; and</i></li> <li>• <i>Insofar as possible, be based in a different office to the investigation and decision maker.</i></li> </ul> <p>2. The policy has been amended to largely reflect the suggested wording, and reads: <i>"if the reviewer is unclear about anything relating to the investigation"</i>.</p> <p>3. In an IOPC criminal investigation a letter would ordinarily have been provided to explain the police staff member/officer was under criminal investigation. It is likely that person would have been interviewed or provided a written statement under criminal caution. The policy provides that <i>"the right to review will not apply where it has not been possible to identify a potential suspect"</i>.</p>

<p>4. Should the IOPC avow the Wednesbury principles?</p> <p>5. Why is there a non-exhaustive list of factors to consider when reviewing the provisional CPS referral decision? There should be clear criteria to base the review on.</p> <p>6. What does the wording, 'a significant error in the interpretation of the evidence' mean when considering if a decision is wrong?</p> <p>7. Wording '<i>a significant error in the interpretation of the evidence</i>' should be amended to a '<i>material error</i>'.</p> <p>8. Proposed changes to the Victims Code need to be considered and updated in the final policy.</p> <p>9. The two-stage test should be amended.</p>	<p>4. This feedback has been considered but not adopted. The Wednesbury threshold was considered too high, and it was noted that the Court of Appeal in <i>Killick</i> was clear that victims should not have to have recourse to judicial review to challenge such decisions. Although that does not in itself prevent the same threshold being applied, the IOPC noted that the CPS have not adopted it, and seeks to achieve parity in its approach, whilst also ensuring excellence in its decision-making. Therefore, the lower threshold, of whether a decision is 'wrong' has been adopted. This is also considered to balance the rights of the victim and the interest of the subject appropriately, and to promote public confidence.</p> <p>5. The Review follows a clear process; the first stage of which is a consideration of whether the CPS Referral Criteria are met. A comprehensive Guidance document is in the course of being finalised on this subject. The IOPC does not wish to inappropriately limit the factors to be taken into account at the second stage; namely whether the provisional decision was wrong. However, the operation of the VRR will be kept under review, and this issue considered within that.</p> <p>6. This sentence has now been amended to a "material error". A material error is one that is capable of affecting the decision as to whether the referral conditions are met, such as discounting relevant evidence, or placing disproportionate weight on witness credibility.</p> <p>7. This amendment has been made, as above.</p> <p>8. The Victims' Code has been considered, and any changes made in the future, relevant to the VRR Scheme, will be kept under review.</p> <p>9. This feedback has been considered but the two-stage test will not be amended. The policy seeks to balance the importance of decision makers exercising individual</p>
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discretion, and ensuring that decisions made are in accordance with the law and relevant guidance. This approach is consistent with the ACPO Guidance on the police VRR Scheme.

10. VRR requests should be permitted to be made by telephone and in person, rather than being discretionary whether verbal requests will be accepted.

10. The policy has been amended, and now states: *"A request for review should ordinarily be made in writing, whether by email or letter. However, a request by other means, for example a verbal request, will be accepted if a victim would otherwise be disadvantaged"*.

11. Referrals should be made to the CPS where the reviewer requires legal advice on their decision.

11. We do not consider that the need or desire to obtain legal advice equates to the test for referral being met in the exercise of the VRR. Legal advice may be sought for a myriad of reasons, and the test cannot be 'reduced down' in this way.

12. An investigation should be re-opened if a reviewer requires further evidence or investigation.

12. The Policy has been amended to take account of occasions where further investigation is required.

13. Considering whether public confidence in the police complaints system requires a referral to be made to the CPS is unnecessary.

13. The consideration of this issue has been amalgamated within the referral condition of whether referral to the CPS is appropriate in the circumstances. The IOPC considers it important that the impact of any delay is accorded due weight where the time limit for submitting a VRR has expired.

14. The IOPC should provide public reporting on the number of VRRs, decisions and outcomes.

14. The IOPC is under no obligation to provide this information but will consider doing so.

15. Particular emphasis should be given to public confidence in respect of sexual offences.

15. The IOPC recognises the importance of ensuring that the public has confidence that allegations of sexual abuse are thoroughly investigated. However, it is not considered that any specific provision is required in the VRR Policy in this regard at this time.

<p><b>Terminology</b></p> <ol style="list-style-type: none"> <li>1. Referring to a ‘provisional’ decision may be confusing.</li> <li>2. The IOPC should specify in the policy that VRR only applies in cases where the matter is investigated by them.</li> <li>3. Does the VRR policy apply where a crime is asserted either: a. contrary to the general balance of evidence; or b. contrary to the finding of an inquest or other tribunal?</li> <li>4. The word ‘review’ may cause confusion with other review processes, including that of complaints.</li> <li>5. The IOPC may need to change the tone and language used if the policy will be published for victims to access as the document is written with the IOPC as the audience. An easy read version would also assist children and vulnerable people.</li> <li>6. An annex or glossary of terms explaining the process in a simple way may assist. Using language of the organisation may be detrimental to victims.</li> </ol>	<p><b>Terminology</b></p> <ol style="list-style-type: none"> <li>1. The term ‘provisional’ will be used as this effectively communicates that this decision will not be finalised until the expiry of the time limit in which the VRR can be exercised, or the completion of the VRR where a request has been submitted. The use of this term is consistent with the IOPC’s statutory scheme.</li> <li>2. The Policy only applies to IOPC managed, directed or independent investigations. This is stated within the policy document.</li> <li>3. The scope of the VRR Scheme is clearly set out in the Policy. It applies where there has been a criminal investigation (an investigation in which a determination has been made that there is an indication that a person to whose conduct the investigation relates may have committed a criminal offence), subject to some limitations on scope. The policy reflects the position of the Victims’ Code that where a person makes an allegation (of the requisite type) they will be categorised as a victim.</li> <li>4. The phrase ‘Victims’ Right to Review’ appears in the Victims’ Code, and is in general usage by the CPS and police. We consider it would be confusing to introduce alternative terminology.</li> <li>5. A leaflet is being produced to address this feedback point.</li> <li>6. A leaflet has been introduced to address these concerns.</li> </ol>
<p><b>Victims</b></p> <ol style="list-style-type: none"> <li>1. All victims should be able to request a VRR.</li> </ol>	<p><b>Victims</b></p> <ol style="list-style-type: none"> <li>1. Whilst there are some restrictions on the scope of the VRR Scheme, these are limited. The following exclusion appears in the</li> </ol>

policy: *“Cases in which a decision has been taken to make a referral to the CPS on conclusion of an investigation, but that referral does not relate to all of the subjects of the criminal investigation.”* However, the policy has been amended to make it clear that *“where **none** of the subjects and/or matters referred relate to the incident (alleged or otherwise) which affected a specific victim, that victim will retain a right to review”*. This establishes that each individual victim is entitled to VRR (subject to the limited other restrictions to the scope of the Scheme), and is consistent with the CPS position. Further, it should be noted that upon an IOPC referral, the CPS is not confined to considering specific matters/subjects referred; prosecutorial discretion remains. We have also introduced two further restrictions on the scope of the VRR in that (i) it applies to recordable crimes only (a position consistent with the CPS); and (ii) it does not apply to cases in which a referral was made to the CPS for a charging decision prior to the completion of the investigation; that charging decision was negative, and there has been no material change in the evidence since that time (as the CPS VRR Scheme will have been available in such cases).

2. The policy does not refer specifically to victims of domestic abuse or sexual violence.

2. The policy has been amended to read *“Where relevant, consideration should be given to any additional support that may be required by a vulnerable victim”*, and we will keep under review whether there is a requirement for any enhanced services. We provide signposting during an investigation where we identify a need or vulnerability.

3. VRR is important when police officers are the perpetrators of a domestic or sexual crime.

3. The response at ‘2’ is relevant here. This feedback has also been shared with the Domestic Abuse Subject Matter Network.

4. IOPC staff must understand the internal disciplinary procedures for the police so that they can advise whether VRR or a misconduct referral is appropriate.

4. It is not the appropriate role of the IOPC to advise whether or not VRR should be exercised. IOPC staff members will explain the relevant processes, and decisions that have been made, but they cannot advise the victim. Decision Makers should of course

<p>5. A single point of contact should be able to make the VRR request where the victim is disabled or badly injured as a result of a criminal offence and cannot communicate.</p>	<p>have a full understanding of the relevant disciplinary processes.</p> <p>5. The Policy has been amended to read:</p> <p><i>“The Right to Review may be exercised by someone acting on behalf of a victim in appropriate circumstances. This should be considered on a case by case basis, and written authorisation from the victim will generally be required unless this is not possible, for example due to the victim’s age or disability. Requests on behalf of a victim will not be permitted where the victim has withdrawn their support for the investigation. Where the victim is under 18, in accordance with the Code, the IOPC will keep the victim’s best interests as its primary consideration”.</i></p>
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