Prison Reform Trust response to Improving the Code of Practice for Victims of Crime

The Prison Reform Trust is an independent UK charity working to create a just, humane and effective prison system. We do this by inquiring into the workings of the system; informing prisoners, staff and the wider public; and by influencing Parliament, government and officials towards reform.

In completing this response the Prison Reform Trust has confined itself to topics in which it has some expertise and experience.

Our main recommendations are:

- ***Those prisoners, former prisoners and ex-offenders who are victims of crime should receive the same level of service as people who have not been convicted of offences. Those who meet the criteria for the enhanced service under the revised code should be entitled to an equivalent level of support.***

- ***There should be a clear duty on criminal justice agencies to enable people in custody or under supervision to exercise their entitlements under the Code.***

- ***People who have been coerced or trafficked into offending need to be recognised by criminal justice agencies as victims of crime.***

- ***We welcome the new entitlements to restorative justice. As capacity for restorative justice improves, we would want to see the duty to inform victims about the availability of restorative justice amended to become a duty to offer restorative justice, as soon as the capacity to deliver this exists in every area.***

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Response to consultation questions

Q1 Do you think that the approach taken to restructure the Code is the right one?

Q2 Do you think that the categories of persons entitled to receive enhanced services under the Code are appropriate?

We will answer questions one and two together.

As we highlighted in our response to the consultation *Getting it Right for Victims and Witnesses*,[1] ***those prisoners, former prisoners and ex-offenders who are victims of crime should receive the same level of service as people who have not been convicted of offences.*** This principle of equivalence is fundamental in a just and humane criminal justice system.

The consultation paper on the revised Code proposes retaining an enhanced service to three categories of victim most in need: victims of the most serious crimes, vulnerable or intimidated victims and the most persistently targeted victims (paragraph 27). ***We seek assurances that prisoners, former prisoners and ex-offenders who meet the criteria for the enhanced service under the revised code will be entitled to an equivalent level of support. We also note concerns raised by Victim Support in their briefing on the new Code that crime type is a poor predicator of need – you cannot tell which victims need help without contacting them.***[2]

A large number of people in prison are also victims and are at significant risk of violence and intimidation while in custody. Research undertaken by the Prison Reform Trust showed that prisoners with learning disabilities and difficulties were almost twice as likely to be subjected to bullying and 'harm' as were prisoners without such impairments.[3] Ministry of Justice figures show that, while most women in prison are serving short sentences for non-violent offences, very many have been victims of serious crime such as rape, sexual assault and domestic violence. A comprehensive survey of children in custody *Punishing Disadvantage* produced by ICPR and published by the Prison Reform Trust indicated that high numbers of children and young people in custody had themselves been victims of crime, abuse and neglect.[4]

Official statistics drastically under state the problem of prisoner-on-prisoner violence and the high incidence of victimisation in prison. In Feb 2005, the former director general, Martin Narey, gave evidence to the Mubarek Inquiry. Drawing on official stats from Feltham in 2000, he said, "There were 189 prisoner-on-prisoner assaults in what appears to be a 13 month period." Just before that time, a Home Office commissioned victimisation survey in Feltham found that 30 per cent of young offenders self-reported having been hit, kicked or in any way assaulted by another prisoner at least once in the previous month. In Feltham, that would equate to 270 assaults per month.[5]

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[1] Prison Reform Trust (2012), Response to Ministry of Justice consultation Getting it right for victims and witnesses, London: Prison Reform Trust. Available at http://www.prisonreformtrust.org.uk/Portals/0/Documents/Getting%20it%20right%20for%20victims%20and%20witnesses%20-%20PRT%20response%20-%20April%202012.pdf

[2] Victim Support (2013), Position on the government's proposals to amend the code, April 2013

[3] Talbot, J (2008), Prisoners Voices – Experiences of the criminal justice system by prisoners with learning disabilities and difficulties, London: Prison Reform Trust. Available at http://www.prisonreformtrust.org.uk/Portals/0/Documents/No%20One%20Knows%20report-2.pdf

[4] Jacobson, J et al. (2010), Punishing Disadvantage: profile of children in custody, London: Prison Reform Trust. Available at: http://www.prisonreformtrust.org.uk/uploads/documents/PunishingDisadvantage.pdf

[5] Edgar, K (2010), Preventing fights and assaults in prison: a conflict-centred strategy to promote safer prisons, London: Prison Reform Trust

It should also be noted that many people who have been coerced or trafficked into criminal behaviour are in prison either on remand or serving a sentence. Two reports, one published by the Prison Reform Trust and Hibiscus,[6] and the other by the University of Cambridge, supported by the Economic and Social Research Council,[7] have underlined the lack of support available to foreign national women in custody in England and Wales who have been trafficked into offending.

The latter by Professor Loraine Gelsthorpe and Dr Liz Hales examines the case management of migrant women in the criminal justice and immigration systems, including the identification of trafficked women. It found violence, intimidation and rape were common experiences of the women, but evidence of their suffering was often overlooked and they did not receive the protection guaranteed to them as victims of human trafficking under international law. In only one of the 43 cases of human trafficking identified by the researchers did victim disclosures result in a full police investigation in relation to the actions of the perpetrators.

Q3 Do you think that the duties imposed on the criminal justice agencies in the revised Code are the right ones? Please provide comments.

As stated above, prisoners, former prisoners and ex-offenders should be entitled to receive the same level of service from criminal justice agencies as those who have not been convicted of offences. Currently the duties imposed on criminal justice agencies in the revised code do not set out what obligations they have when a person in the care of the prison service or under probation supervision is a victim of crime. For instance, the duties set out for prison service compliance include the duty to maintain a victim helpline in the event of unwanted contact from an offender in prison; and the duty to ensure any approved victim-related conditions are included on an offender's release license. While these are important entitlements, there is nothing in the code which sets out what the obligations of the prison service are when a person under its care and supervision is a victim. This is despite the large number of people in prison who are also victims and at significant risk of violence and intimidation while in custody (see answer to questions 1-2).

NOMS has a duty of care to people under its supervision and this should be reflected in the obligations set out in the Victims Code. ***There should be a clear duty on the prison and probation services to enable people in custody or under probation supervision to exercise their entitlements under the Code. This should include specific duties to monitor and respond appropriately to incidents of crime and victimisation, and to refer individuals to, and cooperate with, outside agencies such as the police and CPS. Clear protocols should be developed for all criminal justice agencies setting out how people in prison or under the supervision of the probation service are able to exercise their entitlements under the Code.***

People who have been coerced or trafficked into offending need to be recognised by criminal justice agencies as victims of crime. Below we set out the recommendations from our briefing on foreign national women in prison, No Way Out,[8] discussed at a high-

[6] Prison Reform Trust and Hibiscus (2012), No Way Out: A briefing paper on foreign national women in prison in England and Wales, London: Prison Reform Trust. Available at http://www.prisonreformtrust.org.uk/Portals/0/Documents/NoWayOut.pdf

[7] Gelsthorpe, L & Hales, L (2012), The Criminalisation of Migrant Women, Institute of Criminology, University of Cambridge. Available at http://www.crim.cam.ac.uk/people/academic_research/loraine_gelsthorpe/criminalreport29july12.pdf

[8] Prison Reform Trust and Hibiscus (2012), No Way Out: A briefing paper on foreign national women in prison in England and Wales, London: Prison Reform Trust. Available at http://www.prisonreformtrust.org.uk/Portals/0/Documents/NoWayOut.pdf

level House of Lords roundtable in January 2013. Many of these recommendations are also applicable to foreign national men and young people:

- Development of a national strategy on foreign national women in prison – to form a discreet strand of the Government's strategy on women's justice
- To ensure accurate and timely identification of potential victims of trafficking – improved guidance, protocols and training for police, Crown Prosecution Service, defence solicitors, judges and magistrates, prison staff. Women must have adequate opportunity to disclose their experiences and proper credence must be given to their accounts.
- Expediting National Referral Mechanism (NRM) decisions where a woman in custody has been identified as a potential victim of trafficking.
- Ensuring that the best interests of any dependent children are fully considered by the police and courts in decisions on prosecution, bail and sentence where the arrested woman is a mother. Contact between children and their mothers while in custody should be facilitated.
- Providing information and legal documentation in a woman's mother tongue and in accessible formats, interpreters in police stations, courts and prisons, and a review of the blanket ban on legal aid for foreign national prisoners. Communications from the UKBA should also be provided in a language and format that the woman understands.
- Parliament should monitor compliance with UK's obligations under international law, including the EU Directive on Trafficking, now in force and requiring robust protection for victims of trafficking and non-punishment of petty crimes, and the UN Rules for the Treatment of Women Prisoners and Non-custodial measures for Women Offenders (Bangkok Rules), which requires screening of women entering prison for prior experiences of sexual abuse and domestic violence.
- The Sentencing Council should revise Sentencing Guidelines to recognise trafficking, coercion, and exploitation as mitigating factors for offences for which foreign national women are most commonly charged – eg use of false documentation and cannabis production - as they do for drug importation.
- The management and decision making process in asylum claims must take account of the multiple trauma, sexual abuse and disempowering effect of trafficking on its victims. This will involve both procedural and cultural change in the relevant division of the Home Office that is replacing UKBA.
- The creation in the Government's Crime and Courts Bill of the National Crime Agency (replacing SOCA, CEOP and NPIA) is an opportunity to ensure that the issue of human trafficking/exploitation, its impacts on victims, and the overlap of victim and offender status in these circumstances, is understood at every level of the criminal inquiry process.

Q4 (a) Do you think that the Police and Crime Commissioners should be included in the revised Code? Please give reasons

Yes; given the potential of PCCs to impact on the delivery of victims' services at the local level, it is important that their duties to victims are set out under the code.

(b) If so, what duties should they fulfil and at which stages of the criminal justice process should Police and Crime Commissioners be included?

The duties set out for PCCs under the code could help to ensure minimum standards and avoid a postcode lottery for victims between different policing regions, encourage joint working between criminal justice agencies, and help maintain monitoring and oversight of locally commissioned services.

Q5 Do you agree that the Victim Personal Statement should be included within a revised Victims' Code?

Yes; the Victim Personal Statement gives the victim the opportunity to describe how the crime affected them emotionally, physically or in any other way. A Victim Personal Statement will usually have far more impact on the defendant if it is given as part of a restorative justice process. Offenders will sometimes say that statements read out by legal representatives or officials as part of the court process are the equivalent of 'water off a duck's back'. Hearing directly from a victim of the effect of a crime on them and those close to them is more likely to cause an offender to take responsibility for their behaviour and work to make amends. Therefore, we welcome the government's decision to include restorative justice in the victim's code (see our response to questions 11-13).

Q11 Do you agree that RJ should be included in the Victims' Code where the offender is over 18 years of age?

Yes; for victims of adult offenders, the new duty on the police to direct victims to information on restorative justice and how they can take part is a welcome development which will help to make restorative justice more victim centred. ***Ministers and officials will want to pay close attention to the recommendations made by the Restorative Justice Council, as the national voice for restorative practice, in its response to the consultation.***[9]

Restorative justice services should be available to victims of crime in every area, and at all stages of the criminal justice system. The Ministry of Justice Restorative Justice Action Plan aims to "establish the necessary levers to enable restorative justice to be embedded nationally, and remove unnecessary barriers that prevent victims benefitting from restorative justice."[10] ***Therefore, as capacity improves, we would want to see the duty to inform victims about the availability of restorative justice amended to become a duty to offer restorative justice, as soon as the capacity to deliver this exists in every area.***

Q12 Do you think that the section on RJ in the revised Code will help to support wider work to improve victim awareness of RJ?

Yes; but in the longer term sustained political will and leadership, adequate investment and resources will be required to improve victim awareness of restorative justice and ensure services are available to victims of crime in every area, and at all stages of the criminal justice system. The experience of restorative justice in the youth justice system in Northern Ireland compared to England and Wales is instructive. As we highlight in our report *Making Amends*,[11] Northern Ireland's youth conferencing service, introduced following the 1998 Good Friday Agreement, placed restorative justice at the heart of the youth justice system, fully integrated within the prosecution and sentencing processes.

The number of young people engaged in youth conferencing has grown year on year since the service was launched; over the course of 2007-08, a total of just under 2,000 referrals were made to the service, and 1,350 conference plans were approved by the Public Prosecution Service and courts. Victims were present in two-thirds of all conferences held in

[9] Restorative Justice Council (2013), Response to the Ministry of Justice's Improving the Code of Practice for Victims and Witnesses consultation paper

[10] Ministry of Justice (2012), Restorative Justice Action Plan for the Criminal Justice System, London: Ministry of Justice. Available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/162265/restorative-justice-action-plan.pdf.pdf

[11] Jacobson, J & Gibbs, P (2009), Making Amends: restorative youth justice in Northern Ireland, London: Prison Reform Trust. Available at http://www.prisonreformtrust.org.uk/uploads/documents/making_amends.pdf

2008-09 – 89% expressed satisfaction with the conference outcome, and 90% said they would recommend it to a friend.[12]

By contrast, notwithstanding the commitment of the government and the Youth Justice Board to restorative justice, including existing entitlements in the current victim's code, the extent of genuinely restorative practices in England and Wales remains somewhat limited. As we highlight in *Making Amends*:

> "There is no close equivalent to the diversionary youth conference and there is no purely restorative sentence, equivalent to Northern Ireland's youth conference order, available for repeat offenders. The referral order can only be used in limited circumstances and it is still unpopular with many magistrates and district judges.16 Additionally, while the referral order is based on restorative principles, in practice the level of victim attendance at youth offender panels is low17 – probably reflecting, at least in part, the inadequate resourcing, and generally low profile, of victim-oriented work within the youth justice system. There are very few dedicated restorative justice practitioners in England and Wales and youth offending team staff who manage referral panels have much less training than their Northern Ireland counterparts. In short, restorative justice is at present less central to, and less integrated within, the youth justice system of England and Wales than in Northern Ireland."[13]

The Ministry of Justice's Restorative Justice Action plan provides an analysis of the current limitations and a vision and action plan for embedding restorative justice throughout the criminal justice system, although it does not seek to "prescribe a centrally driven approach to embedding restorative justice nationally".[14] ***If restorative justice is to become a mainstream disposal available to all victims of adult and youth crime, ministers and officials will need to give sufficient resources and backing to the plan, and if necessary be prepared to consider the need for additional legislation.***

Q13 (a) How much do you think RJ uptake will increase as a result of the reforms to the Code?

There is public support for a restorative approach to crime and punishment. An ICM poll[15] of 1,000 members of the public across Great Britain, commissioned by the Prison Reform Trust just six weeks after the riots in August 2011, revealed that:

- An overwhelming majority of the public (94%) want people who have committed offences such as theft or vandalism to be required to do unpaid work in the community as part of their sentence to pay back for what they have done
- Nearly nine out of 10 people (88%) agree that victims of theft and vandalism should be given the opportunity to inform offenders of the harm and distress they have caused
- Almost three quarters (71%) believe victims should have a say in how the offender can best make amends for the harm they have caused

[12] Ibid.
[13] Ibid.
[14] Ministry of Justice (2012), Restorative Justice Action Plan for the Criminal Justice System, London: Ministry of Justice. Available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/162265/restorative-justice-action-plan.pdf.pdf
[15] Prison Reform Trust (2011), Public want offenders to make amends, London: Prison Reform Trust. Available at http://www.prisonreformtrust.org.uk/Portals/0/Documents/public%20want%20offenders%20to%20make%20amends.pdf

(b) Which specific types of RJ intervention do you think will increase?

The reforms to the Code, combined with provisions in the Crime and Courts Act (2013) to enable courts to defer sentencing to allow for restorative justice, are most likely to result in a welcome increase in the uptake of pre-sentence restorative justice. Pre-sentence restorative justice has been shown to work internationally and by positive evidence from a £7 million government research programme. It provides the judiciary with better information to inform sentencing and can be introduced without causing delay in court proceedings. With 22% of victims who participated in restorative justice saying it should have been offered to them sooner, pre-sentence restorative justice provides victims with the earliest opportunity to participate. There has not been a single instance of pre-sentence restorative justice in England and Wales since the research trials closed in 2004.

There is scope for extending the provision of restorative justice at the post-sentence stage. As outlined in the Ministry of Justice's Restorative Justice Action Plan, "The Government supports the vision that access to RJ should be available for victims at all stages of the criminal justice system. This will allow victims to request to participate in RJ at a time that is right for them. For some victims, this may happen immediately after an incident, for others it may be post-sentencing."[16]

The Prison Reform Trust has long advocated that prisons can and should become places that facilitate a full range of restorative processes.[17] Reparation reflects one aspect of restorative justice. The principles for enabling prisoners to make reparation should be no different from those governing all restorative processes. These principles are based on what works best to reduce the risk to future victims, and on knowledge, gained through years of practice. To ensure that these are fully implemented, staff who facilitate the use of restorative justice should receive a proper introduction to restorative processes.

Restorative justice requires inter-agency cooperation. Prisons should work with local mediation services, Victim Support, probation victim contact units, and the police; and young offender institutions should work closely with the restorative justice co-ordinators in the relevant youth offending teams.

Innovative changes in the relationships between prisons and the voluntary sector will be needed to enable restorative justice to expand. In particular, prison and probation staff must improve their performance in promoting restorative justice to victims and offenders, in referring interested parties to restorative justice practitioners and in actively developing court confidence in such work. In its research on the implementation of restorative justice schemes, Shapland and colleagues found that when restorative justice practitioners depended on criminal justice agencies to select suitable cases, they were let down, with practitioners being forced to recruit victims and offenders directly, because the criminal justice workers failed to select suitable cases. Government will therefore need to consider ways to ensure that statutory services contact victims and offenders with the offer of restorative justice.

An emphasis on reparation should not obscure the considerable benefits that victim-offender mediation might bring to victims of very serious offences. Victims of serious crimes have needs which restorative justice can meet. An evaluation of a victim-offender scheme in Kent, dealing with serious crime, was carried out by the Department of Law and Criminal Justice

[16] Ministry of Justice (2012), Restorative Justice Action Plan for the Criminal Justice System, London: Ministry of Justice

[17] Edgar, K & Newell, T (2006), Restorative Justice in Prisons: a guide to making it happen, London: Waterside Press

Studies at Canterbury Christ Church University. The interim evaluation quoted one victim whose sense of closure echoed others who had experienced mediation in the prison:

'I've certainly been able to move on, it's given me some power back, I feel quite empowered by it ... I suppose it's accepting that actually this was totally one person's fault and one person only and I've been able to release any irrational feelings….I've been able to push it firmly back where it belongs.'
(Victim, Case C)

Home Office research on restorative justice indicates that the offenders who benefit the most are those who have made a personal commitment to take part. This strongly supports the view that reparation works best with the offenders' role is voluntary, coerced reparation may appear to be tougher, but it is much more likely to foster resentment, and undermine the long-term aims of reparation.

Many victims have spoken of the uphill struggle they faced when they asked to meet the offender. Prison and probation staff must be directed to work more openly with victims and to be far more supportive of their interests in restorative processes. Edgar and Newell have produced guidelines for prison staff in working with victims of crime.

Direct, facilitated meetings between victims and the offenders who harmed them are likely to have the most restorative outcome. Evidence from Northern Ireland strongly suggests that most victims would welcome the opportunity to meet the offender, particularly if they are aware of the support and safeguards available to them through careful preparation. However, where the victim does not wish to meet the offender, or to receive any kind of reparation, it is still desirable that society offers offenders a chance to make amends indirectly. Thoughtful and effective restorative work to consider the needs of victims is conducted in some prisons by the Forgiveness Project.

Q14 Do you think that the complaints system in the revised Code will deliver a better service for victims? Please give reasons.

As stated above, those prisoners, former prisoners and ex-offenders who are victims should be entitled to receive the same level of service from criminal justice agencies, including an effective means of redress when things go wrong and they wish to make a complaint, as those who have not been convicted of offences.

Q15 How do you think compliance and performance by agencies and organisations under the Code can be best monitored? And by whom? Should this be locally or nationally driven?

In relation to the restorative justice entitlements in the Code, we recommend that care is taken to comply with Restorative Justice Council standards and code of practice.

Q17 Do you agree that there should be a dedicated section for children and young people in the Code?

Yes; it is particularly important that children and young people with convictions are entitled to receive the same services as victims as those who have not been convicted of offences. A comprehensive survey of children in custody *Punishing Disadvantage* produced by ICPR and published by the Prison Reform Trust indicated that high numbers of children and young people in custody had themselves been victims of crime, abuse and neglect.[18]

[18] Jacobson, J et al. (2010), Punishing Disadvantage: profile of children in custody, London: Prison Reform Trust. Available at: http://www.prisonreformtrust.org.uk/uploads/documents/PunishingDisadvantage.pdf

Q18 Do you agree that the duties on the criminal justice agencies with regards to children and young people are correct? Please give reasons.

As with adult offenders, currently the duties imposed on criminal justice agencies in the revised code do not set out what obligations they have when a child or young person under their care and supervision is a victim of crime. ***There should be a clear duty on agencies working with young offenders to enable children and young people under their care and supervision to exercise their entitlements under the code. Clear protocols should be developed for all criminal justice agencies setting out how children and young people in custody or under supervision are able to exercise their entitlements.***

Q19 Do you consider that this section is appropriately user-friendly for children and young people?

Young offenders could be consulted directly about this, through User Voice or other means.

Q20 How can we ensure that the Code is communicated effectively?

To communicate the Code effectively requires clear leadership and commitment from ministerial to local level. Written information about the Code should be produced in "easier read" – the charity KeyRing could be approached to help. This is particularly important in recognition of the high number of people with learning disabilities who are victims of crime.

To reach people in prison, in addition to a PSI for prison staff, a range of measures can be used – from the Prison Reform Trust's advice and information service to the Prison Radio Association and New Bridge's Inside Time prisoners' papers as well as prisoner helplines provided by Women in Prison and the St Giles Trust.

Q21 Do you think we have correctly identified the range and extent of the effects of these proposals on those with protected characteristics under the Equality Act 2010?

As highlighted above, account needs to be taken of the high proportion of people with convictions who are victims of crime. Research undertaken by the Prison Reform Trust showed that prisoners with learning disabilities and difficulties were almost twice as likely to be subjected to bullying and 'harm' as were prisoners without such impairments.[19] Ministry of Justice figures show that, while most women in prison are serving short sentences for non-violent offences, very many have been victims of serious crime such as rape, sexual assault and domestic violence. A comprehensive survey of children in custody *Punishing Disadvantage* produced by ICPR and published by the Prison Reform Trust indicated that high numbers of children and young people in custody had themselves been victims of crime, abuse and neglect.[20] It should also be noted that many people who have been coerced or trafficked into criminal behaviour are migrants from non-English speaking backgrounds, in prison either on remand or serving a sentence, and should be provided with appropriate translation and interpreter facilities as well as the support due to victims of trafficking.

[19] Talbot, J (2008), Prisoners Voices – Experiences of the criminal justice system by prisoners with learning disabilities and difficulties, London: Prison Reform Trust. Available at http://www.prisonreformtrust.org.uk/Portals/0/Documents/No%20One%20Knows%20report-2.pdf

[20] Jacobson, J et al. (2010), Punishing Disadvantage: profile of children in custody, London: Prison Reform Trust. Available at: http://www.prisonreformtrust.org.uk/uploads/documents/PunishingDisadvantage.pdf

Q22 If not, are you aware of any evidence that we have not considered as part of our equality analysis? Please supply the evidence. What is the effect of this evidence on our proposals?

The following Prison Reform Trust applied research studies and other publications have identified needs and responses that require attention in the revised Victim's Code:

Women

- Women's Justice Taskforce (2011), Reforming Women's Justice, London: Prison Reform Trust. Available at http://www.prisonreformtrust.org.uk/Portals/0/Documents/Women's%20Justice%20Taskforce%20Report.pdf
- The UN Rules for the Treatment of Women Prisoners and non-custodial measures for women offenders (the Bangkok Rules). Available at http://www.ihra.net/files/2010/11/04/english.pdf

Foreign national women

- Prison Reform Trust and Hibiscus (2012), No Way Out: A briefing paper on foreign national women in prison in England and Wales, London: Prison Reform Trust. Available at http://www.prisonreformtrust.org.uk/Portals/0/Documents/NoWayOut.pdf
- Gelsthorpe, L & Hales, L (2012), The Criminalisation of Migrant Women, Institute of Criminology, University of Cambridge. Available at http://www.crim.cam.ac.uk/people/academic_research/loraine_gelsthorpe/criminalreport29july12.pdf

Children

- Jacobson, J et al. (2010), Punishing Disadvantage: profile of children in custody, London: Prison Reform Trust. Available at: http://www.prisonreformtrust.org.uk/uploads/documents/PunishingDisadvantage.pdf

Black, Asian and Minority Ethnic groups

- Prison Reform Trust and Clinks (2010), Double Trouble? Black, Asian and minority ethnic offenders' experiences of resettlement, London: Prison Reform Trust. Available at http://www.prisonreformtrust.org.uk/Portals/0/Documents/'Double%20Trouble'.pdf

Learning disabilities and difficulties

- Talbot, J (2008), No One Knows: Report and final recommendations, London: Prison Reform Trust. Available at http://www.prisonreformtrust.org.uk/Portals/0/Documents/No%20One%20Knowsreport-2.pdf

Mental health

- Farrant, F (2001), Troubled Inside: Responding to the Mental Health Needs of Children and Young People in Prison, London: Prison Reform Trust. Available at http://www.prisonreformtrust.org.uk/Portals/0/Documents/Troubled_Inside_Children.pdf
- Rickford, D & Edgar, E (2005), Troubled Inside: Responding to the Mental Health Needs of Men in Prison, London: Prison Reform Trust. Available at http://www.prisonreformtrust.org.uk/Portals/0/Documents/Troubled%20Inside_Men%20report%20corrected.pdf
- Rickford, D (2003), Troubled Inside: Responding to the Mental Health Needs of Women in Prison, London: prison Reform Trust. Available at

http://www.prisonreformtrust.org.uk/Portals/0/Documents/TROUBLED%20INSI%20-%20WOMEN%20.pdf

- Edgar, K & Rickford, D (2009), Too Little Too Late: An Independent Review of Unmet Mental Health Need in Prison, London: Prison Reform Trust. Available at http://www.prisonreformtrust.org.uk/Portals/0/Documents/Too%20Little%20Too%20Late%20-%20a%20review%20of%20unmet%20mental%20health%20need%20in%20prison%20.pdf

Older people

- Prison Reform Trust (2008),Doing Time: The Experiences and Needs of Older People in Prison, London: Prison Reform Trust. Available at http://www.prisonreformtrust.org.uk/Portals/0/Documents/doing%20time%20good%20practice%20with%20older%20peop,.pdf
- Cooney, F & Braggins, J (2010) Doing Time: Good practice with older people in prison - the views of prison staff , London: Prison Reform Trust. Available at http://www.prisonreformtrust.org.uk/Portals/0/Documents/doing%20time%20good%20practice%20with%20older%20peop,.pdf

Young adults

- Prison Reform Trust (2012), Old Enough to Know Better? A briefing paper on young adults in the criminal justice system in England and Wales, London: Prison Reform Trust. Available at http://www.prisonreformtrust.org.uk/Portals/0/Documents/OldEnoughToKnowBetter.pdf

As stated above, the main conclusion to be drawn from this evidence is that those prisoners, former prisoners and ex-offenders who are victims of crime should receive the same services as those who have not been convicted of offences. There should be a clear duty on criminal justice agencies to enable people in custody or under supervision to exercise their entitlements under the Code. This should include specific duties to monitor and respond appropriately to incidents of crime and victimisation, and to refer individuals to, and cooperate with, outside agencies. Clear protocols should be developed for all criminal justice agencies setting out how people in custody or under supervision are able to exercise their entitlements under the Code.

Q23 Do you have any comments in relation to our impact assessment?

Offenders do not seem to have been considered as “main affected groups” in the impact statement of the proposals. This is surprising given the high proportion of people in the prison population who are also victims of crime, and the contribution offenders can make in making reparation to victims, for instance through participation in a restorative justice process.