

## Fixing data gaps for victims of crime: a briefing

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### Putting victims at the heart of the justice system?

Over the past twenty years, there has been no lack of policy activity and political rhetoric designed to improve the experience of victims in the justice system. In what has now become a hackneyed phrase, politician after politician has promised to place ‘victims at the heart of the justice system.’ To that end, we have seen the establishment and subsequent revision of a Victims Code,<sup>1</sup> the creation of a new national Victims Commissioner,<sup>2</sup> legislation which has sought to enshrine particular victims’ rights into law, and a range of sentencing changes to deliver longer sentences to ensure that victims feel like justice is truly delivered. As we write, there is a Victims and Prisoners Bill going through Parliament.

And yet, despite all this legislative and policy activity, the most recent survey of the experience of victims in the criminal justice system<sup>3</sup> found that only 18% of respondents agreed that they were kept regularly informed or received all the information they needed about the police investigation.<sup>4</sup> Moreover, the backlog of court cases is resulting in victims of crime withdrawing from the criminal justice process.<sup>5</sup> This is particularly true for victims of rape, with latest data showing that almost two thirds (61%) of adult rape investigations are closed because the victim no longer wished to continue.<sup>6</sup> As the previous Victims Commissioner, Dame Vera Baird QC, said in 2022, at the very least “victims should not come away from the justice process having been made to feel worse.” And yet, in 2023, it is hard to conclude that we are delivering even that humble goal.

### The importance of data

In all this activity and effort, it may seem odd to focus on data—on what the justice system records and analyses about the victims themselves and the justice processes they are then involved in. But without good data on victims, our criminal justice agencies cannot identify who victims are, and what their differing and diverse needs are; they cannot measure and predict whether and how they are provided with the right support and information; they cannot share information about them with other agencies; and senior practitioners and policymakers alike cannot adequately identify weaknesses in the system and provide effective solutions. In short, improving the data that is held, accessed, analysed and deployed on victims is vital in order to improve the operation, efficacy and fairness of the justice system. Without it, our criminal justice system is unlikely to ever be able to put victims at heart of the justice system.

### The data gaps

Our research report, published in June 2023, and based on a rapid review of the literature and interviews with key stakeholders in the victims’ sector,<sup>7</sup> identified a range of gaps, limitations and problems in how we collect data on victims in the criminal justice system.<sup>8</sup> These are:

- **A focus on cases, not people:** We found that our criminal justice administrative data systems put the criminal case at their heart, with the victim often being treated as only one of many participants involved in the process (and often a passive one at that). This struck us as a profound expression of some deep cultural and systemic values on which our present justice system is based— due to our adversarial system, the primary focus of data systems is to meet the needs of the prosecuting and defence lawyers, rather than those more directly affected by the crime, in particular victims.
- **No system-wide ‘identifiers’:** Perhaps because of this focus on cases and not people, our report found that there is no unique identifier across the criminal justice system (like an NHS number) that allows us to track individuals, not least victims. For example, despite a specially commissioned report recommending that Government should “consider the benefits and risks

of introducing unique identifiers for individual users of the justice system,”<sup>9</sup> in the end, the new Common Platform digital case management system<sup>10</sup> for criminal justice practitioners is unable to identify basic victim information, like whether the same person shows up repeatedly (for example, a repeat victim of domestic abuse).

- **Lack of data to assess compliance with the Victim’s Code:** The Victims’ Code sets out the minimum standard that organisations must provide to victims of crime. However, we found there was only partial data collection and performance measurement, and even then not all of it public, that would allow victims and the public to assess whether the commitments under Code are being upheld.
- **Different agencies record victim information in different ways:** We found that different criminal justice agencies define and count key data about victims in different ways, a problem amplified by the fact that police data is governed by the Home Office and courts and probation data by the Ministry of Justice while the Crown Prosecution Service and Parole Board are independent bodies.
- **Poor recording of victim details by the police colours the rest of the system:** Because the police are the start of the criminal justice process, a lack of reliable data on victims in police systems has a particularly acute impact on victims’ data journey. Unfortunately, our research strongly suggests that even basic data on victims is poorly recorded. This has been highlighted in a number of reports, including the independent report into the investigation and prosecution of rape, which found that police records were regularly missing or contained incorrectly entered data, for example, on victim ethnicity, the victim-suspect relationship and incorrectly applied outcome codes.<sup>11</sup>
- **Lack of recording of protected characteristics across the system:** We found that there can be poor recording of victims’ “protected characteristics”<sup>12</sup> by statutory organisations, essential for agencies’ obligations under the Public Sector Equality Duty. For example, probation inspectors have identified that, within their Victim Contact Scheme, data relating to the protected characteristics of victims is frequently missing.
- **There is insufficient investment in the data capacity and capability of victim support agencies:** We found that victim support agencies are not required to record victim information in a consistent format and the range and quality of data recorded varies considerably with (understandably) smaller charities in particular prioritising their work with victims over data recording.
- **Lack of data sharing/lack of join up:** Identifying and sharing information relating to victims is sensitive and confidential and should be securely stored. But we found this too often put a (perceived) barrier in the place of regular and reliable data sharing between agencies.
- **Lack of performance measures about victim experience:** In the recent past, the police and the wider justice system measured their performance, in part, on victim’s experience, based on nationally agreed surveys of victims.<sup>13</sup> But, there have been no national victims’ and witnesses’ survey conducted in the last decade and the police are no longer nationally measured on their performance in delivering victim satisfaction.

## The impact of data gaps

The poor quality of victim data affects the real world experience of victims in the criminal justice system. Our research found regular examples in which victims had to supply the same information repeatedly to different agencies in order to understand what was going on and to access support services. This requires resilience and tenacity during what was often a deeply emotional and traumatic process. The lack of data collection on whether the Victims Code is being adhered helps, in the words of the Justice Select Committee, retain the current onus “on the victim to claim rights they are often unaware of, rather than requiring the relevant agencies to deliver them.”<sup>14</sup> Moreover, the lack of good quality data on victims means practitioners and policymakers do not have the ability to understand some salient issues— most importantly, when and why victims withdraw from the justice process.

We also heard that there is often a failure to consider data in designing new policies and

implementing them. In our research on the use of protection orders for domestic abuse, we have found widespread concern among practitioners the data recording, reporting and transparency about their operation is poor— there is no national central monitoring mechanism in place which tracks their use nationally, making it difficult to understand variation in their use and effectiveness.<sup>15</sup> While we are aware, through our research, of some promising initiatives such as the BOLD victims pathway project,<sup>16</sup> which is seeking to link data across the police, CPS and courts systems, too often this is the case of trying to fix a problem after the event, because systems were not designed with victims in mind.

## Fixing data gaps in the Victims and Prisoners Bill

A number of these issues are systemic and hard-wired into the justice system. Changing current practices and current culture requires a long-term commitment to change. However, the Victims and Prisoners Bill does provide an opportunity to make some important changes to the legislative framework. We recommend that:

- Clause 2 include an additional subsection which places an obligation on the relevant statutory services, including but not limited to the police, to collect data on victims' access to and use of requirements of the Victims Code. We further recommend that the additional regulations envisaged in subsection 4 include specific information about how the requirements of the code will be monitored;
- Clause 5 should be extended to include a duty on the Secretary of State to consult the Victims Commissioner and other organisations representing a diverse range of victims about the data and information that should be collected and shared;
- Clause 5 should be extended to contain a duty on the Secretary of State to publish specified data, agreed in consultation with the Victims Commissioner and a diverse range of victims' groups to ensure that this data is available to the public and victims;
- A new clause, placing a legal obligation on all statutory agencies who commission or provide criminal justice, to include a consistent identifier when processing victim (and other individuals') information, akin to similar provisions in the Health and Social Care (Safety and Quality) Act 2015 which underpins the NHS number, and which can be brought into force when the unique identifiers are established (see Annex A).

## Annex A: A new Justice journey number\*

The introduction of a single Justice Journey Number allocated to individuals using the criminal justice system would enable all agencies to work more effectively together to support victims, to improve public safety, and to reduce operational costs, including the significant costs associated with abandoned prosecutions. The introduction of a Justice Journey Number would also support the creation of a digital hub for victims, enabling them to access relevant, timely information about the progress of their case on their own terms, complementing existing plans for enhancing victim care and support.

This would function like the NHS Number that allows health services to access relevant information about all of a particular patient's interactions with the NHS. Instead of issuing a new crime number for each reported offence, all reports made by a victim of crime should be attached to the individual's number. This would support the provision of accurate information about case progression to victims and help underpin the creation of digital portals to enable victims to access information about the progress of their case. It would also reduce administrative burdens on frontline staff, provide timely analysis of the impact of changes to the CJS on victim attrition and other outcomes, and support the commissioning of victim support services by PCCs.

The Justice Journey Number would be a consistent identifier for victims - a mechanism for confirming a victim's identity and enabling, with consent and information sharing agreements, appropriate and proportionate information to be shared about victims across criminal justice agencies. Consistent identifiers for individuals are already used in health and by departments including HMRC and the DWP. Most recently, the Independent Review of Children's Social Care 2022, recommended that government implement a consistent identifier to support the linking and sharing of data across the child protection system, in order to better protect vulnerable children. This could be achieved either by using an existing consistent identifier (such as the NHS number) or by developing a new one.

\*Dr Natalie Byrom, who has been involved in this work since its conception, has kindly provided this overview of what a new Justice Journey number could look like. For more information about how this could be implemented, please get in touch with us.

## Endnotes

1. Ministry of Justice. (2021). The Code of Practice for Victims of Crime in England and Wales and supporting public information materials. Available at: <https://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime>
2. The Victims Commissioner role was created under sections 48 to 53 of the Domestic Violence, Crime and Victims Act 2004 as amended by section 142 of the Coroners and Justice Act 2009.
3. Victims Commissioner. (2023). Victims' Experience: Annual Survey 2022. Available at: <https://cloud-platform-e218f50a4812967ba1215eaecede923f.s3.amazonaws.com/uploads/sites/6/2023/11/Victim-Survey-2022.pdf>
4. Wedlock & Tapley (2016) conducted a rapid evidence assessment of what works in supporting victims of crime and concluded that the basic provision of timely information can assist victims in coping with the impact of victimisation and that a lack of information makes surviving the experience even harder and in many cases can result in victims disengaging with the criminal process and withdrawing their co-operation. Wedlock, E. and Tapley, J. (2016). What works in supporting victims of crime: a rapid evidence assessment. London: Victim Commissioner.
5. There were 64,709 outstanding Crown Court trials on 30 June, 2023, the most recent official figures at the time of writing.
6. Home Affairs Committee. (2022) Investigation and prosecution of rape. HC 193.
7. Interviews were conducted with twelve individuals from nine different organisations: Better Outcomes through Linked Data (BOLD) Project; Domestic Abuse Commissioner; His Majesty's Courts and Tribunal Service; His Majesty's Inspectorate of Constabulary and Fire and Rescue Services; His Majesty's Inspectorate of Probation; the Mayor's Office for Policing and Crime; the Parole Board; the Suzy Lamplugh Trust, and the Victims' Commissioner.
8. Webster. (2023). Understanding the current system of victim data collection. Centre for Justice Innovation/Justice Lab. Available at: <https://justicelab.org.uk/resource/briefing-paper-understanding-the-current-system-of-victim-data-collection/>
9. Byrom, N (2019) 'Digital Justice: HMCTS data strategy and delivering access to justice'. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/835778/DigitalJusticeFINAL.PDF](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/835778/DigitalJusticeFINAL.PDF)
10. Common Platform is designed to help professionals manage and share criminal case information more effectively. This includes HMCTS staff, the judiciary and professional court users such as defence lawyers and the Crown Prosecution Service.
11. Stanko. (2022). Operation Soteria Bluestone Year One Report. Available at: <https://www.gov.uk/government/publications/operation-soteria-year-one-report/operation-soteria-bluestone-year-one-report-accessible-version>
12. The Equality Act 2010 prohibits discrimination against someone because of a series of nine "protected characteristics" which are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. <https://www.equalityhumanrights.com/en/equality-act/protected-characteristics>
13. The government used to conduct comprehensive surveys about victims' experiences of the criminal justice system. In the Police Performance Assessment Framework in the mid-2000s, all police forces were measured on their performance, including on victim satisfaction, administered via police force victim surveys which had to include specific mandated questions. These results were part of comparative national measurement of police performance. Additionally, the Witness and Victim Experience Survey (conducted from 2005/06 to 2009/10) was a nationally representative survey that provided information about victims' and witnesses' experiences, the services they received, and their satisfaction with different aspects of the system in cases that resulted in a defendant being charged.
14. Justice Select Committee. (2022). Pre-legislative scrutiny of the draft Victims Bill. Available at: <https://committees.parliament.uk/publications/28831/documents/174248/default/>
15. Lis Bates & Marianne Hester. (2020). No longer a civil matter? The design and use of protection orders for domestic violence in England and Wales. *Journal of Social Welfare and Family Law*, 42:2, 133-153,
16. The BOLD Victim Pathways Pilot project aims to better understand how government and third sector services can most effectively support victims of crime. Currently, the pilot is seeking to link data across the police, CPS and courts systems. Although the pilot is currently in its early "discovery" phase, it aspires to publish linked data which highlights critical points which facilitate or hamper victims' journeys to successful justice outcomes on a dashboard.

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## About the Centre for Justice Innovation

The Centre for Justice Innovation seek to build a justice system which all of its citizens believe is fair and effective. We champion practice innovation and evidence-led policy reform in the UK's justice systems. We are a registered UK charity.

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