



THE CHIEF CONSTABLE OF CLEVELAND

Victims' Code

Internal audit report 9.23/24

FINAL

17 January 2024

This report is solely for the use of the persons to whom it is addressed.
To the fullest extent permitted by law, RSM UK Risk Assurance Services LLP will accept no responsibility or liability in respect of this report to any other party.

THE POWER OF BEING UNDERSTOOD
AUDIT | TAX | CONSULTING



1. EXECUTIVE SUMMARY

Why we completed this audit and background

We have undertaken a review of the Force's control framework with respect to the Code of Practice for Victims of Crime and how the Force is documenting and monitoring compliance with the Code. The Code of Practice for Victims of Crime in England and Wales (referred to as VCOP or Victims' Code) is statutory guidance published by the UK Home Office and sets out the rights afforded to victims of crime. As per guidance released by the Home Office, VCOP "sets out the services and a minimum standard for these services that must be provided to victims of crime". As part of our audit, we have considered the documentation and guidance in place at a Force level, the systems and checks in place to document and monitor compliance with VCOP, whether victims entitled to enhanced rights have been appropriately identified, the reporting arrangements in place to appropriately manage compliance and the work undertaken to prepare for updates to legislation and guidance in 2024.

The most recent version of VCOP was released in November 2020 and contains a set of 12 rights covering the initial reporting of the crime to the outcome of any court case or appeal. Whilst the VCOP and many of the rights afforded to victims are the responsibility of the Force, there are also some areas that overlap with the Force's partners or other agencies or organisations (such as the Crown Prosecution Service (CPS) and victim support services). Our audit has not covered whether these organisations have complied with VCOP.

The UK Home Office is currently reviewing VCOP and updates are expected to be released in 2024 as part of the Victims and Prisoners Bill currently in Parliament. Whilst these updates have not been finalised and the bill is being debated within the House of Commons, significant consultation has been ongoing with forces nationally and a set of 11 provisional KPIs have been identified and provided to forces. As part of the updates, each force will be expected to collate and report on the 11 KPIs to provide additional scrutiny and challenge. As the Victims and Prisoners Bill and national guidance have not been finalised, there is the potential for changes to occur.

Currently, the Force uses several systems to record and track compliance with VCOP. The Niche system is the Force's primary crime recording system and allows officers to document the initial assessment with victims, the agreed contact frequency and record of contact with the victim and whether the victim requires enhanced needs. Once a suspect has been charged by CPS, the victim is the responsibility of the Force's Witness Care Unit (WCU) and compliance with the Code is documented using the witness management system (WMS) that is owned by the CPS. The WMS documents contact with the victim and this information is also replicated on a witness monitoring form used internally within the WCU.

Our audit has also taken into consideration the police effectiveness, efficiency and legitimacy (PEEL) inspection undertaken by His Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS). In particular, the most recent PEEL inspection (2021/22) was published in March 2023 and identified that the Force requires improvement with respect to complying with VCOP. The PEEL inspection highlighted two areas for improvement surrounding VCOP: documenting victim needs assessments; and offering victims the opportunity to complete a victim personal statement. Our review has considered both within our testing.

Conclusion

We found that the Force has a set of processes and procedures in place for recording and monitoring compliance with VCOP and the Force's statutory obligations. This is supported by the introduction of a series of audits undertaken by Inspectors which covers, amongst other areas, whether officers are correctly documenting and complying with the victims' rights set out within VCOP. We confirmed work is underway to prepare for the changes in legislation and guidance around VCOP in 2024 and the Force is currently undertaking a gap analysis to identify areas for development and the introduction of new KPIs.

However, our review identified that whilst the Niche system has sections to record evidence of VCOP compliance, discrepancies were identified during our sample testing with officers either not completing these sections or not completing them correctly. Sample testing of the Niche system also identified discrepancies regarding the completion of the victim contact management module, the agreed contact schedule, the frequency at which officers are contacting victims, contacting victims at the relevant 'trigger points' (such as the arrest or charging of a suspect) and documenting offering victims the opportunity to complete a victim personal statement.

As part of this audit, we have agreed with the Force Victims Lead that actions will be agreed to implement training and a communication project to ensure officers are aware of their responsibilities and the sections they are required to complete.

As a result of our audit, we have identified and agreed **two high**, **four medium** and **one low** priority management actions.

Internal audit opinion:

Taking account of the issues identified, the Chief Constable of Cleveland can take **partial assurance** that the controls upon which the organisation relies to manage this area are suitably designed, consistently applied or effective.

Action is needed to strengthen the control framework to manage the identified area.



Key findings

We identified the following areas of weakness resulting in two high and four medium priority management actions:



Victims' Contact Management Module

The victims' contact management module is required to be completed for all crimes with a victim. For a sample of 20 crimes, we identified that no module had been created in two instances. In the remaining 18 cases, we noted no discrepancies. We reviewed the module for the 18 crimes and identified several discrepancies including two instances where the preferred method of contact either had not been completed or simply said 'other' and in 11 instances we noted that the interpreter and language spoken section had not been fully completed.

If the victims' contact management module is not completed by officers, there is a risk that the Force may not be compliant with the VCOP. We have agreed two high priority management actions regarding this. **(High)**



Victims' Contact Management Module

To support the discrepancies we have identified, noted above and below, and ensure that officers are completing the victims' contact management module and are also aware of other actions agreed during this audit (such as contacting the victim at the agreed frequency and at each trigger point), the Force Victims Lead has highlighted that a series of internal communications will be agreed with the Force's Corporate Communications Department and released to officers. These internal communications will be used to remind officers of the VCOP and their responsibilities with respect to this. In particular, this will cover discrepancies we have identified including:

- completion of all required modules on Niche;
- completing the Victims' Code module when an officer is the victim;
- the victim being contacted at the agreed frequency; and
- the victim being contacted at all relevant trigger points and that this is done in a timely manner.

If officers are not reminded of these responsibilities, there is a risk that they may not be completed and the Force may not be compliant with the VCOP. **(High)**



Victims of Crime Booklet

The Force has developed a victims of crime booklet that is offered to all victims during the initial contact with officers and sets out the rights included in VCOP and how the Force will respond to the reported crime. Officers are required to document on Niche how they have offered the victim a copy of the booklet (such as through a physical copy of the booklet or referring the victim to the Force's website). Through a sample of 18 applicable crimes, we identified two instances where the officer had not completed this section and we were unable to provide assurance as to whether the victim was offered the victims of crime booklet.

We had originally sampled 20 crimes with a victim but in two cases we noted that the victims' contact management module (which includes the section to document how the booklet was provided to the victim) had not been completed. We have agreed a separate action for this within this report.

The Force Victims Lead noted that it should not be possible for officers to bypass the victims of crime booklet section as this is a mandatory field to be completed. If officers are not documenting whether they have provided victims with the victims of crime booklet, there is a risk that this may not have been provided to the victim and they may be unaware of their rights under VCOP. **(Medium)**



Contact Frequency

For the 18 cases where the victims' contact management module has been completed, we reviewed the contact frequency and tested to determine whether the officer had met this frequency. In nine cases we confirmed that the victim had not been contacted at the agreed frequency and in one further case we noted the victim had been contacted at 31 days and not the agreed 30 days. It should be noted that we also identified three cases (out of the 18) where the agreed contact frequency was between two and four days. Whilst this may be appropriate for severe crimes, officers should not be assigning this frequency to crimes such as minor shoplifting (as was the case for the three crimes).

For the same 18 cases, we tested to determine whether the victim had been updated after a 'trigger point' and that this was done in a timely manner. These include the interview, arrest or charging of a suspect. We identified nine discrepancies where either the victim had not been contacted or there was an insufficient audit trail available to provide assurance that contact had been made.

If contact is not made by officers at the correct frequency and at the required trigger points, there is a risk that the Force may not be compliant with VCOP and victims could become frustrated and distressed. **(Medium)**



Witness Care Unit (WCU)

When a suspect has been charged by the CPS, the victim is contacted by the Force's WCU rather than an officer. We selected a sample of five crimes and reviewed each to determine whether the victim had been contacted in a timely manner. In two cases we noted the victim had not been informed in a timely manner after a trigger point. In both cases we confirmed that the victim required enhanced services and therefore should have been informed in one working day after the WCU was made aware. In one of these cases, the victim was not informed for four days after the case had been discontinued by the CPS and in the other case, the victim had not been informed that the suspect had pleaded guilty until six days later. We noted no discrepancies with the remaining three cases.

If the WCU does not contact victims in a timely manner, there is a risk that the Force is non-compliant with VCOP. **(Medium)**



Victim Needs Assessments

A victim needs assessment is required to be completed for all crimes with victims. This assessment includes whether a victim is entitled to enhanced rights (and therefore a different timescale for contacting the victim after a trigger point in the case). For a sample of 20 cases, we identified one instance where the assessment section had been partially completed and a further instance where the assessment had not been completed. We noted no issues with the remaining 18.

For the same 20 sample cases, we compared the date of when the assessment was undertaken against the date when the crime had been reported. In four instances we noted that the assessment had not been completed within one day (though the longest was only three days after the crime had been reported). We noted no issues with the remaining 16 cases.

If victim needs assessments are not completed and this is not done in a timely manner, there is a risk that the Force may be non-complaint with VCOP and instances where the victim may be entitled to enhanced rights are not identified. **(Medium)**

For details of the one low priority management action, please see section two of this report.

Our audit review identified the following controls are suitably designed, consistently applied, and are operating effectively:



A VCOP guidance document is available to officers via the Force's intranet, on a dedicated VCOP page. Further guidance is also available to officers on this page. The VCOP guidance document provides advice and guidance to officers regarding the entitlements a victim has under VCOP, the services they may be offered and how a victim entitled to enhanced rights is identified. As well as this, we confirmed that the responsibilities of an officer are also included in the document and how they should be documenting compliance with VCOP on Niche.



The Force Victims Lead has received a technical guidance document produced by the Home Office and circulated to forces nationally. The guidance document provides information regarding the upcoming KPIs and how these will potentially be measured.

This technical guidance document was discussed in an internal meeting within the Force, with all 11 KPIs reviewed to assess the Force's ability to report on these. Some gaps were identified as the Force may not have full capacity to report on all 11 KPIs currently, however, changes are being actioned to address this. A summary of this discussion and the actions raised is available and documents the work agreed within the meeting.



The Force has a Victims and Witness Tactical Delivery Group that was set up to implement and monitor, amongst other areas, VCOP within the Force. An action log is available and actions have continued to be raised since April 2022. Reporting on performance against the VCOP is provided to the Victims and Witness Tactical Delivery Group. We confirmed through review of the Delivery Group's agenda that performance, including victim satisfaction and VCOP updates are included as a standing agenda item.



Reporting on compliance with VCOP is taken to the Improving and Managing Performance Across Cleveland Together (IMPACT) monthly board meetings. IMPACT meetings are chaired by the Deputy Chief Constable (DCC) and are attended by Superintendents from across the Force. From review of three months' worth of agendas and presentations for the IMPACT meetings, we confirmed that victim satisfaction and the actions taken by the Force to address any discrepancies are included.



The Force has implemented a set of internal audits completed by Inspectors. As part of these, Inspectors review a series of cases to determine whether officers have completed the correct procedures and documented this on Niche. Part of this audit covers VCOP and whether the correct audit trail is available to support work undertaken by the officer.

The Inspectors' audits are a recent introduction, being implemented in August 2023. One of the reasons for the introduction of these audits was to ensure that issues identified in the HMICFRS PEEL inspection were actioned and resolved.

We reviewed the current results of the Inspector audits from the last three months and noted that there were significant similarities between our review and the audits undertaken by the Force. In particular, discrepancies regarding the victim personal statement, completion of the victim contact management module, contact frequency and contacting the victim at the appropriate trigger points were identified as issues during the Inspectors' audits as well as during our review.



Discrepancies identified during the Inspectors' audits have been analysed and are reported every two months to all Inspectors via the Audit and Review Team. Inspectors are then expected to disseminate these findings to the wider workforce. Reporting is also provided to the IMPACT meetings and the Victims and Witness Tactical Delivery Group to ensure that senior management are also aware of these issues.

2. DETAILED FINDINGS AND ACTIONS

This report has been prepared by exception, therefore, we have included in this section, only those areas of weakness in control or examples of lapses in control identified from our testing and not the outcome of all internal audit testing undertaken.

Area: Victims' Code		
Control	Victims are made aware of their entitlement and who to contact for support through the issuance of a support for victims of crime booklet.	Assessment:
	The booklet is either issued in hardcopy or online, via either an email link or through a QR code on the officer's business card. The booklet is also available to all on the Force's internet page.	Design ✓ Compliance ×
Findings / Implications	<p>The Force Victims Lead explained that the victims of crime booklet is provided to victims either as a physical copy, through an email link or through a QR code on the officer's business card. We were provided with a link to the victims of crime booklet by the Force Victims Lead and confirmed the booklet is available to all on the Force's website.</p> <p>Through inspection, we confirmed that the booklet sets out what victims can expect when a crime is reported, during the initial investigation and how the Force will deal with the reported crime as well as setting out each right under the Victims' Code. The booklet also provides guidance on useful contacts and support services and also details how to access medical support and who to contact to access safe accommodation.</p> <p>Sample testing</p> <p>As part of our sample testing, we selected a sample of 20 crimes with a victim. Of these 20 selected, the victim contact management module was completed in 18 instances. We have raised a management action in a below control in respect of the other two sample cases. For the 18 instances from our sample where the victim contact management module had been completed, we noted:</p> <ul style="list-style-type: none"> • in four instances, the officer had provided the victim with a copy of the booklet and no issues were noted; • in three instances, the officer had referred the victim to the website and no issues were noted; • in nine instances, the officer stated that they offered the booklet to the victim but they did not want a copy. No issues were noted; and • in two instances, the officer had not ticked to confirm whether they provided the booklet to the victim and as such it is not clear whether the victim was provided with the booklet. <p>The Force uses the victims booklet as a key way to inform victims of their rights and if victims are not provided with a copy of the booklet or a link to the booklet, there is a risk that victims may not be informed of their rights under VCOP. The Force Victims Lead did note that work has been undertaken to ensure that the victim of crime booklet section is mandatory and cannot be bypassed. However, through our sample testing and review of the PowerBi dashboard, it is clear that there is a work around and officers are not always recording whether a victims of crime booklet has been offered.</p>	

Area: Victims' Code

PowerBI

We were also provided with a screenshot from the PowerBI dashboard used by the Force to report on the victims code module information recorded on Niche since 1 April 2022.

Of all the cases, a booklet has been offered but declined by the victim in 2,234 instances, in 1,081 instances the victim was referred to the website and in 254 instances this was marked as yes (meaning the booklet had been supplied). In the remaining 10 instances, this had been left blank, again highlighting that in some instances, victims may not have been issued with booklets.

Inspectors' audits

Through review of the results of the Inspectors' audits completed, we noted that out of 444 case reviews, there were 177 instances (40%) where 'other' has been selected by the Inspector for whether a victim of crime booklet had been provided. This option is to identify instances where a booklet has been offered but not in the form of a physical booklet or referred to the website. This could include the victim rejecting the booklet. Of the remaining reviews, there were only 29 instances (7%) where the Inspector identified that the booklet was provided, 99 instances (22%) where the victim had been referred to the Force website and 139 instances (31%) where the Inspector has marked the response as "not evidenced". For these responses, the Inspector could not determine whether a victim of crime booklet had been provided.

If victims of crime are not offered the victims of crime booklet, or officers are not documenting whether they have provided victims with the victims of crime booklet, there is a risk that this may not have been provided to the victim and they may be unaware of their rights under VCOP.

Management Action 1	The Force Victims Lead will work with the developers of Niche to understand how the victim of crime booklet section can be bypassed and how this can be rectified. Once this issue has been addressed, the Force will continue to monitor this through the monthly audit inspections and ensure the fields are mandatory.	Responsible Owner: Force Victims Lead	Date: 31 July 2024	Priority: Medium
----------------------------	---	---	------------------------------	-----------------------------------

Area: Victims' Code

Control	<p>The Force uses a victims and witnesses code module in Niche to record evidence that rights are being complied with. This includes a preferred method of communication, the language the victim speaks, whether an interpreter is needed and a contact schedule.</p> <p>Contact should be made with the victim at the frequency recorded in the contact schedule and recorded on Niche. The victim should be informed at set trigger points (the suspect being interviewed, arrested, charged, released and if the case is closed). Contact should be made within five days (one day if enhanced needs).</p>	Assessment: Design ✓ Compliance ×
Findings / Implications	<p>We were provided with a report downloaded from Niche showing all crimes with a victim reported in the previous 12 months. We selected a sample of 20 crimes to walk through with the Project Officer to determine whether the victim contact management module had been completed and information appropriately recorded, our findings are detailed below.</p> <p><i>Victim Contact Management Module completed</i></p> <p>For our sample of 20, we confirmed via inspection of Niche:</p> <ul style="list-style-type: none">• in 18 instances, the victim contact management module had been completed; and• in two instances, we could not locate the module. <p>A further review was undertaken with the Force Victims Lead who agreed that whilst these cases were more complex and not as straightforward, a victim contact management module should have been created and completed. In particular, one of the discrepancies we identified related to a case where an officer had been assaulted (and was therefore the victim). The Force Victims Lead highlighted that some officers are not aware that if they are the victim in a crime, a module is still required to be completed. In particular, officers will be reminded that if they are the victim in a crime, the module is still required to be completed.</p> <p>We noted through review of the results of the Inspectors' audit findings that this has been identified as an issue by the Force. In particular, one question within the Inspector audits covered this area and it was noted that Inspectors identified that in 212 out of 444 (48%) cases, the module had not been completed.</p> <p>If the victim contact management module is not completed, there is a risk that the Force is not appropriately recording the required information to ensure compliance with VCOP.</p> <p><i>Victim service tab completed</i></p> <p>For the 18 instances where the victim contact management module had been completed, we walked through the module on Niche to determine whether the victim services tab was completed. In all 18 cases, we did not identify any discrepancies and the response was clearly documented on Niche.</p>	

Area: Victims' Code

Preferred method of contact completed

For the 18 instances from our sample where the victim contact management module had been completed, we noted:

- in 16 instances, the preferred method of contact had been completed and no issues were noted;
- in one instance, the section had not been completed and;
- in the remaining instance, the information recorded was unclear and simply said "other".

If the preferred method of contact is not completed, there is a risk that the victim may be contacted in a way they are not comfortable with.

Interpreter and language spoken option completed

For the 18 instances from our sample we walked through the victim contact management module to test to see whether the interpreter and language spoken option was completed. We noted:

- in seven instances, we confirmed both interpreter and language spoken options were completed and no issues were noted;
- in four instances, we noted either interpreter or language spoken was completed, but not both; and
- in seven instances, we noted that neither interpreter nor language spoken was completed.

If officers do not record information regarding a victim's language spoken or whether they require an interpreter, there is a risk that victims may not be able to communicate effectively and there may be insufficient arrangements made for future contact.

Contact schedule

For the 18 instances where a victim contact management module had been completed, we tested to determine whether the contact schedule had been completed and met. We noted in all 18 instances a frequency had been set. In four instances, the frequency was set at 999 days. It was explained that this date is used when victims do not co-operate and do not wish to be contacted. We inspected the record of communications with the victim and noted:

- in three instances (all where a frequency of 999 days had been set), we confirmed that one update had been provided. In all three cases, the victim did not co-operate and did not want any involvement;
- in one instance (another frequency of 999 days), we noted that the victim had not been contacted. We queried this and noted that it was a complex case where the suspect had set fire to their own property and informed the police. Given this, the individual is recorded as both the suspect and the victim;
- in three instances the victim had been informed at the agreed frequency;
- in one instance we noted that the victim was informed at the agreed frequency up to the last point of contact. This was 31 days (despite having agreed 30 days) after the last time they were contacted. Whilst this is technically non-compliant, it should be noted that the victim was informed on the 31st day which was a Monday (after a weekend);

Area: Victims' Code

- in one instance the victim agreed to a 28 day frequency but later that day did not wish to co-operate. The case was closed the following day; and
- in the remaining nine instances, we noted that the agreed contact frequency had not been met on Niche. Whilst all were non-compliant, it should be noted that the exact circumstances in each varied. For example, we noted one instance where the victim agreed to a 28 day frequency but was not contacted for approximately 46 days where they were informed the suspect was being charged. In another instance, we noted that at least 15 attempts had been made by the officer over a nine month period though there was one instance where an update had not been provided for approximately 48 days (despite agreeing a 30 day timeframe). In a further three instances, we noted that a timeframe of two days, three days and four days respectively had been agreed but had not been met by the officer.

As part of our testing, we also noted three instances where the timeframe agreed with the officer for contact was not appropriate. This was two days, three days and four days respectively. We discussed this with the Force Victims Lead who noted this is related to the officer's judgement, and should match the severity of the crime. From review of the crimes recorded against the three cases, we identified that the two day update was for a robbery, the three day timeframe was for assault and battery, and the four day timeframe was for shoplifting. Whilst a three or four day timeframe may be appropriate for a significant offense, it is most likely not appropriate for a small shoplifting offence.

We noted that this issue has been identified by the Force as part of the Inspector audits with Inspectors determining that in 97 out of 444 cases (22%), the contact frequency agreed was not at a reasonable frequency.

If victims are not contacted in a timely manner or an officer agrees a short contact frequency, there is a risk that the Force may not be able to abide by the victim's right to regular updates. As well as this, there is a risk that victims could become frustrated at the lack of contact which could impact the Force's reputation.

Victim updated after trigger points (arrested, charged, released)

For the 18 instances in our sample where the victim contact management module was completed, we noted:

- in one case we noted that the victim had not been contacted when the suspect was arrested, interviewed or charged. We queried this and noted that it was a complex case where the suspect had set fire to their own property and informed the police. Given this, the individual is recorded as both the suspect and the victim;
- in five cases we confirmed that the victim had been informed for each of the trigger points. It was noted that for two of these cases, the suspect had been arrested, interviewed and charged within several hours and the victim had been told all of this during one phone call. As this was within the timeframe, no discrepancy has been identified;
- in two cases the victim (or their representative) had been informed of the case being closed on the following day;
- in two cases we could not locate any reference on Niche to the victim being contacted after any trigger point;

Area: Victims' Code

- in one case the victim had been informed that the suspect would be coming in for a voluntary interview and this was within the timeframe. The suspect was subsequently cautioned and a caution form completed on Niche. Upon review of the caution form, we noted that the officer stated that they had informed the victim, however we could not locate evidence of this on Niche;
- in one case we noted no reference on Niche for any contact by the officer outside of one attempt by a Supervisor as part of a separate review. As such, the victim may be unaware of the case's current status;
- in two instances we noted that the case had been closed but the victim not contacted. We identified these were instances where the victim explained they did not wish to co-operate or be contacted about the case;
- in one case we noted that there is a record on Niche stating that the victim was contacted when the suspect was arrested, however there is no date or time of when this occurred. As such we have not been able to determine whether this was completed in a timely manner. We have also not been able to identify any record on Niche showing contact being made with the victim when the suspect was charged;
- in two instances we noted that the case had been closed but the victim had not been informed of this;
- in the final case, we noted that the victim had been informed of the suspect's arrest and interview on the same day. Two attempts had been made by the officer to inform the victim that the case had been closed however both were unsuccessful.

This issue was identified by the Force as part of the Inspectors' audits, with Inspectors identifying that in 71 out of 444 cases (16%), the victim had not been contacted at the agreed frequency.

If victims are not contacted and informed at the appropriate trigger points, there is a risk that the Force is non-compliant with the right regarding keeping victims updated. As well as this, if a case has been closed or a suspect has been charged and the victim has not been informed, there is a risk that this could cause them harm and distress.

Victim Personal Statement

For our sample of 20 crimes with a victim, we tested to determine whether a victim personal statement had been completed:

- in four instances the victim personal statement was on file and no issues were noted;
- in four instances there was no statement on file as the victim did not comply or did not support police action;
- in 11 instances, there was no victim personal statement on file; and
- in one instance, the victim was the suspect therefore a victim personal statement was not applicable.

Whilst completing a victim personal statement is not mandatory, victims do have a right to be offered to complete one. We noted that for the 11 cases where there was no victim personal statement on file, we were unable to determine whether one had been offered and rejected by the victim or whether the victim had just not been offered one.

Area: Victims' Code

Given this, the Force should work with the developers of Niche to determine whether a drop down bar can be added to the Niche system to ensure a record is on file for whether the statement was rejected or accepted. The Force Victims Lead noted that this has been identified as an area for development as there is a proposed KPI around victim personal statements.

If victims are not given the opportunity to provide a personal statement if they so wish, there is a risk that they may feel that their concerns have not been heard when the Force is dealing with a case.

Management Action 2	<p>The Force will ensure that the victims' code module on Niche is completed for all crimes with a victim. This will be supported through a variety of measures:</p> <ul style="list-style-type: none">• the PowerBi dashboard and Inspectors' audits will continue to be used to identify instances where an officer is not completing the victims' code module;• any exceptions will be discussed with the relevant officer or staff member to ensure they are aware of their responsibilities;• any themes or trends identified will be raised and discussed with the Victim and Witness Group. This includes identifying specific teams that are less likely to be completing the victims' code module; and• the Force will hold a series of training days to appropriately educate officers and staff. Whilst this will not exclusively cover the victims' code module, it will be included.	Responsible Owner: Force Victims Lead	Date: 31 May 2024	Priority: High
Management Action 3	<p>The Force Victims Lead will work with the Force's Corporate Communications Department to agree a series of internal communications to remind officers and staff of their requirement with regards to the Victims' Code. This will include:</p> <ul style="list-style-type: none">• the requirement to fully complete the victims' code module on Niche;• that the victims' code module should be completed when an officer is the victim;• the victim being contacted at the agreed contact frequency; and• victims being contacted at the relevant trigger points.	Responsible Owner: Force Victims Lead	Date: 31 May 2024	Priority: High

Area: Victims' Code

Management Action 4	<p>The Force will ensure all officers are recording a proportional contact frequency with victims and that this is adhered to. Where officers are not able to contact the victim at the required frequency, appropriate rationale will be documented to explain this.</p> <p>As well as contacting victims at the agreed frequency, officers will also ensure contact is made at each of the agreed trigger points (such as arrest and charge).</p> <p>This action will be supported by the measures identified in management action two and three.</p>	Responsible Owner: Force Victims Lead	Date: 31 May 2024	Priority: Medium
Management Action 5	<p>The Force will work with the developers of Niche to identify any potential opportunities for recording data regarding the victim personal statement. In particular, this will be reviewed alongside the upcoming KPIs to ensure any options are in line with proposed performance metrics.</p>	Responsible Owner: Force Victims Lead	Date: 31 July 2024	Priority: Low

Area: Victims' Code

Control	Once a suspect has been charged, interaction with victims is passed to a Witness Care Officer based in the Witness Care Unit (WCU). The WCU is required to contact the victim before the initial court date and at each subsequent court date.	Assessment:	
	If a suspect pleads guilty, is found guilty in court or is sentenced, the victim must be made aware within a timely manner (either one working day or five depending on whether they are entitled to enhanced rights).	Design	✓
	All interactions with the victim are required to be documented on the witness management system and an internal monitoring form.	Compliance	×
Findings / Implications	Due to the difficulty and time taken required to complete sample testing, we have only been able to test six sample cases of victims that have gone through the court proceedings. Due to the nature of our sample set, additional work was required to understand the context for each before we could conduct our testing to verify contact had been made in a timely manner. This has resulted in testing requiring longer than usual. It should also be noted that whilst we were testing one of our six sample cases, we identified that the victim had passed away before the initial court date. As such, we have not undertaken detailed testing of this case and have instead referred to the remaining five sample cases.		
	For the five sample cases, we confirmed a monitoring form is on file which details the dates that the victim has been contacted. We reviewed the monitoring form alongside the witness management system (WMS) used by the WCU to document all interactions between the Force and the victim. For all five cases, we confirmed that introductory contact had been made by the WCU to the victim and this had been made in a timely manner (five days or one day if enhanced needs). For four of the five sample cases, we confirmed a witness warning letter and call had been made to the witness informing them of the results of the initial hearing and the first court date. In all four cases, this contact had been made either on the same day as the initial court date or the day after (and was therefore compliant). In the remaining instance we noted that a witness warning letter had not been sent as the initial hearing was postponed and the suspect later pleaded guilty. We confirmed that the victim had been informed the following day that the victim had pleaded guilty (and was compliant with the one day timeframe).		
	For these four sample cases, we confirmed that the first court date was accurately recorded on the monitoring form and the witness warning letters sent to the victims. For these cases, we identified the following with regards to the outcome of the case and whether the victim had been informed in a timely manner: <ul style="list-style-type: none">• in one instance we noted that the victim had withdrawn their statement and the case had collapsed before the next court date. We confirmed that the CPS discontinued the case in September 2023 and the victim was informed of this the following day;• in the second case, we confirmed that the case was also discontinued by the CPS although the victim was not informed for four days. It should be noted that this was an enhanced needs case and therefore the victim should have been informed the following day.		

Area: Victims' Code

- in the third case, we noted that the suspect pleaded guilty but the victim was not informed for six days. We confirmed that this was an enhanced service case and the victim should have been informed within one day;
- in the final case, we identified that the suspect pleaded guilty and the victim was informed the following day. Once sentenced, we confirmed that the victim was again informed the following day. This case is therefore compliant with VCOP.

Upon testing of these cases, we noted that the monitoring form does not provide accurate information and dates of contact, particularly when compared to the WMS. For instance, we noted that for two of the sample cases, the form just contained dates for when the victim was contacted and did not explain why they were contacted or what was discussed. For the first column in the table on the monitoring form, we noted this is required to detail when the Force was informed of changes (such as from the CPS) about which it is required to inform the victim. For the other two cases, we noted that the date in this column did not match the dates on WMS for when the Force was informed of any required changes.

It was noted that the Force is in the process of developing a new monitoring form to better track contact with victims. We received a copy of the draft template and confirmed it contains more information to be recorded to better track compliance with VCOP. It was noted that whilst this has not yet gone live, the Force is intending for this to start to be used prior to the upcoming KPIs going live.

However, if the Force is not contacting victims in a timely manner and is not documenting this correctly on the monitoring form, there is a risk that the Force is non-compliant with VCOP.

Management Action 6	The Witness Care Unit will ensure victims are contacted in a timely manner after each of the relevant stages within the court process. This will include consideration for victims that may require enhanced needs. As well as this, the new monitoring form will be introduced to better track performance metrics and ensure the correct details are recorded.	Responsible Owner: Supervisor - Witness Care and Central Ticket Office	Date: 31 May 2024	Priority: Medium
----------------------------	---	--	-----------------------------	----------------------------

Area: Victims' Code

Control	Initial contact is made with victims and victim needs assessments are carried out within 24 hours of the crime being reported.	Assessment: Design ✓ Compliance x
Findings / Implications	<p>We were provided with a listing of victim-based crimes reported in the last 12 months, and from this selected a sample of 20 crimes to test.</p> <p>Victim needs assessment completed</p> <p>From our sample of 20, we considered whether a victim needs assessment was completed. We confirmed through inspection of the system:</p> <ul style="list-style-type: none">• in 18 instances a victim needs assessment had been completed;• in one instance it had been partially completed; and• in the remaining instance, the assessment had been added but not completed. As the assessment was not completed, we were unable to determine whether enhanced needs applied or whether an initial update had been provided to the victim. We note that the crime type recorded was arson with intent, and therefore it would be expected that enhanced needs would apply. <p>If victim needs assessments are not appropriately completed, there is a risk that officers will not identify where victims are vulnerable and entitled to enhanced rights. If officers do not identify where victims are entitled to enhanced rights, there is a risk that the appropriate timeframe is not adhered to.</p> <p>Timeliness of victim needs assessment</p> <p>For our sample of 20, we compared the date of when the victim needs assessment was completed against the date of the crime to determine whether the needs assessment had been carried out within 24 hours of the crime being reported. Through inspection of Niche, we confirmed:</p> <ul style="list-style-type: none">• in 16 instances, we confirmed that the victim needs assessment was carried out within 24 hours;• in three instances, we noted the victim needs assessment was completed two days after the crime and the assessment was therefore not carried out in a timely manner; and• in the remaining instance, there were three days between the date of the crime and the date of the victim needs assessment, again the needs assessment was therefore not carried out in a timely manner. <p>If victim needs assessments are not completed on a timely basis, there is a risk of non-compliance with VCOP legislation.</p>	

Area: Victims' Code

Initial Update

For our sample of 20 crimes with a victim, we reviewed Niche to determine whether an initial update had been provided by the officer to the victim. We found:

- in 12 instances, we confirmed an initial update was recorded on the date of the victim needs assessment;
- in one instance, the suspect was arrested in front of the victim on the date of the victim needs assessment, no issues noted;
- in one instance, the initial update was recorded, however there was no date for when this was completed. The system stated that the victim would be contacted in the morning although we have not been able to provide assurance on this; and
- in six instances, we noted there was no initial update on file.

If initial updates are not provided, there is a risk of non-compliance with VCOP legislation and causing distress to victims of crime.

Management Action 7

The Force will ensure that victim needs assessments are completed and that this is done so in a timely manner.

Officers will also be reminded of the importance of identifying whether the victim is entitled to enhanced needs and ensuring an initial update is provided within 24 hours.

This action will be supported by the measures identified in management actions two and three.

Responsible Owner:

Force Victims Lead

Date:

31 May 2024

Priority:

Medium

Area: Victims' Code

Control	<p>Victims are identified as being entitled to enhanced rights by the Officer at the initial point of contact and this is recorded on Niche.</p> <p>Victims who are entitled to enhanced rights receive updates more frequently.</p>	<p>Assessment:</p> <p>Design ✓</p> <p>Compliance x</p>
Findings / Implications	<p>Through discussions with the Project Officer and Force Victims Lead, we confirmed that officers use Niche to record when victims are entitled to enhanced rights. When victims are entitled to enhanced rights they are entitled to receive updates within one day of any key update in their case (for example, when the suspect is arrested or charged).</p> <p>We were provided with a download from Niche and from this selected a sample of 20 victims entitled to enhanced rights either due to being a victim of the most serious crime, being persistently targeted, being vulnerable or intimidated. Given the information available from a report form, we were not able to specifically select crimes where the victim may be persistently targeted.</p> <p>We walked through Niche with the Project Officer for each instance to determine whether the assessment has been completed, whether this was done within 24 hours of the crime being reported and whether it has been correctly completed to reflect the victims' eligibility for an enhanced service.</p> <p><i>Victim needs assessment completed</i></p> <p>For our sample of 20 victims:</p> <ul style="list-style-type: none"> • in 17 instances, we confirmed during our testing that the assessment was completed in Niche; • in two instances, the assessment was added to Niche however was not completed; and • in the remaining instance, the assessment had not been completed. Niche records state that the victim did not want the incident to be investigated, however the Project Officer explained that the assessment should have been completed to determine whether they were vulnerable or being intimidated. <p>We have therefore noted exceptions in respect of three instances where assessments were not completed. If assessments are not completed, there is a risk that victims entitled to an enhanced service may not be identified.</p> <p><i>Timely completion</i></p> <p>Through inspection of Niche records, we were able to confirm that the assessment was carried out within 24 hours of the crime being reported for 16 of the 17 completed victim needs assessments. In the one remaining instance, we noted this was an attempted murder and was reported late at night. The victim needs assessment was not undertaken until early morning on the subsequent day. Whilst this is technically one day after the crime being reported, we are aware that this is a significant crime and the victim was unable to help answer the victim needs assessment.</p>	

Area: Victims' Code

Assessment completed correctly

For the 17 instances where the victim needs assessment was completed, we expected that the enhanced needs box would be selected. From review of Niche and the victim needs assessment module, we identified:

- in eight instances, we confirmed that the assessment was correctly completed. In all cases the enhanced service box was ticked;
- in one instance, the officer recorded the victim was vulnerable and persistently targeted, however they had not recorded the victim as requiring an enhanced service (despite being entitled);
- in one instance, the officer recorded the victim was vulnerable, however they had not then recorded the victim as requiring an enhanced service (despite being entitled);
- in the remaining seven cases the officer had marked the victim as not requiring enhanced services (despite being entitled).

From a separate sample of 20 crimes, we reviewed each to determine whether they had been recorded as requiring enhanced needs. For this sample, we did not select specific crime types and therefore they may not require enhanced needs. We noted:

- in eight instances, the victim had been appropriately identified as not vulnerable and did not require enhanced needs;
- in nine instances, the victim was identified as vulnerable. In one of these instances, the officer had incorrectly recorded 'N/A' for enhanced services, we have therefore noted a discrepancy in respect of this instance;
- in one instance, we noted that the assessment had not been completed, however, from inspection of the crime type, we identified that the victim should be entitled to enhanced needs as the crime was arson with intent, we have therefore noted a discrepancy in respect of this instance;
- in one instance, it had not been recorded whether the victim required enhanced services. However, they had been flagged as vulnerable and thus should require enhanced services. This is therefore a discrepancy; and
- in the remaining instance we noted that this section had not been completed by the officer.

If officers are incorrectly recording whether victims are vulnerable or are not completing risk assessments, there is a risk that victims entitled to an enhanced service may not be identified in a timely manner, and may not receive updates in the appropriate timeframes in line with VCOP requirements.

Management Action	See management action seven.	Responsible Owner:	Date:	Priority:
		-	-	-

APPENDIX A: CATEGORISATION OF FINDINGS

Categorisation of internal audit findings	
Priority	Definition
Low	There is scope for enhancing control or improving efficiency and quality.
Medium	Timely management attention is necessary. This is an internal control risk management issue that could lead to: Financial losses which could affect the effective function of a department, loss of controls or process being audited or possible reputational damage, negative publicity in local or regional media.
High	Immediate management attention is necessary. This is a serious internal control or risk management issue that may lead to: Substantial losses, violation of corporate strategies, policies or values, reputational damage, negative publicity in national or international media or adverse regulatory impact, such as loss of operating licences or material fines.

The following table highlights the number and categories of management actions made as a result of this audit.

Area	Control design not effective*	Non Compliance with controls*	Agreed actions		
			Low	Medium	High
Victims' Code	0 (12)	5** (12)	1	4	2
Total			1	4	2

* Shows the number of controls not adequately designed or not complied with. The number in brackets represents the total number of controls reviewed in this area.

** More than one action raised against one control.

Debrief held	7 November 2023
Additional evidence received	21 November 2023
Draft report issued	8 December 2023
Revised Draft report issued	15 January 2024
Responses received	17 January 2024
Final report issued	17 January 2024

Internal audit Contacts	Dan Harris, Head of Internal Audit Philip Church, Associate Director Hollie Adams, Assistant Manager Oliver Gascoigne, Senior Auditor Grace Kunzler, Internal Auditor
-------------------------	---

Client sponsor	Assistant Chief Constable Chief Superintendent, Crime and Justice
Distribution	Assistant Chief Constable Chief Superintendent, Crime and Justice Force Victims Lead

We are committed to delivering an excellent client experience every time we work with you. If you have any comments or suggestions on the quality of our service and would be happy to complete a short feedback questionnaire, please contact your RSM client manager or email admin.south.rm@rsmuk.com

rsmuk.com

The matters raised in this report are only those which came to our attention during the course of our review and are not necessarily a comprehensive statement of all the weaknesses that exist or all improvements that might be made. Actions for improvements should be assessed by you for their full impact. This report, or our work, should not be taken as a substitute for management's responsibilities for the application of sound commercial practices. We emphasise that the responsibility for a sound system of internal controls rests with management and our work should not be relied upon to identify all strengths and weaknesses that may exist. Neither should our work be relied upon to identify all circumstances of fraud and irregularity should there be any.

Our report is prepared solely for the confidential use of the **Chief Constable of Cleveland**, and solely for the purposes set out herein. This report should not therefore be regarded as suitable to be used or relied on by any other party wishing to acquire any rights from RSM UK Risk Assurance Services LLP for any purpose or in any context. Any third party which obtains access to this report or a copy and chooses to rely on it (or any part of it) will do so at its own risk. To the fullest extent permitted by law, RSM UK Risk Assurance Services LLP will accept no responsibility or liability in respect of this report to any other party and shall not be liable for any loss, damage or expense of whatsoever nature which is caused by any person's reliance on representations in this report.

This report is released to you on the basis that it shall not be copied, referred to or disclosed, in whole or in part (save as otherwise permitted by agreed written terms), without our prior written consent.

We have no responsibility to update this report for events and circumstances occurring after the date of this report.

RSM UK Risk Assurance Services LLP is a limited liability partnership registered in England and Wales no. OC389499 at 6th floor, 25 Farringdon Street, London EC4A 4AB.