

Written evidence from the Centre for Public Data to the draft Victims Bill consultation

10 June 2022

1. Summary of evidence	1
2. Response	2
2.1 The Bill's proposals on data	2
2.1.1. No duty to consult victims' organisations on data	3
2.1.2 No duty to publish as well as specify data	3
2.1.3 Limited scrutiny for crucial data specifications	3
2.2 Background: the Victims' Scorecards	4
2.2.1 Concerns about the relevance of the information shown	5
3. About us	6

1. Summary of evidence

1. This is a response from the Centre for Public Data to the Justice Select Committee's call for evidence on the draft Victims Bill¹.
2. The Committee asked for evidence on whether the draft Bill meets the government's aim to deliver "a cultural shift in victims' experiences by putting their interests at the heart of the justice system". Our response covers this in relation to the draft Bill's proposals to place new duties on criminal justice agencies to collect and share data.
3. We welcome the central role of data in the draft Bill, and the government's intention to improve victims' experiences via better transparency and data collection, but are concerned that the draft Bill will not achieve the government's aims.
4. In particular we are concerned that:
 - a. The draft Bill does not require the Secretary of State to consult victims' organisations on the nature of the data to be collected and shared. Without this, any data is likely to reflect the concerns of criminal justice bodies, rather than the real concerns of victims.
 - b. The draft Bill does not require any data to be published, limiting the opportunity for the public and victims to monitor compliance with the Victims' Code.
 - c. The draft Bill will create limited opportunities for the detail of the data to be scrutinised, as this is to be specified in regulations. While we think it is appropriate

¹ <https://committees.parliament.uk/call-for-evidence/2647/>

that data metrics should be specified in secondary legislation, we also think that the content of these metrics need much more external scrutiny than they are likely to receive.

5. We raise these points in the context of concerns about the development of the Victims' Scorecards, which we recommend the Committee should consider alongside the Bill, since the government has made these scorecards a central part of its strategy for improving victims' experiences.
6. At present, these scorecards provide little meaningful information for improving victims' experiences: we suggest several points the Committee may wish to consider to help improve the relevance and quality of the scorecards, such as recommending that the service should be submitted for voluntary assessment against the Government Digital Service's Service Standard.

2. Response

7. In principle, we are strongly in favour of the government's focus on data in this draft Bill. We agree that for too long not enough data has been collected on victims' experiences. Meaningful data, collected and published regularly, can help amplify victims' voices, and hold underperforming institutions to account.
8. However, we are concerned that the draft Bill's proposals will not achieve these aims successfully. The draft Bill lacks important powers, and the developments in victims data to date (in the form of the Victims' Scorecards) suggest that the needs of victims are not yet being effectively prioritised.
9. In the following sections we lay out our concerns with the draft Bill's proposals, explain our concerns about the Victims' Scorecards, and make recommendations in **bold**.

2.1 The Bill's proposals on data

10. Clause 5 of the draft Bill creates a duty on police forces, the Crown Prosecution Service (CPS), the Courts and Tribunal service (HMCTS) and Youth Offending Teams to collect and share data that is relevant to compliance with the Victims' Code. For example, this might include the time taken to process cases, as long delays are painful for victims and often lead to cases being dropped.
11. Clause 5 of the draft Bill also creates a duty on the Secretary of State (SoS) to specify such data in regulations, and to "consult such persons as they think appropriate" before making regulations. In other words, the SoS will specify in regulations the data to be shared, including the precise content and format of the data.

12. While we think it is appropriate that more detailed metrics will be specified in regulations rather than the Bill, we do have three concerns about the draft Bill's proposals.

2.1.1. No duty to consult victims' organisations on data

13. The Explanatory Notes say that the nature and extent of consultation required on the data to be collected is left to the discretion of the SoS, but that "it is intended that the criminal justice bodies and PCCs will be consulted"².
14. We are concerned that there is no mention of consulting victims' organisations, who are surely among the most important users of the data, and can most clearly articulate which needs and experiences of victims are most important to capture in data.
15. From our research, it does not appear that any victims' organisations have been consulted to date on the development of the Victims' Scorecards. This is concerning, and may explain why the Victims' Scorecards currently lack information that would help improve accountability (see below).
16. We therefore recommend that **Clause 5 should be extended to include a duty on the SoS to consult the Victims' Commissioner and other organisations representing victims** about the information that should be collected and shared.

2.1.2 No duty to publish as well as specify data

17. Clause 5 of the draft Bill only requires criminal justice bodies such as police forces and HMCTS to share data with the Police and Crime Commissioners (PCCs) and other criminal justice bodies - there is no requirement on anyone to publish data more widely.
18. If there is no wider publication of data, PCCs will be, as one organisation we spoke to described it, "marking their own homework".
19. While it appears in practice that the government intends that at least some data will be published in the Victims' Scorecards, we think this should also be reflected in the final Bill.
20. We therefore recommend that **Clause 5 should be extended to contain a duty on the SoS to publish specified data**, so that at least some data is guaranteed to be available to the public (who elect PCCs) and to victims.

2.1.3 Limited scrutiny for crucial data specifications

21. As above, Clause 5 of the draft Bill gives the SoS the power to make regulations specifying the data to be collected and shared by criminal justice bodies.
22. We agree it is appropriate that detailed metrics are specified in regulations rather than in primary legislation, as metrics can (and should) evolve over time.

² Explanatory Notes at <https://www.gov.uk/government/publications/draft-victims-bill>

23. However, we are concerned that by being in regulations, the content of these metrics will receive little Parliamentary scrutiny, though the content is extremely important to achieve the Bill's aims. If data that is not relevant to victims, or that does not allow disparities between institutions to be assessed meaningfully, the Bill will not succeed on its own terms.
24. As yet, the Victims' Scorecards contain little truly useful information (as described below), which - together with the lack of consultation with victims' organisations described above - does not give us confidence that these metrics will contribute significantly to a better understanding of outcomes for victims.
25. Thus, we suggest that **there is an opportunity for the Justice Select Committee to invite evidence on these regulations** when they appear.
26. We also **suggest there is an opportunity for the Justice Select Committee to take an ongoing role in examining whether data collection could be improved to understand** how well criminal justice bodies are complying with the Victims' Code.

2.2 Background: the Victims' Scorecards

27. The Victims' Scorecards are intended to bring together performance data on metrics that are important to victims. The aim of these scorecards is described as being "to increase transparency, increase understanding of the CJS and support collaboration, particularly at a local level"³.
28. The online scorecards currently include information on:
 - a. the time taken for cases to be investigated by the police, for an offender to be charged and for the case to be completed at court;
 - b. the percentage of cases where a victim withdraws (which is likely to indicate a poor experience for the victim);
 - c. the percentage of cases with a successful or unsuccessful outcome
 - d. the total volume of cases.
29. Information is currently only available for all crimes in aggregate, or specifically for rape.
30. Scorecards on national performance were published in December 2021, and scorecards on local performance were published in March 2022.
31. While we welcome the existence of the scorecards, there are a number of problems with them that inform our concerns about the draft Bill, particularly around consulting victims' organisations and reflecting victims' needs.

³ <https://criminal-justice-scorecard.justice.gov.uk>

2.2.1 Concerns about the relevance of the information shown

32. We understand that these scorecards were only created six months ago, and may be intended to evolve further over time (though this is unclear from published information, and there is no published contact information for us to ask).
33. It is good to see the existence of the scorecards, and there are some positive things about them: we are very pleased to see raw data being made available, and the data documentation is excellent.
34. However, the questions that can currently be answered via the scorecards are limited. For example, while the scorecards show the average time taken to process a case, they do not show the *absolute* number of victims whose cases are severely delayed by e.g. more than two years - a number frequently referenced in Parliament and the media. The mean or median alone will not make it possible to understand the outliers - the number of victims most severely affected by court delays.
35. In addition, some of the current metrics appear to reflect the data that is available (such as the volume of crimes) rather than the data that victims may be most concerned with. For example, recent news stories have focussed on the increasing length of time taken to answer emergency calls, clearly of interest to many victims - we would suggest this as a candidate metric for inclusion, along with other metrics frequently referenced by the media or Parliament⁴.
36. None of this is necessarily a problem if the scorecards are in 'alpha' - early development - and will evolve further, led by the needs of users such as the Victims' Commissioner, victims' organisations, journalists and members of the public. However, it is unclear if this is the case.
37. Concerningly, it is unclear if any groups representing victims have been consulted during the development of the scorecards - none of the groups we spoke to had been. The Committee may wish to ask the Ministry of Justice which victims' groups have been consulted, and which groups will be consulted in future.
38. Concerns around the scorecards have been raised by other groups, including concerns about the lack of protected characteristics data. The Director of the End Violence Against Women Coalition has commented, "this first iteration of scorecards is not the most user friendly", and "it is... missing important equalities data that would enable us to see who the criminal justice system is not serving, and the victims who are the most left behind"⁵.
39. Given all the above, we **recommend that the Committee enquire whether the scorecards have been or will be developed using a modern digital design process**

⁴ <https://www.bbc.co.uk/news/uk-61592910>

⁵ <https://www.thetimes.co.uk/article/justice-scorecards-show-police-failing-on-rape-convictions-lt5w8q9f3>

that includes user research and iterative development, such as that that now formally recommended by the Government Digital Service for digital services across government⁶.

40. As part of this, **we would recommend that the scorecard development team should publish a ‘product roadmap’ laying out the expected future development of the scorecards, provide opportunities for user feedback, and that the scorecards be submitted for a voluntary service assessment against the GOV.UK Service Standard.**

3. About us

41. The Centre for Public Data (CFPD) is a non-partisan organisation with a mission to strengthen the UK’s public data⁷. We aim to reduce gaps in data that harm civil society and business. We support legislators and policymakers to improve data coverage and quality, via practical interventions in legislation, codes of practice and governance.
42. Our response is based on desk research, plus interviews with a number of stakeholders. We are happy to discuss any of these issues further:
contact@centreforpublicdata.org

⁶ <https://www.gov.uk/service-manual/service-assessments/check-if-need-to-meet-service-standard>

⁷ <https://www.centreforpublicdata.org/>