



# Criminal Neglect

No justice beyond criminal justice

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# 1. Introduction

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The last 25 years have seen considerable innovation and reform for victims of crime, but these provisions do nothing to help 96% of victims. These are the people whose offenders are not detected and whose cases are not processed through the criminal justice system.

According to the British Crime Survey (BCS),<sup>1</sup> around half of all victims do not report their crime to the police. Although many of these people are victims of relatively minor offences, a substantial number have experienced extremely serious and distressing crimes but are too anxious to inform the authorities. In particular, this would include victims of racially motivated violence and other harassment, domestic violence and serious sexual crimes.

People may not report crimes for a range of reasons. Many are worried about repercussions from the offender, or are too distressed or embarrassed to talk about what has happened. Others may want help, but do not know how to get it without invoking the whole process of criminal law. Telephone helplines, including the Victim Supportline, provide one route for getting support, but achieving widespread awareness of this kind of service is difficult.

Only 3% of all crimes ever reach the criminal justice process, according to government statistics.<sup>2</sup> Even when crimes are reported, only a minority are solved; for example, only 12% of property crimes are ever detected and less than one in three crimes of violence.<sup>3</sup> Fortunately, a higher proportion of serious violent crimes do result in detection and later prosecution.

When a crime is solved, the victim can benefit from a range of improvements within the criminal justice system which include better information, compensation and referral for support. But if a crime is not solved, the only specific services available for crime victims are Victim Support and the possibility of criminal injuries compensation for the small number (under 1%)<sup>4</sup> of victims who are seriously injured as a result of crime.

96% of victims therefore receive few or any dedicated services, other than those provided by, or through, Victim Support and other support groups.

Victim Support is itself facing a crisis. An increasing proportion of funding for the organisation is targeted towards supporting witnesses and those victims of crime whose offenders have been detected. This is true in both the traditional systems of criminal justice and the new development of restorative justice in the community.

Crime can ruin lives. Not only do people suffer direct physical and financial losses, but they can also experience severe and often long-lasting emotional and psychological trauma. All too often this damage is exacerbated by insensitive treatment and a lack of understanding of their needs by the agencies with which they come into contact. This is generally known as secondary victimisation.

In recent years there has been a raft of new developments aimed at tackling secondary victimisation of victims, and witnesses - but the issue is that these measures are exclusively contained within the criminal justice system. This is good news for the 3% of crime victims who enter the system - but what about those who do not?

## What other rights should crime victims have?

A fundamental principle is that crime affects the whole person. Health and quality of life can suffer; money is needed to pay for the consequences, both direct and indirect; and support is needed by most people to cope with the often overwhelming emotions that are a natural consequence of crime. Some people find talking to friends helpful, but more and more are finding that support from someone independent gives them freedom to express the sometimes strong and contradictory feelings that need to be aired.

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<sup>1</sup> The BCS measures crimes against people living in private households in England and Wales. It has been conducted nine times by the Home Office since 1982.

<sup>2</sup> Kershaw et al, 2000 and Home Office, 2000

<sup>3</sup> Home Office, 2000

<sup>4</sup> The 2000 BCS (Kershaw et al, 2000) shows that there were 14,716,000 crimes against adults in England and Wales in 1999. The 1999/2000 Criminal Injuries Compensation Authority annual report records that 39,700 awards were made (out of 78,000 applications) for violent crimes in England, Wales and Scotland against adults and children. On this basis, the percentage of all crime victims who receive state compensation is well below 1%.

Specialist services for victims are not, however, enough. It is just as important that people and organisations in other spheres of life provide a sympathetic response. Children need understanding and consideration from their school, and workers from their employers. Most people need time away from work, not only to deal with their feelings, but to sort out the many practical problems relating to injury or loss. Organisations accommodate sickness among employees, but few if any have policies and procedures to allow staff to deal with being the victim of a crime.

Many victims of crime will seek medical help for injuries or other medical symptoms (usually from GPs or accident & emergency departments). But most medical practitioners are not trained in the effects of crime and the significance of situations is rarely recognised. People may get medical attention and treatment, but few receive recognition or understanding to help them to cope. Referrals can be made to Victim Support, but in spite of efforts to promote our service, only a tiny proportion of our referrals come from medical practitioners.

Some victims of crime are unlikely to recover without leaving the home where a crime has taken place. This may sometimes be recognised in cases of domestic or other violence, but is unlikely to be considered in connection with intimidation or harassment despite the fact that repeated threats or offences frequently undermine a person's ability to feel safe or confident in their home. The same will be true for many people who have experienced property crimes, including repeated burglaries.

Crime victims only receive compensation for serious injuries, or when an offender has been detected and has the means to pay. Many other people suffer long-term hardship as a result of theft or because they have a reduced ability to work. Many of these people cannot afford insurance, particularly if they live in areas where crime is a high risk. Landlords may not give priority

to repairs or improvements in security. Social security payments, for those who qualify, are normally made as loans, and are often not available at all.

Specialist services for victims of crime will always be needed to provide appropriate support and effective access to whatever rights and services are available in the community. But they can never be sufficient on their own. It is essential that all public services recognise their shared responsibility for helping people to cope with the damaging experience of crime. The whole community has a responsibility for dealing with crime and everyone has the right to know that they will not face the problem alone.

Improvements for victims within criminal justice are a great achievement, but they can only prevent secondary victimisation within the criminal justice system. The only way to eliminate this problem is for all agencies dealing with social provision to work together with those in criminal justice to provide joined-up services, tailored to the needs of victims of crime.

Official agencies should not be able to turn a blind eye to the needs of victims, and Victim Support is calling for action to bring this injustice to an end.

## 2. Background - understanding responses to crime

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### 2.1 How crime affects people

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In 2000, nearly 13 million crimes were committed against adults living in England and Wales.<sup>5</sup> Most people will be affected by crime at some time in their lives - either themselves or through the experiences of a relative or friend.

*“Everybody said, ‘why are you so upset? He didn’t hurt you’. How do you tell them that having a gun held against your head is the most terrifying experience imaginable? Thinking that you will never see your kids grow up, and wondering how their father will cope with two small children. If he had broken my arm I could have fixed it with a plaster, but the constant nightmares and the feelings of exhaustion as I struggled through endless days trying to cope are not fixed that easily.”*

For some people, becoming a victim of crime may be a minor inconvenience. But for many others it can be a devastating experience, taking weeks, months, or even years for people to begin to pick up the pieces. Criminal acts can be particularly difficult for people to come to terms with because, unlike natural disasters, accidents and other damaging events, they are deliberate. The experience can change an individual’s perception of the world and their surroundings. Reactions vary enormously, but common feelings range from fear, shock and worry to rage, distress and anger. Some people blame themselves and depression is an all too common consequence.

People can experience this range of emotions whatever the crime they have suffered. The impact of ‘everyday’ crimes such as burglary is frequently underestimated. Yet, in approximately half of all cases of burglary someone is at home at the time,<sup>6</sup> and in one in six cases a child is sleeping in the house.<sup>7</sup> More than half of homes where property is

stolen or damaged are uninsured. It is not, therefore, surprising that according to the British Crime Survey,<sup>8</sup> four out of ten burglary victims reported being “very much affected” by the crime.

Becoming a victim of crime is not an isolated event but an ongoing experience for a large proportion of victims. Surveys have shown that 4% of victims suffer 41% of all crimes (four or more crimes a year).<sup>9</sup> Being a victim of crime is the strongest single predictor of future victimisation.<sup>10</sup> Certain crimes such as domestic violence or racist crime may continue over many years and escalate over time. Some individuals are particularly vulnerable, either because of where they live or work, or their physical characteristics or personal circumstances. These ‘repeat’ or targeted crimes are more likely not to be reported or are unlikely to be detected, leaving people to cope on their own; reliant on a good response from whichever agency they come into contact with.

*“At the time I couldn’t imagine anything more horrifying than the prospect of dying, of being murdered. I realise now that surviving the attack was instinct. Surviving life after the attack is quite a different thing. I wanted my injuries after the attack to be really horrific; so somehow people would more readily believe me and so that the full impact of the pain I was feeling would be there for all to see. I decided to let people know what had happened. On balance I think this was the right decision, as although I had to deal with some negative reactions, I have also had a good deal of support and understanding from others. Otherwise, it’s mainly embarrassment. What do you say to a rape victim?”*

But this doesn’t mean that nothing can be done. Too often the personal impact of crime is seen as a necessary evil; dealing with crime is only spoken about in relation to securing convictions or introducing crime prevention measures. But many

<sup>5</sup> From the BCS (Kershaw et al, 2001). Comparative figures for Northern Ireland are not available for 2000, but the 1998 Northern Ireland Crime Survey (NICS) shows that around a quarter (23%) of households experienced at least one crime during 1997 (French, Donnelly & Willis, 2001). In comparison, for the same year, the BCS estimates that this applied to a third (34%) of households in England and Wales.

<sup>6</sup> Kershaw et al, 2000. In 25% of all burglaries someone was at home but unaware of what was happening, while in a further 26% someone was at home and aware.

<sup>7</sup> Morgan & Zedner, 1992

<sup>8</sup> Kershaw et al, 2000

<sup>9</sup> Farrell & Pease, 1993

<sup>10</sup> Pease, 1998

of these measures are of little benefit to those who have been affected. Victim Support believes that such a blinkered attitude is morally unsustainable.

Experience shows that a person's ability to recover from an offence can be considerably improved when others recognise the significance of the event. But sadly this is not the experience of most victims - instead secondary victimisation is the norm.

## 2.2 The response from government

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Many improvements within criminal justice have taken place in recent years and more are planned. For example:

- the Crown Prosecution Service (CPS) will have responsibility for ensuring that victims of crime are informed of key decisions in their case.
- the Probation Service has new responsibilities for contact with a much larger number of victims whose offenders are in prison.
- extensive new measures are currently being implemented to support vulnerable witnesses to crimes.
- a new Charter of Rights may lead to legislation on victims' rights.
- Victim Personal Statements have been introduced for cases going through the courts and there is discussion of an Ombudsman to protect the rights of victims as defined in the new Charter.

Victim Support welcomes these developments, all of which we called for in our 1995 policy paper '*The rights of victims of crime*'.<sup>11</sup> But all of these measures are confined to the criminal justice system. As such, they appear primarily to be concerned with helping victims to report more offences and to be better witnesses.

The reality is that these measures do nothing to help the vast majority of victims of crime whose cases do not go forward. What new provisions are being made for them?

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<sup>11</sup> Victim Support, 1995

### 3. Rights for victims of crime

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#### Victim Support believes that

- victims of crime have a wide range of needs. Most of them are not recognised, let alone met
- society has a duty to alleviate the effects of crime whatever they may be
- reducing the effects of crime in the community is a priority requiring co-ordinated action by government

*Several years ago an elderly, disabled woman, who lived alone in an upstairs flat, was burgled. After the crime she felt unable to go out and was distressed, confused and afraid. She reported the crime to the police, but was not referred to Victim Support or given any information or support. A few days later, as no one had contacted her, she decided to ring the police to ask for help. The officer who answered went away and then came back to the phone to say; "It's all right, we've caught your burglar". She asked; "How does that help me?"*

Psychologically, many victims of crime benefit from knowing that an offender has been charged - it gives a feeling that justice has been done. But even in the minority of cases where this does happen it is a gross injustice and oversimplification to assume that this meets all of the victim's needs.

The government has rightly acknowledged its responsibility to victims of crime in the process of criminal justice, but that responsibility must extend to the treatment of crime victims throughout social provision and the community as a whole. The state must ensure that national and local government, its agents, and the private sector work together to

ensure that victims of crime are not re-victimised by a system whose interest in them is lost once the criminal case is over or aborted.

Victims of crime may have to deal with many different agencies as direct and indirect consequences of a crime. The wide ranging impact that a crime can have means that fields as diverse as health, housing, insurance, education, employment, social security and the media all need policies and procedures which recognise the needs of victims of crime. Systems are needed to ensure that these procedures are adopted and adhered to.

Measures to help victims of crime must be centred on their needs. Crime victims must be recognised as real people with a range of needs and not defined by the crime they have suffered or by the identity of their offender(s). Victim Support is not calling for special treatment for crime victims over groups with other defined needs - we are simply asking for parity.

*"I wasn't coping at all. I was shaking and I was panicking. I didn't like going home, I couldn't sleep at night, I couldn't eat and I didn't want to go out. I just wanted to shut myself away. At the time this [the burglary] happened, maybe because I was in the house on my own, all of the past traumas in my life seemed to come back to me. Suddenly I had to cope with not just the burglary and all the practical hassle I was getting, but all this as well. I felt I was going mad."*

The rest of this section considers some specific areas of need: health, housing and finance. These are simply examples to illustrate the scale of the issue, but we could have used many others: for example rights in employment or the treatment of crime victims by the media.

Another vital issue is the impact of crime on children and young people. Research shows that children are more likely to be victims of crime than

adults, with the largest category of recorded crime against children being Actual Bodily Harm (ABH).<sup>12</sup> Public perception of crimes against children tends to be limited to child abuse. Victim Support believes society has a duty to recognise and respond to the full range of crimes affecting children, including those committed by other children, and the effects on children of offences against other family members or the family as a whole.

## 3.1 Health

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### **Victim Support believes that**

- healthcare professionals must be equipped to provide an appropriate response to victims of crime
- crime victims must have access to free healthcare services geared to meet their needs
- the government must adopt an integrated approach to meeting the healthcare needs of victims of crime. National standards are needed to tackle this major health issue

### **Healthcare professionals must be equipped to provide an appropriate response to victims of crime**

The British Crime Survey<sup>13</sup> reveals that less than half of all crime is reported to the police, including many crimes of serious violence. Victims of crime are more likely to contact healthcare workers than any other professional. Healthcare workers are therefore likely to meet victims of crime who are not seen by any other agency. So, it is crucial, that the healthcare system responds effectively, including knowledge about the effects of crime on the individual, an explanation of any proposed treatment and some information about other sources of help available.

Victims of crime make up a substantial proportion of health service users. They rely on hospital services such as accident and emergency (A&E) units, acute care, outpatient treatment, primary care services and mental health, psychological and counselling services. But Victim Support is seriously concerned that their specific needs are being overlooked.

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<sup>12</sup> Morgan & Zedner, 1992

<sup>13</sup> Successive tranches of the survey have found that under 50% of all crime is reported.

*“Family doctors in Glasgow are treating more women and children for domestic violence than for cancer, heart disease or diabetes.”<sup>14</sup> This finding comes from a study by the Greater Glasgow Health Board, which goes on to note that many doctors are unaware that domestic violence is the underlying reason for a high proportion of consultations, and that few GPs have received any previous training or information on domestic violence. “They also appeared isolated from services for abused women, being largely unfamiliar with the work and effectiveness of these.”<sup>15</sup>*

Victim Support’s experience shows that despite some examples of good practice, common problems still persist. For example, most of the victims of violent crimes who are treated in A&E units are young men (outnumbering women by six to one).<sup>17</sup> This group of people frequently find it extremely difficult to admit that they have been attacked - partly because young men are frequently blamed for the crimes they have experienced. It is therefore essential that healthcare professionals remain non-judgemental and encourage their patients to talk about what has happened by offering support and understanding. However, evidence from staff at A&E units gives a different picture; *“Research has found some astonishingly judgemental attitudes; for example, that the injured are largely responsible for their own injuries, and that anyone hurt after drinking alcohol should be made to pay for their treatment.”<sup>18</sup>*

*“Casualty departments are largely black holes into which victims are drawn, to be regurgitated back to their homes and communities without any attempt at prevention, protection, or support, or the apprehension and conviction of their assailants, who remain at liberty to inflict further physical and psychological harm.”<sup>16</sup>*

Healthcare professionals need sufficient awareness to ensure the health and safety of their patients. Victims of domestic violence may try to hide evidence of abuse or claim that injuries are the result of accidents. They may be particularly reluctant to discuss domestic violence if their partner is present or is a patient of the same GP. In 2000, the Department of Health published *Domestic violence: a resource manual for health care professionals*<sup>19</sup> aimed at increasing the knowledge, understanding and response of healthcare workers. It calls for clear policies and protocols backed up by appropriate training, supervision and support, recognising that it is; *“not acceptable to simply assume that someone else - such as social services or the police - will be doing something.”* Victim Support has welcomed this initiative and is keen to see it implemented. But similar initiatives are needed to include all crime victims.

It is also essential that healthcare professionals are equipped to provide a co-ordinated response to the criminal justice process. Victims of crime need to be assured that medical professionals will do all in their power to collect and safeguard evidence as well as providing treatment.

### **Crime victims must have access to free healthcare services, geared to meet their needs**

*“It is probable, however, that at least a substantial minority of victims of assault who attend A&E departments will suffer some degree of psychiatric disorder, and will need specialist assessment and care.”<sup>20</sup>*

Our experience suggests that most people find it extremely helpful to talk about feelings arising as a result of crime. Victim Support volunteers are trained to listen in a constructive way and to provide reassurance that these feelings are normal, and even healthy. This emotional support is coupled with information and practical assistance. But Victim Support does not describe

<sup>14</sup> *Community care*, 30 August - 5 September 2001

<sup>15</sup> Munro, 2001

<sup>16</sup> According to the journal *‘Criminal behaviour and mental health’*, quoted in Shepherd, 1996

<sup>17</sup> Shepherd, 1997

<sup>18</sup> Shepherd, 1996

<sup>19</sup> Department of Health, 2000

<sup>20</sup> Shepherd et al, 1991

its services as counselling. One reason is that the word may suggest that the problem lies with the victim's personality, lifestyle etc rather than the fact that they need help and support to deal with understandable reactions to an external situation. All Victim Support volunteers are trained to recognise when an individual might be in need of more specialist help including, where necessary, counselling and psychiatric services.

But access to, and availability of these services varies greatly across the country. And there is little research available as to the effectiveness of the many different forms of treatment offered.<sup>21</sup> There are also concerns that some counsellors based in GP practices cannot provide satisfactory help to people who have been victims of crime because of inadequate training on issues specific to crime victimisation.

*"My downstairs neighbour had been harassing me for months - loud music and being abusive and threatening. I was in a permanent state of anxiety and got so as I couldn't even stand being at home. I was not sleeping either so I went to see my doctor. He said I should have counselling to help me cope, but I'd be waiting months on the NHS, so why didn't I go private. I went to see a psychotherapist he recommended, but it didn't help one bit. After talking to him for 10 minutes, he only seemed interested in the fact that I was gay. I felt like something out of a textbook rather than a normal person being driven crazy by an aggressive neighbour - he didn't understand at all."*

Waiting times for counselling or psychiatric help are a frequent problem, especially when many would benefit from immediate intervention. We believe that people who have been victims of crime should not have to pay for the services they need simply to get help more quickly. We are also concerned that there is a two-tier system in operation. For example, it is common practice for civil actions for personal injury to include claims for

private medical treatment (typically for counselling or physiotherapy). In such cases payment is frequently made in advance, as it is recognised that early treatment can lessen the long-term effects and so reduce the final amount of the claim. Obviously, such a system is only workable for claims against insurance companies; it is not an option open to the vast majority of victims of crime. It does, however, indicate the level of unmet need.

*"Victims of crime injured in violent attacks show a similar level of anxiety and depression to those patients injured in accidents, in the immediate aftermath. However, after three months, the levels of anxiety and depression experienced by victims of violent crime remained constant. This suggested that both victims of accidents and crime need a similar level of support immediately after an event, but that this support needs to be sustained over a longer period for victims of violent crime."*<sup>22</sup>

Rapid access to other healthcare services can also be a problem. For example, we believe victims of crime should not have to bear the cost of reconstructive surgical treatment (such as cosmetic surgery) resulting from a crime. The psychological, as well as the physical impact of the crime should be taken into account when assessing priority for treatment. The fact that scarring has been caused by a crime serves as a constant reminder to the individual and can delay their recovery. In addition, victims of crime should not have to pay for medical documentation or certificates (ie letters in support of re-housing, to take time off work, or to support claims for compensation).

Our experience shows that there is an absence of, and/or delay in providing, treatment for children seriously affected by crime. The most likely reasons are a lack of resources combined with a medical view of the problem as requiring a crossover between two specialities: expertise in

<sup>21</sup> Department of Health, 2001

<sup>22</sup> Shepherd et al, 1991

treatment for post-traumatic stress disorder, and child/adolescent psychiatry. We believe this situation needs to be addressed as a matter of urgency.

*"I was the victim of an unprovoked attack that resulted in a serious facial injury. The scarring that this injury left me with affected me deeply. I felt that it was the first thing people saw when they looked at me, and however much I tried to conceal the scar with make up, to me it was the only thing I saw when I looked at myself in the mirror."*

**The government must adopt an integrated approach to meeting the healthcare needs of victims of crime. National standards are needed to tackle this major health issue**

A 1998 Victim Support survey of our local services<sup>23</sup> found the quality and availability of healthcare was often dependant on location. It found:

- widely varying levels of awareness of issues affecting victims of crime
- services organised and accessed differently in different parts of the country
- varying levels of service provision resulting in long waiting times in some areas when victims of crime are in need of immediate help

Although the survey highlighted a great deal of inconsistency, it also found examples of good practice and innovative projects. One health authority arranges medical student placements with their local Victim Support Schemes to increase awareness of issues affecting victims of crime. It also provides information about other sources of help available. Several initiatives bring services for victims of crime into hospital A&E units. The Cardiff Violence Prevention Group Inter-Agency Task Force was formed after it became clear that a great deal of violence resulting in

hospital treatment was not recorded or investigated by the police. The project has devised a series of possible interventions including: providing assault victims with the opportunity to report to the police whilst in the A&E unit; establishing links between the local Victim Support Scheme and the A&E Unit; and assessing the risk of future harm.

**Cases of children experiencing difficulty in accessing medical treatment for their psychological injuries:**

- a six year old seriously assaulted (being set on fire) and still on a waiting list some six months later
- two boys aged eight and nine who saw a man having his throat cut
- three children whose mother saw their father murdered. In this case, the local Victim Support Scheme obtained treatment for these children by asking a favour from a personal contact in the NHS.

These developments are encouraging, but they need to be built upon by setting central policy initiatives and implementing and co-ordinating them within an agreed national framework. The Department of Health sets and defines standards for specific NHS services or care groups through the National Service Framework. It supports implementation and measures performance. The National Service Framework for older people provides an obvious example of how this model could be applied to crime victims.

The sheer volume of specific health needs of people who have been victims of crime and the failure of the health service to meet their needs, are strong arguments for the need to establish a new National Service Framework. This would not only lead to improved services for crime victims, but would clearly demonstrate that the government has recognised the need for an integrated approach to tackle this major health issue.

<sup>23</sup> Victim Support, 1998

## 3.2 Housing

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### Victim Support believes that

- having somewhere safe to live is essential to every individual's physical and mental well-being; for the victim of crime it is a prerequisite of recovery
- the housing needs of victims of crime must be treated as a priority
- housing professionals must receive training in the effects of crime
- after a burglary or attack in the home, crime victims should receive protection and reassurance

### Having somewhere safe to live is essential to everyone's physical and mental well-being; for the victim of crime it is a prerequisite of recovery

People need to feel safe in their own homes. For many of us, feelings about our home are deeply rooted in our lives and identities so that a violation of the home may be felt as a personal violation. A high proportion of all crime takes place in the home so that, whether directed against people or property, the home is no longer a place of safety. This risk is not evenly spread, but is tied to where, or with whom you are living:

- according to Home Office estimates, one-fifth of all burglary is carried out on just 7% of all crime victims - indicating that a small number of people are experiencing repeat attacks.<sup>24</sup>
- chief among vulnerable groups are young households, single parents, those on low incomes or unemployed, those from minority ethnic groups and those living as tenants.<sup>25</sup>

- a survey on a sample of high crime estates around the country found that 13% of incidents reported by victims were followed by intimidation, as were 9% of incidents reported by witnesses. Of incidents not reported to the police by crime victims and witnesses, 6% and 22% respectively were not reported due to fear of reprisals.<sup>26</sup>
- Home Office research into the use and effectiveness of the Protection from Harassment Act (1997) states; "As with those given police bail, most defendants bailed by the court were given bail conditions designed to keep them away from the victim. Over 20% were known to have breached these conditions. 10% were held in custody after their first court appearance."<sup>27</sup>

This link between crime and home means that victims will need the help of local crime prevention and housing services to address future risk and housing needs. However, all too often national policies and local services fail to address the issues faced by people who have been victims of crime.

### The housing needs of victims of crime must be treated as a priority

Many victims of crime need to move immediately after the offence, either to secure their safety or because of the psychological impact of remaining in their home. A Victim Support survey<sup>28</sup> of our local services identified three common reasons why crime victims need to move:

- ongoing harassment
- the crime happened in or near their home
- the offender knows where the victim lives.

Current housing policies do not address this need adequately. Victim Support is aware of variation in the availability of local authority help for victims of crime with housing needs. Some victims of crime are classified as making themselves intentionally

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<sup>24</sup> Budd, 1999

<sup>25</sup> Tarling & Davison, 2000

<sup>26</sup> Interdepartmental Working Group on the Treatment of Vulnerable or Intimidated Witnesses in the Criminal Justice System, 1998.

<sup>27</sup> Harris, 2000

<sup>28</sup> Victim Support, 1998

homeless when the psychological trauma of crime prevents them from remaining in their homes. Others are not seen as vulnerable. Crime victims who are offered new accommodation are likely to face long delays, which adds further trauma to their experience.

*Several years ago a young woman was dragged off the street and raped. During the course of this ordeal she was coerced into divulging her address. Her attacker subsequently went to her home, threatened her and cut her with a knife. After reporting the crime, the police immediately took her to the Homelessness Unit where she was offered temporary accommodation. This lasted for several months but eventually she was told that under the 1996 Housing Act she was not considered to be vulnerable and was therefore not offered permanent accommodation. In addition, because she had left her privately rented flat without giving notice she had lost her deposit and could not afford a new one. At this point the Homelessness Unit could only find her a room for one night, at the opposite side of the city, providing no advice on how to get there or money for her fare. Having no family or friends in a position to help, she became homeless.*

*In this case, her local Victim Support Scheme was able to secure funding for a deposit and helped her to find new accommodation.*

Permanent accommodation is important to help people move on with their lives. In addition, the accommodation offered must be suitable, of a comparable standard to the previous home, and personal circumstances should be taken into account - for victims of crime this will include the need to feel safe.

*An elderly, disabled man and his son were the victims of repeated vandalism. A housing shortage in the area meant that while the housing department were sympathetic, they were unable to offer suitable alternative accommodation. The father was offered a place in sheltered accommodation, but no accommodation could be found for his son. This was not acceptable, particularly as the son acted as his father's carer. They therefore had to spend many months living with other relatives in overcrowded and very stressful conditions.*

The government's proposed new homelessness legislation aims to ensure that housing applicants who would be at risk of violence if they remained in their current home must be treated as homeless and in priority need. This is a welcome development, but Victim Support believes it is unlikely that it will bring consistent benefits to all victims of crime with housing needs as the definition used is too narrow in scope. Instead the focus should be on meeting need, so that all victims of crime who need to move, including victims of 'non-violent' crime, are covered.

Criticisms have been made of the inconsistent local implementation of existing housing legislation aimed at helping victims of domestic violence (highlighting potential problems with implementation of the Homelessness Act). In practice, some local authorities have developed policies to encourage fairness and consistency, whereas others have adopted rigorous interpretations of the law which exclude a number of people who need help.

*"Your home is meant to be the one place where you feel safe but in an abusive relationship it is literally a living nightmare."*

People fleeing domestic violence report problems with housing officers such as: intrusive and insensitive questioning; a lack of safe interviewing facilities and waiting areas; and discrepancy between good practice cited as policy and the actual practice.<sup>29</sup> The impact on children must also be taken into account. Children's distress is likely to be increased unnecessarily if, when the family applies for re-housing, they are refused help or spend long periods in temporary accommodation. The fact that this distress may spill over into all aspects of the child's life, such as their schooling, needs to be acknowledged and addressed by all those with whom they come into contact.

Clear legislation and national enforced standards are needed to successfully and consistently address the long-term housing needs of victims of crime. Legislation should be victim-focused and encompass all victims of crime who need re-housing and should not require subjective assessments to be made by housing officials.

A change of thinking at local level is a parallel requirement. There should be a joined-up approach to meeting need, with co-operation between local authorities and social landlords both within an area and between parts of the country. This could also mean links with voluntary sector organisations and multi-agency working.

### **Housing professionals must receive training in the effects of crime**

Some victims of crime report unsympathetic treatment by housing officials, citing a general lack of awareness of the emotional trauma they have suffered and the subsequent impact on their housing needs.

Victim Support is often asked to write letters in support of re-housing requests. These letters can have a significant impact on the level of priority given to an application. But a system that depends upon this kind of external input, or upon an individual housing officer's sensitivity and

discretion is neither appropriate nor fair. Victim Support believes that all housing professionals who come into contact with the public must receive additional training to prevent insensitive and inappropriate treatment of crime victims and to enable proper consideration to be given to the applicants' vulnerability. This training should cover the emotional effects of crime, the potential impact on mental and physical health, and the financial implications of victimisation. Training should also cover the impact of decisions made and deal with inconsistencies in practice.

*A woman was stabbed repeatedly in her flat by her ex-partner. He continued to stab her as she lay in the hallway of her neighbour's home, while her two young children were watching.*

*It was many months before she felt able to visit the flat to collect some possessions yet, despite supporting letters from Victim Support, her GP and health visitor, an appeal to the local housing authority for an urgent transfer was rejected. Her attacker was in custody and officials did not recognise how difficult it would be for her to live in the place where the attack took place. Despite extensive cleaning, bloodstains were still visible on the carpet. She suffered continued harassment from her attacker from prison and from his family, one of whom lived nearby. When, finally she was offered alternative accommodation it was in the same street as another of his relatives. Housing officers were unsympathetic when she turned the offer down, one saying: 'Surely, you are over all that now?' It was not until a year after the attack that she was offered accommodation she felt able to live in.*

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<sup>29</sup> Mullender, 1996

## **After a burglary or attack in the home, crime victims should receive protection and reassurance**

*A single parent was offered a local authority flat. Although the flat was on the ground floor, three of its sash windows could be opened from outside because the window catches were broken. The front door opened into a public corridor and only had a Yale lock. The woman did not feel that the flat was safe to move into. A letter from the local Victim Support Scheme was needed before the council took action.*

Not everyone who has become a victim of crime will want to move. Some people desperately want to stay in their home, but need support to do so.

Others are victimised simply as a result of poorly maintained and insecure property. After a burglary the chances of the same house being burgled again are high, so crime prevention advice will be important, along with quick repairs such as the replacement of locks, mending windows and doors, and the installation of security improvements.

Victim Support's research *Victims of domestic burglary*<sup>30</sup> found that the most commonly reported problems with landlords were: delays in repairing damage to the property (48.5% of responses), with local authorities being the most frequently cited; and a reluctance to improve building security (28.3%), where most problems were with private landlords.

To address these issues the government needs to establish a minimum standard of security for all rented accommodation. Clear standards should be set for dealing with repairs that are necessary as a result of crime or attempted crime. Social landlords must have policies and procedures to ensure that their properties are secure and private landlords who fail to make accommodation secure should be penalised.

Victim Support believes that anyone, regardless of their housing tenure, should receive the support necessary to stay in their home after a crime unless they choose to move away. This must include consistent access to crime prevention advice and resources should be made available to help those who cannot pay for their own security improvements.

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<sup>30</sup> Tarling & Davison, 2000

## 3.3 Finance

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### Victim Support believes that

- victims of crime should not have to bear the cost of crime alone
- insurance should be affordable
- the social security system must address the specific needs of crime victims with fast and effective provision
- entitlement to compensation should be based on equitable principles and should be extended to meet the needs of more victims of crime

### Victims of crime should not have to bear the cost of crime alone

Crime can have serious financial consequences for its victims. This ranges from the uninsured victim of property crime who cannot afford to replace damaged or stolen possessions, to a victim of violent crime whose injuries prevent them returning to work, or to a bereaved relative on a low income who cannot afford to pay the costs of a funeral. Financial worries add to the stress caused by crime. Moreover, the financial consequences of crime have a greater impact on people on low incomes, contributing to long-term social exclusion. Victim Support believes that crime victims should not be expected to bear the costs of crime alone. Financial support is vital in reducing the effects of crime.

Victim Support is well aware of the extent of financial hardship caused by crime. We receive many and regular requests for financial help.

Examples include:

- travel and accommodation costs for relatives to stay near the hospital where the victim of a serious assault is being treated
- travel and accommodation costs to attend trials, where people are not a witness in the case (separate funding was provided by the Home Office in 2000-2001 for the families of homicide victims to attend trials)
- requests to pay for headstones
- travel expenses to attend funerals, which may take place far away or abroad

### Insurance should be affordable

*A pensioner, who lives alone in local authority accommodation, was repeatedly burgled over a period of several years; "I did tell the police that I couldn't live here any more. I'd had enough - I was going mental really and truly. I could not believe it. You know why? I have nothing. I've only got a black and white TV. I left the kitchen light on when I went to bed and there was nothing more I could do. I mean I had no money for security or anything like that. I'm a pensioner. I have no money in the bank. I just live on my pension. I am insured for death but I could not afford anymore each week; with gas, electric and phone - I just can't afford insurance."*

The 1998 British Crime Survey showed that almost one in five UK households did not have home contents insurance. Low-income households were the least likely to have insurance: around a half (49 per cent) of those living in accommodation rented from a council or housing association were not insured and almost half (47 per cent) of these said it was at least in part due to the cost. The survey also shows that those least likely to have insurance are more at

risk of burglary. Almost one in ten (8.6%) of uninsured households experienced a burglary in 1997 compared to just five per cent of insured households.<sup>31</sup>

The two most frequently cited difficulties with insurance companies arose from victims not being insured due to high premiums (32.7%) or being disqualified due to earlier victimisation (15.4%). Common problems when making insurance claims include: feeling aggrieved, angry or “punished” by the way they have been treated; invasion of privacy; being tested/not believed; having the value of items challenged and being pressured to accept cheaper replacements; or companies insisting on the installation of expensive security measures before renewing their policy.<sup>32</sup>

Research<sup>33</sup> has shown that:

- the most common reason for not being insured is cost - it is relatively more expensive to insure on a low income. Expenditure on home contents insurance accounted for 2% of income for the poorest fifth of households compared to just 0.5 % for the richest fifth. (Association of British Insurers 1995).
- the minimum sum to be insured (typically upwards of £10,000 - £12,000) is often excessive (eg for a single person in a one bedroom flat).
- those who rent in inner cities are five times more likely to suffer a burglary than owner-occupiers in rural areas, and are also more likely to be burgled more than once. In 1995, one in ten inner-city households were burgled. Of all households experiencing burglary, however, those with the lowest incomes living in these neighbourhoods are three to four times less likely to have insurance than high-income households.
- the BCS found that the number of insured households in inner cities fell by 6% between 1992 and 1996, and that the fall was most marked for lone parents.

A valuable alternative for those who cannot afford conventional insurance cover is a tenants contents insurance scheme. These schemes, which can be operated by local authorities and registered social landlords, generally involve the collection of insurance premiums with rent. The landlord is able to negotiate preferential rates with insurance companies. These savings can be passed on to tenants, who might otherwise be discriminated against because of their postcode. Tenants receive cover that is affordable and flexible and meets their needs. Local authorities and registered social landlords fulfil their obligations to promote social inclusion. Such schemes have the support of The Housing Corporation, the Association of British Insurers, the National Housing Association and a number of insurance brokers. Research commissioned by The Housing Corporation shows that schemes like this do operate successfully but much more can, and should be done by local authorities and registered social landlords to set up and promote tenants contents insurance<sup>34</sup>.

### **The social security system must address the specific needs of crime victims with fast and effective provision**

Many victims of crime require help from the benefits system. They may have had benefits books stolen and need money to tide them over until they are replaced. They may have been burgled and need a grant to help replace necessities at home. Yet, community care grants can be very difficult to get. Victim Support believes that loans are an inadequate response to circumstances like these. Households on low incomes, but not receiving benefits, can find themselves in a particularly difficult position, as eligibility to benefits, such as help from the Social Fund, is restricted.

The social security system must be revised so that the needs of victims of crime are recognised and addressed. Extra provision should be made so that becoming a victim of crime does not permanently disadvantage people who are in need of assistance.

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<sup>31</sup> Budd, 1999

<sup>32</sup> Tarling & Davison, 2000

<sup>33</sup> Whyley, McCormick & Kempson, 1998

<sup>34</sup> Housing Corporation, 2001

## Entitlement to compensation should be based on equitable principles and should be extended to meet the needs of more victims of crime

Victims of violent crime, or bereaved relatives of someone who has died as a result of criminal injuries, can apply for compensation under the state-funded Criminal Injuries Compensation Scheme (CICS). The CICS, administered by the Criminal Injuries Compensation Authority (CICA), determines awards according to the seriousness of injuries, which are allocated one of twenty-five tariff levels, which, in turn, correspond to awards ranging from £1,000 to £250,000.

Additional compensation may be awarded for loss of earnings and care costs, where the victim's recovery takes longer than 28 weeks, and for dependency in fatal cases.

The criminal injuries compensation system was established by the government in 1964<sup>35</sup> on the grounds that the payment of compensation was an expression of public sympathy for innocent victims of crime and scrutiny of the character of the victim has remained a feature of the CICS ever since.

Victim Support believes this is wrong. Stereotypical notions of deserving and undeserving victims lead to unjust decisions which are contrary to general principles of social justice. We believe that state compensation should recognise on behalf of society the experience which victims of crime have suffered and help people to recover from it and to live as normal a life as possible under the circumstances.

The key criterion for awards made by the CICS is whether a crime of violence results in physical or mental injury. Compared to the prevalence of violent crimes relatively few people receive anything. In 1999-2000 the police recorded 703,105 violent crime offences, but there were only 39,700 successful applications for criminal injuries compensation.<sup>36</sup> One reason for this is the fact that injuries must be deemed to be worth a minimum amount, currently £1,000, to qualify

for compensation. We believe that this threshold should be abolished and that compensation should be available for all injuries that are more serious than minor cuts and bruises (and the psychological equivalent). Eligibility should also be extended to those who have experienced psychological injury as a result of other offences, such as racial harassment and domestic burglary which can have a severe and long-lasting impact.

### *Cases of victims, supported by Victim Support, whose claims for Criminal Injuries Compensations have been turned down:*

- the CICA would not pay funeral expenses to the family of a murdered son until after the trial had taken place. The funeral took place before trial and the family couldn't afford to pay funeral expenses, but could not get assistance from the Department of Social Security (DSS) because they were not in receipt of benefits.*
- a woman suffered brain injuries after being assaulted. She was in receipt of benefits, which will now be stopped until she has exhausted her criminal injuries award.*
- a young boy was threatened by a burglar who had broken into the family home. He was seriously traumatized by the incident, but his claim was turned down because there was no physical injury.*
- criminal injuries compensation is not awarded for sexual offences where there has been consent in fact even where there can be no consent in law (e.g. under 16s). An 11-year-old girl who 'permitted' abuse to take place because she had been groomed by the abuser, was turned down by the CICA.*

<sup>35</sup> 697 HC official report (5th series) cols 89-94 (24 June 1964)

<sup>36</sup> For the twelve months to March 2000, there were 703,105 violent crime offences recorded by the police (Povey, Cotton & Sisson, 2000). According to the 2000 BCS, the total number of violent crimes was 3,246,000 (Kershaw et al, 2000).

The British Crime Survey also shows that a disproportionate number of the victims of violent crimes are likely to be poor.<sup>37</sup> But the CICS fails to meet the needs of poorer victims because compensation is treated as capital for the purposes of assessing the victim's entitlement to income-related benefits. The only way the victim can protect the compensation award and continue to receive benefits is to put the money in a trust, which will generally require a solicitor whose costs (often several hundred pounds) have to be paid out of the award. Once the award has been put into the trust it is not under the applicant's control, and there are restrictions on what payments can be made under the trust if the money is to be disregarded by the Department of Work and Pensions. This has implications for the victim's ability to regain control in his or her life after the crime, and limits how effective the compensation is in terms of helping him/her to overcome the effects of the crime.

This means that compensation, which has been paid by the state in recognition of the suffering caused by a criminal act, is treated in the same way as a gambling win, as income which the state is entitled to deduct from any other benefits. It creates a difference between the compensation actually received by those who are reasonably well off, whose income is not affected by receiving an award, and by those on social security benefits, whose needs are arguably the greater. We believe that awards paid under the tariff scheme should be completely exempt from social security capital rules so that the money is disregarded for assessing entitlement to income-related benefits. Similarly, those who are ineligible for statutory sick pay, for example, self employed people and those in temporary jobs, are also disadvantaged by the CICS.

Under the terms of the scheme, loss of earnings are only compensated if the victim is unable to work for more than 28 weeks with the result that many people do not recover their losses.

The CICS, creates inequality of provision through scrutinising the conduct and character of the

victim. Victim Support accepts that it is proper to reduce or withhold an award where the applicant provoked or colluded in the offence, but we strongly oppose exclusions based on a person's character or conduct, whether judged by previous convictions or otherwise. This, plus the use of terms such as 'blameless' or 'innocent' victims when describing the beneficiaries of the scheme, allows for subjective value judgments that can lead to discriminatory decisions. Moreover, distinctions between the 'deserving' and 'undeserving' are not made in respect of other forms of social provision and we consider them to be out of place in a compensation scheme based on equity and justice.

Refusal of compensation tells a crime victim that they are not worthy of society's sympathy. The harshness of the current system is perhaps best exemplified by the treatment of bereaved relatives of homicide victims. For example, a child will be denied any fatal award, dependency or loss of parental services in respect of the death of their parent if he or she (the parent) had previous convictions. We believe there is no justification for this practice and, even by the simplistic morality that underpins the CICS, it is hard to reconcile how a child can be deemed unworthy of the recognition and sympathy an award of compensation represents.

The CICS is also out of step with the criminal law in its treatment of sexual offences. The CICS makes a distinction between consent in law and consent in fact, so that, for example, a child who is incapable of giving consent in law may be denied compensation if they are deemed to have consented in fact. The CICS therefore perpetuates an outmoded notion that physical force is an essential component of a sexual offence.

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<sup>37</sup> The BCS 2000 shows that: 11.6% of victims unemployed; 5.7% on an income less than £5,000; 5.5% in council area; 7.9% high physical disorder; and, 10.7% single parents (Kershaw et al, 2000)

## 4. The way forward

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### Victim Support is calling for

- a new way of thinking about crime
- the government to recognise its responsibilities to crime victims
- a co-ordinated, proactive response

### A new way of thinking about crime

There must be specific, targeted action to reduce all the effects and consequences of crime. For this to happen, there needs to be a new way of thinking about crime and its victims.

An effective policy to deal with crime requires three distinct and complementary programmes of action:

- crime prevention
- measures to deal with offenders
- targeted action to reduce the effects of crime.

We believe government policy should deal with crime, not just with criminals. It must address the suffering that has been caused by crime and take action to alleviate it. To date, this strand of action has been largely overlooked, especially where it relates to reducing the effects on victims of crime in the community. Offences dealt with by the criminal justice system amount to only 3% of all crimes (6% of reported crimes).<sup>38</sup> Government policies are needed to reduce the effects of crime on individuals, whether or not an offender is found, charged or prosecuted. Programmes of action must prioritise measures to support the victim in dealing with the immediate and long-term consequences of the crime. Support, protection, compensation and information are therefore the main priorities - all of which should be provided in

the community, independent of the criminal justice process.

### The government to recognise its responsibilities to crime victims

As well as acknowledging the wide-ranging needs of crime victims, the government must accept its responsibilities in meeting these needs. Responsibility for tackling the effects of crime should not be left to individual agencies and voluntary organisations.

Victim Support exists to alleviate the effects and pain of crime, but we cannot achieve this on our own. A strategic approach is needed, which is centrally monitored, enforced, and resourced.

### A co-ordinated, proactive response

At the moment victims of crime are largely seen as the responsibility of the Home Office, the Lord Chancellor's Department and the Attorney General's Department. Other secretaries of state should recognise their responsibilities and work in cooperation to reduce the effects of crime. The government now requires health and education to join local-authority-led statutory partnerships to play their part in tackling youth crime. Victim Support is calling for the government to adopt a similar approach when responding to the consequences of crime, backed by legislation and resources to ensure consistency across the country.

Obviously, this process will require commitment and dedicated action, but it will reap results - improving people's lives. As a first step Victim Support believes that victims' rights should be protected in legislation and that these rights should be specific, enforceable, and the responsibility of defined agencies. In addition, instead of the proposed ombudsman<sup>39</sup>, we are calling for a commissioner for victims of crime whose remit would go beyond the criminal justice system and encompass all agencies whose policies and procedures affect the interests and needs of crime victims. This commissioner would report directly to parliament and have powers to put things right before they go wrong, rather than

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<sup>38</sup> Kershaw et al , 2000 & Home Office, 2000

<sup>39</sup> Home Office, 2001b and Attorney General, Lord Chancellor & Home Secretary, 2001

just dealing with complaints. We believe such an approach is consistent with the present government's strategy for 'joined up' government. Nothing less than a truly joined up approach will be sufficient to address the complex and far reaching consequences of crime.

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Published Feb 2002