

# Victims' Right to Review (VRR) scheme

Response to the 2020 consultation

November 2020

## Introduction

This report sets out our response to our consultation on the development of a Victims' Right to Review scheme ("VRR scheme"), which opened on 28 February 2020 and ran to 17 July 2020.

## Background

Article 11 of European Union Directive 2012/29 ("the EU Directive") establishes minimum standards on the rights, support and protection of victims of crime, and provides for the right of a victim to a review of a decision not to prosecute.

Although the IOPC is not legally required to have such a scheme, the VRR brings the organisation in line with similar schemes operated by the Crown Prosecution Service (CPS) and police forces.

The absence of any IOPC VRR scheme results in a victim of a crime who alleges that a crime was committed by a member of the public having the right to seek a review of a decision not to refer the matter to the CPS, but a victim of a crime who alleges that the crime was committed by a police officer (and that matter is investigated by the IOPC), does not.

It is for this reason the IOPC, following a review of its policy position, decided to introduce a VRR scheme.

The scheme will apply in all independent, managed and directed investigations that have previously been designated by the IOPC as criminal investigations. The scheme will not apply to reviews or appeals carried out by the IOPC following an investigation by the police.

At the end of our investigations, a decision maker decides whether a case should be referred to the CPS to determine if a prosecution should follow. Where no referral is made on a criminal investigation, under the VRR scheme victims can request a review of that decision by a new decision maker, who was not involved in the original decision.

## The consultation

On 28 February 2020, the IOPC launched a consultation on the proposed VRR scheme.

We asked for feedback on the draft IOPC VRR policy document, and particularly drew attention to:

1. the proposed timescales for the process
2. any potential impact on disciplinary proceedings (and any other proceedings) and how any such impacts could be managed, and
3. how to treat 'out of time' requests (these are requests received more than 28 days after the date on the outcome letter sent to the person making the complaint)

The consultation document was sent to 43 stakeholders and advocacy groups, and the consultation ended on 17 July 2020. We received 22 responses in total.<sup>1</sup>

A summary of the feedback received is provided in this response document, which also sets out how that feedback informed our final VRR policy. Many submissions have been summarized, and issues raised by multiple respondents have been resolved into one point for inclusion in the table at Annex A.

Importantly, 41% of respondents supported the introduction of a VRR. No respondents disagreed with the principle of introducing the VRR, although one queried the jurisdictional basis of the scheme.

## 1. The proposed timescales for the process

### Draft policy

The policy proposed that the victim must make a request for a review within:

- (i) five working days from the date of the non-referral decision letter, for a summary-only offence (Summary-only offences are criminal offences of low severity and include most driving offences and common assault. They can only be tried in the magistrates' court.)
- (ii) 20 working days from the date of the non-referral decision letter, for an indictable offence. (An indictable offence is a criminal offence of greater severity.)

The draft policy also stated that a review should be completed, wherever possible, within 20 working days of the date that it was requested.

### Consultation response

Ninety-one per cent of respondents commented on the proposed timescales. Responses were mixed: 30% of respondents who commented on the timescales agreed with those set out in the draft policy, and 65% disagreed. One further respondent queried whether there

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<sup>1</sup> Note that a number of these Stakeholders are composed of several separate organisations, some of which responded independently. Taking each separate organisation into account, the response rate is much lower, approximately 17%.

should be a time limit within which the VRR should be carried out but may have overlooked the proposed inclusion of such a provision.

The majority of respondents who disagreed with the timescales considered that the same time-limit should be applied, regardless of the category of offence.

Thirty-one per cent of respondents who disagreed with the timescales thought that five working days for summary-only offences was not long enough because of the time lost through the postal system, and because victims may have particular needs requiring more time, including English not being their first language. Four respondents suggested the timescales should be aligned to those of the police and CPS, each of which provide three months.

Finally, a query was raised as to what would happen where the statutory time limit expired during the review process.

## IOPC response

The IOPC has reflected on the feedback, and the timescale was amended to allow 28 days for summary-only offences, for the purposes of consistency and clarity. We have decided to use 'calendar days' as opposed to 'working days' throughout the scheme. It is accepted that five working days provides only a very short timeframe for reviews to be submitted (although it is noted that the CPS asks that reviews be requested within this time where possible). The victim may exercise their right by simple request; it is not necessary for reasons or arguments to be presented. However, any representations that are made within the specified timeframe will be considered within the review.

However, there is often cause for urgency due to the statutory time-limit of six months applicable to bringing charges in such matters.<sup>2</sup> As a result, where there is less than one calendar month before the expiry of the statutory time limit for summary-only offences, we will require applications to be submitted sooner (the specific time frame will be determined on a case-by-case basis), in order, where possible, that the request can be made, and application considered before the statutory time limit expires.

The IOPC recognises that there may be occasions when it is not possible for the review to be carried out before the expiry of the statutory time limit, although we will employ all reasonable efforts to protect against this. The IOPC's VRR policy provides that should this occur, 'consideration will need to be given to the appropriate outcome'.

The IOPC appreciates that in all cases there is a need to deal with matters quickly, and for individuals concerned to have certainty regarding these important decisions. It is for this

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<sup>2</sup> Subject to any specific statutory provision permitting a different time-period for bringing charges.

reason that we consider that three months is too long to allow for the exercise of the right to review, except in exceptional circumstances. We have sought to ensure an appropriate balance between resolving cases quickly and with certainty and enabling victims sufficient time to consider their position and exercise their rights under the VRR scheme, should they wish to do so.

For all matters, cases will only be considered after 28 days have elapsed in exceptional circumstances. Again, an appropriate balance must be struck between the competing interests here. 'Out of time' requests are discussed further below.

## **2. Any potential impact on disciplinary proceedings (and any other proceedings) and any views you may have on managing any such impacts**

### **Draft policy**

The IOPC acknowledges the risk that the introduction of the VRR scheme will have an impact on disciplinary proceedings. We therefore sought representations on this to inform the framing and operation of the proposed policy.

### **Consultation response**

Twenty-seven per cent of respondents commented on the potential impact on disciplinary proceedings. The majority of those respondents, 67% (four respondents in total) expressed concern that the VRR would cause a delay to disciplinary proceedings. One respondent, a Professional Standards Department (PSD), stated they would await the response to a VRR before the appropriate authority<sup>3</sup> (AA) would consider the IOPC final report on conduct matters, and that a delay of two months could therefore be incurred.<sup>4</sup> The respondent noted that the AA could mitigate against any delay by reviewing an IOPC final report to make a provisional decision on conduct, pending the VRR outcome.

Another respondent requested clear guidance for police forces on how to manage disciplinary matters where a VRR is requested and stated that there may be an impact on disciplinary timescales and 'whether they go ahead'. Separately, a respondent expressed the view that decisions to proceed with conduct matters should not progress until the VRR process is finalised, in part because it is important that an officer has certainty about criminal proceedings before providing a response to any disciplinary proceedings.

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<sup>3</sup> The 'appropriate authority' is responsible for decision-making on disciplinary matters on behalf of the relevant chief officer or local policing body.

<sup>4</sup> Two months consists of 28 days to submit a VRR request and 28 days for the IOPC to reach a decision.

Another respondent (again a PSD) stated they would be able to manage their stakeholders and officers, given the 28-day timescale to conduct the reviews.

A further view was that while delays were likely:

- (i) this was not excessive
- (ii) it was important that matters of criminal liability were correctly determined, and
- (iii) expedition at other stages of the process would improve the overall position

## IOPC response

As above, several responses expressed concern about a perceived tension between the quick progression of disciplinary decision-making and proceedings, and the introduction of the VRR. However, the extent to which the VRR will or may impact on these disciplinary matters will vary according to the particular circumstances of a case, and we anticipate that delay will only occur in limited circumstances.

To address this issue, we introduced the following provisions into the VRR policy:

1. The AA and any subject officer will be informed that the provisional CPS referral decision may be challenged by way of VRR, which should be requested within 28 days.
2. The AA will be asked to provide its opinion on whether it can submit a memorandum under paragraph 23(6) of Schedule 3 Police Reform Act (for pre 1 February 2020 cases) or express its views under paragraph 23(5A) of Schedule 3 Police Reform Act (for cases from 1 February 2020).
3. The IOPC considers that it will be highly unusual for decisions about disciplinary matters to be delayed pending the conclusion of the VRR process. Should this be contemplated, we encourage AAs to engage in an open discussion. If it is appropriate, we may agree for the AA to delay decision-making beyond 15 working days<sup>5</sup> for investigations under the 2012 statutory scheme, or for an extension to be granted under Regulation 27(5) Police (Complaints and Misconduct) Regulations 2020, as applicable.

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<sup>5</sup> Paragraph 11.46 of the IPCC/IOPC Statutory Guidance 2015 stipulates: 'The IPCC expects the appropriate authority's memorandum as soon as practicable having made its determination and, in any event, within 15 working days of the request.'

4. The IOPC notes that the Home Office Guidance 2020<sup>6</sup> emphasises that disciplinary matters will ordinarily be expected to proceed even if there is the possibility of a criminal prosecution:

“7.81 Where there are possible or outstanding criminal proceedings against an officer, these will not normally delay the misconduct proceedings. They will only delay proceedings under the Conduct Regulations where the appropriate authority considers such action would prejudice the outcome of the criminal case.

7.82 The presumption is that action for misconduct should be taken prior to, or in parallel with, any criminal proceedings. Where it is determined that prejudice to the outcome of the criminal case would result, then this decision shall be kept under regular review to avoid any unreasonable delay to the misconduct proceedings. If there is any doubt, then advice should be sought from the Crown Prosecution Service (CPS) or other relevant prosecuting authority.

7.83 Where potential prejudice is identified, the proceedings under the Conduct Regulations will proceed as normal up until the referral of a case to misconduct proceedings or an accelerated misconduct hearing. The matter will be investigated under the relevant regime and the investigation report submitted. The appropriate authority will then decide whether there is a case to answer in respect of misconduct or gross misconduct or neither. Where there is a case to answer, no referral to misconduct proceedings or an accelerated misconduct hearing will take place if this would prejudice the criminal proceedings, as per Regulation 10 of the Conduct Regulations.’

5. However, in appropriate cases, Regulation 9 Police (Conduct) Regulations 2012, and Regulation 10 Police (Conduct) Regulations 2020, as applicable, can be used to protect against prejudice to criminal proceedings.
6. The IOPC will encourage and expect an open dialogue with the AA on these matters.
7. The IOPC will ensure that the subject(s) and the victim(s) are kept updated about the decisions made, the processes being followed, and the relevant timescales.

It is hoped these provisions will enable disciplinary matters to proceed as quickly as possible, despite the introduction of the VRR scheme. Of course, the IOPC will be eceptive to any feedback about the impact of the scheme, which will be kept under review.

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<sup>6</sup> Conduct, Efficiency and Effectiveness: Statutory Guidance on Professional Standards and Integrity in Policing issued by the Home Office.

### 3. How to treat 'out of time' requests

#### Draft policy

Any request for a VRR submitted after the expiry of the 28-day time limit will only be considered in exceptional circumstances.

#### Consultation response

Fifty-five per cent of respondents provided specific comments about this aspect of the draft policy. Eight per cent (one respondent) did not agree that out of time requests should be accepted due to the potential impact on officers caused by uncertainty and delaying misconduct proceedings.

Forty-two per cent of the respondents who commented on this aspect of the policy referred to the link with exceptional circumstances. Two respondents requested clarity from the IOPC about what we would consider 'exceptional'. One respondent suggested that evidence should be required as to why the request had been delayed, and that exceptional circumstances should be considered on a case-by-case basis. Separately, one respondent thought that the threshold should be very high, in view of the potential impact on disciplinary proceedings, and another that the test should be 'strict'. One respondent proposed that there be an 'absolute cut-off' of three months, to reflect the same position as the CPS and police schemes.

The following issues were also raised:

- (i) what the position would be where no disciplinary action had been taken, but a decision subsequently taken to refer to the CPS
- (ii) 'out of time' submissions, and those considered exceptional, should be subject to monitoring

#### IOPC response

The IOPC is conscious of the importance of certainty in decision-making, however this needs to be balanced against providing a fair process which protects the interests of victims.

An out of time VRR will only be accepted in 'exceptional circumstances', which will be applied on a case-by-case basis. The policy does not provide detailed guidance on what is considered 'exceptional', as the IOPC does not wish to restrict factors that may properly meet this threshold. Instead, exceptional circumstances will be determined in each individual case, taking into account all of the circumstances. The policy has, however,

been amended to provide examples of circumstances which may be considered exceptional, namely where:

- the victim has been in hospital, and has been unable to respond
- the victim is in prison, and was not provided with notification of the provisional decision until after the response deadline
- the victim suffers from a mental illness, and because of this was not able to respond within the timeframe permitted

The policy also notes that, where relevant, reasonable adjustments should be made, in accordance with the *Equality Act 2010*.

The application of 'exceptional' will be subject to ongoing review, to find out whether further guidance is needed, and ensure the standard is being applied consistently.

In accordance with one of the submissions, the policy states that where a request for VRR is received after the relevant time limit, but within three months, the victim should be asked for an explanation for the delay if one has not been provided.

The IOPC notes, as above, that disciplinary matters should not ordinarily be delayed pending the outcome of a VRR, and that the Home Office Guidance 2020 presumes that 'action for misconduct should be taken prior to, or in parallel with, any criminal proceedings'.<sup>7</sup> As such, delays incurred through the VRR scheme should not ordinarily impact on disciplinary proceedings.

However, again as above, the IOPC also recognises it is important to both the individuals concerned and the public that there is certainty in decision-making. As such, where the reviewer is considering whether it is 'appropriate' for a matter to be referred to the CPS, the fact and effects of any delay will be given appropriate weight, and consideration given to whether the public interest requires a matter to be referred to the CPS.

## CPS referral guidance

During the consultation, we received a request for the IOPC CPS referral guidance to be published. We will publish the guidance when it is finalised. It is intended that this will enhance the transparency, clarity and consistency of the VRR scheme.

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<sup>7</sup> Paragraph 7.82, FN 3.

## Annex A

### Further responses and policy amendments

Your feedback	Our response/What we will do
<p><b>Legislation</b></p> <p>1. What legislation provides the provision for the IOPC to introduce a Victims' Right to Review policy?</p>	<p><b>Legislation</b></p> <p>1. There is no specific statutory provision as envisaged in the question.</p> <p>However, there are two routes by which it might be argued that the IOPC is under a legal obligation to provide a right of review. The first route is via EU Directive 2012/29 that establishes minimum standards on the rights, support and protection of victims of crime. The second is via the case of <i>R v Killick</i> (2012) 1 Cr App R 10.</p>
<p><b>Notification</b></p> <p>1. The IOPC should provide clear expectations about how complaints of domestic abuse, concerning serving police officers, will be handled.</p> <p>2. Victims in cases of domestic abuse should be advised by specialist domestic abuse professionals regarding action available to produce the '<i>desired outcome</i>'.</p> <p>3. Family members should be provided with details of non-governmental organisations when they are notified of a provisional decision not to make a referral to the CPS when there has been a death.</p> <p>4. Victims should be provided with the rationale when a decision is made not to refer a case to the CPS.</p>	<p><b>Notification</b></p> <p>1. This feedback has been shared with the IOPC domestic abuse subject matter network to consider.</p> <p>2. This feedback has been shared with the IOPC domestic abuse subject matter network to consider.</p> <p>3. We have included this information in a new leaflet, which will be provided to victims when they are notified of the availability of the VRR and is available on our website.</p> <p>4. Sufficient information will be given to the victim to provide them with a fair opportunity to make representations, should they wish to do so, in exercising their VRR. Similarly, victims will be provided with reasons should their VRR not result in a referral to the CPS. (Further</p>

<p>5. Plain English should be used to explain a final decision which upholds the provisional decision not to make a CPS referral. Consideration should be given to sharing the decision in person as well as in writing.</p> <p>6. The process to appeal a VRR should be defined and victims should be notified that a Judicial Review is an option to challenge the IOPC decision when they are dissatisfied with the VRR outcome.</p> <p>7. The IOPC should provide the victim with details of support, including criminal injuries compensation, when providing the VRR outcome.</p>	<p>information on this point is available in the VRR policy.)</p> <p>5. We agree with this feedback. We will use plain English to explain our decisions in writing. Under the IOPC service user standards, we will make sure our service is accessible and meets the needs of the service user. This may include a meeting to explain our decision on a VRR, in relevant circumstances.</p> <p>6. The VRR decision cannot be appealed, though it is open to judicial review. We have provided information on this matter in the VRR information leaflet. This information will also be included in the letter informing the victim of a negative outcome to the VRR.</p> <p>7. As above at item '3', we included this information in a new leaflet, which will be provided to victims when they are notified of the availability of the VRR and is also available on our website.</p>
<p><b>Policy   process</b></p> <p>1. The reviewer should be at least one grade above the initial decision maker, with no previous involvement in the investigation.</p> <p>2. Policy wording should be amended from 'if the reviewer is unclear about any evidential issue' to 'if the reviewer is</p>	<p><b>Policy   process</b></p> <p>1. The policy addresses this and states: 'The review will be carried out by an independent reviewer. The reviewer must:</p> <ul style="list-style-type: none"> <li>• be of equal or more senior grade to the initial decision maker</li> <li>• have had no decision-making responsibility in the investigation</li> <li>• have no relevant conflict of interest, in accordance with IOPC policy, and</li> <li>• insofar as possible, be based in a different office to the investigation and decision maker.'</li> </ul> <p>2. The policy has been amended to largely reflect the suggested wording and reads: 'If the reviewer is unclear</p>

<p>unclear about any of the information relating to the investigation’.</p> <p>3. The IOPC draft policy does not specify that a suspect must have been identified and interviewed under caution for VRR to apply.</p> <p>4. Should the IOPC avow the Wednesbury principles?</p> <p>5. Why is there a non-exhaustive list of factors to consider when reviewing the provisional CPS referral decision? There should be clear criteria to base the review on.</p>	<p>about anything relating to the investigation’.</p> <p>3. In an IOPC criminal investigation a letter would ordinarily have been provided to explain the police staff member/officer was under criminal investigation. It is likely that person would have been interviewed or provided a written statement under criminal caution. The policy provides that ‘the right to review will not apply where it has not been possible to identify a potential suspect’.</p> <p>4. This feedback has been considered but not adopted. The Wednesbury threshold was considered too high, and it was noted that the Court of Appeal in Killick was clear that victims should not have to resort to judicial review to challenge such decisions. Although that does not in itself prevent the same threshold being applied, the IOPC noted that the CPS have not adopted it, and seeks to achieve parity in its approach, while also ensuring excellence in its decision-making. Therefore, the lower threshold, of whether a decision is ‘wrong’ has been adopted. This is also considered to balance the rights of the victim and the interests of the subject appropriately, and to promote public confidence.</p> <p>5. The review follows a clear process; the first stage is consideration of whether the CPS referral criteria are met. A comprehensive guidance document was finalised on this subject. The IOPC does not wish to inappropriately limit the factors that can be considered at the second stage; namely, whether the provisional decision was wrong. However, the operation of the VRR will be kept under review, and this issue considered within that process.</p>
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<p>6. What does the wording, 'a significant error in the interpretation of the evidence' mean when considering if a decision is wrong?</p> <p>7. Wording 'a significant error in the interpretation of the evidence' should be amended to a 'material error'.</p> <p>8. Proposed changes to the Victims' Code need to be considered and updated in the final policy.</p> <p>9. The two-stage test should be amended.</p> <p>10. VRR requests should be permitted to be made by telephone and in person, rather than being discretionary whether verbal requests will be accepted.</p> <p>11. Referrals should be made to the CPS where the reviewer requires legal advice on their decision.</p>	<p>6. This sentence has now been amended to a 'material error'. A material error is one that is capable of affecting the decision as to whether the referral conditions are met, such as discounting relevant evidence, or placing disproportionate weight on witness credibility.</p> <p>7. This amendment has been made, as above.</p> <p>8. The Victims' Code has been considered, and any changes made in the future, relevant to the VRR scheme, will be kept under review.</p> <p>9. This feedback has been considered, but the two-stage test will not be amended. The policy seeks to balance the importance of decision makers exercising individual discretion and ensuring that decisions made are in accordance with the law and relevant guidance. This approach is consistent with the National Policing Guidelines on Police Victim Right to Review.</p> <p>10. The policy has been amended, and now states: 'A request for review should ordinarily be made in writing, whether by email or letter. However, a request by other means, for example a verbal request, will be accepted if a victim would otherwise be disadvantaged'.</p> <p>11. We do not consider that the need or desire to obtain legal advice equates to the test for referral being met in the exercise of the VRR. Legal advice may be sought for a myriad of reasons, and the test cannot be 'reduced down' in this way.</p>
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<p>12. An investigation should be reopened if a reviewer requires further evidence or investigation.</p> <p>13. Considering whether public confidence in the police complaints system requires a referral to be made to the CPS is unnecessary.</p> <p>14. The IOPC should provide public reporting on the number of VRRs, decisions and outcomes.</p> <p>15. Particular emphasis should be given to public confidence in respect of sexual offences.</p>	<p>12. The policy has been amended to take account of occasions where further investigation is required.</p> <p>13. The consideration of this issue has been amalgamated within the referral condition of whether referral to the CPS is appropriate in the circumstances. The IOPC considers it important that the impact of any delay is accorded due weight where the time limit for submitting a VRR has expired.</p> <p>14. While the IOPC is not required to provide this information, we will consider doing so.</p> <p>15. The IOPC recognises the importance of ensuring the public has confidence that allegations of sexual abuse are thoroughly investigated. However, it is not considered that any specific provision is required in the VRR policy at this time.</p>
<p><b>Terminology</b></p> <p>1. Referring to a 'provisional' decision may be confusing.</p> <p>2. The IOPC should specify in the policy that VRR only applies in cases where the matter is investigated by them.</p> <p>3. Does the VRR policy apply where a crime is asserted either:  a. contrary to the general balance of evidence; or  b. contrary to the finding of an inquest or other tribunal?</p>	<p><b>Terminology</b></p> <p>1. We will use the term 'provisional' because this communicates that we will not finalise the decision until the end of the 28-day time limit for submission of VRR requests or the completion of the actual review. The use of this term is consistent with the IOPC's statutory scheme.</p> <p>2. The policy only applies to IOPC managed, directed or independent investigations. This is stated within the policy document.</p> <p>3. The scope of the VRR scheme is clearly set out in the policy. It applies where there has been a criminal investigation (an investigation where a decision is made that there is an indication the person under investigation may have committed a criminal offence), subject to some</p>

<p>4. The word 'review' may cause confusion with other review processes, including that of complaints.</p> <p>5. The IOPC may need to change the tone and language used if the policy will be published for victims to access as the document is written with the IOPC as the audience. An easy read version would also assist children and vulnerable people.</p> <p>6. An annex or glossary of terms explaining the process in a simple way may assist. Using language of the organisation may be detrimental to victims.</p>	<p>limitations on scope. The policy reflects the position of the Victims' Code that where a person makes an allegation (of the required type) they will be categorised as a victim.</p> <p>4. The phrase 'Victims' Right to Review' appears in the Victims' Code, and is in general use by the CPS and police. We consider it would be confusing to introduce alternative terminology.</p> <p>5. A leaflet is being produced to address this feedback point.</p> <p>6. A leaflet has been introduced to address these concerns.</p>
<p><b>Victims</b></p> <p>1. All victims should be able to request a VRR.</p>	<p><b>Victims</b></p> <p>1. While there are some restrictions on the scope of the VRR scheme, these are limited. The following exclusion appears in the policy: <i>'Cases in which a decision has been taken to make a referral to the CPS on conclusion of an investigation, but that referral does not relate to all of the subjects of the criminal investigation.'</i></p> <p>However, the policy has been amended to make it clear that <i>'where none of the subjects and/or matters referred relate to the incident (alleged or otherwise) which affected a specific victim, that victim will retain a right to review'</i>. This establishes that each individual victim is entitled to VRR (subject to the other restrictions to the scope of the scheme) and is</p>

<p>2. The policy does not refer specifically to victims of domestic abuse or sexual violence.</p> <p>3. VRR is important when police officers are the perpetrators of a domestic or sexual crime.</p> <p>4. IOPC staff must understand the internal disciplinary procedures for the police so that they can advise whether VRR or a misconduct referral is appropriate.</p>	<p>consistent with the CPS position. Further, it should be noted that upon an IOPC referral, the CPS is not confined to considering specific matters/subjects referred; prosecutorial discretion remains. We have also introduced two further restrictions on the scope of the VRR in that:</p> <p>(i) it applies to recordable crimes only (a position consistent with the CPS, and</p> <p>(ii) it does not apply to cases in which a referral was made to the CPS for a charging decision prior to the completion of the investigation, and that charging decision was negative, and there has been no material change in the evidence since that time (as the CPS VRR scheme will have been available in such cases).</p> <p>2. The policy has been amended to read ‘Where relevant, consideration should be given to any additional support that may be required by a vulnerable victim’, and we will keep under review whether there is a requirement for any enhanced services. We provide signposting during an investigation where we identify a need or vulnerability.</p> <p>3. The response at item ‘2’ is relevant here. This feedback has also been shared with our Domestic Abuse Subject Matter Network.</p> <p>4. It is not appropriate for the IOPC to advise whether or not VRR should be exercised. IOPC staff members will explain the relevant processes, and decisions that have been made, but they cannot advise the victim. Decision makers should of course have a full understanding of the relevant disciplinary processes.</p>
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<p>5. A single point of contact should be able to make the VRR request where the victim is disabled or badly injured as a result of a criminal offence and cannot communicate.</p>	<p>5. The policy has been amended to read: 'The Right to Review may be exercised by someone acting on behalf of a victim in appropriate circumstances. This should be considered on a case-by-case basis, and written authorisation from the victim will generally be required unless this is not possible, for example due to the victim's age or disability. Requests on behalf of a victim will not be permitted where the victim has withdrawn their support for the investigation. Where the victim is under the age of 18, in accordance with the Code, the IOPC will keep the victim's best interests as its primary consideration.'</p>
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