



Making Victims Count: Improving the collection and use of data across the criminal justice system

Notes from expert stakeholder workshop
25th January 2023

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About Justice Lab

Justice Lab UK is a new policy and research centre that uses data and evidence to tackle the most pressing problems facing the justice system.

We have developed a particular focus on research to uncover and address data gaps across the justice system- starting with court data.

Through our [#JusticeDataMatters](#) campaign we highlight the harms that inadequate data collection and governance can cause. As part of this campaign, we have partnered with investigative journalists at The Bureau of Investigative Journalism to report on the human impact of missing data on eviction proceedings and anti-social behaviour injunctions. We have also funded the Centre for Public Data to produce a map of existing data gaps and advocate for changes to the way justice data is collected and published.

We are funded by The Legal Education Foundation, an independent charitable trust.

1. Background

There is growing concern that the criminal justice system ('CJS') fails to prioritise the needs and rights of victims of crime. There is also an emerging consensus that improving the data that is collected and shared about victims and their experience of the system is key to improving the transparency, accountability and performance of the CJS. This interest in the role of data in driving change has been exemplified by the decision to create and publish [Victims Scorecards](#)¹ and the inclusion of specific provisions on data as part of legislation designed to improve the treatment and experience of victims.

The draft [Victims Bill](#)², published in 2022 promised to bring about a: "*cultural shift in victims experience by putting their interests as the heart of the justice system*" leading to a sense of justice that victims feel. Clause five of the draft legislation created a duty on police forces, the Crown Prosecution Service ("CPS"), HM Courts & Tribunals Service ("HMCTS") and Youth Offending Teams to collect and share data on compliance with the victims code. However, the draft Bill stated that detail of the data to be collected, shared and published would be specified in regulations and left to the discretion of the Secretary of State, with no duty to meaningfully consult victims groups.

In May 2022, the Commons Justice Committee launched pre-legislative scrutiny of the draft Victims Bill and issued a call for evidence. **Almost one third of submissions to the call for evidence raised concerns about the provisions in the bill relating to data collection and sharing.** The Justice Committee took note of these concerns, and in their report³ to government:

- Acknowledged the importance of data and its role in delivering the aims of the legislation;
- Recommended the creation of a duty to consult the Victims Commissioner and local victims groups on the data to be collected⁴;
- Called for the creation of national data standards to ensure the consistency and comparability of data;

¹ Now renamed the: "Criminal Justice Delivery Dashboard" see:

<https://criminal-justice-delivery-data-dashboards.justice.gov.uk/overview>

² Draft Victims Bill (2022) Parliament: House of Commons. CP687. London: The Stationery Office available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1079189/draft-victims-bill.pdf

³ House of Commons Justice Committee (2022) Pre-legislative scrutiny of the draft Victims Bill, Second Report of Session 2022-23, HC 304 London: The Stationery Office available at:

<https://committees.parliament.uk/publications/28831/documents/174248/default/>

⁴ Ibid, recommendations 24 and 25

- Recommended the collection and publication of data in a format that enabled disaggregation by both crime type and protected characteristics under the Equality Act 2010; and
- Called for an immediate end to the sharing of victims and witnesses data between the police and the Home Office for immigration enforcement purposes, and the introduction of a “complete firewall” for those groups.⁵

In January 2023, the Government [responded](#)⁶ to the Justice Committee’s report. In their response they:

- **Rejected** the duty to consult with the Victims Commissioner and victims groups on the specifics of the data to be collected, stating that current provisions for consultation are sufficient⁷,
- **Accepted** the recommendation to create national data standards for victims code compliance data⁸;
- Promised to **consider** the recommendation to disaggregate data by crime type and protected characteristic⁹, and;
- Promised to **consider** the importance of adequate protections and safeguards around data sharing¹⁰.
- **Rejected** data sharing restrictions for victims and witnesses for immigration purposes on the grounds that such restrictions were not considered operable by police or immigration enforcement agencies, and that codes of practice and protocols for migrant victims were already in development by the Home Office¹¹.

The government’s response makes it clear that the magnitude of harm caused by the failure to collect, share and publish relevant, timely information on the experience of victims is not fully recognised. In summer 2022, Justice Lab commissioned research which aimed to map the gaps in victims data across the CJS, and explain their impact. This research¹² found that data gaps impacted on the ability of actors to:

- Keep victims informed (and therefore engaged in the process)

⁵ Ibid, recommendations 6 and 7

⁶ House of Commons Justice Committee (2023) “Pre-legislative scrutiny of the draft Victims Bill: Government Response to the Committee’s Second Report” Eighth Special Report of Session 2022-23, HC 932 Published on 19 January 2023

⁷ Ibid, pp14 “*The Bill currently states that the Secretary of State must consult such persons as they consider appropriate, which allows the flexibility to consult based on the specifics of the data being collected. As such, we do not consider this change to be necessary.*”

⁸ Ibid, pp 14

⁹ Ibid, pp14

¹⁰ Ibid, pp14

¹¹ Ibid, pp7

¹² Forthcoming- Centre for Justice Innovation

- Design services and policies that meet victims needs
- Recognise and respond to the level of risk victims face

Following the consultation on its draft Victims Bill, the Government has now published the Victims and Prisoners Bill¹³. This was introduced to parliament in March 2023 and is due to be given its second reading in the House of Commons in May. The Bill represents an important and largely unprecedented opportunity to raise the profile of the issues caused by the failure to collect, share, use and publish victim-related data.

In preparation for the Bill's introduction, Justice Lab launched a project which aims to work with victims groups and other key stakeholders to:

- Identify the changes to **data collection** and **governance** required to improve the experience of victims;
- Gather a bank of **case studies** to demonstrate the impact of current failures;
- Explore opportunities to **collaborate** further with individuals and groups to advocate for changes to the draft Bill

The following note summarises discussions which took place at an expert workshop where attendees¹⁴ were asked to consider the following questions:

- What are the issues with the way victims data is currently collected by agencies across the CJS?
- What are the issues with data sharing and governance across the agencies of the CJS?
- What is the impact of these issues on victims and your ability to design and deliver services to support them?
- How might we make the case to decision makers that improvement is not only needed, but imperative?
- Which other individuals and organisations should be involved in this project?

¹³ <https://bills.parliament.uk/bills/3443>

¹⁴ A list of organisations present at the workshop is provided at Appendix A

2. Data Collection: What are the issues?

2.1. Missing data

Workshop attendees identified critical gaps in the data that is collected and available about victims and their experience of the Criminal Justice System (“CJS”). These included:

- **Demographic information:** Serious gaps were reported in relation to the age, gender and ethnicity of victims.
- **Protected characteristics:** Lack of data to monitor the experience of victims with protected characteristics under the Equality Act 2010. Data on victims with learning disabilities and those who are experiencing mental health problems is especially lacking.
- **Data on vulnerability:** Absence of data to support victims who may be considered vulnerable by virtue of their immigration status or underlying health condition.
- **Crime type:** The quality of data on victims and their experience of the CJS was felt to vary considerably by crime type. For example, attendees highlighted the absence of reliable data on child victims of domestic abuse and a lack of statutory definitions on which to base data collection (see section 2.2 below).
- **Victims’ experience:** The failure to capture and respond to victims’ experiences of the system, particularly once cases reach the probation stage. One attendee remarked:

“In terms of transparency, how are we hearing from victims at each stage and what mechanisms are there for victims to feed in? Some of our pioneers that are survivors have had horrendous experiences with the probation service and been put in terrible situations because of this.”

- **Repeat victimisation:** Attendees identified data on repeat victimisation as a significant gap in existing datasets.
- **Relationships between victim and perpetrator:** Not enough data is collected on the relationship between victims and perpetrators. Attendees reported that this is particularly important as anecdotal evidence suggests that the relationship between victim and perpetrator is an important predictor of whether or not a case reaches court. One attendee stated:

“Relationships between the perpetrator and the victim of crime is so important. Perpetrators that are strangers are more likely to be taken to court, and cases where [the victim] knows the perpetrator are less likely to make it to court”.

System wide data is needed to monitor these patterns and provide better training to professionals across the CJS.

2.2. Data quality and comparability

Workshop attendees highlighted the absence of comprehensive data standards¹⁵ (agreed rules setting out how data should be recorded and described¹⁶) as a critical barrier to improving the information that is held about victims and their experience of the CJS:

“ there’s no comparability across forces. A key challenge... is comparing police force data because they collect data differently”

The absence of data standards is particularly problematic because the data needed to understand victim journeys and support them effectively is held by multiple different agencies, all with different systems and approaches to recording similar basic information.

Attendees identified the need to create statutory definitions for particular offences, such as child criminal exploitation and serious and organised crime. This would support the different agencies of the CJS to record information about offences consistently.

2.3. Training and resources

A number of attendees highlighted the importance of providing training in data collection in increasing the quality and use of data across the CJS:

“The people collecting information just don’t have the training, it needs to be continuous conversation”

¹⁵ The Criminal Justice System's [Data Standards Forum](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/862971/cjs-data-standards-catalogue-6.pdf) in 2020 published a Data Standards Catalogue. Only five of the standards in the catalogue relate to victims, see: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/862971/cjs-data-standards-catalogue-6.pdf

¹⁶ See also Gyateng, T (2022) “Developing data standards for access to justice organisations: A working paper” available at: <https://justicelab.org.uk/resource/developing-data-standards-for-access-to-justice-organisations-a-working-paper/>

Many attendees implicated the lack of resource dedicated to data collection and curation across the agencies of CJS as a barrier to improving the status quo¹⁷:

"It's not just training, it's about system change, it's about ensuring that there is resource and support to allow data collection."

2.4. Culture

Workshop attendees identified a number of issues relating to culture across the CJS that impede the ability of agencies to collect better data.

- **Over-reliance on the police to record information accurately at the start of the case**

Attendees stated that the CJS is overly reliant on the data that is recorded by the police, whose systems and processes are focussed on capturing information about perpetrators and incidents- not victims:

"The criminal justice system relies on the data that the police officer is recording and if they don't record the data they should about the victim then it's harder for everything around to progress"

Attendees emphasised the importance of each agency taking responsibility for the quality and veracity of the information that has been collected, especially in relation to assessments of victim needs and vulnerabilities.

- **Inadequate focus on the importance of collecting data**

Attendees highlighted the difference between collecting data and recording data. Collecting data is an activity undertaken to understand performance and experience while recording data is the minimum activity necessary merely to operate the system. One attendee with experience of working within the CJS stated that, at present, those in charge of the system lack the capacity to record the basic data that they need let alone collect additional data to understand experience and performance:

"There is a tension between what we (victims groups, policy officials) need to know, scraping down to different victims to know their experience and the things that officials record. The criminal justice system does not have the ability to record what it needs and we need to lobby on both ends."

Attendees felt that moving from this position would require a cultural shift on the part of the agencies of the CJS who tend to view data collection as an expensive and optional additional

¹⁷ Contrast with health, where NHS Digital are funded to deliver this role:

<https://digital.nhs.uk/data-and-information/data-tools-and-services/data-services/hospital-episode-statistics/the-processing-cycle-and-hes-data-quality#hes-processing-cycle->

activity. Further work is needed to support individuals and agencies to understand the role that better data can play in protecting people, allocating resources, developing insight and designing effective support:

“We need to reframe the debate. What does it cost not to do this?”

- **Focus on crime type over offending behaviour**

Workshop attendees argued that the focus on recording crime type and not offending behaviour means that opportunities to protect victims are missed. The focus on recording individual incidents and the failure to connect these to identify patterns is particularly detrimental for victims of crimes such as stalking, domestic abuse and coercive control. One attendee stated:

“Because there’s a fixation on crime type and not offending behaviour victims get completely lost at an early stage”

Attendees provided numerous examples of instances where this approach had put victims at risk:

“This is exemplified in the case of John Worboys. Police weren’t connecting the data within themselves¹⁸”

The emphasis on recording single incidents over wider patterns was also raised as part of a super complaint on the police response to stalking submitted by the Suzy Lamplugh Trust in 2022¹⁹.

- **Fear of asking questions due to perceptions that victims would not provide information**

Workshop attendees highlighted the impact that misconceptions about public willingness to provide data can have on the ability to gather the data needed to support victims effectively²⁰. In response to a question as to whether victims would willingly provide information about, for example, their protected characteristics under the Equality Act 2010, one workshop attendee said:

¹⁸ The IPCC (as it was then) recommended structural changes to Sapphire Units after Worboys, but these were revised again a few years later to a very different structure.

¹⁹ See: Suzy Lamplugh Trust on behalf of the National Stalking Consortium (2022) “Super complaint on the police response to stalking” available at: <https://www.suzylamplugh.org/news/super-complaint>

²⁰ See previous work commissioned by Justice Lab led by the Open Data Institute which sought to explore how equality in digital services might be monitored: Open Data Institute (2020) “Monitoring Equality in Digital Public Services available at: <https://justicelab.org.uk/resource/monitoring-equality-in-digital-public-services/>

“Yes they would. The police officers said they wouldn’t want to ask but if they explain why they’re asking, people volunteer that information.”

3. Data Sharing and Governance: What are the issues?

3.1. Data sharing

In addition to the issues created by the failure to collect standardised data as described above, workshop attendees described further barriers to data sharing.

- **Problems caused by a mixed ecosystem of providers:** Workshop attendees stated that the fact that support for victims is provided by a mixed ecosystem of statutory third sector agencies creates particular challenges for data sharing and governance. One attendee said that:

“The disconnect between statutory and the third sector makes it incredibly difficult to share data to support victims. “

Attendees were quick to state that this situation is neither inevitable or insurmountable. One attendee highlighted good practice examples in other areas of social policy that could be adapted for this space, for example, a project in Bristol that enabled the sharing of data between health charities, hospitals, hostels and GPs to better support people who are experiencing homelessness²¹. Another attendee pointed to the experience of Multi-Agency Safeguarding Hubs, and projects that support access for ISVA’s in court, and IDVA’s in hospitals.

- **Errors and inaccuracies in data:** Errors in initial recording were also highly implicated as undermining effective matching and sharing of data across agencies. As one attendee remarked:

“Mis-spelling names is a common issue with repercussions across the justice system.”

²¹ Bristol, North Somerset and South Gloucestershire NHS (2017) “Service Evaluation of Homeless Support Team in Bristol Royal Infirmary” available at: <https://www.pathway.org.uk/wp-content/uploads/Evaluation-HST.pdf> see also: Pugh, R (2017) “GP practice sharing data to transform care for homeless people” 22nd February 2017, *The Guardian* available at: <https://www.theguardian.com/healthcare-network/2017/feb/22/gp-practice-sharing-data-transform-care-homeless-people>

- **Over-reliance on manual data matching:** The lack of consistent data collection practices has also led to an over-reliance on manual matching in order to support effective and accurate sharing across agencies:

“When you do hand-match data, it gives you a whole different picture of what is going on.”

- **Blame culture:** Attendees also raised concerns that, too often, agencies blamed each other for their inability to record and share accurate data. This was felt to be both a distraction and a barrier to progress:

“There are issues from report of offence to decision to charge. We don’t know who has fallen out (between these stages). There is a constant fight around this, where the CPS and Police are throwing mud at each other”

3.2 Data governance

Attendees identified a number of important safeguards which need to be present to support data sharing across the CJS. In particular, attendees stressed the importance of:

- **Clear and consistent rules around who can access data for what purposes:** This was felt to be vital to ensure that trust and confidence was maintained. One attendee stated:

“If everyone has access to data, if everyone can see this, people may be less likely to report. This could create a barrier for women reporting crimes if they’re involved in sex work or have a history of drug abuse.”

Issues with sharing data with the Home Office for immigration enforcement purposes were also raised.

- **Consultation on appropriate technical solutions:** For example, anonymisation of data before it is shared for non-operational purposes or a requirement to define certain categories of report as “intelligence only”.
- **The right to be forgotten:** Attendees felt it was important to ensure that victims were empowered to have data on previous victimisation removed or deleted on request:

“If you’ve experienced victimisation and you’re in a happy place seven years later and a different crime occurs, then you should be able to withdraw your information”

- **Strict requirement to check the accuracy of particular types of information across the CJS journey:** While attendees felt that there could be clear benefits to increasing the sharing of data across agencies, not least reducing the trauma felt by

victims who are forced to repeat their experiences multiple times, concerns were raised that improved data sharing should not lead to fewer checks on, for example, victims' mental health needs:

"Each of the agencies needs to go back to do a needs assessment. The needs and circumstances of victims can change."

4. What is the impact of these issues and how can this be made real for decision makers?

Workshop attendees discussed the impact of these issues on victims, professionals, and the cost of the justice system and the efficacy of the system as a whole.

4.1. Impact on victims

All attendees highlighted the impact of the failure to collect and share data effectively on the ability to protect victims and keep them safe. Examples included the case of Fiona Pilkington, where police failure to link individual reports of anti-social behaviour as part of a wider campaign of harassment led to victim Fiona Pilkington taking her own life and that of her disabled daughter²².

One attendee highlighted that the failure to record and share information about victims effectively²³ had been implicated in multiple domestic homicide reviews as contributing to the outcome in these cases. There was strong agreement that the current approach to collecting and linking data made it harder to police patterns of behaviour, with disastrous consequences for victims (see 2.4 above).

A number of attendees stated that the failure to collect data on the demographic and protected characteristics of victims undermines the ability of agencies to design appropriate support services for individuals that recognise and respond to their needs. Attendees referenced research demonstrating that the absence of effective, personalised support is highly implicated in attrition (see for example, Stanko and Hohl, 2015).

Others pointed to the impact of the failure to collect and share data effectively in undermining the ability of CJS agencies to keep victims adequately informed about the progress of their case, contributing to victims withdrawing from the process entirely.

²²https://www.independent.co.uk/news/long_reads/fiona-pilkington-frankie-pilkington-suicide-learning-disabilities-bullying-hate-crime-a8004526.html

²³ Home Office (2021) "Domestic Homicide Reviews: Key findings from an analysis of Domestic Homicide Reviews" available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1048696/DHRs_Review_2019-2020_Report_Final_Draft.pdf pp 25 "Common issues relating to records" Examples within the theme of record(s) have been grouped into five categories. These are that records might not include all the information needed; information in records not being transferred between agencies; the need to improve aspects of record keeping; the need to improve minutes of meetings; and the need to improve the systems that hold information." Nearly one third of mentions of issues with records identified as part of the domestic homicide review referred to police records (pp28)

A number of attendees referenced the additional burden placed on victims of having to repeat similar information multiple times to different agencies (and, indeed, different individuals within the same agency):

“Victims are exhausted having to tell people the same thing each time.”

4.2. Impact on professionals working within the CJS

Many attendees felt that the absence of good data collection and sharing increases the burden on professionals working within the CJS who are subject to numerous pressures and often under-resourced. Attendees suggested that making it easier for professionals to collect, use and share data about victims would both improve the support they are able to provide to victims and improve well being:

“We’re talking primarily about the experience of victims but the experience of professionals is also important and how data can help them to do a better job. [Better data could] reduce burnout and costs to the system associated with this.”

One attendee stated that improving data could reduce pressure on professionals working within the CJS by helping to identify opportunities to refer victims to support services provided by the third sector:

“There is a benefit to being able to access other services. If you know the factors, you can make referrals to third sector agencies for support.”

Attendees also felt that more reliable information on system performance could help both professionals and advocacy groups focus on problems in a constructive way:

“Rates of recorded child sexual offences are going up every year but these aren’t being tracked through to prosecution and conviction. [Understanding this discrepancy would help to have] more constructive conversations with professionals, so we’re hitting the right things.”

4.3. Impact on the cost of the system

Attendees stated that the failure to invest in better data collection and sharing across the CJS places additional economic burdens on the system in a number of ways, including:

- **Driving administrative costs:** For example through requiring staff to re-enter information at multiple different points;
- **Increasing errors in recording.** This leads to mistakes that create cost:

“We need to be able to demonstrate wasted time, and how data would reduce this.”

- **Driving victim attrition:** This leads to abandoned prosecutions and is a significant cost to the state.
- **Leading to avoidable failures to prevent harm:** This drives costs associated with reviews and inquiries, and leads to wider economic costs. Home Office analysis estimates the costs of homicide (including wider economic and social costs) at £3.2m per incident²⁴.

4.4. Impact on the efficacy of the system

A majority of attendees expressed frustration that the failure to invest in better data made it impossible to tell whether policies introduced to improve things were effective:

“They have no idea whether the services that have been set up by previous legislation are being administered. They can’t track whether they were allowed and whether they worked.”

Attendees felt that the status quo was “*setting the system up to fail*”.

The lack of authoritative information on victim experience and system performance was also felt to undermine public trust and confidence in the system:

“We need to establish where there are good responses and a good service to help wider public confidence in the system.”

4.5. Strategies for making the case for change

Attendees felt that working with lived experience groups to make the case for change would be an effective approach. Attendees felt that survivors would be willing to engage in this work:

“A few pioneers have worked on things similar. Some of them love data and it’s really just about explaining that these are points of intervention where things could have changed”

A number of attendees expressed concerns about the use of anonymised case studies for this purpose:

“I would feel very uncomfortable just using anonymised cases because it takes away the right for victims and their families to share.”

²⁴ Heeks et al. (2018) “The Economic and Social Costs of Crime: Second Edition” UK Home Office https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/732110/the-economic-and-social-costs-of-crime-horr99.pdf pp6

Other attendees felt that creating alliances with professionals working within the CJS could be an effective way to build momentum:

“The senior judiciary are an untapped resource. They are competent, caring and see everything”

A majority of attendees felt that work to frame the issue in terms of cost-benefit to the system would be a vital influencing tool.

5. Towards a solution: Unique identifiers for victims

Attendees were asked to comment as to whether they felt that introducing a consistent identifier for victims across the CJS would be an effective solution. A number of attendees expressed support for this idea because it is similar to the recommendations made as part of the independent review of children’s social care. Attendees stated that the new digital infrastructure being created by HMCTS ought, in theory, to create opportunities for this.

“There is a prototype that exists to join up courts and CPS data. It is possible to see it in one place, but they haven’t moved that quickly.”

This could form the basis for initiatives such as a digital communications passport that could apply to victims, and developments such as a justice portal to enable victims to access relevant information about their case on their own terms.

Attendees also felt that the digitisation of documents such as witness statements and other narrative documents increases opportunities for better analysis. These should be harnessed:

“Common platform is about enabling witness testimony to be available from the police immediately. [Information such as] whether special measures are applied for should all be captured. It needs to be extracted. Some of this information is being captured, but not extracted in the right way.”

Attendees stressed that any moves toward a unique identifier must progress in tandem with strong, transparent information governance, rights to withdraw and a right to be forgotten for victims after a particular time period.

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Appendix A

Organisations who were represented at the expert workshop include:

- Age UK
- Barnardo's
- Child Sexual Abuse Centre
- City University
- Equally Ours
- Just for Kids Law
- Safe Lives
- Suzy Lamplugh Trust
- The Children's Society
- Victim Support
- The Challenging Behaviour Foundation

We are thankful to everyone who attended the workshop, and subsequently commented on this note for sharing their expertise and insight.