

HOME OFFICE

REVIEW OF THE VICTIM'S CHARTER

A RESPONSE BY THE ASSOCIATION OF PERSONAL INJURY LAWYERS

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1. The Association of Personal Injury Lawyers (APIL) was formed in 1990 and represents around 5000 solicitors, barristers, legal executives and academics whose interest in personal injury work is predominantly on behalf of injured claimants. The aims of the association are:
 - To promote full and prompt compensation for all types of personal injury;
 - To improve access to our legal system by all means including education, the exchange of information and the enhancement of law reform;
 - To promote health and safety;
 - To alert the public to dangers in society such as harmful products and dangerous drugs;
 - To provide a communication network exchanging views formally and informally.

2. APIL welcomes the review of the Charter and this consultation regarding that review. Many of our members, as personal injury lawyers, represent the victims of crime in their pursuit for compensation whether through the civil system or the Criminal Injuries Compensation Authority. Our response is limited to the particular issues with which our members are concerned.

3. Our members often represent the injured victims of road traffic incidents or the bereaved relatives of those involved, and witness the stresses and strains suffered by them. In a recent consultation regarding road traffic penalties we expressed concern that criminal behaviour relating to driving is often treated less seriously than other criminal behaviour. The victims of road traffic incidents often witness responsible drivers being prosecuted for minor offences only, if prosecuted at all, even where death or serious injury has resulted.

The Inclusion of Road Traffic Incidents Resulting in Death or Serious Injury

4. We strongly believe that the Charter should encompass road traffic incidents which lead to death or serious injury, whether or not criminal charges are pursued. As is noted on page 4 of the consultation document, “[t]he needs of victims or their bereaved relatives in these cases, particularly for information and support, can be just as great as other victims or their families”. For this reason we can see no justification for treating such victims differently. In addition, we believe that such victims should be provided with the details of organisations that specialise in assisting with the aftermath of road traffic accidents, such as Roadpeace and Brake.

Format

5. We strongly support the inclusion of a chart giving a step-by-step guide of how a case may proceed, including those cases in which an offender is never charged. This would assist members of the public to understand, in difficult times, the complex criminal justice system. We would also suggest that such a guide should explain the possible routes for obtaining compensation as a victim of crime, as many people become confused about the relationship between the criminal and civil system and the Criminal Injuries Compensation Authority.

Victim’s Ombudsman and Statutory Rights

6. APIL supports the creation of a Victim’s Ombudsman which would provide an easily identifiable post for victims if they feel they have unresolved issues they would like to be investigated. As noted earlier, the criminal justice system can appear extremely complex to a member of the public, who may not know where to turn for help if he feels things have gone wrong. The creation of such a post would, hopefully, minimise such difficulties. We also support the creation of ‘headline’ rights as suggested on page 8 of the consultation

document. We believe that the creation of such statutory rights would assist in achieving national consistency in the way the victims of crime are treated and strengthen their claim to the support and assistance they require.