



## Victims' Right to Review (VRR)

### Introduction

The Victims' Right to Review (VRR) scheme was launched on the 5 June 2013. The VRR Scheme gives **victims** the right to request a review of a Crown Prosecution Service (CPS) decision not to prosecute or to terminate criminal proceedings.

This leaflet sets out when the right to review arises, the process for requesting a review and the possible outcomes of the review.

### Which decisions are subject to the scheme?

The right to request a review arises where the CPS:

- (i) makes the decision not to bring proceedings; or
- (ii) decides to discontinue or withdraw all charges involving the victim; or
- (iii) offers no evidence in all proceedings relating to the victim; or
- (iv) decides to leave all charges in the proceedings to "lie on file".<sup>1</sup>

### These are known as 'qualifying decisions'.

The VRR scheme applies in all cases in which the qualifying decision was made on or after **5 June 2013**.

### Who can apply under the scheme?

Any **victim** in a case where a qualifying decision has been made, is entitled to seek a review of that decision under the scheme.

A victim is defined, as follows:

*'a person who has suffered harm, including physical, mental or emotional harm or economic loss which was **directly** caused by criminal conduct'.*

*This includes:*

- *close relatives of a person whose death was directly caused by criminal conduct;*
- *parents or guardians where the main victim is a child or youth under 18;*
- *police officers who are victims of crime;*

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<sup>1</sup> This is the term used in circumstances where the CPS makes a decision not to proceed and requests that the charges be allowed "to lie on the file" marked 'not to be proceeded with without the leave of this Court or the Court of Appeal'.

- *family spokespersons of victims with a disability or who are so badly injured they cannot communicate; and*
- *businesses, providing they give a named point of contact.*

### **How can victims exercise the right under the scheme?**

Victims will be notified of the prosecution decision not to bring proceedings/bring proceedings to an end.

Once notified of the qualifying decision, the only action that a victim need take is to notify the CPS that they are requesting a review. The contact details for the victim's local CPS office will be provided with notification of the decision. There is no need for the victim to explain why the request is being made.

A request for a review should ordinarily be made within five working days of receipt of the notification of the decision. However, a request can be made up to three months after the communication of the decision to the victim.

An early request from the victim allows for a prompt review and, where appropriate, proceedings to be (re)commenced as quickly as possible. Conversely, a delayed request may increase the likelihood of the Court finding difficulty with any decision to (re)commence proceedings following the review. In some circumstances, it will not be possible to (re)commence proceedings if there is a delayed request for review.

### **What does the CPS do with the request for review?**

We will arrange for an immediate review of the case to be carried out to determine whether the matter can be resolved quickly. This is called "Local Resolution" and gives the CPS Area responsible for the case the opportunity to check the decision and to ensure that the victim has been given a sufficiently clear and detailed explanation of the decision. This review, although conducted locally, will be carried out by a prosecutor who has had no previous dealings with the case.

If we cannot resolve the issue to the victim's satisfaction by local resolution then we will proceed to an independent review. This review will be carried out by the Appeals and Review Unit or a Chief Crown Prosecutor depending on the nature of the qualifying decision.

Reviewing prosecutors will approach the case afresh to determine whether the original decision was right or wrong.

### **What will be the outcome of the review?**

The available remedy depends on the nature of the qualifying decision.

In cases where the qualifying decision was 'not to charge' or to 'discontinue/withdraw' proceedings, then it may be possible to bring proceedings if the original decision is found, on review, to be wrong.

In cases where the qualifying decision was 'to offer no evidence' it is not possible to recommence the criminal proceedings; therefore redress in these circumstances will be limited to an explanation and apology.

The victim will be notified of the outcome of the review and provided with a full explanation of the reason for the decision.

### **What happens if a victim does not agree with the outcome?**

Following the conclusion of the VRR process, there is no scope for any further review by the CPS and if the victim remains dissatisfied with the decision and/or wishes to challenge it further, then the victim should apply to the High Court for a judicial review.

### **What happens if someone has a concern about a CPS decision but the VRR scheme does not apply?**

Concerns about legal decisions which do not fall within the scope of the VRR scheme and service complaints<sup>2</sup> will be dealt with in accordance with the CPS Feedback and Complaints policy. The policy can be found on the CPS website. There is a six month time limit for bringing a complaint under the policy in all but the most exceptional circumstances

### **How can I find out more information about the VRR scheme?**

Additional information about the VRR scheme is available on the [CPS website](#).

### **Useful Contacts:**

#### 1) Local CPS Office

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#### 2) Local Support Agencies

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<sup>2</sup> Service complaints are complaints relating to the way in which the CPS has conducted itself.