

Victims and Prisoners Bill: Catch22 Written Evidence

For over 200 years [Catch22](#) has designed and delivered services that build resilience and aspiration in people and communities. [Catch22](#) delivers offender management, rehabilitation, resettlement and gangs work in prisons and in the community. We also run several successful victims services, providing emotional and practical support to victims of crime and anti-social behaviour.

In 2021-2022, we worked with a total of **45,100 service users; 8,500 in custody and 13,520 victims**.

Catch22 is uniquely placed to provide evidence to this inquiry given our depth of experience across the criminal justice system. This means we have a unique perspective on the needs of both victims and offenders and provides us with the knowledge and expertise to unpick the impact that the Victims and Prisoners bill will have on both cohorts.

We have established 4 key areas upon which the Victims and Prisoners Bill provides opportunity to strengthen provision on which this written evidence will focus:

1. Restorative Justice
2. Online Fraud
3. Anti-Social Behaviour
4. Child Criminal Exploitation

Executive Summary:

- The Victims and Prisoners Bill presents an invaluable opportunity to ensure that **all** victims of **all** crime types are provided with **consistent and high-quality** support to help them overcome the impact of crime and minimise the likelihood of revictimisation.
- Catch22 welcomes many of the provisions included in the bill; particularly the increased direct access to the Ombudsman service and the introduction of independent advocates for victims.
- Catch22 believes, however, that there are gaps in this bill which will result in patchy provision, whereby victims of certain crime types, such as **Online Fraud, Anti-Social Behaviour (ASB) and child victims of Criminal Exploitation (CCE)**, are neglected.
- In addition, we believe that an opportunity has been missed to use the Victims and Prisoners Bill to expand the available access of **Restorative Justice (RJ)** to both victims and prisoners. We believe that there is an opportunity for this Government to provide a legal entitlement to information and access to Restorative Justice and make that access consistent across every victims' journey with the Criminal Justice System (CJS).
- We share the position expressed by many victims' organisations that part three, focussing on prisoners, should be removed and the bill returned to its original purpose; **a bill for victims**. The addition of part 3 positions victims as an afterthought and inactive participants in the system. Secondly, we are concerned that part 3 opens the floodgates for an overly-punitive prison-release regime which takes powers away from the independent bodies established to uphold a fair, consistent and rigorous parole system.

1. Victims Rights

a) Restorative Justice

Restorative Justice (RJ) serves as an alternative approach to addressing harm caused by crime. Its purpose is twofold: to repair the harm done to victims and to facilitate the rehabilitation and reintegration of offenders. By fostering communication either through face-to-face meetings, letters or video shuttle, RJ helps promote meaningful resolution, empathy and understanding by preferencing accountability and dialogue over traditional punishment.

Catch22's victims services – [Victim First, Hertfordshire Beacon](#) and [Nottinghamshire Victim Care](#) – all offer restorative justice. Victim First, for example, had 161 RJ referrals between 2021-2022.

RJ has proven impact on victims and offenders; it reduces reoffending by at least 14% and has a [cost-social benefit ratio of £14 per £1 invested](#). Government figures estimate that 85% of victims of crime who engage in Restorative Justice are satisfied with the process. Data returned from PCCs, which Why me? evaluate as part of our Valuing Victims work, indicate that victim satisfaction in the Restorative Justice process reaches up to 95%

Key points:

- The Victims Code of Conduct currently offers victims the right to receive information about restorative Justice (RJ) (Right 3) and be referred to an RJ service (Right 4), but the **right to access RJ is not enshrined in the Victims Code**, despite its known benefit to both victims and offenders.
- We see that the rights' victims and offenders *do* have to RJ are being delivered **inconsistently** and as a **postcode lottery**;
 - Contradictory of Right 3, our RJ services often having to spend time 'selling' the process to the police to encourage them to gain consent from victims. ONS data shows that only 5% of victims recall receiving information about RJ, which means many fewer victims and offenders are engaging in the process.
 - **Data-sharing obstacles** also make it difficult for Victims to fulfil their right to information from RJ services, because they are only informed at the beginning of their CJS journey. It is challenging to engage with victims post-case, despite the greatest benefit from RJ being down-the-line. **A dripfeed approach is needed.**
 - Statutory services host referral pathways, but are slow at making the links for referring cases to be scoped. There is a lot of **'gate-keeping' from probation and victim liaison services who make decisions on whether or not to give RJ information to a victim especially in sexual, domestic and complex and sensitive cases** (where the crime type is deemed "inappropriate"). This is a link that needs to be hammered home as part of the supporting journey for victims.
- As recommended by the Justice Select Committee, a **right to access RJ** would support in consistently ensuring victims and offenders can make fully informed decisions, guided by trained professionals, about partaking.
 - This would also be supported by **ringfenced funding to PCCs to commission RJ services.**
- **"Successful RJ outcomes" are currently measured through a narrow lens**, whereby unless there has been a meeting between victim and perpetrator – and no reoffending/revictimisation - the RJ outcome is not defined as "successful". In our experience, we see that successful RJ outcomes come in a plethora of forms;

sometimes all that the victim needs to move on from the impact of crime is a restorative conversation with their RJ practitioner.

- **There is currently no up-to-date national action plan on RJ.** The latest action plan has not been updated since 2018. The Victims and Prisoners Bill provides an opportunity to legislate a regularly updated action plan with regard to RJ. This would support with raising awareness and addressing the post-code lottery of RJ that currently exists.
 - The Victims and Prisoners Bill should also mandate the publication of an annual Restorative Justice report on the national action plan progress which is laid before Parliament.

Catch22 proposes that the **right to access Restorative Justice Services** is included as a right within the Victims Code, and that the **victims code itself is included in the bill as primary legislation**, rather than the 4 overarching principals into which the code has been diluted.

Catch22 also calls on the Government to improve strategic oversight of Restorative Justice through the inclusion of a **regularly updated National Action Plan** in the Victims and Prisoners Bill.

2. Duty to Collaborate

a) Online Fraud

Fraud is the highest rising crime type and accounted for [39% of all crimes in 2022](#). The Office for National Statistics (ONS) reported that approximately [53% of all fraud is now online enabled](#) and estimated that at least [4.6 million fraud offences are taking place in England and Wales each year](#). A 2019 inspection of the police response to fraud found that the scale of fraud crimes [far outstrips the resources allocated to it](#).

Catch22's Victim services, much like many other victim support services, extend support to cover [that of fraud](#). Hertfordshire Beacon's Fraud Hub was commissioned by Hertfordshire Police and Crime Commissioner David Lloyd, and is a collaboration between Catch22's Beacon Victim Care Service and Hertfordshire Constabulary.

The [Justice Committee heard that](#) "*Victim Support have identified that the financial cost of fraud to an individual can vary widely, from individuals losing less than £100 to amounts "so severe that they became bankrupt, were made homeless, had to sell their home or business, had to postpone retirement or return to work after retiring, or had to move in with other family members"*. Victim support services with specialism in fraud, like Hertfordshire Beacon, are best placed to support these victims and can work with victims one-to-one while empowering them to know their rights

The impacts of fraud, however, often go beyond financial loss, causing psychological and emotional distress to victims. Consumer organisation [Which? has reported that 300– 350 people a week were victims of a fraud that left them in severe emotional distress](#). It is important to recognise that victims of fraud often require emotional support and mental health services to a greater extent than other crime types.

Key points:

- Clause 12 places a **duty on local policing bodies, integrated care boards and the local authority to collaborate in the exercise of "victim support functions"**.

- However, the bill restricts the definition of “victim support functions” to be a **victim support service which caters to victims of domestic abuse, conduct of a sexual nature or serious violence** – leaving out several other crime types.
- Such limiting scope dilutes/undermines the importance of other crime types which would also benefit from this multi-agency and collaborative approach to commissioning and delivery, like Online Fraud.
- Under this bill, the re-commissioning of many services much like Catch22’s Fraud Hub, as well as new NECVCUs, would not require collaboration. The result is twofold;
 1. This will firstly exacerbate the inconsistency of such support, with different police areas at the discretion to commission different support for fraud victims via different processes, leading to a postcode lottery of provision.
 2. Secondly, it fails to recognise fraud as a public health matter, the victims of such high-harm cases suffering damaging and life-changing consequences, both financially and psychologically.
- We believe that victims should have the right to support from services that are independent of the police and statutory services, and we believe the duty to collaborate should reflect that.

Catch22 proposes the following amendment is made to the Victims and Prisoners Bill that expands the bill’s scope to cover other major crime types, including fraud.

Text of bill:

12 Duty to collaborate in exercise of victim support functions

(4) “Relevant victim support service” means a service, other than accommodation-based support, provided to support victims of criminal conduct which constitutes

- (a) domestic abuse,
- (b) conduct of a sexual nature, or
- (c) serious violence.

Text of amendment:

Clause 12, page 10, line 22 at end insert -

- “(d) fraud
- (e) other major class crimes”

3. Definition of a Victim

a) Antisocial Behaviour

Catch22’s current commissioning contract in Hertfordshire means, alongside supporting Victims of ASB where there is a crime, we also support anyone going through an ASB Case Review or on Safety Net, which is the county’s ASB management system for medium risk ASB cases. Through our experience delivering victim support services to people impacted by ASB, we know that the mental, physical and emotional turmoil that ASB inflicts can be significant. In particular, when ASB is taking place at home such that a safe space and ability to walk away from the harassment is compromised, the effect can be incredibly damaging.

ASB victims are one of the groups **most likely to experience secondary victimisation** through their communications with other agencies such as police, councils and housing associations, who can delay communications and require victims to repeat their story on multiple

occasions. One of the advantages of the victim's code is to try where possible to reduce that secondary victimisation.

There is acknowledgement in our Victims services that ASB is much higher than the referrals we receive; in our experience, local agencies are resistant to refer individuals for specialised support because their experience does not resonate as a classic perception of "victimhood", despite the damaging effect ASB can have on their lives.

Key Points:

- Not all Anti-Social Behaviour (ASB) constitutes a crime, meaning the entitlements provided for in the current bill and victims code **excludes those victims of non-criminal ASB.**
- Such victims will therefore not have the legislative right to access support services, information and advocacy that is entitled to victims of other crime types; support which we know is fundamental to the recovery of such victims.
- Supporting victims of ASB effectively is key to reducing revictimisation; therefore **saving the CJS in time and resources.**

Catch22 suggests the following amendment is made to part 1 of the bill, which would expand the definition of victim to include those of ASB:

In clause 1, page 1, line 16, at end insert—

“(e) where the person has experienced anti-social behaviour, as defined by section 2 of the Anti-social Behaviour Act 2014, and the conditions necessary for an ASB case review under section 104 of that Act have been met.”

b) Child Criminal Exploitation

CCE refers to a form of child abuse and exploitation where individuals, gangs, or criminal organizations manipulate and coerce children and young people to engage in criminal activities on their behalf. It involves the use of minors to carry out various illegal actions, such as drug trafficking, theft, burglary, carrying weapons, or involvement in other forms of organized criminal activities.

In our front-line services and through our evidence sessions with the APPG on CCE and knife crime, we have seen child criminals that are vulnerable individuals who come from disadvantaged backgrounds, broken families, or are seeking acceptance and belonging in a harmful environment. The perpetrators of CCE typically groom and control these young people through various means, such as threats, violence, coercion, or promises of financial reward, protection, or social status.

Key Points:

- Victims Bill lacks mention of child victims despite the fact that around [10% of CYP aged 10+ are recorded as victims of crime](#), although the true figure is almost certainly higher.
- There is currently **no agreed statutory definition of CCE and no over-arching Child Exploitation Strategy**.
 - The lack of definition means no data is collected on CCE victims.
 - This also means that children who have committed offences under duress whilst exploited through County Lines and other criminal networks are still often criminalised rather than being supported as victims of exploitation and modern slavery.
- It is essential to recognize that these children **are victims themselves**, and their involvement in criminal activities is not of their own free will but rather a result of manipulation and exploitation by older individuals or criminal networks.
- Addressing CCE requires a multidisciplinary approach involving law enforcement, social services, education, and community outreach to protect and support these vulnerable children and young people while also holding the perpetrators accountable for their actions.
- We would like a definition that encompasses all forms of CCE (financial exploitation; forced begging; organised shoplifting etc.) and not just a narrow focus on County Lines.
- Barnardo's define Child Criminal Exploitation as "*Child Criminal Exploitation (CCE) is when a child under the age of 18 is encouraged, expected or required to take part in any activity that constitutes a criminal offence under British law.*" This is Catch22's preferred definition and we believe it should be given statutory footing through this Bill.

Catch22 joins Barnardo's, The Children's Society and other children's charities which are calling for victims of Child Criminal Exploitation (CCE) to be defined as such in law through the passing of a legal definition of CCE.

Clause 1, page 1, line 16, at end insert—

"(e) where the person has experienced child criminal exploitation;"

Clause 1, page 2, line 6, at end insert—

"(c) Child Criminal Exploitation (CCE) is when a child under the age of 18 is encouraged, expected or required to take part in any activity that constitutes a criminal offence under British law."

4. Scope of the Bill

a) Victims Commissioner

It is concerning that this bill is passing through parliament without the presence of a Victim's commissioner. We are concerned that the post has been vacant for almost year, as such a critical time. The role of the Victims Commissioner is dedicated to improving how the CJS works for all victims and witnesses. Whilst the bill itself expands the remit of the post, which is welcome, it is contradictory that there isn't one in post to question and challenge the bill itself.

The Government must look to appoint a Victims Commissioner with urgency.

b) Part 3 of the Victims and Prisoners Bill

We share the concerns raised by other organisations in the field that the addition of **Part 3 of the bill detracts from the bill's primary purpose**; to advocate for and protect the rights of victims of crime.

Key Points:

- Part 3 was not subject to any pre-legislative scrutiny nor was it consulted upon by external organisations.
- It displays a lack of prioritisation of the needs and calls of victims. Combining these 2 policy areas draws time, focus and resource away from the Government's initial ambition to "Put Victims at the Heart of the Criminal Justice System".
- Catch22 is concerned that part 3 pushes further forward an overly punitive approach to justice. The greatest challenge the justice system will face in the next 5 years is the overpopulation of our prison estate; part 3's provision will only exacerbate this challenge. For example, the new interference powers given to ministers to veto prisoners parole is indicative of resistance to provide rehabilitative and restorative solutions, that we know from our frontline services works to reduce reoffending and keep communities safe, over custody. Moreover, being released from prison should not be a political decision and making it such risks undermining the expertise of independent parole boards.
 - Combining the victims bill with measures about prisoners and parole, most of which make it more difficult for prisoners to be released, also projects a narrative that victims themselves are advocates of longer and tougher sentences imposed on offenders. In fact, we know from our work at Catch22 that this isn't always the case. For many victims, the perpetrator may be a loved one, or the outcome they want is simply for the perpetrator to rehabilitate and live a crime-free life.
- Such provisions will exacerbate the trauma of victims. Claire Waxman OBE, Victims' Commissioner for London, views these proposals as having unintended consequences that contradict the bill's primary purpose and will "cause more distress for victims and bereaved families and delay this important legislation".

Catch22 proposes that **Part 3 of the Victims and Prisoners Bill is removed** and the bill returned to cover the scope of only its original purpose; strengthening the rights of victims.

Further Information

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