

Victims and Prisoners Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

BARONESS BRINTON

Clause 1, page 1, line 7, at end insert –

- “(aa) witnessing criminal conduct,
- (ab) having subsequent responsibility for care because of criminal conduct,
- (ac) experiencing vicarious harm due to criminal conduct”

Member's explanatory statement

This amendment aims to extend the definition of a victim under Part 1 to include people who support and provide care for victims of serious sexual and violent crimes.

BARONESS THORNTON

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, Crime and Policing Act 2014, and the conditions necessary for an ASB case review under section 104 of that Act have been met.”

BARONESS THORNTON

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

- “(e) where the person is a child who is a victim of abuse and exploitation which constitutes criminal conduct.”

BARONESS THORNTON

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

- “(e) where the person is a child who is a victim of child criminal exploitation.”

BARONESS THORNTON

Clause 1, page 2, line 3, at end insert –

- “(c) “child criminal exploitation” means conduct by which a person manipulates, deceives, coerces or controls a person under 18 to undertake activity which constitutes a criminal offence.”

Clause 2

LORD HARRIES OF PENTREGARTH

Clause 2, page 2, line 27, at end insert –

- “(e) should be able to access and, where appropriate, be referred to restorative justice services;
- (f) should be able to access and, where appropriate, be referred to services and support that are tailored to their individual needs.”

BARONESS BRINTON

Clause 2, page 2, line 36, at end insert –

- “(5A) Regulations under subsection (4) must make provision for a person to be able to obtain free of charge, on request, a transcript of a trial in which the person was involved as a victim.”

Member's explanatory statement

This amendment aims to provide victims of crime with a right to free transcripts for the trial in which they were involved.

After Clause 11

BARONESS THORNTON

After Clause 11, insert the following new Clause –

“Duty to co-operate with Commissioner for Victims and Witnesses

- (1) The Commissioner may request a specified public authority to co-operate with the Commissioner in any way that the Commissioner considers necessary for the purposes of monitoring compliance with the victims’ code.
- (2) A specified public authority must, so far as reasonably practicable, comply with a request made to it under this section.
- (3) In this section “specified public authority” means any of the following –
 - (a) a criminal justice body, as defined by section 6(6),
 - (b) the Parole Board,
 - (c) an elected local policing body,

- (d) the British Transport Police Force,
 - (e) the Ministry of Defence Police.
- (4) The Secretary of State may by regulations amend this section so as to—
- (a) add a public authority as a specified public authority for the purposes of this section;
 - (b) remove a public authority added by virtue of subsection (4)(a);
 - (c) vary any description of a public authority.
- (5) Before making regulations under subsection (4) the Secretary of State must consult the Commissioner for Victims and Witnesses.
- (6) A statutory instrument containing regulations under subsection (4) may not be made unless a draft of the instrument has been laid before and approved by resolution of each House of Parliament.”

Clause 13

BARONESS THORNTON

Clause 13, page 11, line 16, at end insert—

- “(ba) consult persons appearing to the relevant authorities to represent persons providing victim support services for children, and”

BARONESS THORNTON

Clause 13, page 11, line 30, at end insert “including evidence demonstrating how they have fulfilled their duty under section 12 of this Act,”

After Clause 15

BARONESS BRINTON

After Clause 15, insert the following new Clause—

“Mandatory training: violence against women and girls

- (1) The Secretary of State must by regulations require certain police officers and employees of the Crown Prosecution Service to receive training in respect of violence against women and girls.
- (2) Regulations under subsection (1) must—
- (a) make provision about the content of mandatory training, including training on the impact of trauma on victims of violence against women and girls; and
 - (b) make provision about the persons for whom this training is mandatory.

- (3) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Member's explanatory statement

This new Clause requires the Secretary of State to bring forward regulations to provide for mandatory training for certain persons in the criminal justice system to receive mandatory training in respect of violence against women and girls.

BARONESS THORNTON

After Clause 15, insert the following new Clause –

“Free independent legal advocates for rape victims

- (1) The Secretary of State must develop proposals for a scheme to give victims of rape access to free, independent legal advocates available in every police force area in England and Wales.
- (2) For the purposes of this section “independent legal advocate for rape victims” means a person who is a qualified solicitor, with experience working with vulnerable people, who provides appropriate legal advice and representation to individuals who are victims of criminal conduct which constitutes rape.”

BARONESS THORNTON

After Clause 15, insert the following new Clause –

“Independent legal advice for victims of rape

The Secretary of State must develop proposals for a scheme to give victims of rape access to free, independent legal advice.”

BARONESS THORNTON

After Clause 15, insert the following new Clause –

“Access to services for victims of domestic abuse victims with no recourse to public funds

- (1) Notwithstanding the provisions of any other enactment, a victim of domestic abuse who –
- (a) has leave to enter or remain in the United Kingdom which is subject to a condition that they do not have recourse to public funds,
 - (b) requires leave to enter or remain in the United Kingdom but does not have it,
 - (c) has leave to enter or remain in the United Kingdom given as a result of a maintenance undertaking,
- is entitled to be provided with services in accordance with the victims’ code.

- (2) The Secretary of State may by regulations make provision that is consequential on this section.
- (3) For the purposes of this section—
 - “domestic abuse” has the same meaning as in section 1 of the Domestic Abuse Act 2021.
 - “victim” has the meaning given by section 1 of this Act.”

Member's explanatory statement

The amendment seeks to ensure that victims of domestic abuse who do not have recourse to public funds are still entitled to be provided with services in accordance with the victims' code.

After Clause 25

BARONESS BRINTON

After Clause 25, insert the following new Clause—

“Report on impact on victims of the UK’s reservation in respect of Article 59 of the Istanbul Convention

- (1) Within six months of the passing of this Act, the Secretary of State must lay before Parliament a report containing an assessment of the impact on victims of the UK’s reservation in respect of Article 59 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (“the Istanbul Convention”).
- (2) The report laid under subsection (1) must contain—
 - (a) an assessment of the impact on victims of domestic abuse;
 - (b) an assessment of the impact on the children of such victims;
 - (c) an assessment of the merits of implementing the measures necessary for compliance with Article 59 of the Istanbul Convention.”

Member's explanatory statement

This new Clause requires the Secretary of State to lay a report before Parliament on the impact of the UK’s reservation in respect of Article 59 of the Istanbul Convention within six months of the Act being passed.

After Clause 26

BARONESS THORNTON

After Clause 26, insert the following new Clause—

“Victims of specified offences: data-sharing for immigration purposes

- (1) The Secretary of State must make arrangements for ensuring that the personal data of a victim of an offence specified in subsection (3), which is processed for the purpose of that person requesting or receiving support or assistance related

to the crime, is not used for any immigration control purpose without the consent of that person.

- (2) The Secretary of State must make arrangements for ensuring that the personal data of a witness to an offence as specified in subsection (3), which is processed for the purpose of that person giving information or evidence to assist the investigation or prosecution of an offence, is not used for any immigration control purpose without the consent of that person.
- (3) The offences referred to in subsections (1) and (2) are –
 - (a) domestic abuse as defined by section 1 of the Domestic Abuse Act 2021,
 - (b) an offence under any of sections 2, 2A, 4 or 4A of the Protection from Harassment Act 1997 or section 42A (1) of the Criminal Justice and Police Act 2001,
 - (c) an offence under any of sections 1, 2 or 4 of the Modern Slavery Act 2015,
 - (d) an offence under Part 1 of the Sexual Offences Act 2003, or
 - (e) such other offences as may be specified in regulations made by the Secretary of State.
- (4) Paragraph 4 of Schedule 2 to the Data Protection Act 2018 do not apply to personal data processed for the purposes of subsection (1) or (2).
- (5) For the purposes of this section, the Secretary of State must issue guidance to those persons mentioned in subsection (10) about the effect of subsections (1) and (2).
- (6) The Secretary of State may from time to time revise any guidance issued under this section.
- (7) Before issuing or revising guidance under this subsection, the Secretary of State must consult–
 - (a) the Domestic Abuse Commissioner,
 - (b) the Victims’ Commissioner,
 - (c) the Independent Anti-Slavery Commissioner, and
 - (d) such other persons as the Secretary of State considers appropriate.
- (8) Subsection (7) does not apply in relation to any revisions of the guidance issued under this section if the Secretary of State considers the proposed revisions of the guidance are insubstantial.
- (9) The Secretary of State must publish–
 - (a) any guidance issued under this section, and
 - (b) any revisions of that guidance,within 6 months.
- (10) Guidance under subsection (5) must be issued to –
 - (a) persons who are victims of or witnesses to an offence specified in subsection (3) or later specified in regulations,
 - (b) persons from whom support or assistance may be requested or received by a victim of crime in England and Wales,

- (c) persons providing support to, or conducting investigations or prosecutions with the support of, witnesses of crime in England and Wales,
 - (d) persons exercising any function of the Secretary of State in relation to immigration, asylum or nationality, and
 - (e) persons exercising any function conferred by or by virtue of the Immigration Acts on an immigration officer.
- (11) A person exercising public functions to whom guidance issued under this section relates must have regard to it in the exercise of those functions.
- (12) For the purposes of this section—
- “consent” means a freely given, specific, informed and unambiguous indication of the individual’s wishes by which the individual, by a statement, signifies agreement to the processing of the personal data;
 - “immigration control” means the exercise of any functions of the Secretary of State and of immigration officers under the Immigration Acts within the meaning of section 61 of the UK Borders Act 2007;
 - “support or assistance” includes the provision of accommodation, banking services, education, employment, financial or social assistance, healthcare and policing services and any function of a court or prosecuting authority;
 - “victim”, in relation to a crime, means the particular person who appears to have been affected by the crime, and their dependent, where that dependent is also affected by the crime.”

Member's explanatory statement

The probing amendment below seeks to ensure that the personal data of a victim of a crime is not used for any immigration control purpose without the consent of that person.

After Clause 28

LORD PONSONBY OF SHULBREDE

After Clause 28, insert the following new Clause—

“Victims of major incidents: registration of death

The Secretary of State may by regulations make provision for a relative to provide information in the connection with the registration of the death of a person who was a victim of a major incident, even if an investigation is conducted under Part 1 of the Coroners and Justice Act 2009.”

Member's explanatory statement

This is a probing amendment concerning the need for a qualified informant such as a relative of the deceased to be permitted to provide information to register the death after a major incident.

After Clause 38

LORD PONSONBY OF SHULBREDE

After Clause 38, insert the following new Clause –

“Major incidents: duty of candour

- (1) In discharging their duties in relation to a major incident, public authorities and public servants and officials must at all times act within their powers –
 - (a) in the public interest, and
 - (b) with transparency, candour and frankness.
- (2) If a major incident results in a court proceeding, official inquiry or investigation, public authorities and public servants and officials have a duty to assist –
 - (a) relating to their own activities, or
 - (b) where their acts or omissions may be relevant.
- (3) In discharging the duty under subsection (2), public authorities and public servants and officials must –
 - (a) act with proper expedition;
 - (b) act with transparency, candour and frankness,
 - (c) act without favour to their own position,
 - (d) make full disclosure of relevant documents, material and facts,
 - (e) set out their position on the relevant matters at the outset of the proceedings, inquiry or investigation, and
 - (f) provide further information and clarification as ordered by a court or inquiry.
- (4) In discharging their duty under subsection (2), public authorities and public servants and officials must have regard to the pleadings, allegations, terms of reference and parameters of the relevant proceedings, inquiry or investigation but may not be limited by them, in particular where they hold information which might change the ambit of the said proceedings, inquiry or investigation.
- (5) The duties in subsections (1) and (2) must –
 - (a) be read subject to existing laws relating to privacy, data protection and national security, and
 - (b) apply in a qualified way with respect to private law and non-public functions as set out in subsection (6), and
 - (c) not be limited by any issue of insurance indemnity.
- (6) The duties in subsections (1) and (2) will be enforceable by application to the relevant court or inquiry chairperson by any person affected by the alleged breach, or the court or inquiry may act of its own motion.
- (7) Where there are no extant court or inquiry proceedings, the duties may be enforced by judicial review proceedings in the High Court.”

Member's explanatory statement

This new clause would require public authorities, public servants and officials to act in the public interest and with transparency, candour and frankness when carrying out their duties in relation to major incidents.

After Clause 40

BARONESS BRINTON

After Clause 40, insert the following new Clause—

“Infected blood scandal: interim payments

The Secretary of State must ensure that an interim compensation payment of £100,000 is made within one month of the passing of this Act in the following circumstances –

- (a) where an infected victim died as a child or died as an adult without a partner or child, the compensation payment should be made to their bereaved parents (split equally if separated);
- (b) where an infected victim has died and there is no bereaved partner but there is a bereaved child or children (included any adopted child), the compensation payment should be paid to the child or children (split equally); and
- (c) where an infected victim has died and there is no bereaved partner, child or parent but there is a bereaved full sibling or siblings, the compensation payment should be paid to the sibling or siblings (split equally).”

Member's explanatory statement

This amendment is intended to probe how and when compensation payments will be made to victims of the infected blood scandal.

After Clause 48

LORD BLUNKETT

After Clause 48, insert the following new Clause—

“Imprisonment or detention for public protection: independent scrutiny panel

- (1) Within two months of the passing of this Act, the Secretary of State must publish a revised action plan on the indeterminate sentences of imprisonment and detention for public protection.
- (2) The revised action plan in subsection (1) should ensure the effective rehabilitation and progression of people serving indeterminate sentences of imprisonment and detention for public protection.
- (3) To advance the purpose outlined in subsection (2), the revised action plan is established to—

- (a) increase the release rate;
 - (b) improve sentence progression;
 - (c) reduce the recall rate;
 - (d) increase the number of licence terminations; and
 - (e) reduce the rate of self-harm and self-inflicted death
- of people serving indeterminate sentences of imprisonment and detention for public protection.
- (4) In delivering the purpose outlined in subsection (2), the revised action plan must include, but is not limited to, provision to –
- (a) improve the arrangements for cooperation between the prison and probation service and the Parole Board;
 - (b) improve the arrangements for progression through the sentence;
 - (c) improve the access of prisoners to the interventions they need in order to progress in their sentence and demonstrate reduced risk;
 - (d) improve access to mental health treatment and support in prison and the community;
 - (e) improve support for people through the parole process;
 - (f) improve the quality and availability of resettlement support;
 - (g) review and improve arrangements for breach and recall;
 - (h) improve the support available to people recalled to custody;
 - (i) address the particular issues affecting individuals with protected characteristics;
 - (j) improve the knowledge and understanding of prison and probation staff and Parole Board members about the experiences and needs of people on IPP sentences;
 - (k) improve arrangements for communicating with people on IPPs and their families about individual cases and policy developments relating to the IPP sentence.
- (5) The Secretary of State must allocate sufficient resource to the plan to meet the purpose outlined in subsection (2).
- (6) The Secretary of State must appoint a senior imprisonment for public protection progression board to oversee delivery of the plan.
- (7) The senior imprisonment for public protection progression board in subsection (6) must include suitably qualified senior officials from His Majesty's Prison and Probation Service to lead on each of the objectives outlined in subsection (3).
- (8) The senior imprisonment for public protection progression board must meet at least four times a year.
- (9) The imprisonment for public protection progression board must, as soon as practicable after the end of each financial year, report to the Secretary of State on its work during the year.
- (10) The Secretary of State must lay a copy of the report before Parliament and place copies in the Library of both Houses.”

Member's explanatory statement

This new clause would place the government's imprisonment for public protection action plan on a statutory basis and give it a stated purpose.

LORD BLUNKETT

After Clause 48, insert the following new Clause –

“Imprisonment or detention for public protection: independent scrutiny panel

- (1) There must be an independent scrutiny panel on indeterminate sentences of imprisonment and detention for public protection.
- (2) The panel is established to –
 - (a) ensure that ministers and officials give the progression of individuals under these sentences priority attention;
 - (b) receive reports on trends of the welfare, progression, release, recall and licence termination in this cohort and the particular issues affecting individuals with protected characteristics in each of these categories;
 - (c) commission research where the evidence indicates that this is necessary;
 - (d) scrutinise progress against, and input into, the government's imprisonment for public protection action plan; and
 - (e) advise ministers and officials on any changes in legislation or policy that may be required.
- (3) In meeting its objective under subsection (2)(d), the panel is entitled to –
 - (a) receive updates from the senior imprisonment for public protection progression panel on the progress of the revised imprisonment for public protection action plan;
 - (b) receive updates from the senior imprisonment for public protection progression panel on the outcomes of its board meetings;
 - (c) require the attendance of a member or members of the senior imprisonment for public protection progression board at panel meetings;
 - (d) make recommendations to be presented to the senior imprisonment for public protection progression board.
- (4) The panel must, as soon as practicable after the end of each financial year, report to the Secretary of State on its work during the year.
- (5) The Secretary of State must lay a copy of the report before Parliament and place copies in the Library of both Houses.
- (6) The panel must publish the report once a copy has been so laid.
- (7) Within three months of receiving a report from the panel, the Secretary of State must respond outlining how they will –
 - (a) implement; or
 - (b) provide reasons for departing from the recommendations of the report.

- (8) The Secretary of State must lay a copy of the response before Parliament and place copies in the Library of both Houses.
- (9) The panel must consist of at least eight members appointed by the Secretary of State with the agreement of the Justice Committee in the House of Commons.
- (10) The Secretary of State must, with the agreement of the Justice Committee in the House of Commons, appoint a chair of the panel.
- (11) A person is eligible to be a member of the external scrutiny panel if the person appears to the Secretary of State to have experience in one or more of the following areas –
 - (a) judiciary;
 - (b) criminal defence or prosecution;
 - (c) sentencing policy and the administration of justice;
 - (d) prisons and probation;
 - (e) psychology and psychiatry;
 - (f) academic study or research relating to criminal law or criminology;
 - (g) independent inspection and scrutiny of the criminal justice system;
 - (h) the investigation of complaints;
 - (i) the welfare of prisoners;
 - (j) people on an imprisonment for public protection sentence or their families;
 - (k) criminal justice reform and rehabilitation charities.
- (12) The Secretary of State may by order make provision for the –
 - (a) term of office, resignation, and reappointment of panel members;
 - (b) remuneration of panel members; and
 - (c) budget of the panel.”

Member's explanatory statement

This new clause would establish an independent scrutiny panel to ensure ministers and officials give the imprisonment for public protection sentence priority attention and scrutinise progress against the imprisonment for public protection action plan.

Clause 49

LORD MARKS OF HENLEY-ON-THAMES
LORD PONSONBY OF SHULBREDE

The above-named Lords give notice of their intention to oppose the Question that Clause 49 stand part of the Bill.

Clause 50

LORD MARKS OF HENLEY-ON-THAMES
LORD PONSONBY OF SHULBREDE

The above-named Lords give notice of their intention to oppose the Question that Clause 50 stand part of the Bill.

Clause 51

LORD MARKS OF HENLEY-ON-THAMES
LORD PONSONBY OF SHULBREDE

The above-named Lords give notice of their intention to oppose the Question that Clause 51 stand part of the Bill.

Clause 52

LORD MARKS OF HENLEY-ON-THAMES

Lord Marks of Henley-on-Thames gives notice of his intention to oppose the Question that Clause 52 stand part of the Bill.

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