

Victims and Prisoners Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 2

THE LORD BISHOP OF MANCHESTER

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

- “(e) should be signposted to a full range of practical specialist advocacy support and information.”

Member's explanatory statement

This amendment aims to ensure victims are aware of and signposted to a full range of specialist service, including specialist advocacy support, as the current duty on criminal justice agencies is to take reasonable steps to make victims aware of the Code, arguably placing the onus on the victim.

Clause 15

LORD POLAK
BARONESS BENJAMIN

Clause 15, page 12, line 12, at end insert –

- (c) child independent domestic violence advisors;
(d) child independent sexual violence advisors.”

Member's explanatory statement

This and associated amendments in the name of Lord Polak aim to ensure the creation of guidance for child independent domestic violence advisors (CHIDVAs) and child independent sexual violence advisors (CHISVAs). Children require a specialist, child-specific response to the trauma that they have experienced, and the argument behind this amendment is that this must be done through CHIDVAs and CHISVAs who are specifically trained to respond to child victim's needs.

LORD POLAK
BARONESS BENJAMIN

Clause 15, page 12, line 19, at end insert –

- “(c) “child independent domestic violence advisor” means a person who provides a relevant service to individuals under the age of 18 who are victims of criminal conduct which constitutes domestic abuse;
- (d) “child independent sexual violence advisor” means a person who provides a relevant service to individuals under the age of 18 who are victims of criminal conduct which constitutes conduct of a sexual nature.”

Member's explanatory statement

This and associated amendments in the name of Lord Polak aim to ensure the creation of guidance for child independent domestic violence advisors (CHIDVAs) and child independent sexual violence advisors (CHISVAs). Children require a specialist, child-specific response to the trauma that they have experienced, and the argument behind this amendment is that this must be done through CHIDVAs and CHISVAs who are specifically trained to respond to child victim's needs.

LORD POLAK
BARONESS BENJAMIN

Clause 15, page 12, line 24, leave out “or independent sexual violence advisors” and insert “, independent sexual violence advisors, child independent domestic violence advisors and child independent sexual violence advisors”

Member's explanatory statement

This and associated amendments in the name of Lord Polak aim to ensure the creation of guidance for child independent domestic violence advisors (CHIDVAs) and child independent sexual violence advisors (CHISVAs). Children require a specialist, child-specific response to the trauma that they have experienced, and the argument behind this amendment is that this must be done through CHIDVAs and CHISVAs who are specifically trained to respond to child victim's needs.

LORD POLAK
BARONESS BENJAMIN

Clause 15, page 12, line 27, leave out “are children or”

Member's explanatory statement

This and associated amendments in the name of Lord Polak aim to ensure the creation of guidance for child independent domestic violence advisors (CHIDVAs) and child independent sexual violence advisors (CHISVAs). Children require a specialist, child-specific response to the trauma that they have experienced, and this must be done through CHIDVAs and CHISVAs who are specifically trained to respond to child victim's needs.

LORD POLAK
BARONESS BENJAMIN

Clause 15, page 12, line 36, leave out “and independent sexual violence advisors” and insert “, independent sexual violence advisors, child independent domestic violence advisors and child independent sexual violence advisors”

Member's explanatory statement

This and associated amendments in the name of Lord Polak aim to ensure the creation of guidance for child independent domestic violence advisors (CHIDVAs) and child independent sexual violence advisors (CHISVAs). Children require a specialist, child-specific response to the trauma that they have experienced, and the argument behind this amendment is that this must be done through CHIDVAs and CHISVAs who are specifically trained to respond to child victim's needs.

BARONESS LISTER OF BURTERSETT

As an amendment to the amendment in the name of Baroness Brinton to insert a new clause after Clause 15, printed on sheet HL Bill 31(a).

In subsection (2)(a), after “girls” insert “and domestic abuse as defined in the Domestic Abuse Act 2021, with specific reference to controlling or coercive behaviour and economic abuse”

BARONESS LISTER OF BURTERSETT

As an amendment to the amendment in the name of Baroness Brinton to insert a new clause after Clause 15, printed on sheet HL Bill 31(a).

After subsection (2)(b) insert –

- “(c) make provision to ensure that high-quality and comprehensive training is delivered, with specific regard to training being delivered by specialist providers from the violence against women and girls sector.”

After Clause 27

LORD POLAK
BARONESS BENJAMIN

After Clause 27, insert the following new Clause –

“Duty to commission support for children and young people

- (1) It is the duty of relevant local commissioning bodies to commission specialist children and young people's support services for victims in accordance with need, including advocacy services.
- (2) The services provided under subsection (1) must include, but need not be limited to services for –
 - (a) victims of child criminal exploitation, and
 - (b) victims of child abuse.

- (3) In this section, “advocacy services” must include, but need not be limited to –
 - (a) child independent domestic violence advisors as defined in section 15 (guidance about independent domestic violence and sexual violence advisors);
 - (b) child independent sexual violence advisors as defined in section 15 (guidance about independent domestic violence and sexual violence advisors);
 - (c) independent child trafficking advocates, as defined in Section 48 of the Modern Slavery Act 2015 (independent child trafficking advocates).”

Member's explanatory statement

The purpose of this amendment is to ensure commissioners are providing specific and sufficient support for children who have experienced or are experiencing a crime. This includes a duty to commission specific support and advocacy services which include but are not limited to Child Independent Domestic Violence Advisors (CHIDVAs), Child Independent Sexual Violence Advisors (CHISVAs), and Independent Child Trafficking Guardians (ICTGs).

LORD POLAK
BARONESS BENJAMIN

After Clause 27, insert the following new Clause –

“Duty on the Commissioner for Victims and Witnesses and Secretary of State to report on provision of support for children

- (1) The Commissioner for Victims and Witnesses and the Secretary of State must, within three months of the day on which this Act is passed, complete a review into the current state of support for children who are victims.
- (2) The review must consider, in particular –
 - (a) the current volume of provision,
 - (b) the current volume of unmet need, and
 - (c) the current level of investment in these services.
- (3) Upon completion of the review, the Commissioner for Victims and Witnesses and the Secretary of State must publish and lay before Parliament a report setting out –
 - (a) the findings of the review, and
 - (b) the action that the Secretary of State proposes to take in response to the review.”

Member's explanatory statement

This amendment places a duty on the Commissioner for Victims and Witnesses and the Secretary of State to issue a national statement on the current volume, need, provision and investment into support services for children who are victims of crime to ensure full transparency in how the appropriate bodies are responding to the needs of children.

After Clause 48

LORD MOYLAN
LORD BLUNKETT

After Clause 48, insert the following new Clause –

“Imprisonment of detention or imprisonment for public protection: release test

- (1) This section applies to a prisoner serving a sentence of imprisonment or detention for public protection who has served a period of imprisonment or detention –
 - (a) in excess of the maximum determinate sentence provided by law for the offence or offences for which they were convicted, or
 - (b) 10 years or more beyond the minimum term of their sentence.
- (2) In the case of a prisoner to whom this section applies –
 - (a) the Secretary of State must by order pursuant to section 128 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (power to change test for release on licence of certain prisoners) direct that, following the prisoner's referral to the Parole Board, they will be released unless the Board is satisfied by the detaining authority that it remains necessary and proportionate for the protection of the public from serious harm that they should continue to be confined.
 - (b) section 28ZA of the Crime (Sentences) Act 2017 (public protection decisions) does not apply.”

Member's explanatory statement

This amendment would alter the release test applied by the Parole Board for certain prisoners serving a sentence of detention or imprisonment for public protection under the existing powers of section 128 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

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