

Victims and Prisoners Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 2

BARONESS GOHIR

Clause 2, page 2, line 27, at end insert “, including where there are or were multiple perpetrators”

BARONESS BENNETT OF MANOR CASTLE

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

“(e) should be able to access and be referred to restorative justice services.”

Clause 7

LORD RUSSELL OF LIVERPOOL

Clause 7, page 6, line 2, leave out “elected local policing body for a police area” and insert “Secretary of State”

LORD RUSSELL OF LIVERPOOL

Clause 7, page 6, line 5, leave out “elected local policing body for a police area” and insert “Secretary of State”

LORD RUSSELL OF LIVERPOOL

Clause 7, page 6, line 7, leave out “the Secretary of State” and insert “an annual statement”

LORD RUSSELL OF LIVERPOOL

Clause 7, page 6, line 7, leave out “with it”

LORD RUSSELL OF LIVERPOOL

Clause 7, page 6, line 10, leave out paragraph (c)

LORD RUSSELL OF LIVERPOOL

Clause 7, page 6, line 12, leave out subsection (3)

Clause 10

LORD RUSSELL OF LIVERPOOL

Clause 10, page 8, line 27, leave out “publish such compliance information” and insert “provide, annually, the Commissioner for Victims and Witnesses with compliance information provided to them under section 7(2)(a), 8(5)(a) or 9(4)(b)”

Member's explanatory statement

The Bill as currently drafted requires the Secretary of State to prepare an assessment of code compliance (there is no reference to the regularity of this assessment). This amendment passes responsibility for this assessment from the Secretary of State to the Victims Commissioner and stipulates the assessment needs to be annual. The purpose is to ensure code compliance is subject to independent scrutiny and as such, has the confidence of victims.

LORD RUSSELL OF LIVERPOOL

Clause 10, page 8, line 32, at end insert –

“(d) the Commissioner for Victims and Witnesses.”

LORD RUSSELL OF LIVERPOOL

Clause 10, page 8, line 32, at end insert –

“(1A) The Commissioner for Victims and Witnesses must publish such compliance information, and their assessment thereof, annually.”

Member's explanatory statement

The Bill as currently drafted requires the Secretary of State to prepare an assessment of code compliance (there is no reference to the regularity of this assessment). This amendment passes responsibility for this assessment from the Secretary of State to the Victims Commissioner and stipulates the assessment needs to be annual. The purpose is to ensure code compliance is subject to independent scrutiny and as such, has the confidence of victims.

After Clause 11

LORD RUSSELL OF LIVERPOOL

After Clause 11, insert the following new Clause –

“Code delivery: annual statement

- (1) The Secretary of State must make an annual statement to Parliament about the delivery of the victims’ code.
- (2) The statement under subsection (1) must include a summary of any relevant incidents of non-compliance with the code.”

Clause 13

THE LORD BISHOP OF MANCHESTER

Clause 13, page 11, line 28, at end insert –

- “(4A) The Secretary of State must have regard to the needs assessments identified under subsection (3) to ensure that “the relevant authorities”, as defined in subsection 12(2), are able to effectively commission “relevant victim support services”, as defined in subsection 12(5).”

LORD RUSSELL OF LIVERPOOL

Clause 13, page 11, line 36, at end insert –

- “(8) The Secretary of State must, in relation to the strategy prepared under subsection (1), make a statement to Parliament every three years on support for victims of domestic abuse, sexual violence, and stalking, including –
- (a) volume of current provision,
 - (b) levels of need, including a breakdown of demographics, including victims with protected characteristics, and
 - (c) investment.
- (9) The Secretary of State must ensure that sufficient funding is provided annually to ensure that the relevant authorities are able to commission relevant victim support services, as defined in section 12 (duty to collaborate in exercise of victim support functions).
- (10) The Secretary of State must provide a single dedicated cross-government funding stream in England and Wales for “by and for” services working with victims and survivors of domestic abuse to deliver services and build capacity.
- (11) For the purposes of this section, “by and for” services means services which –
- (a) are provided by organisations that are designed for, and delivered by, people who are the most marginalised and minoritised at a societal level, namely, Black and minoritised ethnic, LGBT+, deaf and disabled victims and survivors of domestic abuse,

- (b) are rooted in the community they serve,
- (c) may include wrap-around holistic recovery and support that addresses a victim or survivor’s full range of intersecting needs, beyond purely domestic abuse support, and
- (d) are operating at a national or local level.”

THE LORD BISHOP OF MANCHESTER

Clause 13, page 11, line 36, at end insert –

- “(8) Services commissioned as part of the strategies prepared under subsection (1) must have contracts or grants for a minimum of three years unless it is clear that it would not be necessary or proportionate to do so.
- (9) The Secretary of State must issue guidance in relation to subsection (8) about the conditions under which it would not be necessary or proportionate for commissioned services to have contracts or grants for a minimum of three years.
- (10) In preparing guidance under subsection (9), the Secretary of State must consult and have regard to specialist domestic abuse organisations working with victims of domestic abuse and of violence against women and girls, including ‘by and for’ organisations.”

Clause 14

LORD RUSSELL OF LIVERPOOL

Clause 14, page 12, line 2, after “duties)” insert “, including, in relation to section 13(10), specific guidance concerning –

- (a) a clear set of principles, from consultation with “by and for” organisations to guide the application and allocation of funding for funding under section 13(10);
- (b) the conditions under which “by and for” organisations which do not have specialism in domestic abuse service provision are eligible to apply for funding under section 13(10).”

Member’s explanatory statement

This amendment, in conjunction with one other in the name of Lord Russell of Liverpool, would require the Secretary of State to issue guidance with a clear set of principles to guide the application and allocation of funding for funding for “by and for” services and the conditions under which “by and for” organisations are eligible for such funding. The guidance would be prepared in consultation with “by and for” organisations.

LORD RUSSELL OF LIVERPOOL

Clause 14, page 12, line 3, after “section,” insert “funding under sections 13(9) or (10) or making a statement to Parliament under section 13(8),”

LORD RUSSELL OF LIVERPOOL

Clause 14, page 12, line 6, after “force)” insert “, including –

- (a) the Domestic Abuse Commissioner,
- (b) the Victims Commissioner,
- (c) the Children’s Commissioner,
- (d) specialists in the domestic abuse, sexual violence and stalking sector,
- (e) specialists in the “by and for” domestic abuse, sexual violence and stalking sector, as defined in section 13(10).”

Member’s explanatory statement

This amendment, in conjunction with one other in the name of Lord Russell of Liverpool, would require the Secretary of State to consult specific stakeholders, including “by and for” services.

After Clause 27

BARONESS CHAKRABARTI

After Clause 27, insert the following new Clause –

“Victims: psychological assessment in the family court

In section 13 of the Children and Families Act 2014 (control of expert evidence, and of assessments, in children proceedings), after subsection (6) insert –

- “(6A) When deciding whether to give permission as mentioned in subsection (1), (3) or (5) for a psychological assessment of anyone involved in the case who is also a victim (of criminal conduct) as defined by section 1 of the Victims and Prisoners Act 2024 (meaning of “victim”), the court must not give such permission unless the expert undertaking the assessment is regulated by the Health and Care Professions Council.””

Member’s explanatory statement

This new Clause provides protection for victims who are then subject to psychological assessment in family proceedings. It ensures that any such assessment is conducted by a suitably qualified and regulated expert.

Clause 31

LORD HOPE OF CRAIGHEAD

Clause 31, page 31, line 20, leave out “on such grounds as the Secretary of State considers appropriate” and insert “if the advocate is unfit or unable to fulfil their functions”

Clause 41

LORD THOMAS OF CWMGIEDD

Clause 41, page 39, line 26, leave out from second “the” to end of line 27 and insert “Divisional Court of the King’s Bench Division”

Clause 42

LORD THOMAS OF CWMGIEDD

Clause 42, page 41, line 17, leave out from second “the” end of line 18 and insert “Divisional Court of the King’s Bench Division”

Clause 44

LORD THOMAS OF CWMGIEDD

Clause 44, page 45, leave out lines 21 to 23 and insert “a Divisional Court of the King’s Bench Division.”

Member’s explanatory statement

This amendment seeks to ensure that an appeal from a decision of the Parole Board goes to a court comprising judges who are experienced in sentencing those convicted of crime.

LORD THOMAS OF CWMGIEDD

Clause 44, page 45, leave out lines 24 to 26

LORD THOMAS OF CWMGIEDD

Clause 44, page 47, line 25, leave out “Upper Tribunal or High Court” and insert “Divisional Court of the King’s Bench Division”

Clause 45

LORD THOMAS OF CWMGIEDD

Clause 45, page 48, leave out lines 6 to 8 and insert “a Divisional Court of the King’s Bench Division.”

Member’s explanatory statement

This amendment seeks to ensure that an appeal from a decision of the Parole Board goes to a court comprising judges who are experienced in sentencing those convicted of crime.

LORD THOMAS OF CWMGIEDD

Clause 45, page 48, leave out lines 9 to 11

LORD THOMAS OF CWMGIEDD

Clause 45, page 50, line 9, leave out “Upper Tribunal or High Court” and insert “Divisional Court of the King’s Bench Division”

Clause 46

LORD THOMAS OF CWMGIEDD

Clause 46, page 50, line 21, leave out “Upper Tribunal or High Court” and insert “Divisional Court of the King’s Bench Division”

Clause 47

LORD THOMAS OF CWMGIEDD

Clause 47, page 50, line 32, leave out “Upper Tribunal or High Court” and insert “Divisional Court of the King’s Bench Division”

Clause 48

EARL ATTLEE

Clause 48, page 52, leave out lines 24 to 31

Member's explanatory statement

This amendment would remove the power for the Secretary of State to amend the qualifying period by secondary legislation.

After Clause 48

BARONESS BURT OF SOLIHULL
THE LORD BISHOP OF GLOUCESTER
LORD BLUNKETT

After Clause 48, insert the following new Clause –

“Imprisonment or detention for public protection: aftercare for prisoners who have been transferred to hospital and returned to prison

In section 117 of the Mental Health Act 1983 (After-care), after subsection (2) insert –

- “(2A) In the case of a person owed a duty of care under subsection (1) and who remains in prison or who has been released on licence, it is the duty of the integrated care board or Local Health Board and of the local social services authority to provide or arrange for the provision of, in co-operation with relevant voluntary agencies and prison and probation authorities, after-care services for any person to whom this section applies until such time as they have been released from prison or had their licence terminated and the integrated care board or Health Board and the local social services authority are satisfied that the person concerned is no longer in need of such services.”

Member's explanatory statement

This probing amendment clarifies the existing entitlements to aftercare of people who have been transferred from a secure hospital to prison and who either remain in prison or on licence in the community.

BARONESS BURT OF SOLIHULL
THE LORD BISHOP OF GLOUCESTER
LORD BLUNKETT

After Clause 48, insert the following new Clause –

“Imprisonment or detention for public protection: aftercare

- (1) Part VIII of the Mental Health Act 1983 (Miscellaneous Functions of Local Authorities and the Secretary of State) is amended as follows.
- (2) After section 117(1) (After-care), insert –
 - “(1A) This section additionally applies to persons who are detained in prison following an indeterminate sentence of public protection under section 225 or 226 of the Criminal Justice Act 2003 and then cease to be detained and (whether or not immediately after so ceasing) leave prison where –
 - (a) the licence has not ceased to have effect under section 31A(2) of the Crime (Sentences) Act 1997;
 - (b) three years have elapsed since their latest parole eligibility date.”

(3) After section 117(6) (After-care), insert –

- “(7) In this section, “after-care services”, in relation to a person specified section (1A), means services which have both of the following purposes –
- (a) meeting a need identified by the integrated care board or Local Health Board and of the local social services authority; and
 - (b) reducing the risk of a deterioration of the person’s mental condition.””

Member's explanatory statement

This new Clause introduces an additional aftercare duty to people on imprisonment for public protection who (i) have never been released and are three or more years after their tariff has expired; and (ii) have not yet had their licence terminated.

Clause 53

LORD THOMAS OF CWMGIEDD

Clause 53, page 54, leave out lines 35 and 36

Member's explanatory statement

This amendment seeks to ensure that the decision as to the composition of the Board is an independent judicial decision made by the Parole Board.

Clause 54

LORD THOMAS OF CWMGIEDD

Clause 54, page 55, leave out lines 26 to 30

Member's explanatory statement

This amendment would remove the power for the Secretary of State to remove the Chair of the Parole Board.

LORD THOMAS OF CWMGIEDD

Clause 54, page 56, leave out lines 22 and 23

Member's explanatory statement

This amendment seeks to reinstate that the Chair of the Parole Board should be engaged in individual parole cases.

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