

Victims and Prisoners Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

The amendments have been marshalled in accordance with the Instruction of 18th December 2023, as follows –

Clauses 1 to 42
Schedule

Clauses 43 to 62
Title

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 1

BARONESS BRINTON

- 1 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 FINLAY OF LLANDAFF
BARONESS BRINTON
BARONESS HAMWEE

- 2 Clause 1, page 1, line 14, at end insert “, including the death by homicide of a British national outside the United Kingdom”

Member's explanatory statement

To provide bereaved victims of homicide abroad with the same support given to victims of homicide within the UK in recognition of the distress they experience and which can be exacerbated by having to deal with the criminal justice systems of foreign jurisdictions.

BARONESS JONES OF MOULSECOOMB

- 3★ Clause 1, page 1, line 14, at end insert “by another”

Member's explanatory statement

This amendment probes whether it is intended that the definition of “victim” in the Bill could include the close family of a person who died as a direct result of their own criminal conduct, such as dangerous driving or possession of controlled drugs.

LORD RUSSELL OF LIVERPOOL
BARONESS THORNTON
LORD BLUNKETT

- 4 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.”

LORD PONSONBY OF SHULBREDE

- 5 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.”

LORD PONSONBY OF SHULBREDE

- 6 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 HAMWEE
LORD PONSONBY OF SHULBREDE
THE LORD BISHOP OF BRISTOL

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

“(e) where the person is a child of a victim of modern slavery or human trafficking within the meaning of sections 1 and 2 of the Modern Slavery Act 2015.”

Member's explanatory statement

This amendment, and Baroness Hamwee’s amendment to page 2, line 3, seeks to ensure the explicit definition of a victim includes those subject to Modern Slavery, and any children of victims subject to Modern Slavery, to recognise the longstanding impacts of this crime on those who experience, or bear witness, to it.

BARONESS WATKINS OF TAVISTOCK
LORD RUSSELL OF LIVERPOOL
LORD PONSONBY OF SHULBREDE

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

“(2A) A person is a victim, in this Part, whether the perpetrator is given a custodial sentence or detained under the Mental Health Act 1983.”

Member's explanatory statement

This amendment, and others in the name of Lord Russell of Liverpool, would provide parity of treatment under the Victims' Code between victims whose perpetrator is serving a custodial sentence and victims whose perpetrator is detained under the Mental Health Act 1983 in respect of Code entitlements when the perpetrator's' detention is being reviewed. The sentence explains where parity of treatment is needed.

LORD HUNT OF KINGS HEATH

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

“(aa) “harm” to children includes verbal harm;”

Member's explanatory statement

This amendment aims to ensure that verbal abuse of children is included in the definition of harm set out in Clause 1.

LORD PONSONBY OF SHULBREDE
THE LORD BISHOP OF MANCHESTER

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

“(c) “child criminal exploitation” means where a child under the age of 18 is encouraged, expected or required to take part in any activity that constitutes a criminal offence.”

BARONESS HAMWEE
LORD PONSONBY OF SHULBREDE
THE LORD BISHOP OF BRISTOL

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

“(c) a “child of a victim of modern slavery or human trafficking” is a child who sees or hears, or experiences the effects of, the modern slavery or human trafficking, and the victim is the parent of that child or has parental responsibility for that child;
(d) a “child” is a person under the age of 18.”

Member's explanatory statement

This amendment, and Baroness Hamwee's amendment to page 1, line 16, seeks to ensure the explicit definition of a victim includes those subject to Modern Slavery, and any children of victims subject to Modern Slavery, to recognise the longstanding impacts of this crime on those who experience, or bear witness, to it.

Clause 2

BARONESS WATKINS OF TAVISTOCK
LORD RUSSELL OF LIVERPOOL
LORD PONSONBY OF SHULBREDE

- 12 Clause 2, page 2, line 25, at end insert “and with all state agencies with responsibilities under the victims’ code, including HM Courts and Tribunals Service and the NHS when considering leave or discharge for the perpetrator.”

Member's explanatory statement

This amendment would ensure that victims have the opportunity to make their views heard with all state agencies with responsibilities under the victims’ code.

BARONESS GOHIR

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

Member's explanatory statement

This amendment seeks to ensure that all victims can request a review of a police or Crown Prosecution Service decision not to charge a suspect including when there are multiple perpetrators.

LORD HARRIES OF PENTREGARTH
LORD GARNIER
LORD BLUNKETT
BARONESS HAMWEE

- 14 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.”

THE LORD BISHOP OF MANCHESTER
BARONESS THORNTON

- 15 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.

BARONESS BENNETT OF MANOR CASTLE

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

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

BARONESS HAMWEE

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

“(e) should be able to access and, where appropriate, be referred to single point of contact for information on their criminal case to assist them in delivering rights under the victims’ code.”

Member's explanatory statement

This amendment introduces the concept of a “Victim Care Hub”, ensuring a victim is referred to a single point of contact to assist them during the criminal justice process.

BARONESS COUSSINS
LORD PONSONBY OF SHULBREDE
THE LORD BISHOP OF LEEDS
BARONESS BENJAMIN

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

“(3A) Where interpreting and translation services are needed, the victims’ code must specify that specialist, qualified and experienced professionals must be engaged.”

BARONESS WATKINS OF TAVISTOCK
LORD RUSSELL OF LIVERPOOL
LORD PONSONBY OF SHULBREDE

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

“(3A) The information provided under subsection (3)(a) must include information from all relevant state agencies, including His Majesty’s Courts and Tribunals Service and (if applicable) the NHS.”

Member's explanatory statement

This amendment would ensure that victims would be entitled to information to help them understand the justice system from all relevant state agencies.

BARONESS BRINTON
LORD RUSSELL OF LIVERPOOL
BARONESS CHAKRABARTI

20 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.

LORD HAMPTON
LORD PONSONBY OF SHULBREDE

21★ Clause 2, page 3, leave out lines 8 and 9 and insert –

“(8) The victims’ code must make different provision for children and vulnerable and intimidated victims, and may make other different provision including for –”

Member's explanatory statement

This amendment would ensure that the distinct needs and rights of children and vulnerable and intimidated witnesses are reflected in the Victims’ Code.

BARONESS BENNETT OF MANOR CASTLE

22★ Clause 2, page 3, line 19, at end insert –

“(10A) In this Part “restorative justice” refers to any process which enables those harmed by crime, and those responsible for that harm, if both freely consent, to participate actively in the resolution of matters arising from the offence, through the help of a trained and impartial third party.”

Member's explanatory statement

This amendment, and the others in the name of Baroness Bennett, would ensure that restorative justice is offered to victims and people harmed by crime.

BARONESS CHAKRABARTI
LORD PONSONBY OF SHULBREDE
BARONESS BRINTON

23 Leave out Clause 2 and insert the following new Clause –

“The victims’ code

- (1) Schedule (*The victims’ code*) to this Act contains the code of practice as to the services to be provided to victims by persons having functions relating to –
 - (a) victims, or

- (b) any aspect of the criminal justice system.
- (2) In this Part, the “victims’ code” means the code of practice in Schedule (*The victims’ code*) as from time to time amended by way of subsection (4) below.
 - (3) The victims’ code shall make provision for services which reflect the principles that victims –
 - (a) must be provided with information to help them understand the criminal justice process;
 - (b) must be able to access services which support them (including, where appropriate, specialist services);
 - (c) must have the opportunity to make their views heard in the criminal justice process;
 - (d) must be able to challenge decisions which have a direct impact on them.
 - (4) The Secretary of State may amend the victims’ code by way of regulations made by statutory instrument.
 - (5) 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.
 - (6) But the Secretary of State may make regulations under subsection (4) only if satisfied that such amendment would not result in a significant –
 - (a) reduction in the quality or extent of the services provided in accordance with the victims’ code, or
 - (b) restriction in the description of persons to whom services are provided in accordance with the victims’ code.
 - (7) The victims’ code may restrict or vary the application of its provisions to –
 - (a) victims of specified descriptions (including those who are victims by virtue of specific conduct or conduct constituting specified offences);
 - (b) specified persons who have functions of the kind mentioned in subsection (1).
 - (8) The victims’ code may include provision requiring or permitting the services which are to be provided to a victim to be provided to one or more other persons –
 - (a) instead of the victim (for example, where the victim has died), or
 - (b) as well as the victim.
 - (9) The victims’ code may make different provision for different purposes including different provision for –
 - (a) victims of different descriptions;
 - (b) persons who have different functions of a kind mentioned in subsection (1);
 - (c) different areas.
 - (10) The victims’ code may not require anything to be done by a person acting in –
 - (a) a judicial capacity, or on the instructions of or on behalf of such a person;

- (b) the discharge of a prosecution function, if that function involves the exercise of a discretion.

(11) In this section, “specified” means specified in the victims’ code.”

Member's explanatory statement

This amendment places the victims’ code on a firmer statutory footing as a Schedule to the Bill, amendable by regulations subject to the affirmative procedure. Another amendment will follow to add the Schedule referred to in this clause.

Clause 3

BARONESS CHAKRABARTI
LORD PONSONBY OF SHULBREDE

- 24 Clause 3, page 3, line 28, at end insert “and the Commissioner for Victims and Witnesses”

Member's explanatory statement

This refers to the duty on the Secretary of State to prepare a draft Victims’ Code. The Victims’ Commissioner has a statutory duty to “review the operation” of the Victims Code. The amendment would put a statutory duty on the Secretary of State to consult the Commissioner when making any changes to the victims’ code or issuing any statutory guidance relating to it.

BARONESS COUSSINS
LORD PONSONBY OF SHULBREDE
THE LORD BISHOP OF LEEDS
BARONESS BENJAMIN

- 25 Clause 3, page 3, line 30, after “draft” insert “, including in a range of languages in addition to English.”

BARONESS CHAKRABARTI

- 26 Clause 3, page 3, line 34, after “General” insert “and the Commissioner for Victims and Witnesses”

Member's explanatory statement

This refers to the duty of the Secretary of State to consider any representations made in relation to the drafting of the victims’ code in consultation with the Attorney General.

BARONESS CHAKRABARTI
LORD PONSONBY OF SHULBREDE
BARONESS BRINTON

27 Leave out Clause 3 and insert the following new Clause –

“Amending the victims’ code

- (1) This section applies in relation to any amendment to the code of practice under section (*The victims’ code*).
- (2) The Secretary of State may prepare a draft amendment to the code.
- (3) The Secretary of State must consult the Attorney General and the Commissioner for Victims and Witnesses.
- (4) After preparing the draft the Secretary of State must –
 - (a) publish the draft;
 - (b) specify a period during which representations about the draft may be made to the Secretary of State.
- (5) The Secretary of State must –
 - (a) consider, in consultation with the Attorney General and the Commissioner for Victims and Witnesses, any representation about the draft made to the Secretary of State before the end of the period specified in accordance with subsection (4)(b);
 - (b) if the Secretary of State thinks it appropriate, modify the draft in the light of any such representations.
- (6) After carrying out the duties under subsection (5), the Secretary of State must lay the draft code before Parliament.
- (7) The draft code does not come into force until it has been approved by a resolution of each House of Parliament.”

Member’s explanatory statement

This amendment, and the amendment to leave out Clause 4 in the name of Baroness Chakrabarti, alters the procedure for amending the victims’ code to require formal consultation with the Commissioner for Victims and Witnesses and affirmative parliamentary procedure in cases of non-minor amendments and negative procedure in the case of minor amendments.

Clause 4

BARONESS CHAKRABARTI
LORD PONSONBY OF SHULBREDE

28 Clause 4, page 4, line 22, after “General” insert “and the Commissioner for Victims and Witnesses”

Member’s explanatory statement

This refers to the duty on the Secretary of State to consult the Attorney General on any revisions to the victims’ code.

BARONESS CHAKRABARTI
LORD PONSONBY OF SHULBREDE
BARONESS BRINTON

29 Leave out Clause 4 and insert the following new Clause –

“Minor amendments to the victims’ code

- (1) The procedure in section (*Amending the victims’ code*) applies to a revision of the victims’ code except that, if the Secretary of State considers that all of the revisions are minor, the procedure in subsection (3) may be used instead.
- (2) Revisions are minor if –
 - (a) they make corrections or clarifications, or
 - (b) they are consequential on changes to the law, practice or procedure relating to any aspect of the criminal justice system.
- (3) The procedure in this subsection is that the Secretary of State must –
 - (a) consult the Attorney General and the Commissioner for Victims and Witnesses about the proposed revisions,
 - (b) lay a draft of the revised code before Parliament, and
 - (c) if the draft code has not been subject to annulment in pursuance of a resolution of either House of Parliament within 40 days it being laid, bring it into operation on such day as the Secretary of State appoints by regulations.”

Member’s explanatory statement

This amendment, and another to leave out Clause 3 in the in the name of Baroness Chakrabarti, alters the procedure for amending the victims’ code to require formal consultation with the Commissioner for Victims and Witnesses and affirmative parliamentary procedure in cases of non-minor amendments and negative procedure in the case of minor amendments.

After Clause 4

LORD RUSSELL OF LIVERPOOL

30 After Clause 4, insert the following new Clause –

“Compliance with the code: minimum thresholds

- (1) The Secretary of State must by regulations issue minimum threshold levels of compliance with each right of the victims’ code.
- (2) If a minimum threshold is breached by an organisation for two consecutive years, the Secretary of State must commission an inspection of that body with regard to that breach.
- (3) The Secretary of State must, as soon as is reasonably practicable, lay before Parliament the report of any such inspection.”

Member's explanatory statement

This clause requires the Secretary of State to establish for agencies listed in the victims' code minimum levels of compliance with code entitlements, which, if breached, will prompt independent inspections.

Clause 5

BARONESS CHAKRABARTI
LORD PONSONBY OF SHULBREDE
BARONESS BRINTON

31 Leave out Clause 5 and insert the following new Clause –

“Effect of non-compliance

- (1) If a person fails to act in accordance with the victims' code, save for under subsection (4) to (7) below, the failure does not of itself make that person liable to criminal or civil proceedings.
- (2) But the victims' code is admissible in evidence in criminal or civil proceedings and a court may take into account a failure to act in accordance with the code in determining a question in the proceedings.
- (3) Further, the Commissioner for Victims and Witnesses may seek to enforce compliance with the code subject to the procedure set out below.
- (4) Where the Commissioner for Victims and Witnesses is of the view that a person with relevant functions under section (*The victims' code*) (1) has failed adequately to comply with the victims' code and having consulted with that person, they may –
 - (a) issue a notice of general guidance that is not specific to a particular victim, to that person or to all persons with similar functions as to how to improve compliance with the relevant aspect of the victims' code, and
 - (b) having allowed a reasonable time for the relevant person to comply with the notice, publish that notice including any additional views on the delayed compliance or non-compliance with it.
- (5) Where the Commissioner for Victims and Witnesses is of the view that a person with relevant functions under section (*The victims' code*)(1) has failed adequately to comply with a notice issued under subsection (4)(a) or (b) –
 - (a) they may apply to an appropriate court or tribunal for enforcement of that notice, and
 - (b) where having consulted the relevant class of victims, they are of the view that non-compliance with the victims' code also constitutes a breach of the Human Rights Act 1998 or the Equality Act 2010, they may bring proceedings for such a breach or breaches.
- (6) In subsection (5)(a) “appropriate court or tribunal” means such a court or tribunal as may be determined in accordance with rules.

- (7) In subsection (5)(b) proceedings against an authority include a counterclaim or similar proceeding.
- (8) Where a court or tribunal is of the view that it would be in the interests of justice to do so, it must issue appropriate relief as is within its jurisdiction for non-compliance with the Commissioner for Victims and Witnesses' notice and the victims' code."

Member's explanatory statement

This amendment gives the Commissioner for Victims and Witnesses an additional role in seeking to ensure compliance with the victims' code by issuing general notices and publishing these in the event of non-compliance. These may be further enforced by the bringing of legal proceedings and/or proceedings under the Human Rights Act or Equality Act. However it does not allow specific notices in relation to particular victims.

Clause 6

BARONESS BENNETT OF MANOR CASTLE

- 32★ Clause 6, page 4, line 35, after "code" insert "and restorative justice"

Member's explanatory statement

This amendment, and the others in the name of Baroness Bennett, would ensure that restorative justice is offered to victims and people harmed by crime.

BARONESS COUSSINS
LORD PONSONBY OF SHULBREDE
THE LORD BISHOP OF LEEDS
BARONESS BENJAMIN

- 33 Clause 6, page 4, line 36, after "public" insert ", including people who have a first language other than English"

LORD HAMPTON
LORD PONSONBY OF SHULBREDE

- 34★ Clause 6, page 4, line 36, after "public," insert "including children"

BARONESS CHAKRABARTI
LORD PONSONBY OF SHULBREDE

- 35 Clause 6, page 5, line 27, after "consult" insert "the Commissioner for Victims and Witnesses and any other"

Member's explanatory statement

This refers to the Secretary of State's duty to issue regulations on the information to be collected by PCCs at a local level in relation to compliance with the Victims' Code. The clause as currently drafted requires the Secretary of State only to consult persons they consider to be appropriate.

LORD BACH
LORD PONSONBY OF SHULBREDE

36★ Clause 6, page 5, line 44, at end insert –

“(8) Local Criminal Justice Boards, so far as they include each criminal justice board and elected local police body, is a criminal justice body for the purposes of subsection (2).”

Member's explanatory statement

This amendment provides clarity on the role of Local Criminal Justice Boards in monitoring code compliance to ensure the effective collaboration and facilitation of these local forums.

Clause 7

LORD RUSSELL OF LIVERPOOL

37 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

38 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

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

LORD RUSSELL OF LIVERPOOL

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

LORD RUSSELL OF LIVERPOOL

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

LORD RUSSELL OF LIVERPOOL

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

BARONESS CHAKRABARTI
LORD PONSONBY OF SHULBREDE

43 Clause 7, page 6, line 22, after “consult” insert “the Commissioner for Victims and Witnesses and any other”

Member's explanatory statement

This refers to the Secretary of State's duty to issue regulations on the timing and format of the information to be collected by PCCs at a local level in relation to compliance with the victims' code. The Clause as currently drafted requires the Secretary of State only to consult persons they consider to be appropriate.

Clause 10

LORD RUSSELL OF LIVERPOOL

- 44 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

- 45 Clause 10, page 8, line 32, at end insert –
“(d) the Commissioner for Victims and Witnesses.”

LORD RUSSELL OF LIVERPOOL

- 46 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.

Clause 11

BARONESS COUSSINS
 LORD PONSONBY OF SHULBREDE
 THE LORD BISHOP OF LEEDS
 BARONESS BENJAMIN

- 47 Clause 11, page 9, line 24, at end insert “, and people who have a first language other than English”

BARONESS CHAKRABARTI

- 48 Clause 11, page 9, line 33, after “consult” insert “the Commissioner for Victims and Witnesses, the Domestic Abuse Commissioner for England and Wales and any other”

Member's explanatory statement

This refers to the Secretary of State's duty to issue guidance on the collaboration of agencies (police, NHS and local authorities) “in exercise of victims support functions” in respect of victims of domestic abuse, serious violent offences and sexual offences. The clause as currently drafted requires the Secretary of State only to consult persons they considers to be appropriate. This amendment require them to consult with the Commissioner for Victims and Witnesses, the Domestic Abuse Commissioner for England and Wales and the Commissioner for Children.

After Clause 11

BARONESS THORNTON
 BARONESS HAMWEE

- 49 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.”

LORD RUSSELL OF LIVERPOOL
BARONESS THORNTON

50 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.”

LORD SANDHURST
BARONESS BRINTON
BARONESS CHAKRABARTI
BARONESS THORNTON

51 After Clause 11, insert the following new Clause—

“Training: support for victims

- (1) The Secretary of State must publish and implement, in consultation with the Commissioner for Victims and Witnesses, a strategy for providing mandatory training on the contents and application of the victims’ code for relevant staff of the following organisations—
 - (a) the police,
 - (b) the Crown Prosecution Service,
 - (c) probation services,
 - (d) the Foreign, Commonwealth & Development Office,
 - (e) health and social services,
 - (f) victim support services,
 - (g) maintained and independent schools and colleges of further education, and
 - (h) such other bodies as the Secretary of State deems appropriate.
- (2) The strategy under subsection (1) must be reviewed and updated every three years.”

Member's explanatory statement

This amendment seeks to make effective the victims' code by ensuring that justice agencies responsible for giving effect to the code are properly trained and familiar with its provisions and deliver it effectively.

BARONESS BENNETT OF MANOR CASTLE

52★ After Clause 11, insert the following new Clause—

“Guidance about restorative justice service providers

- (1) The Secretary of State must issue guidance about restorative justice service providers.
- (2) For the purposes of this section “restorative justice service provider” means a person who provides a relevant service which enables those harmed by crime, and those responsible for that harm, if both freely consent, to participate actively in the matters arising from the crime.
- (3) A service is “relevant” for the purposes of subsection (2) if it is provided to support an individual mentioned in that subsection in relation to the conduct by virtue of which the individual is a victim.
- (4) Guidance under this section about restorative justice service providers must include provision about—
 - (a) the role of such providers;
 - (b) the services they provide to—
 - (i) victims, including (where relevant) victims who are children or have protected characteristics within the meaning of the Equality Act 2010,
 - (ii) the person responsible for the criminal conduct, including (where relevant) children or those who have protected characteristics within the meaning of the Equality Act 2010, or
 - (iii) persons who are not covered by sub-paragraphs (i) or (ii), where that service is provided in connection with a service provided to a victim or the person responsible for the criminal conduct;
 - (c) how such restorative justice service providers and other persons who have functions relating to victims, or any aspect of the criminal justice system, should work together including—
 - (i) the process by which victims must be informed of their rights to access a restorative justice service provider,
 - (ii) the process by which the person responsible for the criminal conduct must be informed of their ability to access a restorative justice service provider,
 - (iii) the process by which all parties involved may freely give their consent to participate in the restorative justice process, and
 - (iv) the support that should be given to the parties involved to participate actively in the matters arising from the crime;

- (d) appropriate training and qualifications for such providers.
- (5) Restorative justice service providers must have regard to guidance under this section when exercising their functions.
- (6) Any other person who has functions relating to victims, or any aspect of the criminal justice system, must have regard to guidance under this section where –
 - (a) the person is exercising such a function, and
 - (b) the guidance is relevant to the exercise of that function.
- (7) Subsection (6) does not apply to anything done by any person acting in a judicial capacity, or on the instructions of or on behalf of such a person, although they must have regard to the guidance where they consider it is in the interests of justice to do so.”

Member's explanatory statement

This amendment, and the others in the name of Baroness Bennett, would ensure that restorative justice is offered to victims and people harmed by crime.

Clause 12

LORD HAMPTON
LORD PONSONBY OF SHULBREDE

53★ Clause 12, page 10, line 20, at end insert –

- “(4A) Collaboration may include the co-location of services in accordance with the Child House model, as defined by the Home Office guidance entitled “Child House: local partnerships guidance”, published on 6 September 2021.”

Member's explanatory statement

This amendment would include within the duty to collaborate the use of the Child House model, described by the Home Office guidance as “a multi-agency service model supporting children, young people and non-abusing parents, carers and family members.”

LORD RUSSELL OF LIVERPOOL
BARONESS THORNTON
BARONESS BRINTON

54 Clause 12, page 10, line 26, at end insert –

- “(d) stalking.”

Clause 13

LORD PONSONBY OF SHULBREDE

55 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”

THE LORD BISHOP OF MANCHESTER

56 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 PONSONBY OF SHULBREDE

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

LORD RUSSELL OF LIVERPOOL

58 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

59 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

60 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 HAMPTON
LORD PONSONBY OF SHULBREDE

- 61★ Clause 14, page 12, line 2, at end insert “including a framework for how needs assessments of victims who are children or vulnerable and intimidated should be carried out, and how data on needs assessments should be centrally recorded.
- (1A) In this section, “vulnerable and intimidated” victims is to be read in accordance with Part 2 of the Youth Justice and Criminal Evidence Act 1999.”

Member's explanatory statement

This amendment would ensure that the development of the guidance leads to greater quality and consistency in needs assessments of children and vulnerable witnesses, within and between police force areas.

LORD RUSSELL OF LIVERPOOL

- 62 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),”

BARONESS CHAKRABARTI

- 63 Clause 14, page 12, line 3, after “consult” insert “the Commissioner for Victims and Witnesses, the Domestic Abuse Commissioner for England and Wales and any other”

Member's explanatory statement

This refers to the Secretary of State’s duty to issue guidance on the collaboration of agencies (police, NHS and local authorities) “in exercise of victims support functions” in respect of victims of domestic abuse, serious violent offences and sexual offences. The Clause as currently drafted requires the Secretary of State only to consult persons they consider to be appropriate. This amendment requires them to consult with the Commissioner for Victims and Witnesses, the Domestic Abuse Commissioner for England and Wales and the Commissioner for Children.

LORD RUSSELL OF LIVERPOOL

- 64 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 14

LORD BACH

65★ After Clause 14, insert the following new Clause –

“Duty to collaborate in exercise of victim support functions with regard to Welsh devolution

Sections 12, 13 and 14 (collaboration in exercise of victim support functions) apply where appropriate to the local policing body for the police areas in Wales, with respect to the devolved responsibilities of the Welsh Government in this area as defined in the Government of Wales Act 2006, Wales Act 2017 and section 5 of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (duty to prepare local strategies).”

Member's explanatory statement

This amendment ensures that the duty to collaborate will apply to elected policing bodies across England and Wales, while respecting Welsh devolved powers.

Clause 15

LORD POLAK
BARONESS BENJAMIN
LORD RUSSELL OF LIVERPOOL
LORD PONSONBY OF SHULBREDE

66 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.

BARONESS THORNTON
BARONESS BRINTON

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

- “(c) independent stalking advisors.”

LORD POLAK
BARONESS BENJAMIN
LORD RUSSELL OF LIVERPOOL
LORD PONSONBY OF SHULBREDE

68 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.

BARONESS THORNTON
BARONESS BRINTON

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

- “(c) “independent stalking advisor” means a person who provides a relevant service to individuals who are victims of criminal conduct which constitutes stalking.”

LORD POLAK
BARONESS BENJAMIN
LORD RUSSELL OF LIVERPOOL
LORD PONSONBY OF SHULBREDE

70 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
 LORD RUSSELL OF LIVERPOOL
 LORD PONSONBY OF SHULBREDE

71 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.

BARONESS FOX OF BUCKLEY

72 Clause 15, page 12, line 35, at end insert –

“(e) allowing victims of domestic violence and sexual violence to choose the sex (as registered at birth) of such individual advisors providing support services in their case.”

Member's explanatory statement

This amendment seeks to recognise the specific trauma on victims of violence against women and girls, by ensuring that the option of female-specific support services is guaranteed where female victims choose them. Guidance must stipulate that, as independent domestic violence and sexual violence advisors are part of such services, provisions allowing single-sex and separate-sex services to meet particular need, apply in this instance.

LORD POLAK
 BARONESS BENJAMIN
 LORD RUSSELL OF LIVERPOOL
 LORD PONSONBY OF SHULBREDE

73 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.

LORD BELLAMY

74 Leave out Clause 15 and insert the following new Clause –

“Guidance about specified victim support roles

- (1) The Secretary of State must issue guidance about specified victim support roles.
- (2) In this section –
 - “specified” means specified in regulations made by the Secretary of State;
 - “victim support role” means a role performed by individuals which involves the provision of support to victims of criminal conduct (where the support relates to that conduct).
- (3) A victim support role may be specified by reference to (among other matters) –
 - (a) the circumstances in which the role is performed;
 - (b) the type of support provided in connection with the role;
 - (c) the type of criminal conduct in relation to which such support is provided.
- (4) Guidance under this section about a victim support role must include provision about –
 - (a) the support provided in connection with the role;
 - (b) training and qualifications for individuals who perform the role;
 - (c) how individuals who perform the role, and other persons who have functions relating to victims or any aspect of the criminal justice system, work together.
- (5) Guidance under this section must (where relevant) make provision in relation to victims who are children or have protected characteristics within the meaning of the Equality Act 2010.
- (6) Any person who has functions of a public nature relating to victims, or any aspect of the criminal justice system, must have regard to guidance under this section where –
 - (a) the person is exercising such a function, and
 - (b) the guidance is relevant to the exercise of that function.
- (7) Subsection (6) does not apply to anything done by any person acting in a judicial capacity, or on the instructions of or on behalf of such a person.”

Member's explanatory statement

This amendment requires the Secretary of State to issue guidance about victim support roles of types specified in regulations.

After Clause 15

BARONESS BRINTON
BARONESS THORNTON

75 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 LISTER OF BURTERSETT

Amendment 76 is an amendment to Amendment 75.

76 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

Amendment 77 is an amendment to Amendment 75.

77 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.”

BARONESS THORNTON
BARONESS HAMWEE

78 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
BARONESS HAMWEE

79 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
BARONESS LISTER OF BURTERSETT
THE LORD BISHOP OF GLOUCESTER
LORD GERMAN

80 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.

LORD RUSSELL OF LIVERPOOL
BARONESS THORNTON
BARONESS BRINTON

81 After Clause 15, insert the following new Clause—

“Assessment of numbers of independent domestic violence and sexual violence advisors, stalking advocates and specialist support services

Within six months of the passing of this Act, and annually thereafter, the Secretary of State must—

- (a) make an assessment of the adequacy of the number of independent domestic violence and sexual violence advisors, stalking advocates, and specialist support services in each region of England and Wales, having regard to the population in each region, and
- (b) publish that assessment.”

BARONESS CHAKRABARTI
BARONESS BRINTON

82★ After Clause 15, insert the following new Clause—

“Parental alienation in criminal domestic abuse cases

In section 1 of the Children Act 1989, after subsection (7) insert—

- “(8) Anyone involved in the case who is also a victim (of criminal conduct) within section 1 of the Victims and Prisoners Act 2024 (meaning of “victim”) cannot be considered by the family court as a potential perpetrator of parental alienation.””

Member's explanatory statement

This clause would seek to ensure that victims under this Bill could not be disadvantaged by considerations of parental alienation in the family court.

LORD RUSSELL OF LIVERPOOL

83★ After Clause 15, insert the following new Clause –

“Training: support for victims of stalking

- (1) The Secretary of State must publish, in consultation with specialist stalking services, a strategy for providing mandatory specialist stalking training for relevant staff of the following organisations –
 - (a) the police,
 - (b) the Crown Prosecution Service,
 - (c) probation services,
 - (d) health and social services,
 - (e) maintained and independent schools and colleges of further education, and
 - (f) such other bodies as the Secretary of State deems appropriate.
- (2) The Secretary of State must ensure that the strategy under subsection (1) is implemented.
- (3) The strategy under subsection (1) must be published within one year of the passing of this Act, and reviewed and updated every three years thereafter.”

Member's explanatory statement

This amendment seeks to increase competence within public and criminal justice agencies by ensuring staff within those organisations have undertaken independent specialist stalking training.

Clause 16

BARONESS CHAKRABARTI
BARONESS BRINTON

84★ Clause 16, page 13, line 17, at end insert “**and section 91(14) order**”

Member's explanatory statement

This amendment, and others in the name of Baroness Chakrabarti, would ensure that an offender under Clause 16 would not be able to make repeated applications under the Children's Act 1989 without leave of court.

BARONESS CHAKRABARTI
BARONESS BRINTON

85★ Clause 16, page 13, line 23, at end insert “or a sexual offence against the child or a child in the family.”

Member's explanatory statement

This amendment, and others in the name of Baroness Chakrabarti, add a sexual offence against a child in the family to the murder or manslaughter of another parent as grounds for requiring a Crown Court to make a prohibited steps order protecting the children of an offender on sentencing.

BARONESS CHAKRABARTI
BARONESS BRINTON

- 86★ Clause 16, page 13, line 30, after “The” insert “prohibited steps”

Member's explanatory statement

This amendment, and others in the name of Baroness Chakrabarti, would ensure that an offender under Clause 16 would not be able to make repeated applications under the Children's Act 1989 without leave of court.

BARONESS CHAKRABARTI
BARONESS BRINTON

- 87★ Clause 16, page 13, line 36, at end insert –

“(4A) The section 91(14) order must specify that no application for an order under the Children's Act 1989 of any specified kind may be made by the offender without leave of the court.”

Member's explanatory statement

This amendment, and others in the name of Baroness Chakrabarti, would ensure that an offender under Clause 16 would not be able to make repeated applications under the Children's Act 1989 without leave of court.

BARONESS CHAKRABARTI
BARONESS BRINTON

- 88★ Clause 16, page 13, line 37, after “order” insert “or section 91(14) order”

Member's explanatory statement

This amendment, and others in the name of Baroness Chakrabarti, would ensure that an offender under Clause 16 would not be able to make repeated applications under the Children's Act 1989 without leave of court.

BARONESS CHAKRABARTI
BARONESS BRINTON

- 89★ Clause 16, page 14, line 3, after “manslaughter” insert “or murder and the offender was a victim of domestic abuse, within the meaning of the Domestic Abuse Act 2021”

Member's explanatory statement

This amendment specifies that when the offender has experienced domestic abuse prior to being convicted of murder or manslaughter, the restriction to parental responsibility should not apply.

BARONESS CHAKRABARTI
BARONESS BRINTON

- 90★ Clause 16, page 14, line 8, after “order” insert “or section 91(14) order”

Member's explanatory statement

This amendment, and others in the name of Baroness Chakrabarti, would ensure that an offender under Clause 16 would not be able to make repeated applications under the Children's Act 1989 without leave of court.

BARONESS CHAKRABARTI
BARONESS BRINTON

- 91★ Clause 16, page 14, line 11, after “order” insert “or section 91(14) order”

Member's explanatory statement

This amendment, and others in the name of Baroness Chakrabarti, would ensure that an offender under Clause 16 would not be able to make repeated applications under the Children's Act 1989 without leave of court.

BARONESS CHAKRABARTI
BARONESS BRINTON

- 92★ Clause 16, page 14, line 17, after “order” insert “or section 91(14) order”

Member's explanatory statement

This amendment, and others in the name of Baroness Chakrabarti, would ensure that an offender under Clause 16 would not be able to make repeated applications under the Children's Act 1989 without leave of court.

BARONESS THORNTON

- 93 Clause 16, page 14, line 17, at end insert –

“(10) This section does not apply where the offender was a domestic abuse victim of the other parent.”

BARONESS CHAKRABARTI
BARONESS BRINTON

- 94★ Clause 16, page 14, line 19, after “order” insert “or section 91(14) order”

Member's explanatory statement

This amendment, and others in the name of Baroness Chakrabarti, would ensure that an offender under Clause 16 would not be able to make repeated applications under the Children's Act 1989 without leave of court.

BARONESS CHAKRABARTI
BARONESS BRINTON

- 95★ Clause 16, page 14, line 21, after “child” insert “or a section 91(14) order is made prohibiting applications for an order under this Act of any specified kind without leave of the court”

Member's explanatory statement

This amendment, and others in the name of Baroness Chakrabarti, would ensure that an offender under Clause 16 would not be able to make repeated applications under the Children's Act 1989 without leave of court.

BARONESS CHAKRABARTI
BARONESS BRINTON

- 96★ Clause 16, page 14, line 28, after “manslaughter” insert “or sexual offence”

Member's explanatory statement

This amendment, and others in the name of Baroness Chakrabarti, add a sexual offence against a child in the family to the murder or manslaughter of another parent as grounds for requiring a Crown Court to make a prohibited steps order protecting the children of an offender on sentencing.

BARONESS CHAKRABARTI
BARONESS BRINTON

- 97★ Clause 16, page 15, line 10, after “order” insert “or section 91(14) order”

Member's explanatory statement

This amendment, and others in the name of Baroness Chakrabarti, would ensure that an offender under Clause 16 would not be able to make repeated applications under the Children's Act 1989 without leave of court.

BARONESS CHAKRABARTI
BARONESS BRINTON

- 98★ Clause 16, page 15, line 12, after “order” insert “or section 91(14) order”

Member's explanatory statement

This amendment, and others in the name of Baroness Chakrabarti, would ensure that an offender under Clause 16 would not be able to make repeated applications under the Children's Act 1989 without leave of court.

BARONESS CHAKRABARTI
BARONESS BRINTON

- 99★ Clause 16, page 15, line 15, after “order” insert “or section 91(14) order”

Member's explanatory statement

This amendment, and others in the name of Baroness Chakrabarti, would ensure that an offender under Clause 16 would not be able to make repeated applications under the Children's Act 1989 without leave of court.

BARONESS CHAKRABARTI
BARONESS BRINTON

- 100★ Clause 16, page 16, line 3, after “order” insert “or section 91(14) order”

Member's explanatory statement

This amendment, and others in the name of Baroness Chakrabarti, would ensure that an offender under Clause 16 would not be able to make repeated applications under the Children's Act 1989 without leave of court.

Clause 24

BARONESS MORGAN OF COTES
BARONESS KIDRON

- 101 Clause 24, page 23, line 25, leave out “giving notice under section 44B” and insert “seeking agreement under section 44B and giving notice under section 44CA”

BARONESS MORGAN OF COTES
BARONESS KIDRON

- 102 Clause 24, page 23, leave out lines 32 to line 12 on page 25 and insert—

“44B Making a victim information request

- (1) An authorised person may request information stored by a third party in respect of a victim if the subject of the information—
 - (a) has voluntarily provided details of the third party to an authorised person, and
 - (b) has agreed to the authorised person approaching the third party for specified information.
- (2) The power in subsection (1) may be exercised only for the purposes of preventing, detecting, investigating or prosecuting crime.
- (3) The reference in subsection (2) to crime is a reference to—
 - (a) conduct which constitutes one or more criminal offences in any part of the United Kingdom, or
 - (b) conduct which, if it took place in any part of the United Kingdom, would constitute one or more criminal offences.
- (4) An authorised person may exercise the power in subsection (1) only if—

- (a) the authorised person reasonably believes that information stored by the third party is relevant to a reasonable line of enquiry which is being, or is to be, pursued by an authorised person, and
 - (b) the authorised person is satisfied that exercise of the power is necessary and proportionate to achieve the purpose within subsection (2) for which the person proposes to exercise the power.
- (5) Subsection (6) applies if the authorised person thinks that, in exercising the power, there is a risk of obtaining information other than information necessary for a purpose within subsection (2) for which the authorised person may exercise the power
- (6) The authorised person must, to be satisfied that the exercise of the power in subsection (1) is proportionate, be satisfied that –
 - (a) there are no other means of obtaining the information sought by the authorised person which avoid that risk, or
 - (b) there are such other means, but it is not reasonably practicable to use them.
- (7) Subsection (8) applies if the authorised person thinks that, in exercising the power in subsection (1) there is a risk of obtaining confidential information.
- (8) The authorised person must, to be satisfied that the exercise of the power is proportionate –
 - (a) have regard to the matters in subsection (9), and
 - (b) be satisfied that –
 - (i) there are no other means of obtaining the information sought by the authorised person which avoid that risk, or
 - (ii) there are such other means, but it is not reasonably practicable to use them.
- (9) The matters referred to in subsection (8)(a) are –
 - (a) the amount of confidential information likely to be stored by the third party, and
 - (b) the potential relevance of the confidential information to a purpose within subsection (2) for which the authorised person may exercise the power.
- (10) An authorised person must have regard to the code of practice for the time being in force under section 44D in exercising, or deciding whether to exercise, the power in subsection (1).
- (11) This section does not affect any power relating to the extraction or production of information, or any power to seize any item or obtain any information, conferred by an enactment or rule of law.

44BA Application of section 44B to children and adults without capacity

- (1) A child is not to be treated for the purposes of section 44B(1) as being capable of –

- (a) voluntarily providing information about third parties who hold information about them to an authorised person for those purposes, or
 - (b) agreeing for those purposes that the authorised person can approach the third party for specified information.
- (2) If a child is the subject of the information held by a third party, a person who is not the subject of the information but is listed in subsection (3) may –
 - (a) voluntarily provide information about the third party to an authorised person for the purposes of section 44B(1), and
 - (b) agree for those purposes to the authorised person requesting specified information from the third party.
- (3) The persons mentioned in subsection (2) are –
 - (a) a parent or guardian of the child or, if the child is in the care of a relevant authority or voluntary organisation, a person representing that authority or organisation, or
 - (b) if no person within paragraph (a) is available, any responsible person who is aged 18 or over other than a relevant authorised person.
- (4) Before exercising the power under section 44B(1) by virtue of subsection (2), an authorised person must, so far as it is reasonably practicable to do so –
 - (a) ascertain the views of the child, and
 - (b) have regard to any views so ascertained, taking account of the child’s age and maturity.
- (5) If an authorised person (“A”) exercises the power under section 44B(1) as a result of action taken under subsection (2) by a person within subsection (3)(b), A must, unless A considers that it is not appropriate to do so, inform a person within subsection (3)(a) that A has exercised the power.
- (6) An adult without capacity is not to be treated for the purposes of section 44B(1) as being capable of –
 - (a) voluntarily providing information of third parties who hold information about them to an authorised person for those purposes, or
 - (b) agreeing for those purposes that the authorised person can approach the third party for specified information.
- (7) If an adult without capacity is the subject of the information held by a third party, a person who is not the subject of the information but is listed in subsection (8) may –
 - (a) voluntarily provide information about the third party to an authorised person for the purposes of section 44B(1), and
 - (b) agree for those purposes to the authorised person requesting specified information from the third party.
- (8) The persons mentioned in subsection (7) are –

- (a) a parent or guardian of the adult without capacity or, if the adult without capacity is in the care of a relevant authority or voluntary organisation, a person representing that authority or organisation,
 - (b) a registered social worker,
 - (c) a person who, under a power of attorney, may make decisions for the purposes of subsection (7)(a) and (b) on behalf of the adult without capacity,
 - (d) a deputy appointed under section 16 of the Mental Capacity Act 2005 (powers to make decisions and appoint deputies: general),
 - (e) if no person within any of paragraphs (a) to (e) is available, any responsible person who is aged 18 or over other than a relevant authorised person.
- (9) For the purposes of this Chapter a person is an adult without capacity if—
- (a) in relation to England and Wales, the person is an adult who, within the meaning of the Mental Capacity Act 2005, lacks capacity to do the things mentioned in section 44B(1)(a) and (b);
 - (b) in relation to Scotland, the person is an adult (within the meaning of this Chapter) who is incapable within the meaning of the Adults with Incapacity (Scotland) Act 2000 in relation to the matters mentioned in section 44B(1)(a) and (b);
 - (c) in relation to Northern Ireland, the person is an adult who, within the meaning of the Mental Capacity Act (Northern Ireland) 2016, lacks capacity to do the things mentioned in section 44B(1)(a) and (b).
- (11) In this Chapter—
- “local authority” —
- (a) in relation to England, means a county council, a district council for an area for which there is no county council, a London borough council or the Common Council of the City of London in its capacity as a local authority;
 - (b) in relation to Wales, means a county council or a county borough council;
 - (c) in relation to Scotland, means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (constitution of councils);
- “registered social worker” means a person registered as a social worker in a register maintained by —
- (a) Social Work England,
 - (b) Social Care Wales,
 - (c) the Scottish Social Services Council, or
 - (d) the Northern Ireland Social Care Council;
- “relevant authorised person” in relation to the extraction of information from an electronic device for a particular purpose, means an authorised person who may extract the information from the device for that purpose;

“relevant authority” –

- (a) in relation to England and Wales and Scotland, means a local authority;
- (b) in relation to Northern Ireland, means an authority within the meaning of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2));

“voluntary organisation” –

- (a) in relation to England and Wales, has the same meaning as in the Children Act 1989;
- (b) in relation to Scotland, has the same meaning as in Part 2 of the Children (Scotland) Act 1995;
- (c) in relation to Northern Ireland, has the same meaning as in the Children (Northern Ireland) Order 1995.

- (12) This section is subject to section 44BB (requirements for voluntary provision and agreement).

44BB Requirements for voluntary provision and agreement

- (1) A person (“P”) is to be treated for the purposes of section 44B or 44BA as having –
- (a) voluntarily provided details of the third party to an authorised person, and
 - (b) agreed to the authorised person approaching the third party for specified information.
- only if the requirements of this section have been met.
- (2) An authorised person must not have placed undue pressure on P to provide the details of the third party or agree to the authorised person approaching the third party for specified information.
- (3) An authorised person must have given P notice in writing –
- (a) specifying or describing the information that is sought,
 - (b) specifying the reason why the information is sought,
 - (c) specifying how the information will be dealt with once it has been obtained,
 - (d) stating that P may refuse to provide the details of the third party or agree to the authorised person approaching the third party to obtain the information, and
 - (e) stating that the investigation or enquiry for the purposes of which the information is sought will not be brought to an end merely because P refuses to provide the details of the third party or agree to the approach to the third-party information holder.
- (4) Subject to subsection (5), P must have confirmed in writing that P has –
- (a) voluntarily provided details of the third party to an authorised person, and

- (b) agreed to the authorised person approaching the third party for specified information.
- (5) If P was unable to provide that confirmation in writing as a result of P’s physical impairment or lack of literacy skills –
 - (a) P must have given that confirmation orally, and
 - (b) an authorised person must have recorded P’s confirmation in writing.
- (6) If P’s confirmation was given in writing and in hard copy form, the authorised person must have given P a copy of that confirmation (in hard copy or electronic form).
- (7) If P’s confirmation was given orally, the authorised person must have given P a copy of the record of that confirmation (in hard copy or electronic form).”

Member's explanatory statement

This amendment seeks to mirror the wording of the clauses dealing with victim information requests with that of the clauses dealing with digital data requests in the Police, Crime, Sentencing and Courts Act 2022. This would therefore provide consistency and parity between the frameworks for digital data requests and victim information requests, and granting victims who are subject to these requests the same additional safeguards that are in place for digital data requests.

LORD HAMPTON
LORD PONSONBY OF SHULBREDE

103★ Clause 24, page 25, line 21, at end insert –

“(ca) the Children’s Commissioner,”

Member's explanatory statement

This amendment would make the Children's Commissioner a statutory consultee for the codes of practice for victim information requests, to ensure children’s distinct needs and experiences are reflected.

After Clause 25

BARONESS BRINTON

104 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.

BARONESS FOX OF BUCKLEY

105 After Clause 25, insert the following new Clause—

“Data collection: violence against women and girls

The Secretary of State must issue guidance in respect of data collection to ensure that sex registered at birth is recorded for both victims and perpetrators of crime in respect of violence against women and girls.”

Member's explanatory statement

This amendment aims to tackle any confusion between sex and gender in terms of statistics, data collection and reporting to support meaningful assessment of evidence of, for example, changing trends in relation to types of crimes, victim profiles etc.

After Clause 26

BARONESS MORGAN OF COTES
LORD RUSSELL OF LIVERPOOL
BARONESS THORNTON
BARONESS BRINTON

106 After Clause 26, insert the following new Clause—

“Victims’ rights in relation to data

- (1) The UK GDPR is amended as follows.
- (2) In Article 21 (right to object), after paragraph 1, insert—
 - “1A. The data subject shall have the right to object on grounds relating to his or her particular situation, at any time to processing of personal data concerning him or her, or a third party where that party is a child for whom they have parental responsibility, which is based on points (a) to (f) of Article 6(1), including profiling based on those provisions, if exceptional circumstances apply.
 - 1B. The exceptional circumstances mentioned in paragraph 1A are—
 - (a) that the processing of the data was connected to, or reliant upon, conduct which could reasonably be suspected to constitute a criminal offence, or

- (b) that the processing of the data was connected to, or reliant upon, conduct which could reasonably be considered as being intended to cause harassment, alarm or distress to the data subject or another living individual.
- 1C. The Secretary of State may by regulations subject to the affirmative resolution procedure prescribe other exceptional circumstances where the right to object mentioned in paragraph 1A applies.”
- (3) In Article 17 (right to erasure (“right to be forgotten”)), after paragraph 1(c), insert –
“(ca) the data subject objects to the processing pursuant to Article 21(1A).””

Member's explanatory statement

This amendment would allow victims of third party harassment to request the deletion of any personal data which was gathered or held as part of activity which could be considered criminal conduct. The aim of this amendment is to prevent third party reporting from causing ongoing distress to victims.

BARONESS LISTER OF BURTERSETT
THE LORD BISHOP OF LONDON
BARONESS HAMWEE

107★ After Clause 26, insert the following new Clause –

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

- (1) The personal data of a victim of a crime mentioned in subsection (3), which is processed for the purpose of that person requesting or receiving support or assistance related to the crime, must not be used for any immigration control purpose without the consent of that person.
- (2) The personal data of a witness to crime mentioned in subsection (3), which is processed for the purpose of that person giving information or evidence to assist the investigation or prosecution of the crime, must not be used for any immigration control purpose without the consent of that person.
- (3) The crimes 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;
 - (e) such other offences as specified in regulations made by the Secretary of State.
- (4) Paragraph 4 of Schedule 2 to the Data Protection Act 2018 does 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 publish guidance about the effect of subsections (1) and (2) to—
 - (a) persons who are victims of or witnesses to the crimes in subsection (3),
 - (b) persons from whom support or assistance may be requested or received by a victim of crime in the United Kingdom,
 - (c) persons providing support to, or conducting investigations or prosecutions with the support of, witnesses of crime in the United Kingdom,
 - (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.
- (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 section, the Secretary of State must consult –
 - (a) the Domestic Abuse Commissioner,
 - (b) the Commissioner for Victims and Witnesses,
 - (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) A person exercising public functions to whom guidance issued under this section relates must have regard to it in the exercise of those functions.
- (10) 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” 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

This probing amendment 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 27

LORD POLAK
 BARONESS BENJAMIN
 LORD RUSSELL OF LIVERPOOL
 LORD PONSONBY OF SHULBREDE

108 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
 LORD RUSSELL OF LIVERPOOL
 LORD PONSONBY OF SHULBREDE

109 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.

BARONESS CHAKRABARTI
BARONESS BRINTON
LORD PONSONBY OF SHULBREDE

110 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.

BARONESS CHAKRABARTI
BARONESS BRINTON

111 After Clause 27, insert the following new Clause –

“Proceedings under the Children Act 1989 involving victims

- (1) The Children Act 1989 is amended as follows.

- (2) In section 1 (welfare of the child), after subsection (2B) insert –
- “(2C) Subsection (2A) does not apply in relation to a parent, where the child or other parent is a victim of domestic abuse by that parent as defined by section 1 of the Victims and Prisoners Act 2024 (meaning of “victim”).
- (2D) Evidence of domestic abuse may be provided in one or more of the forms set out in regulation 33(2) of the Civil Legal Aid (Procedure) Regulations 2012 (S.I. 2012/3098).”
- (3) In section 9 (restrictions on making section 8 orders), after subsection (7) insert –
- “(8) No court may make a section 8 order for a child victim or child of a victim as defined by section 1 of the Victims and Prisoners Act 2024 (meaning of “victim”) to spend unsupervised time with or have unsupervised contact with any person who is –
- (a) awaiting trial, under police investigation, or on bail for a domestic abuse, child abuse or sexual offence, or
- (b) subject to ongoing criminal proceedings for a domestic abuse, child abuse or sexual offence,
- as evidenced by documents proscribed in the Civil Legal Aid (Procedure) Regulations 2012 (S.I. 2012/3098).
- (10) In subsection (8) –
- “unsupervised” means where a court approved third party is not present at all times during contact with the parent to ensure the physical safety and emotional wellbeing of the child;
- “sexual offence” has the meaning given in paragraph 39 of Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012, excluding the following offences under the Sexual Offences Act 2003 –
- (a) section 51A (soliciting); and
- (b) section 71 (sexual activity in a public lavatory).”

Member's explanatory statement

This new clause seeks to displace the presumption that parental involvement furthers a child's welfare in domestic abuse cases and would prohibit unsupervised contact for a parent waiting trial, or on bail for a domestic abuse, sexual violence or child abuse related offence, or where there are ongoing criminal proceedings for these offences, where the child or other parent is a victim under clause 1 of the Bill.

LORD GARNIER

112

After Clause 27, insert the following new Clause –

“Compensation for victims of fraud and other economic crimes

- (1) The Secretary of State must, within one year of the passing of this Act, lay before Parliament a review of victims of fraud, bribery and money laundering offences.

- (2) The purpose of the review under subsection (1) is to identify how victims of such economic crimes could be better compensated without such victims needing to pursue civil action.
- (3) The Secretary of State must provide for a public consultation on the review.
- (4) In this section “victims of economic crime” includes United Kingdom and overseas victims of complex corruption cases where the harm caused by the offending is not easily quantifiable.”

Member's explanatory statement

This new Clause requires a review to explore how domestic and overseas victims of fraud, bribery and money laundering offences could be better compensated without the need for civil proceedings to recover their losses or compensation.

LORD SANDHURST
BARONESS BRINTON
BARONESS CHAKRABARTI

113 After Clause 27, insert the following new Clause –

“Duty to inform victims and families of the unduly lenient sentencing scheme

After section 36 of the Criminal Justice Act 1988, insert –

“36A Duty to inform victims and families of the unduly lenient sentencing scheme

- (1) The Secretary of State must nominate a government department to inform victims and their families of their rights set out in section 36 (reviews of sentencing).
- (2) The information provided under subsection (1) must include the type of sentence and the time limit for application, and advise that applications must be made to the Attorney General.””

Member's explanatory statement

This amendment will ensure that victims are aware of the Unduly Lenient Sentencing scheme which presently has a strict 28-day timeframe in which to apply, there being no power to extend the time.

LORD SANDHURST
BARONESS BRINTON
BARONESS CHAKRABARTI

114 After Clause 27, insert the following new Clause –

“Unduly lenient sentences: time limit

In paragraph 1 of Schedule 3 of the Criminal Justice Act 1988, at end insert “, subject to paragraph 1A.

“(1A) The time limit of 28 days shall be extended in exceptional circumstances, which may include but not be limited to a failure of the relevant body to inform the victim and families of their rights under section 36 (reviews of sentencing).”

Member's explanatory statement

This amendment would allow for the 28-day timeframe to be extended in exceptional circumstances, and prompt criminal justice agencies to meet their obligation to inform of their rights and the tight time limit.

BARONESS BERTIN
LORD PONSONBY OF SHULBREDE
BARONESS THORNTON
BARONESS MORGAN OF COTES

115 After Clause 27, add the following new Clause –

“Non-disclosure of victims’ counselling records

- (1) Subsection (3) applies where –
 - (a) in connection with any criminal investigation, access to records of a victim’s protected confidence in a counselling setting is sought (whether pre- or post-charge), or
 - (b) in any criminal proceedings records containing a protected confidence are to be served as evidence or disclosed by the prosecution to the defendant.
- (2) In this section –

“protected confidence” means a communication made by a person in confidence to another person when the confidant was acting in a professional capacity providing counselling, psychological or mental health services;

“victim” has the same meaning as in section 1 (meaning of “victim”).
- (3) Subject to subsection (4), the court’s permission must be obtained for access to, service or disclosure of the records.
- (4) The court must direct that access should not be granted, or evidence should not be served or disclosed, if the court finds that this would disclose a protected confidence.
- (5) Subsection (4) does not apply if the court finds –

- (a) that the information is of substantial probative value, and
 - (b) that the public interest in disclosure substantially outweighs that of non-disclosure.
- (6) In making a determination under subsection (5)(b), the court must take into account –
- (a) the need to encourage victims of sexual offences to seek counselling,
 - (b) that the effectiveness of counselling is likely to be dependent on the maintenance of the confidentiality of the counselling relationship,
 - (c) the public interest in ensuring that victims of sexual offences receive effective counselling,
 - (d) that the disclosure of the protected confidence is likely to damage or undermine the relationship between the counsellor and the counselled person,
 - (e) whether disclosure of the protected confidence is sought on the basis of a discriminatory belief or bias,
 - (f) that the adducing of the evidence is likely to infringe a reasonable expectation of privacy.”

BARONESS BRINTON

116 After Clause 27, insert the following new Clause –

“Compensation

The Secretary of State must take steps to ensure that victims of crime –

- (a) have access to financial compensation from public funds for any detriment arising from the criminal case concerned,
- (b) have restored to them any of their property or personal belongings which have been seized for use as evidence at a trial,
- (c) are given the right to approve or refuse the payment of any compensation order made by a court against a person convicted of a crime against them,
- (d) have reimbursed to them, from public funds, any expenses incurred by them in attending in court and in any related legal process, whether in the United Kingdom or overseas, and
- (e) have access to legal advice at no cost to themselves throughout the legal process.”

Member's explanatory statement

This aim of this probing amendment is to provide a opportunity to discuss the processes around court-awarded compensation and whether these are currently adequate to support the needs of victims.

BARONESS CHAKRABARTI
BARONESS BRINTON

117★ After Clause 27, insert the following new Clause –

“Disclosure of a victim’s medical records on 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 (4) insert –

“(4A) Anyone involved in the case who is also a victim (of criminal conduct) within section 1 of the Victims and Prisoners Act 2024 (meaning of “victim”) must not be ordered by the court to disclose their medical records to their alleged or proven perpetrator unless there are exceptional circumstances.””

Member’s explanatory statement

This new Clause provides protection for victims who should not be ordered to disclose private and intimate medical records to their domestic abuse perpetrators, such orders can continue coercive and controlling criminal conduct.

LORD HAMPTON
LORD PONSONBY OF SHULBREDE

118★ After Clause 27, insert the following new Clause –

“Duty to appoint an independent advocate for children

- (1) Relevant local commissioning bodies must make arrangements to enable independent advocacy services to be available to help qualifying children.
- (2) For the purposes of subsection (1), qualifying children means a person aged under 18 who is a victim of criminal conduct which constitutes –
 - (a) domestic abuse,
 - (b) conduct of a sexual nature, or
 - (c) serious violence.”

Member’s explanatory statement

This amendment, and another in the name of Lord Hampton after Clause 27, would ensure child victims of the most serious crimes are guaranteed an offer of independent, age-appropriate, specialist advocacy support.

LORD HAMPTON
LORD PONSONBY OF SHULBREDE

119★ After Clause 27, insert the following new Clause –

“Guidance for independent advocates for children

- (1) The Secretary of State must issue guidance about independent advocates for children.
- (2) Guidance under this section must include provision about –
 - (a) the role of such advocates;
 - (b) the types of advocates that exist, for example –
 - (i) Child Independent Domestic Violence Advisors,
 - (ii) Child Independent Sexual Violence Advisors,
 - (c) appropriate training and qualifications for such advocates;
 - (d) duty on providers of advocacy services to arrange for qualifying children to be interviewed to find out whether they want to use those services.”

Member's explanatory statement

This amendment, and another in the name of Lord Hampton after Clause 27, would ensure child victims of the most serious crimes are guaranteed an offer of independent, age-appropriate, specialist advocacy support.

Clause 28

LORD PONSONBY OF SHULBREDE

120 Clause 28, page 29, line 27, at end insert –

- “(2A) Where the “significant number” threshold in subsection (2) is not met, the Secretary of State may still declare a major incident where there is a significant public interest in doing so.
- (2B) For the purposes of subsection (2A) there will be a significant public interest in declaring a major incident where –
 - (a) an incident has caused death or serious harm in circumstances that appear to the Secretary of State to indicate systemic failings on the part of a public body, and
 - (b) there appears to be a real risk that such circumstances may recur.”

Member's explanatory statement

This amendment would enable the Secretary of State to designate incidents causing serious harm or death to a small number of individuals major incidents where there is significant public interest in doing so.

After Clause 28

LORD PONSONBY OF SHULBREDE

121 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.

LORD PONSONBY OF SHULBREDE

122 After Clause 28, insert the following new clause –

“Code for victims of major incidents

- (1) The Secretary of State must issue a code of practice as to the services to be provided to victims of major incidents by persons having functions relating to –
 - (a) victims of major incidents, or
 - (b) official inquiries and investigations following a major incident.
- (2) In this Part, the “code for victims of major incidents” means the code of practice issued under this section.
- (3) The code for victims of major incidents must make provision for services which reflect the principles that victims should –
 - (a) be provided with information to help them understand the investigatory process following the major incident of which they are a victim;
 - (b) be able to access services which support them (including, where appropriate, specialist services);
 - (c) have the opportunity to make their views heard in the investigatory process following the major incident of which they are a victim;
 - (d) be able to challenge decisions which have a direct impact on them.
- (7) The code for victims of major incidents may make different provision for different purposes, including different provision for –
 - (a) victims of different descriptions;
 - (b) persons who have different functions of a kind mentioned in subsection (1).”

LORD PONSONBY OF SHULBREDE

123 After Clause 28, insert the following new Clause –

“Preparing and issuing the code for victims of major incidents

- (1) The Secretary of State must prepare a draft of the code for victims of major incidents (“the draft code”).
- (2) In preparing the draft code the Secretary of State must consult the standing advocate appointed under section 29 (appointment of standing advocate).
- (3) After preparing the draft code, the Secretary of State must –
 - (a) publish the draft, and
 - (b) specify a period during which representations about the draft code may be made to the Secretary of State.
- (4) The Secretary of State must –
 - (a) consider, in consultation with the standing advocate, any representations about the draft code made to the Secretary of State before the end of the period specified in accordance with subsection (3)(b);
 - (b) if the Secretary of State thinks it appropriate, modify the draft code in the light of any such representations.
- (5) After carrying out the duties under subsection (4), the Secretary of State must lay the draft code before Parliament.
- (6) When the draft code has been laid before Parliament in accordance with subsection (5), the Secretary of State must bring it into operation on such day as the Secretary of State appoints by regulations.”

Member’s explanatory statement

This amendment would require the Secretary of State to produce, in consultation with the standing advocate, a statutory code for victims of major incidents, modelled on the victims’ code.

Clause 29

LORD PONSONBY OF SHULBREDE

124 Clause 29, page 30, line 16, at end insert –

- “(2A) When carrying out its functions under subsection (2)(a) in relation to a specific major incident, the standing advocate must seek, and relay to the Secretary of State, the views of victims of that incident concerning –
- (a) the type of review or inquiry held into the incident, and
 - (b) their treatment by public authorities in response to the major incident.”

Member’s explanatory statement

This amendment would require the standing advocate to communicate the views of the victims of a major incident to the Secretary of State.

LORD PONSONBY OF SHULBREDE

125 Clause 29, page 30, line 26, at end insert –

- “(4A) The Secretary of State must consider the views of victims of a major incident in relation to –
- (a) whether to appoint more than one advocate in respect of that incident; and if so,
 - (b) whether an individual is appropriate to appoint as an additional advocate in respect of a major incident.”

Member's explanatory statement

This amendment would require the Secretary of State to consider the views of victims of a major incident as to whether to appoint an additional advocate, and who to appoint.

Clause 30

LORD THOMAS OF CWMGIEDD

126★ Clause 30, page 30, line 36, at end insert “save in respect of a major incident occurring in Wales where the Secretary of State must make that appointment only after obtaining the concurrence of Welsh Ministers in the appointment of that individual”

Member's explanatory statement

This amendment would require the Secretary of State to obtain the concurrence of Welsh Ministers before making the appointment.

Clause 31

LORD HOPE OF CRAIGHEAD

127 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”

LORD PONSONBY OF SHULBREDE

128 Clause 31, page 31, line 24, at end insert –

- “(2A) Before terminating the appointment of an advocate under subsection (2)(a), the Secretary of State must consider the views of the victims of the major incident to which the advocate was appointed.”

Member's explanatory statement

This amendment would place a requirement on the Secretary of State to consider the views of the victims of a major incident before terminating the appointment of an advocate appointed in relation to that major incident.

LORD PONSONBY OF SHULBREDE

129 Clause 31, page 31, line 34, at end insert –

“(4A) During their appointment an advocate must sit within the Ministry of Justice for administrative purposes, but must be independent with respect to its functioning and decision-making processes, and discharge of its statutory duties.”

Member's explanatory statement

This amendment would clarify the functional and operational independence of the advocate.

Clause 33

LORD HAMPTON
LORD PONSONBY OF SHULBREDE

130★ Clause 33, page 32, line 36, leave out subsection (6) and insert –

“(6) Where the advocate provides support to victims under the age of 18, the advocate must conduct or refer to a needs assessment of such persons to determine whether they have capacity to consent to provision of direct support from the advocate, or whether it would be more appropriate to provide indirect support via other persons assessed to represent their best interests.

(6A) Before providing indirect support detailed in subsection (3), an advocate must –

- (a) ascertain the views of the victim under 18 on who is best placed to represent their interests, and
- (b) have regard to any views so ascertained.”

Member's explanatory statement

This amendment would ensure that a child's capacity to make decisions for themselves is taken into account when determining whether the Independent Public Advocate engages directly with them or not. Where it is more appropriate to engage with a representative on a child's behalf, a child's views and preferences on who is best placed must be taken into account.

BARONESS CHAKRABARTI

131 Clause 33, page 32, line 39, leave out subsections (7) and (8)

Member's explanatory statement

This amendment removes the prohibitions on advocates representing victims while under the age of 18 and carrying on legal activity.

Clause 38

LORD PONSONBY OF SHULBREDE

132 Clause 38, page 36, line 8, leave out subsection (1) and insert –

“(1) The standing advocate may issue guidance as to the matters to which other advocates appointed in respect of a major incident must have regard to in exercising their functions.”

Member's explanatory statement

This amendment would remove the power of the Secretary of State to issue guidance to advocates appointed in respect of major incident and give this power to the standing advocate.

After Clause 38

LORD PONSONBY OF SHULBREDE
THE LORD BISHOP OF MANCHESTER
BARONESS BRINTON

133 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

134 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.

BARONESS BRINTON
LORD PONSONBY OF SHULBREDE

135 After Clause 40, insert the following new Clause –

“Victims of the Horizon system: timetable for compensation payments

- (1) Within seven days of the day on which this Act is passed, the Secretary of State must publish a timetable for making payments in respect of schemes or other arrangements to –
 - (a) compensate persons affected by the Horizon system;
 - (b) compensate persons in respect of other matters identified in High Court judgments given in proceedings relating to the Horizon system.
- (2) In considering a timetable under subsection (1) the Secretary of State must have regard to the importance of speed and fairness to victims of the Horizon system.
- (3) In this section “the Horizon system” means previous versions of the computer system known as Horizon (and sometimes referred to as Legacy Horizon, Horizon Online or HNG-X) used by Post Office Limited.”

Member's explanatory statement

This amendment requires the Secretary of State to publish a timetable for the payment of compensation to victims of the Post Office Horizon scandal.

LORD PONSONBY OF SHULBREDE

136 After Clause 40, insert the following new Clause –

“Review: National Oversight Mechanism

- (1) The Secretary of State must launch a review into the merits of introducing an independent National Oversight Mechanism responsible for collating, analysing and addressing recommendations arising from the post death processes of investigations, inquests, public inquiries and official reviews following a major incident.
- (2) The review under subsection (1) must be launched within six months of the day on which this Act is passed.
- (3) The Secretary of State must publish and lay before Parliament a report summarising the findings of the review under subsection (1) within 18 months of the day on which this Act is passed.”

Clause 41

LORD THOMAS OF CWMGIEDD
LORD BURNETT OF MALDON

137 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
LORD BURNETT OF MALDON

- 138 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”

Before the Schedule

BARONESS CHAKRABARTI
BARONESS BRINTON

- 139 Before the Schedule, insert the following new Schedule—

“SCHEDULE 1

THE VICTIMS’ CODE

Introduction

- 1 This Code is enacted by way of section 2 of the Victims and Prisoners Act 2024 (“the Act”). It may be amended by regulations and should be read alongside Part 1 of the Act which defines “victims” as people who have been physically, mentally, emotionally or economically harmed as a direct result of a criminal offence or people in at least one of the four following circumstances—
 - (a) where a person has seen, heard, or otherwise directly experienced the effects of criminal conduct when it occurred.
 - (b) where a person’s birth was the direct result of criminal conduct.
 - (c) where the death of a close family member of the person was the direct result of criminal conduct.
 - (d) where the person is a child who is a victim of domestic abuse under the Domestic Act 2021 which was also criminal conduct.
- 2 The Code sets out the minimum standard of services that must be provided to victims by organisations (referred to as service providers) in England and Wales. It is addressed to the victims it is designed to support and refers to them directly as “you” in what follows.
- 3 You can be a victim entitled to rights under this Code, even if there has been no report or complaint about the offence or if no one has been charged or convicted of it.
- 4 You can also receive rights under this Code if you are—
 - (a) a parent or guardian of the victim if the victim is under 18 years of age, or
 - (b) a nominated family spokesperson if the victim has a mental impairment or has been so badly injured because of a criminal offence that they are unable to communicate or lack the capacity to do so.

- 5 All service providers must have the victims' best interests as their primary consideration and take the victim's age, maturity, views, needs and concerns fully into account.
- 6 Which rights apply to you will depend on whether the crime is reported to the police, if the case goes to court, and whether the defendant is convicted, as well as your personal needs and circumstances. Rights 1, 4 and 12 apply to all victims. The remaining rights only apply where a crime has been reported to the police. The relevant service provider will tell you which rights apply to you.
- 7 You have the right to –
- (a) be treated with respect, dignity, sensitivity, compassion and courtesy;
 - (b) make informed choices that are fully respected;
 - (c) have your privacy respected by service providers in accordance with their obligations under relevant privacy and data protection laws; and
 - (d) have services provided to assist you and your family to understand and engage with the criminal justice process and that are offered in a professional manner, without discrimination of any kind.
- 8 If you have suffered harm, including physical, mental or emotional harm or economic loss, as a direct result of witnessing a crime, you are a victim of crime for the purposes of this Code and are able to access services that support victims, you do not need to have provided a statement to or been interviewed by the police, or be required to attend court as a witness.
- 9 All other witnesses can access services under the Witness Charter, rather than under this Code.
- 10 You have the right to services under this Code regardless of your resident status. However, if the crime was committed in England and Wales but you live elsewhere, you should access support services where you live. If you are required to give evidence in court in England or Wales, you will be able to access support services while you are in England or Wales.
- 11 Families bereaved by murder or manslaughter of a British national committed outside of the United Kingdom should contact the Foreign, Commonwealth & Development Office. They provide support and information about processes in the country where the incident occurred, including repatriation of the deceased. They may also be able to refer the deceased's family to specialist support services.
- 12 Service providers will try to minimise the number of different people you have contact with during your case, and wherever possible, offer you a single point of contact for information. To assist them in delivering your rights under this Code, you should –
- (a) let them know if your contact details or preferences change;
 - (b) ask them questions if you are unsure about anything related to your case or the criminal justice process; and
 - (c) give service providers your views on the services they are providing to help them deliver and tailor a high-quality service.

- 13 You may decide that you do not want some or all of the rights under this Code. You should discuss this with the relevant service provider. You can choose to opt back in to receiving rights under this Code at any time while the case is under active investigation, or prosecution, or the offender is serving their sentence. This does not apply to the right to access support to help you to cope, and as far as possible, recover from being a victim of crime. This right is available regardless of whether anyone has been charged, convicted of a criminal offence and regardless of whether you decide to report the crime to the police or you do not wish to cooperate with the investigation.
- 14 You have the right to be protected from re-victimisation and retaliation during and after the investigation and proceedings.
- (a) if you are concerned for your immediate safety, you should contact the police on 999.
 - (b) in the unlikely event that the suspect (pre-trial) or offender (following conviction) escapes from custody, the police will contact you. If it is assessed that the suspect or offender poses a significant risk of harm to you, they will take any necessary measures to ensure your on-going protection.
 - (c) if you are receiving unwanted contact from an offender in prison, you should contact His Majesty's Prison and Probation Service Victim's Helpline.
 - (d) if you receive unwanted contact from an offender who is on licence in the community, you can contact the police or if you have one, your Victim Liaison Officer. If the offender is under 18, you can also report any unwanted contact to the police, but if you know they are being supervised by a Youth Offending Team, you may wish to contact the team directly.
- 15 Service providers must include information about this Code on their websites. This information must also signpost victims to the relevant web pages.
- (a) where required to share information under this Code, service providers must do so effectively and in accordance with their obligations under the Data Protection Act and General Data Protection Regulation 2018 and other relevant legislation.
 - (b) where there is a high number of victims involved in a case, such as large-scale investment frauds with multiple investor victims, or in other exceptional cases, the service provider may communicate information that a victim has the right to under this Code through alternative channels, such as their website, rather than contacting each victim individually.
 - (c) nothing in this Code requires a service provider to provide information to the victim where its disclosure –
 - (i) could result in harm to any person;
 - (ii) could affect the proper handling of any criminal investigation or prosecution, or could otherwise prejudice any civil or criminal case, or parole proceedings; or
 - (iii) would, in the service provider's view, be contrary to the interests of national security.

- 16 (1) The following organisations are required to deliver the rights under this Code –
 - (a) Police and Crime Commissioners;
 - (b) all police forces in England and Wales, the British Transport Police and the Ministry of Defence Police;
 - (c) Police Witness Care Units;
 - (d) The Crown Prosecution Service;
 - (e) His Majesty’s Courts and Tribunals Service;
 - (f) His Majesty’s Prison and Probation Service;
 - (g) The National Probation Service;
 - (h) The Parole Board for England and Wales;
 - (i) The Criminal Cases Review Commission;
 - (j) The Criminal Injuries Compensation Authority;
 - (k) The UK Supreme Court;
 - (l) Youth Offending Teams.
- (2) Under this Code some victims will receive their Rights through a combination of the service providers listed above and to her service providers, including –
 - (a) The Competition and Markets Authority;
 - (b) Department for Business, Energy and Industrial Strategy (Criminal Enforcement);
 - (c) The Environment Agency;
 - (d) The Financial Conduct Authority;
 - (e) The Gambling Commission;
 - (f) The Health and Safety Executive;
 - (g) His Majesty’s Revenue and Customs;
 - (h) Home Office (Immigration and Enforcement);
 - (i) The Information Commissioner’s Office;
 - (j) Independent Office for Police Conduct;
 - (k) The National Crime Agency;
 - (l) The National Health Service;
 - (m) National Resources Wales;
 - (n) The Office of Rail and Road;
 - (o) The Serious Fraud Office.
- (3) Other service providers can also have a role in relation to the investigation and/or prosecution of crimes. However, unlike the police and the Crown Prosecution Service, who have a broad remit to investigate and prosecute crimes, these service providers are limited to investigating and prosecuting specific types of offences committed in certain circumstances. This will determine the way in which, and frequency with which, they come into contact with victims.
- (4) The rights in the Code only apply where other service providers (such as those listed above) accept formal responsibility for conducting a criminal investigation or making a decision to prosecute. However, not all functions undertaken by other service providers are identical to those carried out by the police and the Crown Prosecution Service. Where functions are equivalent to a service provider under this Code (for example the other service provider is investigating or

prosecuting an alleged offence), they must deliver the same rights without unjustified delay, regardless of whether the other service provider is listed above.

- 17 Police and Crime Commissioners are locally elected to secure efficient and effective policing. They have a legal duty to consult with victims in setting the policing priorities in their area and to hold the Chief Constable of the police in their area to account. They are responsible for commissioning many of the services that support victims outlined in this Code.
- 18 The Victims' Commissioner is not listed as a service provider under this Code. This is because the Commissioner has a statutory duty to keep this Code under regular review. It is part of the Commissioner's role to listen to the views of victims, understand the criminal justice system from the victim's point of view and try to help improve the services and support available. The Victims' Commissioner cannot help with individual cases.

Enhanced Rights

- 19 This Code acknowledges that victims who are considered vulnerable or intimidated, are a victim of the most serious crime (including a bereaved close relative) or have been persistently targeted are more likely to require specialised assistance (some victims may fall into one or more of these categories). Such support may include being offered a referral to a specialist support service, being contacted sooner after key decisions and having access to special measures (see Right 4). Within each individual right this code highlights where enhanced rights apply.
- 20 Once a service provider has identified that you are eligible for enhanced rights, they must ensure that this information is passed to other service providers with responsibilities under this Code and, where appropriate, to services that support victims.
- 21 If you do not fall within the categories outlined above, a service provider may decide to provide access to certain enhanced rights depending on your circumstances or the impact of the crime.
- 22 You are eligible for enhanced rights under this Code as a vulnerable victim if –
- (a) you are under 18 years of age at the time of the offence, or
 - (b) the quality of your evidence is likely to be affected because you –
 - (i) suffer from mental disorder within the meaning of the Mental Health Act 1983;
 - (ii) otherwise have a significant impairment of intelligence and social functioning; or
 - (iii) have a physical disability or are suffering from a physical disorder.
- 23 You are also eligible for enhanced rights under this Code as an intimidated victim if the service provider considers that the quality of your evidence will be affected because of your fear or distress about testifying in court.

- 24 When assessing whether a victim is intimidated, the service provider must consider –
- (a) the behaviour towards the victim on the part of the suspect, members of their family or associates, or any other person who is likely to be a suspect or witness in the case;
 - (b) the victim’s age;
 - (c) if relevant, the victim’s social and cultural background, religious beliefs or political opinions, ethnic origin, domestic and employment circumstances;
 - (d) the nature and alleged circumstances of the offence to which the case relates (victims of a sexual offence or human trafficking will be considered to be intimidated); and
 - (e) any views expressed by the victim.
- 25 (1) You are eligible for enhanced rights under this Code as a victim of the most serious crime, if you are a close relative bereaved by a criminal offence, a victim of domestic abuse, hate crime, terrorism, sexual offences, human trafficking, modern slavery, attempted murder, kidnap, false imprisonment, arson with intent to endanger life and wounding or causing grievous bodily harm with intent.
- (2) Additional enhanced rights that are available for bereaved close relatives are highlighted separately within each individual right of this Code.
- 26 You are eligible for enhanced rights under this Code as a persistently targeted victim if you have been targeted as a direct victim of crime over a period of time, particularly if you have been deliberately targeted or if you are a victim of a campaign of harassment or stalking.

Your rights under the victims’ code

- 27 (1) The various rights to which you are entitled under this Code are set out below –
- (a) you have the right to be helped to understand what is happening and to be understood. In considering appropriate measures, service providers must consider any relevant personal characteristics which may affect your ability to understand and to be understood. All service providers must communicate in simple and accessible language and all translation or interpretation services must be offered free of charge to the victim.
 - (b) if, due to the impact of the crime, you need assistance to understand or to be understood, you can be supported by a person of your choice, unless the service provider considers that it would not be in your best interests or that it would impact the investigation or prosecution. In these circumstances, the service provider will tell you why.
 - (c) if you have difficulty understanding or speaking English, you have the right to use an interpreter to help you understand, when –
 - (i) reporting a criminal offence,
 - (ii) being interviewed by the police; and
 - (iii) giving evidence as a witness.

- (d) you can also receive the translation of any document where it is essential for the purposes of the interview or court proceedings to read a document that is given to you, including –
 - (i) the written acknowledgement of the reported crime;
 - (ii) where it is essential for the purposes of the interview or court hearing to see a particular document that is disclosed to you, a copy of the relevant parts of the document;
 - (iii) communication informing you of the date, time and location of the trial;
 - (iv) the outcome of criminal proceedings and, where available, the reasons for the decision; and
 - (v) the response to any complaint or request made under the Victims' Right to Review Scheme.
 - (e) you can also receive an oral translation or summary of any of the documents listed above, unless doing so would prejudice the fairness of the proceedings.
 - (f) for cases heard in Wales, you would have the legal right to use Welsh when giving evidence and the court will make the necessary arrangements. You also have the right to submit a Victim Personal Statement to the Parole Board in Welsh, irrespective of the location of the offender, and to ask for a summary of the parole decision to be provided in Welsh.
- (2) You have the right to have the details of the crime recorded by the police without unjustified delay after the incident. When you report an incident, you will be asked to provide details about the crime.
- (a) If you are asked to make a witness statement, the police will explain to you that this may result in you needing to give evidence at court, if the case goes to trial.
 - (b) If you ask to be interviewed, any interview should take place without unjustified delay, the number of interviews should be kept to a minimum and where possible be conducted by the same person. The police must take any steps necessary to ensure that you (and your family) do not have unnecessary contact with the suspect.
 - (c) The police must consider whether you would benefit from additional support, for example the assistance of an interpreter, and that any interview is carried out by or through professionals trained for that purpose. They must seek to ensure that it takes place in premises designed or adapted for the purpose. If this is not possible, the police will tell you why.
 - (d) You have the right to request to bring a person of your choice to the interview. If this is not possible, the police will tell you why.
 - (e) If the police or the Crown Prosecution Service believe that the quality of your evidence may be adversely affected by a vulnerability, they must consider whether you are eligible for support from a Registered Intermediary (see Right 4) and make any other reasonable adjustments based on your needs.

- (f) If a medical examination is required for the purposes of the criminal proceedings, these must be kept to a minimum and are subject to your consent.
 - (g) If you are a victim of sexual violence, gender-based violence or domestic abuse, you have the right to request that the police officer conducting the interview is of a gender of your choice. The police must meet your request unless doing so would prejudice the fairness of the proceedings. If this happens, the police will tell you why.
 - (h) If you are considered vulnerable, for example under 18 years of age or intimidated (see Enhanced Rights above), the police will ask you, or your parent/guardian if you would like your police interview to be video recorded to make it easier for you to tell them what happened. This may be presented as your evidence in court. You may also be able to have your court cross-examination evidence pre-recorded at a time earlier and separate to the trial. The police will discuss this option with you. If you do want to give your evidence at the trial, if eligible, a court may allow you to give you evidence and be cross-examined via a live-link room away from the court or a remote site, to minimise the risk of meeting the defendant. However, if you would prefer you can give your evidence in court, Prosecutors should make witnesses aware that while they can consider how they might like to give evidence, it will be subject to the application to the court and the final decision is made by a judge.
- (3) If you report a crime to the police or have an allegation reported on your behalf, or if you are contacted as a victim in the course of investigations, you have the right to written confirmation of your allegation. This will include the basic details of the offence, a crime reference number and the contact details of the police officer dealing with your case. The confirmation could be a letter, email text message, or it could be written by hand.
- (a) Where the police consider there may be a risk of harm to you from sending the written confirmation, for example in domestic abuse cases, they must provide confirmation in a way that does not potentially risk your safety.
 - (b) The police will explain where you can get further information about the criminal justice process and your rights as a victim. This will include information on where and how to get advice and support. For example, where appropriate and available, how to seek compensation (see Right 5), access to medical support, specialist support, such as psychological support (including pre-trial therapy and counselling), and alternative accommodation. The police will also explain what arrangements are available if you do not live in England and Wales.
 - (c) If the offender is an adult, you have the right to receive information about Restorative Justice from the police and how to access Restorative Justice services in your local area. If the offender is under the age of 18, you have the right to receive information about Restorative Justice from the Youth Offending Team.
 - (d) Although the police are responsible for providing you with information on Restorative Justice initially, all service providers must consider

whether you would benefit from receiving this information at any stage of the criminal justice process.

- (4) When you report a crime to the police, you have the Right to be offered support. This will include an assessment of whether you are entitled to receive the enhanced rights as set out after the Introduction to this Code. The more information you are able to provide during this assessment will ensure that service providers are able to offer help and support that better meets your needs.
 - (a) Throughout your case, all service providers must give you the opportunity to be re-assessed if you tell them how your needs have changed.
 - (b) If you are required to attend court to give evidence, you will be offered a separate needs assessment by the Witness Care Unit to determine whether you require any further help and support before the trial and at the court.
 - (c) Services that support victims are there to help you cope and, as far as possible, recover after a crime. Access to support is free, even if the crime hasn't been reported to the police. For further information about the support in your area, contact your local Police and Crime Commissioner.
 - (d) If you report a crime to the police, you have the right to be referred to a service that supports victims, including Restorative Justice services. The police will tell you about all the support services available in your local area. You will be referred to a support service within 2 working days, and these services will endeavour to provide timely access to support based on availability.
 - (e) If you choose not to report the crime to the police, you still have the right to access support services at any time. You can contact local support services directly. To search for a support service near you, contact your local Police and Crime Commissioner.
 - (f) If you are a bereaved close relative, you have the right to have a Family Liaison Officer assigned to you by the police, where the Senior Investigating Officer considers this to be appropriate (this will happen in most cases). Your Family Liaison Officer will normally act as the single point of contact between you and service providers. If your case involves an allegation of murder or manslaughter, you also have the right to be referred to the National Homicide Service and any other relevant specialist support service. This offer will normally be made through your Family Liaison Officer.
 - (g) Depending on your needs and the nature of your case, you may be offered specialist support, for example from an Independent Sexual Violence Advisor or an Independent Domestic Violence Advisor. Your advisor will normally act as your single point of contact throughout the case and communicate with the police, Witness Care Unit and the Crown Prosecution Service on your behalf.
 - (h) If you are required to give evidence in court, you have the right to be offered a referral to a Witness Support Service (see Right 8).

- (i) At the end of your case, regardless of the outcome, you have the Right to be offered a referral to a support service even if you haven't accessed them previously. To search for a service that supports victims near you, contact your local Police and Crime Commissioner.
 - (j) You have the right to have your needs assessed by the police or Witness Care Unit to determine whether you are eligible and would benefit from giving evidence using special measures. The police or Witness Care Unit will explain what special measures are available and will ask for your views about which you might like to apply for.
 - (k) The judge or magistrate will decide whether special measures should be granted following a request from the prosecutor. The Witness Care Unit will tell you the judge's or magistrate's decision (see Right 8) and His Majesty's Courts and Tribunals Service court staff will ensure that any special measures granted are available for you at court.
- (5) If the defendant pleads or is found guilty, the judge or magistrate may order them to pay you compensation for any loss, damage, or injury caused as a result of the crime. You have the right to be told by the police how to seek compensation and you may be asked to provide evidence of any loss or damage, for example receipts or quotes for repairing the damage caused during the crime.
- (a) If you have suffered a serious physical or mental injury as a direct result of a violent crime, you may be entitled to compensation through the Criminal Injuries Compensation Scheme (the Scheme). The Scheme is for those injured in England, Wales and Scotland. You have the right to be told by the police how to apply for compensation through the Scheme (see Right 3).
 - (b) The Criminal Injuries Compensation Authority is responsible for administering the Scheme.
 - (c) Do not delay your application. You must apply as soon as reasonably practical. This should normally be within 2 years of the date of the incident. The Criminal Injuries Compensation Authority can only extend the time limits where there are exceptional circumstances. Different rules apply if you were aged under 18 years of age at the time of the incident. To be eligible for compensation, you will need to meet the wider eligibility criteria set out within the Scheme.
 - (d) You should not wait for the outcome of a criminal trial to apply. Your claim is not dependent on the conviction of an offender. However the Criminal Injuries Compensation Authority may put your application on hold until you know the outcome of the trial, if they do not have sufficient information to be able to progress your claim.
 - (e) The Scheme is one of last resort. Where the opportunity exists to pursue compensation elsewhere, you should do so. An award under the Scheme will take account of other compensatory payments made to you, such as court ordered compensation or a civil personal injury award. The Criminal Injuries Authority may defer making a decision on a claim until you take reasonable steps to seek compensation through other routes available to you and await the outcome of those steps.

- (f) Once you have applied the Criminal Injuries Compensation Authority will confirm that your application has been received and respond to all written correspondence regarding your application within 20 working days of it being received.
 - (g) Having considered your application, you will be provided with information on the right to review the Criminal Injuries Compensation Authority's decision, including the procedure and time limits for reviewing that decision.
 - (h) Further information about applying for compensation can be found at the relevant web page, from the police, your local support service, or by contacting the Criminal Injuries Compensation Authority.
 - (i) It may be possible to seek compensation from the suspect or offender outside of the criminal justice process. If you want to consider applying for civil compensation, you should seek legal advice and assistance from a solicitor.
 - (j) If you need legal advice and/or assistance you should contact a solicitor. If you are on a low income or benefits you may be able to get Legal Aid to help cover the cost. More information on whether you are eligible for Legal Aid is available at.
 - (k) To find a local solicitor you should contact the Law Society.
- 28 (1) You have the right to be told by the police when key decisions on the investigation are made and, where applicable, to have the reasons explained to you within 5 working days (1 working day under enhanced rights – see above) of a suspect being –
- (a) arrested;
 - (b) interviewed under caution;
 - (c) released without charge; and
 - (d) released on police bail or under investigation or if police bail conditions are changed or cancelled.
- (2) If the police decide not to investigate your case you will be given an explanation of this decision within 5 working days (1 working day under enhanced rights – see above). The police will also offer you a referral to a support service.
- (3) Where the police do investigate the case, they will discuss with you how often you would like to receive updates and your preferred method of contact. You can update your preferences at any time.
- (4) The investigation and decision on whether the case should go to court can take a long time and there may be long periods between key decisions. The police will discuss with you if you would like contact during their time and provide you with the contact details if you have any questions during the investigation.
- (5) There may be times when a service provider is unable to provide you with updates or use your preferred method of contact, but in these instances, they will tell you why.
- (6) In some cases, the police or the Crown Prosecution Service may decide to deal with the case without taking it to court. This is called an out of court disposal.

This enables the incident to be dealt with relatively quickly and may prove more effective in preventing other offences.

- (7) Where the police of the Crown Prosecution Service are considering an out of court disposal you have the right to be asked for your views and to have these views taken into account when a decision is made. Where this is not possible for practical reasons, the police or the Crown Prosecution Service will tell you why.
- (8) The police or the Crown Prosecution Service will take the final decision after considering the full circumstances of the offence and your views. You have the right to be told the reasons for the decision within 5 working days (1 working day under enhanced rights – see above) of an out of court disposal being given to the offender.
- (9) When the police have finished their investigation, they may decide what should happen next, or for more serious crime, pass the information to the Crown Prosecution Service, who will then decide if there is enough evidence to take the case to court.
- (10) If the police or the Crown Prosecution Service decide not to prosecute the suspect, you have the right to be told within 5 working days (1 working day under enhanced rights – see above) of the decision of –
 - (a) the reasons for the decision;
 - (b) how you can get further information;
 - (c) how to seek a review and make representations under the National Police Chiefs' Council or the Crown Prosecution Service Victims' Right to Review scheme, and
 - (d) how to be referred to a support service.
- (11) If you are unhappy with a police or a Crown Prosecution Service decision not to prosecute the suspect, you have the right to ask for a review under the National Police Chiefs' Council or Crown Prosecution Service Victims' Right to Review schemes.
- (12) If you are a victim in a specified case where the Crown Prosecution Service tells you of a decision not to charge a suspect, you have the right to be offered a meeting unless the Crown Prosecution Service decided that a meeting should not take place. On the rare occasions where the Crown Prosecution Service decide that a meeting is not appropriate, this decision will be explained to you.
- (13) If the suspect is charged with an offence(s), you have the right to be told by the police within 5 working days (1 working day under enhanced rights – see above) of –
 - (a) the offence they are charged with;
 - (b) the date, time and location of the first court hearing; and
 - (c) where the suspect is released on police bail to appear in court, any bail conditions and any changes to these bail conditions.
- (14) If you are a bereaved close relative in a qualifying case you have the right to be offered a meeting with the Crown Prosecution Service prior to or following a decision about whether or not to charge a suspect. If a decision is made to

charge, the Crown Prosecution Service will explain how the case is likely to progress and answer any questions that you may have. The Crown Prosecution Service will also discuss your needs and jointly agree how regularly you will receive updates.

- (15) If, after the suspect has been charged with an offence(s), the Crown Prosecution Service decides to stop a charge and proceed with another, make a big change to a charge or stop the case, you have the right to be told the reason why and, where the decision is to stop the case, how to ask for a review under the Crown Prosecution Service's the Crown Prosecution Service's Victims' Right to Review Scheme, if you disagree with their decision.
- 29
- (1) You have the right to make a Victim Personal Statement to explain in your own words how a crime has affected you, whether physically, emotionally, financially or in any other way.
 - (2) This is different from a witness statement. The Victim Personal Statement is considered by the judge or magistrate when determining what sentence the defendant should receive and can also help service providers to consider what additional support you or your family may require.
 - (3) If you are a bereaved close relative, you have the right to make a Victim Personal Statement and the right to have someone with you when you do so regardless of whether you have made a witness statement.
 - (4) To help you decide whether you wish to make one, you have the right to be provided with information about the Victim Personal Statement process by the police when reporting a crime. If you decide to make a personal statement, you will be asked for your preference about whether you would like to read your statement aloud in court or to have it read on your behalf. You can also request a copy from the police and will be given an opportunity to make an additional personal statement to reflect the changing impact of the crime.
 - (5) If the defendant pleads guilty, or is found guilty, and you have asked that your statement is read aloud (or played) in court, the judge or magistrate will decide whether and what sections of your personal statement should be read aloud (or played), and who should read it. The judge or magistrate will always take your preference into account when making their decision, unless there is a good reason not to do so. The Witness Care Unit will let you know the judge's or magistrate's decision.
 - (6) You do not have to read your Victim Personal Statement yourself or have it read on your behalf. If at first you choose to have your personal statement read aloud but later decide you do not want this, you can change your mind. Your personal statement will be considered by the judge or magistrate in the same way, whether or not it is read (or played) aloud in court.
 - (7) In addition to the named point of contact for a business being able to make a Victim Personal Statement, businesses of all sizes can make an Impact Statement for Business. This is similar to a Victim Personal Statement and will be used in the same way in court, but allows the business to explain how a crime has affected it, such as direct financial loss, operation disruption or reputational damage.

- (8) The named point of contact has the right to be provided information about the Impact Statement for Business process by the police when reporting the crime, to help them decide whether the business wishes to make one.
 - (9) Further information about the Victim Personal Statement and Business Impact Statement process is available from the police.
 - (10) You can ask that your original Victim Personal Statement be used at tariff review hearings and at parole Board hearings. However you are entitled to write a new Victim Personal Statement for these hearings, where you are able to explain how the crime continues to affect you and/or your family, and the impact that any outcome at one of these hearings may have on you. Different rules apply to a Victim Personal Statement made to the Parole Board (see Right 11).
- 30 (1) If the case goes to court, you have the right to be told by the Witness Care Unit within 5 working days (1 working day under enhanced rights - see above) of them receiving the information from the court, which will be within 5 working days of the outcome of the relevant hearing –
- (a) the time, date and location of any hearing (within 1 working day for all victims);
 - (b) the outcome of any bail hearing (and relevant bail conditions, any relevant changes to these bail conditions and the reasons for those changes);
 - (c) if an arrest warrant has been issued for the suspect and the outcome of a hearing if the suspect is re-arrested; and
 - (d) the outcome of any hearing if the suspect has been re-arrested.
- (2) If the suspect pleads not guilty and you are required to attend court, you have the right to –
- (a) be told by the Witness Care Unit if you are required to give evidence within 1 working day (for all victims) of them receiving the information from the Crown Prosecution Service;
 - (b) have your needs assessed and be offered a referral to a witness support service who can arrange a visit to the court before the trial date to familiarise yourself with the building or another support service (see Right 4); and
 - (c) be told of the outcome of any special measures application (see Right 4).
- (3) If you are required to give evidence, you will be able to refresh your memory by reading (or watching where it has been recorded) your witness statement. Where possible, if the court allows, the prosecutor will meet you before you go into court to explain what will happen and answer any questions you may have.
- (4) If you are a bereaved close relative, you have the right to request, from your Family Liaison Officer or Witness Care Unit, a visit to the court before the trial date to familiarise yourself with the building, regardless of whether you are required to give evidence. You also have the Right to be offered a meeting with the Crown Prosecution Service prosecutor or advocate who will be presenting the case in court. This meeting will usually take place shortly before the trial

and is an opportunity for you to be introduced and to ask any questions that you may have.

- (5) When attending court, and where possible, you will be able to enter through a different entrance to the defendant and wait in a separate waiting area before and after your case has been heard. Some court buildings do not currently have separate entrances for victims, however where informed, His Majesty's Courts and Tribunals Service staff will make arrangements to ensure that you do not have to see the defendant on arrival.
 - (6) During the trial, you may have to wait to give evidence, His Majesty's Courts and Tribunals Service court staff will give you a contact point at the court (who may be a member of a witness support service) to keep you updated on the progress of the trial and they or the Crown Prosecution Service prosecutor or advocate will tell you how long you will likely need to wait.
 - (7) Sometimes you may need to come back to court on another day. If this happens, His Majesty's Courts and Tribunals Service staff or the Crown Prosecution Service prosecutor or advocate will tell you why.
- 31 (1) At the end of the case, you have the right to be told the outcome, including where available, a brief summary of the reasons for the decision, by the Witness Care Unit, within 1 working day of them receiving the information from the court, which will be within 5 working days of the outcome of the case.
- (2) If the defendant is convicted (found guilty), you have the right to be told the sentence they received, including a short explanation about the meaning and effect of the sentence, by the Witness Care Unit, within 1 working day of them receiving the information from the court, which will be 5 working days of the outcome of the case. If you have questions about the sentence which the Witness Care Unit are unable to answer, you have the right to be referred to the Crown Prosecution Service, who will answer any questions which the Witness Care Unit is not able to answer.
 - (3) If you are a bereaved close relative, you have the right to be offered a meeting with the Crown Prosecution Service –
 - (a) following conviction, but before the sentencing hearing of the defendant, to confirm that a Victim Personal Statement has been made or to confirm that it is up to date (this meeting will usually take place at court);
 - (b) following the sentencing hearing to explain the sentence given (this meeting will usually take place at court);
 - (c) in cases where the defendant is found not guilty or is convicted of a less serious charge the offer of a meeting will be made a few weeks after the case has concluded, unless the Crown Prosecution Service decide that this is inappropriate. On the rare occasions where they decide that a meeting is not appropriate, this decision will be explained to you. The actual timing of the meeting will be informed by the wishes of the family and you will be contacted to discuss when it should take place; and
 - (d) in a murder case where all defendants are found not guilty of all charges, the police and Crown Prosecution Service will follow the process set out in the National Standards of Support for bereaved families. The National Standards of Support are available on the Crown Prosecution

Service website and a copy is provided by the police to bereaved families as part of the police bereavement pack.

- (4) For some (but not all) cases sentenced in the Crown Court you can ask the Attorney General to refer the sentence to the Court of Appeal to reconsider it. This can only be done if the Attorney General thinks that the sentence was not just lenient but ‘unduly lenient’, such that the sentencing judge made a gross error or imposed a sentence outside the range of sentences reasonably available in the circumstances of the case.
- (5) If the Attorney General considers that the sentence meets the standard of being ‘unduly lenient’ the case is referred to the Court of Appeal. The Attorney General must consider the matter as soon as possible after sentence and no later than the 28th calendar day after the sentence was imposed (in business hours and with sufficient time for consideration). If the Court of Appeal agrees, it may increase the sentence.
- (6) The Witness Care Unit will tell you about the scheme, when you are told the sentence in the case.
- (7) Sometimes the offender will ask the court to look at the case or the sentence again. This is called an appeal. What will happen next will depend on whether the offender is allowed to appeal and if so, the outcome of that appeal.
- (8) If the offender appeals to the Crown Court, you have the right to be told by the Witness Care Unit within 1 working day of them receiving the information from the court, which will be within 5 working days of the outcome of the hearing—
 - (a) that a notice of appeal has been made;
 - (b) the date, time and location of any hearing; and
 - (c) the outcome of the appeal, including any changes to the original sentence.
- (9) If you wish to attend the appeal, you have the right for court staff to arrange for you to—
 - (a) wherever possible wait and be seated in court in an area separate from the offender and their family and friends;
 - (b) be provided with a contact point at the Crown Court; and
 - (c) receive information about services that support victims where appropriate and available.
- (10) If the offender appeals to the Court of Appeal or UK Supreme Court, you have the right to be told by the Witness Care Unit within 5 working days (1 working day under enhanced rights -see page 10 of this Code) of them receiving the information from the court, which will be within 5 working days of the outcome of the relevant hearing—
 - (a) if the offender has been given permission to appeal against the conviction, sentence or point of law;
 - (b) the date, time and location of any hearing, and any changes to this information (within 1 working day for all victims);
 - (c) if the offender is to be released on bail pre-appeal or if the bail conditions have been changed (within 1 working day for all victims);

- (d) the name of a contact for the Criminal Appeal Office or UK Supreme Court staff;
 - (e) the outcome of the appeal, including any changes to the original sentence, and
 - (f) how to request a copy from the Criminal Appeal Office or UK Supreme Court staff of the court's judgment in the case once it has been published.
- (11) If you wish to attend the appeal, you have the right for court staff or UK Supreme Court staff to arrange for –
- (a) wherever possible, to wait and be seated in court in an area separate from the offender and their family and friends; and
 - (b) special arrangements to be made for you if the offender is present and you do not wish to sit in the courtroom (it is rare for the offender to attend hearings in the Supreme Court).
- (12) Following a decision to give the offender permission to appeal, if you are a bereaved close relative, you have the right to be offered a meeting with the Crown Prosecution Service to explain the nature of the appeal and the court processes.
- (13) In determining an appeal against a sentence, the court will always take into account any Victim Personal Statement that was considered by the sentencing court.
- (14) It is not normally necessary for a further personal statement to be provided to the Court of Appeal. However if there is information that the court should know about the continuing impact the crime has had on you, a new or further Victim Personal Statement may be sent to the Court through the police or the Crown Prosecution Service.
- (15) The Criminal Cases Review Commission investigates alleged miscarriages of criminal justice in England, Wales and Northern Ireland. An offender can apply to the Commission to review their conviction and/or sentence if there is some new information or new argument which might mean the conviction is unsafe or the sentence is too long.
- (16) The Commission will not usually try to contact you just because they have received an application. This is because most reviews will not lead to a referral to the Court of Appeal, and therefore there is no need to warn you that the offender has applied. However, the Commission will tell you if they think there is a reasonable chance that you may find out that they are looking at a case through the media or through another source. The Commission will usually work with the police to notify you of an application and will contact you again when a decision has been made on whether to refer the case.
- (17) If the Commission decides that it is not appropriate to contact you during the review, but subsequently decides to refer the conviction or sentence to the courts, the Commission will try their best to contact you before the case is referred for an appeal.
- 32 (1) If you attend court to give evidence, you have the right to claim certain expenses from the Crown Prosecution Service, for example for travel, child care, loss of earnings, refreshments and meals (further details are available on the Crown

Prosecution Service website). The Witness Care Unit will be able to help if you have any questions about claiming expenses.

- (2) The Crown Prosecution Service will pay any expenses due to you within 10 working days of receiving a correctly completed claim form.
 - (3) If the police took any of your property as evidence, you have the right to get it back as soon as it is no longer required. The police will be able to help if you have any questions about the return of your property.
- 33
- (1) If you are the victim or a bereaved family relative and the offender was convicted of a specified violent or sexual offence, and sentenced to 12 months or more in prison (or detained in a hospital for treatment under the Mental Health Act 1983) with or without a restriction order), you have the right to be automatically referred within 10 working days of sentencing to the National Probation Service Victim Contact Scheme and be assigned a Victim Liaison Officer. The Victim Liaison Officer will contact you within 20 days of the referral.
 - (2) Where you choose to receive the Victim Contact Scheme, you are entitled to receive information at key stages of the offender's sentence (see below). You may opt-out and opt back in to the Victim Contact Scheme at any time whilst the offender is serving their sentence/ hospital order.
 - (3) The Victim Liaison Officer will tell you –
 - (a) what the sentence of the court means in terms of the offender's detention in prison or hospital, and if there are any changes to their sentence;
 - (b) when an offender in prison becomes eligible to be considered for a transfer to open conditions;
 - (c) if a prisoner moves to open conditions;
 - (d) when an offender is being considered for release or for conditional discharge;
 - (e) when an offender is released, or discharged from hospital, and if they are recalled to prison or hospital;
 - (f) how to make a Victim Personal Statement where it falls to the Parole Board to decide whether to direct the release of the offender from prison;
 - (g) how to read your Victim Personal Statement to the Parole Board, or have it read out on your behalf, or make a pre-recording in those cases where the Parole Board holds an oral hearing;
 - (h) how to apply for licence/ discharge conditions to reduce the chances of you encountering the offender in the community, or to prohibit them from contacting you;
 - (i) about any licence discharge conditions that relate to you and the date they will end or where a request to change or remove them has been made;
 - (j) how to ask for a summary of the Parole Board's decision and how to seek to make representations where the Parole Board decides the offender is safe to release;
 - (k) if the offender escapes or absconds from custody;
 - (l) how to ask for information should the offender be convicted of a most serious offence (see below); and

- (m) how to make a reconsideration request (where eligible – see below).
- (4) In addition to the statutory offences where the Victim Contact Scheme is offered, the National Probation Service will also offer victims access to the scheme where the offender is sentenced to 12 months or more in prison (or detained in a hospital for treatment under the Mental Health Act 1983 with or without a restriction order) for –
 - (a) Causing Death by Careless or Inconsiderate Driving (Road Traffic Act 1988);
 - (b) Causing Serious Injury by Dangerous Driving (Road Traffic Act 1988); or
 - (c) Controlling or coercive behaviour in an intimate or family relationship (Serious Crime Act 2015).
- (5) If the offender in your case is under the age of 18 and you are not eligible for the Victim Contact Scheme, the Youth Offending Team may contact you directly. This is in cases where a young offender is sentenced to less than 12 months in custody, 12 months or more for a non-sexual or non-violent offence or a community-based order. A community-based order puts conditions on an offender serving a sentence in the community rather than prison.
- (6) The Youth Offending Team may seek your views prior to sentencing and explore whether you want to get involved in any Restorative Justice initiatives (see Right 3), where appropriate and available.
- (7) You have the right to receive the following information from the Youth Offending Team –
 - (a) information about the progress of the offender’s case upon request; and
 - (b) information on appropriate services that support victims if you ask for additional support.
- (8) The Parole Board must –
 - (a) consider all representations that victims have made about licence conditions; where a victim has requested a licence condition which has not been included, or has been amended, and provide an explanation for this non-inclusion or amendment;
 - (b) read a Victim Personal Statement if one is submitted;
 - (c) consider any application by the victim to be permitted to attend the hearing and read their Victim Personal Statement or have it read by someone else on their behalf;
 - (d) unless there is a good reason for not doing so, agree to the statement being read at the hearing by the victim or someone else on their behalf; and
 - (e) provide a summary of the parole decision upon application, unless there is a good reason for not doing so.
- (9) The Parole Board considers certain offenders for parole (release on licence) or re-release following recall and does so based on their risk of harm to the public.
- (10) If the Parole Board decides it is safe to release an offender the decision is provisional for 21 calendar days in the majority of cases (except standard

determinate recalls). The Secretary of State may ask the Parole Board to reconsider the decision during this period, if he has an arguable case that –

- (a) the correct process was not followed in the review of the offender for parole - for example, important evidence was not taken into account; or
 - (b) the decision was irrational – the decision cannot be justified based on the evidence of risk that was considered.
 - (c) As a victim, you may submit a request to the Secretary of State asking that an application for reconsideration is made, if you believe that the decision meets either of these tests. Your request must be submitted within the 21-day provisional window. The Secretary of State will only do so where there is evidence the criteria is met. You will receive a letter informing you of whether the Secretary of State makes an application for reconsideration or not.
- (11) Registered sex offenders are subject to ‘notification requirements’. This means they must tell the police about some of their personal details. The notification requirements are an automatic consequence of a conviction or caution, for a Schedule 3 offence under the Sexual Offences Act 2003, but the length of time an offender will be subject to the requirement will vary dependent upon the sentence they are given. A breach of the notification requirements is a criminal offence and is punishable by up to five years imprisonment.
- (12) Offenders who are subject to notification requirements for life can apply to have this reviewed after a set period of time following their first notification, which usually takes place at release from prison. The set period of time is 15 years for adults and 8 years for juveniles. If the offender makes such an application, the police will then carry out a review, including a risk assessment to decide whether the offender’s notification requirements may be stopped. Sex offenders who are assessed as still being a risk will remain subject to notification requirements and will do so for life if necessary.
- (13) If you are a victim of an offender who makes such an application, you have the right to be contacted by the police to provide your views on the application as part of the review. Your Victim Liaison Officer will provide you with further information about the process.
- (14) If you have been a victim of a crime committed by a foreign national and the offender –
- (a) has received a prison sentence of 12 months or more, or hospital order, for an offence against you;
 - (b) was recommended by a court for deportation for an offence against you; or
 - (c) was sentenced to a period in prison for a violent or sexual offence;
- then you have the right to receive information about the offender’s deportation. You can choose not to receive this information. The National Probation Service (Victim Liaison Officer and Offender Managers) must take all reasonable steps to work with the immigration authorities to ensure, as far as possible, that information about the prisoner’s immigration status and any deportation information is passed on to victims.

- (15) If you have been the victim of a crime set out in (n) above, your Victim Liaison Officer assigned by the Victim Contact Scheme (see (a) above), will be able to obtain updates from the Home Office on your behalf.
 - (16) If you are not eligible for the Victim Contact Scheme or have opted out of the scheme, but you meet the criteria (see (n) above), you have the right to ask for updates regarding the immigration case of the Foreign National Offender directly from the Home Office's Victim Support Team.
 - (17) The Home Office Victim Support Team can tell you –
 - (a) whether the Home Office intends to take deportation action against the offender;
 - (b) the final outcome of any appeal against deportation;
 - (c) when the offender is going to be released from immigration detention;
 - (d) when the offender has been deported; or
 - (e) if the offender is not being deported and if possible, the reasons why.
 - (18) In the event that an offender commits a serious further offence while they are under statutory supervision by the provider of probation services, or shortly after this supervision has ended, the provider of probation services will carry out a Serious Further Offence Review, to investigate how the case was managed and whether or not there any improvements that need to be made to manage future cases.
 - (19) In the most serious cases, providers of probation services will offer to share findings of a Serious Further Offence Review with the victim or their families following conviction of the offender. If this occurs you have the right to be contacted by your Victim Liaison Officer, to be asked whether you would like to meet with a senior manager from the provider of probation services to talk about the findings of the Serious Further Offence Review, and if you would like a copy of the report.
- 34 (1) If you believe you have not received any of your rights under this Code you can make a complaint. In the first instance, and if you feel comfortable doing so, you should discuss your complaint with the person you have been dealing with at the relevant service provider.
- (2) If you remain unhappy, or you do not feel comfortable discussing the complaint with the person you have been dealing with, you can make a complaint through the service provider's internal complaint's procedure. They will provide you with information about their complaint's procedure and respond within the timescales set out in this procedure.
 - (3) If you send your complaint to the wrong service provider or it needs to be dealt with by more than one service provider, they will let you know.
 - (4) If you are still not satisfied after you have finished the service provider's complaint's procedure, or they are taking too long to get back to you, you can ask your Member of Parliament to refer your complaint to the Parliamentary and Health Service Ombudsman. The Ombudsman will consider any complaints referred to them and, where appropriate, undertake an independent investigation.

- (5) Further information about making a complaint to the Ombudsman can be found on their website or by calling their Customer Helpline on: 0345 015 4033.”

The Schedule

BARONESS CHAKRABARTI

- 140 The Schedule, page 61, line 1, leave out “SCHEDULE” and insert “SCHEDULE 1”

Member's explanatory statement

These amendments and previous amendments in the name of Baroness Chakrabarti place the Victims' Code on the face of the Bill subject to subsequent amendment by regulations (according to procedure set out in other amendments to the Bill). The content of the code is taken from the latest version of the Code of Practice for Victims of Crime in England and Wales (November 2020) made under the Domestic Violence, Crime and Victims Act 2004 with only minor necessary revisions (for example to refer to the new legislation).

Clause 44

LORD THOMAS OF CWMGIEDD
LORD BURNETT OF MALDON

- 141 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
LORD BURNETT OF MALDON

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

LORD THOMAS OF CWMGIEDD
LORD BURNETT OF MALDON

- 143 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
LORD BURNETT OF MALDON

- 144 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
LORD BURNETT OF MALDON

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

LORD THOMAS OF CWMGIEDD
LORD BURNETT OF MALDON

146 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
LORD BURNETT OF MALDON

147 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
LORD BURNETT OF MALDON

148 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

LORD THOMAS OF CWMGIEDD
LORD MOYLAN
LORD BLUNKETT
BARONESS BURT OF SOLIHULL

149 Clause 48, page 51, line 10, at end insert –

“(ba) after subsection (3), insert –

“(3A) Where –

- (a) the prisoner has been released on licence under this Chapter,
- (b) the qualifying period has expired, and

- (c) if his case has been considered for termination previously by the Parole Board and a period of at least twelve months has expired since the disposal of that application,
the prisoner may make an application to the Parole Board under this subsection.””

Member's explanatory statement

This amendment, along with two others in my name to Clause 48, would allow a prisoner whose licence has not been terminated by the Parole Board three years after their first release to make an application annually to the Parole Board for termination.

LORD THOMAS OF CWMGIEDD
LORD MOYLAN
LORD BLUNKETT
BARONESS BURT OF SOLIHULL

- 150 Clause 48, page 51, line 12, after “reference” insert “or application”

Member's explanatory statement

This amendment, along with the two others in my name to Clause 48, would allow a prisoner whose licence has not been terminated by the Parole Board three years after their first release to make an application annually to the Parole Board for termination.

LORD THOMAS OF CWMGIEDD
LORD MOYLAN
LORD BLUNKETT
BARONESS BURT OF SOLIHULL

- 151 Clause 48, page 51, line 12, after “subsection (3)” insert “or (3A)”

Member's explanatory statement

This amendment, along with the two others in my name to Clause 48, would allow a prisoner whose licence has not been terminated by the Parole Board three years after their first release to make an application annually to the Parole Board for termination.

LORD THOMAS OF CWMGIEDD
LORD MOYLAN
LORD BLUNKETT
BARONESS BURT OF SOLIHULL

- 152 Clause 48, page 52, line 21, at end insert –

- “(4I) The prisoner’s licence will be considered to have remained in force for the purposes of subsection 4H(c) if –
(a) the prisoner has been recalled within that period;
(b) the Secretary of State has cancelled the revocation; and

- (c) the prisoner has been re-released.”

Member's explanatory statement

This amendment would maintain the sunset clause for the licence to cease where a person has been recalled during the two year period but the Secretary of State has rescinded the recall. This amendment seeks to ensure that individuals are not penalised for mistakes that have been made about them.

LORD THOMAS OF CWMGIEDD
LORD MOYLAN
LORD BLUNKETT
BARONESS BURT OF SOLIHULL

153 Clause 48, page 52, line 21, at end insert –

- “(4I) the prisoner’s licence will be considered to have remained in force for the purposes of subsection 4H(c) if –
- (a) The prisoner has been recalled within that period;
 - (b) The Parole Board has determined that the recall was in appropriate;
 - (c) The Parole Board has directed the prisoner’s re-release and”

Member's explanatory statement

This amendment would maintain the sunset clause for the licence to cease where a person has been recalled during the two year period but the Parole Board has found the recall to be inappropriate in accordance with its duty to make such a determination.

LORD CARTER OF HASLEMERE
BARONESS CHAKRABARTI

154★ Clause 48, page 52, line 21, at end insert –

- “(4I) the prisoner’s licence will be considered to have remained in force for the purposes of subsection (4H)(c) if –
- (a) the prisoner has been recalled within that period,
 - (b) the Secretary of State has released P again on licence in accordance with his powers under section 32(4A), and
 - (c) the Secretary of State orders that the licence should be considered to have remained in force during the period of recall.”

Member's explanatory statement

This amendment would enable a person whom the Secretary of State has deemed suitable for executive release to benefit from the qualifying period as if the recall had not occurred, but only if Secretary of State considers this appropriate in all the circumstances.

LORD BLUNKETT
 BARONESS CHAKRABARTI
 BARONESS BURT OF SOLIHULL
 LORD HODGSON OF ASTLEY ABBOTTS

155 Clause 48, page 52, line 23, after ““three”,” insert “and

- (ii) at end insert “in the case of a person serving a sentence of imprisonment for public protection and one and a half years beginning with the date of his release in the case of a person serving a sentence of detention for public protection.”;

Member's explanatory statement

This amendment would halve the qualifying period for men and women who were sentenced as children in line with other statutory provisions, such as when convictions become “spent”, to reflect the principle that children change in a shorter period than adults.

EARL ATTLEE
 LORD MOYLAN

156 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.

LORD THOMAS OF CWMGIEDD
 LORD MOYLAN
 LORD BLUNKETT
 BARONESS BURT OF SOLIHULL

157 Clause 48, page 52, line 26, leave out “change” and insert “reduce”

Member's explanatory statement

This amendment would revise the power of the Secretary of State to change the qualifying period by secondary legislation so that he could only reduce the length of the period.

LORD BLUNKETT

158★ Clause 48, page 52, line 36, at end insert —

- “(4) Provisions in this section related to imprisonment or detention for public protection sentences also apply to automatic life sentences.”

Member's explanatory statement

This amendment would apply provisions related to imprisonment or detention for public protection (IPP) sentences to automatic life sentences, which IPP sentences replaced in April 2005.

After Clause 48

LORD BLUNKETT
LORD HOPE OF CRAIGHEAD
LORD GARNIER
BARONESS BURT OF SOLIHULL

159 After Clause 48, insert the following new Clause—

“Imprisonment or detention for public protection: action plan

- (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 deathof 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
LORD HOPE OF CRAIGHEAD
LORD GARNIER
BARONESS BURT OF SOLIHULL

160 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.

LORD MOYLAN
LORD BLUNKETT
BARONESS CHAKRABARTI
LORD HOPE OF CRAIGHEAD

161 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.

LORD BLUNKETT
BARONESS CHAKRABARTI
BARONESS BURT OF SOLIHULL
LORD HOPE OF CRAIGHEAD

162 After Clause 48, insert the following new Clause –

“Enhanced sentence progression for individuals sentenced to detention for public protection who have not been released

After section 28 of the Crime (Sentences) Act 1997 (duty to release certain life prisoners) insert –

“28ZA Duty of enhanced progression for individuals sentenced to detention for public protection

- (1) This section applies to a person serving a sentence of detention for public protection who has not been released on licence by the Parole Board and who is not considered suitable for executive release by the Secretary of State.
- (2) It is the duty of the Secretary of State to convene quarterly sentence planning meetings in respect of a person falling within subsection (1) with a view to ensuring that all possible steps are taken to enable their safe release at the earliest possible time.”

Member's explanatory statement

This would require the Secretary of State to ensure that where a DPP is “stuck” either at first instance or following recall, instead of usual annual sentence planning meetings setting out what is expected of the person to progress through their sentence, there should be quarterly reviews.

LORD BLUNKETT
BARONESS CHAKRABARTI
BARONESS BURT OF SOLIHULL
LORD HOPE OF CRAIGHEAD

163 After Clause 48, insert the following new Clause –

“Annual referrals for individuals sentenced to detention for public protection

In section 28 of the Crime (Sentences) Act 1997 (duty to release certain life prisoners), after subsection (6A) insert –

- “(6B) In the case of a person serving a sentence of detention for public protection, the Secretary of State must refer his case to the Parole Board at any time –
- (a) after he has served the relevant part of his sentence, and
 - (b) where there has been a previous reference of his case to the Board, no later than the period of one year beginning with the disposal of that reference.”

Member's explanatory statement

This would require the Secretary of State to refer cases of those sentenced to DPPs as children to the Parole Board annually. This would ensure these cases are subject to enhanced scrutiny in line with the well-established duties owed to those who offended as children.

BARONESS BLOWER
LORD GARNIER

164 After Clause 48, insert the following new Clause –

“Appointment of persons to represent IPP prisoners’ interests

- (1) The Secretary of State may by regulations establish a list of “Imprisonment for Public Protection Mentors and Advocates” (“IPP Mentors”) to act on behalf of an IPP prisoner (“an IPP prisoner”).
- (2) “IPP prisoner” means a person sentenced to imprisonment for public protection under the Criminal Justice Act 2003.
- (3) For the purposes of subsection (1) and subject to subsection (4), the Secretary of State must prescribe the minimum qualifications for a person to be appointed as an IPP Mentor.
- (4) A person may not act as an IPP Mentor unless the following conditions are satisfied –
 - (a) the person has appropriate experience or training or an appropriate combination of experience and training;
 - (b) the person is of integrity and good character; and
 - (c) the person is able to act independently of any other person who is professionally concerned with the offender’s continuing imprisonment.
- (5) The Secretary of State may pay an IPP Mentor amounts –
 - (a) by way of remuneration, pensions, allowances, or gratuities, and
 - (b) sums in respect of their expenses.
- (6) A person appointed as an IPP Mentor may –
 - (a) visit and advise an IPP prisoner at the establishment where they are imprisoned;
 - (b) assist and support an IPP prisoner at their parole board hearing; and
 - (c) visit and advise an IPP prisoner who has been released on licence.
- (7) Regulations under this section are to be made by statutory instrument, and a statutory instrument containing regulations made under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) An offender who has exceeded their minimum tariff period may ask for the assistance of an IPP Mentor.
- (9) An IPP Mentor shall not be entitled to provide legal advice to an IPP prisoner.”

Member's explanatory statement

This clause is designed to enable the Secretary of State to appoint a small number of independent mentors and advocates who will assist over-tariff prisoners sentenced to imprisonment for public protection. These individuals will not provide legal advice but will provide practical advice and assistance to help such prisoners formulate a release plan; will support them at their Parole Board hearing and on release; and will signpost relevant services (including mental health services where necessary) to enable them to get out and stay out of prison.

BARONESS BURT OF SOLIHULL
THE LORD BISHOP OF GLOUCESTER
LORD BLUNKETT
LORD MOYLAN

165 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
LORD MOYLAN

166 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.

BARONESS FOX OF BUCKLEY
LORD MOYLAN

167 After Clause 48, insert the following new Clause –

“Re-sentencing those serving a sentence of imprisonment for public protection

- (1) The Lord Chancellor must make arrangements for, and relating to, the re-sentencing of all prisoners serving IPP sentences within 18 months beginning on the day on which this Act is passed.
- (2) Those arrangements must include arrangements relating to the establishment of a committee to provide advice regarding the discharge of the Lord Chancellor’s duty under subsection (1).
- (3) The committee established by virtue of subsection (2) must include a judge nominated by the Lord Chief Justice.
- (4) A court that imposed an IPP sentence has the power to re-sentence the prisoner in relation to the original offence.
- (5) But the court may not impose a sentence that is a heavier penalty than the sentence that was imposed for the original offence.
- (6) In relation to the exercise of the power in subsection (4) –
 - (a) that power is to be treated as a power to re-sentence under the Sentencing Code (see section 402(1) of the Sentencing Act 2020);

- (b) the Code applies for the purposes of this section (and, accordingly, it does not matter that a person serving an IPP sentence was convicted of an offence before 1 December 2020).
- (7) In this section –
- “IPP sentence” means a sentence of imprisonment or detention in a young offender institution for public protection under section 225 of the Criminal Justice Act 2003 or a sentence of detention for public protection under section 226 of that Act (including such a sentence of imprisonment or detention passed as a result of section 219 or 221 of the Armed Forces Act 2006);
- “original offence” means the offence in relation to which the IPP sentence was imposed.
- (8) This section comes into force at the end of the period of two months beginning with the day on which this Act is passed.”

Member's explanatory statement

This new clause would implement the recommendation of the Justice Committee's 2022 Report that there should be a resentencing exercise in relation to all IPP sentenced individuals, and to establish a time-limited expert committee, including a member of the judiciary, to advise on the practical implementation of such an exercise.

LORD CARTER OF HASLEMERE

168★ After Clause 48, insert the following new Clause –

“Release of recalled prisoner serving an indeterminate sentence

In section 32(5A) of the Crime (Sentences) Act 1997 (recall of life prisoners while on licence), at end insert –

“(5B) Where a prisoner serving an indeterminate sentence of detention or imprisonment for public protection is recalled under subsection (1), the Secretary of State may, at any time after the prisoner is returned to prison, release the prisoner again under this section.

(5C) The Secretary of State must not release a prisoner under subsection (5B) unless the Secretary of State is satisfied that it is not necessary for the protection of the public that the prisoner should remain in prison.””

Member's explanatory statement

This amendment would create a power that mirrors the powers that the Secretary of State already has under s255C(2) of the Criminal Justice Act 2003 to release a prisoner serving a fixed term sentence who has been recalled without referring to the Parole Board, subject to their own risk assessment. This enables the Secretary of State to quickly re-release a person who they consider can be safely released following further information.

Clause 49

LORD MARKS OF HENLEY-ON-THAMES
 LORD PONSONBY OF SHULBREDE
 BARONESS CHAKRABARTI
 THE LORD BISHOP OF MANCHESTER

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 LORD BISHOP OF MANCHESTER
 BARONESS LISTER OF BURTERSETT

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 LORD BISHOP OF MANCHESTER
 BARONESS LISTER OF BURTERSETT

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
 BARONESS CHAKRABARTI
 THE LORD BISHOP OF MANCHESTER

The above-named Lords give notice of their intention to oppose the Question that Clause 52 stand part of the Bill.

Clause 53

LORD THOMAS OF CWMGIEDD
 LORD BURNETT OF MALDON
 LORD BACH

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.

LORD BACH
LORD GERMAN

The above-named Lords give notice of their intention to oppose the Question that Clause 53 stand part of the Bill.

Clause 54

LORD THOMAS OF CWMGIEDD
LORD BURNETT OF MALDON
LORD BACH

170 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
LORD BURNETT OF MALDON
LORD BACH

171 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.

LORD BACH
LORD GERMAN

The above-named Lords give notice of their intention to oppose the Question that Clause 54 stand part of the Bill.

Clause 55

LORD PANNICK
LORD BACH
LORD GERMAN

The above-named Lords give notice of their intention to oppose the Question that Clause 55 stand part of the Bill.

Clause 56

LORD PANNICK
LORD GERMAN

The above-named Lords give notice of their intention to oppose the Question that Clause 56 stand part of the Bill.

After Clause 56

LORD FARMER
THE LORD BISHOP OF GLOUCESTER
LORD PONSONBY OF SHULBREDE

172 After Clause 56, insert the following new Clause –

“Data collection in relation to children of prisoners

The Secretary of State must collect and publish annual data identifying –

- (a) how many prisoners are the primary carers of a child,
- (b) how many children have a primary carer who is a prisoner, and
- (c) the ages of those children.”

Clause 60

BARONESS MORGAN OF COTES

173★ Clause 60, page 60, line 6, at end insert –

“(aa) section 24;”

Member's explanatory statement

This amendment would extend section 24 to England, Wales, Scotland and Northern Ireland.

Victims and Prisoners Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

22 January 2024

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS