

Victims and Prisoners Bill

FIFTH 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.**

After Clause 28

BARONESS THORNTON
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).”

BARONESS THORNTON
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 WILLS

123A Clause 29, page 30, line 8, at beginning insert “Within one month of the passing of this Act,”

LORD WILLS

123B Clause 29, page 30, line 9, at end insert –

“(1A) The Secretary of State cannot appoint an advocate under subsection (1) unless the appointment has been approved by the relevant Select Committee of the House of Commons.”

LORD WILLS

123C Clause 29, page 30, line 9, at end insert –

“(1A) The relevant Parliamentary committee may recommend an individual to be appointed as an advocate for victims of a major incident by the Secretary of State.

(1B) The Secretary of State must table a motion for resolution on a recommendation from a relevant Parliamentary committee under subsection (1A), subject to subsection (1D).

(1C) If the Committee’s recommendation in the motion for resolution is agreed, the Secretary of State must appoint the individual as the standing advocate within 14 days of the motion.

(1D) The Secretary of State does not have to table a motion for resolution under subsection (1B) if they do not agree with the Committee’s recommendation, but they must make an oral statement in the House of Commons within 14 days of receiving the recommendation if this is the case.

(1E) The relevant Parliamentary committee in this section means the House of Commons committee charged with the responsibility for the issue.”

LORD WILLS

123D Clause 29, page 30, line 15, at end insert “in the event other advocates are appointed under the provisions of section 30,”

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 WILLS

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

- “(2A) The standing advocate may request from the Secretary of State all the relevant powers to establish a fact-finding inquiry, including those to see and report on all relevant documentation.
- (2B) The Secretary of State must grant or refuse a request under subsection (2A) within two weeks of receiving it.
- (2C) In the event the Secretary of State refuses the request they must make an oral statement to the House of Commons setting out why it is not in the public interest for such a request to be granted.
- (2D) In consideration of the public interest, the Secretary of State must demonstrate they have had regard to timeliness, cost, transparency and the emotional and financial interests of the victims.”

LORD WILLS

124B Clause 29, page 30, line 21, at end insert “in the event other advocates are appointed under the provisions of section 30,”

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 30LORD THOMAS OF CWMGIEDD
LORD WIGLEY

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.

LORD WILLS

- 126A** Clause 30, page 30, line 37, at beginning insert “In the event that the standing advocate is not available or the standing advocate requires additional support,”

LORD WILLS

- 126B** Clause 30, page 30, line 39, leave out paragraph (a)

Clause 31

LORD HOPE OF CRAIGHEAD
LORD MARKS OF HENLEY-ON-THAMES
LORD ANDERSON OF IPSWICH

- 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 WILLS
LORD MARKS OF HENLEY-ON-THAMES

- 128A** Clause 31, page 31, line 33, leave out subsection (4) and insert –
“(4) The Secretary of State must make provision for an advocate to have secretarial and all other support necessary for them to exercise their functions effectively.”

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

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

“(4A) During their appointment an advocate may 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
LORD RUSSELL OF LIVERPOOL

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 place 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 38LORD 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 39

LORD WILLS

133ZA After Clause 39, insert the following new Clause—

“Review: Effectiveness of the advocate appointed in respect of major incidents

- (1) The Secretary of State must lay before Parliament a review of the operation of the advocate appointed in respect of major incidents 6 months after the day on which this Act is passed.
- (2) The review under subsection (1) must include, but need not be limited to—
 - (a) an assessment of the effectiveness of the advocate appointed in respect of major incidents with regard to timeliness, cost, transparency and the emotional and financial interests and views of the victims, and
 - (b) recommendations for improving the effectiveness of the advocate appointed in respect of major incidents.
- (3) The Secretary of State must implement the recommendations under paragraph (2)(b) within 6 months of publishing the review.”

Clause 40

LORD WIGLEY
LORD PONSONBY OF SHULBREDE

133A Clause 40, page 37, line 15, after “must,” insert “on behalf of the United Kingdom Government,”

LORD WIGLEY
LORD PONSONBY OF SHULBREDE

133B Clause 40, page 37, line 31, at end insert –

“(4A) All payments made under this section must be fully funded by HM Treasury.”

After Clause 40

BARONESS BRINTON
LORD WILLS
LORD WALDEGRAVE OF NORTH HILL
BARONESS CAMPBELL OF SURBITON

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
BARONESS THORNTON

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 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 or 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.
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- (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.
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- (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”

After Clause 47

BARONESS THORNTON
LORD RUSSELL OF LIVERPOOL
BARONESS BRINTON

148A After Clause 47, insert the following new Clause –

“Licence conditions for serial and serious harm domestic abuse and stalking perpetrators under Multi-Agency Public Protection Arrangements

- (1) A condition of the release and licence of serial and serious harm domestic abuse and stalking perpetrators must be included in the Multi-Agency Public Protection Arrangements.
- (2) The Criminal Justice Act 2003 is amended as follows.
- (3) In section 325 (arrangements for assessing etc risk posed by certain offenders) –
 - (a) in subsection (1), after ““relevant sexual or violent offender” has the meaning given by section 327;” insert ““relevant domestic abuse or stalking perpetrator” has the meaning given in section 327ZA;”;

(b) after subsection (2)(a) insert –

“(aza) relevant domestic abuse or stalking perpetrators.”

(4) After section 327 (Section 325: interpretation) insert –

“327ZA Interpretation of relevant domestic abuse or stalking perpetrator

(1) For the purposes of section 325, a person (“P”) is a “relevant domestic abuse or stalking perpetrator” if P has been convicted of a specified offence or an associate offence and meets either the condition in subsection (2)(a) or the condition in subsection (2)(b).

(2) For the purposes of subsection (1), the conditions are –

(a) P is a relevant serial offender; or

(b) a risk of serious harm assessment has identified P as presenting a high or very high risk of serious harm.

(3) An offence is a “specified offence” for the purposes of this section if it is a specified domestic abuse offence or a specified stalking offence.

(4) In this section –

“relevant serial offender” means a person convicted on more than one occasion for the same specified offence, or a person convicted of more than one specified offence;

“specified domestic abuse offence” means an offence where it is alleged that the behaviour of the accused amounted to domestic abuse within the meaning defined in section 1 of the Domestic Abuse Act 2021;

“specified stalking offence” means an offence contrary to section 2A or section 4A of the Protection from Harassment Act 1997.

(5) Within 12 months of the day on which the Victims and Prisoners Act 2024 is passed the Secretary of State must commission a review into the operation of the provisions of this section.”

BARONESS THORNTON
LORD RUSSELL OF LIVERPOOL
BARONESS BRINTON

148B After Clause 47, insert the following new Clause –

“Relevant domestic abuse or stalking perpetrators’ register

(1) A condition of the release and licence of serial and serious harm domestic abuse and stalking perpetrators is that they are subject to notification requirements in accordance with this section.

(2) The Sexual Offences Act 2003 is amended as follows.

- (3) In section 80 (persons becoming subject to notification requirements), after subsection (1)(a) insert –

“(aa) they are a relevant domestic abuse or stalking perpetrator”.

- (4) After section 80, insert the following new Clause –

“80A Interpretation of relevant domestic abuse or stalking perpetrator

- (1) A “relevant domestic abuse or stalking perpetrator” under section 80 means a person (P) who has been convicted of a specified offence or an associate offence and meets either condition in subsection (2)(a) or subsection (2)(b).
- (2) For the purposes of subsection (1), the conditions are –
- (a) P is a relevant serial offender; or
- (b) a risk of serious harm assessment has identified P as presenting a high or very high risk of serious harm.
- (3) An offence is a “specified offence” for the purposes of this section if it is a specified domestic abuse offence or a specified stalking offence.
- (4) In this section –
- “relevant serial offender” means a person convicted on more than one occasion for the same specified offence, or a person convicted of more than one specified offence;
- “specified domestic abuse offence” means an offence where it is alleged that the behaviour of the accused amounted to domestic abuse within the meaning defined in section 1 of the Domestic Abuse Act 2021;
- “specified stalking offence” means an offence contrary to section 2A or section 4A of the Protection from Harassment Act 1997.
- (5) Within 12 months of the day on which the Victims and Prisoners Act 2024 is passed the Secretary of State must commission a review into the operation of the provisions of this section.”

LORD PONSONBY OF SHULBREDE
LORD RUSSELL OF LIVERPOOL
BARONESS BRINTON

- 148C** After Clause 47, insert the following new Clause –

“Report to Parliament on including MAPPs as a condition of release and licence for certain offences

- (1) The Secretary of State must lay a report before Parliament on the Government’s progress in designing and creating new Multi-Agency Public Protection System [MAPPs] for prisoners subject to notification requirements and licence conditions under the Victims and Prisoners Act 2024.
- (2) The report under subsection (1) must be published within twelve months of the day on which this Act is passed.

- (3) The report must include a timetable for the planned implementation of MAPPS.”

BARONESS BRINTON

148D After Clause 47, insert the following new Clause –

“Duty of Crown Court to issue a restraining order for child sexual offences

- (1) A condition of the release on licence of child sexual offenders must include the issuance of a restraining order preventing any contact with the victim.
- (2) After section 244ZC of the Criminal Justice Act 2003 insert –

“244ZD Release on license of certain child sexual offenders

- (1) A restraining order (as defined in section 359 of the Sentencing Act 2020) preventing any contact with the victim must be in place until further order at the point of release from custody under license conditions for those convicted of certain child sexual offences.
- (2) For the purposes of this section, “child sexual offences” means those offences defined as in the Sexual Offences Act 2003 sections 5 to 29, and sections 47 to 51.””

Member's explanatory statement

This amendment requires a restraining order to be a condition of release for those convicted of child sexual offences.

BARONESS FOX OF BUCKLEY

148E After Clause 47, insert the following new Clause –

“Change in gender recorded in relevant police register

- (1) A condition of the release on licence of perpetrators of criminal conduct of a sexual nature is that criminal justice bodies must take all reasonable steps to identify and record any change of legal gender by such perpetrators at the point at which they are released on licence.
- (2) Criminal justice bodies must ensure the sexual offences register and police database record accurate name and birth sex information for perpetrators of criminal conduct of a sexual nature at the point at which the perpetrator is released on licence.

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
LORD GARNIER

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(5B), 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
LORD BLUNKETT

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
BARONESS BURT OF SOLIHULL
BARONESS CHAKRABARTI

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 imposed pursuant to section 2 of the Crime (Sentences) Act 1997.”

Member's explanatory statement

This amendment would apply provisions related to imprisonment or detention for public protection (IPP) sentences to automatic life sentences imposed under section 2 of the Crime (Sentences) Act 1997, also known as “two-strike life”, 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 death
- of people serving indeterminate sentences of imprisonment and detention for public protection.
- (4) In delivering the purpose outlined in subsection (2), the revised action plan must include, but is not limited to, provision to –
 - (a) improve the arrangements for cooperation between the prison and probation service and the Parole Board;
 - (b) improve the arrangements for progression through the sentence;
 - (c) improve the access of prisoners to the interventions they need in order to progress in their sentence and demonstrate reduced risk;
 - (d) improve access to mental health treatment and support in prison and the community;
 - (e) improve support for people through the parole process;
 - (f) improve the quality and availability of resettlement support;
 - (g) review and improve arrangements for breach and recall;
 - (h) improve the support available to people recalled to custody;
 - (i) address the particular issues affecting individuals with protected characteristics;
 - (j) improve the knowledge and understanding of prison and probation staff and Parole Board members about the experiences and needs of people on IPP sentences;
 - (k) improve arrangements for communicating with people on IPPs and their families about individual cases and policy developments relating to the IPP sentence.
 - (5) The Secretary of State must allocate sufficient resource to the plan to meet the purpose outlined in subsection (2).
 - (6) The Secretary of State must appoint a senior imprisonment for public protection progression board to oversee delivery of the plan.
 - (7) The senior imprisonment for public protection progression board in subsection (6) must include suitably qualified senior officials from His Majesty's Prison and Probation Service to lead on each of the objectives outlined in subsection (3).
 - (8) The senior imprisonment for public protection progression board must meet at least four times a year.
 - (9) The imprisonment for public protection progression board must, as soon as practicable after the end of each financial year, report to the Secretary of State on its work during the year.
 - (10) The Secretary of State must lay a copy of the report before Parliament and place copies in the Library of both Houses."

Member's explanatory statement

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

LORD BLUNKETT
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
 LORD BLUNKETT

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
LORD BLUNKETT

167 After Clause 48, insert the following new Clause –

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

- 5 (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).
- 10 (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.
- 15 (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).
- 20 (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.
- 25 (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.”
- 30

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.

EARL ATTLEE
LORD BLUNKETT

As an amendment to Amendment 167

167A In subsection (1), at end insert “subject to subsections (9) to (12)”.

Member's explanatory statement

This amendment, along with others in the name of Earl Attlee to this amendment, would delay the resentencing exercise until the Secretary of State, in consultation with the Chief Inspector of Probation, is satisfied that probation services have the capacity and resources to manage additional supervision as a result of resentencing.

EARL ATTLEE
LORD BLUNKETT

As an amendment to Amendment 167

167B In subsection (8), at end insert “subject to subsections (9) to (12)”.

Member's explanatory statement

This amendment, along with others in the name of Earl Attlee to this amendment, would delay the resentencing exercise until the Secretary of State, in consultation with the Chief Inspector of Probation, is satisfied that probation services have the capacity and resources to manage additional supervision as a result of resentencing.

EARL ATTLEE
LORD BLUNKETT

As an amendment to Amendment 167

167C After subsection (8) insert—

- “(9) This section does not come into force until the Secretary of State has laid a statement before Parliament confirming that they are satisfied that the Probation Service has the capacity and resources to protect the public following a resentencing of those serving a sentence of imprisonment for public protection.
- (10) Before laying a statement under subsection (9), the Secretary of State must commission a thematic review by the Chief Inspector of Probation that considers the extent to which probation services have the capacity and resources to manage additional supervision as a result of resentencing.
- (11) The Secretary of State must take account of the findings of the thematic review in reaching a decision under subsection (9).
- (12) If the Secretary of State is not satisfied for this section to come into force under the provisions of subsection (9), the decision must be reviewed every 12 months until the Secretary of State is satisfied and authorises this section to come into force.”

Member's explanatory statement

This amendment, along with others in the name of Earl Attlee to this amendment, would delay the resentencing exercise until the Secretary of State, in consultation with the Chief Inspector of Probation, is satisfied that probation services have the capacity and resources to manage additional supervision as a result of resentencing.

LORD CARTER OF HASLEMERE
LORD GARNIER
LORD BLUNKETT

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
LORD GARNIER

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

Member's explanatory statement

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

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
LORD GARNIER

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
LORD GARNIER

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.

After Clause 54

LORD JACKSON OF PETERBOROUGH

171A After Clause 54, insert the following new Clause—

“Parole Board proceedings: enabling public scrutiny

- (1) The Secretary of State has a statutory duty to improve the openness and transparency of the work of the Parole Board and to facilitate a greater public understanding of its statutory framework, procedures and proceedings.
- (2) The Secretary of State must exercise their powers under section 239(5) of the Criminal Justice Act 2003, to require that Parole Board hearings should normally be open to the public unless there are exceptional circumstances for not doing so, as outlined in subsection (5).
- (3) The Secretary of State has the power to formally direct the Chair of the Parole Board to make arrangements for all Parole Board hearings to be heard in public, as set out in Parole Board (Amendment) Rules 2022 (SI 2022/717).

- (4) The Chair of the Parole Board may exercise their right to decline this request and direction from the Secretary of State and must outline their reasons for so doing in writing to the Secretary of State, within 28 days of a written direction being lodged with the Parole Board.
- (5) Such reasons in respect of subsection (4) must be evidence-based and include –
 - (a) where the Chair of the Parole Board believes that such a request and direction would, on the balance of probability and based on evidential information, indicate that the integrity of evidence presented to the Parole Board may be compromised and prevent a true and accurate assessment of the prisoner’s risk being provided by witnesses;
 - (b) that the presence of strong and valid objections from participants, including victims, their families or legal representatives, could jeopardise the cooperation of witnesses, should the hearing be in public; or
 - (c) that to hold a meeting in public might create an unacceptable risk of mental or physical harm to any of the participants.
- (6) The Secretary of State must formally consider any representations from the Chair of the Parole Board in a timely manner and if they choose to disregard the advice of the Chair of the Parole Board, they must outline their reasons within 28 days of receipt of such advice, taking into account all available evidence, including that provided by law enforcement, victims, their families or legal and other representatives.
- (7) The Secretary of State must, in exercising their powers, balance the need for openness, transparency and maintaining public faith in the efficacy of the criminal justice system with a commitment to the operational independence of the Parole Board and its members’ deliberations, and with an obligation to reduce recidivism and support rehabilitation and the prisoner’s ability to resettle in the community upon release from a custodial sentence.
- (8) This section applies only to offences as relevant to public protection decisions and outlined in Schedule 18B Parts 1 and 2 of the Criminal Justice Act 2003.
- (9) The Secretary of State must, within six months of the passing of this Act, and annually thereafter, publish an assessment of the efficacy of the policy of open Parole Board hearings and its impact upon openness, accountability, transparency and public support and whether it meets the interests of the justice test.”

Member's explanatory statement

This amendment seeks to consolidate the statutory instrument laid before Parliament on 30 June 2022 (SI 2022/717) to improve openness, accountability and transparency and public trust in the Parole Board by giving the Secretary of State powers to direct the Board to work to a presumption that such meetings should be routinely open to the public, with exceptions; whilst also safeguarding the Board’s independence and the requirement to ensure rehabilitation and resettlement of those prisoners likely to be released from a custodial sentence.

LORD MARKS OF HENLEY-ON-THAMES

171B After Clause 54, insert the following new Clause –

“Discretion for the Parole Board to direct the period of time until a subsequent application for parole

- (1) Chapter 2 of Part 2 of the Crime (Sentences) Act 1997 (life sentences) is amended as follows.
- (2) In section 28 (duty to release certain life prisoners), subsection (7)(b), for “the end of the period of two years beginning with the disposal of that reference” and substitute “a period of time directed by the Board, which may be between 12 months and five years.”
- (3) Where the prisoner has made a previous application to the Board, and the Board has directed a time of more than two years until their next hearing, the prisoner may make an application to the Board for this decision to be reviewed.
- (4) Where an application is made under subsection (3) above, the Parole Board –
 - (a) must, if it is satisfied that the application merits a reconsideration of its previous decision, direct a new time until the prisoner’s next hearing;
 - (b) must otherwise dismiss the application.”

Member's explanatory statement

This amendment allows the Parole Board, upon rejection of a parole application, to determine the length of time until the prisoner can reapply for parole.

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

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

9 February 2024

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