

Victims and Prisoners Bill

AMENDMENTS TO BE MOVED ON REPORT

Clause 1

LORD RUSSELL OF LIVERPOOL
LORD POLAK
LORD HAMPTON

Clause 1, page 1, line 5, leave out “a person” and insert “any adult or child”

LORD PONSONBY OF SHULBREDE

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

- “(e) where the person has experienced anti-social behaviour, as defined by section 2 of the Anti-social Behaviour, Crime and Policing Act 2014, and the conditions necessary for an ASB case review under section 104 of that Act have been met.”

Member's explanatory statement

This amendment would include victims of long-term anti-social behaviour in the statutory definition of a victim.

Clause 2

BARONESS FOX OF BUCKLEY

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

- “(e) should be able to secure access to support from an individual of the same sex as registered at birth.”

BARONESS FOX OF BUCKLEY

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

- “(3A) The victims’ code must –
- (a) require criminal justice bodies to take all reasonable steps to identify and record any change of gender by a perpetrator, and

- (b) require criminal justice bodies to inform a relevant victim when a perpetrator changes their gender.
- (3B) For the purposes of subsection (3A) –
- “perpetrator” means a person whose conduct or alleged conduct results in another person being a victim as defined by section 1 of this Act;
 - “relevant victim” means a person who becomes a victim as a result of the perpetrator’s conduct.”

BARONESS CHAKRABARTI

Leave out Clause 2 and insert the following new Clause –

“The victims’ code

- (1) Schedule (*The victims’ code*) to this Act contains the code of practice as to the services to be provided to victims by persons having functions relating to –
 - (a) victims, or
 - (b) any aspect of the criminal justice system.
- (2) In this Part, the “victims’ code” means the code of practice in Schedule (*The victims’ code*) as from time to time amended by way of subsection (4) below.
- (3) The victims’ code shall make provision for services which reflect the principles that victims –
 - (a) must be provided with information to help them understand the criminal justice process;
 - (b) must be able to access services which support them (including, where appropriate, specialist services);
 - (c) must have the opportunity to make their views heard in the criminal justice process;
 - (d) must be able to challenge decisions which have a direct impact on them.
- (4) The Secretary of State may amend the victims’ code by way of regulations made by statutory instrument.
- (5) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (6) But the Secretary of State may make regulations under subsection (4) only if satisfied that such amendment would not result in a significant –
 - (a) reduction in the quality or extent of the services provided in accordance with the victims’ code, or
 - (b) restriction in the description of persons to whom services are provided in accordance with the victims’ code.
- (7) The victims’ code may restrict or vary the application of its provisions to –
 - (a) victims of specified descriptions (including those who are victims by virtue of specific conduct or conduct constituting specified offences);

- (b) specified persons who have functions of the kind mentioned in subsection (1).
- (8) The victims' code may include provision requiring or permitting the services which are to be provided to a victim to be provided to one or more other persons –
 - (a) instead of the victim (for example, where the victim has died), or
 - (b) as well as the victim.
- (9) The victims' code may make different provision for different purposes including different provision for –
 - (a) victims of different descriptions;
 - (b) persons who have different functions of a kind mentioned in subsection (1);
 - (c) different areas.
- (10) The victims' code may not require anything to be done by a person acting in –
 - (a) a judicial capacity, or on the instructions of or on behalf of such a person;
 - (b) the discharge of a prosecution function, if that function involves the exercise of a discretion.
- (11) In this section, “specified” means specified in the victims' code.”

Member's explanatory statement

This amendment places the victims' code on a firmer statutory footing as a Schedule to the Bill, amendable by regulations subject to the affirmative procedure. Another amendment in my name adds the Schedule referred to in this new clause.

Clause 3

BARONESS CHAKRABARTI

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

Member's explanatory statement

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

BARONESS CHAKRABARTI

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

Member's explanatory statement

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

BARONESS CHAKRABARTI

Leave out Clause 3 and insert the following new Clause –

“Amending the victims’ code

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

Member's explanatory statement

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

Clause 4

BARONESS CHAKRABARTI

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

Member's explanatory statement

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

BARONESS CHAKRABARTI

Leave out Clause 4 and insert the following new Clause –

“Minor amendments to the victims’ code

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

Member's explanatory statement

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

Clause 5

BARONESS CHAKRABARTI

Leave out Clause 5 and insert the following new Clause –

“Effect of non-compliance

- (1) If a person fails to act in accordance with the victims’ code, save for under subsection (4) to (7) below, the failure does not of itself make that person liable to criminal or civil proceedings.
- (2) But the victims’ code is admissible in evidence in criminal or civil proceedings and a court may take into account a failure to act in accordance with the code in determining a question in the proceedings.
- (3) Further, the Commissioner for Victims and Witnesses may seek to enforce compliance with the code subject to the procedure set out below.
- (4) Where the Commissioner for Victims and Witnesses is of the view that a person with relevant functions under section (*The victims’ code*)(1) has failed adequately

to comply with the victims' code and having consulted with that person, they may –

- (a) issue a notice of general guidance that is not specific to a particular victim, to that person or to all persons with similar functions as to how to improve compliance with the relevant aspect of the victims' code, and
 - (b) having allowed a reasonable time for the relevant person to comply with the notice, publish that notice including any additional views on the delayed compliance or non-compliance with it.
- (5) Where the Commissioner for Victims and Witnesses is of the view that a person with relevant functions under section (*The victims' code*)(1) has failed adequately to comply with a notice issued under subsection (4)(a) or (b) –
- (a) they may apply to an appropriate court or tribunal for enforcement of that notice, and
 - (b) where having consulted the relevant class of victims, they are of the view that non-compliance with the victims' code also constitutes a breach of the Human Rights Act 1998 or the Equality Act 2010, they may bring proceedings for such a breach or breaches.
- (6) In subsection (5)(a) “appropriate court or tribunal” means such a court or tribunal as may be determined in accordance with rules.
- (7) In subsection (5)(b) proceedings against an authority include a counterclaim or similar proceeding.
- (8) Where a court or tribunal is of the view that it would be in the interests of justice to do so, it must issue appropriate relief as is within its jurisdiction for non-compliance with the Commissioner for Victims and Witnesses' notice and the victims' code.”

Member's explanatory statement

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

Clause 6

LORD BACH
LORD PONSONBY OF SHULBREDE

Clause 6, page 5, line 25, at end insert –

- “(4A) Regulations under subsection (2) must require information about compliance with the victims' code to be linked to a consistent victim identifier that is used across the agencies of the criminal justice system.”

Member's explanatory statement

This amendment would allow for the creation of a unique identifier for victims in the criminal justice system which would be linked to information on compliance to the victims' code.

BARONESS CHAKRABARTI

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

Member's explanatory statement

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

Clause 7

BARONESS CHAKRABARTI

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

Member's explanatory statement

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

Clause 11

BARONESS CHAKRABARTI

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

Member's explanatory statement

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

After Clause 11

BARONESS THORNTON

After Clause 11, insert the following new Clause –

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

- (1) The Commissioner may request a specified public authority to co-operate with the Commissioner in any way that the Commissioner considers necessary for the purposes of monitoring compliance with the victims’ code.
- (2) A specified public authority must, so far as reasonably practicable, comply with a request made to it under this section.
- (3) In this section “specified public authority” means any of the following –
 - (a) a criminal justice body, as defined by section 6(6);
 - (b) the Parole Board;
 - (c) an elected local policing body;
 - (d) the British Transport Police Force;
 - (e) the Ministry of Defence Police.
- (4) The Secretary of State may by regulations amend this section so as to –
 - (a) add a public authority as a specified public authority for the purposes of this section;
 - (b) remove a public authority added by virtue of subsection (4)(a);
 - (c) vary any description of a public authority.”

Member's explanatory statement

This amendment would create a duty for specified public authorities to collaborate with the Victims and Witnesses Commissioner.

Clause 14

BARONESS CHAKRABARTI

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

Member's explanatory statement

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

BARONESS NEWLOVE

Clause 14, page 12, line 7, at end insert –

- “(4) Guidance under this section about a victim support function must include specified victim support services.
- (5) In this section –
- “specified” means specified in regulations made by the Secretary of State;
 - “victim support service” means a service, other than accommodation-based support, provided to support victims of criminal conduct which constitutes –
 - (a) domestic abuse,
 - (b) conduct of a sexual nature, or
 - (c) serious violence.
- (6) Guidance under this section must (where relevant) make provision in relation to victims who are children or have protected characteristics within the meaning of the Equality Act 2010.”

Member's explanatory statement

The purpose of this amendment is to ensure guidance for the relevant authorities and commissioners of services includes guidance on “victim support services” as already specified on the face of the Bill. This must include support services for children.

Clause 15

LORD PONSONBY OF SHULBREDE

Clause 15, page 12, line 10, leave out “Secretary of State” and insert “responsible authority”

LORD PONSONBY OF SHULBREDE

Clause 15, page 12, line 11, at end insert –

- “(1A) For the purposes of this section, the responsible authority is –
- (a) in England, the Secretary of State; and
 - (b) in Wales, the Welsh Ministers.”

After Clause 15

BARONESS THORNTON

After Clause 15, insert the following new Clause –

“Free independent legal advocates for rape victims

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

Member's explanatory statement

This amendment would require the Secretary of State to develop proposals for the provision of free legal advocates for rape victims in every police force.

BARONESS THORNTON

After Clause 15, insert the following new Clause –

“Independent legal advice for victims of rape

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

Member's explanatory statement

This amendment would require the Secretary of State to develop proposals for the provision of free independent legal advice for rape victims.

Clause 16BARONESS CHAKRABARTI
LORD PONSONBY OF SHULBREDE

Clause 16, page 13, line 14, at end insert “or a sexual offence against the child or a child in the family”

Member's explanatory statement

This amendment would remove the presumption of custody for children of offenders of child sexual abuse, requiring a Crown Court to make a prohibited steps order protecting the children of an offender on sentencing.

BARONESS CHAKRABARTI
LORD PONSONBY OF SHULBREDE

Clause 16, page 13, line 32, after “manslaughter” insert “or murder and the offender was a victim of domestic abuse, within the meaning of the Domestic Abuse Act 2021”

Member's explanatory statement

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

After Clause 25

BARONESS CHAKRABARTI

After Clause 25, insert the following new Clause –

“Victims: psychological assessment in the family court

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

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

Member's explanatory statement

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

BARONESS CHAKRABARTI

After Clause 25, insert the following new Clause –

“Proceedings under the Children Act 1989 involving victims

- (1) The Children Act 1989 is amended as follows.
- (2) In section 1 (welfare of the child), after subsection (2B) insert –
 - “(2C) Subsection (2A) does not apply in relation to a parent, where the child or other parent is a victim of domestic abuse by that parent as defined by section 1 of the Victims and Prisoners Act 2024 (meaning of “victim”).
 - (2D) Evidence of domestic abuse may be provided in one or more of the forms set out in regulation 33(2) of the Civil Legal Aid (Procedure) Regulations 2012 (S.I. 2012/3098).”

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

Member's explanatory statement

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

BARONESS FOX OF BUCKLEY

After Clause 25, insert the following new Clause –

“Collection of data on victims of crime

The Secretary of State must issue guidance for relevant bodies including police and crime commissioners in respect of data collection to ensure that sex registered at birth is recorded for both victims and perpetrators of crime.”

After Clause 38

LORD PONSONBY OF SHULBREDE

After Clause 38, insert the following new Clause –

“Major incidents: duty of candour

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

Member's explanatory statement

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

Clause 46

LORD BLUNKETT
BARONESS CHAKRABARTI
THE LORD BISHOP OF GLOUCESTER

Clause 46, page 52, line 14, at end insert –

- “(ii) at the end of the definition of “the qualifying period” 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.

Clause 48

LORD THOMAS OF CWMGIEDD

Clause 48, page 51, line 3, 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) 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 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 without interfering with the two year sunset Clause which could continue to apply if the licence is not terminated on application.

LORD THOMAS OF CWMGIEDD

Clause 48, page 51, line 5, after “reference” insert “or application”

Member's explanatory statement

This amendment 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 without interfering with the two year sunset Clause which could continue to apply if the licence is not terminated on application.

LORD THOMAS OF CWMGIEDD

Clause 48, page 51, line 5, after “(3)” insert “or (3A)”

Member's explanatory statement

This amendment 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 without interfering with the two year sunset Clause which could continue to apply if the licence is not terminated on application.

LORD CARTER OF HASLEMERE

Clause 48, page 52, line 12, 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 the prisoner 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 THOMAS OF CWMGIEDD

Clause 48, page 52, line 12, 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 inappropriate,
 - (c) the Parole Board has directed the prisoner’s re-release, and
 - (d) the prisoner has been 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 Parole Board has found the recall to be inappropriate in accordance with its duty to make such a determination as required by R(Calder) v the Secretary of State for Justice [2015] EWCA Civ 1050 and the Parole Board has found the prisoner suitable for re-release.

LORD THOMAS OF CWMGIEDD

Clause 48, page 52, line 17, 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.

After Clause 48

BARONESS BURT OF SOLIHULL

After Clause 48, insert the following new Clause –

“Imprisonment or detention for public protection: aftercare

- (1) Section 117 of the Mental Health Act 1983 (After-care) is amended as follows.
- (2) After subsection (1), 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 subsection (6), insert –
 - “(7) In this section, “after-care services”, in relation to a person specified in subsection (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.

LORD BLUNKETT
BARONESS BURT OF SOLIHULL
LORD GARNIER

After Clause 48, insert the following new Clause –

“Imprisonment or detention for public protection: action plan

- (1) The Secretary of State must publish an updated action plan, the purpose of which is to ensure that all possible steps are taken to ensure the earliest possible safe release and progression of individuals sentenced to imprisonment or detention for public protection.
- (2) To advance the purpose outlined in subsection (1), the action plan must make provision for annual scrutiny of the IPP action plan, including progress on –
 - (a) increasing the release rate,
 - (b) improving sentence progression,
 - (c) reducing the recall rate,
 - (d) increasing the number of licence terminations,
 - (e) reducing the rate of self-harm and self-inflicted death, and
 - (f) steps taken to provide additional support to secure the safe release at the earliest possible time,of people serving indeterminate sentences of imprisonment and detention for public protection.
- (3) The Secretary of State must prepare a draft of the action plan.
- (4) In preparing the draft the Secretary of State must consult with and have regard to the views of the HMPPS senior IPP progression board and the independent scrutiny panel.
- (5) To accompany the action plan the Secretary of State must produce a code of practice covering all aspects of steps necessary to achieve progression, after drawing up the detail in consultation with bodies outlined in subsection (4).
- (6) An annual report by the HMPPS senior IPP progression board must be submitted to the Secretary of State on its work during the year.
- (7) 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 require the Secretary of State to publish an IPP action plan with a stated purpose and for HMPPS to publish an annual report on its work in progressing the plan. A copy of the report must be submitted to the Secretary of State and a copy laid before Parliament.

LORD BLUNKETT
BARONESS BURT OF SOLIHULL
LORD GARNIER

After Clause 48, insert the following new Clause –

“Imprisonment or detention for public protection: independent scrutiny panel

- (1) There is to be an independent scrutiny panel on the 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 IPP action plan;
 - (e) advise ministers and officials on any changes in legislation or policy that may be required.
- (3) In meeting its objective under subsection (2), the panel is entitled to –
 - (a) receive updates from the senior IPP progression board on the progress of the IPP action plan;
 - (b) receive updates from the senior IPP progression board on the outcomes of its board meetings;
 - (c) require the attendance of a member or members of the senior IPP progression board at panel meetings;
 - (d) make recommendations to be presented to the senior IPP 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 annually 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 fromthe 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 is to consist of at least 8 members appointed by the Secretary of State.

- (10) The Secretary of State must appoint a chair of the panel.
- (11) In exercising their responsibilities under subsection (10), the Secretary of State must seek approval for their choice of chair from the Justice Committee in the House of Commons.
- (12) A person is eligible to be a member of the independent 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 IPP sentences or their families;
 - (k) criminal justice reform and rehabilitation charities.
- (13) The Secretary of State may by order make provision for –
- (a) the term of office, resignation, and reappointment of panel members,
 - (b) the remuneration of panel members, and
 - (c) the budget of the panel.”

Member's explanatory statement

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

LORD BLUNKETT
BARONESS CHAKRABARTI
THE LORD BISHOP OF GLOUCESTER

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.
- (2) It is the duty of the Secretary of State to convene sentence planning meetings at least every six months in respect of a person falling within

subsection (1) with a view to setting out what steps should be taken to enable their safe release at the earliest possible time.

- (3) The following people should, where appropriate, be invited to attend the meetings convened in accordance with subsection (2) –
- (a) the prisoner;
 - (b) key worker or personal officer;
 - (c) community offender manager;
 - (d) psychologist.””

Member's explanatory statement

This would require the Secretary of State to convene a sentence planning meeting at least twice a year to ensure steps are taken to enable safe release at the earliest possible opportunity where a DPP is “stuck” either at first instance or following recall, with the relevant professionals in attendance. This would replace the current policy of annual sentence planning meetings.

LORD BLUNKETT
BARONESS CHAKRABARTI
THE LORD BISHOP OF GLOUCESTER

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, there is a presumption that the Secretary of State will 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.””

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

After Clause 48, insert the following new Clause –

“Imprisonment or detention 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 CARTER OF HASLEMERE

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.

BARONESS BLOWER

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.

- (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 will 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.

Clause 49

LORD MARKS OF HENLEY-ON-THAMES

Leave out Clause 49

Clause 50

LORD MARKS OF HENLEY-ON-THAMES

Leave out Clause 50

Clause 51

LORD MARKS OF HENLEY-ON-THAMES

Leave out Clause 51

Clause 52

LORD MARKS OF HENLEY-ON-THAMES

Leave out Clause 52

Before the Schedule

BARONESS CHAKRABARTI

Before the Schedule, insert the following new Schedule –

“SCHEDULE

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.
- 31 (1) At the end of the case, you have the right to be told the outcome, including where available, a brief summary of the reasons for the decision, by the Witness Care Unit, within 1 working day of them receiving the information from the court, which will be within 5 working days of the outcome of the case.
- (2) If the defendant is convicted (found guilty), you have the right to be told the sentence they received, including a short explanation about the meaning and effect of the sentence, by the Witness Care Unit, within 1 working day of them receiving the information from the court, which will be 5 working days of the outcome of the case. If you have questions about the sentence which the Witness Care Unit are unable to answer, you have the right to be referred to the Crown Prosecution Service, who will answer any questions which the Witness Care Unit is not able to answer.
 - (3) If you are a bereaved close relative, you have the right to be offered a meeting with the Crown Prosecution Service –
 - (a) following conviction, but before the sentencing hearing of the defendant, to confirm that a Victim Personal Statement has been made or to confirm that it is up to date (this meeting will usually take place at court);
 - (b) following the sentencing hearing to explain the sentence given (this meeting will usually take place at court);

- (c) in cases where the defendant is found not guilty or is convicted of a less serious charge the offer of a meeting will be made a few weeks after the case has concluded, unless the Crown Prosecution Service decide that this is inappropriate. On the rare occasions where they decide that a meeting is not appropriate, this decision will be explained to you. The actual timing of the meeting will be informed by the wishes of the family and you will be contacted to discuss when it should take place; and
 - (d) in a murder case where all defendants are found not guilty of all charges, the police and Crown Prosecution Service will follow the process set out in the National Standards of Support for bereaved families. The National Standards of Support are available on the Crown Prosecution Service website and a copy is provided by the police to bereaved families as part of the police bereavement pack.
- (4) For some (but not all) cases sentenced in the Crown Court you can ask the Attorney General to refer the sentence to the Court of Appeal to reconsider it. This can only be done if the Attorney General thinks that the sentence was not just lenient but ‘unduly lenient’, such that the sentencing judge made a gross error or imposed a sentence outside the range of sentences reasonably available in the circumstances of the case.
- (5) If the Attorney General considers that the sentence meets the standard of being ‘unduly lenient’ the case is referred to the Court of Appeal. The Attorney General must consider the matter as soon as possible after sentence and no later than the 28th calendar day after the sentence was imposed (in business hours and with sufficient time for consideration). If the Court of Appeal agrees, it may increase the sentence.
- (6) The Witness Care Unit will tell you about the scheme, when you are told the sentence in the case.
- (7) Sometimes the offender will ask the court to look at the case or the sentence again. This is called an appeal. What will happen next will depend on whether the offender is allowed to appeal and if so, the outcome of that appeal.
- (8) If the offender appeals to the Crown Court, you have the right to be told by the Witness Care Unit within 1 working day of them receiving the information from the court, which will be within 5 working days of the outcome of the hearing—
 - (a) that a notice of appeal has been made;
 - (b) the date, time and location of any hearing; and
 - (c) the outcome of the appeal, including any changes to the original sentence.
- (9) If you wish to attend the appeal, you have the right for court staff to arrange for you to—
 - (a) wherever possible wait and be seated in court in an area separate from the offender and their family and friends;
 - (b) be provided with a contact point at the Crown Court; and
 - (c) receive information about services that support victims where appropriate and available.

- (10) If the offender appeals to the Court of Appeal or UK Supreme Court, you have the right to be told by the Witness Care Unit within 5 working days (1 working day under enhanced rights -see page 10 of this Code) of them receiving the information from the court, which will be within 5 working days of the outcome of the relevant hearing –
 - (a) if the offender has been given permission to appeal against the conviction, sentence or point of law;
 - (b) the date, time and location of any hearing, and any changes to this information (within 1 working day for all victims);
 - (c) if the offender is to be released on bail pre-appeal or if the bail conditions have been changed (within 1 working day for all victims);
 - (d) the name of a contact for the Criminal Appeal Office or UK Supreme Court staff;
 - (e) the outcome of the appeal, including any changes to the original sentence, and
 - (f) how to request a copy from the Criminal Appeal Office or UK Supreme Court staff of the court’s judgment in the case once it has been published.
- (11) If you wish to attend the appeal, you have the right for court staff or UK Supreme Court staff to arrange for –
 - (a) wherever possible, to wait and be seated in court in an area separate from the offender and their family and friends; and
 - (b) special arrangements to be made for you if the offender is present and you do not wish to sit in the courtroom (it is rare for the offender to attend hearings in the Supreme Court).
- (12) Following a decision to give the offender permission to appeal, if you are a bereaved close relative, you have the right to be offered a meeting with the Crown Prosecution Service to explain the nature of the appeal and the court processes.
- (13) In determining an appeal against a sentence, the court will always take into account any Victim Personal Statement that was considered by the sentencing court.
- (14) It is not normally necessary for a further personal statement to be provided to the Court of Appeal. However if there is information that the court should know about the continuing impact the crime has had on you, a new or further Victim Personal Statement may be sent to the Court through the police or the Crown Prosecution Service.
- (15) The Criminal Cases Review Commission investigates alleged miscarriages of criminal justice in England, Wales and Northern Ireland. An offender can apply to the Commission to review their conviction and/or sentence if there is some new information or new argument which might mean the conviction is unsafe or the sentence is too long.
- (16) The Commission will not usually try to contact you just because they have received an application. This is because most reviews will not lead to a referral to the Court of Appeal, and therefore there is no need to warn you that the offender has applied. However, the Commission will tell you if they think there

is a reasonable chance that you may find out that they are looking at a case through the media or through another source. The Commission will usually work with the police to notify you of an application and will contact you again when a decision has been made on whether to refer the case.

- (17) If the Commission decides that it is not appropriate to contact you during the review, but subsequently decides to refer the conviction or sentence to the courts, the Commission will try their best to contact you before the case is referred for an appeal.
- 32
- (1) If you attend court to give evidence, you have the right to claim certain expenses from the Crown Prosecution Service, for example for travel, child care, loss of earnings, refreshments and meals (further details are available on the Crown Prosecution Service website). The Witness Care Unit will be able to help if you have any questions about claiming expenses.
 - (2) The Crown Prosecution Service will pay any expenses due to you within 10 working days of receiving a correctly completed claim form.
 - (3) If the police took any of your property as evidence, you have the right to get it back as soon as it is no longer required. The police will be able to help if you have any questions about the return of your property.
- 33
- (1) If you are the victim or a bereaved family relative and the offender was convicted of a specified violent or sexual offence, and sentenced to 12 months or more in prison (or detained in a hospital for treatment under the Mental Health Act 1983) with or without a restriction order), you have the right to be automatically referred within 10 working days of sentencing to the National Probation Service Victim Contact Scheme and be assigned a Victim Liaison Officer. The Victim Liaison Officer will contact you within 20 days of the referral.
 - (2) Where you choose to receive the Victim Contact Scheme, you are entitled to receive information at key stages of the offender's sentence (see below). You may opt-out and opt back in to the Victim Contact Scheme at any time whilst the offender is serving their sentence/ hospital order.
 - (3) The Victim Liaison Officer will tell you –
 - (a) what the sentence of the court means in terms of the offender's detention in prison or hospital, and if there are any changes to their sentence;
 - (b) when an offender in prison becomes eligible to be considered for a transfer to open conditions;
 - (c) if a prisoner moves to open conditions;
 - (d) when an offender is being considered for release or for conditional discharge;
 - (e) when an offender is released, or discharged from hospital, and if they are recalled to prison or hospital;
 - (f) how to make a Victim Personal Statement where it falls to the Parole Board to decide whether to direct the release of the offender from prison;
 - (g) how to read your Victim Personal Statement to the Parole Board, or have it read out on your behalf, or make a pre-recording in those cases where the Parole Board holds an oral hearing;

- (h) how to apply for licence/discharge conditions to reduce the chances of you encountering the offender in the community, or to prohibit them from contacting you;
 - (i) about any licence discharge conditions that relate to you and the date they will end or where a request to change or remove them has been made;
 - (j) how to ask for a summary of the Parole Board's decision and how to seek to make representations where the Parole Board decides the offender is safe to release;
 - (k) if the offender escapes or absconds from custody;
 - (l) how to ask for information should the offender be convicted of a most serious offence (see below); and
 - (m) how to make a reconsideration request (where eligible – see below).
- (4) In addition to the statutory offences where the Victim Contact Scheme is offered, the National Probation Service will also offer victims access to the scheme where the offender is sentenced to 12 months or more in prison (or detained in a hospital for treatment under the Mental Health Act 1983 with or without a restriction order) for –
- (a) Causing Death by Careless or Inconsiderate Driving (Road Traffic Act 1988);
 - (b) Causing Serious Injury by Dangerous Driving (Road Traffic Act 1988); or
 - (c) Controlling or coercive behaviour in an intimate or family relationship (Serious Crime Act 2015).
- (5) If the offender in your case is under the age of 18 and you are not eligible for the Victim Contact Scheme, the Youth Offending Team may contact you directly. This is in cases where a young offender is sentenced to less than 12 months in custody, 12 months or more for a non-sexual or non-violent offence or a community-based order. A community-based order puts conditions on an offender serving a sentence in the community rather than prison.
- (6) The Youth Offending Team may seek your views prior to sentencing and explore whether you want to get involved in any Restorative Justice initiatives (see Right 3), where appropriate and available.
- (7) You have the right to receive the following information from the Youth Offending Team –
- (a) information about the progress of the offender's case upon request; and
 - (b) information on appropriate services that support victims if you ask for additional support.
- (8) The Parole Board must –
- (a) consider all representations that victims have made about licence conditions; where a victim has requested a licence condition which has not been included, or has been amended, and provide an explanation for this non-inclusion or amendment;
 - (b) read a Victim Personal Statement if one is submitted;

- (c) consider any application by the victim to be permitted to attend the hearing and read their Victim Personal Statement or have it read by someone else on their behalf;
 - (d) unless there is a good reason for not doing so, agree to the statement being read at the hearing by the victim or someone else on their behalf; and
 - (e) provide a summary of the parole decision upon application, unless there is a good reason for not doing so.
- (9) The Parole Board considers certain offenders for parole (release on licence) or re-release following recall and does so based on their risk of harm to the public.
- (10) If the Parole Board decides it is safe to release an offender the decision is provisional for 21 calendar days in the majority of cases (except standard determinate recalls). The Secretary of State may ask the Parole Board to reconsider the decision during this period, if he has an arguable case that –
 - (a) the correct process was not followed in the review of the offender for parole - for example, important evidence was not taken into account; or
 - (b) the decision was irrational – the decision cannot be justified based on the evidence of risk that was considered.
 - (c) As a victim, you may submit a request to the Secretary of State asking that an application for reconsideration is made, if you believe that the decision meets either of these tests. Your request must be submitted within the 21-day provisional window. The Secretary of State will only do so where there is evidence the criteria is met. You will receive a letter informing you of whether the Secretary of State makes an application for reconsideration or not.
- (11) Registered sex offenders are subject to ‘notification requirements’. This means they must tell the police about some of their personal details. The notification requirements are an automatic consequence of a conviction or caution, for a Schedule 3 offence under the Sexual Offences Act 2003, but the length of time an offender will be subject to the requirement will vary dependent upon the sentence they are given. A breach of the notification requirements is a criminal offence and is punishable by up to five years imprisonment.
- (12) Offenders who are subject to notification requirements for life can apply to have this reviewed after a set period of time following their first notification, which usually takes place at release from prison. The set period of time is 15 years for adults and 8 years for juveniles. If the offender makes such an application, the police will then carry out a review, including a risk assessment to decide whether the offender’s notification requirements may be stopped. Sex offenders who are assessed as still being a risk will remain subject to notification requirements and will do so for life if necessary.
- (13) If you are a victim of an offender who makes such an application, you have the right to be contacted by the police to provide your views on the application as part of the review. Your Victim Liaison Officer will provide you with further information about the process.

- (14) If you have been a victim of a crime committed by a foreign national and the offender –
- (a) has received a prison sentence of 12 months or more, or hospital order, for an offence against you;
 - (b) was recommended by a court for deportation for an offence against you; or
 - (c) was sentenced to a period in prison for a violent or sexual offence;
- then you have the right to receive information about the offender’s deportation. You can choose not to receive this information. The National Probation Service (Victim Liaison Officer and Offender Managers) must take all reasonable steps to work with the immigration authorities to ensure, as far as possible, that information about the prisoner’s immigration status and any deportation information is passed on to victims.
- (15) If you have been the victim of a crime set out in (n) above, your Victim Liaison Officer assigned by the Victim Contact Scheme (see (a) above), will be able to obtain updates from the Home Office on your behalf.
- (16) If you are not eligible for the Victim Contact Scheme or have opted out of the scheme, but you meet the criteria (see (n) above), you have the right to ask for updates regarding the immigration case of the Foreign National Offender directly from the Home Office’s Victim Support Team.
- (17) The Home Office Victim Support Team can tell you –
- (a) whether the Home Office intends to take deportation action against the offender;
 - (b) the final outcome of any appeal against deportation;
 - (c) when the offender is going to be released from immigration detention;
 - (d) when the offender has been deported; or
 - (e) if the offender is not being deported and if possible, the reasons why.
- (18) In the event that an offender commits a serious further offence while they are under statutory supervision by the provider of probation services, or shortly after this supervision has ended, the provider of probation services will carry out a Serious Further Offence Review, to investigate how the case was managed and whether or not there any improvements that need to be made to manage future cases.
- (19) In the most serious cases, providers of probation services will offer to share findings of a Serious Further Offence Review with the victim or their families following conviction of the offender. If this occurs you have the right to be contacted by your Victim Liaison Officer, to be asked whether you would like to meet with a senior manager from the provider of probation services to talk about the findings of the Serious Further Offence Review, and if you would like a copy of the report.
- 34 (1) If you believe you have not received any of your rights under this Code you can make a complaint. In the first instance, and if you feel comfortable doing so, you should discuss your complaint with the person you have been dealing with at the relevant service provider.

- (2) If you remain unhappy, or you do not feel comfortable discussing the complaint with the person you have been dealing with, you can make a complaint through the service provider's internal complaint's procedure. They will provide you with information about their complaint's procedure and respond within the timescales set out in this procedure.
- (3) If you send your complaint to the wrong service provider or it needs to be dealt with by more than one service provider, they will let you know.
- (4) If you are still not satisfied after you have finished the service provider's complaint's procedure, or they are taking too long to get back to you, you can ask your Member of Parliament to refer your complaint to the Parliamentary and Health Service Ombudsman. The Ombudsman will consider any complaints referred to them and, where appropriate, undertake an independent investigation.
- (5) Further information about making a complaint to the Ombudsman can be found on their website or by calling their Customer Helpline on: 0345 015 4033."

Victims and Prisoners Bill

AMENDMENTS
TO BE MOVED
ON REPORT

26 March 2024

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