

The Rt Hon. Shabana Mahmood MP
Lord Chancellor and Secretary of State for Justice
Ministry of Justice
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CC: Sarah Sackman KC MP, Minister of State for Courts and Legal Services

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17 June 2025

Dear Lord Chancellor,

Re: Submission towards *Victims and Courts Bill* – SUDEP Action’s experience with private prosecutions

The charity SUDEP Action writes in response to your [Call for Evidence](#) relating to the proposed implementation of the *Victims and Courts Bill*, which has recently passed its second reading and moved toward Committee stage.

SUDEP Action

1. SUDEP Action is a registered Charitable Incorporated Organisation. The charity was founded in 1995 under the name of Epilepsy Bereaved and became SUDEP Action in 2013. The term “SUDEP” is an acronym for the term “Sudden Unexpected Death in Epilepsy”.
2. SUDEP Action is the only UK charity focused on stopping preventable epilepsy-related deaths. We have the only epilepsy bereavement service freely available to anyone suddenly bereaved by epilepsy (including by SUDEP, Sudden Unexpected Death in Epilepsy) – offering telephone support, counselling, expert help through inquests & investigations, and involvement in research through our Epilepsy Deaths Register.
3. In our 2022-23 charity year, it is estimated that 16,558 people were supported by SUDEP Action’s free resources and services.

SUDEP Action's concerns about capping recoverable costs in private prosecutions

4. Through this letter, SUDEP Action wishes to express its concerns as to the foreseeable impact for the charity sector's efforts to combat fraud, should a cap be placed on the recoverable costs in private prosecutions, pursuant to 'Clause 10' of the Bill.

The Prevalence and Impact of Fraud

5. We are currently in the midst of a fraud epidemic. In 2024 alone, over £1.17 billion was lost to fraud in the United Kingdom alone.¹ Sadly, charities are particularly vulnerable to fraud. A recent report prepared by BDO indicated that 84% of charities suffered a financial loss due to fraud in 2024.²
6. When frauds do occur against charities, it has a devastating impact on both the particular charity and the charitable sector as a whole. Charitable fundraising is based upon trust and honesty. Frauds and thefts against charities abuse the trust of altruistic persons who offer donations with the expectation that they are assisting those in need. If the public cannot be sure that their donations are being safely transferred to the charity, people will be understandably less likely to donate.
7. For SUDEP Action, our main income stream is community fundraising. Without supporters taking part in fundraising activities on our behalf, we wouldn't be able to continue to provide our services for free to those who need them across the epilepsy and epilepsy bereaved communities. 90p of every £1 given to SUDEP Action goes directly back into the services and resources we provide. Community fundraisers play a vital role in enabling the charity to prevent epilepsy-related deaths and provide the UK's only specialist epilepsy bereavement service. As many donations come into the charity in memory of someone who has died, we take the responsibility to use this funding for these purposes incredibly seriously.

Law enforcement response

8. In our experience, law enforcement has failed to provide an adequate response to charity fraud. Reports to Action Fraud and local police forces have failed to provide meaningful action, leaving the charity with no viable alternative but to pursue a private prosecution.

The role of private prosecutions

9. Private prosecutions play an important role for charities. In cases where law enforcement do not act, private prosecutions are often the only available option. If someone has stolen

¹ See: [UK Finance Annual Fraud report 2025.pdf](#).

² www.bdo.co.uk/en-gb/insights/advisory/forensic-services/charity-fraud

fundraised monies, charities cannot simply sit idle and not act, given the importance of each pound that is fundraised for the charity.

10. If charities were unable to claim back the costs reasonably incurred during these prosecutions, it would leave charities substantially out of pocket. If charities are no longer able to bring private prosecutions, it will send a clear and dangerous message. It would hand fraudsters a free pass and severely undermine public confidence in the charitable sector, which depends entirely on trust, integrity, and goodwill.
11. Prosecutions and sentencing play a critical role in deterring crimes against charities. However, if cost recovery is capped (or reduced to nominal legal aid or CPS rates) charities would be unable to instruct the solicitors/barristers necessary to bring private prosecutions against those who have stolen money from the charity. The Government would, in effect, be signalling to charities that they are on their own. Charities would be unable to sustain the financial burden of bringing cases and would be forced to rely on the inevitable refusals from Action Fraud. This would leave serious wrongdoing unchallenged and public trust in charities dangerously eroded.
12. We urge the Lord Chancellor and Courts Minister to reconsider and indeed abandon the approach being pursued by Clause 10 of the bill.

Yours Sincerely,



Dan Freshwater
Interim CEO
SUDEP Action