

Equality Statement for the Victims and Courts Bill:

Victims Measures

Introduction

1. The document records the analysis undertaken by the Ministry of Justice (MoJ) in the design and development of the Victims and Courts Bill to enable Ministers to fulfil the requirement placed on them by the Public Sector Equality Duty (PSED) as set out in section 149 of the Equality Act 2010. The PSED requires the Minister to have due regard to the need to:
 - eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct under the Equality Act 2010;
 - advance equality of opportunity between different groups of persons who share a protected characteristic and those who do not; and
 - foster good relations between different groups of persons who share a relevant protected characteristic and those who do not. The protected characteristics are race, sex, disability, sexual orientation, religion and belief, age, marriage and civil partnership, gender reassignment, pregnancy and maternity.

Policy summary

2. The Victims and Courts Bill will introduce measures to improve communication with victims in the criminal justice system and ensure there is greater scrutiny of the system that supports victims. The measures do this by updating the routes to provide victims with information about their offenders' release and enhancing the powers of the Victims' Commissioner.
3. The enhancements to the Victims' Commissioner's powers aim to bolster the accountability of the system that supports victims, ensuring that systemic issues are identified and addressed and victims' voices are heard. Strengthening this role will help to boost victim confidence in the system, aligning with the Government's ambition to ensure victims and witnesses of crime and, persistent antisocial behaviour, have the information and support they need.
4. The Victims' Commissioner measures being introduced will:
 - Measure 4(a): Place a new duty on the Victims' Commissioner to produce an annual report on compliance with the Victims' Code, enabling them to provide independent commentary from a victim-focused perspective on how agencies are complying with their duties under the Code. Ministers (the Secretary of State for Justice, Attorney General and Home Secretary) will be required to have regard to the Victims' Commissioner's report as part of preparing their own report on Code compliance;

- Measure 4(b): Place a duty on local authorities and social housing providers, where they are engaged with victims of antisocial behaviour, to cooperate with the Victims' Commissioner, where appropriate and reasonably practicable to do so. This will enable the Victims' Commissioner to request information relevant to victims of antisocial behaviour, identify systemic issues, make more informed recommendations, and legitimately scrutinise how the system responds to those victims.
 - Measure 4(c): Amend legislative restrictions to enable the Victims' Commissioner to exercise their functions in relation to individual cases, where they raise issues of public policy relevance to other victims and witnesses, where the exercise of functions is likely to promote the interests of victims/witnesses in relation to the issue.
5. The updated routes to provide victims with information about their offenders' release will help victims have confidence that they will get the communication they need from the criminal justice system. The victim contact measure will:
- Bring existing operational schemes into the Victim Contact Scheme, meaning victims currently served by different operational schemes, such as the Victim Notification Scheme, will be eligible for the Victim Contact Scheme. This scheme covers victims of offenders detained in both prisons and hospitals.
 - Give other victims a clear route to request information about their offender's release, which will be provided via a victim helpline if requested to victims of specified violent and sexual offences, victims of offences committed as part of perpetrating domestic abuse, or victims otherwise considered to be at risk of physical or psychological harm without information relating to their offender's release, where appropriate.
 - Include a new definition of 'victim' for the purposes of the scheme, which specifies that this includes those directly subjected to criminal conduct, bereaved family members, children who have witnessed domestic abuse (considered victims in their own right as defined by the Domestic Abuse Act 2021), and persons born as a result of rape.
 - Extend the definition of a victim to allow for discretionary provision to witnesses who have suffered harm as a direct result of the crime, so that relevant information can be provided in individual cases where HMPPS deem that the witness would be at risk of physical or psychological harm without it.
 - Provide for discretionary provision of information to victims outside of the specified offences, who are not otherwise eligible, where they would be at risk of physical or psychological harm without it. Operational guidance will set out principles to support HMPPS in making these individual decisions, including how risk of physical or psychological harm should be determined.

- Enable us to respond to future changes to offences and their sentence lengths, by giving a regulation-making power for the Secretary of State to amend the list of offences that would make a victim automatically eligible for either service, and a regulation-making power for the Secretary of State to amend the specified lengths of sentence of such offences which determine eligibility for both services. We have considered whether the proposed changes to the law hinder or promote the need to eliminate unlawful discrimination, advance equality and foster good relations. Our assessments are that the proposed measures do nothing to hinder the PSED duties and in some cases may help to progress them. Therefore, the decision is to proceed with the measures.
6. Measure 5 on non-disclosure agreements (NDAs) will ensure that confidentiality clauses used in any context cannot be legally enforced to the extent that they purport to prevent victims and direct witnesses of crime, or those who reasonably believe they are a victim or direct witness of crime, from making allegations of, or disclosing information relating to, relevant criminal conduct. It will also render NDAs unenforceable to the extent that they purport to prevent these individuals from making disclosures about the other party to the NDA's response to the criminal conduct or the making of such an allegation or disclosure of information. The measure binds the Crown, but does not apply to a narrow cohort of specified agreements for national security reasons.
 7. Under this measure, the Secretary of State will have two regulation-making powers to allow the Secretary of State to:
 - provide for the specific circumstances in which an NDA will not be voided under the NDAs measure (which might include, for example, if the victim themselves specifically requested the NDA)
 - provide that disclosures to certain persons, for certain purposes or in certain circumstances will always be permitted (e.g. to the police, to regulators etc.), even where one of those specific circumstances applies

Evidence and Analysis - context

8. These measures will affect cohorts in different ways and therefore are analysed separately below:

Measure 3a, 3b and 3c (Victims' rights to receive information post-conviction and to make representations)

9. This measure will apply equally to all victims who will be eligible to participate in the Victim Contact Scheme or receive information via the new helpline about their offenders' release. However, there are victims of offences that are more likely to be impacted by measure 3a and 3b. For 3a, and 3b, the victims of domestic abuse, sexual offences and other Violence Against Women and Girls related offences are more likely to be impacted.

10. Therefore, we explored the prevalence experiencing domestic abuse (Annex C) and sexual assault (Annex D) by protected characteristic of sex using the Crime Survey for England and Wales. Individuals with the protected characteristic of women were most likely to be impacted. We expect this to be a positive impact on them as this will improve communication with victims.
11. Measure 3c will also impact cohorts of victims captured in the updated definition of a victim (see para 10). It will particularly impact victims with the protected characteristic of age, as the definition captures children (as defined by Section 3 of the Domestic Abuse Act 2021) who are witnesses to domestic abuse. We envisage that the inclusion of this cohort in the definition of a victim will have a positive impact on them as it will enable them, where appropriate, or their representative access to relevant information about their offender, therefore improving communication with this cohort.
12. Offenders will also be impacted by the measure. We envisage the cohort of offenders impacted by the measure will most likely be men as they are overrepresented as offenders in domestic abuse, sexual assault and other Violence Against Women and Girls -related offences. Crown Prosecution Data for the year April 2023-April 2024 indicated that 91.3% of domestic abuse flagged defendants, were male¹. Additionally, offenders who are detained under the Mental Health Act have a mental health disorder requiring treatment in hospital, meaning they fall under the protected characteristic of disability. However, we do not believe that there will be a detrimental impact on this cohort of offenders. The only information about them provided to eligible victims will relate to an offender's release where victims have a clear interest in it and can only be disclosed if its release would not be harmful to the offender. Information provided is specific to the sentence they are serving for the offence committed against the victim and there will be no ongoing entitlement to information once the sentence has ended. Furthermore, any information provided to eligible victims must comply with the Data Protection Act 2018, i.e. be necessary and proportionate so sensitive personal data for example medical information would not be disclosed under this measure.
13. For other types of offences included there is limited data available to make an assessment on impacts on equalities. We will collect and monitor equality impacts when this measure is implemented.

Measures 4a and 4c (Victims' Commissioner acting in individual cases and producing a code compliance report):

14. This measure will apply equally to all victims and witnesses of crime and antisocial behaviour. Therefore, we explored prevalence of personal crime victimisation by each protected characteristic using the Crime Survey for England and Wales

¹ Office for National Statistics, Domestic Abuse and the Criminal Justice System: November 2024, Table 14: Sex of defendants and victims in domestic abuse-related prosecutions, Crown Prosecution Service Data

(CSEW) for the year ending March 2024 (see also Annex A).² Individuals with the following protected characteristics were found to be more likely to be a victim of crime:

- Those aged 16- 24 years
- Women
- Those with Any other Black/African/Caribbean ethnic background³
- Those who are Disabled
- Those with No religion or Other religion⁴
- Those who describe their sexual orientation as Other⁵

Measure 4b (duty on local authorities and social housing providers engaged with victims of antisocial behaviour to cooperate with the Victims' Commissioner)

15. This measure will impact on victims of antisocial behaviour only (Annex B). Therefore, we explored the prevalence of those experiencing antisocial behaviour by each of the protected characteristics using the Crime Survey for England and Wales (CSEW) for the year ending March 2024 (see also Annex B). Individuals with the following protected characteristics were found to be more likely to have experienced antisocial behaviour:

- Those aged 25-54
- Those of Mixed or Multiple ethnicity (44%)
- Those who are Disabled
- Those with No religion
- Those who describe themselves as Gay or Lesbian, Bisexual or Other

Measure 5 (voiding NDAs in relation to information made by victims of crime about relevant criminal conduct)

16. This measure will apply equally to all victims and direct witnesses of crime. Therefore, we explored prevalence of personal crime victimisation by each protected characteristic using the Crime Survey for England and Wales (CSEW) for the year ending March 2025¹ (see also Annex D). Individuals with the following protected characteristics were found to be more likely to be a victim of crime:

- Women
- Those of Mixed or Multiple ethnic groups and of Black, Black British, Caribbean or African ethnic groups
- Those who are Disabled

² [Crime in England and Wales - Office for National Statistics.](#)

³ This category is as defined by ONS for the purposes of the CSEW.

⁴ 'Other religion' includes any religion that is not Christian, Buddhist, Hindu, Jewish, Muslim, and Sikh.

⁵ This includes any sexual orientation that is not Heterosexual/straight, Gay/Lesbian, and Bisexual.

- Those of Jewish or Other religion
 - Those who are Gay/Lesbian or Bisexual
 - Those whose gender identity was different from their sex registered at birth
 - Older adults (65+) reported being a victim of crime at lower rates than younger adults
17. The data used (Annex D) relates to victims of crime only and does not include direct witnesses (see paragraph 23 for data limitations).
18. The NDAs measure will apply to confidentiality clauses used in any context and to all crime types. Research and data on the use of NDAs is limited as they are private contractual agreements. However, evidence has emerged in recent years on the misuse of NDAs particularly in the context of some employers misusing NDAs to silence workers about workplace misconduct, including instances where a crime has been committed. Inquiries by the [Treasury Select Committee](#) and [Women and Equalities Select Committee](#) point to a number of cases where NDAs were used to suppress allegations. NDAs can also have negative impacts on victims of crime in terms of their ability to cope and recover, especially when they are prevented from discussing their experiences with others.

Summary

19. Based on the data above and in applying the changes equally to all victims, we believe that the individuals in the above groups are more likely to be impacted by these measures due to their over-representation as victims of personal crime, and that the proposed changes will be likely to have a positive effect on them. We also appreciate that victims of crime may have more than one protected characteristic. These changes will also benefit these victims.
20. Overall, we anticipate that these measures may benefit those with protected characteristics due to their over-representation among victims, and there will be no detrimental impact on offenders with protected characteristics.

Data limitations

21. While efforts have been made to source information related to these the measures set out above, there are still gaps in our evidence base.
22. While efforts have been made to source information related to measure 5 (NDAs), there are still gaps in the evidence base. There is little evidence or data collection on use of NDAs among victims and direct witnesses of crime and on the use of NDAs outside of the workplace context. This may be attributable to the nature of NDAs as private contractual agreements. While we anticipate that the measure may benefit those with certain protected characteristics due to their over-representation among the general victim cohort, it is important to acknowledge that the protected characteristics of the cohort of victims of crime who also have

signed an NDA may differ from the general victim cohort. We are not able to investigate this due to the lack of data on use of NDAs among victims of crime.

23. The main source of evidence on the characteristics of victims of crime is the Crime Survey for England and Wales. However, this survey focusses on victims and does not provide data on the protected characteristics of direct witnesses of crime. Other data sources on witnesses are not available.

Equalities Consideration

Direct discrimination

24. We consider that the measures relating to the Victims' Commissioner proposed in the Victims and Courts Bill are not directly discriminatory within the meaning of the Equality Act 2010 as the measures aim to strengthen the role of the Victims' Commissioner, who acts on behalf of all victims and witnesses of crime and antisocial behaviour, and so benefit all victims, regardless of any protected characteristic.
25. We also consider that the updates to the routes to provide victims with information about their offenders' release are not directly discriminatory as they do not treat victims or offenders with particular protected characteristics differently.
26. We consider that the measure is not directly discriminatory within the meaning of the Equality Act 2010 as the measure applies to all victims and direct witnesses of crime, and so benefits all of these individuals, regardless of any protected characteristic.

Indirect discrimination

Measure 3a, 3b and 3c (Victims' rights to receive information post-conviction and to make representations)

27. We consider that individuals with certain protected characteristics may be more affected by updating the routes to provide victims with information about their offenders' release due to their over-representation in cohorts of victims that will be included in the new framework (see paragraph 22-25).
28. Additionally, we consider that offenders with particular protected characteristics may be more impacted by the measure due to their over-representation in cohorts of offenders that will be included in the new framework and offenders who are detained under the Mental Health Act (see paragraph 26).
29. After due consideration, we believe that the victims measures contained in the Bill are not indirectly discriminatory and are a proportionate means of achieving our legitimate aim of supporting victims of crime.

Measure 4a, 4b and 4c (Victims' Commissioner acting in individual cases; duty on local authorities and social housing providers engaged with victims of antisocial behaviour to cooperate with the Victims' Commissioner; and producing a Victims' Code compliance report)

30. The data listed in Annex A and Annex B suggests that individuals with certain protected characteristics are more likely to be impacted by these measures due to their over-representation as victims of crime and victims of antisocial behaviour (see paragraph 20). We consider that the proposed areas of change are not likely to result in anyone being disadvantaged from the proposals and will likely have a positive effect on all members of the public, but particularly these cohorts.

Measure 5 (voiding NDAs in relation to information made by victims of crime about relevant criminal conduct)

31. The data listed in Annex D suggests that individuals with certain protected characteristics are more likely to be impacted by this measure due to their over-representation as victims of crime (see paragraph 17). We consider that the proposed areas of change are not likely to result in anyone being disadvantaged from the proposals and, due to their over-representation as victims of crime, these cohorts may be more likely to benefit.
32. After due consideration, we consider that the measure is not indirectly discriminatory and in any event is a proportionate means of achieving our legitimate aim of supporting victims of crime.

Discrimination arising from disability and duty to make reasonable adjustments

33. Our initial assessment indicates that the measures relating to the Victims' Commissioner will not lead to any discrimination based on disability. Through implementation of these measures, we recognise the importance of continuing to make reasonable adjustments for victims with disabilities to ensure they receive appropriate support. For instance, individuals with certain protected characteristics might find it more challenging to engage with the Commissioner, whether directly (as allowed by the measure enabling the Commissioner to act in individual cases of public policy relevance) or through their publications. For example, victims may require the Victims' Commissioner to make reasonable adjustments to facilitate them meeting face to face, such as via video link, or ensuring that their reports are in an accessible format. Nevertheless, we will ensure that the Commissioner is aware of the need to consider victims' specific needs and make their work accessible.

34. For the measures on post-conviction communication, offenders who are detained under the Mental Health Act have a mental disorder requiring treatment in hospital, meaning they may fall under the protected characteristic of disability. Under the Equality Act 2010, a mental health condition is considered a disability if it has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities. This is defined under the Equality Act 2010. Although we do not believe that discrimination arising from disability will occur; to mitigate risk we will only share certain information regarding an offender and information will not be provided where the release of information would risk harm to the offender. Information released under these measures needs to be compliant with data protection legislation and information about an offender's health will not be provided.
35. For the NDA measure, our initial assessment indicates that the measure will not lead to any discrimination based on disability.

Harassment and victimisation

36. We do not consider that the measures will give rise to harassment or victimisation within the meaning of the Equality Act 2010.

Advancing equality of opportunity

37. We have considered how these measures impact on the duty to have due regard to the need to advance equality of opportunity. We believe that the measures will advance equality of opportunity because it helps to mitigate the negative effects of crime and persistent antisocial behaviour, which the data shows disproportionately affects those with certain protected characteristics.
38. We have considered how the NDA measure impacts on the duty to have due regard to the need to advance equality of opportunity between people who share relevant protected characteristics and those who do not. We consider that the measure may advance equality of opportunity because currently victims of crime who have signed NDAs may be prevented from speaking out about their experiences, which can compound the negative impacts of crime.
39. This is supported by evidence heard by the Women and Equalities Committee as part of an Inquiry they held in 2024². Data and evidence shows that those with certain protected characteristics are more likely to be victims of crime (see Evidence and Analysis section), so this measure may advance equality of opportunity for those individuals by, for example, encouraging them to participate in public life by speaking out about their experiences, notwithstanding the terms of their NDA. However, it is important to acknowledge that as there is little evidence or data collection on use of NDAs among victims and direct witnesses of crime and on the use of NDAs outside of the workplace context, the protected

characteristics of the cohort of victims of crime who have signed an NDA may differ to the general victim cohort.

Fostering good relations

40. We have considered this objective to foster good relations between people who share a certain protected characteristic and those who do not. The measures, particularly those aimed at increasing the Victims' Commissioner's powers, could tackle prejudice and help promote understanding between people from different groups by providing the Victims' Commissioner with additional levers to understand how different groups with protected characteristics are supported by the system.
41. The NDA measure could lead to increased disclosures about criminal behaviour in the public domain. This could help to promote understanding between people who share relevant protected characteristics and those who do not, by increasing awareness of how different groups are affected by crime.

ANNEX A: Proportion of people aged 16 and over who were victims of personal crime (including fraud and computer misuse), by personal characteristics, year ending March 2024.

England and Wales		
Personal characteristic⁶	Personal crime (including fraud and computer misuse) percentage, victims once or more.⁷	Unweighted base - number of people aged 16 and over
All adults	9.7	30,847
Male	9.4	14,462
Female	10.1	16,385
Age		
16 to 24	11.4	1,693
25 to 34	10.6	4,235
35 to 44	9.5	5,136
45 to 54	10.2	4,496
55 to 64	10.4	5,271
65 to 74	8.7	5,173
75 and over	6.1	4,843
Ethnic group		
White	9.9	26,117
Mixed/multiple	10.5	401
Asian/Asian British	7.5	2,478
Black/African/Caribbean/Black British	9.2	1,293
Other ethnic group	11.3	431
Marital status		
Married/civil partnered	9.0	13,409
Cohabiting	10.8	2,786
Single	10.7	7,979
Separated	12.3	741
Divorced/legally dissolved partnership	12.4	2,672
Widowed	6.4	3,015
Disability⁸		
Disabled	12.6	7,078

⁶ See Section 7 of the [User guide](#) for definitions of personal characteristics.

⁷ Personal crime includes violence, robbery, theft from the person, other theft of personal property, and fraud and computer misuse.

⁸ The definition of disability used is consistent with the core definition of disability under the Equality Act 2010. A person is considered to have a disability if they have a long-standing illness, disability or impairment which causes difficulty with day-to-day activities.

Not disabled	9.0	23,576
Religion		
No religion	10.5	12,372
Christian	9.2	15,625
Buddhist	14.4	164
Hindu	8.7	576
Jewish	7.6	116
Muslim	7.1	1,401
Sikh	5.7	176
Other	18.2	198
Sexual orientation⁹		
Heterosexual/straight	9.8	24,935
Gay/Lesbian	11.3	457
Bisexual	13.8	576
Other	16.8	172

⁹ The terminology used to label this data has been changed to 'sexual orientation' from 'sexual identity' to align with terminology used in legislation (Equality Act 2010). Sexual Orientation is an umbrella concept which encompasses sexual identity, attraction and behaviour. This question described within this principle is based on a substantial body of research and is designed to capture self-perceived Sexual Identity. An individual could respond differently to questions on either sexual identity, attraction or behaviour. The measurement of Sexual Identity was identified within the research as the component of Sexual Orientation most closely related to experiences of disadvantage and discrimination. The question was not designed for specific or detailed studies of sexual behaviour or attraction where a series of more detailed questions and answer categories might be more appropriate.

ANNEX B: Experience of antisocial behaviour in local area, by personal characteristics, people aged 16 and over, England and Wales, year ending March 2024

England and Wales		
Personal characteristic	Experience of antisocial behaviour in local area (%)	Unweighted base – number of people aged 16 and over
All adults	35	30,744
Male	36	14,411
Female	35	16,333
Age		
16 to 24	36	1,687
25 to 34	38	4,214
35 to 44	39	5,121
45 to 54	39	4,480
55 to 64	36	5,254
65 to 74	33	5,164
75 and over	21	4,824
Ethnic group		
White	37	26,079
Mixed/multiple	44	400
Asian/Asian British	28	2,473
Black/African/Caribbean/Black British	27	1,290
Other ethnic group	31	429
Marital status		
Married/civil partnered	35	13,379
Cohabiting	42	2,778
Single	37	7,948
Separated	34	738
Divorced/legally dissolved partnership	35	2,657
Widowed	21	3,007
Disability		
Disabled	41	7,060
Not disabled	34	23,549
Religion		
No religion	40	12,356
Christian	32	15,604
Buddhist	27	164
Hindu	23	576
Jewish	35	116

Muslim	33	1,396
Sikh	25	175
Other	50	198
Sexual orientation		
Heterosexual/straight	36	24,915
Gay/Lesbian	44	455
Bisexual	51	576
Other	45	172

ANNEX C: Prevalence of domestic abuse among people aged 16 years and over, England and Wales, year ending March 2024

	All in the last year	Women in the last year	Men in the last year
Any domestic abuse (partner or family non-physical abuse, threats, force, sexual assault or stalking)	4.8	6.6	3.0
Unweighted base - number of people aged 16 years and over ^[2]	11,394	5,952	5,442

^[1] Data presented on domestic abuse for the year ending March 2023, are not badged as National Statistics. They are based on eight months of data collection because of an error in the survey, which resulted in missing data. Caution should be taken when using these data because of the impact of the reduced data collection period on the quality of the estimates.

^[2] The bases given are for any domestic abuse.

ANNEX D: Prevalence of sexual assault among adults aged 16 years and over, England and Wales, year ending March 2022

	All in the last year	Women in the last year	Men in the last year
Any sexual assault (including attempts)	2.3	3.3	1.2
Unweighted base - number of adults ^[1]	5,046	2,690	2,356

^[1] The bases given are for any sexual assault (including attempts)

ANNEX D: Proportion of people who were victims of all Crime Survey for England and Wales (CSEW) personal crime (including fraud and computer misuse), by protected characteristics, people aged 16 and over in England and Wales, ending March 2025.

England and Wales		
Protected characteristic³	Personal crime (including fraud and computer misuse) percentage, victims once or more⁴	Unweighted base – number of people aged 16 and over
Sex		
Male	10.5	14896
Female	11.1	16636
Age		
16-24	11.9	1653
25-34	11.6	4360
35-44	11.2	5318
45-54	11.8	4658
55-64	11.3	5540
65-74	9.6	5128
75+	7.2	4875
Ethnic group		
White	10.9	26412
Mixed/Multiple	15.3	491
Asian/Asian British	8.8	2585
Black/African/Caribbean/Black British	12.1	1502
Other ethnic group	9.1	434
Disability⁵		
Disabled	13.6	7374
Not disabled	10.2	23952

Religion		
No religion	11.4	12888
Christian	10.5	15622
Buddhist	10.1	172
Hindu	7.0	570
Jewish	12.4	124
Muslim	9.5	1,557
Sikh	6.6	158
Other	22.0	221
Sexual orientation ⁶		
Heterosexual/straight	10.8	26429
Gay/Lesbian	16.1	469
Bisexual	16.7	639
Other	11.3	165
Gender identity ⁷		
Gender identity the same as sex registered at birth	11.3	26076
Gender identity different from sex registered at birth	11.9	204