

Prisoners (Disclosure of Information About Victims) Bill

Introduction

1. The Prisoners (Disclosure of Information about Victims) Bill, seeks to create a 'Helen's Law'. This has been the subject of a long-running campaign by Marie McCourt, whose daughter, Helen, was murdered by Ian Simms in 1988. Helen's body has never been found. The Parole Board took a decision to release Ian Simms in November 2019. The Secretary of State Robert Buckland QC MP subsequently made an application for a reconsideration of the release decision, however the Parole Board maintained their decision to release Simms and he was released in February on a life licence.
2. The Bill also responds to the case of Vanessa George who was convicted of multiple counts of sexual abuse and taking and distributing indecent images of children. She refused to name the victims, which has added to the distress of all families whose children attended the nursery where the abuse took place.
3. The Bill will ensure that certain non-disclosures by offenders, convicted of murder, manslaughter or taking or making indecent images of children, are considered by the Parole Board as part of their assessment as to whether the offender should be released from prison. These non-disclosures relate to aspects of their offences specifically the location of victim's remains or the identity of child victims in indecent images.

What are the proposed changes?

4. The Bill will change the statutory provisions that apply to prisoners serving relevant sentences for the offences of murder and manslaughter and the offence of taking or making an indecent photograph or pseudo-photograph of a child at section 1(1)(a) of the Protection of Children Act 1978. The Bill does not change the statutory release tests themselves – the tests are statutory provisions that govern the circumstances in which prisoners can be released and must be applied by the Parole Board when considering such release. Rather the Bill provides that, when the Parole Board are applying those tests and assessing whether a relevant offender should be released after serving the appropriate custodial term, the Board must consider the matters covered by the Bill.
5. More specifically, when a prisoner who has been convicted of murder or manslaughter and who is serving either a life sentence, or an extended determinate sentence (or one of its predecessors) is considered for release by the Parole Board, the Board must take into account any failure, on the part of that prisoner, to disclose the location of the victim's remains as part of their application of the statutory release test. Additionally, when a prisoner who has been convicted of the offence of taking or making an indecent photograph of a child, and who is serving an extended determinate sentence (or one of its predecessors), or a sentence of imprisonment for public protection, is considered for release by the Parole Board, the Board must take into account any failure on the part of that prisoner to disclose the identity of the child or children who are the subjects of the images.

6. The Parole Board already has internal guidance which advises panel members to consider any failure or refusal by an offender to disclose the whereabouts of a victim's remains when assessing suitability for release. It is also established Parole Board practice to consider the non-disclosure of relevant information by offenders in cases involving living victims. The Bill therefore puts both this guidance and established practice into statute.

Territorial extent

7. The Bill provisions will extend to England and Wales only.
8. The Bill will apply to those convicted of murder and the equivalent offences to manslaughter and taking or making indecent photographs of children in Scotland, Northern Ireland and other territories (including the Channel Islands and the Isle of Man), and who are subsequently transferred within the jurisdiction of England and Wales, and are therefore considered for release by the Parole Board of England and Wales.

Commencement

9. With the exception of Clause 3 (which contains the commencement power and which will come into force on Royal Assent), the Act will come into force on a day that will be specified by the Secretary of State for Justice by statutory instrument.