



Alexandra Merity and Martin Smith,
Independent Inquiry into Child Sexual Abuse
PO Box 72289
London
SW1P 9LF

MoJ ref: TN 82595

23 October 2020

Dear Ms Merity and Mr Smith,

ACCOUNTABILITY AND REPARATIONS REPORT AND INTERIM REPORT – UPDATE ON RECOMMENDATIONS RESPONSES

Thank you for your letters of 21 September requesting updates on the steps that the Ministry of Justice has taken to respond to recommendations 1 and 6 from the Accountability and Reparations Investigation Report since April 2020, and to recommendation 4 from the Interim Report since July 2019. As these requests are closely linked, I am responding to both letters jointly below.

As I am sure you will appreciate, the Department has been and remains focused on Covid-19 related priorities, and this has unfortunately impacted on our ability to progress as we had intended in some aspects of work across the areas in which the IICSA has made recommendations. However, it is important to emphasise that we remain committed to delivering as set out in the Government responses and other published updates provided to the Inquiry.

Two of the updates requested pertain to recommendations made about the Victims' Code and I will deal with these together. Regarding the Accountability and Reparations Report's *Recommendation 1: Signposting civil and criminal compensation*, the second Victims' Code consultation closed at the end of May having been extended on account of Covid-19. We are currently considering the 300 plus responses and plan to publish our response shortly and bring the revised Code into force as soon as possible thereafter.

A primary objective of our review and revision of the Code is to make it more accessible and to help all victims to better understand the criminal justice process and the role they play within it. The key rights within the revised Code will apply to all victims, including victims of child sexual abuse and include being kept informed at key stages of the case; provided with regular updates on progress of their case; referred to organisations supporting victims of crime; given the opportunity to make a Victim Personal Statement and be informed how it was used in court; and where eligible, under the Victim Contact Scheme, be informed when an offender is released.

The revised Code also clearly sets out that if a defendant pleads or is found guilty, the judge or magistrate may order them to pay victims compensation for any loss, damage or injury caused as a result of the crime. It also makes provision that victims have a right to be provided with information and be told by the police how to seek compensation. The Code will include details on the Criminal Injuries Compensation Scheme and seeking legal advice/assistance on claiming compensation, as well as signposting to Gov.uk, Criminal Injury Compensation Authority and Law Society websites.

One of the core rights that will underpin the revised Code is that victims have the right to be referred to services that support them, which includes the right to contact them directly, and to have their needs assessed so that services and support can be tailored as appropriate. If eligible, victims also have the right to be offered a referral to specialist support services and be told about additional support available. The Code will also acknowledge 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. In such cases support may include being offered a referral to a specialist support service and being contacted sooner after key decisions are taken. The revised Code will make it clear where such enhanced rights will apply. Furthermore, the revised Code will also clearly signpost victims to the fact that they can contact local support services directly and that information about these services are available from local Police and Crime Commissioners or on the Gov.uk website.

In 2019 we issued the first iteration of a framework for monitoring compliance with the Victims' Code. The framework has been designed for local monitoring of criminal justice agency compliance with five key rights, which were identified from extensive engagement with victims. The Criminal Justice Board (CJB) decided that Local Criminal Justice Boards (LCJBs) were best placed to co-ordinate the monitoring of compliance at a local level, however it is important to differentiate this from the responsibility for ensuring compliance with the Victims' Code, which falls to the respective criminal justice agencies. As such Police and Crime Commissioners, who in the majority of areas chair their respective LCJBs, were asked to oversee completion of a compliance template.

You also requested an update on *Recommendation 4: Ensuring that agencies are compliant with the Victims' Code* from the Interim report. The operational demands of Covid-19 both on MoJ and criminal justice agencies has unfortunately meant that further development of the Victims' Code compliance monitoring framework has not been possible. We also received a number of submissions from Local Criminal Justice Partnerships (LCJPs), indicating that they would have difficulty fulfilling the requirements of the framework during the Covid-19 emergency. Furthermore, we are also aware that the Criminal Justice Joint Inspectorate has suspended joint inspections at this time. However, you will be pleased to know that, subject to the operational capacity of criminal justice agencies, we are now looking to restart this work and will renew our engagement with the Criminal Justice Board (through its Senior Officials Group in the first instance).

The government has also committed to guarantee the rights of victims, including victims of child sexual abuse, through a Victims' Law. We will consult on the detail of the Victims' Law after we have published the revised Victims' Code. Without pre-empting the consultation, areas which will be carefully considered include strengthening enforcement of the Victims' Code to make sure victims receive the services they are entitled to and hold agencies to account; and increasing the powers of the Victims' Commissioner so that they can better hold government to account.

I turn, finally, to *Recommendation 6: Criminal Compensation Orders* from the Accountability and Reparations Report. Whilst we have conducted engagement with a number of key stakeholders already, we proposed in our initial response to undertake further exploration to get a better understanding of the reasons why courts make low numbers of compensation orders in cases of child sexual abuse. This has necessarily been stalled by Covid-19, and we are keeping under active review when we can feasibly start this work, but we would not expect this to be before Spring 2021.

I hope you have found this update helpful.

Yours sincerely,

A handwritten signature in black ink that reads "Alex Chalk." The signature is written in a cursive style with a large initial 'A' and a period at the end.

ALEX CHALK MP