



Alexandra Merity,
Independent Inquiry into Child Sexual Abuse
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16 March 2021

Dear Ms Merity,

ACCOUNTABILITY AND REPARATIONS REPORT– UPDATE ON RECOMMENDATIONS RESPONSES

Thank you for your letter of 26th January requesting updates on the steps that the Ministry of Justice has taken to respond to recommendations one, three and four from the Accountability and Reparations Investigation Report, and confirmation of the position regarding recommendation six.

I am pleased to update you that good progress has been made in responding to these recommendations. Whilst Covid-19 related priorities have impacted some aspects of our work, the Government recognises the importance of effective redress and support for victims and survivors, and remains committed to working closely with the Inquiry to robustly address the issues highlighted.

In regard to *Recommendation 1: Signposting civil and criminal compensation*, the new Code of Practice for Victims of Crime ('the Code') was published and laid before Parliament in November 2020, coming into force on 1st April. The Code has been restructured so that victims are the primary audience, and to focus on 12 key overarching rights. These rights clearly and concisely set out the level of service victims can expect to receive from criminal justice agencies and are easy to understand.

Right 5 of the Code sets out victims' right to be provided with information about, where eligible, how to claim compensation for any loss, damage or injury caused as a result of a crime. It explains that victims of child sexual abuse are entitled to seek compensation through the civil courts and signposts how to acquire legal advice and/or assistance. It also explains that victims of child sexual abuse may be entitled to compensation through the Criminal Injuries Compensation Scheme (CICS) and have the right to be told by the police how to apply for this. Further, the Essential Elements documents for Independent Sexual Violence Advisors highlight that they should ensure that victims have access to independent advice and guidance on civil actions and the CICS and can assist in making an application if their client is eligible.

In addition, Right 5 sets out that the victim has the right to be told by the police how to seek court-ordered compensation. It describes that if the defendant pleads or is found guilty as part of the criminal justice process, the judge or magistrate may order them to pay the victim compensation for any loss, damage or injury caused as a result of the crime. The new Code bolsters the support that victims of child sexual abuse receive in the criminal justice process and increases the use of the full range of special measures for vulnerable victims. The Government's Tackling Child Sexual Abuse Strategy, published in January 2021, outlines plans to ensure the Code is aligned to the threat of child sexual abuse so that the impact on victims of these terrible offences is captured and factored into sentencing decisions.

The Government is committed to ensuring victims and survivors of child sexual abuse receive the support they need. Right 4 of the Code sets out that if a victim reports a crime to the police, they have the right to be referred to a service that supports victims within two days of reporting the crime. The police must tell victims about all the support services available in their local area.

Regarding monitoring compliance of the Code, in 2019, we issued the first iteration of a framework to Local Criminal Justice Boards (LCJBs) and PCCs, focusing on key victims' rights, such as the right to be referred to organisations supporting victims of crime. It was agreed that PCCs would oversee a new monitoring process, measuring criminal justice partners' compliance with certain entitlements in the Code. Data collected is used to identify areas of best practice and areas of improvement in poor performance or worsening trends in the delivery of entitlements to victims.

However, over the past year, we recognise that local areas have had to prioritise urgent work due to the Covid-19 emergency; therefore, we suspended reporting of locally collected data on the delivery of Code entitlements. Work is now underway to develop and test a new framework to enable reporting to resume later in 2021. We intend to consult on a Victims' Law to provide a statutory mechanism of holding agencies to account for compliance with the Code through improved reporting, monitoring and transparency.

In relation to *Recommendation 3: The civil justice system*, in its initial response to the Inquiry in April 2020, the Government indicated that it would explore further whether it would be helpful to amend the Compensation Act 2006 or take alternative action to clarify its applicability in the circumstances identified by the Inquiry. As was subsequently explained, at the time the Government's response was published, we were awaiting the Inquiry's recommendations in relation to the limitation period for child sexual abuse claims, and took the view that it would be appropriate for consideration of both issues and any proposals for change to be taken forward in conjunction. We therefore indicated our intention to take forward action following receipt of the Inquiry's recommendations on limitation.


That position was taken in anticipation that the Inquiry's recommendations on limitation would be published in the near future. However, in December 2020, the Inquiry clarified that the outstanding recommendations from its Accountability and Reparations investigation, including those on limitation, would not be published until the Inquiry's final report in 2022. In addition, the subject of apologies was raised in Parliament in December 2020 in the context of a Private Member's Bill tabled by John Howell MP. The aim of that Bill is to encourage the use of apologies as a means of settling civil disputes and preventing issues from becoming disputes.

In light of these developments, we no longer propose to await the Inquiry's recommendations on limitation, and instead intend to consult on the subject of apologies in the course of 2021. This consultation will extend to consideration of the use of apologies in civil proceedings generally, and will include reference to the specific issue raised by the Inquiry.

You also requested an update to *Recommendation 4: The civil justice system*. The Government has begun and will continue discussions with the Association of British Insurers (ABI) on the feasibility of establishing a public liability register. It is the case that work on this recommendation has been held up by the MoJ's focus being on progressing other areas of the Inquiry's proposals and also as departmental priorities have been affected more generally by redeployment to meet the challenges which the Covid-19 pandemic has presented to the justice system. We will shortly be resuming our dialogue with the ABI to move work forward in relation to this recommendation.

Finally, in respect of *Recommendation 6: Criminal compensation orders* and our proposal 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, we confirm that our current intention remains to start this work in the Spring.

I hope you have found this update helpful.

A handwritten signature in blue ink, appearing to read 'Kit Malthouse', with a long horizontal flourish extending to the right.

KIT MALTHOUSE MP