



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

14 May 2021

Dear Ms Merity,

**INTERIM REPORT AND THE SEXUAL ABUSE OF CHILDREN IN CUSTODIAL INSTITUTIONS
REPORT – UPDATE**

Thank you for your letter of 20 April requesting updates on the steps that the Ministry of Justice (MoJ) has taken to respond to Recommendation 5 from the Inquiry's Interim Report and Recommendations 1 and 4 from the Sexual Abuse of Children in Custodial Institutions: 2009 – 2017 Investigation Report ('Custodial Institutions Report').

I am pleased to update you that good progress has been made in responding to these recommendations which I have detailed below. I would also like to take this opportunity to thank the Inquiry for its work on these important issues and emphasise our commitment to addressing these, as set out in the Government responses and other published updates provided.

In relation to Recommendation 5 from the Interim Report, we have undertaken a thorough review of the Criminal Injuries Compensation Scheme ('the Scheme'), as announced in the Government's wider Victims Strategy of 2018 and pursuant to the terms of reference published in December 2018. As part of the review, we carefully considered a broad range of stakeholder concerns in relation to how the unspent convictions rule in the 2012 Scheme impacts applicants, including those who are the victims of specific types of violent crime such as child sexual abuse. This includes information in the Interim Report that gave rise to the recommendation, as well as subsequent information and evidence provided to the Inquiry by survivors and their representatives as part of the Accountability and Reparations investigation strand.

A public consultation reporting on the review, and seeking views on a number of proposals to reform the Scheme, ran from 16 July to 9 October 2020. In *Section 3: Eligibility* of the consultation document, we set out the evidence we have of how this rule operates in terms of the proportion of claims rejected as a result of it across all violent crime types. We also summarised the concerns and issues stakeholders had raised in relation to the rule, including the challenges faced by victims of exploitation and abuse in accessing compensation from the Scheme, and concern that the rule penalises individuals who have already been through harrowing experiences.

For the purposes of the consultation Government concluded that the rationale for the rule in the 2012 Scheme continues to be right, that individuals with unspent convictions which have resulted in community and custodial sentences should not be eligible for state funded compensation, given the harm done to

others and the cost to society of offending behaviour. All individuals with unspent convictions will have been found guilty of a crime and are likely to have had the particular circumstances of their vulnerability taken into account during sentencing. The Government did not therefore propose any change to the existing rule on unspent convictions, which applies equally to all victims of violent crime applying to the Scheme.

All responses to the consultation are being carefully considered and we will publish a Government response in due course. The Inquiry may be aware that the UK Supreme Court heard an appeal, brought by A and B, in November 2020 in relation to the unspent convictions rule. We await and will carefully consider this judgment. We intend to lay a new Scheme in Parliament for approval later this year.

You also asked for an update on Recommendation 1 from the Custodial Institutions Report. Firstly, please let me apologise for the delay updating you on progress against this. Unfortunately, the global pandemic impacted our capacity to carry out interviews, research and engagement and consequently, the overall completion of our review. However, I am pleased to tell you that the report will be published shortly.

The report is the culmination of extensive engagement carried out with a broad range of stakeholders, both across central and local government as well as with youth justice partners, the judiciary, and the youth voluntary and community sector. Officials have also consulted children with lived experiences of remand. This work has provided greater insight into, and better understanding of, the current situation with youth custodial remand. Whilst this allows some challenge to the narrative that custodial remand is regularly 'over-used', the review also acknowledges that more can and should be done to limit instances where a child is remanded to a secure setting. The report highlights areas of best practice and makes proposals for improvement, including actions that can be taken in the youth justice system and key partners to reduce the unnecessary use of custodial remand for children.

Alongside this work, you may also be aware that we have already taken action, through the recently introduced Police, Crime, Sentencing and Courts Bill to further tighten the tests courts must satisfy in making the decision to remand a child to custody, and require them to record the reasons for any custodial remand. My officials will write to you on the day of publication, providing the link to the report.

Finally, I would like to update on Recommendation 4 from the Custodial Institutions Report. Ensuring the safety and well-being of children in our care is our highest priority and we can confirm that work is underway to explore fully the merits of this recommendation. The MoJ has undertaken a targeted consultation with key stakeholders from across youth justice to look at the potential benefits and impacts of professional registration and we are currently in the process of reviewing the evidence. We are in regular contact with the Department of Education who are looking into professional registration in respect of another recommendation, and endeavour to incorporate learning from other sectors and the devolved administrations to ensure that our analysis is as robust and comprehensive as possible. We will provide the Inquiry with further updates in due course.

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