

# VICTIMS' MEASURES WITHIN THE VICTIMS AND PRISONERS BILL

## What the victims measures within the Bill do

Part 1 of the Victims and Prisoners Bill delivers the Government's manifesto commitment to 'pass and implement a Victims Law'. A draft Victims Bill was published in May 2022. It underwent pre-legislative scrutiny by the Justice Select Committee over summer 2022, who delivered their report on 30th September 2022. The Government responded on 19th January 2023 and has strengthened and clarified the measures in the updated Bill, having accepted 20 recommendations and agreed to consider 13 which are non-legislative or could be enacted via regulations.

This fact sheet refers to Part 1 of the Bill, which is applicable to victims of crime as defined in clause 1 of the Bill (from this point on referred to as "victims"), and contains measures that aim to improve end-to-end support for victims, whether they choose to engage with the criminal justice process or not. These measures will:

- send a clear signal about what victims can and should expect from the criminal justice system;
- strengthen local and national transparency and oversight of how relevant criminal justice bodies treat victims at local and national level so we can identify problems and drive-up standards; and
- improve support for victims to cope, build resilience to move forward with daily life, and feel able to engage and remain engaged with the criminal justice system.

## Key measures

Part 1 of the Bill will send a clear signal about what victims can expect from the criminal justice system by:

- Placing the overarching principles of the Victims' Code into primary legislation, to send a clear signal about what victims of crime can and should expect from the criminal justice system.
- Placing a duty on relevant bodies<sup>1</sup> to promote awareness of the Victims' Code so that victims are aware of and understand their entitlements both before victims choose to report a crime, and throughout the victim's journey in the criminal justice system.

The Bill will strengthen transparency and oversight of how criminal justice bodies treat victims by:

- Placing a duty on criminal justice bodies and Police and Crime Commissioners (PCCs) to jointly keep under review compliance with the Code, to encourage local collaboration, gather insights into local performance, and drive the necessary improvements. Non-territorial police forces will have a similar duty, but will jointly review their compliance within their governance structures.
- Requiring criminal justice inspectorates to consult the Victims' Commissioner on their inspection plans, and providing a power for ministers to direct joint thematic inspections on victims' experiences, to provide greater oversight of how victims are treated.
- Requiring the Victims' Commissioner to lay their annual report in Parliament, and requiring departments and agencies named in published reports to respond to recommendations directed at them within 56 days, to enhance scrutiny of actions taken to improve victims' experiences.
- Simplifying the process for victims of crime to make complaints to the Parliamentary and Health Service Ombudsman by removing the need to go through an MP where their complaint relates to their experiences as a victim, to make the service more accessible for victims.

The Bill will improve support for victims by:

- Introducing a joint statutory duty on PCCs, Integrated Care Boards and local authorities to work together when commissioning support services for victims of sexual abuse, domestic violence,

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<sup>1</sup> All police forces in England and Wales, the British Transport Police and the Ministry of Defence Police, the Crown Prosecution Service, His Majesty's Courts and Tribunals Service, His Majesty's Prison and Probation Service and its executive agencies, and Youth Offending Teams.

and other serious violence, so that services can be strategically coordinated and targeted where victims need them.

- Requiring that statutory guidance is published about the roles of Independent Sexual Violence Advisors (ISVAs) and Independent Domestic Violence Advisors (IDVAs), to increase awareness and consistency of these roles.

We have also committed to a wider package of measures that can best be tackled outside legislation to support further improvements for victims. These are set out in the Government's response<sup>2</sup> to the consultation "Delivering justice for victims - a consultation on improving victims' experiences of the justice system".

## What's changed since the draft Victims Bill

Since the draft Bill was published, we have made several key changes to specific clauses to strengthen and refine the legislation. We have:

1. **Clarified the Bill's definition of a victim to include families bereaved by crime and persons born as a result of rape or other sexual offences.**<sup>3</sup> As a result of the JSC's PLS recommendation, this definition will be reflected in the new Victims' Code, which will be consulted on after Royal Assent, to ensure the same groups benefit from the Code and Bill measures.
2. **Emphasised where the distinct needs of child victims should be considered across Bill measures.** The Bill has always covered child victims, but as a result of the JSC's PLS recommendations we have strengthened several clauses to make clear where their distinct needs should be taken into account. For example, the Bill states that commissioners must consider the specific needs of children when preparing their joint commissioning strategy<sup>4</sup> and sets out where guidance will address considerations

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<sup>2</sup> <https://www.gov.uk/government/consultations/delivering-justice-for-victims-a-consultation-on-improving-victims-experiences-of-the-justice-system>

<sup>3</sup> Clause 1(1) and (2)(b) and (c): definition of a victim

<sup>4</sup> Clause 13(3)(a): collaboration of commissioning in victim support services

for children when delivering ISVA/IDVA services.<sup>5</sup> We have also reflected that children who see, hear or experience the effects of domestic abuse are victims in their own right, as defined in the Domestic Abuse Act 2021.<sup>6</sup>

3. **Put a duty on relevant bodies<sup>7</sup> to promote awareness of the Victims' Code.<sup>8</sup>** As a result of the JSC's PLS recommendation, bodies who are most likely to be in contact with victims throughout their journey will be required to take reasonable steps to make victims and others aware of the Code, so that they know what to expect from the system.
4. **Expanded the duty to keep Code compliance under review,<sup>9</sup>** by requiring the British Transport Police and the Ministry of Defence Police to also collect relevant data and review their compliance to ensure parity across police forces.
5. **Introduced a requirement to publish compliance information.<sup>10</sup>** After consideration of the JSC's PLS response, the Ministry of Justice will be required to publish such Code compliance information as will enable members of the public to assess the code compliance of the relevant bodies, so that there is cross-system transparency for how the criminal justice system delivers for victims. This will be possible to see at both national and local levels to enable meaningful comparison between relevant bodies and across areas. PCCs will be required to take reasonable steps to make members of the public in their local area aware of how to access this information.
6. **Retained the Victims' Commissioner's role in oversight of the Victims' Code.<sup>11</sup>** The draft Bill removed the Victims' Commissioner's duty to keep operation of the Code under review – this change was intended to avoid duplication with the new local oversight role of PCCs. After further consideration and the JSC's PLS recommendation, the Bill no longer removes the Victims'

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<sup>5</sup> Clause 15(4)(b)(i): ISVA and IDVAs

<sup>6</sup> Clause 1(2)(d) and (3)

<sup>7</sup> All police forces in England and Wales, the British Transport Police and the Ministry of Defence Police, the Crown Prosecution Service, His Majesty's Courts and Tribunals Service, His Majesty's Prison and Probation Service and its executive agencies, and Youth Offending Teams.

<sup>8</sup> Clause 6: Code awareness

<sup>9</sup> Clause 8: Reviewing compliance British Transport police, and Clause 9: reviewing compliance Ministry of Defence Police

<sup>10</sup> Clause: 10: Publication of compliance information

<sup>11</sup> Clause 16: Victims' Commissioner

Commissioner's duty and it is intended that this will continue alongside the new local roles carried out by PCCs. Both systems will operate concurrently to improve scrutiny of how the criminal justice system treats victims.

7. **Expanded the duty for named agencies to respond to recommendations in the Victims' Commissioner's annual report to include all reports.**<sup>12</sup> After consideration of the JSC's PLS recommendation, this change ensures that time-sensitive recommendations made by the Victims' Commissioner are considered and responded to within 56 days.
8. **Introduced a requirement for criminal justice inspectorates to consult with the Victims' Commissioner when developing their work programmes,**<sup>13</sup> as a result of the JSC's PLS recommendation. This will ensure that the needs of victims are robustly considered.
9. **Better reflected the flexibility of Independent Sexual Violence Advisors (ISVAs) and Independent Domestic Violence Advisors (IDVAs) roles,**<sup>14</sup> noting that they may offer support to those connected to a victim, such as family and friends.

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<sup>12</sup> Clause 16(3): Victims' Commissioner

<sup>13</sup> Clause 17(2), 18(2), 19(2) and 20(2): inspectorates clauses

<sup>14</sup> Clause 15(4)(b)(ii): ISVA and IDVAs