

Title: Victims and Courts Bill – Overarching Impact Assessment IA No: MoJ021/2025 RPC Reference No: N/A Lead department or agency: Ministry of Justice Other departments or agencies: Crown Prosecution Service (CPS)	Impact Assessment (IA)			
	Date: 6 May 2025			
	Stage: Final			
	Source of intervention: Domestic			
	Type of measure: Primary legislation			
	Contact for enquiries: Rachel.bennion@justice.gov.uk			
Summary: Intervention and Options				RPC Opinion: N/A

Cost of Preferred (or more likely) Option (in 2024-5 prices)			
Total Net Present Social Value	Business Net Present Value	Net cost to business per year	Business Impact Target Status Qualifying provision
-£22.3m	N/A	N/A	

What is the problem under consideration? Why is government action or intervention necessary? The Victims and Courts (VAC) Bill addresses various problems relating to the victims of crime and the efficiency of the courts. The measures include: enhancing the powers of the Victims' Commissioner; updating the post-conviction communication scheme for victims; creating an express power for judges to order offenders to attend sentencing hearings; increasing flexibility in the appointment of Crown Prosecutors; empowering the Lord Chancellor to set rates at which prosecutor costs in private prosecutions can be recovered from Central Funds; amending Magistrates Court Sentencing Powers for six either-way offences; extending the time limit for the Attorney General to refer a sentence to the Court of Appeal on the grounds that it is unduly lenient; and restricting parental responsibility for offenders convicted of certain offences against children. Government intervention via primary legislation is required to ensure the criminal justice system operates both fairly and efficiently.

What are the policy objectives of the action or intervention and the intended effects? The legislative measures in the Bill will deliver on four objectives: <ol style="list-style-type: none"> Victims should get the opportunity to see justice done and offenders should be ordered to attend their sentencing hearings Victims and their families should be confident that child sexual abusers can no longer control their lives Victims should get the support and communication they need Address the barriers to faster, fairer justice to allow victims to move on with their lives.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base) The following legislative measures are assessed in this OIA: <ul style="list-style-type: none"> Option 0/Do Nothing: Make no changes to existing legislation. Under this option, the current issues identified with the criminal justice system will remain unaddressed. Option 1: Legislate to introduce the legislative measures in the VAC Bill. Option 1 is preferred option as it best meets the policy objectives.

Will the policy be reviewed? It will not be reviewed. If applicable, set review date: N/A				
Is this measure likely to impact on international trade and investment?			Yes / No	
Are any of these organisations in scope?		Micro Yes/No	Small Yes/No	Medium Yes/No
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)		Traded:		Non-traded:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible

Bill Minister: Alex Davies-Jones Date: 06 May 2025

Summary: Analysis & Evidence

Policy Option 1

Description: Legislate to introduce the legislative measures in the VAC Bill.

FULL ECONOMIC ASSESSMENT

Price Base Year 24-25	PV Base Year 25-26	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: -13.2m	High: -36.8m	Best Estimate: -22.3m

COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	-£2.1m	15	-£1.6m	-£15.6m
High	-£5.5m	14	-£1.2m	-£40.0m
Best Estimate	-£3.4m	14	-£2.6m	-£25.1m

Description and scale of key monetised costs by 'main affected groups'

Extending the Victims' Commissioner powers is estimated to cost HM Prison and Probation Service an average of £0.1m per year. Bringing victims currently served by different post-conviction communication schemes into the Victim Contact Scheme and providing a new route for others to request information via a dedicated helpline is expected to cost HMPPS £0.2m per year. The automatic restriction on the parental responsibility of serious sexual offenders has a best estimate annual cost of £1.0m which will be borne by HM Courts and Tribunal Service, the Legal Aid Agency, local authorities and Children and Family Court Advisory and Support service (Cafcass) and Cafcass Cymru. Increasing magistrates' sentencing powers has an expected annual cost of £0.2m. Ordering attendance at sentencing hearings has an average annual cost for HMCTS, PECS and the LAA across the appraisal period of £1.1m and annual costs of £1.4m once the steady state has been reached after 14 years from implementation. The transition costs are estimated at £3.4m as this measure is expected to require an extra 5 prison places plus additional staff training.

Other key non-monetised costs by 'main affected groups'

Extending the powers of the Victims' Commissioner should not lead to additional costs for other government departments or agencies although there may be negligible costs associated with responses to reasonable requests for cooperation. There may be costs to the non-offending parent/carer if a serious sexual offender applies for the family court to consider the circumstances of their case and to offenders if they successfully challenge their loss of parental responsibility but are ineligible for Legal Aid. There may be emotional costs to the direct and indirect victim children of offenders who have their parental responsibility restricted. Addressing offender non-attendance at sentencing hearings will require additional hearing time in the Crown Court and may add to trial backlogs. Offenders may also spend longer in prison which may exacerbate overcrowding, reduce the effectiveness of rehabilitation and increase re-offending.

BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	-	-	£0.3m	£2.4m
High	-	-	£0.4m	£3.2m
Best Estimate	-	-	£0.3m	£2.8m

Description and scale of key monetised benefits by 'main affected groups'

Sentencing more cases in the magistrates' Court is expected to create annual saving of £0.3m to HMCTS and the LAA.

Other key non-monetised benefits by 'main affected groups'

Empowering the Victims' Commissioner to better hold the Criminal Justice (CJS) and non-CJS agencies to account may increase system performance. Bringing victims served by different post-conviction communication schemes into the Victim Contact Scheme and providing a route for others to request release information about their offender will increase their confidence in the CJS. The children of a serious child-sex offender and their non-offending parent/carer will benefit as the former will not be able to exercise parental responsibility as will HMCTS if cases are diverted from the family court. Requiring offenders to attend their sentencing hearing could reduce the distress caused to victims and families. Increasing magistrate sentencing powers will provide swifter access to justice for victims. More time for the Attorney General to refer cases to the Court of Appeal should improve the administration of the unduly lenient sentencing scheme. Allowing CILEX members to become CPs will increase the pool from which the CPS can hire. Setting the recovery rates from public funds in private prosecutions will help to ensure a fair balance of costs between the parties.

Key assumptions/sensitivities/risks	Discount rate (%)
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3.5%

The main assumptions and risks associated with these impacts are given in the detailed IAs for the Bill. The main assumption is that some Option 1 measures will require additional prison capacity and Legal Aid spending.

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m: N/A			Score for Business Impact Target (qualifying provisions only) £m: N/A
Costs: N/A	Benefits: N/A	Net: N/A	

Victims and Courts Bill

Overarching Impact Assessment

May 2025

A. Background

1. The Victims and Courts (VAC) Bill contains legislative measures that will ensure that the criminal justice system (CJS) better meets the needs of victims and improves efficiency in the criminal courts.
2. As we prepare for long-term reform we must, without delay, act now to fix the foundations of the system. The VAC Bill therefore includes practical changes to reduce inefficiencies and ensure fairness in the criminal courts, and to build victims' confidence.
3. The legislative measures in the Bill will therefore deliver on four key objectives:
 - i. Victims should get the opportunity to see justice done and offenders should be forced to attend their sentencing hearings
 - ii. Victims and their families should be confident that child sexual abusers can no longer control their lives
 - iii. Victims should have confidence that they will get the support and communication they need.
 - iv. Address the barriers to faster, fairer justice to allow victims to move on with their lives.
4. This Overarching Impact Assessment (OIA) explains the policy rationale and main objectives which underpin each of the measures in the Bill and lists the key stakeholders and groups who will be most affected. It then provides an overview of each of the legislative measures before summarising the impact each will have on society including both the monetised and non-monetised impacts.
5. More detailed discussions of each of the legislative measures in the VAC, alongside the main assumptions and risks which underly the estimates of impact, can be found in the individual Bill IAs that are published along with this OIA.

B. Rationale and Policy Objectives

Rationale

6. The conventional approaches to Government intervention are based on efficiency or equity arguments. Governments may intervene if there are strong enough failures in the way markets operate (e.g. monopolies overcharging consumers) or there are strong enough failures in existing Government interventions (e.g. waste generated by misdirected rules) where the proposed new interventions avoid creating a further set of disproportionate costs and distortions. The Government may also intervene for equity (fairness) and distributional reasons (e.g. to reallocate goods and services to more needy groups in society).
7. The rationale for the measures in the VAC Bill is both equity and efficiency. The Bill will promote equity by ensuring the victims of crime and their families are better recognised, represented and protected by the CJS by enhancing the role of the Victims' Commissioner, protecting children from a parent convicted of serious sexual offences, ensuring offenders face justice and receive the punishment they deserve and by promoting greater fairness between the parties involved in private prosecutions. Efficiency will be advanced by ensuring that offences are dealt with by the most appropriate court and that those with the necessary skills can become Crown Prosecutors. The combined effect of the measures in the VAC Bill will be to increase public confidence in the criminal justice system.

Policy Objectives

8. The overall policy objectives of the Bill were described in the previous section. The more specific policy objectives each of the measures are listed below.

Victims Measures

9. The policy objectives associated with the Victim's measures are to:
 - Children should be protected from ongoing psychological or emotional harm resulting from a person convicted of a serious child sex offence exercising their parental responsibility and from the emotional impact of complex and protracted family court cases.
 - Non-offending parents/carers should be protected from ongoing control and abuse by the offender and from the responsibility and stress of potentially having to make an application to court themselves to restrict the offender's parental responsibility.
 - Victims should have confidence that they will get the support and communication they need from the system.
 - Provide for the restriction of the exercise of parental responsibility for a person who has been convicted of a serious sexual offence against a child they hold parental responsibility for and sentenced for over 4 years immediate custody.

- Bring existing operational schemes, such as the Victim Notification Scheme, into the Victim Contact Scheme and provide a new route for other victims to request information via a dedicated helpline.
- Improve independent oversight of the Victims' Code;
 - Amplify the victim voice in engagement with the system;
 - Bolster the Victims' Commissioner's ability to engage with agencies to address public policy issues that impact victims;
 - Enable the Victims' Commissioner to better identify systemic issues, make more informed recommendations, and scrutinise how the system responds to antisocial behaviour through a victims' lens;
 - Create parity of obligations between criminal justice system and non-criminal justice system agencies that have a role in supporting victims of antisocial behaviour;

Courts Measures

10. The policy objectives associated with the Court's measures are as follows:

- Help reduce the distress of victims and their families caused by offenders' refusal to attend their sentencing hearing.
- Enable greater flexibility regarding who the Director of Public Prosecutions can designate as a Crown Prosecutor by removing an unnecessary legislative barrier
- Empower the Lord Chancellor to set rates for private prosecutions where the costs can be recovered from Central Funds.
- Bring six specific triable either-way offences in line with all other triable-either way offences so that they fall in scope of extended magistrates' court sentencing powers.
- Guarantee the Attorney General's Office 14 days to consider requests to apply for leave to refer unduly lenient sentences to the Court of Appeal.

C. Affected Stakeholder Groups, Organisations and Sectors

11. A list of all the main groups that would be most affected by the measures in this Impact Assessment (IA) is shown below:

- The victims of crime and their families, including children and their siblings with a parent convicted of serious child sexual abuse
- Non-offending parents/carers who care for children with a parent who is an offender of serious child sexual abuse
- Offenders, particularly those in custody at the time of their sentencing in the Crown Court and those sentenced for serious child sexual abuse for four years or more
- His Majesty's Courts and Tribunals Service (HMCTS)
- The Legal Aid Agency (LAA) and the providers of Legal Aid services
- His Majesty's Prison and Probation Service (HMPPS)
- The Prison Escort and Custody Service (PECS)
- The Victims' Commissioner
- CJS agencies including the Criminal Cases Review Commission, the Parole Board, the Youth Justice Board for England and Wales, Police forces in England and Wales, Youth Offending Team and Police and Crime Commissioners
- Criminal Justice Inspectorates including HM Inspectorate of Constabulary, Fire, and Rescue Services, HM Crown Prosecution Service Inspectorate, HM Inspectorate of Probation, HM Inspectorate of Prisons and the Maritime and Coastguard Agency
- Cafcass and Cafcass Cymru
- The judiciary, including both Judges and Magistrates
- The Attorney General, the Attorney General's Office (AGO) and the Solicitor General
- The Crown Prosecution Service (CPS) and the Director of Public Prosecutions (DPP)
- Public bodies including local authorities and social housing providers
- Legal services providers, including members of CILEX
- Prosecutors and defendants in private prosecutors
- The general public

D. Description of Options Considered

12. The following legislative measures are assessed in this OIA:

- **Option 0/Do Nothing: Make no changes to existing legislation;**
- **Option 1: Legislate to introduce the measures in the VAC Bill**

13. Option 1 comprises of the following legislative measures:

- **Measure 1:** Create an express statutory power for judges to order offenders to attend their sentencing hearings so that these criminals have to face the consequences of their actions
- **Measure 2:** Automatic restriction on the exercise of parental responsibility for child sex offenders
- **Measure 3:** Update the routes to provide victims with information about their offenders' release. This measure has three elements:
 - **Measure 3a:** Bring existing operational schemes into the Victim Contact Scheme;
 - **Measure 3b:** Give victims a clear route to information about their offender's release;
 - **Measure 3c:** Include a new definition of a victim.
- **Measure 4:** Extend the powers of the Victims' Commissioner. This measure has three elements:
 - **Measure 4a:** Require the Victims' Commissioner to independently report on Victims' Code compliance;
 - **Measure 4b:** Duty to cooperate on antisocial behavior.
 - **Measure 4c:** Enable the Victims' Commissioner to take action in relation to individual cases, where they raise issues of public policy relevance;
- **Measure 5:** Increase flexibility for the Director of Public Prosecutions in appointing Crown Prosecutors
- **Measure 6:** Empower the Lord Chancellor to set the rates at which prosecutor costs in private prosecutions can be recovered from Central Funds
- **Measure 7:** Amend the time limit for the Attorney General to refer a sentence to the Court of Appeal on the grounds that it is unduly lenient
- **Measure 8:** Amend Magistrates Court Sentencing Powers for 6 either-way offences

14. Option 1, legislative measures, 1-8, is the preferred option as it best meets the Government's policy objectives.

Option 0

15. Under this option, no changes would be made to existing legislation regarding victims and the courts. As a result, the various issues with the CJS that are described below would remain unaddressed.

Option 1

16. Under this Option, the above legislative measures will be introduced. Below we briefly describe each legislative measure grouped under the four main objectives of the Bill.

More detailed descriptions of Measures 2-4 can be found in the Victims IA for the VAC Bill while those for Measures 1 and 5-8 are in the Courts IA.

17. The scope of all the legislative measures is England and Wales.

Objective 1: Victims should get the opportunity to see justice done and offenders should be forced to attend their sentencing hearings.

Measure 1: Create an express statutory power for judges to order offenders to attend their sentencing hearings so that these criminals have to face the consequences of their actions

18. There have recently been instances where offenders have refused to attend their sentencing hearings. This absence can cause distress for victims and their families as it takes away their opportunity to ensure that offenders are seen to face up to their crimes and hear their Victim Impact Statement. This issue has generated a strong public reaction and raised questions about the ability of the courts to support victims and ensure that offenders face up to their crimes.
19. Currently, the court may order an offender to attend their sentencing hearing and direct the prison authorities to produce an offender held in custody, but this is not explicitly set out in statute and there is a lack of clarity about judges' common law powers. However, they do already have the discretion to direct an offender who is remanded in custody to attend court, and any wilful refusal can result in a finding of contempt. In cases where an offender refuses a direction from the court, prison staff must make all attempts to persuade the offender to attend, including giving a direct order. Prisoners can be charged with a disciplinary offence, via the internal prison disciplinary system, if they disobey a lawful prison order resulting, for example, in forfeiture of privileges in prison.
20. There are existing arrangements in place for circumstances where an offender refuses to attend their sentencing hearing. In such cases prisons are required to make all efforts to persuade the offender to attend. Force can only be used as a last resort and is unlikely to be considered necessary in cases where sentencing can go ahead in the offender's absence. Any decision to use force is the responsibility of trained prison staff and escorting officers and must be lawful, i.e., necessary, reasonable, and proportionate. If use of force is considered unlawful, the prison will tell the court accordingly. However, there is a lack of clarity among prison and Prison Escort and Court Services (PECS) officers about when reasonable force can be used.
21. Given that an offender produced by force is more likely to be disruptive or abusive in court and delay proceedings, judges may feel that proceeding without the offender, or having the offender appear via video link, is more appropriate.
22. In response to the above considerations, the VAC Bill will legislate to:
- Give Crown Court judges an express statutory power to order the attendance of offenders at their sentencing hearing, and sanction those who breach that order with up to two years imprisonment and/or prison sanctions for offenders over the age of 18 at the time of sentencing. Discretion will be given to the prison

governor to override a prison sanction where necessary (for example, for reasons of health and safety); and

- The measure will also make it clear that reasonable force can be used to ensure an offender's attendance. Trained prison or PECS staff will determine whether to use reasonable force to ensure an offender's attendance, when necessary and proportionate to do so.

23. This measure will respond to the significant media and wider public interest in this issue. In particular, it will address the concerns of the families of four victims who have been prominent in campaigning for a change in the law and who cite the offender's refusal to attend their sentencing hearing as a "final insult".

Objective 2: Victims and their families should be confident that child sexual abusers can no longer control their lives

Measure 2: Automatic restriction on the exercise of parental responsibility

24. Child sexual abuse, particularly abuse in the family environment (known as intra-familial sexual abuse), remains a pervasive yet under reported problem. Like all other forms of sexual abuse, it can have damaging and long-lasting impacts on victims across their life course. Abuse by a family member, particularly a parent or carer, may be especially traumatic for the victim because of the betrayal, stigma and secrecy it involves. Children can also experience severe impacts from this abuse even where they are not the direct victims of the crime itself.

25. Parental responsibility is defined in the Children Act 1989 as the rights, duties, powers, responsibilities, and authority which by law a parent or guardian of a child has in relation to the child and their property. Mothers have automatic parental responsibility. So do fathers and second female parents who were married to, or in a civil partnership with, the mother at the time of birth, or who 'legitimise' it by marrying or entering a civil partnership with the mother afterwards. Fathers and second female parents who were not married to or in a civil partnership with the mother may acquire it through avenues such as being named on the birth certificate.

26. In most cases, the person with parental responsibility will be a parent of the child. However, other individuals can hold parental responsibility for a child where they are not the parent. This may be, for example, when a child is living with another family member as their parents were unable to care for them. In some cases, then, the person with parental authority may not be the parent of the child(ren). However, for simplicity, we refer to parent and child throughout this OIA.

27. Outside of adoption proceedings, the court can only remove parental responsibility if it was acquired in certain ways. While it cannot remove the parental responsibility of a person who has obtained it automatically, the court can restrict the parental responsibility of any individual, irrespective of how their parental responsibility was obtained although this requires an individual, for example, the non-offending parent to make an application to court.

28. At present, when a parent commits a serious child sexual offence, including against their own child, they maintain any parental responsibility they hold unless another party

initiates a successful process to restrict it. However, for some children, the offender's continued exercise of parental responsibility can be harmful.

29. It can also be very challenging – financially and emotionally – for non-offending parents/carers to make an application to the court to restrict the offender's parental responsibility. Many may be put off from doing so, potentially leaving children at risk of harm. For those that do apply, it can also be an opportunity for the offender to continue or initiate domestic abuse through the court system.

30. As part of the background material to the 2024 King's Speech, the Government committed to legislate to restrict parental responsibility for child sex offenders. The VAC Bill fulfils that commitment. Hence, this legislative measure will:

- Restrict the exercise of parental responsibility for a person who has been convicted of a serious sexual offence against a child they hold parental responsibility for and sentenced for over 4 years immediate custody. It will ensure that individuals convicted of such serious sexual offences cannot take any step to exercise parental responsibility they hold for any child unless the order is varied or discharged by the court.

31. This measure will mean that instead of the non-offending parent/carer having to drive the process, the offender's parental responsibility will be automatically restricted at the point they are sentenced. This will protect children and families from ongoing harm by offenders exercising their parental responsibility abusively.

32. This measure will apply to offenders who have been convicted of a 'serious' sexual offence against a child they hold parental responsibility for. These offences will cover (for instance) rape, sexual assault and abuse of children through prostitution and pornography which are specified in the Criminal Justice Act 2003 (Section 244ZA and Schedule 15) as being serious enough to warrant a longer portion of a sentence to be served in prison. This is because, while all sexual offences have an impact on children, any automatic mechanism to restrict the exercise of parental responsibility needs to be based on the knowledge that such offenders present a clear and unequivocal risk to the children involved. In the case of the offences covered by this measure, this risk is clear.

Objective 3: Victims should have confidence that they will get the support and communication they need.

Measure 3: Extend the powers of the Victims' Commissioner

33. The Victims' Commissioner for England and Wales is dedicated to improving how the criminal justice system works for all victims and witnesses. The role of the Victims' Commissioner is to:

- Promote the interests of victims and witnesses;
- Take steps to encourage good practice in the treatment of victims and witnesses; and
- Keep the operation of the Victims' Code under review.

34. In its manifesto, the Government committed to increasing the powers of the Victims' Commissioner. Legislative Measure 3 contains three reforms to the powers of the

Victims Commissioner that will deliver on that promise and empower the Victims' Commissioner to better hold the system to account.

Measure 3a: Require the Victims' Commissioner to independently report on Victims' Code compliance

35. The Code of Practice for Victims of Crime (Victims' Code) sets out the services and a minimum standard for these services that must be provided to victims of crime by organisations (referred to as service providers) in England and Wales.

36. Measure 3a will:

- Place a new duty on the Victims' Commissioner to produce an annual report on compliance with the Victims' Code, enabling them to provide independent commentary from a victim-focused perspective on how service providers are complying with their duties under the Victims' Code. Ministers (the Secretary of State for Justice, Attorney General and Home Secretary) will be required to have regard to the report as part of preparing their own report on Victims' Code compliance pursuant to section 11(1)(b) of the 2024 Act. This measure will be inserted as an addition to the existing Code compliance reporting framework detailed in the 2024 Act.

Measure 3b: Duty to cooperate on antisocial behavior

37. This Government recognises the importance of holding service providers to account for how they treat victims. It also recognises that antisocial behaviour is not merely a 'low-level' nuisance: it has devastating consequences, corroding people's freedom, damaging their mental health, and ultimately undermining their sense of home.

38. The Bill will therefore better enable the Victims' Commissioner to request information from certain bodies outside the criminal justice system about how the system is supporting victims of antisocial behaviour. This will ensure much-needed independent scrutiny from a victim-focused perspective on how agencies are complying with their duties under the Victims' Code.

39. Measure 3b will:

- place a duty on local authorities and social housing providers, where they are engaged with victims of antisocial behaviour, to cooperate with the Victims' Commissioner, where appropriate and reasonably practicable to do so. This will enable the Victims' Commissioner to request information from those bodies relevant to victims of antisocial behaviour, identify systemic issues, make more informed recommendations, and legitimately scrutinise how the system responds to those victims.

Measure 3c: Enable the Victims' Commissioner to take action in relation to individual cases, where they raise issues of public policy relevance.

40. The Victims' Commissioner can already approach CJS agencies, Government Departments and the third sector to raise concerns and request a response under their

broad remit to promote the interests of victims and witnesses and can discuss any system-level issues victims face in a general sense. However, under the 2004 Act the Victims' Commissioner cannot exercise their functions in relation to individual cases. This means that there is a lack of clarity around whether the Victims' Commissioner can act in such a way in relation to an individual case that is of public policy relevance when carrying out their functions.

41. This legislative bar can make it difficult for the Victims' Commissioner to highlight such cases to agencies and discourage them from requesting information from agencies on their next steps in a particular case (or promoting best practice if the Victims' Commissioner feels that it could be done better), when doing so would be in the interests of prompting policy or operational change.

42. Measure 3c will therefore:

- enable the Victims' Commissioner to exercise their functions in relation to individual cases where they raise issues of public policy relevance to other victims and witnesses, and the exercise of functions is likely to promote the interests of victims/witnesses in relation to the issue(s).

Measure 4: Update the routes to provide victims with information about their offenders' release

43. His Majesty's Prison and Probation Service's (HMPPS) Victim Contact Scheme is a vital communication tool that offers eligible victims the opportunity to be contacted at key points of their offender's sentence, including information about upcoming release or discharge, and make representations about any protective conditions. It arises from section 35 to 45 of the Domestic Violence, Crime and Victims Act 2004, and applies to victims of a specified sexual, violent or terrorism offence, where the offender receives a sentence of 12 months or more imprisonment or where a hospital order is made.

44. The Domestic Violence, Crime and Victims Act 2004 is now over 20 years old. Victims of specified offences are also currently served by different operational schemes, such as victims of stalking and harassment under the Victim Notification Scheme (which currently only extends to victims of offenders detained in prisons). Victims who fall outside of specified offence types served under these schemes do not have a clear route to receive information about an offender's release. In addition, the current legislation provides that anyone who appears to probation or hospital managers to be a victim of an offender is eligible for the Victim Notification Scheme if they are a victim of a specified offence and the offender receives a sentence of at least 12 months imprisonment. The current definition is a victim is also narrow.

45. To address these issues, Measure 4 consists of three elements:

- **Measure 4a** will bring existing operational schemes, such as the Victim Notification Scheme, into the Victim Contact Scheme.
- **Measure 4b** will give other victims a clear route to request information about their offender's release, which will be provided via a victim helpline to victims of specified violent and sexual offences, victims of offences committed as part of

perpetrating domestic abuse, or victims otherwise considered to be at risk of physical or psychological harm without information relating to their offender's release, where appropriate.

- **Measure 4c** will include a new definition of 'victim' for the purposes of the scheme, which specifies that this includes those directly subjected to criminal conduct, bereaved family members, children who have witnessed domestic abuse (considered victims in their own right as defined by the Domestic Abuse Act 2021), and persons born as a result of rape.

Objective 4: Address the barriers to faster, fairer justice to allow victims to move on with their lives.

Measure 5: Increase flexibility for the Director of Public Prosecutions in appointing Crown Prosecutors

46. Crown Prosecutors (CP) are qualified solicitors and barristers who work for the CPS. They are responsible for prosecuting criminal cases that have been investigated by the police and other investigative organisations.
47. Under S.1(3) of the Prosecution of Offences Act 1985, CPs are required to have a 'general qualification' as defined in Section 71 of the Courts and Legal Services Act 1990 (The Act). This requires prospective CPs to, at a minimum, have rights of audience in relation to any class of proceedings in any part of the Senior Courts, or all proceedings in county courts or magistrates' courts.
48. As the legal services market has evolved and new routes to qualification emerge, such as the Chartered Institute of Legal Executives (CILEX) professional qualification routes, the legislative requirement for a 'general qualification' has become increasingly unjustified.
49. As they do not normally have this 'general qualification', the current legislation also means that the CPS currently cannot appoint members of CILEX to work as CPs, even when a CILEX Practitioner's specialism is criminal litigation with relevant independent practice rights and rights of audience. CILEX members already exercise many of the same functions as solicitors and work within the CPS as core elements of the wider delivery of legal services.
50. The Bill will therefore:
- Remove the legislative barrier which is preventing CILEX lawyers, who have specialist qualifications and more limited rights of audience, from becoming CPs, subject to the Director of Public Prosecutions' (DPP) discretion.
51. This measure will broaden the pool of prospective CPs and support the Government's manifesto commitment to ensure more prosecutors are available by enabling Associate Prosecutors (APs) and other legal professionals to take on appropriate cases. It will also provide greater parity of esteem to a more diverse pool of legal professionals and improve their career opportunities. This should improve equality of opportunity and

increase social mobility, as CILEX membership is a non-traditional (non-graduate) route into the legal profession.

Measure 6: Set rates at which prosecutor costs in private prosecutions can be recovered from Central Funds

52. The Magistrates' court sees thousands of private prosecutions annually although the volume in the Crown Court is far lower (there is no robust data on the precise numbers). The majority concern three types of offence – low-value shoplifting/theft, low-value fraud, often prosecuted by charities, and fraud prosecuted by companies or high net-worth individuals.

53. Most private prosecutions funded privately by the complainant, with costs awarded against the defendant upon conviction (dependent on means). The Prosecution of Offences Act 1985 (POA) allows those bringing a private prosecution to seek a Costs Order except where the matter concerns a summary-only offence. However, a small proportion of private prosecutions result in a claim from Central Funds (an MoJ budget, administered by the Legal Aid Agency, for costs awarded under Part II of the POA). In 2023/24, costs for 79 cases at the Magistrates' court, and 38 cases at the Crown Court were reimbursed from Central Funds.

54. The Court can fix the amount to be paid under the Costs Order, and where it does not, it falls to the Legal Aid Agency's (LAA) Criminal Cases Unit (CCU) to assess claims. As the POA 1985 does not accord the Lord Chancellor the powers to set remuneration rates, by convention, the Court and LAA employ Senior Courts Costs Office (SCCO) guideline rates, which are intended to reflect the civil market rates of pay. These rates are historically higher than the equivalent criminal legal aid rates despite little evidence that the caseload undertaken by private prosecutors is more complex than work typically done by public prosecuting bodies.

55. Even with the SCCO guidelines, the lack of prescribed rates makes assessment of reasonableness both subjective and imprecise. The only safeguard is the Court's (or CCU's Determining Officer's) assessment of the reasonableness of the costs incurred, an assessment open to challenge by way of an appeal to a Costs Judge (Crown Court cases) or Judicial Review (Magistrates' court cases).

56. In 2020, the Justice Select Committee (JSC) recommended strengthened regulation of the sector, concluding that the Government should review funding arrangements for private prosecutions to address the inequality of access to the right; to ensure a fair balance between the prosecutor and the defendant; and to ensure the most cost-effective use of public funds.

57. The VAC Bill will therefore:

- legislate to make an enabling power for the Lord Chancellor to set the rates for private prosecutions costs.

58. Such a power will seek to address the disparity in costs in private prosecution cases, and to provide clarity on what rates should be paid. It will also ensure the most cost-effective use of public funds.

Measure 7: Amend the time limit for the Attorney General to refer a sentence to the Court of Appeal on the grounds that it is unduly lenient

59. The Unduly Lenient Sentencing (ULS) scheme gives the Attorney General the power to apply for leave to refer a sentence which appears unduly lenient for review by the Court of Appeal. Pursuant to the Law Officers Act 1997, this power may also be exercised by the Solicitor General. On review, the Court may quash the sentence and impose a different sentence.
60. The bar to increasing a sentence is a high one. The Court of Appeal will only grant permission to refer a sentence in exceptional circumstances: for example, if the judge has made some gross error, or has passed a sentence that falls outside the range of sentences which a judge, applying their mind to the relevant factors, could reasonably consider appropriate.
61. In 2019, the Attorney General's Office (AGO) received 983 referrals to review a sentence, and over 1,200 in 2023 which indicates that awareness of the scheme has improved. The AGO also clearly advertises the ULS Scheme on its website and regularly publishes updates of the outcome of unduly lenient sentence referrals to the Court of Appeal in the press and on social media. The CPS also provides information about the scheme to victims.
62. There is currently a time limit of 28 days from the date of sentence for the Attorney General to apply to the Court of Appeal for leave to refer a sentence. This is a strict time limit to ensure there is finality in sentencing for both offenders and victims, and Parliament intended this to be an exceptional power. Whilst the reasoning behind the time limit is right, the 28-day time period can create practical issues, as potential unduly lenient sentences are often brought to the Attorney General's attention close to expiry of the 28-day time period which can limit the amount of time the Attorney General has to consider the case.
63. In particular, the AGO is wholly reliant on the Crown Prosecution Service (CPS) to provide the relevant case papers and often seeks the advice of Treasury Counsel, both of which take time. Completing these steps in time can lead to advice needing to be given and decisions taken at very high speed.
64. These practical issues have been exacerbated in recent years, as the number of requests received by the AGO to review a sentence has greatly increased, including those received closer to the 28-day time period. For example, in 2024, of the 831 sentences considered by the AGO, 108 were received on days 15-28. This is a particular concern for the AGO, given the substantive amount of consideration required by a Law Officer in each individual case.
65. These issues have resulted in an unsatisfactory situation for the operation of the ULS scheme. This measure will therefore:
- Amend the 28-day time period that applies when the Attorney General refers a case to the Court of Appeal where it appears that the sentence imposed by the Crown Court has been unduly lenient.

66. This measure will mean that where a request is made to the Attorney General in the last 14 days of that 28-day time limit, the Attorney General has 14 days from the date of receipt to make the referral to the Court of Appeal, if appropriate.

Measure 8: Amend Magistrates Court Sentencing Powers for 6 either-way offences

67. On 2 May 2022, the previous government increased magistrates' court sentencing powers from 6 months to 12 months for most single triable either-way offences by commencing section 282 of the Criminal Justice Act 2003.

68. On 14 July 2022, the Judicial Review and Courts Act 2022 established separate general limits for magistrates' court sentencing powers for summary and either-way offences. It also allowed the Secretary of State for Justice to vary the limit for single triable either-way offences to either 6 months or 12 months via a negative Statutory Instrument.

69. Further legislation was introduced to clarify the combined effect of these changes and to amend over 200 offences, replacing references to "12 months" with "the general limit in a magistrates' court."

70. Six triable either-way offences were not covered by this legislation because their maximum penalty was specified as "6 months" instead of "12 months." These offences are listed in section D of the Courts IA for this Bill.

71. This measure will:

- Amend legislation in relation to these six specific triable either-way offences so that the maximum penalty on summary trial is specified as being "the general limit in the magistrates' court", rather than "6 months" as is currently stated in legislation for those offences.
- Bring these six offences in line with all other triable either-way offences that post-date 2003, for which the maximum penalty on summary trial is specified as being "the general limit in the magistrates' court".

72. This reform is particularly important now, given the recent increase in magistrates' court sentencing powers to 12 months for a single triable either-way offence to avoid confusion and errors in sentencing.

E. Cost and Benefit Summary

73. This section of the OIA summarises the main monetised and non-monetised impacts of the above legislative measures on individuals and groups in the UK. These impacts have been assessed using HM Treasury guidance.
74. To do this, the costs and benefits of each legislative measure have been compared to the “do nothing” option. IAs place a strong emphasis on valuing costs and benefits in monetary terms. However, there are often important aspects of a policy that cannot readily be monetised – e.g. the effects on particular groups in society or changes in equity and fairness.
75. The expected impacts of the legislative measures described above are summarised in tables 1 and 2 below. More detailed analysis of the costs and benefits for the victims and courts-related measures can be found in the relevant IA for each type of legislative measure.
76. Where necessary, and to make our estimates of the costs and benefits of each measure comparable, we have adopted the following conventions:
- All monetised costs and benefits are stated in 2024-25 prices;
 - The Net Present Social Value (NPSV) of each measure has been calculated over a ten year appraisal period from the expected implementation date using a 3.5 per cent discount rate;
 - Where appropriate, optimism bias (OB) has been applied. The rationale for the chosen levels of OB can be found in the IAs for the individual measures;
 - Unless otherwise stated, the annualised costs or savings are those which would be achieved in ‘steady state’ (i.e. when a measure is fully in operation).
77. As is normally the case with IAs, we do not assess the direct impacts on offenders which are necessary to uphold the sentence of the court.

Net Impact: Victims Measures

78. Table 1 summarises the net impact of the legislative measures relating to victims. The central estimate of the NPSV of these measures is **-£10.9m** with a range between -£5m (low) and -£21.3m (high).

Table 1: Summary of Main Impacts, Best Estimates, Victims Measures				
		Costs	Benefits	10 Year NPSV
Measure 2: Automatic restriction on the exercise of parental responsibility	Monetised	The expected increase in private law children applications is estimated to cost the LAA £640K per annum plus some small additional annual operational costs.		

		<p>The expected increase in private law children applications is estimated to cost to HMCTS £280k per annum for extra family court cases and related admin costs.</p> <p>The expected increase in private law children applications is estimated to cost Cafcass, Cafcass Cymru and local authorities £130k per annum.</p>		-£7.6m
	<i>Non-Monetised</i>	None	<p>Direct-victim children will be protected from the ongoing involvement of the offender in their life. This measure may also protect direct victim children from other forms of abuse.</p> <p>Siblings of direct-victim children will be protected from the ongoing involvement of the offender in their life. They may be protected from any future or undetected abuse.</p> <p>Non-offending parents/carers will be protected from potential ongoing control of their and their children's lives. They will also be protected, financially and emotionally, from the costs associated with making an application to court to restrict the offender's ability to exercise their parental responsibility.</p> <p>HMCTS, Cafcass, Cafcass Cymru and local authorities will benefit if some existing cases are diverted from the family court or from a reduction in their cost profile. Dealing with these cases swiftly, via the automatic prohibited steps order, may also result in fewer applications or applications taking less court time than previously required.</p>	N/A

Measure 3 Measure 3a: Bring existing operational schemes into the Victim Contact Scheme Measure 3b: Give victims a clear route to information about their offender's release Measure 3c: Include a new definition of a victim.	Monetised	<p>Expanding the VCS to cover victims of offenders detained in hospital is estimated to be £0.02m per annum.</p> <p>The Helpline is estimated to cost to HMPPS an extra £0.1-0.2m per annum.</p> <p>The cost of expanding the VCS to child witnesses of domestic abuse is estimated to be £0.06m per year.</p>	None	-£2m
	Non-Monetised	None	<p>Measure 3a recognises that regardless of where an offender is detained, their victim will be at risk of psychological and physical harm if they do not have access to information about the release of the offender. This measure will improve victim physical and psychological safety and improve their trust and confidence in the CJS.</p> <p>Measure 3b recognises the risk of psychological and physical harm victims may experience if they do not know about the release of their offender and so may increase their trust and confidence in the CJS.</p> <p>Measure 3c recognises the impact that domestic abuse has on children as victims. It also recognises persons born as a result of rape as victims of crime.</p>	N/A
Measure 4 Measure 4a: Require the Victims' Commissioner to independently report on Victims' Code compliance Measure 4b: Duty to cooperate on antisocial behavior.	Monetised	<p>We estimate these measures will require additional staff costs for the Victims' Commissioners of £150k per annum.</p>	None	-£1.3m
	Non-Monetised	Any additional costs from Measure 4b to non-CJS agencies subject to the duty to cooperate are assumed to be negligible as they will	Having the Victims' Commissioner independently report on compliance with the Victims' Code and act on individual cases relevant to public policy will improve	N/A

Measure 4c: Enable the Victims' Commissioner to take action in relation to individual cases, where they raise issues of public policy relevance.		only need to act where it is both appropriate and reasonably practicable to do so. Measures 4c may require resource from other CJS agencies to respond to recommendations. We assume these extra costs will be negligible.	oversight of the system. This will improve trust and confidence in the CJS The duty to cooperate with the Victims' Commissioner will support and provide solutions to the victims of antisocial behaviour.	
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79. Table 2 summarises the net impact of the legislative measures concerning the courts. The central estimate of the NPSV of these measures is **-£11.4m** with a range between -£8.2m (low) and -£15.5m (high).

Table 2: Summary of Main Impacts, Best Estimates, Courts Measures				
		Costs	Benefits	10 Year NPSV
Measure 1: Order offenders to attend their sentencing hearing.	<i>Monetised</i>	<p>The transition costs to HMPPS due to the need to build new prison capacity and additional staff training is expected to be £3.4m.</p> <p>The annual costs associated with running the additional prison places and the planned use of force are estimated at £0.3m.</p> <p>The annual additional cost to HMCTS of longer Crown Court trials is estimated at £0.3m.</p> <p>This measure is expected to cost the LAA £0.5m per annum.</p> <p>This measure will reach steady state 14 years after implementation (i.e., beyond the 10 year appraisal period) at which point the annual total cost will be £1.4m.</p>	None.	-£12.8m

	<i>Non-Monetised</i>	<p>Offenders spending longer in prison may compound prison capacity and overcrowding pressures.</p> <p>The additional court hearing time required may have a knock-on effect for other cases by delaying their start.</p> <p>Imposing sanctions may impact the mental health of affected prisoners leading to increased violence and self-harm.</p> <p>If prison sanctions and sentencing extensions are successful in incentivising more prisoners to attend their sentencing hearings, this may increase transportation costs.</p>	<p>This measure supports the principle that justice must be seen to be done. It will support victims and their families by helping to ensure that offenders are present in court to hear their victim impact statements and face up to the consequences of their crimes. This should help to reduce the negative consequences of crime on victims and their families and increase public confidence in the CJS.</p>	N/A
Measure 5: Enable more legal professionals to become Crown Prosecutors	<i>Monetised</i>	None.	None	None
	<i>Non-Monetised</i>	None	<p>Allowing the CPS the flexibility to recruit CILEX Practitioners, will increase the pool of potential CP to include lawyers from more varied backgrounds as CILEX offers a non-graduate pathway to law.</p> <p>This measure will increase the attractiveness of CILEX as a route into the legal profession so helping to promote equal opportunities and social mobility.</p>	N/A
Measure 6: Set rates at which prosecutor costs in private prosecutions can be recovered from Central Funds	<i>Monetised</i>	None	None	None
	<i>Non-Monetised</i>	None	<p>The power will enable rates to be set to reduce the disparity between private prosecution costs and legally aided cases.</p> <p>Setting the rates will contribute to greater transparency on what rates should be paid for private prosecution cases.</p>	N/A

			<p>This measure will mitigate the incentive of pursuing a private prosecution for commercial reasons rather than in the public interest.</p> <p>Were the rates to be lower, than at present, there will be savings to the public purse.</p>	
Measure 7: Amend the time limit for the Attorney General to refer a sentence to the Court of Appeal on the grounds that it is unduly lenient	<i>Monetised</i>	None	None	None
	<i>Non-Monetised</i>	<p>The ULS scheme will benefit from the additional time available to review cases.</p> <p>If more sentences are referred to the AGO or the Court of Appeal, there will be extra costs to HMCTS and LAA.</p>	<p>This measure will increase the confidence of victims and their families, as well as the general public in the criminal justice system.</p>	N/A
Measure 8: Magistrates' Court Sentencing Powers	<i>Monetised</i>	<p>An increase in the number of defendants sentenced in the magistrates' courts is expected to have an opportunity cost of £67k per year to HMCTS.</p> <p>The additional sitting days in the magistrates' court are estimated to cost the LAA an extra £0.1m per annum.</p> <p>.</p>	<p>Moving cases to the magistrates' court will free up Crown Court capacity. This will be utilised to reduce the trial backlog. This non-cashable benefit to HMCTS is estimated to be £0.2m per annum.</p>	+£1.4m
	<i>Non-Monetised</i>	None.	<p>A reduction in waiting times for offenders to be sentenced will be beneficial to victims as it will help ensure they have swift access to justice.</p> <p>As sentencing hearings will be heard more quickly, the risks of defendants reoffending while awaiting sentence will also be reduced. This will also have the wider benefit of improving public confidence in the justice system.</p> <p>More defendants being sentenced in the magistrates' courts will create a saving for the CPS. It has not been possible to monetise this due to a lack of data on CPS unit costs.</p>	N/A

F. Assumptions and Risks

80. All of the above estimates are based on assumptions and are therefore subject to an element of risk. The IAs for each set of legislative measure provide further information on the main assumptions and risks for each legislative measure.

G. Wider Impacts

Equalities

81. Equality Impact Assessments for each of the legislative measures in this OIA have been published alongside this OIA.

Better Regulation

82. The legislative measures in this OIA are not within the scope of the government's better regulation agenda.

Environment

83. The legislative measures in this OIA are not expected to have any environmental impact other than that associated with building additional prison capacity.

International Trade

84. The legislative measures in this OIA are not expected to have any impacts on international trade.

Economic Growth

85. The legislative measures in this OIA are not expected to have any direct impact on the UK's rate of economic growth. However, it will have an indirect impact insofar as the measures serve to strengthen the rule of law which underpins all economic activity.

Families

86. The legislative measures in this OIA are expected to have a beneficial impact on families.

Welsh language

87. A Welsh language summary of our proposals is available.

H. Implementation

88. The IAs for each of the specific options described in this document provide more information about how the preferred options would be implemented.

I. Monitoring & Evaluation

89. The IAs for each of the specific options described in this document provide more information about how the preferred options would be monitored and evaluated.