

<b>Title:</b> Victims and Courts Bill: Victims Measures <b>IA No:</b> MoJ019/2025  <b>RPC Reference No:</b> N/A <b>Lead department or agency:</b> Ministry of Justice <b>Other departments or agencies:</b>	<b>Impact Assessment (IA)</b>			
	<b>Date:</b> 6 May 2025			
	<b>Stage:</b> Legislation			
	<b>Source of intervention:</b> Domestic			
	<b>Type of measure:</b> Primary legislation			
	<b>Contact for enquiries:</b> Rachel.bennion@justice.gov.uk			

<b>Summary: Intervention and Options</b>	<b>RPC Opinion:</b> Not Applicable
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Cost of Preferred (or more likely) Option (in 2024/25 prices)			
Total Net Present Social Value	Business Net Present Value	Net cost to business per year	Business Impact Target Status
-£10.9m	£m	£m	Not a regulatory provision

**What is the problem under consideration? Why is government action or intervention necessary?**

More needs doing to ensure that the criminal justice system (CJS) better meets the needs of victims. In particular, we need to ensure that victims and the public have confidence in the CJS, that victims receive relevant information whilst their offender is serving their sentence, and that victims and the public are confident that appropriate steps are being taken to protect the most vulnerable from sex offenders. In response, in the Victims and Courts (VAC) Bill, the Government is introducing a package of legislative measures to increase the Victims' Commissioner's powers, update the routes to provide victims with information about their offenders' release and restrict the exercise of parental responsibility for individuals convicted of serious child sex offences. Government intervention, via primary legislation, is necessary to increase confidence in the CJS, increase transparency and oversight of the system that supports victims and to ensure appropriate levers are in place to protect children from parents who are serious child-sex offenders.

**What are the policy objectives of the action or intervention and the intended effects?**

As we prepare for long-term reform we must, without delay, act now to fix the foundations of the CJS. The VAC Bill therefore includes practical changes to build victims' trust in the criminal justice system. The legislative measures in the Bill will therefore deliver the following key policy objectives:

- 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.

**What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)**

Two Options are considered in this Impact Assessment

- Option 0: Do nothing in legislation.**
- Option 1: All victims measures are introduced in the Victims and Courts Bill.**
  - 2: Automatic Restriction on the Exercise of Parental Responsibility
  - 3: Updating routes to provide victims with information about their offenders' release
  - 4: Extending the powers of the Victims' Commissioner

The Government's preferred approach is **Option 1** as it meets policy objectives.

**Will the policy be reviewed?** The legislation will be reviewed in line with post-legislative scrutiny procedures.

Is this measure likely to impact on international trade and investment?		No			
Are any of these organisations in scope?		Micro No	Small No	Medium No	Large No
What is the CO <sub>2</sub> equivalent change in greenhouse gas emissions? (Million tonnes CO <sub>2</sub> equivalent)		Traded: N/A		Non-traded: N/A	

*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

# Option 1

**Description:** All victims measures are introduced in the Victims and Courts 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: -5.0	High: -21.3	Best Estimate: -10.9

  

COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	-	-	0.6	5.0
High	-		2.5	21.3
Best Estimate	-		1.3	10.9

**Description and scale of key monetised costs by 'main affected groups'**  
Automatic restriction on the exercise of parental responsibility will cost £0.3-£2.1m per year, with a best estimate £1.0m per year. These costs are borne by HMCTS, the LAA, local authorities and Children and Family Court Advisory and Support service (Cafcass) and Cafcass Cymru. Bringing victims currently served by different post-conviction communication schemes into the Victim Contact Scheme and providing a new route for other victims to request information via a dedicated helpline will cost HMPPS £0.2m per year. Extending the powers of the Victims' Commissioner is estimated to cost an average of £0.1m per year.

**Other key non-monetised costs by 'main affected groups'**  
There will be costs to offenders, or their family on their behalf, and the non-offending parent/carer if the offender chooses to apply for the family court to consider the circumstances of their case. If they are ineligible for legal aid they could represent themselves or seek legal representation which would incur a financial cost to them. There may be emotional costs to direct and indirect victim children of offenders who have their parental responsibility restricted. It is assumed that extending the powers of the Victims' Commissioner will not lead to additional costs for other government departments or agencies. There may be a negligible cost associated with responses to the Victims' Commissioner's reasonable requests for cooperation.

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

**Description and scale of key monetised benefits by 'main affected groups'**  
It has not been possible to identify any monetised benefits.

**Other key non-monetised benefits by 'main affected groups'**  
Children of a child-sex offender and their non-offending parent/carer will benefit as they will no longer be caused harm by their offending parent exercising their parental responsibility. Automatic restriction of parental responsibility may benefit HMCTS as some cases may be diverted away from the family court. Bringing victims currently served by different post-conviction communication schemes into the Victim Contact Scheme and providing a route for other victims to request release information about their offender, via a victim helpline, could increase trust and confidence in the criminal justice system. Empowering the Victims' Commissioner to better hold the system to account may have the benefit of increasing system performance based on their engagement and recommendations.

Key assumptions/sensitivities/risks	Discount rate
Measures with monetised costs have low and high scenarios modelled to reflect the uncertainty in the estimated costs and sensitivities regarding assumptions made.	3.5

## BUSINESS ASSESSMENT (Option 1)

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

## A. Background

1. This Impact Assessment (IA) assesses the following victim's legislative measures, with the aim of including these measures in the Victims and Courts Bill.

**Table 1: Victims measures included in the Victims and Courts Bill**

<b>Policy Measure</b>	<b>Policy Description</b>
<b>2. Automatic Restriction on the Exercise of Parental Responsibility</b>	The 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 their parental responsibility for any of their children unless the order is varied or discharged by the court.
<b>3. Updating routes to provide victims with information about their offenders' release by:</b> <ol style="list-style-type: none"> <li>a) Bringing existing operational schemes into the Victim Contact Scheme.</li> <li>b) Providing a new route for other victims to request information via a dedicated victim helpline.</li> <li>c) Including a new definition of a victim for the purposes of the Victim Contact Scheme and helpline</li> </ol>	<p>This measure will update the current legislative framework underpinning the current Victim Contact Scheme to:</p> <ol style="list-style-type: none"> <li>a. Bring existing operational schemes into the Victim Contact Scheme, meaning victims currently served by different operational schemes, such as the Victim Notification Scheme, will be eligible for the Victim Contact Scheme.</li> <li>b. 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 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.</li> <li>c. 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.</li> </ol>
<b>4. Extending the powers of the Victims' Commissioner:</b> <ol style="list-style-type: none"> <li>a) Victims' Commissioner to independently report on Victims' Code</li> <li>b) Duty to cooperate on antisocial behaviour</li> <li>c) Victims' Commissioner can exercise their functions in individual cases which raise public policy issues</li> </ol>	<p>This measure will amend legislative restrictions to enable the Victims' Commissioner to exercise their functions in relation to individual cases that raise issues of public policy relevance.</p> <p>It will also place new duties on: (a) the Victims' Commissioner, to produce an annual report on compliance with the Victims' Code; and (b) on local authorities and social housing providers engaged with victims of antisocial behaviour, to cooperate with the Victims' Commissioner.</p>

2. The rest of this IA, which accompanies the Bill, sets out the issues under consideration, the options being considered to address them and their associated impacts. The costs presented reflect the best information currently available, and we will continue to work with relevant agencies and other government departments to refine estimates as needed.

## Measure 2: Automatic Restriction on the Exercise of Parental Responsibility

3. Child sexual abuse, particularly abuse in the family environment (known as intra-familial sexual abuse), remains a pervasive yet under reported problem.<sup>1</sup> Like all 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 because of the betrayal, stigma and secrecy it involves. Children can face severe impacts from this abuse even where they are not the direct victims of the crime itself.<sup>2</sup>
4. However, at present, when a parent commits a child sexual offence, including against their own child, they maintain parental responsibility unless another party initiates a successful process to remove or restrict it.
5. For some children, the offender's ongoing exercise of parental responsibility can be harmful. For example, it can be very traumatic for victim children and their siblings to know the offender receives updates or makes decisions about their lives, such as school and medical decisions.
6. 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. As 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.
7. 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. Restricting the exercise of parental responsibility means that no step can be taken in exercise of parental responsibility.
8. However, this requires an individual, for example, the non-offending parent to make an application to court. It can be very challenging – financially and emotionally – for non-offending parents/carers to make this application. Many may be put off from doing so, potentially leaving children at risk of harm. For those that do apply to the court, it can also be an opportunity for the offender to continue or initiate domestic abuse through the court system.
9. 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 change will mean that instead of the non-offending parent/carers 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.
10. This measure will apply to offenders who commit a serious sexual offence against a child for whom they hold parental responsibility (see annex A for a list of the type of offences included in this measure). It will restrict the offenders exercise of parental responsibility for all children they hold parental responsibility for. In most cases, the person with

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<sup>1</sup> [Key messages from research on intra-familial child sexual abuse \(2nd edition\)](#)

<sup>2</sup> See for example: [Key messages from research on intra-familial child sexual abuse \(2nd edition\)](#), [Children's perspectives on family members' needs and support after child sexual abuse - ScienceDirect](#); [Impact of child sexual abuse on non-abused siblings: A review with implications for research and practice - ScienceDirect](#)

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 or where step-parents have responsibility. In some cases, then, the offender may not be the parent of the child(ren) involved. However, for simplicity, we refer to parent and child throughout this IA.

### **Measure 3: Update the routes to provide victims with information about their offenders' release**

#### *Overview*

11. 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<sup>3</sup> is made.
12. The Domestic Violence, Crime and Victims Act 2004 is now over 20 years old. Victims of specified offences are 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.
13. To address these issues, this measure will:
  - a. Bring existing operational schemes, such as the Victim Notification Scheme, into the Victim Contact Scheme.
  - b. 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.
  - c. 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.

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<sup>3</sup> This means the offender is detained in a hospital for treatment under the Mental Health Act 1983 with or without a restriction order. Restrictions will be placed on a patient if the court considers that this is necessary for the protection of others from serious harm. The Secretary of State is involved in the management of 'Restricted patients'. This means that the Secretary of State will make decisions about the offender's rehabilitation. 'Non-Restricted patients' are managed by clinicians, and hospital managers.

## Measure 4: Extending the powers of the Victims' Commissioner

### Overview

14. The Victims' Commissioner is an independent voice for victims and witnesses of crime and antisocial behaviour. Their statutory functions, as set out in the Domestic Violence, Crime and Victims 2004 ("DVCVA"), are 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<sup>4</sup> under review.
15. Under their broad remit, the Victims' Commissioner can engage with those they deem relevant in delivering their functions in relation to victims and witnesses.
16. In its manifesto, the Government committed to increasing the powers of the Victims' Commissioner, which will be delivered both through the implementation of the Victims and Prisoners Act 2024 ("the 2024 Act") and by introducing new measures in the Victims and Courts Bill.
17. The 2024 Act enhanced the Victims' Commissioner's powers so that bodies who must act in accordance with the Victims' Code are now under a duty to cooperate with requests from the Victims' Commissioner, where appropriate and reasonably practicable. Authorities under the Victims' Commissioner's remit must now respond to recommendations made to them in the Victims' Commissioner's reports within 56 days. In addition, criminal justice inspectorates now have to consult the Victims' Commissioner on their inspection frameworks and programmes. These measures came into force on 29 January 2025.
18. Once the further provisions in the 2024 Act are implemented, the Victims' Commissioner's functions to promote the interests of victims and witnesses and keep under review the operation of the Victims' Code will be reflected in their position as a statutory consultee for:
  - the new Victims' Code and any amendments to it;
  - any Victims' Code non-compliance notifications that are issued by Ministers;
  - guidance and regulations underpinning the Victims' Code compliance and awareness measures.

### Detail of measures

19. This measure contains three reforms to the powers of the Victims Commissioner. There are described in the following paragraphs.
20. **Measure 4a** 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 agencies 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

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<sup>4</sup> The Victims' Code sets out the minimum level of service that victims should receive from the criminal justice system in England and Wales and can act as a practical guide for victims to understand what they can expect.

compliance reporting framework detailed in the 2024 Act.

21. **Measure 4b** 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.
22. **Measure 4c** will amend current legislative restrictions to 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).

## B. Policy Rationale and Objectives

### Rationale

23. The conventional approach to government intervention is based on efficiency or equity arguments. Government may consider intervening if there are strong enough failures in the way markets operate, for example monopolies overcharging debtors, or if there are strong enough failures in existing government interventions, such as outdated regulations generating inefficiencies. In all cases the proposed intervention should avoid generating a further set of disproportionate costs and distortions. Government may also intervene for reasons of equity (fairness) and for re-distributional reasons (e.g. reallocating resources from one group in society to another).
24. The primary rationale for intervention in this case is for equity in the treatment of all victims, by bolstering the accountability on the system that supports victims, ensuring systemic issues are addressed, and that victims' voices are heard. The Bill will bring greater scrutiny and accountability to bear where the needs of the victims are not being met and protect children, and their non-offending parent/carers, from ongoing control and abuse by offenders of serious child sexual abuse.

### Policy Objectives

25. The key policy objectives of the legislative measures in the Bill which are appraised within this IA are that:
  - i. Victims should have confidence that they will get the support and communication they need from the system.
  - ii. 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.
  - iii. 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.
26. These policy objectives will be achieved by:
  - i. Improving independent oversight of the Victims' Code;
  - ii. Amplifying the victim voice in engagement with the system;

- iii. Bolstering the Victims' Commissioner's ability to engage with agencies to address public policy issues that impact victims;
- iv. Enabling 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;
- v. Creating parity of obligations between criminal justice system and non-criminal justice system agencies that have a role in supporting victims of antisocial behaviour;
- vi. 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;
- vii. Providing 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.

## **C. Affected Stakeholder Groups, Organisations and Sectors**

### **Measure 2: Automatic Restriction on the exercise of Parental Responsibility**

27. The main stakeholder groups most affected by this measure are:
- a. Offenders sentenced for serious child sexual abuse for four years or more
  - b. Children with a parent or carer who is convicted of serious child sexual abuse
  - c. Non-offending parents/carers of children with a parent who is an offender of serious child sexual abuse
  - d. HMCTS
  - e. The Legal Aid Agency (LAA)
  - f. Cafcass, Cafcass Cymru and local authorities
  - g. Family legal aid providers and solicitors or barristers doing private family law work

### **Measure 3: Update the routes to provide victims with information about their offenders' release**

28. The main groups most affected by this measure are:
- h. The victims of crime and their representatives
  - i. His Majesty's Prison and Probation Service (HMPPS)
  - j. His Majesty's Courts and Tribunal Service (HMCTS)

### **Measure 4: Extending the powers of the Victims' Commissioner**

29. We expect that the main group of those that will be most affected by the measures in this Impact Assessment are victims and witnesses of crime and antisocial behaviour. The other bodies will be:
- k. The victims of crime
  - l. The Victims' Commissioner;
  - m. Local authorities, who commission and provide a range of local services to residents, including some victim support services;
  - n. Social housing providers, which are private registered providers of social housing or registered as a social landlord;
  - o. Criminal justice agencies under the Victims' Code Compliance framework.



## D. Description of options considered

30. To meet the policy objectives, the following options were considered for this Impact Assessment are:
- **Option 0:** Do nothing in legislation. This would result in no changes taking place to meet the policy objectives as all changes require legislation.
  - **Option 1:** All measures are introduced in the Victims and Courts Bill.
31. The Government's preferred approach is **Option 1** as it meets the policy objectives.

### Options 0: Do nothing

32. This option would be to do nothing. This would mean that there would be no legislative changes to better support the Victims' Commissioner in fulfilling their duty to oversee delivery of the Victims' Code or in bolstering their strategic functions to further enable them to hold agencies to account on how they deliver for victims and promote positive systemic change. Nor would there be any legislative changes to how victims can receive or request information about their offenders' release and perpetrators of child sexual abuse would not have their parental responsibility restricted.
33. Option 0 is therefore undesirable because it would fail to meet the policy objectives.

### Option 1: All measures are introduced in the Victims and Courts Bill.

### **Measure 2: Automatic Restriction on the exercise of Parental Responsibility**

34. The Criminal Justice Act 2003 specifies a list of offences, including child sex offences, that are considered serious enough to warrant a longer portion of a sentence to be served in prison (Section 244ZA and Schedule 15). These offences cover (for instance) rape, sexual assault, and abuse of children through prostitution and pornography.
35. This measure will introduce a system for the automatic restriction of the exercise of parental responsibility for child sex offenders. This will apply where an individual has been convicted of one of these 'serious' sexual offences against a child they hold parental responsibility for and has received an immediate custodial sentence of four years or more. This is because we consider these offenders pose a significant risk to children such that an automatic restriction should be put in place.
36. This measure will restrict parental responsibility for all children the offender holds parental responsibility for. This includes, for children who were not a direct victim of the offence, referred to in this IA as an indirect-victim child (often, but not always, this will be the victim child's sibling). This is because there remains a strong rationale for automatically restricting the offender's parental responsibility given the impact child sexual abuse can have on non-victim siblings. In addition, this measure is intended to prevent the offender from continuing their abuse of the victim child through their exercise of parental responsibility over another child as many decisions made by parents impact all children living in a household.
37. Likewise, where an offender may have children living in separate households, this measure will also apply to all of them. This is because these offenders have demonstrated a profound failure to understand their children's physical and psychological welfare and safety, and they present a significant risk of harm to all children they hold parental responsibility for. This measure will therefore require the Crown Court to make a prohibited steps order at the point of sentencing. The order will make clear that the

offender cannot take any step to exercise their parental responsibility in relation to any child they hold parental responsibility for without the consent of the High Court or the family court. The order will remain in place until the child(ren) reaches the age of 18, unless the order is varied or discharged by the High Court or the family court.

38. Despite the harm caused by the offender, some children or parents may want the offender to be involved in ongoing decisions about their life. In such cases, following the making of the order by the Crown Court, the offender, or others with parental responsibility will still be able to.<sup>5</sup> This is an important protection to ensure the best interests of the children can be fully considered.
39. Whilst all sexual offences will have an impact on children, it is vital that any automatic mechanism to restrict the exercise of parental responsibility is based on the knowledge that such offenders will present a clear and unequivocal risk to the children involved. In the case of the offences covered by this measure, this risk is clear. In the case of other offences, this may not always be the case. Even for other serious offences, situations can be more complex and so the rationale for taking an automatic step, without detailed consideration of the specific circumstances of the case, is less clear. Families whose situations fall outside the scope of this measure can still make an application to court.

### **Measure 3: Update the routes to provide victims with information about their offenders' release**

#### ***3a) Bring existing operational schemes into the Victim Contact Scheme***

40. This Bill will bring victims of stalking and harassment whose offenders are detained in prison who are currently served by the Victim Notification Scheme, and victims of the same offences but where the offenders are detained under hospital orders, who are not currently served by the Victim Notification Scheme, into the Victim Contact Scheme.

#### ***3b) Give victims a clear route to information about their offender's release***

41. The Bill will give other victims a clear route to request information about their offender's release, which will be provided to eligible victims via a victim helpline if requested.

#### ***3c) Include a new definition of a victim***

42. The Bill will include a new definition of 'victim' for the purposes of the scheme, which will mean the Victim Contact Scheme and helpline will capture 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.

### **Measure 4: Extending the powers of the Victims' Commissioner**

#### ***4a) Victims' Commissioner to Independently report on Victims Code***

43. Under this measure, the Victims' Commissioner will be required to annually prepare a report to Ministers on Victims' Code Compliance.
44. To complement this duty, Ministers (the Justice Secretary, Home Secretary and the Attorney General) will be required to have regard to the Victims' Commissioner's Code

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<sup>5</sup> Other individuals, such as grandparents, who do not hold parental responsibility for the child, may be able to apply for the family court to consider the order. They would require the permission of the court to do so.

compliance report as part of preparing their report pursuant to section 11(1)(b) of the 2024 Act.

#### ***4b) Duty to cooperate on antisocial behaviour***

45. This duty will complement the existing obligations for certain criminal justice system agencies responsible for providing services under the Victims' Code, which already require cooperation with the Victims' Commissioner as per section 22(4) of the 2024 Act.
46. The new duty will ensure parity with the section 22(4) duty to cooperate already placed on agencies responsible for delivering services for victims of crime. It is intended to enable the Victims' Commissioner to request information which will assist them to identify systemic issues, make more informed recommendations, and scrutinise how the system responds to antisocial behaviour through a victims' lens.

#### ***4c) Victims' Commissioner action in relation to individual cases***

47. The Bill will amend current restrictions on the Victims' Commissioner's functions to make clear that they can exercise their functions in relation to individual cases that raise public policy issues of relevance to other victims and witnesses, where this is likely to promote the interests of other victims or witnesses in relation to the issue(s).

## **E. Cost and Benefit Analysis**

48. This IA follows the procedures and criteria set out in the Impact Assessment Guidance and is consistent with the HM Treasury Green Book.
49. Where possible, IAs identify both monetised and non-monetised impacts on individuals, groups and businesses in England and Wales with the aim of understanding what the overall impact on society might be from the proposals under consideration.
50. IAs place a strong focus on the monetisation of costs and benefits. There are often, however, important impacts which cannot sensibly be monetised. These might be impacts on certain groups of society or data privacy impacts, both positive and negative. Impacts in this IA are therefore interpreted broadly, to include both monetisable and non-monetisable costs and benefits, with due weight given to those that are not monetised.
51. The costs and benefits of each option are compared to Option 0, the counterfactual or "do nothing" scenario, where fees are maintained at their current levels. As the counterfactual is compared to itself, the costs and benefits are necessarily zero, as is its net present value (NPV).
52. The impacts in this IA have been estimated as follows:
  - Price base year of 2024/25
  - 10 year appraisal period beginning in 2025/26
  - Discounting base year of 2025/26
  - 20% optimism bias has been applied to all costs
  - Measures 2 and 3 are assumed to begin in 2025/26, with measure 1 assumed to be implemented in 2026/27
53. As with all MoJ IAs, we do not include the direct impact on offenders where this is necessary to uphold the sentence of the courts.

### **Option 1: All victims measures are introduced in the Victims and Courts Bill.**

## **Measure 2 Automatic Restriction on the Exercise of Parental Responsibility**

### **Methodology**

55. There is limited robust evidence available on private family law cases where applications have been made to restrict the exercise of parental responsibility. Therefore, to derive the cost estimates for this measure, we have had to make a series of assumptions about how this measure will operate. The overall impact of these assumptions is that there is considerable uncertainty over the estimates provided.
56. It is anticipated that the family court will see an increase in the number of applications for private law children cases as a result of this measure. This increase will come from offenders and/or families applying for the family court to consider varying or discharging the prohibited steps orders made by the Crown Court or pursuing further related orders. This will have a direct impact on the costs for all agencies involved in these cases.
57. Across certain courts in England, and Wales, a new approach to private law children cases (including prohibited steps orders) is being implemented. Known as Pathfinder, this model differs significantly in how cases are currently handled by the system. The costing methodology used in this IA is based on the current standard approach to private law children cases, known as the child arrangements program (CAP).
58. Where cases come to the family court to review the prohibited steps order, there is likely to be a different cost profile for those handled under Pathfinder compared to those handled under CAP. At this point in time, it is not possible to model the cost profile of these cases under Pathfinder. As the government is committed to rolling out Pathfinder across England and Wales, this means the future costs of delivering this measure are more uncertain.
59. There may be a small number of cases where the individual convicted of a relevant offence goes on to successfully appeal their conviction or sentence. If they are subsequently acquitted of the offence, or their sentence is reduced to less than four years, the local authority will be required to automatically make an application for the family court to determine whether the order made at the original sentencing hearing is in the best interests of the child(ren) involved. We have been unable to account for the costs of this but do not anticipate it will have a large impact on the costs of the measure due to the expected small numbers.

### **Volumes**

60. We have estimated that if all offenders convicted of a relevant offence brought an application for the family court to consider the circumstances of the case, 169 new family court cases would be created each year. This estimate is based on the number of offenders sentenced to over four years custody for the relevant offences.<sup>6</sup> We do not know how many of these offences were committed against a child the offender holds parental responsibility for. To estimate this, we have drawn on the proportion of police recorded child sexual abuse offences where the offender was recorded as the victim's parent.<sup>7</sup>

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<sup>6</sup> Criminal Justice System statistics quarterly: June 2024 - GOV.UK

<sup>7</sup> National Analysis of Police-Recorded Child Sexual Abuse & Exploitation (CSAE) Crimes Report - January 2022 to December 2022

61. We also do not know the likelihood of offenders or other family members making an application for the family court to consider the merits of the case. There is therefore a lot of uncertainty over the volume of new cases that will be created in the family court through this measure.
62. Of the cases that do come to family court, legal aid may be available to the parties and children involved. Uncertainty around who the parties involved in these cases would be, the merits of an individual's case, and the financial circumstances of each party makes it challenging to understand the additional demand for legal aid. Both factors are significant drivers of the overall cost of this measure, creating considerable uncertainty over its cost impacts.
63. Cafcass and Cafcass Cymru represent children in family court cases in England and Wales respectively. They are independent and advise the family courts about what is safe for children and in their best interests. The level of involvement that Cafcass, Cafcass Cymru or a local authority (who may be involved in some cases) will have in these cases are uncertain and will likely vary depending on the complexity of the case, the risk to the children, and the vulnerability of the children, and adults, involved.
64. Each new family court case will result in substantial costs to Cafcass and Cafcass Cymru if it goes to a first hearing and the resource needed to support a case will further increase as a case returns for multiple hearings, or if additional social work involvement is required (such as if additional reports are ordered by the court). As Measure 3 is new in this area, we do not know the complexity of the cases that will come before the court and therefore the full extent of the work that would be required from Cafcass, Cafcass Cymru or the local authority. We have therefore used estimates of the cost of cases with different resource requirements to estimate the cost of this measure.
65. Some of the new cases this measure will create may involve work from local authority social workers where the children are already known to the local authority, and work will be allocated between Cafcass or Cafcass Cymru based on the geographical area (England or Wales) in which the children live. As we do not know where the children of offenders live, or how many will be known to the local authority, it has not been possible to make an assessment of the proportion of cases that will go to local authorities, Cafcass or Cafcass Cymru. Instead, we have provided a single cost estimate.

## Costs

66. The cost to the family court of this measure has been estimated using the cost of an average sitting day in the family court and an estimate of the average time it takes to dispose of a family law case. The cost of a family court sitting day includes assumptions for all the operational costs of the court required during the life of the case.
67. The cost to Cafcass, Cafcass Cymru and local authorities has been calculated using estimated cost for Cafcass to deliver prohibited steps order cases with different resource requirements. It is not possible to estimate the proportion of cases that will be heard by each agency, and so we have used the costs of Cafcass, as the largest organisation, to estimate the overall cost impact.

68. The costs to the LAA have been estimated using the average cost of a legal aid certificate for a prohibited steps order application and the average cost of a legal aid certificate for an application to vary/discharge a prohibited steps order. It is unknown whether any review would mirror proceedings for either a prohibited steps order application or an application to vary/discharge to an existing order, so our central estimate takes the midpoint of the two average costs (£5,100 per certificate). There will also be additional administrative time required from the LAA to process the additional claims.

## **Costs of Measure 2**

### Monetised costs

#### *Legal Aid Agency*

69. The increase in private family law cases that may be eligible for legal aid is estimated to cost £640K per annum at steady state. The increase in applications for legal aid is estimated to incur an additional operational cost of around £6.5K per year for the LAA.

#### *HMCTS*

70. It is estimated that the increase in private law children applications would result in an additional cost to HMCTS for the family court to hear the additional cases. In addition, there would also be a small administrative cost for HMCTS to process the new orders made at the Crown Court. It is anticipated that these costs would be minimal as this process will create an ancillary order to a main service. In total, it is estimated this would cost an additional £280K for HMCTS.
71. There may be additional costs to HMCTS through an increase in returning applications where offenders, or families, make additional applications to court. For example, an offender may initially apply for the family court to consider the order after sentencing and again after they are released from prison. However, we have no way to estimate the additional returning cases this policy may create and so have been unable to monetise this potential cost.

#### *Children and Family Court Advisory and Support Services (Cafcass/Cafcass Cymru) and Local Authorities*

72. The expected increase in applications will likely result in an increase in the number of proceedings where work is ordered for Cafcass, Cafcass Cymru and local authorities. At steady it is estimated that that this could cost £130K across the agencies.

#### *Total*

73. Based on this, it is anticipated the cumulative costs for this measure are around £1m a year for England and Wales.

### Non-monetised costs

#### *Offenders or families of offenders*

74. There may be costs to offenders, or their family on their behalf, if they chose to apply for the family court to vary or discharge the prohibited steps order. For offenders who are not eligible for legal aid, they can either choose to represent themselves in court or to fund their own legal representation. This would result in a direct financial cost to the offender and may result in a wider financial and emotional cost for the time they spend in court.

75. In some cases, the offender may be dissuaded from making an application for consideration of the case by the family court if they are not eligible for legal aid. Alongside legal costs, offenders who make an application to court may be required to pay or contribute towards the court fee for the application.

#### *Non-offending parent/carer*

76. In some circumstances, non-offending parents/carers may themselves make an application for the family court to consider the circumstances of the case. In other cases, they may be required to respond to an application from the offending parent. Both situations may create financial (such as the costs of legal representation) and emotional costs for the non-offending parents/carers.
77. The emotional cost of a family court case may be particularly high for the non-offending parent/carer as their children have been directly harmed by the offending parent, or in situations where the non-offending parent/carer and children are also victims of domestic abuse. Where the non-offending parent/carer is the applicant, they may also be required to pay or contribute towards the court fee.
78. However, it is anticipated any costs to the non-offending parent/carer would be lower than under the current scenario where such parents would be required to make an application to the court themselves to restrict the offenders exercise of parental responsibility.

#### *Direct-victim children of offenders*

79. We do not anticipate any direct financial costs to direct-victim children to make or respond to an application to vary the prohibited steps order. Means-free legal aid is available to children who meet the merits test in relation to proceedings for the family court to consider the circumstances of the case once the prohibited steps order has been made by the Crown Court to restrict the exercise of parental responsibility. This would be where the child is made a party to proceedings by the court or the child is granted leave to apply.
80. Children may have complex emotions about their relationship with an offending parent, even when they are a direct victim of that parent. There may be some emotional cost to direct-victim children of their offending parent having their parental responsibility restricted.
81. Family court cases can be complex and stressful for children, and there may be additional emotional cost to direct-victim children of an ongoing family court case where an application is made to review the prohibited steps order. This could compound any trauma experienced from the criminal proceedings. It is not possible to monetise this cost.

#### *Indirect-victim children of offenders*

82. We do not anticipate any direct financial costs to indirect-victim children (generally the victim child's sibling) to make or respond to an application to vary the prohibited steps order. All children involved in the family court application will be eligible for legal aid in the same way, irrespective of whether they were the direct victim of the offence or not.
83. Children may have complex emotions about their relationship with an offending parent, especially where they were not harmed by that parent directly. There may be some emotional cost to indirect-victim children of their offending parent having their parental responsibility restricted.

84. Family court cases can be complex and stressful for children, and there may be additional emotional cost to children of an ongoing family court case. This may compound the trauma faced by indirect-victim children due to the disruption to their lives caused by the offender's behaviour against their sibling. It is not possible to monetise this cost.

## **Benefits of Measure 2**

### Non-monetised benefits

#### *Direct-victim children of offenders*

85. Children who are direct victims of the offender will be protected from the ongoing involvement of the offender in their life, even when the offender is in prison and can no longer physically harm the child.

#### *Indirect-victim children of offenders*

86. Siblings of children who have been sexually abused by a parent, who have not themselves been abused by their parent, still face the negative consequences of their parents' actions. These children will be protected from the ongoing involvement of the offender in their life and from the ongoing control of those children's lives through the offender's exercise of parental responsibility.
87. Much intra-familial child sexual abuse goes unidentified.<sup>8</sup> Children may be afraid of their abusers, afraid of what will happen to them or their family if they were to disclose this or, especially for young children or children with additional needs, may not know the offender is abusing them. Siblings of the victim child may therefore be protected by preventing future or undetected sexual abuse.
88. There is evidence that sexual abuse in the family often occurs in combination with other forms of physical or emotional abuse or neglect, including domestic abuse.<sup>9</sup> The automatic restriction of parental responsibility may also help to protect sibling children from other forms of abuse.

#### *Non-offending parent/carer*

89. This measure will help protect non-offending parents/carers from potential ongoing control of their and their children's lives through the offender's exercise of parental responsibility. Additionally, they will be protected, financially (legal costs and court fees) and emotionally, from being required to make an application to court to restrict the offender's ability to exercise their parental responsibility.
90. It is not possible to estimate the financial benefit for non-offending parents who would otherwise have been required to make a prohibited steps application to court themselves.

### *HMCTS*

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<sup>8</sup> Key messages from research on intra-familial child sexual abuse (2nd edition)

<sup>9</sup> Ibid



91. Given the serious nature of the offences included in this measure, there is a likelihood that some of the “new” cases are cases that would have come to family court anyway. The introduction of the automatic mechanism may see some of these cases being diverted away from the family court or may change the cost profile of these cases. This is because there will no longer be a requirement for non-offending parents to bring a case to court to restrict the exercise of parental responsibility.
92. Applications for a prohibited steps order to restrict the exercise of parental responsibility are likely to be complex cases. They may involve multiple applications before the child reaches the age of 18 or involve single applications requiring multiple hearings and reports over a prolonged period. Dealing with these cases swiftly, via the automatic prohibited steps order, may result in fewer applications or applications taking less court time than previously required.
93. This could result in some cost efficiencies to HMCTS for these cases that would have come to court without the introduction of this measure. We do not know how many cases would have come to family court anyway and so it is not possible to determine the efficiencies created to discount from the cost of the new cases that we expect will be created by this measure.

*Children and Family Court Advisory and Support Services (Cafcass/Cafcass Cymru) and Local Authorities*

94. As with HMCTS, Cafcass, Cafcass Cymru or local authorities may see some efficiencies if this policy results in diversion or simplification of some applications that would have otherwise required their involvement.

## Summary

95. The NPV of this measure is **-£7.6m** over a 10-year appraisal period.

## **Measure 3: Update the routes to provide victims with information about their offenders' release from prison**

### **Cost of Measure 3**

#### Monetised Costs

#### *HMPPS*

### ***3a) Bring existing operational schemes into the Victim Contact Scheme***

96. The Bill will amend legislation to bring existing operational schemes into the Victim Contact Scheme, meaning victims currently served by different operational schemes, such as the Victim Notification Scheme, will be served by the Victim Contact Scheme. In practice, this change means that victims of stalking and harassment offences where the offender is detained in hospital under the Mental Health Act 1983 will now be offered a service.
97. This will have resource implications for Victim Liaison Officers, calculated as follows:
  - a. Using HMPPS administrative data we estimate this will lead to an extra 70 victims needing to be contacted each year.

- b. Each case is assumed to require 4.92 hours of Victim Liaison Officers time and 2.08 hours of administrator time at a cost of £39.40 and £24.80 an hour, respectively.

98. By applying these additional workload assumptions, we estimate the cost of expanding the scope expanding the Victim Contact Scheme to victims of offenders detained in hospital to be £0.02m per year.

### **3b) Give victims a clear route to information about their offender's release**

99. The Bill will give all victims a clear route to request information about their offender's release, which will be provided to eligible victims via a victim helpline on their request. This helpline will be available to victims of specified 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.

100. Given uncertainty about the levels of use of the helpline, we have estimated the impacts of this measure using three different scenarios:

- The low estimate assumes 17,000 additional enquiries to the helpline. This figure takes the observed Unwanted Prisoner Contact helpline pilot percentage increase in enquiries after its promotion and applies it to current observed enquiries to the victim helpline. It assumes all enquiries are made via email, taking 11 minutes each. As the Unwanted Prisoner Contact helpline is a route for victims to find out information about an offender in custody, we have used this as a proxy for assuming victim requests about other information including release.
- The best estimate applies observed helpline data showing that 51% of victims contact the helpline via telephone and 49% via email to the estimated 17,000 additional enquiries.
- The high estimate assumes that all victims who are currently not eligible for both the Victim Notification Scheme and Victim Contact Scheme (21,000) contact the victim helpline via telephone, taking on average 28 minutes.

101. Applying the £24.30 hourly salary of a Band 3 staff member to the number of additional enquiries described above, results in additional costs to HMPPS of £0.1-0.2m per year.

### **3c) Include a new definition of a victim**

102. This measure will include a new definition of 'victim' for the purposes of the scheme, which will mean the Victim Contact Scheme and helpline can be provided to 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. In practice, the Victim Contact Scheme is already delivered to those directly subjected to criminal conduct and bereaved family members, but not to child witnesses of domestic abuse and persons born as a result of rape.

103. This measure will have a resource impact on victim liaison officers and on helpline operators:

- Using 2022-2024 prisoner release volumes with a domestic abuse flagged offence and applying ONS data on the number of households with dependent children as well as the associated opt-in rates, we estimate the total number of child witnesses of domestic abuse that would be contacted by the scheme in year 1 as 350, and 380 in steady state.
- For child witnesses of domestic abuse, given that some communication will take place in parallel and therefore does not duplicate work, we assume contacting a young adult or child will require 35% extra work for each case affected by the measure. We assume the opt in rate will be 70% for 16–18-year-olds and 30% for 12–15-year-olds.
- Each case is assumed to require 4.92 hours of Victim Liaison Officers time and 2.08 hours of administrator time at a cost of £39.40 and £24.80 an hour, respectively.

104. By applying the additional workload assumptions, we estimate the cost of expanding Victim Contact Scheme to child witnesses of domestic abuse to be £0.06m per year.

### Total monetised cost of Measure 3

105. Therefore, the total estimated annual cost to HMPPS of Measure 2, combining the helpline expansion and the expansion of the Victim Notification Scheme to child victims and victims of offenders who are detained under a hospital order, is £0.2m<sup>10</sup>.

## **Benefits of Measure 3**

### Non-Monetised Benefits

106. Measure 3a recognises that regardless of whether an offender is detained in hospital or prison, the victim will be equally at risk of psychological and physical harm if they do not have access to information about the release of the offender. This will improve the physical and psychological safety of this cohort of victims and improve this cohort's trust and confidence in the Criminal Justice System.
107. 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 may increase trust and confidence in the criminal justice system.
108. Measure 3c recognises the impact that domestic abuse has on children as a cohort of victims. Additionally, it will recognise persons born as a result of rape as victims, although this cohort is so small the decision was taken not to cost this (see Cost of Measure 2 - Monetised Costs).

## **Summary**

109. The NPV for measure 3 is estimated to be **-£2.0m** over the 10-year appraisal period. The NPV is negative as there are no monetised benefits.

## **Measure 4: Extending the powers of the Victims' Commissioner**

### **Cost of Measure 4**

#### Monetised Costs

*Victims' Commissioner (MoJ)*

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<sup>10</sup> Note the range is lost to rounding when combining the helpline and victim contact scheme expansion

110. We estimate this measure will require up to 3 FTE, of HEO grade, in the Victims' Commissioner's Office at a cost of £150,000<sup>11</sup> per year. It is at the discretion of the Victims' Commissioner's Office to allocate this resource in whichever way they see fit.

### Non-Monetised Costs

#### *Criminal Justice Agencies, Police and Crime Commissioners and Inspectorates*

111. The Victims' Commissioner may make recommendations to public authorities under their remit<sup>12</sup> in this new report. This measure may require resource from other criminal justice agencies to respond to recommendations. We assume these costs would be negligible.

#### *Local authorities and social housing providers*

112. We anticipate that any costs to any agencies subject to the duty to cooperate on antisocial behaviour will be negligible because they will only be expected to fulfil requests where it is appropriate and reasonably practicable for them to do so.

### **Benefits of Measure 4**

### Non-Monetised Benefits

#### *Victims and witnesses*

113. Having the Victims' Commissioner independently report on compliance with the Victims' Code and exercise their functions in individual cases which raise public policy issues will improve oversight of the system. This will improve victim's and witness's trust and confidence in the criminal justice system.

#### *Victims of Antisocial Behaviour*

114. Enabling the Victims' Commissioner to access information on how agencies manage the antisocial behaviour Case Review process and legitimately scrutinise how they respond to antisocial behaviour through a victims' lens, publish analysis of what is happening in different areas and provide feedback will be an important tool to support and provide solutions to victims of antisocial behaviour.

### **Summary**

115. The NPV of measure 4 is **-£1.3m** over a 10-year appraisal period.

## **F. Risks, Assumptions and Uncertainties**

116. The above impacts have been estimated on the basis of a number of assumptions. As each of these assumptions are associated with some degree of uncertainty, there are risks associated with each estimate. Table 1 below sets out the main assumptions and the associated risks and uncertainties.

*Table 1: Main assumptions, risks and uncertainties*

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<sup>11</sup> Based on Ministry of Justice 24/25 average salaries, including on-costs and 20% optimism bias.

<sup>12</sup> Domestic Violence, Crime and Victims Act 2004 - SCHEDULE 9

Assumptions	Risk / Uncertainties
<b>Measure 2: Automatic Restriction on the Exercise of Parental Responsibility</b>	
<p>The volumes of new family court cases have been estimated based on MoJ sentencing statistics provided by 'Criminal Justice System Statistics: Outcomes by Offence data tool'. Annex A provides a full list of the included and excluded offence categories.</p>	<p>Limitations with sentencing data creates additional uncertainty with the estimates. We do not believe these will have a large impact on overall costs.</p> <p>Offences technically outside of the scope of this measure may be included. This may lead to a small overestimate of the number of offenders sentenced and total cost of the policy.</p> <p>Individuals convicted of a relevant offence, but who are also convicted of another 'more serious' offence (such as murder) may be excluded from the estimates. This may lead to a small underestimate of the number of offenders sentenced and total cost of the policy.</p>
<p>We have taken a 10-year average from year ending June 2014, to year ending June 2024. We have excluded data from year ending June 2020 and year ending June 2021 to account for the lower number of criminal court cases concluded during Covid-19 pandemic. It is assumed that this average will remain constant in future years.</p>	<p>The costs of this measure may change if conviction and sentencing rates change over time. However, this is not something we have been able to account for in this IA.</p>
<p>It is difficult to predict the number of applications that will be brought to the family court to consider the circumstances of the case. As a central estimate, we assume that half of the potential cases will result in an application to the family court.</p> <p>As these offences are considered by the court to be very serious, we anticipate a maximum of 75% and a minimum of 25% potential cases will result in an application to the family court.</p>	<p>These assumptions, and therefore the overall cost of the measure, are highly uncertain as they are dependent on the behaviour of offenders and families.</p>
<p>In certain situations, the court may determine it is not in the interests of justice for the order to restrict the exercise of parental responsibility to be made. We have no information available on the likelihood of these situations and so make no assumption about the proportion of cases that will fall into this scenario.</p>	<p>We do not expect the interest of justice exception to apply in many cases and do not expect this to have an impact on the estimates provided.</p>
<p>We assume that that ten per cent of offenders sentenced for four years or more for a serious sexual offence committed the offence against a child they hold parental responsibility for. This is based on estimates of police recorded</p>	<p>There are likely to be differences in the distribution of offender-victim relationship between police recorded crime data and</p>

child sexual abuse offences where the recorded perpetrator was the child's parent. <sup>13</sup>	sentencing data. This may have an impact on overall costs.
We assume there will be more than one case per offender on average. This is to account for the number of offenders who have a child with more than one partner, which we expect to be treated separately by the family court. We have drawn on estimates of multi-partner fertility in making this assumption. <sup>14</sup>	<p>Offenders may be more or less likely to have children with more than one partner than the average population and so this estimate may not reflect well on the average number of cases per offender.</p> <p>Over time, the number of individuals with children from more than one partner may increase and so the total number of cases coming to family court may increase over the lifespan of this policy.</p> <p>This has only a small impact on the overall costs, so we do not expect this to have an impact on the estimates provided.</p>
The costings do not consider the likelihood of cases returning to court on more than one occasion after the initial application for the family court to review.	It is likely that some cases will return to court on more than one occasion. This may result in these cost estimates being higher than anticipated.
The costs presented assume that all potential family court applications are new to the system, and no case was previously open to, or would have subsequently been open to the family court.	This may result in an overestimate of the total costs if cases would have already come to court or efficiencies are created through this measure.
<p>It is not possible to estimate the proportion of individuals who would be eligible for legal aid in the new cases. As a central estimate, we have assumed between one and two claims (1.5) per case.</p> <p>As a reasonable high scenario, we have assumed that one person making an application for and one person responding to the application would be eligible for legal aid.</p> <p>As a low scenario, we have assumed that only one person in each case would be eligible for legal aid.</p>	Legal aid fees are one of the main drivers of overall cost. If legal aid eligibility is considerably higher or lower than estimated the overall costs of the policy will change substantially. In addition, the unknown complexity of the new applications for legal aid adds uncertainty to the Legal Aid Agency administrative cost, although these are significantly less than the legal aid fund costs.
As a new measure in this area, there is no comparable case type to estimate the work that will be required by the family court to dispose of these cases. We have therefore used a single estimate for the time required for HMCTS to dispose of these cases. This is	If cases prove to be more complex or more straightforward than anticipated this will have an impact on the costs presented.

<sup>13</sup> [National Analysis of Police-Recorded Child Sexual Abuse & Exploitation \(CSAE\) Crimes Report - January 2022 to December 2022](#)

<sup>14</sup> The research found that amongst those born in Britain in 1970, 12–14% of men and 15–18% of women had a child with more than one partner (multi-partner fertility) by age 42. For most people this was having children with two different coresidential partners. [Educational Gradient of Multi-partner Fertility: First Estimates for the UK | European Journal of Population \(springer.com\)](#)

based on the average disposal rate for private family law.	
<p>We have used indicators of complexity to establish a high and low scenario for the amount of time required for Cafcass, Cafcass Cymru and local authorities to deliver their work on these cases.</p> <p>As sentencing data is presented at a national level for England and Wales, it has not been possible to establish the proportion of cases that will be delivered by Cafcass, Cafcass Cymru or the local authority. Therefore, we have used cost and time estimates from Cafcass and assumed these apply equally to the other organisations.</p> <p>In standard private law children cases, not all cases will involve work from Cafcass, Cafcass Cymru or the local authority. However, given the nature of these cases we assume all will involve some form of social work involvement.</p>	<p>If cases prove to be more complex or more straightforward than anticipated this will have an impact on the costs presented.</p> <p>If the cost for local authorities or Cafcass Cymru to deliver these cases differs substantially from Cafcass, this could have an impact on the costs presented.</p>
<b>Measure 3: Updating routes to provide victims with information about their offenders' release.</b>	
<p>Measure 3c will result in an increased workload (for child witness cases) of 35%.</p> <p>The opt-in rate will be 30% for 12–15-year-olds, and the observed Victim Notification Scheme opt-in rate of 70% for 16-18-year-olds</p>	<p>There is uncertainty in how much extra work child witness cases will create, resulting in a wide range of costs.</p> <p>However, given the volumes involved, any changes to the amount of work required per case will have a limited impact on the NPV.</p>
Households in which more than one child was a witness to domestic abuse will only receive contact from one Victim Liaison Officer.	Measure 3c assumes one Victim Liaison Officer per household, if this were to differ costs associated with certain cases could be duplicated.
Prisoner release volumes stay constant after year 2.	It is likely that release volumes will vary over time. This will impact the number of individuals on the contact schemes over the 10-year appraisal period and hence the resource and costs required.
For measure 3a, the increased volume to the Victim Notification Scheme for victims of offenders detained under the Mental Health Act on unrestricted orders will be negligible. NHS England data shows < 31 eligible cases per year. This increase should be captured within the optimism bias uplift.	If the number of eligible cases were to be significantly higher than this, the costs would increase.
The High scenario is the maximum cost of the measure and assumes all non-Victim Notification Scheme/Victim Contact Scheme eligible prisoners associated victims called into the victim's helpline.	There is uncertainty in many additional enquiries will be made to the helpline, therefore, a range of costs have been presented. Including covering the maximum cost of the measure.

The low scenario applies the percentage uplift in enquires experienced under the unwanted prisoner helpline (during its expansion) to the victim's helpline to estimate the additional number of enquiries.	With maximum coverage, the helpline costs £0.2m per year, so there is a limited risk in underestimating demand.
The time taken to respond to an email and telephone enquiry is 11 mins and 28 mins respectively.	There is a risk that enquiries may be more complex and therefore take longer to deal with.
For measure 3b, in August 2024 the proportion of enquiries to the victim's helpline was 41% and 51% via email and telephone, respectively.	These proportions are from a snapshot in August and therefore could vary over time, influencing variation in costs.
<b>Measure 4: Extending the power of the Victims' Commissioner</b>	
It is assumed the combination of measures 4a, b and c will require up to 3 FTE in the Victims' Commissioner's Office.	There is uncertainty in the resource that the VCO will require to deliver these policy measures. We consider this risk to be low.
<p>The Victims' Commissioner's Office receives c.90 pieces of correspondence per month, they have indicated they expect this to rise significantly should it become known that the Victims' Commissioner has an ability to exercise their functions in relation to individual cases.</p> <p>An exercise with HMCTS case workers found it took 60 mins to read through a complaint and determine next steps, we would expect this to take Victims' Commissioner's Office staff longer given the need to signpost appropriately and escalate potential public policy issues to the Victims' Commissioner.</p>	<p>There is a risk that this measure could lead to an increase in correspondence to the Victims' Commissioner's Office. If this were to occur, more resource may be required to manage this.</p> <p>Whilst we estimate that this work would be carried out by 3 FTE of HEO grade, it is at the discretion of the Victims' Commissioner's Office to allocate this resource in whichever way they see fit.</p>
No new burdens to local authorities or social housing providers arise from the new duty to cooperate with the Victims' Commissioner. This is because these agencies only need to comply with a request from the Victims' Commissioner to cooperate where it is appropriate and reasonably practicable for them to do so.	This is a very low risk assumption as local authorities and social housing providers can decide whether a request is appropriate or reasonably practicable to comply with.

## G. Wider impacts

### Equalities

117. An Equality Impact Assessment has been completed and will be published alongside the draft Bill and this Impact Assessment.



## **Better Regulation**

118. These measures are exempt from the Small Business Enterprise and Employment Act 2015 and will not count towards the department's Business Impact Target.

## **Environmental Impact**

119. We expect there to be no environmental impact as a result of the recommended options.

## **Families Test**

120. The Bill is expected to have positive impacts on families and especially those where a child has been subjected to serious sexual abuse by a parent. Although, there may be negative impacts on offending parents, through the restriction of their ability to exercise their parental responsibility, this is justified in order to protect the welfare of direct and indirect victim children.

## **H. Monitoring and Evaluation**

121. The legislative measures detailed above will be commenced by regulations once the Government Departments and other organisations required have concluded the relevant preparations to accommodate the operational functionality of these changes. Further announcements about the timings of the implementations will be made in due course following Royal Assent.
122. The government will monitor these measures following implementation.

## **Annex A:**

The following offence categories have been included in the analysis for Measure 2. These are categories of offences, and this does not represent a comprehensive list of all detailed offences included within this measure:

- 17A.1 Sexual assault on a male - penetration
- 17A.2 Sexual assault on a male
- 17B.1 Sexual assault of a male child under 13 - penetration
- 17B.2 Sexual assault of a male child under 13
- 19C Rape of a female aged 16 or over
- 19D Rape of a female aged under 16
- 19E Rape of a female child under 13 by a male
- 19F Rape of a male aged 16 or over
- 19G Rape of a male aged under 16
- 19H Rape of a male child under 13 by a male
- 20A.1 Sexual assault on a female - penetration
- 20A.2 Sexual assault on a female
- 20B.1 Sexual assault of a female child under 13 - penetration
- 20B.2 Sexual assault of a female child under 13
- 21.1 Sexual activity with a child under 13 - indictable only
- 21.3 Sexual activity with a child under 13 - offender aged 18 or over or age of offender unspecified - triable either way
- 22.1 Sexual activity involving a child under 16 - indictable only

- 22.3 Sexual activity involving a child under 16 - offender aged 18 or over - triable either way
- 22A.1 Causing sexual activity without consent - penetration
- 22A.2 Causing sexual activity without consent - no penetration
- 23.1 Familial sexual offences (incest) with a child family member aged under 13 - indictable only
- 23.3 Familial sexual offences (incest) with a child family member aged under 13 - offender aged 18 or over - triable either way
- 23.4 Familial sexual offences (incest) with a child family member aged 13 to 17 - indictable only
- 23.6 Familial sexual offences (incest) with a child family member aged 13 to 17 - offender aged 18 or over - triable either way
- 71.1 Abuse of children through prostitution and pornography - indictable only
- 71.2 Abuse of children through prostitution and pornography - triable either way

We have excluded the following offence categories. Although technically included within the provisions, we believe they are unlikely to be committed by a parent against a child they hold parental responsibility for:

- 73 Abuse of trust- sexual offences
- 86.1 Taking, permitting to be taken or making, distributing or publishing indecent photographs or pseudo photographs of children
- 86.2 Possession of indecent photograph of a child
- 88A Sexual grooming