

# **Equality Statement for the Victims and Courts Bill: Victims Measures**

## **Introduction**

1. The document records the analysis undertaken by the Ministry of Justice (MoJ) in the design and development of the Victims and Courts Bill to enable Ministers to fulfil the requirement placed on them by the Public Sector Equality Duty (PSED) as set out in section 149 of the Equality Act 2010. The PSED requires the Minister to have due regard to the need to:
  - eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct under the Equality Act 2010;
  - advance equality of opportunity between different groups of persons who share a protected characteristic and those who do not; and
  - foster good relations between different groups of persons who share a relevant protected characteristic and those who do not. The protected characteristics are race, sex, disability, sexual orientation, religion and belief, age, marriage and civil partnership, gender reassignment, pregnancy and maternity.

## **Policy summary**

2. The Victims and Courts Bill will introduce measures to improve communication with victims in the criminal justice system and ensure there is greater scrutiny of the system that supports victims. The measures do this by updating the routes to provide victims with information about their offenders' release and enhancing the powers of the Victims' Commissioner.
3. The enhancements to the Victims' Commissioner's powers aim to bolster the accountability of the system that supports victims, ensuring that systemic issues are identified and addressed and victims' voices are heard. Strengthening this role will help to boost victim confidence in the system, aligning with the Government's ambition to ensure victims and witnesses of crime and, persistent antisocial behaviour, have the information and support they need.
4. The Victims' Commissioner measures being introduced will:
  - Measure 4(a): 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 Code. Ministers (the Secretary of State for Justice, Attorney General and Home Secretary) will be required to have regard to the Victims' Commissioner's report as part of preparing their own report on Code compliance;

- Measure 4(b): 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 relevant to victims of antisocial behaviour, identify systemic issues, make more informed recommendations, and legitimately scrutinise how the system responds to those victims.
  - Measure 4(c): Amend 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, where the exercise of functions is likely to promote the interests of victims/witnesses in relation to the issue.
5. The updated routes to provide victims with information about their offenders' release will help victims have confidence that they will get the communication they need from the criminal justice system. The victim contact measure will:
- 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. This scheme covers victims of offenders detained in both prisons and hospitals.
  - Give other victims a clear route to request information about their offender's release, which will be provided via a victim helpline if requested 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.
  - 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.
  - Extend the definition of a victim to allow for discretionary provision to witnesses who have suffered harm as a direct result of the crime, so that relevant information can be provided in individual cases where HMPPS deem that the witness would be at risk of physical or psychological harm without it.
  - Provide for discretionary provision of information to victims outside of the specified offences, who are not otherwise eligible, where they would be at risk of physical or psychological harm without it. Operational guidance will set out principles to support HMPPS in making these individual decisions, including how risk of physical or psychological harm should be determined.

6. Enable us to respond to future changes to offences and their sentence lengths, by giving a regulation-making power for the Secretary of State to amend the list of offences that would make a victim automatically eligible for either service, and a regulation-making power for the Secretary of State to amend the specified lengths of sentence of such offences which determine eligibility for both services. We have considered whether the proposed changes to the law hinder or promote the need to eliminate unlawful discrimination, advance equality and foster good relations. Our assessments are that the proposed measures do nothing to hinder the PSED duties and in some cases may help to progress them. Therefore, the decision is to proceed with the measures.

## **Evidence and Analysis - context**

7. These measures will affect cohorts in different ways and therefore are analysed separately below:

### **Measure 3a, 3b and 3c (Victims' rights to receive information post-conviction and to make representations)**

8. This measure will apply equally to all victims who will be eligible to participate in the Victim Contact Scheme or receive information via the new helpline about their offenders' release. However, there are victims of offences that are more likely to be impacted by measure 3a and 3b. For 3a, and 3b, the victims of domestic abuse, sexual offences and other Violence Against Women and Girls related offences are more likely to be impacted.
9. Therefore, we explored the prevalence experiencing domestic abuse (Annex C) and sexual assault (Annex D) by protected characteristic of sex using the Crime Survey for England and Wales. Individuals with the protected characteristic of women were most likely to be impacted. We expect this to be a positive impact on them as this will improve communication with victims.
10. Measure 3c will also impact cohorts of victims captured in the updated definition of a victim (see para 10). It will particularly impact victims with the protected characteristic of age, as the definition captures children (as defined by Section 3 of the Domestic Abuse Act 2021) who are witnesses to domestic abuse. We envisage that the inclusion of this cohort in the definition of a victim will have a positive impact on them as it will enable them, where appropriate, or their representative access to relevant information about their offender, therefore improving communication with this cohort.
11. Offenders will also be impacted by the measure. We envisage the cohort of offenders impacted by the measure will most likely be men as they are overrepresented as offenders in domestic abuse, sexual assault and other Violence Against Women and Girls -related offences. Crown Prosecution Data for the year April 2023-April 2024 indicated that 91.3% of domestic abuse flagged

defendants, were male<sup>1</sup>. Additionally, offenders who are detained under the Mental Health Act have a mental health disorder requiring treatment in hospital, meaning they fall under the protected characteristic of disability. However, we do not believe that there will be a detrimental impact on this cohort of offenders. The only information about them provided to eligible victims will relate to an offender's release where victims have a clear interest in it and can only be disclosed if its release would not be harmful to the offender. Information provided is specific to the sentence they are serving for the offence committed against the victim and there will be no ongoing entitlement to information once the sentence has ended. Furthermore, any information provided to eligible victims must comply with the Data Protection Act 2018, i.e. be necessary and proportionate so sensitive personal data for example medical information would not be disclosed under this measure.

12. For other types of offences included there is limited data available to make an assessment on impacts on equalities. We will collect and monitor equality impacts when this measure is implemented.

**Measures 4a and 4c (Victims' Commissioner acting in individual cases and producing a code compliance report):**

13. This measure will apply equally to all victims and witnesses of crime and antisocial behaviour. Therefore, we explored prevalence of personal crime victimisation by each protected characteristic using the Crime Survey for England and Wales (CSEW) for the year ending March 2024 (see also Annex A).<sup>2</sup> Individuals with the following protected characteristics were found to be more likely to be a victim of crime:

- Those aged 16- 24 years
- Women
- Those with Any other Black/African/Caribbean ethnic background<sup>3</sup>
- Those who are Disabled
- Those with No religion or Other religion<sup>4</sup>
- Those who describe their sexual orientation as Other<sup>5</sup>

**Measure 4b (duty on local authorities and social housing providers engaged with victims of antisocial behaviour to cooperate with the Victims' Commissioner)**

---

<sup>1</sup> Office for National Statistics, Domestic Abuse and the Criminal Justice System: November 2024, Table 14: Sex of defendants and victims in domestic abuse-related prosecutions, Crown Prosecution Service Data

<sup>2</sup> [Crime in England and Wales - Office for National Statistics](#).

<sup>3</sup> This category is as defined by ONS for the purposes of the CSEW.

<sup>4</sup> 'Other religion' includes any religion that is not Christian, Buddhist, Hindu, Jewish, Muslim, and Sikh.

<sup>5</sup> This includes any sexual orientation that is not Heterosexual/straight, Gay/Lesbian, and Bisexual.

14. This measure will impact on victims of antisocial behaviour only (Annex B). Therefore, we explored the prevalence of those experiencing antisocial behaviour by each of the protected characteristics using the Crime Survey for England and Wales (CSEW) for the year ending March 2024 (see also Annex B). Individuals with the following protected characteristics were found to be more likely to have experienced antisocial behaviour:
- Those aged 25-54
  - Those of Mixed or Multiple ethnicity (44%)
  - Those who are Disabled
  - Those with No religion
  - Those who describe themselves as Gay or Lesbian, Bisexual or Other

## **Summary**

15. Based on the data above and in applying the changes equally to all victims, we believe that the individuals in the above groups are more likely to be impacted by these measures due to their over-representation as victims of personal crime, and that the proposed changes will be likely to have a positive effect on them. We also appreciate that victims of crime may have more than one protected characteristic. These changes will also benefit these victims.
16. Overall, we anticipate that these measures may benefit those with protected characteristics due to their over-representation among victims, and there will be no detrimental impact on offenders with protected characteristics.

## **Data limitations**

17. While efforts have been made to source information related to these the four measures set out above, there are still gaps in our evidence base.

## **Equalities Consideration**

### **Direct discrimination**

18. We consider that the measures relating to the Victims' Commissioner proposed in the Victims and Courts Bill are not directly discriminatory within the meaning of the Equality Act 2010 as the measures aim to strengthen the role of the Victims' Commissioner, who acts on behalf of all victims and witnesses of crime and antisocial behaviour, and so benefit all victims, regardless of any protected characteristic.
19. We also consider that the updates to the routes to provide victims with information about their offenders' release are not directly discriminatory as they do not treat victims or offenders with particular protected characteristics differently.

### **Indirect discrimination**

**Measure 3a, 3b and 3c (Victims' rights to receive information post-conviction and to make representations)**

20. We consider that individuals with certain protected characteristics may be more affected by updating the routes to provide victims with information about their offenders' release due to their over-representation in cohorts of victims that will be included in the new framework (see paragraph 22-25).
21. Additionally, we consider that offenders with particular protected characteristics may be more impacted by the measure due to their over-representation in cohorts of offenders that will be included in the new framework and offenders who are detained under the Mental Health Act (see paragraph 26).
22. After due consideration, we believe that the victims measures contained in the Bill are not indirectly discriminatory and are a proportionate means of achieving our legitimate aim of supporting victims of crime.

**Measure 4a, 4b and 4c (Victims' Commissioner acting in individual cases; duty on local authorities and social housing providers engaged with victims of antisocial behaviour to cooperate with the Victims' Commissioner; and producing a Victims' Code compliance report)**

23. The data listed in Annex A and Annex B suggests that individuals with certain protected characteristics are more likely to be impacted by these measures due to their over-representation as victims of crime and victims of antisocial behaviour (see paragraph 20). We consider that the proposed areas of change are not likely to result in anyone being disadvantaged from the proposals and will likely have a positive effect on all members of the public, but particularly these cohorts.

**Discrimination arising from disability and duty to make reasonable adjustments**

24. Our initial assessment indicates that the measures relating to the Victims' Commissioner will not lead to any discrimination based on disability. Through implementation of these measures, we recognise the importance of continuing to make reasonable adjustments for victims with disabilities to ensure they receive appropriate support. For instance, individuals with certain protected characteristics might find it more challenging to engage with the Commissioner, whether directly (as allowed by the measure enabling the Commissioner to act in individual cases of public policy relevance) or through their publications. For example, victims may require the Victims' Commissioner to make reasonable adjustments to facilitate them meeting face to face, such as via video link, or ensuring that their reports are in an accessible format. Nevertheless, we will ensure that the Commissioner is aware of the need to consider victims' specific needs and make their work accessible.
25. For the measures on post-conviction communication, offenders who are detained under the Mental Health Act have a mental disorder requiring treatment in hospital, meaning they may fall under the protected characteristic of disability.

Under the Equality Act 2010, a mental health condition is considered a disability if it has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities. This is defined under the Equality Act 2010. Although we do not believe that discrimination arising from disability will occur; to mitigate risk we will only share certain information regarding an offender and information will not be provided where the release of information would risk harm to the offender. Information released under these measures needs to be compliant with data protection legislation and information about an offender's health will not be provided.

## **Harassment and victimisation**

26. We do not consider that the measures will give rise to harassment or victimisation within the meaning of the Equality Act 2010.

## **Advancing equality of opportunity**

27. We have considered how these measures impact on the duty to have due regard to the need to advance equality of opportunity. We believe that the measures will advance equality of opportunity because it helps to mitigate the negative effects of crime and persistent antisocial behaviour, which the data shows disproportionately affects those with certain protected characteristics.

## **Fostering good relations**

28. We have considered this objective to foster good relations between people who share a certain protected characteristic and those who do not. The measures, particularly those aimed at increasing the Victims' Commissioner's powers, could tackle prejudice and help promote understanding between people from different groups by providing the Victims' Commissioner with additional levers to understand how different groups with protected characteristics are supported by the system.

**ANNEX A:** Proportion of people aged 16 and over who were victims of personal crime (including fraud and computer misuse), by personal characteristics, year ending March 2024.

<b>England and Wales</b>		
<b>Personal characteristic<sup>6</sup></b>	<b>Personal crime (including fraud and computer misuse) percentage, victims once or more.<sup>7</sup></b>	<b>Unweighted base - number of people aged 16 and over</b>
<b>All adults</b>	<b>9.7</b>	<b>30,847</b>
Male	9.4	14,462
Female	10.1	16,385
<b>Age</b>		
16 to 24	11.4	1,693
25 to 34	10.6	4,235
35 to 44	9.5	5,136
45 to 54	10.2	4,496
55 to 64	10.4	5,271
65 to 74	8.7	5,173
75 and over	6.1	4,843
<b>Ethnic group</b>		
White	9.9	26,117
Mixed/multiple	10.5	401
Asian/Asian British	7.5	2,478
Black/African/Caribbean/Black British	9.2	1,293
Other ethnic group	11.3	431
<b>Marital status</b>		
Married/civil partnered	9.0	13,409
Cohabiting	10.8	2,786
Single	10.7	7,979
Separated	12.3	741
Divorced/legally dissolved partnership	12.4	2,672
Widowed	6.4	3,015
<b>Disability<sup>8</sup></b>		
Disabled	12.6	7,078

<sup>6</sup> See Section 7 of the [User guide](#) for definitions of personal characteristics.

<sup>7</sup> Personal crime includes violence, robbery, theft from the person, other theft of personal property, and fraud and computer misuse.

<sup>8</sup> The definition of disability used is consistent with the core definition of disability under the Equality Act 2010. A person is considered to have a disability if they have a long-standing illness, disability or impairment which causes difficulty with day-to-day activities.



Not disabled	9.0	23,576
<b>Religion</b>		
No religion	10.5	12,372
Christian	9.2	15,625
Buddhist	14.4	164
Hindu	8.7	576
Jewish	7.6	116
Muslim	7.1	1,401
Sikh	5.7	176
Other	18.2	198
<b>Sexual orientation<sup>9</sup></b>		
Heterosexual/straight	9.8	24,935
Gay/Lesbian	11.3	457
Bisexual	13.8	576
Other	16.8	172

---

<sup>9</sup> The terminology used to label this data has been changed to 'sexual orientation' from 'sexual identity' to align with terminology used in legislation (Equality Act 2010). Sexual Orientation is an umbrella concept which encompasses sexual identity, attraction and behaviour. This question described within this principle is based on a substantial body of research and is designed to capture self-perceived Sexual Identity. An individual could respond differently to questions on either sexual identity, attraction or behaviour. The measurement of Sexual Identity was identified within the research as the component of Sexual Orientation most closely related to experiences of disadvantage and discrimination. The question was not designed for specific or detailed studies of sexual behaviour or attraction where a series of more detailed questions and answer categories might be more appropriate.

**ANNEX B:** Experience of antisocial behaviour in local area, by personal characteristics, people aged 16 and over, England and Wales, year ending March 2024

<b>England and Wales</b>		
<b>Personal characteristic</b>	<b>Experience of antisocial behaviour in local area (%)</b>	<b>Unweighted base – number of people aged 16 and over</b>
<b>All adults</b>	<b>35</b>	<b>30,744</b>
Male	36	14,411
Female	35	16,333
<b>Age</b>		
16 to 24	36	1,687
25 to 34	38	4,214
35 to 44	39	5,121
45 to 54	39	4,480
55 to 64	36	5,254
65 to 74	33	5,164
75 and over	21	4,824
<b>Ethnic group</b>		
White	37	26,079
Mixed/multiple	44	400
Asian/Asian British	28	2,473
Black/African/Caribbean/Black British	27	1,290
Other ethnic group	31	429
<b>Marital status</b>		
Married/civil partnered	35	13,379
Cohabiting	42	2,778
Single	37	7,948
Separated	34	738
Divorced/legally dissolved partnership	35	2,657
Widowed	21	3,007
<b>Disability</b>		
Disabled	41	7,060
Not disabled	34	23,549
<b>Religion</b>		
No religion	40	12,356
Christian	32	15,604
Buddhist	27	164
Hindu	23	576
Jewish	35	116

Muslim	33	1,396
Sikh	25	175
Other	50	198
<b>Sexual orientation</b>		
Heterosexual/straight	36	24,915
Gay/Lesbian	44	455
Bisexual	51	576
Other	45	172

**ANNEX C:** Prevalence of domestic abuse among people aged 16 years and over, England and Wales, year ending March 2024

	All in the last year	Women in the last year	Men in the last year
Any domestic abuse (partner or family non-physical abuse, threats, force, sexual assault or stalking)	4.8	6.6	3.0
Unweighted base - number of people aged 16 years and over <sup>[2]</sup>	11,394	5,952	5,442

<sup>[1]</sup> Data presented on domestic abuse for the year ending March 2023, are not badged as National Statistics. They are based on eight months of data collection because of an error in the survey, which resulted in missing data. Caution should be taken when using these data because of the impact of the reduced data collection period on the quality of the estimates.

<sup>[2]</sup> The bases given are for any domestic abuse.

**ANNEX D:** Prevalence of sexual assault among adults aged 16 years and over, England and Wales, year ending March 2022

	All in the last year	Women in the last year	Men in the last year
Any sexual assault (including attempts)	2.3	3.3	1.2
Unweighted base - number of adults <sup>[1]</sup>	5,046	2,690	2,356

<sup>[1]</sup> The bases given are for any sexual assault (including attempts)