

VAC Bill Factsheets: Victims measures

Order offenders to attend their sentencing hearing

What are we going to do?

- We are introducing legislative measures giving judges the express statutory power to order offenders to attend their sentencing hearings. Those who refuse, without reasonable excuse, to comply with the order, will be liable to an additional custodial penalty of up to 24 months.
- We are also making it clear – in law – that reasonable force can be used, where it is necessary and proportionate to do so, to make sure any offender over the age of 18 attends their sentencing hearings when ordered to do so.
- We are introducing a power for judges to order prison sanctions for those offenders who refuse, without reasonable excuse, to attend their sentencing hearing.

Background

- The refusal of several adult murderers to attend their sentencing hearings has led to a recognition of the need to clarify courts' powers to order attendance and deter non-attendance.
- The Government understands that refusal to attend court, or the offender's disruptive behaviour during proceedings can cause victims and their families significant further distress. In these circumstances, it can be seen to be denying the victim, their family and the wider public the opportunity to see the full administration of justice, and allowing the offender to avoid having to listen to victims' personal statements and judge's remarks and so to confront the consequences of their crime. Introducing punishment directed at this behaviour is intended both to act as a deterrent and to uphold the authority of the court.
- The Government included a commitment to legislate to require offenders to attend their sentencing hearings in the Kings speech pack in July 2024. These measures are now included in this Bill.

How are we going to do it?

- The measures will enable the Crown Court to directly order an offender to attend their sentencing hearing by creating an express statutory power to make an attendance order. The measures will make it clear that the prison can use reasonable force to deliver the offender to the courtroom, if it is proportionate to do so in the circumstances. Decisions on the use of reasonable force will be a matter for trained prison or prisoner escorting staff.
- Any adult offender who, following an attendance order, refuses to attend, without reasonable excuse, or disrupts proceedings and is removed from the courtroom because of their behaviour, will commit a contempt and can face an additional custodial sentence of up to 24 months. Any child who refuses to attend will face a maximum penalty of a £2,500 fine.
- The measure will also enable the Crown Court to order prison sanctions in addition to or instead of the custodial sentence available. The measure provides a power to set the specific sanctions, which correspond with punishments available to a prison governor, and to confer in regulations a discretion on the prison governor. It is

intended that this will be used to permit the governor to override the order where it is considered necessary for health, safety and operational reasons.

- Judges will retain the discretion to use the new power as they see fit depending on the circumstances.
- For further information on these measures, please consult the published explanatory notes.

Frequently asked questions

Q: How will this work in practice, will defendants be dragged into the courtroom?

- Prison officers and Prisoner Escort and Custody Service (PECS) staff are trained to move reluctant/resistant offenders around the prison and court estate using approved techniques.
- The prison authority will carry out a risk assessment and will determine whether force is reasonable and proportionate to use in the circumstances.
- Judges will have the discretion to decide on the facts of the case whether ordering the defendant to attend is appropriate, because if there are individuals who are seeking to be disruptive, the court can take those matters into account.

Q: Won't this add unacceptable risks to the safety of prison staff?

- We are quite deliberately legislating about the use of reasonable force, which is a test that is well understood, and used throughout the criminal justice system. Using force will only be justified, and therefore lawful, if it is necessary, reasonable, and proportionate to the seriousness of the circumstances.
- Using force can place prison officers and prisoner escort staff at risk and a decision will need to be made in each case over whether use of force is reasonable and proportionate.
- Prison staff are in the best position to assess when it is lawful and safe to use force in the particular circumstances of each offender and will work with the court when determining how best to proceed.

Q: How will the measures apply to children?

- The measure giving courts power to order offenders to attend their sentence hearings will apply to children as well as adults. However, the potential use of force will not apply to children, as to do so would be at odds with current policy on using force on children, itself informed by the UK commitments to the UN Convention on the Rights of the Child (UNCRC). The imposition of prison sanctions will also not apply to offenders under the age of 18.

Q: What prison sanctions will be available to Judges?

- Regulations will determine what specific punishments can be used for those who refuse to attend their sentencing hearing without reasonable excuse. We want to ensure that the Judge knows that the available punishments are deliverable in a prison or young adult YOI setting. That is why the legislation only provides for the selection of sanctions from those available to a governor in the Prison Rules for an offence against discipline.

Q: When will a Governor be able to override a prison sanction?

- The role of the prison governor is complex and the circumstances of a prison, and of prisoners, can change at pace. The governor must be able to do their job without barriers. This includes being responsible for the health and safety of the prisoners and prison staff.
- That is why the measure will confer a power for governor discretion to defer or override the prison sanction. We anticipate this will be used on health and safety grounds, for example where a prisoner is at risk of suicide or self-harm. We will consider whether other exceptional grounds for discretion will be needed.

Automatic Restriction on the Exercise of Parental Responsibility

What are we going to do?

- Provisions in this Bill will create an automatic restriction on the exercise of parental responsibility for offenders sentenced for four or more years in prison for a 'serious' child sexual abuse offence against a child for whom they hold parental responsibility.

How are we going to do it?

- The automatic restriction will take place in the Crown Court. At the point of sentencing the judge will make a prohibited steps order, which is an order under section 8 of the Children Act 1989, restricting the offender's parental responsibility for all children for whom they hold it.
- The provision makes clear that a prohibited steps order should not be made by the Crown Court if the offender's parental responsibility has already been entirely restricted, or if it would not be in the interests of justice to do so. The court must have jurisdiction to make a section 8 order.
- The offender (or anyone else involved in the case) will have the opportunity to apply to the family court to consider whether to vary (tailor the order) or remove the restriction on the exercise of parental responsibility according to the best interests of the child(ren) involved.
- For further information on these measures, please consult the published explanatory notes.

Background

- Biological mothers and fathers, or second female parents who were married to or in a civil partnership with the mother at the time of the birth, have parental responsibility for a child automatically. In these circumstances, parental responsibility can be heavily restricted through orders of the family court, but it cannot be removed.
- Others can acquire parental responsibility through several avenues including being named on the birth certificate, a family court order, or agreement with the child's mother. Where parental responsibility has been acquired in these ways, it can, in exceptional cases, be removed by the court.
- In both circumstances, whether an offender has automatically gained parental responsibility or where they have acquired it, the prohibited steps order made under this measure will restrict the exercise of parental responsibility so that no step can be taken in exercise of parental responsibility to protect the best interests and welfare of the child.

Frequently asked questions

Q: How will the restriction of parental responsibility operate in practice?

- In cases where a holder of parental responsibility is sentenced for four or more years for a 'serious' child sexual abuse offence against a child for whom they hold parental responsibility; the restriction on the exercise of parental responsibility will take effect at the point they are sentenced in the Crown Court.

Q: What will happen if the conviction is overturned at appeal?

- Following a successful appeal, the relevant local authority will be under a duty to bring an application to the family court to consider whether the prohibited steps order should be varied or discharged.

Q: What does this mean for contact between the offender and the child? Will the restriction of the exercise of parental responsibility mean that contact is also prohibited?

- The automatic restriction will focus on all the legal rights and responsibilities which by law an offender has in relation to a child that are part of parental responsibility and will immediately stop the perpetrator from taking active steps in exercise of their parental responsibility once they are sentenced. If the offender did apply for an order for contact with the child, the family court would consider all the facts available and would make a decision based on the best interests of the child and their welfare. This decision could include placing limitations on the offender making any further applications to the family court.

Q: How will this process work with the presumption of parental involvement?

- Whilst this process does not focus on the presumption of parental involvement; it is important to note the presumption of parental involvement does not apply if the child is at risk of suffering harm. A child's welfare must be the family court's paramount consideration when making decisions about the child's life. The presumption only applies to a parent who can be involved in the child's life in a way that does not put the child at risk of harm. Even if the presumption does apply, it can be rebutted if there is evidence to show that that parent's involvement would not further the child's welfare.

Q: How will the Crown Court recognise the best interests of the child?

- The Prohibited Steps Order (PSO) will be automatically made in the Crown Court subject to the interests of justice test. Offenders in scope of this measure will have committed some of the most serious offences against children. They will have committed these offences against a child for which they hold parental responsibility. If the offender, another parental responsibility holder or other person wishes for the best interests of the child to be considered in more detail, there are existing avenues to do this within the family court.

Q: How will the 'interests of justice' test work?

- At the point a person is sentenced and where the Crown Court is satisfied that it would not be in the interests of justice to make the order restricting the exercise of parental responsibility, no order to that effect will be made.

Q: Why will the measure only include 'serious' child sexual abuse offences and not other serious could offences such as child neglect?

- This is an important and novel change to the law around parental responsibility. The restriction of parental responsibility is not a decision to be taken lightly and it is only in these very serious circumstances where parental responsibility will be automatically

restricted. However, in cases where an offender has committed another offence against a child for whom they hold parental responsibility, there are existing avenues available to restrict the exercise of the offender's parental responsibility. In these cases the other parent or others with an interest are able to bring proceedings to the family courts for consideration. The family court will consider all the evidence available to them and make a decision based on the best interests of the child involved, which may include removing or restricting the perpetrator's parental responsibility.

Q: Where will these measures have effect?

- These measures will have effect in England and Wales.

Victims' rights to receive information post-conviction and to make representations

What are we going to do

- The Bill updates the legislative framework that establishes the Victim Contact Scheme to bring victims currently served by different post-conviction communication schemes into the Victim Contact Scheme and provide a new route for other victims to request information via a dedicated helpline. This will give victims confidence about the routes available to receive information about their offender's release.

Background

- The 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 being told information about upcoming release or discharge, and to enable them to exercise their statutory right to make representations about licence conditions or supervision requirements.
- The Scheme 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 an offender is detained in hospital for treatment. We are introducing updates given that the Act is now over 20 years old, and there are victims of other offences served by different operational schemes, such as victims of stalking and harassment within the Victim Notification Scheme who could instead be served by a single consistent scheme.

How are we going to do it?

Bringing victims currently served by different operational schemes into the Victim Contact Scheme

- To create one consistent operational scheme, the Bill updates the Victim Contact Scheme legislation to cover victims of the following offences:
 - Serious violent, sexual and terrorist offences where the offender receives a sentence of over 12 months
 - Death by careless driving offences and injury caused by dangerous driving offences, where the offender receives a sentence of 12 months or more imprisonment.
 - Specified stalking, harassment, and coercive and controlling behaviour offences, regardless of the length of sentence.
- In practice, the Probation Service will offer the Victim Contact Scheme to those victims, who can choose if they want to participate in the Scheme. For those victims who do not wish to participate, they can choose to do so at a later date, provided the offender is still serving the relevant sentence.
- Those victims are entitled to information about when their offender will be eligible for release/discharge, information about any victim-related licence conditions or supervision requirements they will be subject to on their release or discharge, and

any other information as is appropriate in all circumstances of the case. Information will not be provided where it would put either the offender or victim at risk of harm.

- They will also have a statutory right to make representations about any victim-related licence conditions or supervision requirements to which the offender may be subject in the event of their release or discharge.

Giving other victims a clear route to request information about their offender's release

- This measure will provide a new route for victims to request information about their offender's release, via a dedicated victim helpline. This will mean that victims of certain specified offences will be entitled to relevant information about release if they ask for it. These are:
 - offences identified by criminal justice agencies as linked to domestic abuse, regardless of sentence length;
 - specified breach offences linked to Violence Against Women and Girls offences, regardless of sentence length; and
 - violent, sexual, terrorist, and dangerous driving offences with sentences less than 12 months.
- The measure will also include a legal basis to provide that information to victims of other offences who are considered to be at risk of physical or psychological harm without it, at the discretion of the probation service.
- In practice, this will mean that those victims can reach out to the Probation Service through the helpline to receive information about when the offender will be eligible for release or discharge, any victim related licence conditions or supervision requirements they will be subject to in the event of their release or discharge, and any other information as is appropriate in all the circumstances of the case. Information will only be provided on the request of the victim.

Eligibility

- The measure seeks to deliver clear entitlements for victims of specified offences, while being sufficiently flexible to enable us to evolve the operational service as the victims' landscape, offences, sentence lengths and procedural capabilities change.
- These services can be delivered either to the victim directly, or to their chosen representative, and this Bill includes a new, clearer, definition of 'victim' for the purposes of the Scheme. It specifies that a 'victim' includes those directly subjected to criminal conduct, bereaved family members, persons born as a result of rape, and children who have witnessed domestic abuse (considered victims in their own right as defined by the Domestic Abuse Act 2021).
- The definition of a victim is extended 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.
- The measure enables discretionary provision of information to victims outside of the specified offences. 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.
- To enable us to respond to future changes to offences and their sentence lengths, this Bill gives 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 to amend the specified lengths of sentence of such offences which determine eligibility for either service.

Strengthen the powers of the Victims' Commissioner

What are we doing to do?

- This Bill delivers the Government's manifesto commitment to increase the Victims' Commissioner's powers. This Bill will empower the Victims' Commissioner to better hold the system to account, by amplifying victims and witnesses voices in their work to address public policy issues and by bringing independent oversight to how bodies comply with the Victims' Code.
- 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. Additionally, it aims to equip the Victims' Commissioner with the necessary tools to effectively address systemic issues for both victims of crime and victims of antisocial behaviour.

Background

- 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](#), 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 under review.
- Under their broad remit, the Victims' Commissioner can engage with those they deem relevant in delivering their functions in relation to victims and witnesses.
- The [Victims and Prisoners Act 2024](#) ("the 2024 Act") enhanced the Victims' Commissioner's powers. Bodies who must act in accordance with the Victims' Code ("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.
- Once the relevant provisions are implemented, the Victims' Commissioner will also have a defined role in ensuring Code compliance as a statutory consultee on the new Code and any amendments to the Code, any non-compliance notifications that are issued by Ministers and on the guidance and regulations underpinning the 2024 Act's Code compliance and awareness measures.

What are we going to do?

- This Bill will build on these powers, providing the Victims' Commissioner with new tools to drive systemic change. It will:
 - Further empower the Victims' Commissioner to take action in relation to individual cases, where they raise issues of public policy relevance;

- 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 empower the Victims' Commissioner to get the information needed to identify systemic issues, make informed recommendations and scrutinise how the system as a whole responds to antisocial behaviour.
- Place a new duty on the Victims' Commissioner to produce an annual report on compliance with the Code, providing an independent commentary from a victim-focused perspective on how bodies 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 report as part of preparing their own report on Code compliance, as required under the 2024 Act once implemented and;

Enabling action to be taken in relation to individual cases, where they raise issues of public policy relevance

- One of the Victims' Commissioner key functions is to promote the interests of victims and witnesses on issues that impact them. Currently, the Victims' Commissioner can engage with those who interact with victims and witnesses, including Government bodies and the voluntary sector, to raise concerns and highlight system-level issues.
- Individuals' lived experiences offer invaluable insights into how the system delivers for victims. The Bill will make clear that the Victims' Commissioner can choose to exercise their functions in relation to individual cases that raise public policy issues of relevance to other victims and witnesses. To achieve this, the element of the legislative bar preventing the Victims' Commissioner's involvement in individual cases will be amended. Other elements of the bar will remain the same, including preserving the existing restrictions on the Victims' Commissioner interfering with prosecutorial or judicial functions.
- Under this new measure, the Victims' Commissioner could, for example, request information from agencies on how a failing occurred, request updates on the next steps on how the public policy issue identified will be addressed and promote best practice when it is in the interest of driving policy or operational changes. This measure is intended to compliment the increase to the Victims' Commissioner's powers in the 2024 Act, with the duty to cooperate and the duty to respond to recommendations made in reports aimed at improving how agencies engage with the Victims' Commissioner, helping ensure their work is as impactful as possible.
- This measure is not intended to turn the Victims' Commissioner into a complaints-handler. Existing complaints routes, such as agency complaints processes, will continue to provide the appropriate avenue through which victims can seek a resolution to their particular concerns and provide an avenue for redress to otherwise routine issues.

Requiring the Victims' Commissioner to produce a report on Victims' Code compliance

- 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.
- However, we know that too often victims do not receive what they should. In 2019/20, 45% of victims felt that the relevant criminal justice agency kept them informed, and where the police were made aware of an incident, only 18% of victims stated that they were offered the opportunity to make a Victim Personal Statement¹.
- The 2024 Act contains a new Code compliance framework which will, for the first time, require criminal justice bodies to provide Ministers with data demonstrating how they are complying with the Code. This will establish clear lines of local and national oversight. In recognition of the role of the Victims' Commissioner in keeping the operation of the Code under review, this measure will place a duty on them to produce their own report on Code compliance. This new duty will strengthen their role within the Code compliance framework. This report will enhance independent victim-focused scrutiny of Code compliance, with the aim to improve the service that victims receive from criminal justice bodies.
- The report will also form a key part of the evidence that informs the Ministerial annual report on Code compliance that, once commenced, will be required by the 2024 Act, as the Bill will place a duty on Ministers to have regard to the new Victims' Commissioner's report when preparing their own. The Victims' Commissioner will also be able to use this report to make recommendations to authorities within their remit, helping to drive up compliance with the Code.

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

- Antisocial behaviour is not merely a nuisance. It has devastating consequences, corroding people's freedom, damaging their mental health, and ultimately undermining their sense of home. That is why the Government committed in its manifesto to introduce new protections for victims of crime and persistent antisocial behaviour, by increasing the powers of the Victims' Commissioner, and ensuring victims can access the information and support they need.
- Antisocial behaviour is not always a criminal justice system issue and other agencies such as local authorities and social housing providers also play a key role in supporting these victims.
- The 2024 Act introduced a duty for certain criminal justice agencies responsible for providing Victims' Code services, some of which support victims of antisocial behaviour such as the police, to cooperate with the Victims' Commissioner. However this duty does not apply to some of the other agencies that are central for victims in

¹ [Experience of the criminal justice system for victims of crime, England and Wales, year ending March 2020; Office of National Statistics, GOV.UK](#)

seeking a resolution to antisocial behaviour, including local authorities and social housing providers. As a result, there is a gap in ensuring that the Victims' Commissioner has the tools to promote the interests, and encourage good practice in the treatment, of both victims of crime and victims of antisocial behaviour.

- This measure will place a duty on local authorities and social housing providers (when acting in that capacity and in so far as they are delivering public functions) to cooperate with the Victims' Commissioner in any way that the Victims' Commissioner considers necessary for the purposes of their functions relating to victims and witnesses of antisocial behaviour. The Victims' Commissioner's functions include promoting the interests and encouraging good practice in the treatment of all victims and witnesses of antisocial behaviour. This measure will ensure parity with the duty to cooperate already placed on agencies responsible for delivering services for victims of crime. It is intended to ensure the Victims' Commissioner can request information which will assist them to identify systemic issues, make informed recommendations and scrutinise how the system as a whole responds to antisocial behaviour through a victims' lens, in line with the Victims' Commissioner's functions.
- As with the 2024 Act duty on bodies responsible for providing Victims' Code services, local authorities and social housing providers will be required to comply with a request made by the Victims' Commissioner, provided it is appropriate and reasonably practicable to do so.
- This measure will not replace or otherwise interact with complaint handling functions, for example, those under the Housing Ombudsman, nor will it apply to agencies in relation to their private functions. It will not place a duty on local authorities and social housing providers to respond to recommendations made in reports issued by the Victims' Commissioner, as Government departments are already required to do under the 2024 Act. The Ministry of Housing, Communities and Local Government are best placed to respond to any system-level recommendations relating to antisocial behaviour from a local government and housing perspective.