



Guide to the Victims and Prisoners Bill

Overview and stakeholder
reaction

By Rica Hülseberg



INTRODUCTION

The Government's Victims and Prisoners Bill was put up for its second reading in the House of Commons on 15 May. The legislation aims to ensure minimum levels of support that victims can expect from criminal justice agencies and gives the Justice Secretary powers to appoint public advocates to support bereaved families and victims of major incidents. It also includes proposals for a range of reforms to the parole system, including giving the Justice Secretary the power to overrule the Parole Board and decide when serious criminals can be released. Many stakeholders have welcomed the efforts to provide greater help to victims. However, some have called for the government to provide dedicated funding for its proposals, while others have said the legislation does not go far enough, with the parole reforms risk detracting from the focus on victims.

This Dods Political Intelligence report provides a guide to the Victims and Prisoners Bill, including an overview with details of its key elements and a range of political and stakeholder reactions since it was published in late March.

OVERVIEW

The [Victims and Prisoners Bill](#), which was introduced in late March, aims to ensure criminal justice agencies provide victims with greater support and access to services, provide more help for victims of major incidents, and introduce changes to the parole system and some rules for prisoners. Key proposals for the three areas include:

Victims of Crime

- Establish a statutory definition of a “victim” of crime.
- Place key principles of the [Victims’ Code](#), which sets out minimum levels of service victims can expect from criminal justice agencies, in primary legislation. The victims’ code must provide services which reflect the principles that victims
 - should be provided with information to help them understand the criminal justice process;
 - should be able to access services which support them (including, where appropriate, specialist services);
 - should have the opportunity to make their views heard in the criminal justice process;
 - should be able to challenge decisions which have a direct impact on them
- Introduce requirements for agencies to respond to recommendations of the Victims’ Commissioner and for the Commissioner to report annually to parliament.
- Enable victims to raise their complaints directly with the Parliamentary and Health Service Ombudsman (PHSO).

Victims of major incidents

- Give the Justice Secretary the power to appoint a qualified and suitable advocate for victims of an incident that caused death or serious harm to a significant number of people.
- Provides terms for that appointment including that they would be made on an ad hoc basis in response to events and victims’ needs, and the Justice Secretary should have power to appoint more than one advocate if need arises, and also commission a report by the advocate.
- Empower the advocate/s to provide support to victims that they believe is required following an incident.

Prisoners and parole

- Grant the Secretary of State power to make public protection decisions regarding the release of prisoners and overrule the Parole Board.
- Establish a “top tier” of parole cases for prisoners who have been sentenced for murder, causing the death of a child, rape, and terrorism charges, and enable the board to refer parole decisions on these to the Justice Secretary.
- When making a public protection decision about a prisoner, the following matters must be taken into account by the decision-maker (usually the Parole Board):
 - the nature and seriousness of the offence;
 - the nature and seriousness of any other offence for which the prisoner has been convicted;
 - the conduct of the prisoner while serving the relevant sentence;
 - the risk that the prisoner would commit a further offence if no longer confined;



- the risk that, if released on licence, the prisoner would fail to comply with licence conditions;
 - any evidence of the effectiveness in reducing the risk the prisoner poses to the public of any treatment, education or training the prisoner has received or participated in while serving the relevant sentence;
 - any submissions made by or on behalf of the prisoner or the Secretary of State
- Prohibit prisoners sentenced to whole life terms from getting married or entering a civil partnership.

REACTION

The following section provides a selection of political and stakeholder reaction and commentary since the Bill was published in late March, including links to original sources.

“Victims must be treated as not mere spectators of the criminal justice system, but core participants in it...The measures will help to ensure that every victim secures the service from our justice system they deserve”, Alex Chalk, Lord Chancellor and Justice Secretary, said at Second Reading.

“I’m afraid [the Bill] is a wasted opportunity, because it fails, in so many ways, to rebalance the scales of justice and make a real difference for victims”, Steve Reed, Shadow Minister for Justice, said at Second Reading.

“If you truly want to put victims and survivors at the heart of the bill then I strongly call on you to ensure that sufficient multi-year funding is allocated to make sure that victims can get access to specialist support when they need it, particularly counselling and emotional support that help survive work through trauma and rebuild their lives after sexual abuse,” broadcaster, campaigner and abuse victim Charlie Webster said in an open letter to the Lord Chancellor posted on [twitter](#) on 15 May that was signed by a range of affected individuals and groups including Rape Crisis, Women’s Aid, Refuge, CALM, and Galop.

“The new Victims and Prisoners Bill could be an opportunity to place victims at the heart of the justice system however, we are concerned that it does not go far enough to lead to meaningful change for survivors of domestic abuse,” Isabelle Younane, head of external affairs at Women’s Aid, said in a [statement](#) on 29 March.

“In particular, we hope that proposals to enshrine the Victims Code in law will put victims’ rights into force and ensure that rights that exist on paper are delivered in practice. But the legislation must go further if it is to deliver for all victims. It must ensure that they have access to high quality support services that are completely independent of the police, and strengthen support for victims of antisocial behaviour,” the Victim Support charity said in a [statement](#) on 29 March.

“This Bill has the potential to improve victims and survivors’ experiences of the criminal justice system, at a time when women and girls’ confidence in justice agencies is at an all-time low and survivors are being routinely failed in the most appalling way...We also expect this Bill to guarantee independent legal advice to rape survivors and to put a stop to excessive, intrusive requests for survivors’ private therapy notes,” Andrea Simon, Director of the End Violence Against Women Coalition (EVAW), said in a [statement](#) on 29 March.

“The draft Bill’s aim to improve the criminal justice system’s treatment of victims is laudable, but the Government must provide new funding to make it all possible. If not, the police, CPS and Probation Service will be forced to divert funds away from their core functions,” Justice Committee Chair Sir Bob Neill MP said in a [statement](#) on 30 September 2022 alongside publication of a report on its pre-legislative scrutiny of the draft Victims Bill, which said it would have limited effect on police and other agencies’ delivery of victims’ rights. In its [response](#) published on 19 January, the government said it would take forward only a handful of the committee’s recommendations including on the definition of a victim and the victims’ code in law.

“Everyone—victims, prisoners, and the public—are best served by a system which makes takes objective decisions based on the best evidence and the most expert assessment. This bill makes that harder rather than easier to achieve. We will sure that the deep flaws in these proposals are

thoroughly exposed as the legislation makes its way through parliament," the Prison Reform Trust said in a [statement](#) on 29 March.

The Rape Crisis England and Wales and other groups [tweeted](#) a joint call on 10 May for the Victims and Prisoners Bill to "include protection for migrant victims."

"The Bill in its current form sadly provides no meaningful change for victims. We have much work to do to ensure it will give victims legally enforceable rights to justice and support," Claire Waxman, the Victims' Commissioner London, said in a [tweet](#) on 12 May.

"The Howard League echoes concerns that the Bill does not go far enough to support victims of crime, and instead takes an unhelpful and overly punitive approach to prisoners' rights...the Howard League proposes that part III, which concerns prisoners, is removed, so that this legislation becomes one focused on victims, as was initially intended," the Howard League for Penal Reform charity said in a briefing [note](#) on 12 May.

"In order to make any real difference to survivors, the Bill must be radically changed and strengthened. Only then can it hope to begin to create the much-needed change for survivors of domestic abuse and VAWG (violence against women and girls) related crimes and ensure services supporting survivors are adequately resourced to provide the lifesaving and life changing support needed," Refuge CEO Ruth Davison said in a [statement](#) on 29 March.

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